



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

**Thursday, 17 August 2017
6.00 pm
Council Chamber - Municipal Offices**

Membership	
Councillors:	Garth Barnes (Chair), Bernard Fisher (Vice-Chair), Paul Baker, Mike Collins, Colin Hay, Karl Hoble, Adam Lillywhite, Helena McCloskey, Chris Nelson, Tony Oliver, Louis Savage, Diggory Seacome, Pat Thornton 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 7 - 16)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS**
 - a) **17/00337/FUL Central Cheltenham Police Station,
Talbot Road** (Pages 17 - 66)
 - b) **17/00934/FUL 7 Tryes Road** (Pages 67 - 76)
 - c) **17/00936/FUL Cotswold BMW, Tewkesbury Road** (Pages 77 - 156)
 - d) **17/01137/FUL 15 Deep Street, Prestbury -
WITHDRAWN**
 - e) **17/01179/FUL 259 Gloucester Road** (Pages 157 - 170)

- f) 17/01210/FUL 11 Bradley Road (Pages 171 - 192)
- g) 17/01238/FUL 2 Giffard Way (Pages 193 - 204)
- h) 17/01369/TPO 37 Griffiths Avenue (Pages 205 - 214)

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

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
Email: judith.baker@cheltenham.gov.uk

Planning Committee

20th July 2017

Present:

Members (14)

Councillors Barnes, Chair (GB); Fisher, Vice-Chair (BF); Baker (PB); Collins (MC); Colin Hay (CH); Hegenbarth (AH); Lillywhite (AL); Nelson (CN); Oliver (TO); Savage (LS); Thornton (PT); Wheeler (SW).

Substitutes: Councillor Rowena Hay (RH)
Councillor Chris Mason (CM)

In attendance: Councillor Babbage

Officers

Tracey Crews, Director of Planning (TC)
Martin Chandler, Team Leader, Development Management (MC)
Craig Hemphill, Principal Planning Officer (CH)
Ben Hawkes, Planning Officer (BH)
Claire Donnelly, Planning Officer (CD)
Chris Chavasse, Senior Trees Officer (CC)
Nick Jonathan, Legal Officer (NJ)

1. Apologies: Councillors McCloskey, Seacome and Hobley.

2. Declarations of interest

17/01085/FUL 236 Hatherley Road:

- i. Councillor Mason – member of Up Hatherley Parish Council, which has objected to this application. Is not party to the working group, has not looked at the application – therefore no personal or prejudicial interest.

16/01789/FUL Land to south side of Glenfall Way:

- i. Councillor Mason – father lives nearby hand has objected. Will withdraw from the Chamber during this debate.
- ii. Councillor Savage – will speak in objection and withdraw from the Chamber and the vote.

3. Declarations of independent site visits

16/01789/FUL Land to south side of Glenfall Way:

Councillor Baker and Councillor Oliver.

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 22nd June 2017 be approved and signed as a correct record *without* corrections.

6. Planning applications

Application Number:	16/01789/FUL		
Location:	Land to south side of Glenfall Way		
Proposal:	Proposed erection of four dwellings with landscaping and public open space		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Refuse		
Letters of Rep:	157	Update Report:	Conditions

MJC introduced the application as above, proposed for a parcel of land in the AONB. Members will be familiar with the history of the site: an outline planning application for 44 houses was dismissed at appeal in 2008 due to impact it would have on the AONB. Since then, an independent report on the Cotswold AONB, carried out on behalf of the Council, has concluded that a limited part of this parcel of land has limited capacity for residential development. The officer report sets out how to assess development in the AONB; the NPPF states that great weight should be placed on conserving landscape and scenic beauty in the AONB, and local plan policy states that development which harms the natural beauty of the landscape within the AONB will not be permitted. Assessed against these requirements, officers feel that the proposal conserves the prevailing characteristics of the site and it is therefore difficult to articulate the specific harm it causes. The lay-out and design of the proposed houses is unashamedly contemporary, protecting important views across the site, and with sensitive landscaping suitable for the context. The recommendation is for approval, with conditions set out in the blue update.

Public Speaking:

Mr Martin Langdon, on behalf of local residents, in objection

Local residents are shocked about the possible loss of this part of the AONB for the sake of a speculative development of elite housing. Local Plan CO2 states that development which will harm the natural beauty of the AONB will not be permitted, and NPPF 115 requires great weight to be given to conserving landscape and scenic beauty. This proposal will neither conserve or enhance the AONB, even proposing holes 3-4 foot deep around three houses. The applicant relies heavily on the Ryder report, which identified an area of this field as having low-medium capacity for development, though Stuart Ryder has subsequently said this development is out of keeping with the landscape setting and context, and its effect would be significant and adverse. The applicant has not demonstrated that the benefits outweigh the harm or that CO2 is out of date – insufficient weight has been given to this policy in what residents feel is a poorly balanced recommendation.

Policy CP7 requires development of a high standard of architectural design, complementing and respecting neighbouring development and character. This design is contemporary, but of poor quality and without sustainability merit. Because of the building’s orientation and planting what will be 40 foot trees, neither future residents nor anyone else will be able to see the beautiful views to the AONB. Out of keeping with local housing, these mansions will be set apart from the community by high walls and fencing, will be covered in zinc sheet, and likely to have four or more cars.

Residents fear this application may be the tip of the iceberg, hoodwinking Members into giving permission for future housing over the entire field. The applicant admits that this is a ‘drip feed’ scale development; residents fear for the piecemeal loss of the AONB. It is the wrong type of housing in the wrong place for the wrong reason.

Councillor Savage, in objection

Thanks to Mr Langdon for clearly articulating the concerns of a great many local residents. Intends to spend his five minutes outlining reasons for opposing the proposal – there are clearly robust planning

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grounds for this. Policy CP1 clearly articulates the principles of sustainable development – saying we should ‘conserve green spaces and trees’, ‘safeguard attractive landscape’, ‘protect wildlife habitats’, and ‘use brownfield land before greenfield land’. This proposal is clearly incompatible with that. Policy CO1 states that development must not harm the visual amenity of the landscape – it is clear that any development on this site will inevitably and irrevocably blight the priceless view, enjoyed by countless people. Policy CO2 states that any development which would harm the natural beauty of the AONB landscape will not be permitted, and that the Council should be guided by the Cotswold Conservation Board – which is very clear in its assessment of this application, stating that any development will have a clear negative impact, and neither the development or the design will conserve or enhance the AONB. To permit this development would be entirely at odds with the council’s own policies.

The committee has a commendable record of protecting our natural environment and AONB, and there is nothing in the report which can persuade them to abandon the principled stance they have previously taken. Was struck by the numerous public comments not only from local residents but from people around the county and the country. This is an issue which matters to Cheltonians past, present and future.

The committee has shown its admirable ability to take a long-term view, mindful of its responsibilities to safeguard our unique environment for future generations. The Cotswold AONB is the largest in Britain, and a unique asset to our town. If in 50 years time it has been lost, it will probably not be because of one or two major developments but because we allowed a sequential salami-slicing, a creeping encroachment of development, an iteration of urbanisation. Members should think very carefully before granting permission for this application.

Member debate:

PB: congratulates MJC on a thorough and professional report, considering carefully all the issues – but although he agrees with the content, cannot agree with the outcome. MJC calls his recommendation an on-balance decision, but Members are spoilt for choice for reasons to refuse this proposal. Congratulations to both speakers too, for their succinct capture of all the issues.

Visited the site on Sunday morning, a lovely sunny day, and the view was stunning. Was not previously familiar with it, and imagines on a wet, miserable day he may well have felt different, but it was staggering and amazing, with the scarp as the backdrop. Realised the importance of going to see proposal sites rather than just reading about them on paper.

A crucial issue for him is the definition of a ‘major development’ as referred to in the JCS, and what precisely constitutes a major development – it is a matter of context and of fact and degree. A major development in one area would not be considered so elsewhere. MJC says this is not a major development, but categorically disagrees with that. This proposal on this site is a major development – it will erode the space, and have a huge impact on the view and the AONB. Cheltenham is lucky – a fantastic town with parks and open spaces, and its setting in the AONB is critical. This is a major development – it is all down to definition.

There are many policies which can be used as refusal reasons for this application – as said, Members are spoilt for choice. Policy CO1 is referred to in the report; it states that development will only be permitted where it ‘would not harm attributes and features which make a significant contribution to the character, distinctiveness, quality and amenity value of landscape’. This proposal will clearly cause harm to the landscape, and CO1 is therefore the first ground on which he will move to refuse. Policy CO2 states that development which would harm the natural beauty of the landscape within the AONB will not be permitted, and that major developments will not be permitted other than in exceptional circumstances – there are no exceptional circumstances here. These are four executive homes, which will not do much to help with the housing shortage. Also Policy CP7 could be used, which

states that any new development must complement and respect neighbouring development and the character of the locality and/or landscape – there is no land of more environmental value than this.

There are a lot of references to the NPPF in the report, and more grounds for refusal here: Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in AONB, which have the highest status of protection – this applies here; Paragraph 116 states that planning permission should be refused for major developments in these designated areas, except in exceptional circumstances or where it can be demonstrated that they are in the public interest – neither is the case here. In 2008, the planning inspector said the development being proposed would cause significant harm to the AONB, changing its character and appearance, and concluded that in spite of the design, this site is not suitable for houses. Turning to the JCS, Objective A is to conserve and enhance the environment; Policy SD7 states that development should protect the landscape character, and Policy SD8 is concerned with preserving the AONB. Has to question MJC's conclusion when there are so many reasons to refuse. The Ryder report is being used to justify the view that AONB land can be fair game., but this proposal will fundamentally change the rural character of the residential area, and is not acceptable.

Moves to refuse, and hopes the application will be rejected unanimously. The developer has come back with application after application, and needs a strong message – this land is not suitable for development, whether for one, four or 44 houses.

SW: should just register the fact, is the CBC member of the Cotswold Conservation Board, one of the objectors to the proposal, but has had nothing to do with their remarks. Ordinarily, would object to an application such as this on the grounds of under development of the land – the JCS needs a lot of houses, and to propose just four on this large piece of land could be seen as wasteful. But this is AONB, very important land, and any development on it, apart from rural buildings, barns etc, is going to affect the landscape. No matter how well designed and beautiful the site may look when finished, the clue is in the word 'natural' beauty – the only way to be natural is for there to be no houses at all. Agrees with everything PB said so eloquently. In addition, if this is allowed, there are three parcels of land to the north and west of the site – what argument could be made if a developer wants to build there? Can in no way support this scheme. Will vote with PB.

MC: at times, we are told it is appropriate to develop in the green belt and AONB. This report and the advice from officers states that Cheltenham 'needs to grow', needs new houses in order to do so. But those houses must be in the right places, create the right mix. It is right that we must consider each application on its own merits, and with this one, the first thing to do is to visit the site. It is a beautiful location; how will four posh houses on the AONB help Cheltenham to grow? There are other sites which could support this type of development, but they are brownfield sites and developers don't want them – because they eat into their profit margins. Has tried to find something of merit with this application but cannot. Apart from it being in the wrong location, the design is awful. Has read the report, listened to officers, asked questions, read the objections, and found nothing to justify support of this application. Will vote against it, and suggests CP3, CP7 GE1, NE3, JCS SD4 as refusal reasons, in addition to CO1 and CO2 suggested by PB.

PT: people have comments on the number of applications since 1981, but there only appear to have been two – one for 44 houses, one for 15, and now this one. Is anything missing from that list?

MJC, in response:

- No, that is the history of the site – two applications in 2007 and 2014;
- Understands the comments made by Members so far – was expecting this reaction – but wants to come back on one point:
- it is right that officers need to craft the best possible refusal reason to stand up at appeal; PB believes this to be a major development, even though MJC has set out in the report why he

doesn't consider it to be so. Refers Members to the appeal decision in 2008 – that application was for 44 houses, yet the Inspector specifically said that it was not a major development. Both local policy CO2 and paragraph 116 of the NPPF state that major development will only be permitted in exceptional circumstances, not 'thou shalt not build in the AONB'; this brings with it a much higher test, and also the need for the harm to be articulated. It is not only about the number of houses, the impact, or the number of objectors. Took the history of site and the specific comments of the Inspector into account when concluding in his report that this proposal does not constitute a major development.

- comments have been made about the impact on the view, the environment, the houses being inappropriate – expected to hear this, and there are enough reasons to refuse permission, but by saying it is a major development, the argument will be weakened and the Inspector could be distracted;
- three members have spoken very articulately. It is sometimes a struggle to pin down strong refusal reasons, but officers have heard members' views and can construct a refusal reason – which will be better without any suggestion that this is a major development.

CN: there is always difficulty in situations like this, and has sympathy for officers' predicament, having given a lot of thought, time and effort to their reports, and made recommendations in line with policy, but is thinking more in line with the speakers who have so eloquently portrayed the opposite view. Normally members are searching for reasons to refuse, but in this case, we are overwhelmed with reasons. Can see where MJC is coming from with his advice - this is not a major development but it would have a major impact. We have to look at a balanced equation, considering the benefits and the harm. There are very few benefits to the town – there is a shortage of housing, but affordable housing – so the weight of the benefit is nil, in this respect. On the other hand, there is the harm – to the landscape, amenity, view, community (159 letters of objection on a range of issues) – if these are all put on the scales of justice it is clear that the harm far outweighs the benefits. The emphasis should be on these objections, and the committee should take MJC's advice regarding major development.

PB: is it just a matter of interpretation, or is a definition of major development set out in the JCS or NPPF?

MJC, in response:

- it is not defined anywhere, thought the emerging JCS provides discussion on the matter, as referenced in the report. It states that major development can be defined in quantitative terms (i.e. a threshold number of dwellings), but that qualitative considerations are equally if not more important – it is a matter of context and of fact and degree – what is considered major in one area may not be so in another;
- Tried to consider it both ways when writing the report. In 2008, the Inspector said the proposal for 44 houses was 'not major development'. Local Plan policy makes a distinction between development and major development. The committee is concerned with the harm this proposal would cause; the harm is caused by the major impact it will have, not by it being a major development. We need to focus on that harm rather than be side-tracked by whether or not it is a major development. It will make a better case if we can specify the harm - impact on views etc. It is for Members to decide, but the Inspector will not see it as a major development.

PB: the appeal MJC refers to was in 2008. When did the definition come in? Doesn't want to weaken the case, but it does seem to be all down to interpretation.

GB: the officer has given advice on the best we can do. It is up to the Committee to decide if it wants to include the interpretation of this proposal as a major development.

CN: suggests to PB that on previous occasions he has been annoyed when officers are surprised at the strength of opposition to an application, and wanted good, solid advice about reasons for refusal.

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Here MJC has given good advice – that describing this application as a ‘major development’ could well complicate the appeal process.

PT: should Members be given the opportunity to vote on whether they want it in or out?

GB: will come back to that after Members have voted on the officer recommendation.

Vote on officer recommendation to permit

0 in support

12 in objection

NOT CARRIED

GB: PB has moved to refuse. The suggested refusal reasons are CO1, CO2, NPPF Paras 7, 115, 116, JCS SD7 and SD8. CP1 and CP7 have also been mentioned – do Members want these included?

MJC, in response:

- Suggests that once the vote has taken place, will write the decision notice incorporating all the above reasons for refusal, but before issuing it, will check with the Chair and Vice-Chair that they are happy it reflects the debate.

(Agreed)

Vote on PB’s move to refuse on Local Plan policies CO1, CO2; NPPF Paras 7, 115, 116, JCS SD7 & SD8, and CP1 & CP7

12 in support – unanimous

REFUSE

Application Number: **17/00484/FUL**
Location: **41 Asquith Road, Cheltenham**

DEFERRED

Application Number: **17/00759/FUL**
Location: **Cheltenham Cemetery and Crematorium, Bouncers Lane**
Proposal: **Access arrangements for the proposed erection of a new crematorium (Access road in part within Cheltenham Borough Council with the proposed crematorium and associated works within Tewkesbury Borough Council.)**
View: **Yes**
Officer Recommendation: **Permit**
Committee Decision: **Permit**
Letters of Rep: **0** Update Report: **Conditions**

CH introduced the application as above, explaining that it relates to a proposal between both CBC and TBC. The original chapel building is no longer fit for purpose, and a study was carried out in 2015 to assess the options and consider how best to serve Cheltenham – it concluded that the most viable option was to build a new one. In 2017, CBC agreed to construct a new facility on land to the east of the current site, owned by TBC, comprising two chapels and a waiting area. This needs to be

accessed by the road network, including a new egress road. The grazing land where the buildings will go is in Tewkesbury borough – there is currently a planning application in for consideration at TBC – but it is for CBC to consider the new egress road along the south boundary of site and the rear boundaries of residential properties, and also the need for a temporary road during the construction phase, to the west boundary of Priors Farm playing field. The recommendation is to permit.

Public Speaking:

There was none.

Member debate:

MC: was on Planning View, and it was clear to see that no solution was going to be easy here – it is difficult to find a viable solution to these issues. Has spoken with officers and been advised that every viable option has been explored, and this one is considered to be the best. Walked the site on Planning View; it was clear that it wouldn't work to have funeral processions using a residential road. In an ideal world, starting from scratch, the road would not be situated here, but we don't have that luxury. Is therefore mindful to support the application and get on with it.

BF: has very little to add. The report is excellent – crosses all the t's and dots all the i's. The proposal is difficult, but has attended briefings on the crematorium as a cabinet member, and knows that this is the best solution. It addresses the current lay-out and car-parking problems.

AL: regarding the cross-section drawings of the carriageway, is this permanent as well as temporary? How will the temporary carriageway sustain heavy vehicles, and how will they be cleaned up?

CHay: doesn't want to put obstacles in the way of the new cemetery and crematorium, and realises this is a difficult site to access, but it would be remiss not to raise the concerns of residents in Imjin Road, for the period of construction. The road has parking on both sides, and construction traffic will find it difficult to go up and down the road. Temporary parking restrictions will also cause difficulties. Where Imjin Road joins Priors Road, Priors Road backs up in the mornings quite considerably. Parking there at that time is a nightmare. There needs to be clear understanding of how that road works, how vehicles will access Imjin Road from Priors Road – construction vehicles can't get out, traffic will back up – and all this will cause major problems. Cannot support the application, reluctantly, until there are answers on these issues – they need managing. The conditions need to be right before he can support.

PT: feels the same as CH. Is concerned that the road leading out is just a little lane and has not ever been more than this; this will cause traffic problems etc for the people in the houses, especially if their children play in the gardens – the gardens are small and the houses are close to the lane. Has great reservations about this. Has spoken to the planning officer, but cannot see an easy solution. Notes there are a few houses at the bottom end of the access road - where will the access road cut in to the cemetery? Regarding the new fencing, there are a few houses which will be affected by the boundary treatment – is concerned about this and hopes that people realise.

BF: if the cemetery and crematorium are on TBC land, the restrictions on traffic will fall on TBC. The permanent road is in our behest, but road and transport management by the builder must be TBC's concern.

CHay: just to be clear, is talking about the effect on Imjin Road – the residents of Ladysmith and Salamanca Roads will be most affected by new access road, but have not objected and can therefore be assumed to be quite happy with it. Understands that people leaving the cemetery and crematorium are not boy racers; a limited amount of traffic will be leaving this way, and residents are not concerned

about this. It is the construction traffic and how it uses the road which is causing concerns; it is in our remit to say this can only move between certain times.

CH, in response:

- CHay is right – it comes down to conditions. Condition 6 requires a construction management plan to provide more details, to control construction traffic movement especially in Imjin Road. There is no proposal to restrict parking. The Highways Authority has looked at the application;
- The conditions will set out hours of operation, wheel washing facilities, securing access points – it is quite a detailed and encompassing condition, seeking to control these issues;
- Regarding the construction road – this will be temporary and details are not yet confirmed, but any works will be put back as was once construction is complete;
- To BF's comment regarding access for construction vehicles, this will be managed through CBC, as it is related to the work on the cemetery and crematorium;
- To PT, regarding the access road and the effect on residents, the proposal will only involve a low level of traffic, for people attending services; staff who attend during the evening will use the main exit, so only small scale use of the other route is anticipated.

CHay: when the traffic management plans come back, can local members be involved? Has been talking with local residents a lot, and it would be helpful to run through the pinch points and understand what is being proposed. It is disappointing that this hasn't happened so far. One minor point about the egress road – some residents have expressed concern, and it would be useful to know the fence and hedging height, as it affects some individual houses along there. Some discussion of this later would be welcome, as well as involvement in any discussion about traffic management between the constructors and planners.

Vote on officer recommendation to permit

13 in support

PERMIT

Application Number:	17/01085/FUL
Location:	236 Hatherley Road, Cheltenham
Proposal:	Single-storey rear extension and two-storey side extension
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	2
Update Report:	None

BH introduced the application as above, at Planning Committee at the request of the Parish Council, in support of the objection from No. 234 Hatherley Road. The officer recommendation is to grant planning permission.

Public Speaking:

Mr Ashwood, neighbour, in objection

Has submitted a letter of objection to the Council, as has the owner of the Post Office at 238 Hatherley Road – yet the council is still prepared to right roughshod over adjacent neighbours' views and recommend that this application be permitted. There have been three extensions to this property, plus the erection of a conservatory, 3m in depth; the proposal is to replace this with a single-storey extension of 5.75m, tying in with the existing garage and office. Together with the existing extensions, this will make the total depth of extension approximately 8.6m, part of which will be two-storey. The original footprint of the house, with a separate wooden garage, was 53.3sq metres; with these

extensions, the area will be approximately 150sq metres, 2.81 times larger than the original. This is gross overdevelopment of the site in close proximity to adjoining properties. From the bedroom window, will look out on approximately 74sq metres of flat roof, with two Velux windows likening it to a commercial unit. Despite the proposal for a solid 8.6m wall, 2.8m in height, the council says this will not be overbearing on his property - boundary fences are normally up to 2m in height. None of the surrounding rear gardens have such a vast and aesthetically unpleasing structure. Is concerned that a further application could be made to extend the two-storey extension; a line must be drawn at some point as to how many extensions can be added to a property of this size. Taking into consideration both neighbours' objections, would urge the committee to refuse, on their objections and also on overdevelopment grounds.

Mr Shine, applicant, in support

Would like to briefly outline the reasons for this extension and address the objections raised. A key factor is for maintenance – the existing flat roof extension is badly built, the timber roof is rotten and leaking, causing damp and mould; the conservatory footings have failed, the conservatory has dropped by an inch, with multiple leaks and draughts coming into the house; both extensions are poorly designed and built, with a valley gutter which cannot be accessed for maintenance and is compounding the water ingress. A second and main reason for the proposal is the need for space, having just had a third child; want to create an open plan environment with an improved line of visibility, allowing the children to play safely and independently. Large bi-fold doors to the rear will help create the functional and practical space the family is looking for. Considered the potential impact on No. 234 – it will be minimal, with the additional 2.5m screened by trees and fence panels. It does not fail the light test – there will be no unacceptable loss of light. Regarding visual impact, the consistent height and material finish will improve the appearance of the building, and the additional depth will not be overbearing. The extension will sit comfortably in the plot, and appear appropriately subservient to the existing building. Have considered moving house but this is not a viable option – for the same amount of space, would need to move away from area, and they like living in the Hatherley community. Used the pre-app service to take on board planning officers' comments, and have revised plans accordingly. Has no comment regarding the objection from No. 238; the officer report states there will be no loss of privacy to any of the neighbouring land users, and is compliant with policy CP4.

Member debate:

SW: has been thinking about how much of this extension could have been built under permitted development – but assumes it could not have been, as the application is at Committee. The original plan was felt to be over development, and the neighbour clearly feels it still is. Is torn by this - can see why the applicant wants to do it, if the current extension and conservatory are falling apart and need replacing – extending at the same time for a little more cost seems a sensible option.

BH, in response:

- Paragraph 6.12 of the report deals with this briefly: under permitted development, a single storey extension up to 6m from the original rear wall of the property could be built. The current extensions use up most of that, with this proposal adding a further 2.5m – which is why the planning application is required. An extension of 6m could be built under permitted development but this would not be enough to achieve what the applicants require. Members need to consider the impact of the additional 2.5m.

Vote on office recommendation to permit

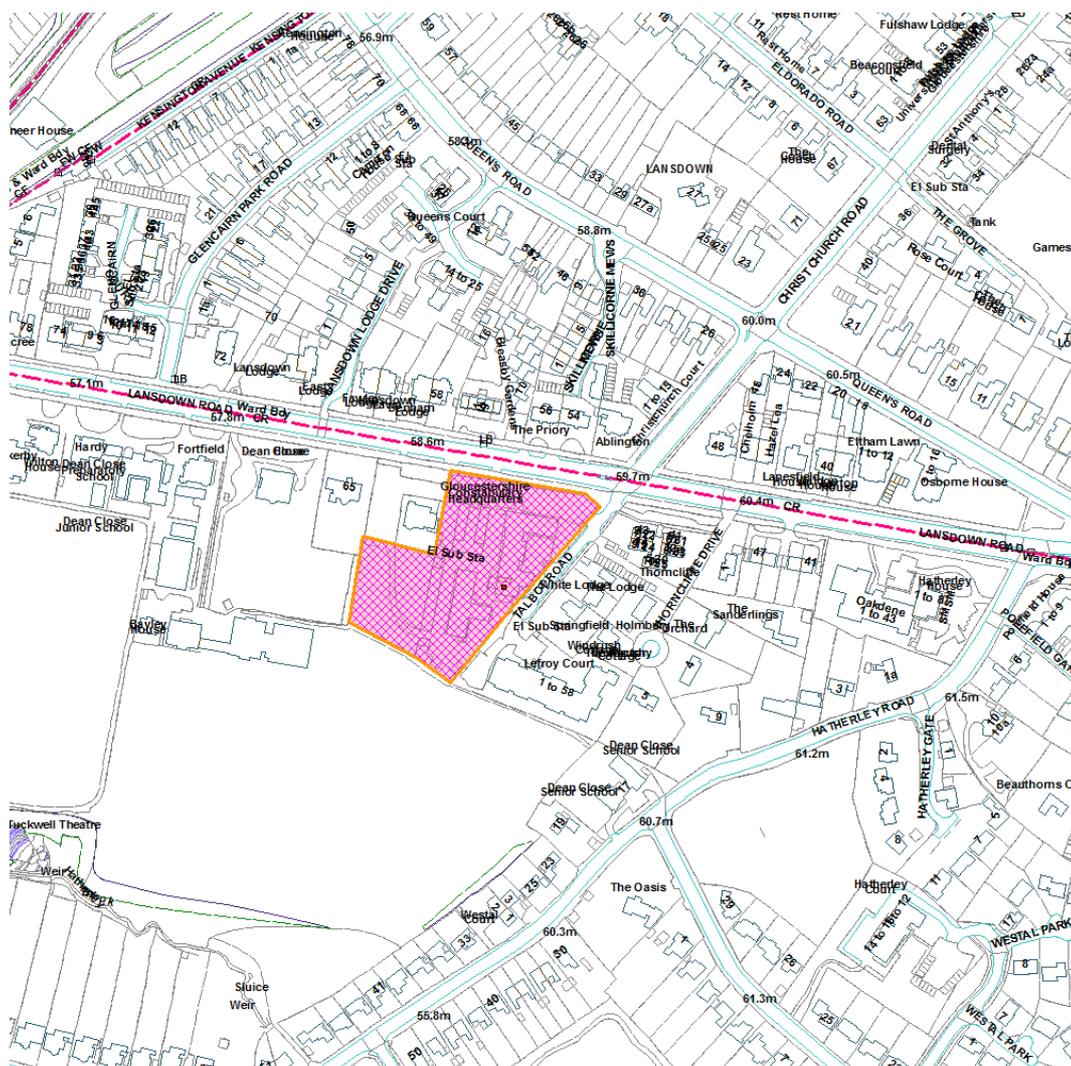
13 in support

PERMIT

The meeting ended at 7.15pm.

APPLICATION NO: 17/00337/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 17th February 2017	DATE OF EXPIRY: 18th August 2017 (the determination period has been extended by agreement with the applicant)
WARD: Park	PARISH: n/a
APPLICANT:	CALA Homes (Midlands) Ltd & The Police & Crime Commissioner
AGENT:	Hunter Page Planning Ltd
LOCATION:	Central Cheltenham Police Station, Talbot House, Lansdown Road
PROPOSAL:	Demolition of all existing buildings on site and erection of 68no. new homes, access, landscaping and other associated works at the former Police Headquarters, Lansdown Road

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises the majority of the former Gloucestershire Constabulary Headquarters site on the southern side of Lansdown Road (A40), at the junction with Talbot Road. The building in the north-western corner of the former headquarters site, Holland House formerly known as Wilton House, has been retained by the Constabulary as a Community Police Station.
- 1.2 Extensive pre-application discussions have taken place over the years in relation to the redevelopment of the site for housing. Most recently, discussions have taken place with Cala Homes (Midlands) Ltd since September 2016, culminating in this application for planning permission. The application is a joint application between Cala Homes and the Police and Crime Commissioner for Gloucestershire.
- 1.3 The application proposes the demolition of all existing buildings on site, and the construction of 68no. new residential units with associated infrastructure and parking. The scheme would also provide for an area of green open space within the site and landscaping throughout.
- 1.4 The housing comprises 43no. apartments (8no. one bed and 35no. two bed) within three Villa buildings fronting Lansdown Road, and 25no. townhouses (1no. three bed and 25no. five bed) on the rear portion of the site.
- 1.5 The application has been accompanied by the following detailed reports and statements:
 - Planning Statement
 - Design and Access Statement
 - Built Heritage Statement
 - Transport Statement
 - Flood Risk Assessment
 - Extended Phase 1 Habitat and Bat Emergence Survey
 - Tree Survey and Arboricultural Impact Assessment
 - Financial Viability Assessment
 - Statement of Community Involvement
- 1.6 The application is before planning committee at the request of Councillor Harman due to the level of concern amongst local residents.
- 1.7 Members will visit the site on planning view.

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 5 Sustainable transport
CP 7 Design
PR 1 Land allocated for housing development
BE 3 Demolition in conservation areas
BE 4 Timing of demolition in conservation areas
BE 7 Parking on forecourts or front gardens in conservation areas
GE 5 Protection and replacement of trees
GE 6 Trees and development
EM 2 Safeguarding of employment land
HS 1 Housing development
HS 2 Housing density
HS 4 Affordable housing
RC 6 Play space in residential development
UI 1 Development in flood zones
UI 2 Development and flooding
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Dean Close & Hatherley Park Character Area Appraisal and Management Plan (2008)
Lansdown Character Area Appraisal and Management Plan (2008)
Affordable housing (2004)
Landscaping in new development (2004)
Sustainable buildings (2003)
Sustainable developments (2003)
Flooding and sustainable drainage systems (2003)
Planning obligations (2003)
Play space in residential development (2003)

National Guidance

National Planning Policy Framework (NPPF)
Planning Policy Guidance (NPPG)

4. CONSULTATION RESPONSES

Architects Panel

6th March 2017

Design Concept

The panel had no objection to the principle of the development and generally found the background information, site appraisal and contextual analysis presented was extremely thorough and convincing.

The overall design was of a high standard but the panel had reservations over certain aspects of the scheme as follows:

Design Detail

The architect's description of the buildings along Lansdown Road as villas in open space, similar to Wilton House and other villas in the area, was misleading because the spaces between the buildings are relatively narrow and do not follow the pattern of development suggested.

The D&A statement describes the three villas having equal status but the east end block is not as long as the others and also appears too close to Talbot Road. The panel thought this block could afford to be different and address Talbot Road in a more positive manner.

The architect described the elevations as following Regency proportions which the panel also found misleading since the design clearly doesn't reflect many key aspects of Regency design. The horizontal proportions of the first floor windows in particular do not help the composition. The panel believed the top floor also appeared far too high, not helped by the glass balustrading which might be better incorporated into a more solid parapet, but noticeably higher than some of the earlier elevation studies included in the D&A statement.

The panel generally felt the scheme looked like overdevelopment of the site. The "villas" are squeezed in along the Lansdown frontage and the town houses at the rear are too cramped resulting in very narrow gaps between the blocks. Reducing the number of houses would free up the whole site layout composition and provide the opportunity to enhance spaces at the end and around the buildings.

With regard to the choice of materials, the panel questioned the need for two different coloured bricks and would want to be convinced that the reconstituted ashlar proposed looked as good as the real thing.

Recommendation

Submit revised design proposals.

Historic England

9th March 2017

Thank you for your letter of 17 February 2017 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

In its current form, we do not judge this development scheme to be a convincing response to its context, nor a bold attempt at creating an original design confident yet sensitive to its prominent location on a main westerly approach to the town. As such, the overall scale and plan form, the current design, and the intrusion of substantial car parking, will cause harm to Lansdown Conservation Area.

Significance

This application site involves the unoccupied Central Cheltenham Police Station on Lansdown Road, within the Lansdown Character Area of the Cheltenham Conservation Area. It is identified within this appraisal as a significant negative building/space on a large and visually prominent site on this westerly approach to the town. On visiting the site, Historic England reaffirm that the modern buildings, although prominent, have no architectural or townscape merit. What was apparent when walking the vicinity (and in line with the council's Character Area Appraisal) are the large numbers of Regency and early Victorian formally laid out villas of a consistent height (three storeys), the wide open linear street pattern permitting medium and long distance views, and an ambience of unspoilt elegance, grandeur and space. There is a variety of styles and construction materials which add variety to this street scene. This is of value when considering the application in line with the impact on the conservation area.

Impact

The proposal is for the demolition of all existing buildings on site and the erection of 68 no. new homes, in the form of three principal street-facing blocks, and two further terraces to the rear of the site. There is no in-principle objection to the redevelopment of this site, and indeed we acknowledge the opportunity of enhancing what is currently a detractive component of Lansdown Road and the wider conservation area. However we do raise a number of serious concerns.

We note within the Built Heritage Statement the reference to the three 'villa' blocks fronting Lansdown Road representing a modern interpretation of the prevalent form of town villas that line this road. Nevertheless the impact of these 5-storey villa blocks set forward of Wilton House, at a scale and height significantly greater than the prevailing form, will attract undue attention on a prominent axis within the conservation area, one which retains its sense of a relatively low-scale, wide-open verdant avenue. Whilst we acknowledge the scale of the current buildings within the site, for this scheme to succeed in respecting the conservation area, a suitable scale must be established deferential to the predominant form of Lansdown Road.

With respect to the design, this plot of land, combined with the scale of development available, on a key route into Cheltenham town and on the axis of a planned approach to Christ Church (Grade II* listed), requires a scheme of genuine boldness and originality. The design has the capability of responding to a range of surrounding styles, or has the opportunity to create an overtly contemporary solution very much of its time.

Added to this is concern regarding the extent of formalised parking fronting Lansdown Road. Although some precedent has been established elsewhere, much of it is of an incidental low-key nature. This proposal involves linear parking allocation lining the entire main elevation. With reference to the Soft Landscape Plan, the increase of formal screening will have the potential to change the organic character of boundary treatment that is characteristic of Lansdown Road.

Policy

When determining this application the local authority should pay particular attention to the Planning (Listed Buildings and Conservation Areas) Act 1990, section 72 (1) "with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". In line with the National Planning Policy Framework 2012, planning authorities should look for opportunities for proposals within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (para. 132). Only proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (para. 137). Additionally, the desirability of new development making a positive contribution to local character and distinctiveness should be encouraged (paras. 61 and 131).

Position

We consider this scheme to represent an over-intensive development uncharacteristic of the prevailing rhythm and urban grain of villas lining Lansdown Road, identified as a significant contribution to the conservation area ('properties are set back from the road within large plots creating a consistent building line which is sympathetic to the form of the historic properties', Lansdown Character Appraisal, p. 18, 5.15). Reducing the three dominant villas to two will preserve this pattern, will create meaningful views into the site, and afford a greater sense of relief and space characteristic of the historic villas; their overbearing presence as proposed will thereby be proportionately reduced. We believe the current layout will be predominantly viewed as a continuous stretch of development, rather than as individual villas. We also advise pushing the villas further back to align with Wilton House; this current stepping forward adds to the detrimentally assertive character of this road-fronting element.

Moreover, we are not persuaded that the design of the villas meaningfully represents an interpretation of Georgian classical architecture as the design narrative. The elevational proportions are not entirely followed-up (for example the hierarchy of windows and the

unaligned upper storey) and are not felt to be intelligible so as to provide a strong contextual design-response.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 61, 131, 132 and 137 of the NPPF. We will be happy to engage further to discuss a reduced scheme.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

GCC Highways Development Management

20th June 2017

I refer to the above planning application received on the 21st February 2017, submitted with application form, Planning Statement, Design and Access Statement parts 1, 2 & 3, Transport Statement parts 1, 2 & 3 and drawing refs. PL01, PL02 and 22095_00_010_01 Revision: K.

Location

Talbot Road is located to the east of the site and is approximately 5.5m in width and connects to Lansdown Road via a signalised crossroad junction on the north-east side of the site. Talbot Road features footways of approximately 2.0m in width on both sides of the road with street lighting and areas of intermittent grass verge sections running parallel. Talbot Road is a class 4 road subject to the sign posted 30mph speed limit.

Lansdown Road is largely a two-way single carriageway, with intermittent sections being three lane carriageway, varying in width from approximately 11.6m to 13.5m in width, and is a primary route into Cheltenham to the east and the wider highway network including the A40 and M5 to the west. A footway of approximately 3.0m width is provided on the southern side of the carriageway, with a segregated footway/cycleway of similar width on the northern side of the carriageway.

The signalised crossroad junction adjacent to the north-east of the site includes turning restrictions; prohibiting turning east onto Lansdown Road from Talbot Road, and turning eastward on to Lansdown Road from Christchurch Road.

Accessibility

All of the roads in the locality have footpaths to both sides of the highway. The site is sustainably located within acceptable walking and cycling distances to key local facilities and amenities which, together with the dedicated walking and off road cycling routes may encourage travel by foot and cycle.

Considering its location the development site is relatively well served by the existing high quality public bus services with the nearest bus stops located on Lansdown Road opposite the site on both sides.

These services provide links to Gloucester, Bishop's Cleeve, Hatherley and Oxford. Services 94, 94U provide peak hour services to and from Gloucester which provides future occupiers of the development the opportunity to commute to work in Gloucester by bus providing scope for a modal shift away from the private motor car.

Furthermore Cheltenham Spa train station is located approximately 600m north-west of the site. The station provides links to London, Birmingham, Bristol, Plymouth, Cardiff, Gloucester and Nottingham.

Access

The proposed development will be accessed from the 3 existing priority junction accesses previously used by the former Police station fronting Talbot Road. Access 1 is the northernmost existing access on Talbot Road and will provide an egress only point from the site as part of a one-way system in operation around apartment blocks A-C. The access is approximately 6.0m wide consisting of a shared surface area to the north of apartment blocks A-C.

Access 2 is the existing central access on Talbot Road and will comprise an entrance only point for the parking around apartment blocks A-C. The access is approximately 5.5m in width, narrowing to 4.8m in width approximately 9m in width. The area extending from access 2 is part of the shared surface loop feature around apartment blocks A-C, connecting to the egress only point (access 1).

Access 3 is the southernmost former access on Talbot Road, access 3 leads to the 25 of the dwellings. This access will also consist of a shared surface access 6.8m in width.

Visibility splays of 43m have been demonstrated on drawing ref. 22095_03_020_01 which would relate to a vehicle speed of 30 mph however no evidence of actual vehicle speeds on Talbot Road have been submitted as part of the application. Therefore in the absence of any other evidence the Highway Authority would revert to GCC's Annual Speed Monitoring Report (1998-2006) which shows that the 85th percentile wet weather speed of vehicles on a 30 mph highway to be 34 mph. This vehicle speed gives a visibility requirement of 54m in each direction. I am satisfied that this level of visibility can be achieved with land available.

Layout

Gloucestershire currently does not have parking standards, with parking assessed against the NPPF. A statement published in March 2015 stated that Local Planning Authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that it is necessary to manage their local road network.

The 2011 Census data indicates that based on an average of 0.9 cars per dwelling, the proposed 68 dwelling development could expect car ownership to total 61 cars. In addition to the 0.2 spaces per dwelling required by MfGS for visitor parking, a total of 14 visitor spaces for the 68 dwelling development would also be required. When combining the expected car ownership levels and GCC's visitor space requirement (based on MfGS), the proposed site would be expected to provide at least 75 car parking spaces.

In total the proposed development will provide a total of 126 parking spaces for the 68 dwellings. Each dwelling, except the 1 bed dwellings have at least 2 car parking spaces plus garage provision. The development will provide the following parking provision:

- 1 space per apartment (43 spaces total);
- 2 spaces per dwelling (50 spaces total);
- 1.6m x 3m garage per dwelling (25 total), and;
- 8 visitor spaces - many visitors to the site can be accommodated for within the total site parking allocation.

As the amount of parking provided is higher than the average car ownership figures in the 2011 census data, based on the above, the parking provision is considered acceptable.

Each parking space complies with the recommended design guidance of 9.13 and 9.14 Manual for Gloucestershire Streets with each space measuring 2.4m x 4.8m in length with 6.0m of drivable surface in front of them for ease of access. The private garages also comply with the recommended design guidance of 9.22 Manual for Gloucestershire Streets

with each single garage measuring a minimum of 6m x 3m, with minimum door width of 2.4m.

In addition the site will provide a minimum of 1 secure cycle storage space per dwelling.

Refuse vehicle tracking as shown on Drawing No. 22095_00_010_01 Revision: K demonstrates that an 11.6m refuse vehicle can safely service the apartment element of the site, utilising the one-way system surrounding apartment blocks A-C. The site layout also allows the refuse vehicle to enter the southernmost part of the site in a forward gear, manoeuvre and egress the site safely whilst being able to safely pass a large estate car and maintaining adequate inter-visibility with opposing vehicles.

Road Safety Audit

A Stage 1 Road Safety Audit (RSA) has been carried out where the auditor identified no safety issues. The only general observation that was made stated 'plans provided for the audit team's consideration, included a swept path analysis of a refuse vehicle circulating the apartment part of the development. This analysis currently shows a refuse vehicle requiring land currently occupied by a building. The designers should ensure that adequate room is available within the curtilage, if conflict between vehicles / infrastructure is to be avoided.' A revised drawing (ref. 22095_00_010_01 Revision K) has since been submitted demonstrating reasonable clearance from any vertical kerb-line structure, tree or formal parking space.

Vehicle Trip Generation

A manual traffic count survey was carried out on 26th November 2008, recording the number of turning movements occurring at each of the access/egress points within the former Police Headquarters. Although the historic traffic data for the existing site is from 2008 it is deemed to be the most accurate, as the existing use has ceased it would therefore be impossible to obtain an accurate up-to-date manual traffic count. In addition Police Headquarters are not well surveyed by TRICS (Trip Rate Information Computer System).

It is considered that there has been no material increase in trip generations from the site onto the existing highway since the traffic survey was previously carried out and is therefore deemed acceptable to use the turning movements from the survey in order to make a comparison to the expected vehicular movements from the proposed site.

The submitted Transport Statement has used the manual traffic count survey for the site previous use and TRICS data alongside the 2011 Census: Method of Travel to Work data to identify the likely level of additional vehicle movements associated with the proposed development. The data showed that in the network peak hours the residential development will generate approximately 51 fewer two-way vehicular trips during the AM peak (8:00-9:00) compared to the Police Headquarters and 66 fewer two-way vehicular trips in the PM peak (17:00-18:00) based on weekday average trip generations.

Analysing the 3 existing access points on Talbot Road, accesses 1 and 3 will incur a net reduction of 83% (-88 trips) and 14% (-5 trips) respectively, whilst access 2 will incur a net increase of 14% (+2 trips), however this is considered to be the result of the egress only access onto Lansdown Road being stopped up.

Theoretical traffic generated from the proposed development has been distributed onto the local highway network based on 2011 Travel to Work Census data for Medium Super Output Area Cheltenham 011. The turning count demonstrated that in the worst case scenario the proposed site would produce a maximum of 20 two-way vehicle movements along any one route (Lansdown Road west) equating to 59.7% of the vehicular trips generated by the site, therefore as the impact is negligible the cumulative impacts of the development are not considered severe and it would be deemed unreasonable to require additional work.

It has been demonstrated that the proposed residential development overall will generate significantly fewer vehicle movements than the former Police Headquarters, with the proposed site producing 51 fewer trips during the AM peak period; a reduction of 60%, and 66 fewer trips during the PM peak period; a reduction of 67%. The net difference for average weekday trips demonstrates that the proposed site produces 585 fewer trips than the former Police Headquarters; an average daily reduction of 64%.

Personal Injury Collisions

The road safety analysis has been assessed for the past five year period available (1st December 2011 - 30th November 2016). There has been no personal injury collisions recorded within the vicinity of the development site within this time period.

However, it is noted that nine collisions took place at the Talbot Road/Christchurch Road/Lansdown Road cross roads junction within the past 5 years. Only 1 serious accident took place within the 5-year study period (01/11/2012 - 30/11/2016). The accident took place in Year 1 and involved a police vehicle exiting Talbot Road colliding into the side of a motorcyclist heading west along Lansdown Road.

Of the collisions recorded at the Talbot Road/Christchurch Road/Lansdown Road cross roads, all involved driver and/ or pedestrian error. It is noted that 22% of collisions involved police cars associated with the former site use, the proposed site is expected to improve safety on the local highway network due to the closure of the Lansdown Road access, therefore removing the accident risk of vehicles pulling out of the site directly on to the Lansdown Road carriageway.

It is therefore reasonable to conclude that there is not an excessive amount of personal injury collisions on the wider network and that those collisions that do occur are spread. As there is no evidence that there is an existing highway safety problem it is reasonable to conclude that the additional traffic from the development will not have a material impact on general road safety in the area.

Construction Traffic

Concerns have been raised regarding the construction phase of the development, should planning permission be granted, construction traffic and the impacts of this are an inevitable consequence of engineering works and cannot be avoided, however the submission of a Construction Method Statement, together with any potential planning conditions which the LPA may deem necessary in terms of works restrictions will mitigate the impact. Largely, the planning system does not consider the impact of the construction phase of a development, except for to ensure that authorities look to mitigate the impact as far as possible.

Recommendation

The National Planning Policy Framework (NPPF) states at paragraph 32 that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The Highway Authority considers that this development will not have a severe impact on the local highway network. The NPPF also states that "safe and suitable access to the site can be achieved for all people", and that "opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure." It is considered that the development proposals will meet these criteria.

The Highway Authority recommends that no highway objection be raised subject to the following conditions being attached to any permission granted:

Condition #1 Access - Visibility

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The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 43m distance in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: - To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and 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.

Condition #2 Access - Construction

Prior to work commencing on site the vehicular accesses shall be laid out and constructed in accordance with the submitted 22095_00_010_01 Revision: K with the area of the access roads within at least 10.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained as such thereafter until and unless adopted as highway maintainable at public expense.

Reason: - To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraphs 32 and 35 of the NPPF.

Condition #3 Internal Layout

No building on the development shall be occupied until the carriageways (including surface water drainage/disposal, vehicular turning heads and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footways to surface course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraphs 32 and 35 of the NPPF.

Condition #4 Parking & Turning

The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan 22095_00_010_01 Revision: K, 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.

Condition #5 Cycle Storage

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 68 no. bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason: - To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

Condition #6 Fire Hydrants

No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason: - To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

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Condition #7 Stopping up of an access

The development hereby permitted shall not be occupied until the access onto Lansdown Road has been fully closed up with the adjacent footway reinstated to full height and with full height kerbing at the carriageway edge.

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.

Condition #8 Access & Egress Signage

The development hereby permitted shall not be occupied until details of signage displaying entrance and exit only shall be erected directing vehicles to access the site via access 2 (in) and to egress the site via access 1 (out) has been made available in accordance with details to be submitted to and approved in writing by the LPA, and those facilities shall be maintained available for those purposes thereafter.

Reason: - To reduce potential highway impact by ensuring that a safe and secure access is laid out that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework.

Condition #9 'KEEP CLEAR' Markings

Prior to the development hereby permitted being occupied, the 'KEEP CLEAR' markings located on Talbot Road in front of access 1 (out) shall be refurbished or replaced.

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.

Condition #10 Pedestrian Crossing Improvements

Prior to works commencing on the development hereby permitted, details of the proposed pedestrian improvements to be made along Talbot Road to improve walking journeys shall be submitted to and agreed in writing by the Local Planning Authority, the works shall then be constructed in accordance with the approved plans and made available for public use prior to the first occupation of the dwellings hereby permitted.

Reason: - To ensure that the priority is given to pedestrian and cycle movements and that a safe and secure layout that minimises conflict can be created in accordance with Paragraph 35 of the NPPF.

Condition #11 Construction Method Statement

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 Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: - To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

Condition #12 Residential Travel Plan

No works shall commence on the development hereby permitted until a Travel Plan has been submitted to and agreed in writing by the Local Planning Authority, setting out:

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- i. objectives and targets for promoting sustainable travel,
- ii. appointment and funding of a travel plan coordinator,
- iii. details of an annual monitoring and review process,
- iv. means of funding of the travel plan, and;
- v. an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: - To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

Condition #13 Estate Roads - Maintenance

No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: - To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

Informatives:

Note I: The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

Note II: 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 works.

Note III: You are advised to contact Amey Gloucestershire 08000 514 514 to discuss whether your development will require traffic management measures on the public highway.

Note IV: The proposed development will require the relocation of a street lighting column and the Applicant/Developer is required to obtain the permission of the GCC Street Lighting department before commencing any works.

Note V: The applicant is advised that to discharge Condition #13 that the Local Planning Authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation,

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other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

GCC Local Flood Authority (LLFA)

2nd March 2017

I have reviewed the above planning application in relation to surface water drainage and Flood Risk Assessment (FRA).

The site is within the Environment Agency's Flood Zone 1 and at low risk from fluvial flooding. There is however a higher risk from surface water flooding on the site which the FRA acknowledges.

The applicant has properly considered the SuDS hierarchy and it is acknowledged that infiltration will not be viable as a drainage strategy on the site due to the underlying mudstone and overlying sand and gravels. Earlier infiltration testing in 2008 on the site evidenced the lack of infiltration to the required standard for surface water drainage.

As there is no locally available watercourse the applicant proposes to utilise a network of surface water sewers attenuated through 2 geocellular tanks and discharged through a flow control to the Severn Trent surface water sewer in Lansdown Road. Attenuation has been calculated to accommodate the 1 in 100 year storm plus 40% additional runoff volume for climate change. There is currently no indication from the applicant that Severn Trent Water has agreed to this connection or to the proposed discharge rate of 17.92 l/s. However, this rate is a 40% reduction to the pre-developed existing discharge rate and is acceptable to the Lead Local Flood Authority (LLFA).

The FRA refers to two soakaways in the southwest of the site although there is no other reference to the extent of the site they are draining and it does not appear that they will be utilised in the proposed development.

From the location of the soakaways and the topography described in the FRA surface flows are to the south west of the site. The application does not appear to include exceedance flow routes for storms in excess of the 1 in 100 year event plus climate change (S9 Non-statutory technical standards for sustainable drainage systems).

Whilst the LLFA agrees in principle to the proposed drainage strategy the LLFA objects to the current surface water drainage proposals due to a lack of exceedance flow routing and as the proposed discharge is to the main sewer as the only drainage option, the lack of indication of agreement from Severn Trent to the discharge rate and connection.

NOTE 1: The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.

NOTE 2: Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

GCC Local Flood Authority (LLFA) – revised comments

24th May 2017

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Further to my previous comments on the above planning application dated 2.3.17, I have received additional information in relation to the proposed surface water drainage strategy as follows.

- Drainage Strategy - Drawing No. 22095_02_010_04 dated 19.4.16 depicting exceedance flow routes.
- Severn Trent letter dated 16.5.16 including conditional comments approving connection of the surface water runoff to the Water Company sewer in Lansdown Road.

In view of this additional information the Lead Local Flood Authority (LLFA) withdraws its objection the application and recommends that any approval includes the following conditions.

Condition:

No development shall commence on site until a detailed design and timetable of implementation for the surface water drainage strategy presented in the applicant's Flood Risk Assessment document has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical viability of the drainage system to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

Condition:

No development shall be put in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

Condition:

Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 years event with allowance for climate change has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure the health and safety of owners/occupiers of the site and to minimise the risk of damage to property. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for the health and safety of owners/occupiers and visitors to the site.

NOTE 1: The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

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NOTE 2: Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

Social Housing

24th March 2017

Level of Affordable Housing Provision

Local Plan Policy HS4 states that 'in residential developments of 15 or more dwellings or residential sites of 0.5 hectares or greater a minimum of 40% of the total dwellings proposed will be sought for the provision of affordable housing.'

This application will comprise of 68 residential units. Therefore at 40% we will be seeking 28 affordable housing units (Fixed Equity - 20% discount market rate)

Viability

- Firstly we would request that viability to be tested on 20% discount of the fixed equity market housing on 40% (28 units).
- If this is not viable then secondly we would ask viability to be tested on 20% of completion of 14 units.
- If the site is not considered viable we would expect to capture the following within the s106:
 - An overage clause to capture any market improvement value between the time of the viability validation and before completion of the site. The overage clause will seek to secure payments which would provide the equivalent on site affordable housing value via a commuted sum provision, should market conditions improve and the viability of the scheme allow such payment. Any payment would be subject to the ceiling of the equivalent cost to the developer of providing a policy compliant affordable housing contribution.
- The s.106 agreement will also include triggers for repeat viability appraisals, if the development hasn't started and completed with reasonable timeframes from when planning permission was given.

Car Parking

Parking provision for affordable homes will be expected to be made on the same basis as that provided for market dwellings.

Service Charge

Service charges should be kept minimal this can be achieved through the design and we would be happy to refer you to RPs for further input if necessary.

Full Planning Application

On submission of a full planning/revised application we would require an Affordable Housing Plan as part of the application, detailing the location of both the market and affordable homes in terms of their type and size as well as highlighting parking spaces and the dwellings they serve.

Environmental Health

13th March 2017

In relation to application 17/00337/FUL for the former Central Cheltenham Police Station, Talbot House, Lansdown Road, Cheltenham, Gloucestershire, GL51 6QT please can the following conditions be added from the Environmental Protection team:

The proposed development includes blocks A, B and C to front on to a busy main road in and out of Cheltenham as well as directly next to the existing and operational police station, this has the potential to adversely impact upon the planned new residential units.

Condition:

A sound insulation scheme shall be generated and adhered to for the construction of blocks A, B and C to protect all habitable rooms in these blocks from noise generated by traffic noise to be expected from the 24 hour use of the police station.

The sound insulation scheme shall achieve at least the levels as set by table 4 for living rooms and bedrooms in British Standard 8233: 2014 'Guidance on sound insulation and noise reduction for buildings'. This information will need to be further supported by the results of acoustic testing provided to the LPA prior to the residential units being occupied.

The insulation and scheme shall be implemented before the development is occupied and thereafter shall be retained and maintained in a good working order for so long as the site remains in use.

Reason: To protect the amenity of the occupiers proposed residential units.

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties. I must therefore recommend that if permission is granted a condition is attached along the following lines:

Condition:

The developer shall have a scheme for the control of noise and dust from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be submitted to and approved by the Local Planning Authority before work commences on site.

Reason: To protect local residents

Advisory:

For the construction phase to be kept within the times of work as follows: 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays with no noisy work on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.

Informative:

Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.

Tree Officer

9th March 2017

The CBC Tree Section is generally content with submitted drawings which indicate intended tree removals as well as tree planting mitigation.

Most trees within this site are to be removed. However, several existing trees are retained along the front of the Lansdown Rd boundary but, internally, most trees are earmarked for

removal. Most of these internal trees are of relatively low quality and as such their removal and replacement is acceptable.

The majority of CBC Tree Section points of concern of 29.6.16 have been addressed with 1-2 exceptions:

- 1) No Method Statement (MS) for the removal of the front boundary wall has been submitted. This should be submitted and agreed prior to the commencement of any works (including demolition) on site. Most feeding roots of the large street trees outside the site exist under this wall and within the site. As such this MS should also contain a Tree Protection Plan of all retained trees (as per para 4.14 of the BS Tree Survey/AIA document) within the site as well as a method statement for the removal of the hard surface parking area facing onto Lansdown Rd. Para 5.17 of this document states that a pre-commencement site meeting should take place. This site meeting needs to involve CBC Trees Officer so as to help ensure Tree protection is as described.
- 2) Any existing hard surface should be removed with due care and a no-dig surface installed. However it would be preferable if the existing hard surface was retained throughout. Clarifications are necessary for construction methods in this area.
- 3) Point 2 of previous trees officer comment suggested that proposed tree planting is too large. Such large trees would be 5 metres+ high. Whilst this would provide instant landscaping, such large trees may struggle to establish. It would be preferable to plant smaller trees (14-16's-3.5metre) and spend any saved costs on improved aftercare and maintenance. There are 2 existing self-sown holm oak at the existing entrance. It is pleasing that these trees can be retained. However there is a proposal to plant a 3rd very large holm oak adjacent. The planting pit of this tree will likely necessitate the removal of the other existing oaks and as such this proposed 20-25cms girth tree should be reduced to a 10-12 selected standard size.
- 4) It is noted that there is a proposal to plant 13 *Tilia cordata* 'Streetwise' in front of the town houses at the rear of this site. These trees are not appropriate as they will become too large, shed honeydew onto cars beneath, block views and general could become a nuisance to adjacent occupiers. This species should be changed to a smaller species- eg *Cornus mas*, *magnolia* species, *Prunus* species etc.
- 5) The BS survey/AIA shows Trees T44, 45 + 46 'can be removed subject to agreement with neighbours'. These trees are outside the boundary of this site and as such any proposal to remove these trees must be subject to a routine Conservation Area Tree Removal Notification (Section 211 Notice).

Severn Trent Water Ltd

2nd March 2017

With reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution.

Gloucestershire Centre for Environmental Records

1st March 2017

Report available to view on line.

Strategic Land Use Team

22nd February 2017

The relevant policy document for consideration in regard to this application is the adopted Cheltenham Borough Local Plan Second Review 2006; Material Considerations include National Planning Policy Framework (NPPF), national Planning Practice Guidance (PPG) and the Tewkesbury, Cheltenham and Gloucester Joint Core Strategy Submission Document November 2014.

The NPPF seeks to achieve sustainable development, and whilst it seeks to boost the supply of housing (para 47) it also aims to support sustainable economic growth (para 19). The presumption in favour of sustainable development places the development plan as the starting point for decision making (paragraph 12).

The adopted Cheltenham Borough Local Plan Second Review 2006 constitutes the 'Development Plan' for the purpose of this application and should be read as a whole according to the degree of consistency of its policies with the Framework.

The proposed site is within an area which is allocated for housing development in the 2006 Local Plan (policy PR 1). Since the adoption of that plan the northwest corner of the site has been renovated and is in use as an office. Consequently that part of the site is excluded from the current scheme. It is considered that the current application is in conformity with policy PR 1.

The emerging Cheltenham Plan (Part One) has not yet reached submission stage so carries limited weight in planning decisions. However, it also contains the application site as an allocation for housing.

In conclusion, the Planning Policy Team are of the view that the principal of the re-development of the site for residential dwellings would be in conformity with the Development Plan, particularly policy PR 1. The proposed development would be consistent with the presumption in favour of sustainable development in paragraph 14 and the core Planning Principles in paragraph 17 of National Planning Policy Framework.

Joint Waste Team

17th February 2017

All individual properties on this development would have to present their waste and recycling receptacles at the nearest adopted highway which would likely be on Talbot Road, unless the Ubico vehicles are able to use the development road shaded in salmon colour which would mean that it would need to be constructed to take the weight of a 26 tonne refuse vehicle.

It mentions bin storage areas in the key, but I can't find them on the plan? Therefore I would suggest that all bin storage areas for the communal blocks are located at the entrance to Talbot Road.

The other pavements around this site have to be wide enough to accommodate the waste and recycling receptacles when presented on collection day and not pose any obstructions to pedestrians.

With this many properties being built, there will be a phased approach and so the developer has to take account of the need for waste and recycling collections from residents having moved onto the site to take place whilst building is still underway.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 158 properties in close proximity to the site. In addition, site notices were posted adjacent to the site, and an advert published in the Gloucestershire Echo.
- 5.2 In response to the publicity, 11 representations have been received, which have been given due consideration. The comments have been circulated in full to Members but the concerns principally relate to traffic and highway safety matters.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application for planning permission relate to the principle of development; design and layout; impact on the conservation area; impact on neighbouring amenity; parking and highway safety; trees and landscaping; and affordable housing and other planning obligations.

6.2 The site and its context

6.2.1 The application site is located on the south side of the Lansdown Road (A40) on the westerly approach to the town. The site is wholly situated within the Central Conservation Area and straddles the boundary between the Lansdown Character Area, and the Dean Close and Hatherley Park Character Area.

6.2.2 The site is irregular in shape, some 1.06 hectares, and comprises three main buildings, which are 1960's modern purpose-built buildings, up to 5 storeys in height. The buildings are located within the Lansdown Character Area part of the site which is identified in the Townscape Analysis Map as being a 'significant negative building/site'. At paragraph 5.4, the Character Appraisal states that the site is "*a large and visually prominent site*" and that the "*modern buildings, although prominent, have no architectural or townscape merit. The site is constantly active and generates significant amounts of traffic.*"

6.2.3 The external space within the site is largely hard surfaced, with limited pockets of soft landscaping and several mature trees. Vehicular access is provided from Talbot Road to the east, with pedestrian access available from Lansdown Road. Extensive car parking is provided throughout the site.

6.2.4 The site is bound by residential properties on Lansdown Road and Talbot Road to the north and east, with Dean Close School grounds abutting the site to the south and west. There are a number of grade II listed, and locally indexed buildings in the vicinity of the site; indeed, the late 19C building retained by the Constabulary to the northwest is locally indexed for being a "*Well designed villa, characteristic of the later stages of the development of the Lansdown estate.*"

6.2.5 A public combined water sewer crosses the site which is proposed to be diverted.

6.3 Principle of development

6.3.1 Paragraph 49 of the NPPF advises that when determining applications for housing they “*should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”; as it stands, the Council is currently unable to demonstrate such a five year supply.

6.3.2 Where housing policies are not considered to be up-to-date, the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies indicate that development should be restricted.

6.3.3 In this instance, the application site is located within the built up area of Cheltenham in a highly sustainable location, and is allocated for housing development in Policy PR1 of the adopted Cheltenham Borough Local Plan Second Review 2006 which constitutes the 'Development Plan' for the purpose of this application. The site is also allocated for housing in the emerging Cheltenham Plan (Part One).

6.3.4 Local Plan Policy HS1 states that housing development will be permitted on land allocated for residential development.

6.3.5 Therefore the principle of developing the site for housing accords with the Development Plan, and the NPPF, subject to a number of material considerations set out below.

6.3.6 In addition to the above, there is no objection in principle to the wholesale demolition of the existing buildings on site. Indeed, Historic England acknowledge that the existing buildings “*have no architectural or townscape merit*” and recognise “*the opportunity of enhancing what is currently a detractive component of Lansdown Road and the wider conservation area*”.

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 and to complement and respect neighbouring development and the character of the locality.

6.4.2 In addition, the NPPF sets out at paragraph 56 that “*Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”. With particular regard to development in the historic environment, paragraph 131 advises that decisions on planning applications should take account of “*the desirability of new development making a positive contribution to local character and distinctiveness*”.

6.4.3 The proposed site layout has evolved as a result of the extensive pre-application discussions, and has been influenced by a 'Concept Statement' dated August 2008; this concept statement provided informal officer advice but established some important development principles and objectives for the site.

6.4.4 Whilst a comprehensive design approach has been taken across the site, for the purposes of this section of the report, the development proposals have been broken down into two distinct elements; the apartment blocks fronting Lansdown Road, and the housing to the rear.

Apartment blocks

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6.4.5 The principle of three 'Villa' blocks fronting Lansdown Road was established in the 2008 concept statement in order to reflect the existing character along this stretch of the road, and has since formed part of the pre-application discussions.

6.4.6 The three apartment blocks proposed would be consistent in height, providing accommodation over five floors, and are comparable to the height of the existing buildings on site, and the neighbouring Thorncliffe Flats which is also five storeys.

6.4.7 The buildings are contemporary in their appearance, faced in reconstituted Ashlar stone, two types of buff brick, and grey vertical standing seam cladding; with flat roofs. Blocks A and B are identical whilst Block C differs due to the irregular shape of the site. The Architects' Panel on reviewing the original submission recognised that this end block *"could afford to be different"* but suggested that it could *"address Talbot Road in a more positive manner"*. In response to this, large curved, glazed balconies have been introduced which help to address the corner in a more satisfactory manner and provide visual interest. The overall height of the building, and window proportions, has also been amended to address concerns raised by the Architects Panel.

6.4.8 Historic England has raised concern in relation to the apartment blocks, suggesting that the number of villas fronting Lansdown Road should be reduced to two, so as to avoid the development being viewed as a continuous mass; however, our Conservation Officer was closely involved in the pre-application discussions, and considered *"the design of the three 'villas' at the front to be particularly successful in addressing the constraints and character of the site and its immediate context"*. The Urban Design Manager also felt the *"massing and siting of the three frontage apartment blocks seems to work well"*. Additionally, as previously noted, the 2008 concept statement suggests three villa buildings to the Lansdown Road frontage. Officers are confident that the 4m gap between the buildings, together with the 3.8m set back from the principal elevations of the side wings to the buildings, and recessed upper floor will ensure that the apartments read as three separate buildings.

6.4.9 Historic England also advises that the apartment buildings should be set further back into the site in line with Holland (formerly Wilton) House. However, officers strongly disagree with this suggestion as Holland House is an anomaly within an otherwise consistent building line, and it would be incorrect for the new development to relate to this single building and depart from the predominant building line. Members will note this on planning view.

6.4.10 Car parking for the apartment blocks would be located to the front and rear of the buildings. Where frontage parking is proposed, it would be located behind, and largely screened by, new hedging and tree planting. Additionally, it should be noted that the extent of frontage car parking would be much reduced from that previously associated with its former use.

Housing to rear

6.4.11 The housing to the rear is generally considered to be successful and well thought-out. Officers are not entirely convinced by the curved terrace, and how it relates to surrounding development, but recognise the applicant's desire to retain such a terrace within the development. The houses would be three storeys in height and subservient in nature to the frontage development, thereby achieving an important sense of hierarchy within the site, albeit not within the terraces themselves.

6.4.12 The houses are more traditional in form than the apartment blocks but are subtly contemporary in their appearance. A similar palette of facing materials is proposed with coursed reconstituted Ashlar stone to the principal elevations, and buff brick to the side and rear elevations. The roofs are pitched or hipped, with a parapet detail to the front and side elevations.

6.4.13 At pre-application stage, the Conservation Officer raised concern in relation to the quality of the housing to the rear suggesting that the terraces appeared *“bland, repetitive and uninspiring”*. In order to address this concern, after some negotiation, metalwork balconies, including some with canopies, inspired by the historic terraces within the town, and Juliet balconies have been introduced to provide variety within the terraces and to help enliven the street scene.

6.4.14 Each dwelling would benefit from an enclosed rear garden and an integral garage, and two additional frontage car parking spaces per unit. Visitor parking spaces would also be provided within the site.

6.5 Impact on conservation area

6.5.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.5.2 Historic England has asserted that, in relation to the frontage development, *“the overall scale and plan form, the current design, and the intrusion of substantial car parking, will cause harm to Lansdown Conservation Area”*. They have not, however, specified whether they consider the harm to be ‘substantial or ‘less than substantial’.

6.5.3 In assessing whether a proposal causes substantial harm, paragraph 017 of the NPPG states that this *“will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases”*.

6.5.4 The Conservation Officer identified at pre-application stage that the proposed redevelopment scheme, as a whole, would lead to ‘less than substantial’ harm to the conservation area, but specifically at the rear of the site. The demolition of the existing buildings and the proposed frontage development was positively endorsed, and the distinction between the front and rear of the site is important when attributing weight to the level of harm that is being identified.

6.5.5 Paragraph 134 of the NPPF advises that where less than substantial harm is identified, *“this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

6.5.6 Paragraph 020 of the NPPG provides guidance as to what is meant by the term ‘public benefits’. It suggests that public benefits should be *“of a nature or scale to be of benefit to the public at large and should not just be a private benefit”*. However, it also highlights that benefits do not have to be *“accessible to the public in order to be genuine public benefits”*. Heritage benefits may include sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage asset; or securing the optimum viable use of a heritage asset in support of its long term conservation.

6.5.7 In this case, the proposed redevelopment would secure the removal of the existing ‘significant negative’ buildings on site which, in itself, offers significant heritage gains to the Lansdown Road frontage. Therefore whilst it may be felt that some parts of the scheme are more successful than others, when viewed as a whole, the scheme would certainly preserve the conservation area, if not enhance it.

6.5.8 In this respect, a recent appeal decision at Pate Court is quite pertinent, in that the Inspector concluded that the development would not harm the character and appearance of the area but *“would, on the contrary, at least preserve if not enhance the character and appearance of the Central Cheltenham Conservation Area”*, and in doing so, would

comply with national policy set out in Section 12 of the NPPF. This appeal decision was made in light of a strong objection from the Local Planning Authority.

6.6 Impact on neighbouring amenity

6.6.1 Local plan policy CP4 (safe and sustainable living) requires all new development to avoid causing unacceptable harm to the amenity of adjoining land users and the locality. Consideration is given to a number of matters including, but not limited to, loss of sunlight and/or diffuse daylight, loss of outlook, and loss of privacy.

6.6.2 Additionally, one of the core planning principles set out within paragraph 17 of the NPPF is to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

6.6.3 The scheme has been carefully considered to ensure that there would not be any unacceptable impact on existing neighbouring amenity. The development will not result in any significant overlooking or loss of privacy, outlook or daylight to neighbouring dwellings.

6.7 Parking and highway safety

6.7.1 Local plan policy TP1 (development and highway safety) seeks to prevent development that would endanger highway safety.

6.7.2 The development proposals for the site have been fully considered by the GCC Highways Development Management Team and their detailed response, in Section 4 above, covers a wide range of issues including, but not limited to, access arrangements, layout and parking provision, vehicle trip generation, and personal injury collisions. The response concludes that the Highway Authority raises no highway objection subject to a number of conditions.

6.7.3 It should be noted that the suggested condition requiring the implementation of a Residential Travel Plan has not been attached, as officers do not consider it necessary in order to grant planning permission. Paragraph 36 of the NPPF sets out that *“All developments which generate significant amounts of movement should be required to provide a Travel Plan”*. In this regard, planning practice guidance advises that *“Local Planning Authorities must make a judgement as to whether a proposed development would generate significant amounts of movement on a case by case basis...In determining whether a Travel Plan will be needed...local planning authorities should take into account the following considerations:*

- *the Travel Plan policies (if any) of the Local Plan;*
- *the scale of the proposed development and its potential for additional trip generation (smaller applications with limited impacts may not need a Travel Plan);*
- *existing intensity of transport use and the availability of public transport;*
- *proximity to nearby environmental designations or sensitive areas;*
- *impact on other priorities/strategies (such as promoting walking and cycling);*
- *the cumulative impacts of multiple developments within a particular area;*
- *whether there are particular types of impacts around which to focus the Travel Plan (e.g. minimising traffic generated at peak times); and*
- *relevant national policies, including the decision to abolish maximum parking standards for both residential and non-residential development”*.

6.7.4 In this instance, it has been determined that the proposed residential development would generate significantly fewer vehicle movements than the former Police Headquarters; producing 51 fewer trips during the AM peak period (a 60% reduction) and 66 fewer trips during the PM peak period (a 67% reduction) with a net average of 585 fewer weekday trips (a 64% reduction). Moreover, the application site is in a highly

sustainable location, on the main A40, in close proximity to Cheltenham Spa train station, and the town centre. A shared use footway for pedestrians and cyclists is available into the town centre along Lansdown Road.

6.7.5 In addition to the above, only cycle parking for the apartment blocks has been conditioned, as each of the individual houses can reasonably provide cycle storage within their garages or rear gardens.

6.8 Trees and landscaping

6.8.1 Local plan policy GE5 (protection and replacement of trees) seeks to resist the unnecessary felling of trees on private land. In addition, policy GE6 (trees and development) advises that the planting of new trees and measures adequate to ensure the protection of trees during construction works may be required in conjunction with development.

6.8.2 The Trees Officer has reviewed the application and generally supports the proposals which indicate intended tree removals as well as tree planting mitigation. Whilst many of the trees within the site are to be removed, most of them are of relatively low quality, and as such their removal and replacement is considered to be acceptable.

6.8.3 The application is accompanied by detailed, high quality, hard and soft landscaping proposals to include the provision of an area of green open space within the housing to the rear, and the planting of 49no. trees throughout the wider site.

6.8.4 Revisions to the tree planting scheme have been made during the course of the application to reduce the size of the proposed trees. As originally submitted, the Trees Officer considered the tree planting to be too large, suggesting that *“Whilst this would provide instant landscaping, such large trees may struggle to establish. It would be preferable to plant smaller trees...and spend any saved costs on improved aftercare and maintenance”*.

6.8.5 In addition, further information has been provided in relation to the 13no. *Tilia cordata* ‘Streetwise’ trees which the Trees Officer originally considered to be inappropriate *“as they will become too large, shed honeydew onto cars beneath, block views and generally could become a nuisance to adjacent occupiers”*. The applicant’s Landscape Consultant has confirmed that this particular species does not drop honeydew as they are not susceptible to aphids.

6.9 Affordable housing and other planning obligations

6.9.1 Local plan policy HS4 (affordable housing) seeks the provision of 40% affordable housing in all new residential developments of 15 or more dwellings. Note 1 to the policy advises that the proportion of affordable housing *“may vary to take account of the exceptional circumstances relating to a site”*. This application is for 68 dwellings and therefore policy HS4 is triggered. Additionally, for a development of this nature, contributions to education, libraries and play space will also normally be sought. In response to this policy, the applicant has set out that the proposal cannot deliver affordable housing due to viability concerns; this has been fully scrutinised and the conclusions are set out below.

6.9.2 The NPPF at paragraph 173 advises that in order to ensure viability, *“the costs 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 deliverable”*.

6.9.3 Additionally, planning practice guidance sets out that *“where planning obligations or other costs are being introduced...decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible”*.

6.9.4 The viability of the scheme was independently assessed at pre-application stage by the District Valuer Service (DVS), the specialist property arm of the Valuation Office Agency (VOA) which provides independent valuation and professional property advice to bodies across the public sector; the conclusion at that time was that the scheme was not viable based on a policy compliant scheme, i.e. 40% at a mix of 75:25 rented to intermediate housing.

6.9.5 During the course of this application, an updated confidential Financial Viability Assessment was submitted by BNP Paribas Real Estate on behalf of the applicant; the report concluded that *“With the provision of 0% affordable housing the Development currently generates deficit against the Site’s benchmark land value.”* Again the report was independently assessed by the DVS, with the site value for benchmarking purposes based on the existing office accommodation.

6.9.6 As a result of the conclusions drawn at pre-application stage, the Housing Enabling Officer requested that the assessment was based on a 20% discount of the fixed equity market housing on 40% of the units (27 units). The outcome of the assessment was that the scheme was viable (i.e. the residual land value - what the developer could afford to pay for the site - was greater than the benchmark value). However due to the fixed equity values coming back so high this would not have been an affordable product.

6.9.7 Subsequently, the applicant requested that the viability be retested, with the site value being benchmarked based on a residential conversion of the existing building under permitted development rights to provide 92no. residential flats; this is a valid alternative scenario. The outcome of this revised assessment was that the scheme would only be marginally viable; this was because the value of the site for conversion to residential is greater than as offices.

6.9.8 In response, the applicant queried some of the assumptions made by the DVS in their revised assessment. The applicant is firmly of the view that the site is not viable and in challenging some assumptions sought to change the conclusion of the report. Notwithstanding this position, given the context of what the police were seeking to achieve through the sale of the site (see 6.9.8), it was clear that ongoing viability work was not going to find common ground. Therefore whilst matters relating to viability have not been exhausted, the likely outcome would have been that some element of affordable housing could be provided if the scheme was considered in isolation, ignoring the requirements of the police as landowner.

6.9.9 From the outset of the recent pre-application discussions, the need for Gloucestershire Constabulary to achieve £6m from the sale of the Lansdown Road site was made clear. The Constabulary have confirmed that the capital receipts from the sale of Lansdown Road have repaid temporary borrowing taken out to part fund the provision of the new centralised custody suite for Gloucestershire at Waterwells, and centralised investigative and safeguarding teams for Gloucestershire at Prism House, adjacent to the custody suite and the Force HQ. The Constabulary have confirmed that the re-provision has enabled them to deliver significant operational benefits that are in the public interest (see appendix 1).

6.9.10 It was clear from the viability work carried out that at no point would a residual land value (RLV) of £6m be reached; the viability exercise was therefore not abortive as it helped prove this point.

6.9.11 Officers are satisfied that the needs of the Constabulary to reinvest the capital receipts in the provision of their core County-wide functions on one site trigger the 'exceptional circumstances' clause of policy HS4, as referred to in Note 1. The provision of high-quality police services is very much in the public interest and it is the sale of this land that has enabled to the Constabulary to invest so substantially in these services. In this respect, the development has similar attributes to an enabling development; the capital receipt is facilitating something else that brings with it distinct public benefits. It is therefore considered that the proposed development is compliant with policy HS4 in that exceptional circumstances do exist to consider a lesser (or no) provision.

6.9.12 Notwithstanding the above viability considerations, a report has more recently been submitted on behalf of the applicant that sets out the case for 'vacant building credit'. The following paragraph of the NPPG, paragraph 021, explains what the vacant building credit (VBC) is:

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

6.9.13 Paragraphs 022 and 023 below go on to explain the process for determining the vacant building credit, and when the vacant building credit applies.

Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.

(Paragraph 022)

The vacant building credit applies where the building has not been abandoned.

The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.

In doing so, it may be appropriate for authorities to consider:

- *Whether the building has been made vacant for the sole purposes of re-development.*
- *Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.*

6.9.14 In this case, the site has become vacant through the re-provision of the Constabulary's core County-wide functions on one central site and accordingly does not fall within the 'abandoned' category; VBC is therefore applicable.

6.9.15 The resultant floorspace of the proposed development is 8,238 sqm, 101 sqm less than the 8,339 sqm of existing floorspace, and therefore when applying VBC to this application, no affordable housing provision can reasonably be sought.

6.9.16 The applicant has agreed to all other applicable contributions including education, libraries and play space.

6.9.17 To summarise, officers have spent a considerable amount of time working with the developer and the DVS to understand the viability implications of these proposals. This work has established that, in isolation, the development would likely have delivered some affordable housing provision although this would have been somewhat removed from the full 40%. Given the length of time dedicated to these discussions, officers took the decision to stop this work because of the important context around the site. The Police have understandably made their position very clear; at risk they have invested a significant amount of money into new and improved County-wide policing and the capital receipt for the sale of this site will be used to repay this expenditure. Officers are satisfied that this context can be considered as exceptional circumstances to justify no affordable housing being delivered on the site because of the public interest of delivering quality policing. Furthermore, and trumping the viability discussions, when the vacant building credit is applied to the site (as an incentive to developing brownfield land) it is apparent that provision of no affordable housing is the right conclusion and that a compelling case has been presented by the applicant.

6.10 Other considerations

6.10.1 Local plan policy UI2 (development and flooding) advises that development will only be permitted where it would, in the case of redevelopment, reduce the quantity or rate of surface water run-off. Additionally, local plan policy UI3 (sustainable drainage systems) requires the incorporation of Sustainable Drainage Systems in new developments; *"Where this is not practicable developers will be required to demonstrate fully why the development cannot incorporate sustainable drainage systems and how the development manages surface water drainage"*.

6.10.2 The application site is located within Flood Zone 1 and at low risk from fluvial flooding; however, the site is identified as being at a higher risk from surface water flooding in the Flood Risk Assessment (FRA) which accompanies the application.

6.10.3 The application has also been accompanied by a surface water drainage strategy which, together with the FRA, has been fully reviewed by the Lead Local Flood Authority (LLFA) who state that *"The applicant has properly considered the SuDS hierarchy and it is acknowledged that infiltration will not be viable as a drainage strategy...Earlier infiltration testing in 2008 on the site evidenced the lack of infiltration to the required standard for surface water drainage"*. It is therefore proposed *"to utilise a network of surface water sewers attenuated through 2 geocellular tanks and discharged through a flow control to the Severn Trent surface water sewer in Lansdown Road"*.

6.10.4 Following receipt of additional information in relation to the proposed surface water drainage strategy, namely, a drawing depicting exceedance flow rates, and a letter from Severn Trent including conditional comments approving connection of the surface water runoff to the Water Company sewer in Lansdown Road, the LLFA has withdrawn its initial objection to the application subject to the inclusion of conditions should planning permission be granted.

7. CONCLUSION AND RECOMMENDATION

- 7.1 This application has been submitted following extensive pre-application discussions and negotiation with the developer to lift the overall quality of scheme and secure a development worthy of its prominent, sensitive location within the Conservation Area.
- 7.2 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.3 The application site is allocated for housing in the local plan and therefore the principle of developing the site for housing is in accordance with the Development Plan and the NPPF.
- 7.4 In addition, there is no objection in principle to the wholesale demolition of the existing buildings on site which have no architectural or townscape merit, subject to a suitable scheme for redevelopment.
- 7.5 The proposed site layout has been influenced by a 'Concept Statement' dated August 2008; this concept statement provided informal officer advice but established some important development principles and objectives for the site. A comprehensive, high quality, contemporary design approach has been taken across the site and the layout is generally considered to be successful and well thought-out.
- 7.6 Whilst it has been identified that, on balance, the proposed development would lead to less than substantial harm to the conservation area, having carefully evaluated the policy context and guidance set out with the NPPF, officers are satisfied that this harm would be outweighed by the public benefits of the proposal. The proposed redevelopment would secure the removal of the existing 'significant negative' buildings on site which, in itself, offers significant heritage gains to the Lansdown Road frontage. Therefore whilst it may be felt that some parts of the scheme are more successful than others, when viewed as a whole, the scheme would certainly preserve the conservation area, if not enhance it.
- 7.7 The scheme has been carefully considered to ensure that there would not be any unacceptable impact on existing neighbouring amenity. The development will not result in any significant overlooking or loss of privacy, outlook or daylight to neighbouring dwellings.
- 7.8 Officers acknowledge the significant concerns raised by local residents in relation to highway safety but the Highways Authority, having fully considered the proposals, raises no highway objection. The proposed residential development would generate significantly fewer vehicle movements than the former Police Headquarters.
- 7.9 The application is accompanied by high quality, hard and soft landscaping proposals to include the provision of an area of green open space within the housing to the rear, and the planting of 49no. trees throughout the wider site. The Trees Officer has reviewed the application and generally supports the proposals.
- 7.10 A considerable amount of time has been spent working with the developer and the DVS to understand the viability implications of these proposals. This work established that, in isolation, the development would likely have delivered some affordable housing provision although this would have been somewhat removed from the 40% policy requirement. Officers took the decision to stop this work because of the important context around the site. The Police have made their position very clear; at risk they have invested a significant amount of money into new and improved County-wide policing and the capital receipt for the sale of this site will be used to repay this expenditure. Officers are satisfied that this context can be considered as exceptional circumstances to justify no affordable housing being delivered on the site because of the public interest of delivering quality

policing. Furthermore, and trumping the viability discussions, when the vacant building credit is applied to the site (as an incentive to developing brownfield land) it is apparent that provision of no affordable housing is the right conclusion and that a compelling case has been presented by the applicant.

- 7.11 Overall, officers recognise the significant potential enhancement to the locality given what already exists on the site, and the neighbouring care home; the housing needs within the borough; and the requirements of the Police and Crime Commissioner. The recommendation therefore is to grant planning permission subject to the following conditions:

8. CONDITIONS

- 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 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, having regard to policies GE5 and GE6 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 Prior to the commencement of development, including any works of demolition, a scheme for the control of noise, dust and dirt from works of construction and demolition at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include controls on these nuisances from vehicles operating at, and accessing, the site. The approved scheme shall thereafter be adhered to throughout the demolition and construction period.

Reason: To reduce any potential impact on local residents, having regard to policy CP4 of the Cheltenham Borough Local Plan (adopted 2006). This information is required up front because the amenity of adjoining land users could otherwise be compromised at the beginning of construction.

- 5 Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall thereafter be adhered to throughout the construction period. The statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;

- v. provide for wheel washing facilities; and
- vi. specify the intended hours of construction operations.

Reason: To reduce any potential impact on the public highway during construction, and to accommodate the efficient delivery of goods and supplies in accordance with paragraph 35 of the National Planning Policy Framework. This information is required up front because highway safety could otherwise be compromised at the beginning of construction.

- 6 Prior to the commencement of development, a detailed design and timetable of implementation for the surface water drainage strategy presented in the applicant's Flood Risk Assessment document shall be submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical viability of the drainage system to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details prior to first occupation of the development.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

- 7 Prior to the commencement of development, an exceedance flow routing plan for flows above the 1 in 100 years event with allowance for climate change shall be submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details prior to first occupation of the development.

Reason: To ensure the health and safety of owners/occupiers of the site and to minimise the risk of damage to property. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for the health and safety of owners/occupiers and visitors to the site.

- 8 Prior to their installation, a scheme for the provision of fire hydrants (served by mains water supply) shall be submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the fire hydrant serving that property has been provided in accordance with the agreed scheme.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

- 9 No external facing or roofing materials shall be applied unless in accordance with physical samples of the materials, which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 10 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:

- a. All windows and external doors (including heads, cills and reveals);

- b. Roof lights;
- c. All balconies (including balustrades and canopies);
- d. Flat roof to apartment blocks;
- e. Parapet detail to houses; and
- f. Rainwater goods.

Reason: In the interests of the character and appearance of the area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 11 The vehicular accesses hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 43m distance in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained, and 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 paragraphs 32 and 35 of the National Planning Policy Framework.

- 12 Prior to first occupation of the development hereby permitted, the vehicular accesses shall be laid out and constructed in accordance with approved drawing no. 22095_00-010_01 K, with the area of the access roads within at least 10.0m of the carriageway edge of the public road surfaced in bound material. The vehicular accesses shall be maintained as such thereafter until and unless adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact by ensuring 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 paragraphs 32 and 35 of the National Planning Policy Framework.

- 13 Prior to first occupation of the development hereby permitted, pedestrian improvements shall be made along Talbot Road to improve walking journeys in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the priority is given to pedestrian and cycle movements and that a safe and secure layout that minimises conflict can be created in accordance with paragraph 35 of the National Planning Policy Framework.

- 14 Prior to first occupation of the development hereby permitted, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit in accordance with the National Planning Policy Framework.

- 15 Prior to first occupation of the dwellings hereby permitted, the carriageways (including surface water drainage/disposal, vehicular turning heads and street lighting) providing access from the nearest public highway to that dwelling shall be completed to at least binder course level and the footways to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraphs 32 and 35 of the National Planning Policy Framework.

- 16 Prior to first occupation of the development hereby permitted, vehicular parking and turning facilities shall be provided in full accordance with approved drawing no. 22095_00_010_01 K, and the 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 paragraphs 32 and 35 of the National Planning Policy Framework.

- 17 Prior to first occupation of the development hereby permitted, secure and covered cycle storage facilities for the apartment blocks for a minimum of 43no. cycles shall be made available in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall thereafter be retained in accordance with the approved details.

Reason: To ensure the adequate provision and availability of cycle parking so as to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with Paragraph 32 of the National Planning Policy Framework.

- 18 Prior to first occupation of the development hereby permitted, the existing vehicular access onto Lansdown Road shall be fully closed up with the adjacent footway reinstated to full height and with full height kerbing at the carriageway edge.

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 paragraphs 32 and 35 of the National Planning Policy Framework.

- 19 Prior to first occupation of the development hereby permitted, signage displaying entrance and exit only routes, directing vehicles to access the site via access 2 (in) and to egress the site via access 1 (out) shall be erected in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The signs shall be retained for those purposes thereafter.

Reason: To reduce potential highway impact by ensuring that a safe and secure access for all people is laid out that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraphs 32 and 35 of the National Planning Policy Framework.

- 20 Prior to first occupation of the development hereby permitted, the 'KEEP CLEAR' markings located on Talbot Road in front of access 1 (out) shall be refurbished or replaced.

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 paragraphs 32 and 35 of the National Planning Policy Framework.

- 21 Prior to first occupation of the development hereby permitted, a SuDS management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, shall be submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding, having regard to policy UI3 of the Cheltenham Borough Local Plan (adopted 2006).

- 22 All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure that the planting becomes established, having regard to policies CP1 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

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/developer is advised that should asbestos containing materials be present on site, the demolition of the buildings will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos, and the waste disposed of in a legally compliant manner.
- 3 The applicant/developer is advised that demolition and construction works should be kept within the following hours: 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays with no noisy work on a Sunday or Bank Holiday, and to be mindful of noise when deliveries arrive at the site.
- 4 The applicant/developer is advised that in order to discharge Condition 13 the Local Planning Authority will require a copy of a completed dedication agreement between the applicant and the local highway authority, or the constitution and details of a Private

Page 50

Management and Maintenance Company confirming funding, management and maintenance regimes.

- 5 The applicant/developer should instruct the following GCC contractor to relocate the existing street lighting column including LED lantern, who can also carry out the electrical transfer on WPD's behalf.

Wayne Adams
W&N Adams
wandnadamsltd@aol.co.uk

The applicant/developer should let the Street Lighting Team at GCC know once installation is complete, so that it can be inspected.

- 6 The applicant/developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
- 7 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 Gloucestershire County Council before commencing works.
- 8 The applicant/developer is advised to contact Amey Gloucestershire on 08000 514 514 to discuss whether the development will require traffic management measures on the public highway.
- 9 The applicant/developer is advised that a sound insulation scheme should be generated and adhered to for the construction of the apartment blocks A, B and C to protect all habitable rooms from noise generated by traffic to be expected from the 24 hour use of the police station. The sound insulation should achieve at least the levels set out in table 4 for living rooms and bedrooms in British Standard 8233: 2014 'Guidance on sound insulation and noise reduction for buildings'.



Gloucestershire Constabulary
 County Police Headquarters,
 No. 1 Waterwells, Waterwells Drive,
 Quedgeley, Gloucester, GL2 2AN
 Tel: 101 www.gloucestershire.police.uk.



Dan Forrester
 Area Land Director
 CALA Homes Midlands Limited
 Cala House
 Arleston Way
 Solihull
 West Midlands
 B90 4LH

25th July 2017

Dear Dan

Former Lansdown Road Police HQ site, Cheltenham

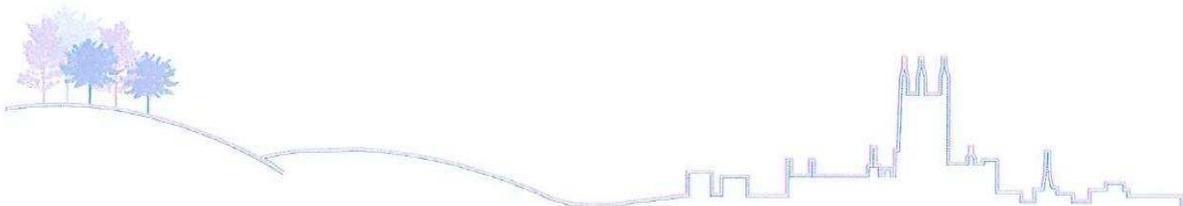
I understand that to assist with CALA Homes' planning application for residential redevelopment of the above site you require an update to our Operational Statement dated March 2015 as provided to Cheltenham Borough Council with the Police and Crime Commissioner's pre-application consultation submission.

I can confirm that there was a custody suite at Lansdown Road and that some of our criminal investigation teams were based at this site. Our re-provision has allowed us to centralise our custody suite for Gloucestershire at Waterwells (at a cost of £13m) and to centralise our investigative and safeguarding teams for Gloucestershire at Prism House, adjacent to the custody suite and the force HQ (at a cost of £3m). We have invested £16m so that our core County-wide functions are on one central site, in buildings which are fit for purpose and in an optimum location. The Police and Crime Commissioner has invested substantial funding into this project, which has enabled us to deliver significant operational benefits that are in the public interest.

I can confirm that £6m of the costs for the above developments is being funded from the sale of Lansdown Road to CALA Homes and temporary borrowing was taken out to fund the expenditure on these buildings. This can be seen in our statutory accounts for 2015/16. This loan has now been repaid using the capital receipts from the sale of Lansdown Road. The balance of the funding for these buildings was from reserves.

If we had not received the funds from the sale of the Lansdown Road site the PCC would have had to take out borrowing to fund the above developments. This would have added costs to the revenue budget at a time when significant savings are required to balance the budget. The Constabulary has identified £35m savings over the last seven years (on a budget of £100m per year) and currently is projecting a savings requirement for £6m for the three years to 2020/21.

I must stress that the funding from the sale of the Lansdown Road site has enabled us to complete this work and achieve the operational benefits from a centralised custody and centralised investigative and safeguarding teams.



The capital receipt from the sale of the Lansdown Road site has therefore been used to advance the PCC's programme of improving the Constabulary's physical assets elsewhere in Cheltenham and Gloucestershire to assist with delivering policing in a more efficient and cost effective manner in the public interest.

Please let me know if you require any further information.

Regards



Peter Skelton
Chief Finance Officer

APPLICATION NO: 17/00337/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 17th February 2017		DATE OF EXPIRY : 19th May 2017	
WARD: Park		PARISH:	
APPLICANT:	CALA Homes (Midlands) Ltd & The Police & Crime Commissioner		
LOCATION:	Central Cheltenham Police Station Talbot House Lansdown Road		
PROPOSAL:	Demolition of all existing buildings on site and erection of 68no. new homes, access, landscaping and other associated works at the former Police Headquarters, Lansdown Road		

REPRESENTATIONS

Number of contributors	11
Number of objections	9
Number of representations	2
Number of supporting	0

Holmbury
 Thorncliffe Drive
 Cheltenham
 GL51 6PY

Comments: 28th February 2017
 Letter attached.

Flat 4
 Lansdown Lawn
 62 Lansdown Road
 Cheltenham
 Gloucestershire
 GL51 6QB

Comments: 20th February 2017
 Bearing in mind this is a conservation area and the majority of buildings in the road date from the 1800s surely some effort could be made to at least put a similar facade on the blocks of flats which will face the road.

This has been done successfully by the Queens Hotel and on the corner of London Road and Priory Street. Why can't it be done here?

There is no point in the council talking about Regency Cheltenham when they let builders put up things which look like concrete blocks

5 Thorncliffe Flats
 Lansdown Road
 Cheltenham
 Gloucestershire
 GL51 6PZ

Comments: 1st March 2017

Page 54

I submit the following comments on the above planning application:

I believe the impact of the undoubted increase in traffic has been underestimated.

- 1) I have a concern regarding the private access roads for Thorncliffe Flats. These could be used by motorists wishing to avoid the traffic lights at the junction of Talbot Road and Lansdown Road by 'cutting through' between Talbot Road and Thorncliffe Drive. This would result in a danger for Thorncliffe Flats residents who cross these access roads to use their garages and other open car parking.
- 2) The signage at the junction of Talbot Road and Lansdown Road is not sufficiently clear. Motorists frequently attempt to turn right across oncoming traffic. This danger will increase and I would suggest the 'No Right Turn' sign is made more prominent.
- 3) I would further suggest a right filter arrow on the lights on Christchurch Road to ensure traffic emerging from Talbot Road can safely turn left or go straight on without any danger.

Springfield
Talbot Road
Cheltenham
Gloucestershire
GL51 6QA

Comments: 10th March 2017

We have received Tracey Crews' letter about the above development and would like to make the following comments:

1. We consider that the proposed development looks acceptable and that architecturally it should fit in quite well with the buildings in this area. We are pleased to see the landscaping, with new trees.
2. We have very real concerns about the effect which such a large development of 68 new homes will have on traffic in this area, and in particular on Talbot Road. We do not believe that the volume of traffic "will be no greater than it has been from the Police HQ". Sixty eight homes are likely to generate far more than 68 vehicles, including private vehicles (of which many dwellings may have more than one) and delivery vehicles. This is a narrow road, and we anticipate severe congestion at times. We are also concerned about access for emergency vehicles. We would like to make a request now that the yellow lines should be kept in this road. Strong consideration should be given to widening Talbot Road on the side near the proposed development since it is already difficult for larger vehicles to pass on this narrow road. We anticipate chaos if these current access plans are allowed to go ahead.
3. We wonder why all the access to this development has been put in Talbot Road. There is currently an entrance/exit on Lansdown Road which we feel should be kept. The argument that it would lead onto a busy road does not make sense since there are already many other properties along Lansdown Road with similar access.
4. The junction of Talbot Road and Lansdown Road is currently lethal and we have been asking for years to have something done to make it safer. We take our lives in our hands every time we drive out of Talbot Road because
 - a) vehicles very frequently go across on the red light
 - b) vehicles turning from Christchurch Road towards Gloucester do not give way to those crossing from Talbot Road
 - c) pedestrians do not always understand the correct colour code of the traffic lights and
 - d) cyclists often risk life and limb by crossing in front of cars exiting from Talbot Road.

Page 55

There have been several accidents here, and it is only a matter of time before there is a really serious one.

We ask you to give these comments and those of other residents in Talbot Road your very serious consideration.

38 Lefroy Court
Talbot Road
Cheltenham
Gloucestershire
GL51 6QA

Comments: 6th March 2017

Letter attached.

37 Lefroy Court
Talbot Road
Cheltenham
Gloucestershire
GL51 6QA

Comments: 24th February 2017

Traffic - potentially additional 100 car and cycle movements using Talbot Road - a cul-de-sac - morning and evening.

Queuing traffic on Talbot Road leading to impatience and dangerous light jumping

Junction lights - No Right Turn is already frequently ignored and could be worse if more traffic. Inadequate time for people to cross and need to cross Christchurch Road to reach bus stop - across traffic correctly crossing from Talbot Road.

Parking - Parking on the development unlikely to be adequate for number of cars thus leading to potential for illegal and dangerous parking on surrounding roads.

Privacy - potential for any windows on east aspect of development infringing privacy of dwellings in Talbot Road particularly those at west end of Lefroy Court.

21 Lefroy Court
Talbot Road
Cheltenham
Gloucestershire
GL51 6QA

Comments: 17th March 2017

Letter attached.

19 Lefroy Court
Talbot Road
Cheltenham
Gloucestershire
GL51 6QA

Comments: 3rd March 2017

Letter attached.

28 Lefroy Court
Talbot Road
Cheltenham
Gloucestershire
GL51 6QA

Comments: 27th February 2017

Letter attached.

9 Lefroy Court
Talbot Road
Cheltenham
Gloucestershire
GL51 6QA

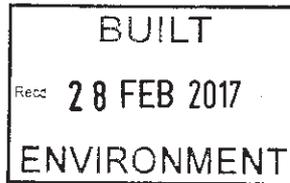
Comments: 3rd March 2017

Letter attached.

46 Lefroy Court
Talbot Road
Cheltenham
Gloucestershire
GL51 6QA

Comments: 8th March 2017

Letter attached.



Holmbury
Thornccliffe Drive
Cheltenham
GL51 6PY

February 21st 2017

Cheltenham Borough Council

Planning: Environmental & Regulatory Services

P.O. BOX 12

Municipal Offices

Promenade

Cheltenham

GL50 1PP

Dear Miss Michelle Payne, Planning Officer

Your Ref: 17/00337/FUL

Proposal: Demolition of all existing buildings on site and erection of 68no. new homes, access, landscaping and other associated works at the former Police Headquarters, Lansdown Road at Central Cheltenham Police Station Talbot House Lansdown Road.

I submit the following comments on the above planning application:

1. 68 homes are planned for the site. Cala Homes have said there would be less traffic on the Lansdown Road than when the police used the site. I cannot agree. There will be an increase of traffic on Lansdown Road and Talbot Drive. These are homes with many working people. There will be 'surges' of traffic leaving the site in the morning and returning in the evening, as well as a flow of traffic during the day. Since the only access on to the Police Station site will be on Talbot Road, this small, narrow road will have a huge increase in traffic.
2. The traffic lights at the junction of Talbot Road, Christ church road and Lansdown are already dangerous. The two 'no right turn' signs are not outstanding and some cars ignore them, causing danger to pedestrians.
3. Recently, [REDACTED] of 2 Thornccliffe Drive submitted an application on behalf of Thornccliffe Drive residents for a yellow lines 'Keep Clear' box to be located on Lansdown at the entrance to Thornccliffe Drive. It is difficult leaving Thornccliffe drive whether turning left or right. This box was rejected, in spite of what is for us a dangerous situation. When the new homes are built, there will be even more difficulty / danger for us and I would suggest that permission should be given for this 'Keep Clear' box.

4. The nearest 'shop' to the new homes site is the Tesco store opposite the railway station. At present, delivery lorries park on Queen's Road just where the road/bridge bend. It is narrow. Pedestrians are crossing the road from the shop/buses and it is a dangerous situation for all concerned. It will be even more dangerous when the new homes are built on the old Police Station site, and on Taylor's Yard.

Yours sincerely

A large black rectangular redaction box covering the signature and name of the sender.

Copies To : Miss Michelle Payne, Planning Officer Cheltenham Borough Council; Max Wilkinson Councillor; Tim Harman Councillor, Councillor Max Wilkinson.

38 LEFROY COURT
TALBOT ROAD
CHELTENHAM GLOS GL51 6QA



*Ms Tracey Crews
Director of Planning
Cheltenham Borough Council
P O Box 12
Municipal Offices
Promenade Cheltenham
Glos GL50 1PP*

2nd March 2017

Dear Ms Crews

Your reference: 17/00337/FUL

Thank you for your letter dated 17th February concerning the proposed development at the old Police Headquarters site in Lansdown Road.

Our main concerns are (1) the junction of Talbot Road with Lansdown Road and (2) the single access road for the town houses at the rear of the site.

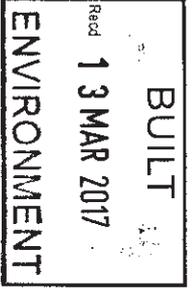
The Talbot/Lansdown road junction has long been in need of attention and with the additional traffic, the controls need to be improved greatly for safety reasons.

We live on the front corner of the first floor of Lefroy Court overlooking the rear of the Police HQ site. The electrically controlled gates of Lefroy Court are at right angles, and extremely close, to the present access and even with the improved visibility promised, there will be tailbacks – hopefully no accidents. We know very well the volume of traffic there has been in the past and cannot agree that this will decrease with the proposed number of town houses. The rear “carpark” of the Police HQ site was mainly used for vans, the Police cars used the access on to Talbot Road at the junction with Lansdown Road.

Yours faithfully

[Redacted signature block]

21. Letroy Court.



Re, development of
old Police Station.

by Carla Thomas.

When I came to live in
Letroy Court 7 years ago

I had my car but now I
have given up driving
and become a pedestrian.

I use the green man button
crossing at the junction in

Lansdown Rd very often.

I feel that great attention
needs to be given to the
traffic lights at the

Talbot Rd, Lansdown Rd,

Christchurch Road
junction.

②.

When extra traffic is generated into Talbot Road at certain times of the day there may be a 'backing up' problem at the lights and beyond.

please give this observation very careful consideration

I apologize for my handwriting

21 Lefrog Court.

02/03/17.

Ref: 17/00337/FUL.

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17 The Fry Court
Yalbor Road
Cheltenham
GL51 6QA.

Tel: [REDACTED]

Miss. M. Payne,
Planning Officer
Cheltenham Borough
Council
P.O. Box 12.
Municipal Offices
Cheltenham. GL50.1PP.



Dear Miss Payne

Re: Demolition of former Police Headquarters, Yalbor Rd.

Thank you for your letter re the above, and I list below the concerns I have about the development.

- 1) Traffic problems as all three entrances & exits are off Yalbor Rd.
- 2) Also problems at the junction into Lansdown Road (traffic & traffic lights.)
- 3) Large number of properties on the site, which I think should be reduced.

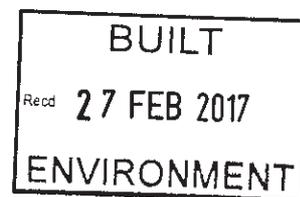
A copy of this letter is being sent to Councillor Jim Harman.

Yours sincerely

[REDACTED]

24th February 2017

The Planning Officer,
Cheltenham Borough Council
P.O. Box 12,
Municipal Offices,
Promenade,
Cheltenham. GL50 1PP



Dear Michelle Payne,

PLANNING APPLICATION REF. NO. 17/00337/FUL

Whilst basically being in favour of the CALA Homes proposed development of the former Police H.Q. site in Lansdown Road, I have some concern about two issues.

1. TRAFFIC. A meeting was recently held at Lefroy Court when CALA Homes representatives came to discuss their plans with all residents here. I am concerned that their estimation of daily movements of vehicles accessing this high density residential development is somewhat lower than a more likely outcome. It would be in their interest to give a low estimation in order to avoid any responsibility or cost towards the necessity for any alteration to the road layout due to an increase in the number of vehicles turning right off Lansdown Road into Talbot Road.

2. CYCLISTS using the footpath along the south side of Lansdown Road. There is no dedicated cycle track on this side of the road, but cyclists frequently ride on the pedestrian walkway. CALA Homes plan to make 3 openings in their fence fronting on to Lansdown Road, for use by pedestrians and cyclists. This will only encourage more cyclists to put pedestrians in danger. I find it alarming when a cyclist suddenly overtakes me without warning, as has happened several times.

I hope these points are considered valid and will be taken into account when the Planning Committee are looking at the CALA Homes plan.

Yours truly,

c.c. Cllr. Tim Hannan

24/2/17

9 LEFROY COURT
TALBOT ROAD
CHELTENHAM
GLOS.
GL51 6QA

BUILT
Read - 1 MAR 2017
ENVIRONMENT

Dear Sir,

Planning Application Ref. 17/00337/FUL
Former Police HQ, Lansdown Rd.

Dear Sir,

My comments are as follows:

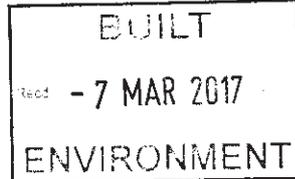
1. a) Talbot Road will be the only access to the whole site. During demolition this will involve many heavy vehicles, some carrying rubble, turning into and out of the building site, causing considerable wear and degradation on this road. The developers need to be responsible for the good repair and cleanliness of this road during building operations and at its completion, taking into consideration that this road is also the only access to Lefroy Court, much used not only by vehicles but also by many pedestrians using nearby bus-stops.
(* or at least make a considerable contribution towards)
- b) Perhaps there is a case/opportunity for widening Talbot Road, considering the volume of traffic that will be using it both during building and after completion.

2. It is important that dust from demolition is not allowed to drift onto Lefroy Court since our building will just have been redecorated.

Yours faithfully

cc Councillor Tim Harman

46 Lefroy Court
Talbot Road
Cheltenham
3 March 2017



Chief Planning Officer
Municipal Offices
Cheltenham

Re CALA HOMES DEVELOPMENT LANSDOWN POLICE STATION

Dear Sir.

I wish to express my concern at the proposed development of the former Police Headquarters Lansdown Road Cheltenham.

The increased traffic at the junction of Lansdown Road and Talbot Road Will In my opinion cause this to be a serious hazard to both vehicles and pedestrians.

Talbot Road being a small no through road ,and all vehicles on the site of The new development must all enter and exit via this junction.

At present all traffic travelling towards the town and wishing to turn right at the Traffic lights into Talbot road from Lansdown Road have to negotiate two lanes Of oncoming traffic.

On the outward journey the offside lane turns right into Christchurch Road Whist the inside lane continues its outward journey.

The traffic turning into Christchurch road blocks the view of traffic turning into Talbot Road, whilst the inside lane continues to leave at some speed.

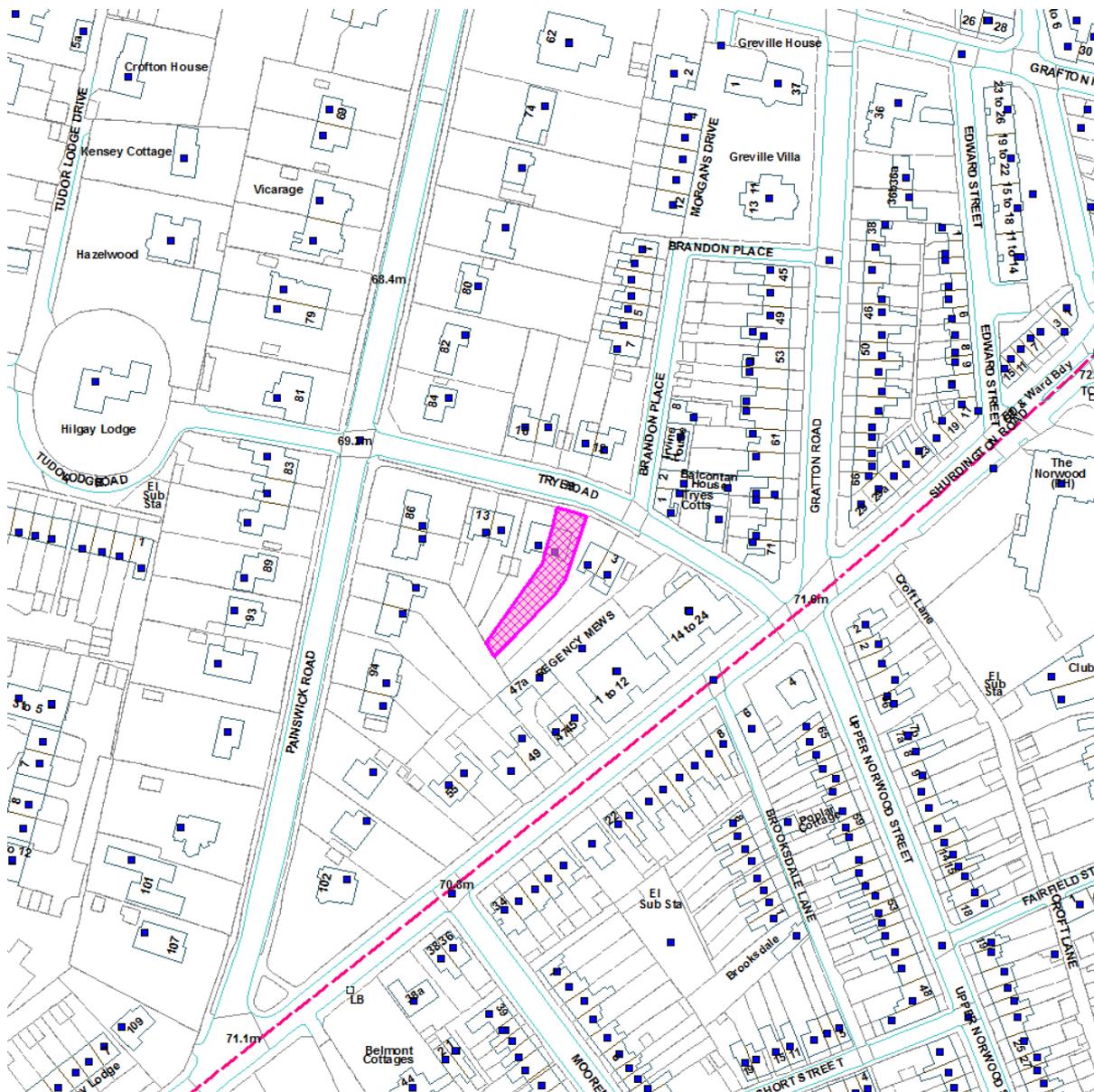
This has the potential to make a very dangerous junction with the increased Traffic entering and leaving the site, as all traffic must use the Talbot Road . Would you please consider making some Urgent Alterations to this junction For the safety of Pedestrians and traffic.

Thank You

 (Resident of Lefroy Court)

APPLICATION NO: 17/00934/FUL		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 13th May 2017		DATE OF EXPIRY: 8th July 2017	
WARD: Park		PARISH:	
APPLICANT:	Mr Francis Russell		
AGENT:	Agent		
LOCATION:	Taychreggan, 7 Tryes Road, Cheltenham		
PROPOSAL:	Side extension and two-storey rear, stepped extension with internal alterations. Removal of existing garage		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 7 Tryes Road. The site is a 1930s style, two storey semi-detached dwelling located on a residential road in the central conservation area.
- 1.2 The application is for the erection of a single storey side extension and a part two storey rear extension. The existing detached garage and the rear lean to structure will be demolished. The proposals are unashamedly contemporary in appearance.
- 1.3 The application is before the planning committee at the request of Cllr Tim Harman and Cllr Max Wilkinson on behalf of the adjoining neighbour. Members will visit the site on planning view.
- 1.4 Revised plans were submitted during the course of the application at the request of officers and additional neighbour consultation was undertaken.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
Central conservation area: The Park Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

None

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

- 5.1** The application was publicised by way of letters to 7 neighbouring properties, a site notice and an advert placed in the Gloucestershire Echo. The revised plans were publicised by way of 7 letters to neighbouring properties and a site notice. Three responses were received which objected to the proposal.
- 5.2** All representations have been circulated in full to Members but, in brief, the main objections relate to:
- Unacceptable level of overbearing and impact on privacy to number 9 Tryes Road.
 - The proposal is not in character and out of context with the surrounding area.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The main issues in considering this application are the design of the proposal and the impact it will have upon the character of the original dwelling, the impact upon the character of the area and the impact on neighbouring amenity.

6.3 The site and its context

- 6.4** The site is located on the southern side of Tryes Road and is within the Park character area of the central conservation area

6.5 Design and layout

- 6.6** Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development. Paragraph 4.18 of the Local Plan advises that *'Extensions to existing buildings need to be carefully designed to respect the character and the scale of the existing building or group of buildings....The most important consideration is that an extension should not detract from the original.'*

- 6.7** Expanding upon this, the Authority has adopted design guidance relating to residential alterations and extensions through a Supplementary Planning Document (SPD). One of the five basic design principles set out within this document relates to subservience. Here the document advises that *"an extension should not dominate or detract from the original building, but play a supporting role"*.

- 6.8** There were concerns with regards to the original proposal and the relationship between the proposed two storey rear extension and the existing dwelling. The original proposal masked almost the entire rear elevation of the existing dwelling and was not considered to play a subservient role. Following discussions, the revised scheme has seen the first floor element reduced in width and moved from a central position to now be in line with the side elevation of the existing property. In effect this would create the form of a more traditional two storey rear wing.

- 6.9** The proposed extension to the rear would measure the full width of the existing property at ground floor level and at first floor would have a width of approximately 3.9m. The overall depth of the first floor level would be approximately 3.6m whilst at ground floor this would be approximately 4.8m.

- 6.10** Whilst the extension proposes a contrasting architectural approach, the proposed two storey rear extension is not considered to dominate the existing building and will play a supporting role given the reduction in width. The revised proposal still enables the original building to be appreciated and at the same time, provides something that stands alone as an interesting piece of architecture.

- 6.11** The National Planning Policy Framework (NPPF) contains a section 'Requiring Good Design'. Here the NPPF states that *"planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative..."*. Furthermore, *"great weight should be given to outstanding or innovative designs"*.
- 6.12** The proposed two storey rear extension is of a contemporary design with a standing seam zinc finish to the first floor element of the proposal and render to the ground floor. The rear windows are set back within the extension by approximately 80cm at both ground and first floor levels which enable the windows to be framed by the structure. It is apparent that time and thought has been given to the proposal and in officer opinion this should be commended. With the NPPF advice in mind, the contemporary design of the proposal is considered to be acceptable.
- 6.13** The application also proposes a single storey side extension which would extend beyond the side elevation of the existing property by 1.5m and measure 3.2m in depth, not extending beyond the rear elevation of the existing dwelling. The proposed single storey side extension will have a render finish and pitched roof.
- 6.14** The application site is located within the central conservation area and therefore special attention should be made to preserving or enhancing the character or appearance of the area. The bulk of the proposal is restricted to the rear of the property and is therefore not immediately visible within the public realm. When viewed from the road side there will only be glimpses of the zinc clad extension but not to a significant degree. Although the material is different to the existing and surrounding properties, the form of the extension is broadly traditional and is therefore considered to be compatible with the context of the surrounding area.
- 6.15** The proposal is therefore considered to be in accordance with Local Plan Policy CP7 and in line with the NPPF.
- 6.16 Impact on neighbouring property**
- 6.17** Local Plan Policy CP4 (a) refers to development not causing *"unacceptable harm to the amenity of adjoining land users...."*. The potential loss of sunlight and / or daylight, loss of outlook and loss of privacy is taken into account when assessing the impact on the amenity.
- 6.18** The Supplementary Planning Document also includes maintaining privacy and ensuring adequate daylight as two of the five basic design principles when contemplating residential alterations and extensions.
- 6.19** Three letters of objection have been received from neighbouring properties and the main concerns raised are noted in 5.2 above. The comments relating to the design impact on the conservation area have been discussed in detail under the *'Design and Layout'* section above.
- 6.20** Concerns have been raised from number 9 Tryes Road with regards to the potential impact on their property. Members will have the chance to visit this property on planning view. The amenity concerns relate to loss of light / overshadowing and overlooking / loss of privacy.
- 6.21** With regards to the impact on the light levels, it is noted that a single storey extension currently exists to the rear of number 9 and extends the full width of the building. There are also three light sources on the rear elevation to the ground floor of number 9. The relevant daylight test was conducted and the application passes this test. As a result, it is not considered that the proposal will have an unacceptable impact on light levels to the adjoining neighbour, number 9 Tryes Road.

- 6.22** It is not considered that the proposed extension will increase the overlooking into the rear garden of number 9 Tryes Road. The properties on the south side of Tryes Road (numbers 3 – 13) have a kink within the rear gardens, where sites turn towards the neighbouring properties in a westerly direction. The garden for number 9 turns towards number 11 Tryes Road and away from the application site. This reduces the potential for overlooking as less of the garden for number 9 can be viewed from the application site when compared if the garden ran in a more common straight line from the building. Additionally, the design also reduces overlooking as the windows are set back from the edge of the proposed extensions.
- 6.23** It is acknowledged that the proposal will be visible from number 9 and number 5 Tryes Road and there will be an impact on these properties. However, officers do not consider this to have an unacceptable level of overbearing which would be significant enough to warrant refusal of this application.
- 6.24** The proposed windows to the east elevation at first floor level could impact on number 5 Tryes Road and a condition is therefore recommended restricting these to be obscurely glazed. In addition, a condition is also recommended preventing the use of the flat roof of the proposed ground floor extension as a balcony.
- 6.25** Taking all of the above into account, the proposal is considered to be in accordance with Local Plan Policy CP4 and advice provided with the Supplementary Planning Document.

7. CONCLUSION AND RECOMMENDATION

- 7.1** To conclude, the application is considered to be in accordance with the requirements of local plan policies CP4 and CP7, and the NPPF, and the recommendation therefore is to grant planning permission subject to the following conditions.

8. CONDITIONS

- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order), the first floor extension windows in the side (SE) elevation shall at all times be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the privacy of adjacent properties having regard to Policies CP4 of the Cheltenham Borough Local Plan (adopted 2006).
- 4 The roof area of the development hereby permitted shall not be used as a balcony, roof garden or amenity area.

Reason: To safeguard the amenities of the adjacent property, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

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 to achieve a more satisfactory form of development.

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

APPLICATION NO: 17/00934/FUL		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 13th May 2017		DATE OF EXPIRY : 8th July 2017	
WARD: Park		PARISH:	
APPLICANT:	Mr Francis Russell		
LOCATION:	Taychreggan, 7 Tryes Road, Cheltenham		
PROPOSAL:	Side extension and two storey rear, stepped extension with internal alterations. Removal of existing garage		

REPRESENTATIONS

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

9 Tryes Road
Cheltenham
GL50 2HB

Comments: 7th June 2017

We are writing in connection with the above planning application. We are the immediate neighbour of the semi-detached property in question, linked via the common party wall. We have examined the plans and know the site well. We wish to strongly object to this application, which we believe will have a serious impact upon us for the following reasons:

(a) Loss of Light/Overshadowing

- The proposed development has the impact of blocking daylight to our neighbouring windows to an unacceptable degree.
- We do not believe that the proposed extension is in compliance with the 45° principle; (Refer Local Development Framework: Supplementary Planning Document - Residential Alterations and Extensions, Adopted February 2009); which ensures adequate daylight to neighbours windows, and prevents excessive overshadowing of the original buildings.
- The proposed extension is of such a large size that it would make the rear facing rooms in our house, particularly on the group floor, excessively deep, thereby reducing daylight to unacceptable levels.

(b) Overlooking/loss of Privacy

- The size and height of the proposed extension will overlook our property, leading to a loss of privacy and impacting our peaceful enjoyment of our home and garden.
- Private areas of our garden would become severely overlooked from the development resulting in a serious invasion of our privacy.
- We believe that a development of this size will have a dominating impact upon us. The primary amenity area of our garden would become enclosed by two storey walls, thereby feeling oppressive, uninviting and claustrophobic.
- The mass, bulk and proximity of the rear elevation will result in a poor outlook from our habitable accommodation.

(c) Effect on the character and appearance of a Conservation Area

- By virtue of its size, design, and the materials used we do not believe that the proposed development preserves or respects the character and appearance of either the original 1930's style semi-detached house, or of the Conservation Area in which it is situated.

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- The proposed extension, by virtue of its size, would have a dominating impact on the scale of the original dwelling - the extension is more than half the size of the original building and will be thereby visually overbearing, and will dominate rather than support the original structure.
- All of the existing rear extensions on this side of Tryes Road are single storey in nature, have been designed in a similar manner to the original buildings, and use traditional materials similar to those of the original structures. In contrast the proposed extension consists of two storeys, and incorporates zinc cladding which will be particularly out of character, matching neither the colour nor the texture of the original building.
- The building will no longer be in proportion to the existing garden space, which has already been significantly reduced following an earlier sale of a substantial portion.

(d) Inaccuracies within the application documents

- There were a number of inaccuracies in the original documents submitted that appear to have been corrected in a revision dated 2 June, most significantly that the original location plan was incorrect in that
 - It did not reflect the sale of a substantial proportion of the original garden to a third party, and,
 - The development on the location plan was shown to be smaller than the dimensions implied by other drawings.
- We would like to point out that these changes have been made after we advised the council of these errors, and therefore believe that it would be appropriate for the council to confirm in writing that the drawings have been checked and are accurate before a decision is made.
- We would also like to request that in light of the above changes the council ensure that any relevant parties have been specifically informed that the plans in question have been changed.

(e) Other

- We would ask that the council prohibit any future construction of a balcony to the first floor without a further planning application being submitted and approved.
- The proposed work impacts, and takes place within 3m of the party wall, therefore we would expect the terms of the Party Wall act to be applied.
- We note that the proposed relocation of the kitchen to the front of the property would appear to entail demolition of the existing chimney breast. This is of great concern to us due to the potential impact upon the structural integrity of the overall property. We would note that the fireplace on our side of the party wall is in regular use, and care should therefore be taken to ensure that this can continue to be the case. We would request that an appropriate method is used to support the remaining chimney stack that does not impact upon our element of the remaining chimney breast or stack.
- We believe that an existing sewer that runs between the properties will now run underneath the development. We would therefore ask that care is taken to ensure that the sewer is maintained in good condition, and that future access is not adversely impacted by the proposed build.
- We would like to request that, should the application be approved, the council consider enforcing controlled hours of work and other restrictions that might make the duration of the works more bearable for local residents. The proposed site is on a road where access for residents during daytime hours is already restrictive due to non-resident parking, therefore we would ask for consideration to be made as to how, when and where construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours.

Therefore in summary we would ask that this planning application is refused in its current form.

Should you require any additional information, clarification of any comments made, or would like to arrange a visit to our home to verify that these objections are valid, please do not hesitate to contact us.

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If this application is to be determined by the planning committee, please take this as notice that we would like to speak at the meeting of the committee at which this application is expected to be decided. Please let us know as soon as possible the date of the meeting.

Comments: 4th July 2017

Just a quick email to let you know that we have reviewed the revised plans re the above planning application, and whilst they would appear to represent an improvement on the original, we still have the same issues re the overbearing nature of the development by virtue of its size, the impact on our privacy, and the materials used on the first floor (i.e. the zinc cladding). These points are set out in our original response, therefore to avoid any confusion I haven't submitted anything further on the understanding that our original submission stands.

As noted previously should the application be called to committee we would very much appreciate the opportunity to address the meeting.

I would also like to thank everybody for their help through what for us is quite a stressful time.

Grasmere
16 Tryes Road
Cheltenham
Gloucestershire
GL50 2HD

Comments: 7th June 2017

We would like to object to this application because we believe it will create a development that is completely out of context with adjacent properties due to its size and the surface finish proposed.

Tryes Road is a small community of 3-4 bedroom properties, built in 2 distinct phases, but around the same historic period. They all present a traditional 1930's style; bay fronted with a stucco style of rendered finish, small garages and extensions.

The proposed development will result in a building that will be significantly larger than its neighbours. The style of finish being proposed is also out of context; all of the other properties have a rendered finish that has either been painted or left natural. The introduction of a more contemporary finish will result in a building that stands out in a negative way from its neighbours.

We therefore believe that this application should be refused and the applicant requested to reconsider their design for one more in keeping with adjacent properties in both size and finish.

Comments: 28th June 2017

We are pleased to note that the applicant has reduced the overall size of the proposed development. However; we still believe that it remains large for the building and the external surface finish will give the impression of a shipping container bolted onto the rear of the property. We would not wish to prevent the applicant from carrying out works on their home, but we believe that this proposal would result in development out of context with the neighbourhood. We note that where surrounding properties have extended at first floor level it has been to the side rather than the rear.

30 Painswick Road
Cheltenham
Gloucestershire
GL50 2HA

Comments: 7th June 2017

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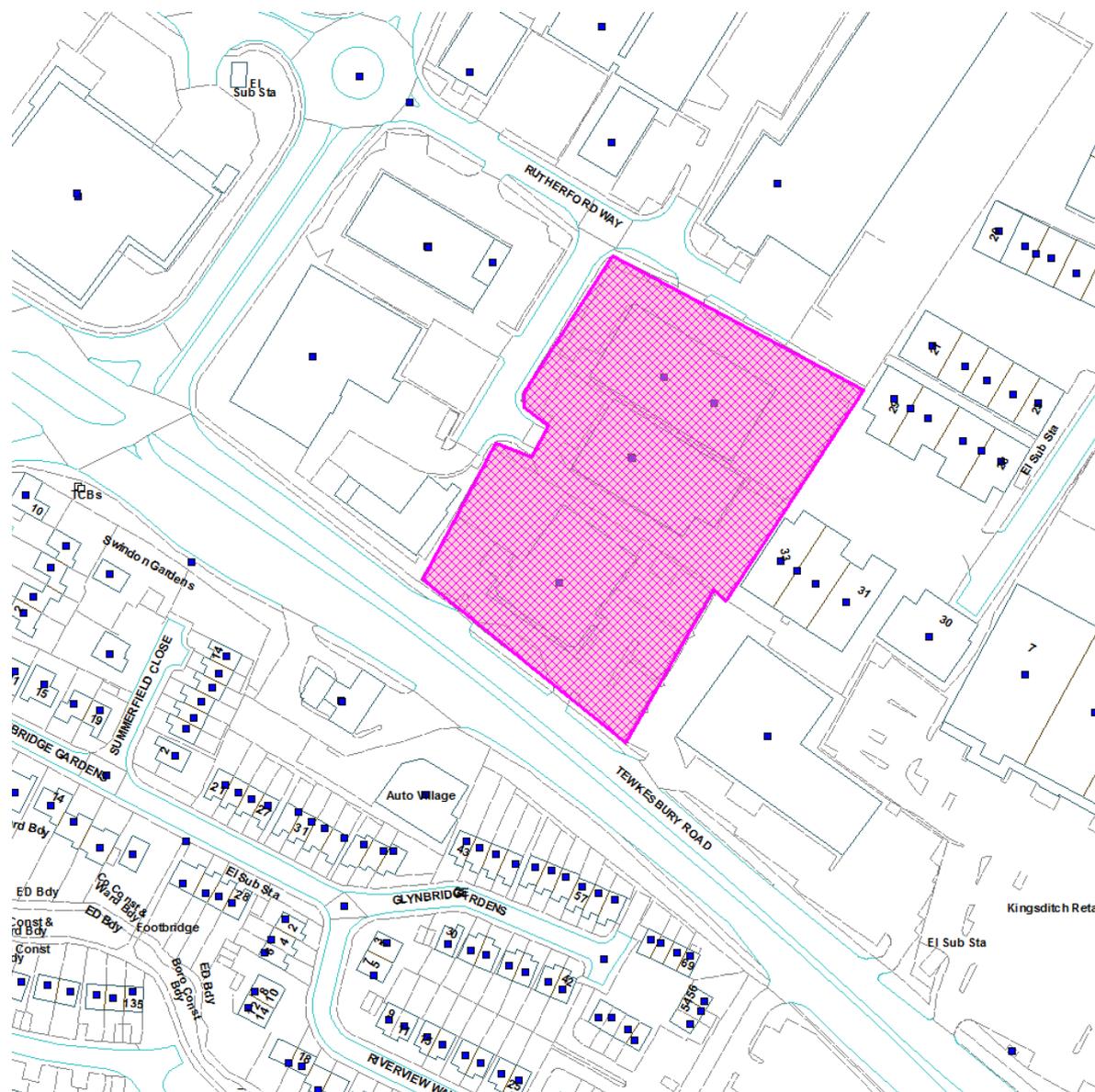
I write as an individual who has viewed the application and looked at its impact on the applicant's immediate neighbour.

I consider that the proposal will seriously affect the amenity and privacy of the occupants of no. 7 Tryes Road: by reducing their daylight and sunlight to an unacceptable degree; and by creating a bulky, intrusive feature overlooking their garden, thereby much reducing the enjoyment of this space.

I hope the council will therefore either reject this application or require that it be modified so that it is less un-neighbourly.

APPLICATION NO: 17/00936/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 17th May 2017		DATE OF EXPIRY: 16th August 2017	
WARD: Swindon Village		PARISH: Swindon	
APPLICANT:	Hinton Properties (Cheltenham) Ltd		
AGENT:	Hunter Page Planning		
LOCATION:	Cotswold BMW, Tewkesbury Road, Cheltenham		
PROPOSAL:	Full planning application for erection of 2,856 sq.m food store (Use Class A1) and 223 sq.m of coffee shop retail and drive-thru (Use Class A1/A3) with associated landscaping, parking and infrastructure		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a retail food store of 2,856 sqm (use class A1), a coffee shop retail and drive-thru (use class A1/A3) with associated landscaping, parking and infrastructure. The stated intended occupiers for the units are Lidl and Starbucks.
- 1.2 The proposed layout involves the positioning of the food store in the eastern part of the site and the coffee shop in the western part of the site with parking provided wrapping around the west and south of the buildings.
- 1.3 The site was most recently in use as a car showroom (sui generis) and was occupied by Cotswold BMW, however it is now vacant as the occupant has moved to the new Grovesfield Way site. The site bounds the Kingsditch Retail Park to the south east and to the north west of the site is the Gallagher Retail Park. Access to the site is provided from Both Tewkesbury Road and Rutherford Way to the rear. The site area is 1.2 ha.
- 1.4 The planning application is presented to committee at the request of Cllr Clucas who objects to the proposal relating to: Impact on houses in Glynridge Gardens, particularly in relation to light pollution and privacy; exacerbation of problems in this area with 'boy racers', which are already causing real concern and have been reported to the police; Increase in traffic. Swindon Village Parish Council have also objected to the application as detailed below.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m

Relevant Planning History:

00/01040/FUL 12th September 2000 PER

Extensions to existing car showrooms and link canopy and extension to existing parts department/ancillary accommodation

96/00008/PF 22nd February 1996 PER

Extension To Existing Garage To Form New Carwash Area

96/00679/PC 17th October 1996 PER

Provision Of New Vehicle Storage Area, Staff/Customer Parking And Display Area Following Demolition Of Dwelling Adjacent To Existing Garage Site (In Accordance With Revised Plans Received 11

Erection of motor vehicle sales showroom and servicing facilities. New access.

15/00321/OUT 22nd June 2016 PER

Outline Planning Application for up to 3, 892 sq.m of Class A1 (shops) floorspace, up to 603 sq.m of A4 (drinking establishment) floorspace and up to 1, 395 sq.m of D2 (gym) floorspace with associated parking.

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 5 Sustainable transport
CP 6 Mixed use development
CP 7 Design
CP 8 Provision of necessary infrastructure and facilities
NE 4 Contaminated land
RT 1 Location of retail development
RT 7 Retail development in out of centre locations
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 2 Highway Standards
TP 3 Servicing of shopping facilities
TP 6 Parking provision in development

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

5th June 2017

Biodiversity report available to view on line.

Wales And West Utilities

5th June 2017

Letter and Plan available to view on line

GCC Local Flood Authority (LLFA)

5th July 2017

I have reviewed the above planning application on behalf of the Lead Local Flood Authority (LLFA) in relation to a surface water drainage strategy and flood risk and can comment as follows.

The application is a Brownfield site with the proposal for re-development to include a food store, coffee shop, landscaping and parking. The pre-development surface water drainage was discharging to the Severn Trent surface water sewer in Rutherford Way and to their combined sewer in Tewkesbury Road. Infiltration for the proposed site is considered not an option due to the clay based geology which also affects the overlying sand and gravel.

The application proposes to discharge post development to the existing Severn Trent sewerage system, utilising existing connections. The proposal is to split the development into North and South with the Northern section discharging surface water to the Severn Trent storm water sewer in Rutherford Way and the Southern section to the combined sewer in Tewkesbury Road.

The applicant's Flood Risk Assessment (FRA) includes a letter from Severn Trent Water (dated 30.10.14) conditionally agreeing to a discharge to their surface water sewer in Rutherford Way (at a specified rate) but also states that as there is a surface water sewer available a connection to the combined sewer should be avoided.

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The LLFA is in agreement with Severn Trent Water and considers a discharge to the combined sewer to be contrary to the NPFF and inappropriate at this time unless no other option is available.

The proposed discharge rate of 1 in 2 year with 40% betterment is acceptable and the use of permeable paving to provide storage attenuation up to the 1 in 100 year rainfall event plus climate change, will also give 2 processes of water improvement. However, the LLFA objects to the application in its current form due to the proposal to discharge to the combined sewer. It is recommended that the applicant re-assesses this proposal and fully considers the SuDS hierarchy in discharging surface water from the Southern section of the development. Any discharge to a foul/combined sewer is to be considered a final option and the applicant should show that no other option is viable.

NOTE 1 : The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

Revised comments

26th July 2017

Further to my previous correspondence dated 9 June 2017 recording an objection by the Lead Local Flood Authority (LLFA) to this application, I have reviewed the additional information from the applicant dated 18 July 2017 and comment as follows.

The applicant proposes to amend the original surface water drainage system which included a discharge from the southern part of the development to the Severn Trent combined sewer in Tewkesbury Road. This was unacceptable to the LLFA and the applicant now proposes to discharge totally to the Severn Trent surface water sewers in Rutherford Way and the unnamed road off Rutherford Way. There will be no discharge of surface water to the combined sewer.

The loss of a discharge to the combined sewer will result in a slightly higher volume of surface water that will need to be stored to cater for the 1 in 100 year storm (plus climate change). It will also result in an increase to the discharge rate to the surface water sewer than calculated in the original submission.

It is proposed that the additional storage will be held in below ground geocellular storage (in addition to the existing proposal for permeable paving storage) and this will be shown in the detailed design.

Whilst there will be a discharge rate reduction of only 20% into the surface water sewer as opposed to 40% anticipated in the applicant's first submission, the overall rate reduction to the public sewer system will be 48% of the pre-development Brownfield rate.

The LLFA is satisfied with an agreed discharge rate of 70 l/s and with the betterment that is now being proposed and rescinds the previous objection. It is recommended that any permission includes the following conditions:

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Condition: No development shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy presented in the Flood Risk Assessment dated April 2017 with discharge at 70 l/s to the surface water sewer only has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

Condition: No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

NOTE 1: The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

Strategic Land Use Team

8th June 2017

Comments incorporated into report below at para 6.5

Environment Agency

25th May 2017

I refer to your letter consulting us on the above planning application. Based on the information submitted this appears to be a lower risk planning consultation which does not require direct consultation with us; it does not fall within our 'consultation filter'.

Whilst I note you have ticked the reason for consulting as: Developments proposing non-mains disposal of trade effluent if building +1000m²/site area +1ha, and/or non-mains foul drainage for +80 dwellings. The application form says that they are discharging trade waste, but not discharging trade effluent.

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INFORMATIVES

1. For our flood risk comments please refer to our Area Flood Risk Standing Advice.
2. For contaminated land matters, you are advised to seek the comments of your Environmental Health Officer or Contaminated Land Officer, with reference to our 'Developer Guidance' sheet.
3. For foul drainage matters, you are advised to seek the completion of the 'Foul Drainage Assessment Form' for your consideration.
4. For Pollution Prevention and any consent requirements (separate to planning) you are advised to refer to our 'Developer Guidance' sheet which includes Pollution Prevention Guidance Notes (PPG's) targeted at specific activities.

I trust that the above confirms our position.

Ward Councillors

13th June 2017

Can you please note my objections to the above application. I am concerned in relation to:

- Impact on houses in Glynbridge Gardens, particularly in relation to light pollution and privacy;
- Exacerbation of problems in this area with 'boy racers', which are already causing real concern and have been reported to the police;
- Increase in traffic.

I would be grateful if this could be referred to committee for a site visit and decision.

Architects Panel

7th June 2017

Design Concept

The panel had no objection to the principle of the development but felt the scheme submitted was not of sufficient quality to be supported.

Design Detail

The proposed development is for an uninspiring monolithic warehouse of a building for Lidl and an equally unattractive but smaller building for Starbucks. The site layout, with the new buildings set back behind a sea of car parking, is particularly disappointing and, in the panel's view, a wasted opportunity.

More emphasis should be given to the landscape proposals which could involve dense tree planting and bolder architectural treatment that would enhance the road frontage and relate more to the scale of the buildings. Bringing the buildings further to the front of the site would provide a better street frontage and a more pleasant approach to the town.

Recommendation

Not supported.

Parish Council

14th June 2017

I am writing about the above proposal on behalf of the Swindon Village Society. The Swindon Village Society acts as civic society for Swindon Village. We were in large measure responsible for establishing the Conservation Area in the village. We have about one hundred members.

I have been contacted by Hinton Group whom we presume are acting for LIDL and Starbucks to ask my opinion on the proposal. I therefore canvassed the Society for their opinion. I have received several responses all against the proposal. The main points made are as follows.

The proposed development would be disruptive to the lives of those living nearby, particularly the residents of Glynbridge Gardens on the opposite side of Tewkesbury Road. In particular, the proposal to have a drive through Coffee House open until midnight which would necessitate lighting until this time would be most detrimental to residents.

There is a lack of need. There are already two supermarkets nearby, Sainsbury's and ALDI, together with Marks and Spencer's Food Hall and a Tesco less than a mile away. There are five coffee houses within half a mile.

The businesses would generate more traffic for what is already a very busy area. The current plans to build 4,200 houses between Sainsburys and Uckington will generate a very large extra traffic load and there is still no credible plan to ameliorate this on one of the main approach routes into Cheltenham.

The current BMW building is aesthetically pleasing and enhances the approach to Cheltenham even if it is a car showroom. The LIDL/Starbucks proposal does not.

Swindon Parish Council

14th June 2017

Swindon Parish Council wishes to object to the above planning application.

The Tewkesbury road dual carriageway will be impacted by cars entering and exiting the site and visitors will be more numerous than to a car showroom. Access to / from Rutherford Way will put additional traffic onto the already overloaded Manor Road roundabout by Gallagher Retail Park. What mitigation would be put in place? Rutherford Way would require no parking /loading as currently it is used as an overflow car park for many units causing congestion on the road which is very quiet.

The Starbucks drive through will be open from 6.00am until midnight every day. The Lidl store closes at 10.00pm on most nights and 4.00pm on Sundays. There is no provision for securing/ fencing / gating off the Starbucks facility from the rest of the car park or Lidl after Lidl closes. This will provide a direct link between Rutherford Way and the Tewkesbury Road. Access between Lidl and the drive through facility should be closed off when the Lidl store is not trading.

The signage is shown on the elevations but there are no submitted details for them and the signs do not feature in the application. We should like to receive clarification that there will be a separate application submitted for the signs. We would like to see a separate planning application submitted for the site's external lighting.

The Delivery Management Plan for Lidl contains the following statement:

"Deliveries shall take place any time of day Monday to Sunday, including bank holidays. Unrestricted deliveries are deemed appropriate for the context of the site, given the commercial nature of neighbouring properties, some of which operate 24hrs a day."

We disagree with that this appropriate because it suggests a lack of control on deliveries and delivery times. As Lidl is not a 24 hours store it is not acceptable to have delivery vehicles arriving when there are no staff to unload them. Also, we believe that only the drive through facility at MacDonald's and a petrol station operate 24hrs a day in the area and deliveries to these establishments are not on the same scale as Lidl. Delivery vehicles should only have access to and from Rutherford Way. This would prevent the large vehicles creating further traffic problems at the links with Tewkesbury Road.

In the Design and Access Statement (under the heading of Design Considerations) is the following statement:

"Highway Safety

A Transport Assessment has been prepared by Transport Planning Associates. The report concludes that the proposal will not have an adverse impact on the operation or safety of the existing highway network."

We disagree that the proposal will not have an adverse impact on the operation and safety of the existing highway network. The cumulative impact of the growing number of access and exit points from the trade parks on to Tewkesbury Road cannot be ignored. Tewkesbury Road is a main route into Cheltenham and is becoming a distribution road for the trade and commercial parks. It is our opinion that there should be a road that serves the trade and commercial parks and that road should connect to the Tewkesbury Road.

As this is unlikely to occur for this development we believe that only private/customer vehicular access to Lidl should be permitted from Tewkesbury Road. All exits should be onto Rutherford Way. This would avoid potential queueing of vehicles that are waiting to get out on to the Tewkesbury Road within the development's car park as already happens on the adjoining developments. The worst thing that could happen would be the introduction of traffic lights to ensure vehicles get out.

We are aware that during the submission of the outline application the adjoining commercial park was not in favour of the Lidl development linking across boundaries to share egress and access points. We understand the reason for stopping off the existing access from the site to the Southern Arm of Rutherford Way but it does require that the access and exit to the drive through be onto Tewkesbury Road outside of the normal Lidl operating hours.

Environmental Health

7th July 2017

Lighting

No lighting (store or car park) has been specified within the application. Therefore I would recommend the application of the following condition: -

Prior to the installation of any lighting scheme, full details shall be submitted to and approved in writing by the Local Planning Authority to provide that

- Light into neighbouring residential windows generated from the floodlights shall not exceed 5 Ev (lux) (vertical illuminance in lux).
- Each lighting unit must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.

- The lighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5%.

The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties.

The approved scheme shall be implemented prior to first use of the lighting and be permanently maintained in that state thereafter.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

Opening hours

LIDL - 0800 - 2200 Monday - Saturday and 1000 - 1600 Sunday

Starbucks - 0600 - 0000 Monday - Sunday.

With reference to the above opening hours, I have no reservations with regard these as they mirror the nearest two foodstores.

GCC Highways Planning Liaison Officer

8th August 2017

See appendix

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	50
Total comments received	8
Number of objections	8
Number of supporting	0
General comment	0

5.1 The application was publicised by way of letters to 50 properties, a site notice and a notice in the Gloucestershire Echo. A petition signed by 39 people living in Glynbridge Gardens and Summerfield Close and 8 individual objections were received which relate to the following issues:

- Pollution and air quality
- Noise
- Light
- Increased opening & delivery hours – more activity
- Nuisance to neighbours – incompatible with residential area
- Impact on privacy
- Increase in anti-social behaviour
- Increased congestion, especially in combination with Elms Park application

- Lack of provision for pedestrians and cyclists
- No need for another food store and coffee shop
- Lack of consultation on previous application
- Need for a cohesive blueprint for the entire Tewkesbury Road
- Tewkesbury Road entrance should be blocked off
- Lidl should be placed adjacent to Tewkesbury Road

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The key issues in determining this application are considered to be (i) background, (ii) the site and its context, (iii) principle, (iv) design and layout, (v) impact on neighbouring property, (vi) access and highways issues, (vii) flooding and drainage.

6.2 Environmental Impact Assessment – Screening

6.2.1 The application site has a site area of 1.2 ha and therefore the development falls within category 10 (infrastructure projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is therefore necessary that the Local Planning Authority offers a screening opinion in relation to whether or not the development proposed will have significant effects on the environment. This opinion informs whether or not the proposed development requires an Environmental Impact Assessment.

6.2.2 The merits of the development will be discussed in the following section of the report, however given the nature of the site (already extensively developed and within a heavily developed area of the borough) the development is not of such a scale that an EIA is necessary. The application is supported by a number of appraisals and statements and these provide sufficient information for the LPA to make an informed decision.

6.3 Background

6.3.1 In January 2016 members resolved to approve an outline application for this site which was for up to 3,892 sqm of Class A1 (shops) floorspace, up to 603 sqm of A4 (drinking establishment) floorspace and up to 1,395 sqm of D2 (gym) floorspace with associated parking.

6.3.2 The application was in outline with all matters reserved apart from access which was proposed at two points on the Tewkesbury Road frontage in an 'in-and-out' arrangement, off the unnamed spur road off Rutherford Way and a service entrance off Rutherford Way. The outline application was accompanied by indicative plans which indicated a two storey structure within the rear portion of the site with parking at the front.

6.3.3 The applicants were required to sign up to a s.106 agreement. Given that one of the intended occupiers (TKMaxx) had a presence in the Town Centre the s.106 provided that the retail unit could only be occupied by a retailer which has not been trading in the Central Shopping Area for the past 12 months (from commencement of development), or if they have so traded that they continue to trade in the Central Shopping Area for at least 12 months. This was to ensure that the proposal had no negative impact upon the vitality or viability of the Central Shopping Area. The s.106 also provided for a travel plan.

6.4 The site and its context

- 6.4.1 The application site is a roughly rectangular parcel of land located on the north side of Tewkesbury Road which is primarily commercial in nature. To the east is M&S home and to the west is HR Owen Aston Martin Dealership.
- 6.4.2 Opposite the site on the south side of Tewkesbury Road is a petrol filling station and Auto Village car dealership which are bounded by the properties of Glynbridge Gardens and Summerfield Close.
- 6.4.3 There are no specific constraints or allocations which cover the site
- 6.4.4 The site currently accommodates 3 large buildings which were used in connection with Cotswold BMW which has recently vacated the site to move to the new site at Grovefield Way. The remainder of the site is largely laid to hardstanding with some landscaping to the periphery.

6.5 Principle

- 6.5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. Therefore, in determining this application, the following must be considered:

- The saved policies of the Cheltenham Borough Local Plan (CLP) Second Review 2006, which comprise the adopted development plan, and;
- Relevant material considerations which include:
 - National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance (nPPG)
 - The emerging Joint Core Strategy (JCS) and its evidence base
 - The emerging Cheltenham Plan (Part One) and its evidence base.

6.5.2 The need for sustainable development

6.5.4 *NPPF (2012)*

Paragraph 14 of the NPPF states that a presumption in favour of sustainable development is a golden thread running through both plan making and decision taking. When making decisions, this means approving development proposals that accord with the development plan unless material considerations indicate otherwise.

6.5.5 *Adopted Cheltenham Local Plan (2006)*

The land which is subject to this proposal is not allocated for any particular use but lies primarily within the Principal Urban Area as defined on the Proposals Map of the adopted Cheltenham Local Plan. The purpose of the Principal Urban Area (PUA) is to help concentrate development to sustainable locations within the Borough.

Policy CP1 – Sustainable Development states: *“Development will be permitted only where it takes account of the principles of sustainable development. In particular, development should:*

- a) conserve or enhance natural resources and environmental assets, and*
- b) give priority to the use of previously developed land, and*
- c) make the most efficient and effective use of land.”*

6.5.6 New retail development

6.5.7 NPPF (2012)

Para 24 states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale”.

Para 26 states:

“When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).....”

6.5.8 Adopted Cheltenham Local Plan (2006)

Policy RT1 - Location of Retail Development states:

“Retail development will be permitted, subject to the availability of suitable sites or buildings suitable for conversion, which relate to the role and function of retailing centres and their catchments only in the following sequence of locations:

- a) the Central Shopping Area, subject to Policy RT2*
- b) the Montpellier Shopping Area or the High Street West End Shopping Area, subject to Policy RT2*
- c) elsewhere within the Core Commercial Area, subject to Policy RT2*
- d) district or neighbourhood shopping centres, subject to Policy RT3*
- e) out-of-centre sites which are accessible by a regular choice of means of transport, subject to Policies RT7 and CP5.*

In considering the location of retail development, developers and operators should demonstrate flexibility and realism in format, design, scale and car parking.”

Policy RT7 – Retail Development in Out of Centre Locations states:

“Subject to Policy RT1, retail development outside defined shopping areas will be permitted only where:

- a) a need for additional floorspace has been demonstrated, and the proposals:*
- b) individually or in conjunction with other completed and permitted retail development would not harm the vitality and viability of the town centre as a whole or of a district or neighbourhood centre.”*

Under the NPPF there is no longer a requirement to demonstrate ‘need’ for retail proposals.

Policy CP5 – Sustainable Transport states:

“Development will be permitted only where it is located and designed so as to:

- a) minimise the need to travel; and*
- b) provide adequate accessibility to the site for vehicles, including public transport, pedestrians, cyclists and people with disabilities; and*
- c) meet travel demands in safe and energy efficient ways; and*
- d) provide a level of parking space that will encourage walking, cycling and public transport and discourage use of the private car; and*

e) meet Local Transport Plan targets for the proportion of trips to the site by each mode of transport.”

6.5.9 *The emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy – Main modifications version (2017)*

Policy SD3 relates to the retail hierarchy and indicates that proposals for retail uses that are not located in a designated centre or in accordance with a policy either under the JCS or District Plans, will be assessed against the requirements of the sequential test and impact test as set out in National Planning Policy Guidance or locally defined impact assessment thresholds as appropriate.

6.5.10 As mentioned above the site is located at an out-of-centre location, but within the Principal Urban Area and on previously developed land. It is close to the strategic highway network which is reasonably well served by public transport.

Outline planning consent was granted in June 2016 for the following uses:

- Up to 3892 sq. m of Class A1 floorspace,
- Up to 603 sq. m of Class A4 floorspace, and
- Up to 1395 sq. m of D2 floorspace with associated parking.

The new application which is now being considered adjusts the previously consented uses in order to tailor the retail offer more appropriately towards identified new users. The new proposal comprises:

- 2856 sq. m of Class A1 floorspace,
- 223 sq. m of Class A1 /A3 floorspace with associated landscaping, parking and infrastructure.

6.5.11 The application has been accompanied by a retail impact assessment which seeks to demonstrate compliance with the sequential test in ensuring that no sequentially preferable sites could accommodate the proposed development in or closer to Cheltenham Town Centre and that the proposal would have an acceptable impact on the Town Centre.

6.5.12 The Council's retail consultant has assessed the proposal and his report is attached in the appendix. The key points arising from his assessment are as follows:

6.5.13 Sequential Assessment

A sequential test has been submitted with the application which seeks to demonstrate that there are no sequentially preferable sites to locate a store of this nature. The test is whether there are other preferable sites which are both suitable and available.

The report considers a number of options including The Brewery, North Place, Municipal Offices, Former BHS, Regent Arcade, Lower High Street and Montpellier, St Georges Place and Coronation Square. The reasons for discounting these sites have been considered in detail by the Council's retail consultant and he is largely in agreement that there are no sequentially preferable options within these locations. However there are some questions over North Place. At para 3.17 of the attached report the Council's consultant states:

“DPP states in para 7.18 that Morrisons are not going forward with the permitted development and that the site might therefore appear to be available. However, it concludes that it is not available for a supermarket development because it believes that it is very unlikely that the redevelopment of the site will, in the foreseeable future, include a major foodstore and furthermore that it understands that the two constituent sites were purchased for substantial amounts of money and that, as a consequence, their owners have particular expectations of the development value of their respective sites. DPP also understands that the development would also have to provide the public parking and

affordable housing that was included in the Morrisons scheme and concludes that the whole re-development would have to be thoroughly reviewed and a new planning brief prepared in collaboration with the site's owners, to assist in promoting a major mixed-use scheme that is both viable and deliverable. It is not explained why a new development brief would have to be prepared. In view of the planning permission on the site, much stronger evidence would be needed to rule the site out."

Therefore members are advised that the submitted report has not completely satisfied the sequential test. However it is agreed that there are few opportunities for a foodstore development in or on the edge of relevant centres in Cheltenham.

The approved scheme at North Place was for:

Erection of a mixed use development comprising; 5,792sqm (gross external floor space) of class A1 food store, 739sqm (gross) of class A1 shops and 19sqm (gross) of class A2 within atrium space and 336sqm (gross) of class A3 (customer restaurant); multi-storey car park providing 634 spaces over 5 floors (300 spaces for public use and 334 spaces for food store customers); 143 no. residential units within a mix of 1, 2, 3, and 4 bedroom houses and flats, (57 units to be affordable) with associated 143 car parking spaces at ground and basement level; creation of new public open spaces; provision of new parking bays for buses and erection of a passenger information kiosk and waiting room; associated other operations to facilitate the mixed use development including alterations to and from the existing highway for vehicular, pedestrian and cycle access. All following the demolition of existing buildings and other built structures on the site.

Officers are aware that this scheme will not be going ahead in its current form and Morrisons are no longer involved in the site. As such it seems likely that an alternative proposal will come forward for this site, however it is not clear at this stage what form this will take or what mix of uses it will entail.

In officer's view the applicant are in a position where it is more or less impossible for them to pass the sequential test because of the lack of information over the intentions for North Place. However not passing the sequential test is not an adequate reason for refusal in its own right. It is necessary to consider whether the proposal would have any unacceptable retail impacts and the fall back position which is available to the applicant. These matters are discussed below.

6.5.14 Retail impact

The report questions some of the data used to assess the impact on the vitality and viability of existing centres. However the majority of the turnover of the proposed store is likely to be diverted from existing out of centre stores as opposed to the town centre. The turnover of the Town Centre is so large compared with the likely turnover of the proposal that it is unlikely, on its own, to cause significant adverse impact on it.

With regards to other centres; the Caernarvon Road centre is too far from the proposal to be seriously affected. Coronation Square is likely to be adversely affected to some extent but the impact is likely to be limited by the wide range of competition already available to residents and the impact is unlikely to be sufficiently adverse to be able to justify a refusal of planning permission.

6.5.15 Cumulative impacts

The application assesses the hypothetical cumulative impact of the proposal in addition to the unimplemented consent at North Place and the undetermined application which includes an Aldi at Grovefield Way. It is known that Morrisons do not now intend to occupy the North Place site. Were both the proposed Lidl and Aldi to be constructed they would

compete directly with one another and would not have a significant adverse impact on the Town Centre.

6.5.16 Fall Back Position

The extant consent for the site (15/00321/OUT) represents a viable fall-back position for the applicant. The trade diversion from the Town Centre from this proposal would have been greater than from the current application. Although the earlier proposal was also considered to have a limited direct trade diversion effect, the risk to investment in the centre was considered to require conditions limiting the sale of goods and an agreement from the developer not to accept retailers from the town centre as tenants. From the point of view of retail impact the current application is preferable to the extant consent.

6.5.17 In conclusion, although the applicant has not fully demonstrated compliance with the sequential test it is clear that the proposal will not have an adverse impact upon the town centre. Trade draw would come from competitors in similar out of town locations, although unlikely to completely replace any one retailer. The Lidl store in the town centre is unlikely to close as a direct result of this proposal in terms of retail impacts. Notably the existing Lidl store in the Town Centre is not within Primary Shopping Frontage and is peripheral to the Central Shopping Area. As such it is not considered necessary to have the level of control over the end use as was required by the previous decision and associated s.106.

6.5.16 In light of the above, it is considered that the principle of the proposed uses on this site is compatible with the relevant policies and is therefore acceptable.

6.6 Design and layout

6.6.1 Policy CP7 of the Local Plan states that Development will only be permitted where it is of a high standard of architectural design, adequately reflects principles of urban design and complements and respects neighbouring development and the character of the locality and/or landscape.

6.6.2 Chapter 7 of the NPPF also places great emphasis on the importance of the design of the built environment, stating that good design is indivisible from good planning. It goes on to state that decisions should not attempt to impose architectural styles or particular tastes although it is proper to reinforce local distinctiveness. The NPPF also talks about the importance of integration of new development into the existing environment.

6.6.3 Presently the site is occupied by 3 large buildings which are of very little merit and as such their loss is not resisted. The existing frontage building does confirm to the immediate context by continuing the building line formed by M&S Home and HR Owens, however in front of this is a forecourt which has a harsh and cluttered appearance in the street scape. Looking at the character of the wider Tewkesbury Road area; it is characterised by a mixture of units which front the road, and units which are set back from the road, usually behind relatively large areas of car parking.

6.6.4 The proposed layout results in more visible car parking within the street scape, however it does reinstate part of the verge adjacent to HR Owens and proposes some new tree planting along the frontage of the site which would soften the views of this parking area. In urban design terms, it would have been preferable to have the Lidl building following the building line formed by the adjacent buildings, with parking at the rear. However Officers had discussions with the applicant on this matter and they wished to pursue the proposed layout for operational reasons which relate to perceived customer desire to park in front of a supermarket and approach the front door. The coffee shop is also set back from the frontage by a lesser degree but due to the drive-thru nature of the operation, again it would not be possible to have it in a more prominent position.

- 6.6.5 As such, whilst the layout could be improved upon, a decision must be made on the basis of the current layout. Bearing in mind the mixed nature of the wider context in terms of positioning of buildings and parking areas on similar sites within the Kingsditch area, officers are of the view that the layout is acceptable and will not result in a degradation in the quality of the street scape in this location.
- 6.6.6 The approved scheme (15/00321/OUT) was in outline and as such the indicative layout did not form part of the approved documents, however it is worth revisiting what was said with reference to layout. The indicative layout was for one block towards the rear of the site, further back than both of the buildings now proposed, with 163 parking spaces to the front. The Officer report finds this approach generally acceptable although it states that the success of such a layout depends on the treatment of the car park. It states that 24 trees would be planted which would assist in improving the quality of the space and softening the appearance of the site. By comparison, the current scheme indicates a total of 23 trees, including existing trees and 142 spaces. The proposal also includes the reinstatement of the verge in the western part of the site. As such in the view of officers, the current layout is an improvement upon that which was envisaged through the outline application.
- 6.6.7 With reference to the design of the individual buildings, again officers have been in negotiations with the applicant to seek to lift the quality of the scheme. The proposed operators have standard 'off the peg' style buildings which meet their operational requirements. Whilst this is not an unacceptable approach, officers wished to be satisfied that the buildings would be appropriate for the site and result in an acceptable standard of design both in terms of the buildings themselves and the spaces around them.
- 6.6.8 The supermarket is single storey with a mezzanine, it has a mono-pitched roof so the height ranges between 5.2 and 7.5m. The frontage of the building is fully glazed and has a span of 37.2m. The glazing turns the corner on to the long edge of the building which projects 75.6m into the site. The remainder of the elevations are comprised of white render and cladding. The western elevation of this building has been amended through negotiations to include some windows and doors as well as some graphics panels in an attempt to liven up this elevation which was initially, largely blank. Officers were concerned that a blank elevation could lead to a poor quality environment within the car park to the west of the building. Whilst these changes are relatively minimal they do have the effect of breaking up the blank mass of this elevation somewhat. In the context of the commercial buildings surrounding the site the design is considered to be acceptable. The glazed frontage will ensure then when viewed from Tewkesbury Road, the building represents a positive addition to the streetscene. Streetscene drawings have been submitted which indicate that the supermarket would be similar in height to the existing frontage building on the site, and lower than those at the rear. At its apex the building height would be slightly lower than the adjacent M&S home building. Therefore in terms of its height the building would sit comfortably between adjacent buildings.
- 6.6.9 The coffee shop is slightly higher than the adjacent Aston Martin dealership, but is set further back into the site so the height is considered to be appropriate (5.15m). Again the building is a relatively standard design with a flat roof and a mixture of cladding, glazing and blockwork to the elevations. The elevation fronting Tewkesbury Road has two large glazing panels and the pedestrian entrance. The drive-thru 'pod' is located on the eastern elevation of the building with drive-thru customers needing to drive through the site from north to south. A seating area is provided at the rear of the building with pedestrian access from the main building. The building form and materials are similar to those used elsewhere within the Kingsditch area and the design of this building is considered to be acceptable.
- 6.6.10 It is acknowledged that there are reservations in relation to the design from the Architects Panel, however on balance, bearing in mind the context of the site and the existing buildings and spaces within the site, the proposal is considered to represent an acceptable

form of development which will enhance the site and its contribution to the Tewkesbury Road.

6.7 Impact on neighbouring property

- 6.7.1 Policy CP4 of the Local Plan states that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users and the locality, would not result in increased levels of traffic to an unacceptable level, make adequate provision for prevention of crime and disorder and maintain the vitality and viability of the town centre and district and local shopping facilities.
- 6.7.2 The nearest residential properties to the site are those of Glynbridge Gardens, on the south side of Tewkesbury Road. At the closest point there is 30m between the boundary of the site and the end of the nearest residential garden. There is approximately 80m between the nearest residential property and the proposed buildings.
- 6.7.3 The proposal has given rise to a number of neighbour objections which primarily relate to the hours of opening, servicing, increased activity, light pollution and potential for anti-social behaviour.
- 6.7.4 The proposed opening hours are as follows:
- Food Store – Monday to Friday – 08:00 – 22:00, Saturday – 08:00 – 22:00, Sunday and Bank Holidays – 10:00 – 16:00
- Coffee shop – Daily - 06:00 – 00:00
- Environmental Health have stated that they have no concerns about these proposed opening hours as they reflect those of similar units in the vicinity.
- 6.7.5 With regards to lighting, no external lighting is indicated on the proposed plans. A condition is suggested which would require a scheme to be submitted. This would need to be accompanied by isolux plans which would indicate light spillage which would allow a thorough assessment to be made as to the impact on neighbouring properties. Given the distances involved it should be possible for an appropriate lighting plan to be achieved.
- 6.7.6 The application was accompanied by Delivery Management Plans for Starbucks and Lidl.

Lidl

The submitted document explains that Lidl store deliveries include all frozen, chilled and ambient goods within the same delivery vehicle. This vehicle then takes away all store waste and recycling. The access for deliveries to Lidl would be via Rutherford Way and will all take place within the delivery bay on the northern side of the store vehicles lock onto the service dock and all loading and unloading is done internally. It is proposed that deliveries may take place any time of day Monday to Sunday including bank holidays. The report predicts that on average there would be 1 to 2 deliveries per day, potentially rising to 3 at busy periods such as Christmas. Deliveries would be made by vehicles up to 36 Tonnes and 16.5m in length.

The position of the loading bay is approximately 150m from the curtilage of the nearest property. The distance involved in combination with the routing via Rutherford Road means that the activity involved with deliveries should not have a negative impact upon the amenities of the residents of Glynbridge Gardens.

Starbucks

The submitted document explains that 1 delivery a day would take place in a smaller vehicle of up to 10.4m in length. Deliveries would take place adjacent to the drive thru lane. It is proposed that the delivery vehicle enters the site off Tewkesbury Road and exits onto Rutherford Road. It is proposed that the delivery would take place between 06:00 and 18:00 Monday to Sunday including Bank Holidays. Refuse collections would take place by a private company 6 times a week, waste would be collected from a yard at the rear of the building.

The position of the delivery point is approximately 70m from the curtilage of the nearest property. Given the small scale of the vehicle and the unit it is not anticipated that the deliveries should result in a significant level of disturbance, particularly as it is restricted to hours when the coffee shop would be open in any event.

Therefore it is not considered that the proposal would result in any adverse impacts in terms of deliveries and servicing.

- 6.7.7 Concern has been expressed in relation for the potential of the site to attract 'boy racers' and other anti-social behaviour. As detailed above the proposed opening hours are until midnight and as such there will be a staff presence on site during these hours. The approved outline application was subject to a condition requiring a restricting mechanism to the Rutherford Way entrance to the site in order to prevent a through route. This application proposes this access point as a delivery route which could be used 24 hours a day and as such it is recommended that a re-worded condition is attached which would require details of a scheme to prevent access through the site at night and restricted access outside of operating hours.
- 6.7.8 For the reasons outline above it is considered that the proposal would have an acceptable impact upon neighbouring properties.

6.8 Access and highway issues

- 6.8.1 A full and detailed response has been provided by Gloucestershire County Council which is appended to this report. It is therefore not necessary to repeat these remarks however in summary the points raised are as follows:

6.8.2 Accessibility

Available bus stops are accessible within a desirable waking distance from the site. The site is well served by footways and cycle lanes. There are sufficient signalised pedestrian crossings to ensure safe and secure means of access to the site and the site is within reasonable walking distance to residential properties.

6.8.3 Personal Injury Collisions

There have been 8 recorded personal injury collisions in the last 5 years within the vicinity of the application site, none of these have been at any of the existing three access points to the site. There is no pattern to these which would suggest that there are any inherent highway safety issues and nothing to suggest that a 'left out' egress manoeuvre onto Tewkesbury Road will cause a detriment to highway safety.

6.8.4 Access

Access would be via the existing one-way arrangement onto Tewkesbury Road and via a retained access onto Rutherford Way with the remaining access onto Rutherford Way being blocked up. A new pedestrian entrance into the site would be formed, the existing pedestrian facilities in the vicinity are adequate to access the site.

6.8.5 Layout

Vehicle tracking drawings have been provided which demonstrate that the layout can successfully accommodate delivery vehicles. A delivery management plan is requested.

6.8.6 Parking

The approach to assessing parking provision as set out in the NPPF suggests that peak parking demand would be 127 vehicles which relates to 87% total parking occupancy. Disabled parking constitutes 6.1% of total capacity which is in accordance with the local design guide which requires a minimum of 5% total parking capacity. 57 cycle parking spaces are proposed which are conveniently located to encourage alternatives to the car.

6.8.7 Trip Generation

Trip rates have been determined from a TRICS rate survey for a discount food retailer and as such it will be necessary for any consent to be for this specific type of food retailer. The nature of the proposal will allow an opportunity for linked/diverted trips and the assumed values proposed by the applicant are relatively low meaning they are robust.

6.8.8 Distribution

The distribution of trips would be similar to those accepted under the previous consent. The Transport Statement has demonstrated that during the PM peak hour 74% of trips will travel through the Manor Road junction. 57.2% of arrivals will access via Tewkesbury Road whilst 42.8% will access via Rutherford Way. 50.9% will egress via Rutherford Way as a result of the restricted left turn only onto Tewkesbury Road. 49.1% will egress via the existing Tewkesbury Road access.

6.8.9 Traffic Impact

The development will generate more trips than the extant planning permission. The greatest impact is anticipated to occur in the weekday PM peak where the proposal will generate an additional 41/42 vehicles compared to the extant consent. A slightly higher proportion of traffic associated with the development will travel through the Manor Road junction. The impact from departing vehicles on this junction would be less. The additional impact would be small and not regarded as significant when considered against the high flow volumes of the background traffic already on the network at this area. Although Tewkesbury Road is subject to queues in peak times, the scale of the impact upon the Manor Road junction resulting from this development in addition to the impact of the consented scheme is small.

The Rutherford Way/Manor Road roundabout junction will be subject to additional movement, particularly to and from the eastern arm, however any queues that do occur will not detrimentally impact the surrounding network and can be accommodated within the development site.

6.8.10 A number of conditions are proposed including the submission of a construction method statement, Provision of car parking, improvements to westbound bus stop, Delivery Management Plan, Provision of cycle parking, implementation of travel plan and personal permission to secure occupation by discount food retailer.

6.8.11 Subject to these conditions the Highways Authority are satisfied that the highway implications of the proposal are acceptable and Officers have no reason to disagree with these conclusions.

6.9 Flooding and Drainage

6.9.1 The application was been the subject of some discussion between the applicant and the Local Lead Flood Authority. Initially there were concerns that the proposal was to discharge

surface water to the combined sewer. They asked the applicant to reassess the proposal and to fully consider the SuDS hierarchy in discharging surface water from the southern section of the development.

- 6.9.2 Subsequently the proposal was amended so that surface water is discharged to the Severn Trent surface water sewers in Rutherford Way and the unnamed Road off Rutherford Way. There would be no discharge of surface water to the combined sewer. It is also proposed that additional storage will be held below ground in geocellular storage in addition to permeable paving storage.
- 6.9.3 This results in a reduction in the rate of surface water to the public sewer system of 48%. As such the LLFA are satisfied that sufficient betterment has been achieved and therefore withdraw their initial objection.
- 6.9.4 In light of this expert advice from the LLFA, Officers are satisfied that this issue has been adequately dealt with.

6.10 Other considerations

- 6.10.1 The application was accompanied by an ecological appraisal. This concluded that there are no designated sites in the vicinity of the development site and the potential for protected species to occur is negligible, with only limited opportunities for wildlife. The increased planting proposed for the site may offer some enhancement, compared to the existing situation.

7. CONCLUSION AND RECOMMENDATION

- 7.1.1 The proposal is for a commercial development in a commercial context and therefore in officers view is an entirely appropriate form of development for the site. That said, the legitimate concerns of neighbouring properties are understood. However it is considered that there is sufficient distance from the site and sufficient safeguards will be put in place through the imposition of conditions to ensure no significant adverse impact on amenity will occur. The retail impact has been independently verified and it is considered that the impact on retail centres would be minimal and less significant than the extant consent. It is acknowledged that a relatively standardised approach has been taken to the design, however it is not a poor design and is appropriate to its context and as such is acceptable. The proposal will result in a slight increase in highway impact over the extant consent, however the impact is not at a level which could be described as significant and is not so severe as to warrant the refusal of the application.
- 7.1.2 Of relevance to the planning balance are the economic benefits of the proposal. It is stated that the proposal will result in the creation of 60 jobs, this is in addition to those which would be created through construction. The site is currently lying empty and the benefits in bringing an unused site into beneficial use are clear. In addition to the jobs, this will improve perception of the town on approach to the centre and will enhance the visual appearance of the site. This adds weight to the conclusion that the application is acceptable.
- 7.1.3 For these reasons it is considered that the proposal is acceptable and is therefore recommended for approval.

8. CONDITIONS / INFORMATIVES

- 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 No more than 20% of the total net sales area of 2,754sqm shall be used for the sale of comparison goods.

Reason: To control the mix of convenience and comparison goods sold within the retail space thereby managing the impact on the town centre in accordance with the advice set out within the NPPF.

- 4 The food store hereby permitted shall only be used by a discount food supermarket operator and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). The following service shall not be operated from the discount food supermarket:

1. Banking Facilities (excluding ATM),
2. Dispensing Pharmacy,
3. Dry cleaning or Post Office Service,
4. Photographic shop or booth,
5. Café / restaurant,
6. Sales of cigarettes or tobacco.

Reason: To ensure that safe and suitable access to the site can be achieved for all people and that a safe and secure layout which minimises conflict between traffic and cyclists or pedestrians can be provided in accordance with Section 4 of the NPPF.

- 5 No development shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy presented in the Flood Risk Assessment dated April 2017 with discharge at 70 l/s to the surface water sewer only has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

- 6 No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the

arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

7 Prior to the installation of any lighting scheme, full details shall be submitted to and approved in writing by the Local Planning Authority to provide that

- Light into neighbouring residential windows generated from the floodlights shall not exceed 5 Ev (lux) (vertical illuminance in lux).
- Each lighting unit must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
- The lighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5%.

The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties.

The approved scheme shall be implemented prior to first use of the lighting and be permanently maintained in that state thereafter.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with policy CP4 of the Local Plan.

8 The A1 food store shall not be open to customers outside of the following hours:

Monday - Saturday	0800 - 2200
Sunday and Bank Holidays	1000 - 1600

Reason: to limit disturbance to neighbouring residents during unsocial hours, in accordance with Policy CP4 of the Cheltenham Borough Local Plan 2006.

9 The drive-thru coffee shop shall not be open to customers outside the hours of 0600 - 0000 (midnight) daily.

Reason: to limit disturbance to neighbouring residents during unsocial hours, in accordance with Policy CP4 of the Cheltenham Borough Local Plan 2006.

10 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 statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. Provide for the parking of vehicles of site operatives and visitors;
- iii. Provide for the loading and unloading of plant and materials;
- iv. Provide for the storage of plant and material used in constructing the development;
- v. provide for wheel washing facilities to control the emission of dirt or dust;
- vi. Provide the intended hours of operations;
- vii. Provide a plan of the site compound and a vehicle routing strategy for construction vehicles.

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Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with Section 4 of the NPPF.

- 11 Prior to beneficial occupation of the proposed development, the car parking facilities shall be provided in accordance with the approved plan and shall be maintained available for that purpose thereafter.

Reason: To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to Section 4 of the NPPF

- 12 Details of a scheme for enhancements to the westbound bus stop facilities including Real Time Passenger Information facilities shall be submitted to and agreed in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme has been implemented. The facilities shall be maintained thereafter unless and until adopted as highway maintainable at public expense.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up, to give priority to pedestrian and cycle movements and have access to high quality public transport facilities in accordance with Section 4 of the NPPF.

- 13 Prior to beneficial occupation of the site, details of a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Delivery Management Plan shall be adhered to in all respects unless amendments to the plan have first been agreed in writing by the Local Planning Authority.

Reason: To minimise hazards and inconvenience for users of the development by ensuring a safe and secure layout that minimises conflict between traffic, cyclists and pedestrians in accordance with Section 4 of the NPPF.

- 14 Prior to beneficial occupation of the proposed development, the cycle parking/storage facilities shall be provided in accordance with the approved plan and shall be maintained available for that purpose thereafter.

Reason: To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to Section 4 of the NPPF.

- 15 The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be

continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

- 16 Prior to the beneficial occupation of the proposed development, a scheme shall be submitted to, and approved in writing by the Local Planning Authority which shall detail security provisions to prevent unauthorised access outside of operating hours. This shall include mechanisms to limit access at entrance points.

Reason: To limit activity on the site outside of operating hours in the interests of the amenities of neighbouring properties in accordance with policy CP4 of the Local Plan.

- 17 No external facing or roofing materials shall be applied unless in accordance with

- a) a written specification of the materials; and
- b) physical sample/s of the materials,

The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 18 All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority. Reason: To ensure that the planting becomes established, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (2006).

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.



Highways Development Management

Shire Hall
Gloucester
GL1 2THEmma Pickernell
Cheltenham Borough Council
P.O. Box 12
Municipal Offices
Promenade
Cheltenham Glos
GL50 1PP

email: dave.simmons@gloucestershire.gov.uk

Please ask for: David Simmons

Our Ref: B/2017/038542

Your Ref: 17/00936/FUL

Date: 8 August 2017

Dear Emma Pickernell,

**TOWN AND COUNTRY PLANNING ACT 1990
HIGHWAY RECOMMENDATION****LOCATION: Cotswold BMW Tewkesbury Road Cheltenham Gloucestershire GL51 9SG****PROPOSED: Full planning application for erection of 2,856 sq.m food store (Use Class A1) and 223 sq.m of coffee shop retail and drive-thru (Use Class A1/A3) with associated landscaping, parking and infrastructure**I refer to the above planning application received on the 24th May 2017 with submitted details166-50 Rev A – Site Location Plan,
166-51 Rev A – Existing Site Plan,
166-53 Rev L – Proposed Site Plan,
166-69 Rev C – Car Park Tracking,
166-70 Rev C – Starbucks Drive Thru Tracking,
166-71 Rev D – Starbucks Delivery Tracking,
166-73 Rev D – Starbucks Refuse Tracking,
166-72 Rev C – Lidl Delivery and Refuse Tracking,
Design and Access Statements Parts 1-4,
Retail and Planning Statement April 2017,
Planning Statement Supporting Statement May 2017,
Framework Travel Plan April 2017,
Transport Statement April 2017,
Covering Letter May 2017,
Delivery Management Plan – Lidl,
Delivery Management Plan – Starbucks.

Location:

The proposed development site is located on the north-west side of Cheltenham and approximately 1.7km from the Town Centre. The A4019 is in a dual carriageway formation and provides one of the major transport corridors into Cheltenham. To the east, the site is bound by the Kingsditch Retail Park. The north of bound by the class 4 industrial access road known locally as Rutherford Way which contains two cul-de-sac stubs with the second adjacent to the sites western boundary and provides access to the adjoining car sales and servicing facilities. The Gallagher Retail Park is further to the west with the class 3 Manor Road between the two. Rutherford Way adjoins Manor Road by way of roundabout junction.

History:

The site, since 1990, has been a car sales and servicing facility. Recent planning history sees the site benefit from Outline planning permission under ref 15/00321/OUT, granted in 2016, for three A1 Non-food retail units totalling 3892sqm. This was complimented by a public house and gym.

Accessibility:

Public Transport:

Bus stops serving westbound services are located approximately 120m to the west and 140m to the east. The Eastbound services are located approximately 130m to the east.

To access the west bound bus stops the walking distance is extended due to the need for pedestrians to negotiate the Dual Carriageway aspect of the A4019. The eastern westbound bus stop requires a walking distance of approximately 265m whilst the west westbound bus stop requires a walking distance of approximately 258m with the need to negotiate the A4019, Hayden Road, Manor Road signalised cross roads. This route makes use of signalised pedestrian crossings ensuring the safe and convenient ability for all users crossing the highway.

The west westbound bus stop walking distance is approximately 124m with the eastern westbound bus stop walking distance being approximately 266m. However this involves the use of an uncontrolled pedestrian crossing which requires users to cross 4 lanes of traffic. This may not be deemed as the most attractive means of crossing for vulnerable users.

Nonetheless, the available bus stops are accessible within a desirable walking distance as stated by the CIHT Providing for Journeys on Foot document.

Pedestrian/Cyclists:

The A4019 contains footways on either side of the carriageway at this location. The northern footway is segregated from the carriageway by a grass verge. The footways are of standard widths between 1.8m – 2m. To the east the footway is a shared cycle lane which terminates at the eastern boundary of the site.

The cycle lane extends along each arm of the A4019/A4013/Kingsditch Lane roundabout ensuring a dedicated away from carriageway cycle facility.

There are sufficient signalised pedestrian crossings to ensure the safe and secure means of access to the site. The site is within reasonable walking distance of residential settlement so can actively encourage alternative non-car based travel to the site.

Personal Injury Collisions:

According to an interrogation of police collision data, there were 8 recorded personal injury collisions in the last 5 years within the vicinity of the application site. After a review of the collisions reports and the location of each individual collision, it can be said that there is no pattern of collisions to suggest that there are any inherent highway safety issues. Furthermore, there is no pattern of collisions to suggest that a left out egress manoeuvre onto Tewkesbury Road will cause a detriment to highway safety.

Access:

Currently the site is served by 3 vehicular accesses, two off of either cul-de-sac stub of Rutherford Way, and a main access off the A4019 operating on a one-way system. Access is only available for westbound traffic off of the A4019. Those travelling from the east will have to turn right at the signal controlled junction of Hayden Lane, A4019 and Manor Road and access via Rutherford Way.

The proposal will see the northern access from Rutherford Way retained, while the second access off of the western stub of Rutherford Way closed up. The 4019 access arrangement will be retained with the one-way system remaining.

There have been no recorded personal injury collisions at any of the proposed access points in the last 5 years.

A new pedestrian access is to be formed between the entry and egress accesses from the A4019 providing direct pedestrian access to the food-store entrance. Pedestrians wishing to access the development from the southern side of the A4019 will make use of the existing crossing facilities at the A4019, Hayden Lane, Manor Road signal controlled junction or the pedestrian facilities at the A4019, Kingsditch Lane, and A4013 roundabout (PE Way). There is an uncontrolled dropped kerb crossing point approximately 10m to the west of the development site, however given the nature of the A4019 at this location; it is unlikely that this crossing point would be heavily used. The existing facilities to the west and east are sufficient to providing adequate access to the site.

Access for service and delivery vehicles for the Lidl store will access from the north using Rutherford Way, while the Starbucks delivery vehicles will access from the south and egress via the northern access.

Layout:

Vehicle tracking has been submitted for a 3 axle refuse vehicle (dwg 166-73 Rev D), 16.5m articulated HGV (dwg 166-72 Rev C) and a two axle rigid body HGV (dwg 166-71 Rev D).

The tracking for the rigid body and refuse HGV's have been demonstrated to enter and egress the site sufficiently. The tracking demonstrates that the vehicles will service the site by occupying a number of parking spaces between the coffee shop and food-store. This would result in approximately 11 spaces being unoccupied to allow the vehicle to enter, park and egress. A delivery management plan can be submitted to demonstrate that servicing and deliveries occur in such times that car parking demand will ensure those spaces can be retained free without resulting in prejudicial parking occurring. The delivery management plan can be secured by way of planning condition.

The articulated HGV will service the food-store from the northern access off of Rutherford Way. The vehicle can adequately enter the service bay without conflict, although the reverse manoeuvre is a blind sided one and would require a banks person. This can also be covered within the delivery management plan.

Parking:

According to the submitted Transport Assessment, the proposed development will have a parking provision of 146 spaces of which 9 are disabled and 7 are parent/child spaces.

The Transport Assessment states that the draft parking and demand management strategy suggests that this type of development should provide 159 spaces plus 13 spaces for the coffee shop. Since the NPPF has been published, parking provision has been assessed using the methodology set out by Paragraph 39 of the NPPF which carries more weight in planning terms than the previous parking standards.

A parking accumulation study can be undertaken in order to evidence the suitability of the parking provision in-line with Paragraph 39. An Accumulation study using TRICS trip rate data is an acceptable method. The accumulation study determined that the peak parking demand would be 127 vehicles, which results in approximately 87% total parking occupancy.

The 9 disabled spaces equates to approximately 6.1% of total capacity. The proposed number of disabled spaces is acceptable in accordance with the local design guidance which requires a minimum of 5% total parking capacity.

Cycle Parking:

The development has proposed a total of 57 cycle parking spaces. The cycle spaces are located conveniently to the entrances of the proposed buildings and are easily accessible to the internal foot/cycleways. The site connects with the existing cycle facilities on Tewkesbury Road and therefore provides a viable sustainable alternative to the car.

Trip Generation:

The table below details the comparison between the consented trips for ref 15/00321/OUT and the proposed trips for this development (Discount Food-store and Coffee Shop). The trip rates have been determined from a TRICS trip rate survey for a discount food store. The permission being applied for is an A1 food-store, which according to TRICS may generate more trips. If the applicant is to use a discount food-store trip rate, the site will be limited to a personal permission for a discount food-store. This would result in any future food store uses requiring separate planning permission.

Peak Times	Consented Arrivals	Consented Departures	Consented Two-way	Proposed Arrivals	Proposed Departures	Proposed Two-Way	Arrival Difference	Departure Difference	Two-way Difference
AM	25	26	51	49	39	88	+24	+13	+37
PM	109	77	187	115	140	255	+6	+63	+69
Sat	183	156	339	234	237	471	+51	+81	+132

The nature of the proposal will allow an opportunity for pass-by or linked/diverted trips, whereby the trip is already occurring on the network but enters the site while passing by or linked with an additional stop before travelling to a destination. When assessing impact, consideration must therefore be given to the affect of these pass-by/linked/diverted trips in order to avoid double counting movements and skewing the actual impact of the development negatively.

Such scenario is addressed in the TRICS Good Practice Research Document 14/1 which details how to appropriately determine the level of discounted trips as a result of pass-by/linked trips. The applicant has proposed to use the percentage levels of linked trips and pass-by trips as the previous consented development.

- 20% Linked Trip reduction for the discount food store.
- 10% Pass-by Trip reduction for the discount food store.
- 50% Linked/Passed by reduction for the Coffee Shop.

The percentages are low compared to what is cited in 14/1 therefore they would be regarded as robust and as such it is reasonable to use the same percentages as the previous extant permission.

It is likely that trips to the coffee shop are to be linked with existing trips or occur as the result of pass-by trips. The reduction above ensures that these trips are not double counted. Given the coffee shops location it is not expected that it would generate a high level of primary vehicular trips (A journey specifically set out by the user to visit the coffee shop only) in its own right.

With the trip rate reductions applied, the development would generate the following trips.

Peak Times	Consented Arrivals	Consented Departures	Consented Two-way	Proposed Arrivals	Proposed Departures	Proposed Two-Way	Arrival Difference	Departure Difference	Two-way Difference
AM	18	18	36	31	24	55	+13	+6	+19
PM	76	54	130	77	94	171	+1	+40	+41
Sat	165	140	305	151	154	305	-14	+14	0

The proposed development will generate approximately 19 (AM) and 41 (PM) peak hours trips and no difference during the Saturday peak.

Distribution:

The distribution of trips is proposed as being similar to those accepted under the previous consent 15/00321/OUT. Trips to the site from the west are most likely to use the A4019 access. Trips to the site from the east are most likely to right turn at the signalised junction with Manor Road and access via Rutherford Way. Those leaving the site westbound will make use of the Rutherford Way access. Those exiting east can use either access, although likely to be the A4019. Those accessing from Gallagher Retail Park or from the north can make use of either access, although Rutherford Way avoids the signalised junction and associated delay.

The left in manoeuvre from the A4019 will occur under free flow conditions and any associated queuing with the left turn out manoeuvre can be accommodated within the site.

The left out manoeuvre onto the A4019 will function much the same as the current situation and that of the extant permission. There are a number of left out accesses along the A4019 from similar uses and there are no undue highway safety issues/or pattern of incidents associated with left turns onto the A4019 to suggest that this manoeuvre will be inappropriate for this development.

Figure 7.1 attached within the Transport Statement has demonstrated that during the PM Peak hour, which is subject to the greatest impact out of the AM, PM and Saturday Peak times, 74% of development trips will travel through the Manor Road signalised junction whilst 57.2% of arrivals will access via Tewkesbury Road whilst 42.8%

will access via Rutherford Way. 50.9% will egress via Rutherford Way as a result of the restricted left turn only onto Tewkesbury Road. 49.1% will egress via the existing Tewkesbury Road access.

Traffic Impact:

The development will generate more trips than the extant planning permission. To determine the suitability of the development its impact needs to be assessed.

The greatest impact from the development is anticipated to occur in the weekday PM peak where the proposal will generate an additional 41/42 vehicles compared to the previous permitted development. The following tables (below) outline the proposed impact and impact from the consented 15/00321/OUT trip rates as well as the percentage impact difference between the two in the 2017 base year and anticipated 2019 opening year. The base traffic flow data has been obtained from the Transport Assessment submitted with 15/00321/OUT. The 2017 base and 2019 opening year flow data have been growthed using TEMPRO.

2017 Base: Percentage Impact Assessment of Manor Road / Tewkesbury Road junction

	2015 Base Vehicles 2017 Base (1.0353 – Tempro growth)	Proposed (Site) Development	Consented Development	2017 Base + Proposed (site) Development	2017 Base + Consented Trips	Proposed (site) % Impact	Consented % Impact	% Increase over consented trips
Arm	PM	PM	PM	PM	PM	PM	PM	PM
Manor Road	587 610	47.93	27.53	657.93	637.53	7.85%	4.51%	+3.34%
Tewkesbury Road (E)	1334 1380	33	32.52	1413	1412.52	2.39%	2.35%	+0.04%
Hayden Road	387 400	28.64	28.27	428.64	428.27	7.15%	7.06%	+0.09%
Tewkesbury Road (W)	824 852	15.4	15.2	867.4	867.2	1.80%	1.78%	+0.02%
Overall Junction	3132 3239	124.97	103.52	3363.97	3342.52	3.85%	3.19%	+0.66%

2017 Base: Percentage Impact Assessment of the Kingsditch roundabout junction

	2015 Base Vehicles 2017 Base (1.0353 – Tempro growth)	Proposed (Site) Development	Consented Development	2017 Base + Proposed (site) Development	2017 Base + Consented Trips	Proposed (Site) % Impact	Consented % Impact	% Increase over consent ed trips
Arm	PM	PM	PM	PM	PM	PM	PM	PM
Kingsditch Ln	950 984	19.72	15.39	1004	1000	2.13%	1.62%	+0.51%
Tewkesbury Rd (E)	1140 1181	18.4	18.16	1200	1200	1.60%	1.60%	0%
PE Way	779 807	19	12.82	826	820	2.35%	1.61%	+0.74%
Tewkesbury Road (W)	1172 1214	21.90	12.58	1236	1227	1.81%	1.07%	+0.74%
Overall Junction	4041 4184	79.76	58.96	4264	4243	1.91%	1.41%	+0.5%

2019 Opening Year: Percentage Impact Assessment of Manor Road / Tewkesbury Road junction

	2015 Base Vehicles 2019 Opening Year (1.06066 – Temprowth)	Proposed (Site) Development	Consented Development	2019 Base + Proposed (Site) Development	2019 Base + Consented Trips	Proposed (Site) % Impact	Consented % Impact	% Increase over consented trips
Arm	PM	PM	PM	PM	PM	PM	PM	PM
Manor Road	587 623	47.93	27.53	671	651	7.70%	4.49%	+3.21%
Tewkesbury Road (E)	1334 1415	33	32.52	1448	1447.52	2.33%	2.29%	+0.04%
Hayden Road	387 411	28.64	28.27	439.64	439.27	6.96%	6.87%	+0.09%
Tewkesbury Road (W)	824 874	15.4	15.2	889.4	889.2	1.76%	1.74%	+0.02%
Overall Junction	3132 3322	124.97	103.52	3447	3426	3.76%	3.13%	+0.63%

2019 Opening Year: Percentage Impact Assessment of the Kingsditch roundabout junction

	2015 Base Vehicles	Proposed (Site) Development	Consented Development	2019 Base + Proposed (Site) Development	2019 Base + Consented Trips	Proposed 9Site) % Impact	Consented % Impact	% Increase over consented trips
	2019 Opening Year (1.06066 – Tempo growth)							
Arm	PM	PM	PM	PM	PM	PM	PM	PM
Kingsditch Ln	950 1008	19.72	15.39	1027.72	1023.39	1.95%	1.52%	+0.43%
Tewkesbury Rd (E)	1140 1210	18.4	18.16	1228.4	1228.16	1.52%	1.50%	+0.02%
PE Way	779 827	19	12.82	846	839.82	2.29%	1.55%	+0.74%
Tewkesbury Road (W)	1172 1243	21.90	12.58	1264.9	1255.58	1.76%	1.01%	+0.75%
Overall Junction	4041 4286.1	79.76	58.96	4365.88	4344.96	1.86%	1.37%	+0.49%

It is fair to suggest that a slightly higher proportion of development traffic, in-particularly arrivals, will travel through the Manor Road signalised junction as this would serve traffic from the east, south and west. The impact from departing vehicles on this junction would be less given northbound, eastbound and some southbound (routed via P.E. Way) would not need to travel back through the junction making use of Rutherford Way and the eastern egress access on Tewkesbury Road instead.

With the additional proposed development trips distributed based on arrival and departure routes as shown on figure 7.1 of the Transport Statement, the impact on the arms of the Manor Road Junction, site access and Kingsditch Lane Roundabout would be small and not regarded as significant when considered against the high flow volumes of the background traffic already on the network at this area. Although Tewkesbury Road is subject to queues in the peak times, the scale of the impact upon Manor Road Junction resulting from this development in addition to the impact of the consented scheme is small.

The Rutherford Way, Manor Road roundabout junction will be subject to additional movements, particularly to and from the eastern arm, however any queues that do occur will not detrimentally impact the surrounding network and can be accommodated within the development site.

Travel Plan:

The submitted Travel Plan can be secured by condition.

Rat Running and Anti-Social Behaviour:

With regards to any Anti-Social Behaviour that may occur on site resulting from such events as Car Meets/Cruises, this would be the responsibility of Lidl/Coffee shop occupier to prevent or manage as it would be occurring on private land. Any anti social behaviour that occurs is a police matter and falls outside of planning.

It would be unreasonable to access the development solely from Rutherford Way given the extent permission. There are also a number of other left turn accesses onto A4019. A check of the collision reports do not suggest a pattern of incident from those left turn accesses to suggest a highway safety issue from such manoeuvre.

Conclusion:

The previous application, 15/00321/OUT determined that the percentage impact of that development was minimal and that the impact of the development would not be severe. No mitigation was sought during the previous application. Given the small percentage impact increase between the current proposal and the consented proposal, it would be unreasonable to secure a scheme of site specific mitigation that was proportionate to the scale of the impact. The current proposal does not significantly increase the number of vehicle movements to and from the site compared to the previously approved application, as is shown in the tables above.

I recommend that no highway objection be raised subject to the following condition(s);

Condition #1 Construction Method Statement:

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 statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. Provide for the parking of vehicles of site operatives and visitors;
- iii. Provide for the loading and unloading of plant and materials;
- iv. Provide for the storage of plant and material used in constructing the development;

- v. provide for wheel washing facilities to control the emission of dirt or dust;
- vi. Provide the intended hours of operations;
- vii. Provide a plan of the site compound and a vehicle routing strategy for construction vehicles.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with Section 4 of the NPPF.

Condition #2 Car Parking:

Prior to beneficial occupation of the proposed development, the car parking facilities shall be provided in accordance with the approved plan and shall be maintained available for that purpose thereafter.

Reason: To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to Section 4 of the NPPF.

Condition #3 Bus Stop Improvements:

Details of enhanced westbound bus stop facilities including Real Time Passenger Information facilities shall be submitted to and agreed in writing by the Local Planning Authority. No part of the development shall be occupied until those works have been completed in accordance with the approved details and those facilities shall be maintained thereafter unless and until adopted as highway maintainable at public expense.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up, to give priority to pedestrian and cycle movements and have access to high quality public transport facilities in accordance with Section 4 of the NPPF.

Condition #4 Delivery Management Plan:

Prior to beneficial occupation of the site, details of a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Delivery Management Plan shall be adhered to in all respects unless amendments to the plan have first been agreed in writing by the Local Planning Authority.

Reason: To minimise hazards and inconvenience for users of the development by ensuring a safe and secure layout that minimises conflict between traffic, cyclists and pedestrians in accordance with Section 4 of the NPPF.

Condition #5 Cycle parking:

Prior to beneficial occupation of the proposed development, the cycle parking/storage facilities shall be provided in accordance with the approved plan and shall be maintained available for that purpose thereafter.

Reason: To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to Section 4 of the NPPF.

Condition #6 Travel Plan:

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

Condition #7 Personal Permission:

The food store hereby permitted shall only be used by a discount food supermarket operator and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005,

(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). The following service shall not be operated from the discount food supermarket:

1. Banking Facilities (excluding ATM),
2. Dispensing Pharmacy,
3. Dry cleaning or Post Office Service,
4. Photographic shop or booth,
5. Café / restaurant,
6. Sales of cigarettes or tobacco.

Reason: To ensure that safe and suitable access to the site can be achieved for all people and that a safe and secure layout which minimises conflict between traffic and cyclists or pedestrians can be provided in accordance with Section 4 of the NPPF.

Notes:

Note i: *The proposed development may 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.*

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Yours sincerely,
David Simmons
Principal Development Coordinator

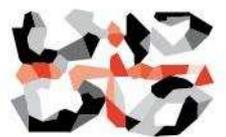
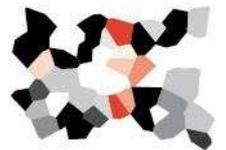
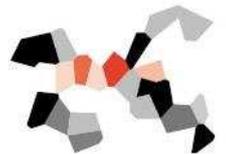
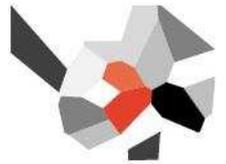
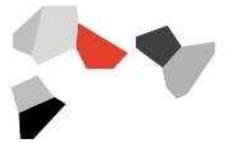
React Report

Proposed Class A1 Foodstore and Drive-Thru Coffee Shop - 17/00936/FUL

Land at Former BMW Site, Tewkesbury Road,

Cheltenham

On behalf of Cheltenham Borough Council



August 2017

C10283



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Proposed Class A1 Foodstore and Drive-Thru Coffee Shop - 17/00936/FUL

**Land at Former BMW Site, Tewkesbury Road,
Cheltenham**

On behalf of Cheltenham Borough Council

Client: Cheltenham BC

Reference: C10283

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August 2017

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1.0 Background

1.1 This report has been prepared by DPDS for Cheltenham Council and considers the Planning and Retail Assessment prepared by DPP for application 17/00936/FUL by Hinton Properties Ltd. It considers only the retail planning policy aspects of the proposed development.

1.2 The description of development is given as:

Full planning application for erection of 2,856 sqm food store (Use Class A1) and 223 sqm of coffee shop retail and drive-thru (Use Class A1/A3) with associated landscaping, parking and infrastructure.

The application form indicates that the floorspace figures are gross internal area. The retail impact assessment is based on a gross internal floorspace of 2574 sq m. We have assumed in our assessment that the maximum net sales floorspace would be controlled by a condition based on the floorspace used in the retail impact assessment. It is indicated that the occupier of the foodstore would be Lidl and of the coffee shop Starbucks. The applicant proposes a condition to limit the retail use to a foodstore as follows:

“Notwithstanding the permitted use falling within Class A1 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the premises shall only be used for the sale of convenience goods with an ancillary amount of not more than 338 m² GIA of comparison goods”.

1.3 The Planning Statement and DAS indicate that the customer entrance and exits would be on Tewkesbury Road but that the foodstore would be serviced from Rutherford Road to the rear of the site. However, there is some conflict on this point and DPP (para 3.15) suggests that the Rutherford Road access would also be open for customers. From a commercial view, we can see why the latter would be preferred but it is a highways matter and not relevant to this report.

1.4 The latest site layout indicates 142 parking spaces. The application form indicates that there would be 60 full time jobs on the site, although in the Planning and Retail Statement this figure is described as full and part-time. The latter appears more likely.

1.5 The Retail Planning Statement (para 3.16 – 3.18) lists differences between Lidl and the mainstream food retailers as their *“everyday low pricing”*, a concentration on a limited range of convenience goods and its own brand, restricted range of one-off comparison goods and lack of ancillary services such as pharmacies and post offices. We will assess the extent to which these features affect the retail assessment or indicate special circumstances in this report. Lidl is a limited assortment discount food retailer and like its most direct competitor, Aldi, has been gaining market share in recent years at the expense of the mainstream food retailers. This has been achieved by increasing the range of goods sold.

1.6 There are currently Lidl stores in Grosvenor Terrace in the town centre with a net sales floorspace of about 800 sq m and at Bishops Cleeve. There is an Aldi store further to the west along Tewkesbury Road, and planning permission under consideration for another Aldi store at Golden Valley as part of a larger development. Starbucks is well known brand and further description is not necessary. The number of coffee shops, both in town and out-of-town has been growing very rapidly with the take away service being an important element. Starbucks has

a shop at 1 The Promenade in the town centre.

- 1.7 The site is the former BMW dealership which is relocating to Golden Valley. Planning Permission was granted on the site in 2016 for 3 retail units with 3892 sq m floorspace in total, a public house and gym. It was indicated that the occupiers would include TK Maxx and Brantano, and that there was interest from Sofa Works and Peacocks. The permission was subject to a condition in the following terms

b) Other than in accordance with the terms of part 'c' and 'd' of this condition, the retail floor space hereby approved shall be used for the sale of furniture, electricals, carpets/floor coverings, DIY- related and garden products, and the sale of ancillary goods which are part of the usual product mix of retailers of the foregoing only;

Exceptions in part c enabled TK Maxx to operate from a unit of 1860 sq m and part d enabled Brantano from a unit of up to 640 sq m.

- 1.8 The reason for the condition was:

“The impact on the vitality and viability of the town centre has been assessed on the basis of the terms set out above and has been found to be acceptable. These restrictions are therefore necessary to ensure that the development approved does not prejudice the continuing vitality and viability of the town centre. The impact on the vitality and viability of the town centre has been assessed on the basis of the terms set out above and has been found to be acceptable. These restrictions are therefore necessary to ensure that the development approved does not prejudice the continuing vitality and viability of the town centre”.

The permission was also subject to a S106 agreement which placed restrictions on letting to retailers already trading in the town centre

- 1.9 Brantano has gone into receivership, but the permission nevertheless represents a reasonable fall-back position.

- 1.10 The site is about 2.5 km from the main town centre (Boots Corner) and accepted as out-of-centre. It is on the northern side of Tewkesbury Rd between a car showroom to west and an M&S Homestore and the Kingsditch Retail Park to the east. The wider area is generally commercial in use. There are a number of other retail areas fronting Tewkesbury Rd, with the Gallagher Retail Park, Sainsbury, Whole Foods, Currys/PC World and Smyth’s Toys all nearby.

- 1.11 We are familiar with the site, the town and other centres and retail stores in the area and have visited them many times. We are also familiar with the planning history of the main out-of-centre retail parks.

- 1.12 We can conveniently comment on the vitality and viability of the town’s centres and the applicant’s assessment of them at this stage. The Core Commercial Area is recognised as a vibrant and healthy centre with a good mix of town centre uses and good retailer representation. This is to be supplemented by John Lewis in 2018. The closure of the BHS store in the Regent Arcade is not noted by DPP. The application to sub-divide the unit for primarily restaurant uses will be referred to later, but here it is noted that it is a sign of weak retailer demand. This is a national phenomenon but indicative that the centre’s health should not be taken for granted.

- 1.13 The health of the Lower High Street has improved in recent years and Phase II of the Brewery Quarter development will improve its prospects. The eastern end has seen investment by national businesses in recent years. At its western end, it continues to provide specialist shops and services mostly through independent businesses. Its vitality and viability has improved significantly in recent years but the reliance on independent businesses means that the western end is subject to significant churn and it will remain vulnerable to any economic downturn. Montpellier and Bath Road are both operating successfully at present and should not be a cause for concern in terms of the impact of this proposal.
- 1.14 The Caernarvon Road centre is dominated by the Morrison store. The household surveys have indicated that it is trading well. It is generally accepted that Coronation Square has significant difficulties and lacks recent investment. It is a traditional district centre in that it is dependent on its convenience goods trade for footfall. It has in our view improved notably recently which is probably attributable to the new Gloscat campus nearby. DPP comments that it primarily a top-up food shopping centre serving the local housing estate and that this will inevitably limit the extent which the proposed store will divert trade away from it. This is more an impact point and we will examine this claim in due course.
- 1.15 The main out of centre food retailing provision comprises the Tesco (Collets Ave), Sainsbury and Aldi (Tewkesbury Rd), M&S (Kingsditch Retail Park), Asda (Hatherley Lane), Waitrose (Honeybourne Way) and the Sainsbury at Oakley.

2.0 Planning Policy

The National Planning Policy Framework

- 2.1 The applicant's statement covers national planning policy accurately and there is no need to more than summarise it here. The presumption in favour of sustainable development and the emphasis on economic development are identified by the applicant. In relation to retail and other main town centre uses the sequential test (NPPF para 24) and the impact test (NPPF para 26) are the key issues with regard to our instructions. Para 27 indicates the planning permission should be refused if either test is failed. We will consider the advice and the National Planning Policy Guidance in more detail in considering the applicant's submissions on these tests as the need arises.

Cheltenham Local Plan 2nd Review 2006

- 2.2 The site is not in an identified town centre in the local plan and the development is therefore out-of-centre. The most relevant policy is RT7 for retail development in out of centre locations. This policy states that, subject to policy RT1, retail development outside of defined shopping areas will only be permitted where the need for the development has been demonstrated and the development, individually or in conjunction with other completed and permitted retail development would not harm the vitality and viability of centres. Policy RT1 sets out the sequential test, listing the preference in terms of the retail hierarchy of:-

Central shopping area;
Montpellier;
Elsewhere in the Core Commercial Area; and
District and Neighbourhood centres.

Out-of-centre sites are the least preferable, and should be accessible by a choice of regular means of transport. Developers are expected to demonstrate flexibility and realism in format, design, scale and car parking. Both policies were "saved".

- 2.3 The Cheltenham Borough Local Plan policies RT1 and RT7 are in accordance with the NPPF advice with the exception of the requirement for applicants for out-of-centre retail development to demonstrate a need for the development, and we would recommend that little weight should now be given to this part of policy RT7.
- 2.4 The emerging Joint Core Strategy reflects the NPPF policies with regard to retail development. It defines the retail hierarchy and sets out the retail requirements for the main towns. Public consultation on the Main Modifications took place this spring and the Examinations Inspector is considering the submissions made at present. There is no need to consider the JCS policies in detail here or the weight to be accorded to them because they are compliant with the NPPF.
- 2.5 So far as our instructions are concerned, the two key issues for this application are the sequential approach to site selection as expressed in policy RT1 and the impact test as set out RT7.

3.0 Sequential Assessment

Preliminaries

- 3.1 The sequential approach set out in the NPPF is well understood, but it does need to be clear that the Council has approached it in the correct way. LPAs should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out-of-centre sites be considered. When considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites which are well connected to the centre. Applicants and local planning authorities should be flexible on issues such as format and scale. Policy RT1 sets out the order of preference in terms of named centres.
- 3.2 The Dundee judgment of the Supreme Court is the leading case on the sequential test. It can be summarised as when assessing potential sites for their suitability, it is their suitability for the application proposal which has to be considered, although this is subject to a requirement for all parties to be flexible. A more recent judgment (Aldergate Properties Ltd v Mansfield DC and Regal Sherwood Oaks Ltd ([2016] EWHC 1670 (Admin)) found (para 35) that:

“Suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer”.

The judge considered this conclusion in the context of the Dundee judgment. In para 47 of his judgment he noted that the Supreme Court had not approached the case with the identity of an individual retailer in mind and in para 48, that what the Supreme Court had rejected was Tesco’s argument about the role of need.

Availability

- 3.3 Sites have to be available but there is little further guidance in the NPPF and Practice Guidance. DPP notes the Rushden Lakes Secretary of State decision in which the Inspector noted that the NPPF, unlike the earlier guidance, did not refer to available within a reasonable period of time. This was widely argued to mean *“available now”*, but that view has tended to be rejected by Inspectors as too restrictive. The decision in the first place falls to the Local Planning Authority, but there is no doubt that alternative sites should be realistic opportunities which are likely to be available in the short term, but not necessarily immediately, and not subject to significant uncertainty.
- 3.4 The Secretary of State’s decision in Exeter, referred to by DPP (APP/Y1110/W/15/3005333), concluded that availability referred to available to the occupiers and not available to the developer. The Inspector found (para 11.40) that:

“In the absence of any clearer interpretation, the preference in NPPF 24 should refer to availability to traders. It follows that it doesn’t matter who develops the site so long as it can provide the proposed level of shop floorspace”.

The Secretary of State agreed with this approach.

- 3.5 This decision was issued a few days before the Mansfield judgment but that came to the same conclusion. In giving his reasons for finding the identity of the applicant was not generally relevant the judge stated (para 42).

“Fourth, there is a further reason why the identity of the applicant, as opposed to the sort of development it proposes, is not generally relevant to the sequential test. The sequential test in the NPPF is not just one of suitability; it covers availability: “only if suitable sites are not available, should out of centre sites be considered.” A town centre site may be owned by a retailer already, to use itself for retailing, who is not going to make it available to another retailer. It is plainly available for retailing, though only to one retailer. That does not mean that another retailer can thus satisfy the sequential test and so go straight to sites outside the town centre. “Available” cannot mean available to a particular retailer but must mean available for the type of retail use for which permission is sought”.

Suitability

- 3.6 In setting out the parameters for the sites, DPP states (para 7.8).

“Secondly, the business requirements of the contractually committed named-operators is of fundamental importance because if these are seriously compromised, this will undermine the viability of the proposed development”.

- 3.7 In para 7.18 DPP comments:

“Lidl could not trade viably two such neighbouring stores and, as a consequence, a new Lidl store at North Place would result in the closure of the older, smaller and more compromised store in the town centre. Clearly, it is not the purpose of the sequential test to exert such an outcome whereby an edge of centre opportunity is favoured at the expense of an existing in-centre development. This, in our view, is an important material consideration in this particular case”.

This reasoning would apply to all the town centre sites in Cheltenham although it is not raised as an objection to the other potential sites considered there. The situation is very similar to that which gave rise to the Mansfield case, which related to a proposal by Aldi and concerned the adoption of an area of search for sites which excluded the town centre because Aldi already had a store there. DPP’s approach is clearly contrary to the Mansfield judgment and has to be rejected. The implications of this will be considered later.

- 3.8 It is clear that the general approach adopted by DPP is contrary to the Mansfield judgment and the Secretary of State’s most recent decision, but that does not mean that there are suitable, sequentially preferable sites or that the sequential test is necessarily failed.

- 3.9 DPP also quotes the Inspector at the Rusden Lakes Inquiry in relation to the disaggregation of the proposal, where he noted that in contrast to the previous guidance, the NPPF does not require consideration to be given to disaggregation (i.e. considering different elements of the development separately). However, this does not mean that the possibility of disaggregating the proposed development is necessarily immaterial or contrary to national policy. In this case we do not believe that the functional links between the foodstore and the drive-thru would be strong and that there would be no scope for disaggregation. It would in our view be unreasonable to reject a more central site for a foodstore because it was unable to accommodate a drive-thru restaurant.

- 3.10 DPP suggests in para 7.4 that drive through coffee shops are not main town centre uses. They are however, generally A3 restaurant uses and the glossary to the NPPF includes these in the definition of main town centre uses. Even if it is argued that the coffee shop is not an A3 use, it is clear that a drive thru facility does not exclude the use from main town centre uses or the sequential test. In the Exeter decision referred to earlier, it was argued by the appellant that the more central site favoured by the LPA could not accommodate a drive-thru, but this was not seen as definitive (Inspector's Report para 11.33).
- 3.11 DPP comments (para 7.7) that the test is only relevant in the context of the "need" the proposed development will meet, which it identifies as discount food shopping for residents in north west Cheltenham and the "refreshment needs" of pass-by motorists and a more localised catchment comprising both local residents and workers based in the area. Examining sites further afield, that would meet an essentially different "need", would therefore be irrelevant, as confirmed in the Braintree High Court case (1998).
- 3.12 However, as is clear from the Dundee and subsequent judgments, the main point of reference for the sequential test is the development plan policy. We are not familiar with the development plan policies in relation to the Braintree case, but as we have noted policy RT1 of the Cheltenham Local Plan sets out the sequential preferences in relation to particular centres in Cheltenham. It is also the case that the Plan post-dates the Braintree case. The sites should be assessed in accordance with this policy.
- 3.13 DPP comments under a separate heading of "viability" that there should be no obvious economic obstacles for development. For the avoidance of doubt, viability is no longer a separate part of the sequential test although it can be relevant to the suitability of sites.
- 3.14 The relevance of these considerations in this case depends on the sequential opportunities themselves. We consider that the minimum requirement for alternative sites or buildings is that they should be able to accommodate a medium sized foodstore.

The Central Shopping Area

- 3.15 DPP comments that there are a number of vacant units in the Central Shopping Area but these do not come near to meeting the floorspace requirement. With the exceptions considered in more detail below, on the basis of a web search, we agree. DPP also states (para 7.14) that the historic fabric of the centre constrains large scale redevelopment. It is clear to us that large scale redevelopments have been accommodated successfully into the town centre and that there is no "blanket" constraint – each potential site would have to be assessed on its merits with regards to any limitations imposed by the historic character of the centre.

The Brewery Phases I and II

- 3.16 Since we considered the Brewery development in relation to the 2016 application, there have been significant lettings in the Phase 1 development - the former Habitat and Dwell units are now let. Phase II is available and Wilko and Tesco have occupied units. The information on the Brewery's website brochure does not match that set out by DPP but there are a number of units to let. On their own they are too small and combined would not be suitable for a foodstore of the approximate scale contemplated. DPP also reject them as not providing dedicated on-site customer parking. We do not accept the need for dedicated parking, but regard the nearest parking in this case as too remote for a foodstore of the approximate size sought.

North Place

- 3.17 DPP states in para 7.18 that Morrisons are not going forward with the permitted development and that the site might therefore appear to be available. However, it concludes that it is not available for a supermarket development because it believes that it is very unlikely that the redevelopment of the site will, in the foreseeable future, include a major foodstore and furthermore that it understands that the two constituent sites were purchased for substantial amounts of money and that, as a consequence, their owners have particular expectations of the development value of their respective sites. DPP also understands that the development would also have to provide the public parking and affordable housing that was included in the Morrisons scheme and concludes that the whole re-development would have to be thoroughly reviewed and a new planning brief prepared in collaboration with the site's owners, to assist in promoting a major mixed-use scheme that is both viable and deliverable. It is not explained why a new development brief would have to be prepared. In view of the planning permission on the site, much stronger evidence would be needed to rule the site out.
- 3.18 As noted earlier, DPP also rules it out the site as too near to Lidl's existing unit. Little weight if any, however, should be given to the circumstances of individual retailers. On the basis of the information we have, we must conclude that the applicant has not demonstrated that the site is unsuitable or unavailable. The Council may be aware of the latest position and the owners' thinking.

Municipal Offices

- 3.19 DPP also refers to the Municipal Offices in the Promenade which has been mentioned in the past as a possible conversion to a number of uses with retail on the ground floor if the Council vacates the building. We understand that the Promenade scheme has progressed, but our understanding is that this is not to the stage where alternative uses have been settled for the existing building, or the time scale in which it might become available. Again the Council is in a better position to consider the availability of the site, but we can comment again if further information is supplied.

Former BHS Store, Regent Arcade

- 3.20 DPP does not consider the former BHS outlet in the Regent Arcade. The unit has about 4585 sq m with 2740 sq m on ground floor and 1845 sq m at basement level. Outline planning permission was granted in February this year for the conversion of the existing unit for mixed Class A1/A3 and D2 use across 6 units (pp ref: 16/02201/OUT). The Design and Access Statement submitted with that application indicates that the owner is still seeking retail use for the unit, but is "*exploring opportunities to subdivide Unit 30 to provide a mix of uses*" in view of the limited retailer demand in general at present. We conclude that the owner's current intentions have not ruled a retail use and the subdivision of the unit is clearly acceptable to the landlord. In our view it is doubtful if it is suitable for medium sized food store. Although there is car parking available it is only by lift, and while this is not uncommon, for instance at the Waitrose on Honeybourne Way, we do not consider the lifts have the capacity to serve food store customers in terms of lift size or number. Trolley management within the car park would also present great difficulty for the retailer. We therefore conclude that there is no need to request further information from the applicant on the unit relation to a foodstore proposal.

Lower High Street and Montpellier

- 3.21 Our web search through up a vacant unit in Montpellier and a few in the Lower High Street area, but none suitable for the operation of a medium sized foodstore.

The Former Haines and Strange Garage/Odeon Cinema Site

- 3.22 The site has now been developed and is no longer available.

Land at St George's Place/St James' Square

- 3.23 DPP rejects the St Georges Place/St James Square site as too small at 0.66ha for a stand-alone retail development and more suitable for housing – noting the SHLAA identifies it (ref S084) for 8 units. This is a case where full car parking would not be necessary in view of its location and the 2013 SHLAA states that it is suitable for housing in part only. It also identifies it as suitable for economic and commercial development, but gives the availability as 6-10 years. We conclude that the site can be ruled out as unavailable.

Coronation Square

- 3.24 DPP does not consider opportunities in Coronation Square. It has been seen in the past as a redevelopment opportunity, but no schemes emerged. Units are being offered on full repairing leases although the lease term is not specified so it appears unlikely that there are current redevelopment proposals. The agent's brochure indicates three units available, but the maximum floorspace that could be offered in on unit would be 325 sq m on ground floor (formed from the amalgamation of two units in Edinburgh Place). Sites and units in the centre can be ruled out as unsuitable for a foodstore. However, the brochure does identify a development site at the southern end of Gresham Court, which elsewhere is described as available for a drive-thru restaurant. We are not sure of the planning status of this suggestion but can see no obvious objections of principle to the idea. We will consider this further in in our conclusions.

Conclusions on the Sequential Test

- 3.25 We conclude that there are few opportunities for a foodstore development in or on the edge of relevant centres in Cheltenham. However, the applicant has not presented adequate evidence to assess the North Place site and further information would be needed to rule it out.

- 3.26 The position with regards to drive thru coffee shops is more complicated. There are obviously many opportunities for further coffee shops in the centres since they could be accommodated in many of the available units, although this may be subject to planning in many cases. Compliance with the sequential test depends on whether the drive-thru facility is a defining feature of the development or can be wrapped up in the requirement to demonstrate flexibility – whether it forms, in Mansfield terms, a separate broad type of development distinct from A3/A5 uses. This is a matter for judgement by the LPA but we doubt that it can. The Exeter inquiry decision referred to earlier reinforces this view. There is also a development opportunity in the Coronation Square centre. However, it is clear that proposals in the named centres would not operate in the same way – providing for the target customers, employees in the nearby employment areas or driving along the Tewksbury Road. Few people would divert from this location to a coffee shop in a defined centre. To this extent we do consider the coffee shop proposal as locationally specific and policy RT1 of limited significance. We will return to this matter having considered the retail impact of the proposal.

4.0 Retail Impact

General Matters

- 4.1 We will consider the likely quantitative retail impact assessment first as this is likely to be a guide the impact on investment in the centres. The proposal would create 2856 sq m of retail floorspace. This is above the threshold for the requirement of a full impact assessment.
- 4.2 DPP has relied on population data from the 2014 JCS retail study update and a household survey carried out in 2012 on behalf of CgMs in relation to the proposed Morrison store at North Place. However, as we noted in relation to DPP's assessment for an Aldi store at Golden Valley (16/01228/FUL) DPDS carried out a further update of the JCS retail study in 2015, based on a new household study, new demographic data and more, smaller zones. The 2015 update has considerable advantages in estimating the turnover of centres and stores, not least in including the expenditure flows from an area which includes almost all of Cheltenham's catchment area for food shopping. Having drawn DPP's attention to this earlier this year it is not clear why DPP has continued to use out-of-date data. We will examine DPP's estimates of the proposal's turnover and trade diversion in the context of the 2015 Retail Study Update results.
- 4.3 The DPP price base is 2009 to be compatible with the 2014 JCS Retail Study Update. The 2015 update was however, in 2015 prices and it is necessary to convert the DPP figures to 2015 prices. The Experian price indices for convenience goods are 86.7 in 2009 and 104.1 in 2015 (2012 = 100). There is little change in the comparison goods price index between 2009 and 2015 (98.5 in 2009 and 98.6 in 2015) and prices can be taken as stable between the two years.

The Design Year

- 4.4 The design year has been taken as 2021. This is described as in accordance with para 26 of the NPPF based on an application year of 2016 (DPP para 8.12). However, the NPPF refers to assessments being carried out up to 5 years from the submission of the application – not at the end of 5 years. The NPPG advises:

“The design year for impact testing should be selected to represent the year when the proposal has achieved a ‘mature’ trading pattern. This is conventionally taken as the second full calendar year of trading after opening of each phase of a new retail development, but it may take longer for some developments to become established”.

The foodstore could be expected to start trading in 2018 and the second full calendar year of trading would be 2020. The difference between this year and 2021 would not be significant in the context of the impact methodology and we consider the design year as acceptable.

The Turnover of the Proposal

- 4.5 DPP estimates the turnover of the store at £10.0m in 2016 – £8.4m from convenience goods sales and £1.6m from comparison goods sales (DPP Appendix 1 Table 4). In 2015 prices this turnover would be £12.0m for convenience goods and £1.6m for comparison goods giving a total of £13.6m.
- 4.6 The estimate is based on the floorspace and sales densities (turnover/sq m) derived from Mintel Retail Rankings 2016. The proposal has 2856 sq m gross internal floorspace according to the

application form. The net sales floorspace is estimated at 1690 sq m which is 59% of the gross. However, DPP has based its assessment on a gross internal floorspace of 2574 sq m which would give a sales to gross ratio of 66%. We suspect that there is some confusion between gross internal and gross external between the consultants. We assume that the net sales floorspace will be controlled by condition to the amount assessed, so there is no need for us to consider the matter further. Convenience floorspace is taken to be 80% of the net sales and comparison 20%. This is fairly standard and would, presumably again, be controlled by condition.

- 4.7 The sales densities used are £6148/sq m for convenience goods and £4647/sq m for comparison goods. These figures convert to £7382/sq m for convenience and remain at £4647/sq m for comparison goods in 2015 prices. DPP comments in the footnotes to Appendix 1 Table 4 that in line with Experian Retail Planner advice, no increase in sales density has been made for convenience goods floorspace but Experian's floorspace efficiency factors have been used for comparison goods. It is not clear which of the two Experian forecasts (constant or changing floorspace) DPP has used. These are based on national forecasts of retail sales and floorspace and the local changes to these factors can be expected to lead to variation – if the available expenditure growth in an area outstrips floorspace growth, sales densities locally will increase more than nationally.
- 4.8 However, far more significant is the performance of individual operators. Lidl's sales density has grown rapidly in recent years in line with their rapidly increasing sales from a more slowly increasing total floorspace. The latest Lidl sales density figures from Mintel (2017) we have seen indicate a combined sales density of £6995/sq m. This compares with £5858/sq m used by DPP (which includes some forecast increase in the sales density for comparison goods floorspace). We consider that DPP have made insufficient allowance for Lidl's trading performance and conclude that DPP have underestimated the proposal's turnover in 2021. To give some idea of the scale of this underestimation, even at a relatively modest increase to £8,500/sq m for convenience goods would indicate a convenience goods turnover of about £11.5m in 2021.

The Turnover of Centres and the Main Foodstores

- 4.9 DPP has used the same base year population and expenditure figures as in its Grovefield Way Aldi Assessment (16/02208/FUL) taken from the 2014 JCS Retail Study Update but updated the 2021 forecasts to take account of latest Experian expenditure forecasts (Retail Planner Briefing Note 14 published in Nov 2016). This leads to marginally lower increases in the available expenditure. DPP has used the same household survey results (for CgMs in 2012) as before so the turnovers of existing facilities would be expected to marginally lower. This is largely true with the exception of the Lidl in town centre. The turnover is now estimated at £5.41m compared with £3.07m in the Grovefield Way impact assessment. DPP explains in para 8.18 that the Lidl town centre turnover was adjusted in the light of

“The need to increase Lidl's turnover to a level commensurate with the company benchmark turnover in light of the survey's under-recording of its turnover”.

The turnovers of the other town centre outlets have been reduced to take account of this.

- 4.10 We find this explanation unconvincing but note that the 2015 study estimated the turnover of the Lidl at £7.22m in 2015 on the basis of the 2015 household survey. However, this might be an over-estimate for reasons explained in para 4.13 below in relation to Aldi. We are primarily concerned with the impact of the proposal on centres as a whole and will comment further on

this adjustment as necessary.

- 4.11 DPP and our own estimates of the centre turnovers (convenience goods only) are shown in the table below. Bearing in mind the different survey samples and local data, the figures are broadly similar. However the JCS figures incorporate more up-to-date household survey results which take account of more recent shopping developments (up until September 2015). DPP has taken account of the slower growth of expenditure growth now forecast by Experian, but the differences are marginal. The JCS figures are to be preferred.

Table 1 - The Turnover of Centres and the Main Foodstores

Centre	2015 JCS Update £m	DPP 2015 Prices £m
Cheltenham Town Centre	27.04	31.67
Morrison Caernarvon Rd	41.61	35.64
Co-op/Sainsbury's, Bath Road	7.11	7.20
Coronation Square	2.29	2.29
Tesco, Collets Way	24.12	39.05
Sainsbury, Tewkesbury Road	43.75	33.64
Waitrose, Honeybourne Way	42.69	27.94
M&S, Kingsditch Retail Park	5.62	2.41
Aldi, Tewkesbury Road	29.57	5.70
Asda, Hatherley Lane	29.33	18.98
Sainsbury, Priors Road Oakley	25.34	24.84
Bishops Cleeve	28.83	29.73
Total	£307.30	£259.01m

- 4.12 The overall difference between the figures is probably attributable to the restricted catchment area in the DPP figures. There are some notable differences at individual store/centre level - particularly with the turnover of the Asda store on Hatherley Lane and Aldi store on Tewkesbury Road. It appears to us the Asda turnover is substantially underestimated by DPP. The Asda store had not been open long in 2012 and may well not established its full trading pattern. We also suspect that a substantial part of its catchment area is omitted in DPP's study area.
- 4.13 The JCS figures show an improbably high turnover for the Aldi. This is a common problem with recent retail studies and probably derives from a combination of over reporting in surveys and an assumption that the "basket size" of shop at Aldi is the same as for the mainstream grocery retailers. On the other hand the turnover is likely to have increased substantially with its increased market share since the 2012 household survey and the DPP estimate appears to be significantly too low. The overestimation of its turnover in the JCS up-date indicates that the turnover of other destinations is underestimated. This will primarily affect the out of centre stores because of their much greater market share, particularly in main food shopping. We are,

however, primarily concerned with the impact on the town centre and Coronation Square and Bath Road centres and the effect on the estimates of turnover for these centres is limited.

4.14 The JCS estimates of the convenience goods turnover of the centres are:

Cheltenham Town Centre	£27.04m
Coronation Square	£2.29m
Bath Road	£7.11m

4.15 The comparison goods turnover of the town centre is estimated at £486m in the JCS Retail Study. Figures are not available for Coronation Square and Bath Road because of the limitations of surveys. DPP estimates the comparison turnover of the town centre at £650m in 2021, but the source of this figure is not given. We will work to the JCS figures.

Trade Draw

4.16 The trade draw assumed by DPP is shown in the table 2 below.

Table 2 – DPP Trade Draw

	DPP Trade Diversion £m 2009 Prices	% Trade Draw
Cheltenham Town Centre	0.42	5%
Morrison Caernarvon Rd	0.76	9%
Co-op/Sainsbury's, Bath Road	0.00	0%
Coronation Square	0.00	0%
Tesco, Collets Way	1.68	20%
Sainsbury , Tewkesbury Road	0.92	11%
Waitrose, Honeybourne Way	0.21	3%
M&S, Kingsditch Retail Park	0.08	1%
Aldi, Tewkesbury Road	1.64	20%
Asda, Hatherley Lane	.84	10%
Sainsbury Oakley	0.16	2%
Bishops Cleeve	0.00	0%
Morrison, North Place	1.26	15%
Other Stores	0.42	5%
Total	8.39	100%

4.17 The calculation of the trade draw is not described and we assume that it is based on judgement. The essential weakness of this approach is that there is no evidence to support the judgements made and there is no substantial response to contradiction. DPP includes diversion from Morrison North Place. It is illogical for to do so having already concluded that the permission would not be implemented. The implication is that the trade diversion from the existing stores as a result of the Lidl development would be greater, although cumulative impacts on the centres would be much reduced. In the event that the North Place development were built, we

regard 15% as too high a trade diversion compared with the 20% from Tesco on Collets Way and the 11% from the Sainsbury on Tewkesbury Road.

- 4.18 We regard the trade diversion from Morrison in Caernarvon Road at 9% as too high, particularly in comparison with the nearby Sainsbury at 11%, and this in turn seems rather low compared with the Tesco on Collets Way (20%). The trade draw of 20% from the Aldi appears low compared given that it would be the nearest competitor in the discount food sector and would be more conveniently located for a large number of people.

The Impact on the Vitality and Viability of the Town Centres

- 4.19 Most of these doubts are concerned with the trade draw from other out-of-centre stores. With regard to trade draw from centres, DPP estimates that only £0.42m would be diverted from the town centre. It is tempting to think of most of the shopping in the town centre as top-up shopping but the JCS Retail Study 2015 Update indicates that about 55% of its convenience goods turnover is derived from main food shopping. This may be over-estimated because the basket size of a main food shopping trip in the town centre may well be smaller than at a large food store, but that would also suggest a lower overall turnover, so the impact might be greater. Significantly most of shoppers in the survey using Lidl and Iceland in the town centre regarded that as their main food shop. We consider that DPP has underestimated the likely trade diversion from the town centre, particularly because of the likely impact on the Lidl store which accounts for over 25% of the town centre convenience goods turnover.
- 4.20 The question inevitably arises about the future of this store. DPP estimated the turnover at about £3m based on the 2012 household survey, but decided to base its turnover on the company average sales density of about £5.4m (6.48m in 2015 prices). The JCs figure, based on the 2015 household survey, gave an estimate of over £7m, a bit above the company average sales density. DPP's figure for trade draw is based on the assumption that the town centre food shopping is predominantly top-up shopping but that is not entirely correct. The 2015 household survey indicates that people use the Lidl for main food shopping and we conclude that DPP has significantly underestimated the trade diversion from the town centre and particularly from the Lidl there.
- 4.21 On the basis of the latest survey figures, which are more reflective of the companies surge in market share than DPPs, the store is overtrading and could accommodate a significant loss of trade. Against that it does not meet the company's current store requirements in terms of size or parking. While a few years ago, it would have been likely that the town centre store would be closed, we consider that, with Lidl's recent market performance, it is now more likely to be kept open than closed. This does of course depend on its lease of the town centre store – the store has been there a long time and it is reasonable to suppose that its lease may be coming to an end/renewal. If this is so there is an obvious risk of closure. However, we consider that Lidl's strategy at present is likely be for two stores to serve Cheltenham and, unless it has another site in the offing on the eastern side of the town, its preference would be keep the town centre store open.
- 4.22 However, it is clear that even if a substantially larger amount were diverted from the town centre as result of the proposal, and/or the town centre Lidl were closed, with a combined comparison and convenience goods turnover of about £513m in the town centre, the impact would not be significant.

- 4.23 Caernarvon Road is a designated centre and the impact is a material consideration. The centre comprises largely the Morrison store and the JCS estimates indicate that it is still trading well above the company average. We consider that the trade draw of 9% is too high given the distance of the centre from the proposed store. There would, however, be no realistic risk of the store's closure as a result of this proposal even at the higher trade draw.
- 4.24 DPP estimates no trade diversion from Bath Road. We agree that trade diversion from Bath Road, and smaller centres to the east of it, would be very small given the distance to the proposed store and the more local nature of the shopping in the centres.
- 4.25 DPP also estimates that there would be no trade diversion from Coronation Square. However, it is quite close to the proposal and the main food shops there, Iceland and Farmfoods, share Lidl's market orientation. There are factors which would limit the trade diversion from the centre. The Aldi on Tewkesbury Road is reasonably accessible to those residents in the centre's catchment and many will simply swap from one discount store to the other; the main impact on the centre will already have been experienced. The impact, in effect, would be on the Aldi rather than Coronation Square. We consider that there would be some trade diversion, but accept that it would be limited and note that it would be difficult to demonstrate a significant adverse impact. In part, this is because of the difficulty of establishing trading levels in small centres on the basis of sample surveys.
- 4.26 In coming to these conclusions we have borne in mind that DPP has only considered the convenience goods trade diversions in detail. It estimated the comparison goods turnover of the proposal at £1.6m (2009 prices). DPP sets out estimates in paras 8.26 -8.29. DPPs approach is not entirely satisfactory because it is based on an unrealistic estimate of the town centre's turnover. Assuming that comparison goods trade diversion followed the same pattern as for convenience would suggest trade diversions some 20% above the levels estimated by DPP. We regard this as reasonable assumption, bearing in mind that, like the supermarkets, the comparison goods will mostly be bought on shopping trips which are primarily for food. The additional trade diversion, however, cannot simply be added to the convenience goods trade diversion and compared with DPPs turnover figures in their appendix because these do not include comparison goods turnover. It is, however, clear that under any scenario, the trade diversion from the comparison goods trade will not be significant.
- 4.27 There is a further consideration in assessing the impact – the extant planning permission for comparison goods retailing. The turnover of this development was estimated at between £9 and £10m depending on the occupier. This is not dissimilar to the current proposal but the trade diversion can be expected to fall much more heavily on the town centre. The current proposal is likely to divert much less expenditure from the town centre. However, the main concern with the comparison goods proposal was the loss of leading retailers from the town centre and the planning conditions and S106 agreement reflect this. This concern does not arise in the same way with the current application and we conclude that in terms of retail planning policy, the current application is preferable.

Cumulative Impact

- 4.28 DPP sets out the trade diversions from commitments and cumulative impacts in Appendix 1 tables 6 and 7. The commitments taken into account are the extension to the Aldi on Tewkesbury Road and the Morrisons at North Place. The turnovers of the proposals are estimated at £2.15m and £24.3m respectively. The main impacts arising from commitments

overwhelmingly arise from the Morrisons proposal, and the cumulative impact figures largely reflect this proposal but it is clear that that proposal will not go ahead, at least as estimated in DPP's figures. While we can understand DPP's fear of criticism if they did not take the Morrison proposal into account, it is accepted that the proposal will not go ahead at least in its permitted form. Any retail development on the site will therefore need to be subject to a new planning application and the impact reassessed. We therefore conclude that DPP's cumulative impact figures are an unlikely scenario which will not help significantly in determining the application.

4.29 The main issue for the Council in terms of cumulative impact is, in fact, the proposal for an Aldi store at Grovefield Way. DPP estimates the turnover of the store at £11.84m – £9.57m from convenience goods sales and £2.70m from comparison goods sales. DPP presents a cumulative impact exercise including the Grovefield Way Aldi in App 1 Table 8. Not surprisingly, these show higher cumulative impacts with an estimate of 8.8% on the convenience goods trade of the town centre and 10.5% on Coronation Square. DPP comments that it regards its estimate of the convenience goods turnover of the Coronation Square as an underestimate arising from the 2012 survey results and that the cumulative impact of 10.5% overstates the impact. Our 2015 based estimate of Coronations Square's convenience goods turnover is slightly higher. However, DPP's impact figures are largely determined by the trade diversions estimated to the Morrison North Place proposal and, as already noted, we consider them of little assistance in determining the application.

4.30 The combined convenience goods turnover of the Aldi and Lidl proposals would be about 17.94m. However, the two stores would compete with each other very directly and the combined take is likely to be much less. DPP assumes the Lidl is operating first and estimates a trade diversion of about £0.6m from the new Lidl to the new Aldi. We regard this as a serious underestimate given that they would be competing in the same discount sector and in the same quadrant of Cheltenham. Allowing for these factors, we consider it would be reasonable to work on the basis that only about three-quarters of the combined total would be drawn from existing shops and centres – about £13.5m. The majority of this sum would be diverted from the out-of-centre foodstores. These have about 75% of the market share in Cheltenham so about 75% of the combined additional turnover could be expected to be diverted from the out-of-centre stores, leaving about £3.4m to be diverted from existing centres, Most of this would be from the Morrison at Caernarvon Square (to the Aldi at Grovefield Way) leaving not much more than £1m - £1.5m to be diverted from the town centre, Coronation Square and other smaller centres and individual shops. These figures are obviously very approximate but in our view indicate the likely scale combined trade diversions. We have tested other assumptions about the internal trade diversion between the two proposals and they do not lead to substantially different conclusions. We therefore conclude that the combined impacts of the Aldi and Lidl applications under consideration would not have a significant adverse impact.

Impact on Investment

4.31 The NPPG gives advice on assessing the impact on investment and identifies key considerations as:-

- the policy status of the investment
- the progress made in securing the investment
- the extent to which an application is likely to undermine planned investments based on the effects on current/forecast turnovers, operator demand and investor confidence.

- 4.32 DPP considers three investments in the town centre – the Brewery Phase II, the John Lewis department store and the North Place development. The Brewery Phase II is completed and John Lewis development well underway and cannot be considered at risk.
- 4.33 The North Place development as permitted was dependent on mainstream supermarket for retail development and fell foul of the reappraisal of the expansion schemes of all of these retailers. The currently permitted scheme is unlikely to go ahead and cannot be considered to be at risk from the application proposal. It could of course accommodate an alternative retail scheme which may include food retail and the development of another foodstore on Tewkesbury Road would make this less attractive. However, it is doubtful that this would prevent the whole investment going ahead unless the Council was determined to include substantial retail use in any development.
- 4.34 There have been various proposals for the redevelopment of Coronation Square over the years which have come to nothing. We are not aware of any current proposals and the current strategy appears to be based on gradual improvement through new lettings. This appears to be reasonably successful with a series of new lettings to good covenant tenants and is probably the result of the improved footfall from the nearby Gloscat development. We doubt that the proposed Lidl would undermine this approach and in the absence of objections from the landowner do not consider that a case could be made against the proposal on this ground.
- 4.35 We therefore conclude that the proposed Lidl store is unlikely to significantly undermine any investment proposals.

Overall Conclusions on Retail Impact

- 4.36 The proposal is relatively small and the impacts are likely to be experienced mostly by the existing foodstores. Although we disagree with DPP on the likely trade draw, the main foodstores are mostly out of centre and the impacts on centres are therefore likely to be limited. The centres where the potential impacts are greatest are the town centre, Caernarvon Road and Coronation Square.
- 4.37 The comparison goods turnover of the town centre is so large that the impact on the centre as a whole would be negligible even if much greater than forecast by DPP.
- 4.38 The impact on Caernarvon Road would be on the Morrison store which comprises the majority of the centre. This is operated by a major national company and the evidence suggests that it is trading considerably above the average for the company. Its closure as a result of this proposal or any cumulative impact is highly unlikely.
- 4.39 Coronation Square is a weak centre but has improved recently with significant new lettings. We conclude the trade diversion is likely to be small because the existing Aldi store on Tewkesbury Road and the Asda store on Hatherley Lane are already strong competitors. They are conveniently accessible to the users of the centre and the proposed store would offer little qualitatively that is not already available.
- 4.40 We have considered the proposal in the context the impact of other commitments and the undetermined application for an Aldi store at Grovefield Way. We are not aware of any investment proposals in these centres which would be jeopardised by the application proposal on its own or in combination with the Aldi store proposed on Grovefield Way.

4.41 We therefore conclude that the impact tests are passed.

5.0 Other Benefits

Other Benefits

5.1 DPP set out the other benefits of the proposals in section 5 of its report as

- Regeneration of a brownfield site within the urban area
- Employment
- Improved retail provision
- Increased linked trips

The weight to be attached to them is for the Council to judge but it must understand the scale of the benefits if it is to do so.

Regeneration of a Brownfield Site

5.2 DPP comments in para 5.2 that the site is vacated and contributing nothing to the local economy. Moreover, it considers the existence of such a prominent roadside vacancy will also detract from the overall character of the townscape. The beneficial use of land is always to be welcomed but any development would have this effect – it is not established that alternative forms of development would not occur or that retail development is needed to redevelop the site. We doubt that this could reasonably be considered to outweigh any conflict with retail planning policy.

Employment

5.3 DPP states that the development would provide approximately 60 jobs. It is not clear whether these are full-time equivalent jobs (Planning Statement) or full and part-time (Retail Statement). If the Council is to give significant weight to the employment generation, this would have to be clarified. However, once displacement and leakage are taken into account the net increase would in any case be small.

Improved Retail Provision

5.4 All retail development is likely to increase the range and choice available to local shoppers unless it entirely displaces existing provision. The town centre first policy works within this context and the development must offer something above this if the benefits to retail provision are to outweigh retail planning policy objections. Retail provision in the area is generally seen as good and the proposals do not seem to offer goods or services which are not currently available but would be more conveniently located for residents on the west of the town. The benefits are therefore limited and would be unlikely to overcome any retail planning objections.

Increased Linked Trips

5.5 DPP comments (para 5.8) that:

“The application site is located in close proximity to a number of existing ‘Retail Parks’ and several roadside commercial uses. The proposed development will, therefore, complement existing retail provision and encourage new linked trips with other retail and service businesses along Tewkesbury Road – with associated sustainability benefits”

No evidence is submitted to support this claim and no example of complementarity related to the proposals is offered. Any linked trips to nearby retail warehouses are likely to be by car. To the limited extent that it would displace town centre activity, where shopping and service activities are linked, we consider that the proposal is more likely to lead to less sustainable shopping patterns. The town centre first policy has, for many years, been partly based on the fact that out-of-town retail development is less sustainable. The coffee shop would provide a service for local employees which is currently rather limited and might reduce the length of trips a bit.

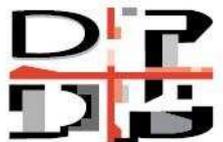
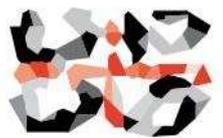
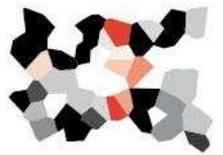
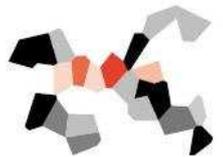
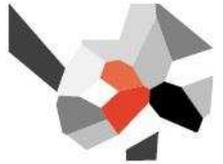
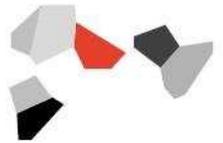
5.6 The weight to these other benefits is a matter of judgement for the Council to make, but we consider that little weight should be accorded to them.

6.0 Conclusions

- 6.1 We conclude that the applicant has not completely satisfied the sequential test. In relation to the foodstore proposal, the evidence of weak with regard to the availability of the North Place site and there is little information on the developer's intentions. We recognise that it can be difficult to obtain such information and the Council may be better informed, but the onus is on the applicant to demonstrate compliance with the test. The rejection of the site because it is located too close to the existing Lidl store is clearly contrary to the Mansfield judgement in relation to the broad type of development by reference to its approximate size, type and range of goods and the general exclusion of the identity and personal or corporate attitudes of an individual retailer.
- 6.2 There is no evidence that this site is unsuitable for a drive thru-restaurant or that it could not accommodate both the foodstore and the drive-thru outlet. The drive-thru facility should not be seen as a definitive in terms of the sequential test and there are a number of units which are available in the town and other centres which could accommodate a coffee shop. However, the applicant has identified a specific demand which is not well meet in relation to catering for local employment areas and the sequential test as set out in the NPPF and Local Plan does not address this sort of demand. We therefore conclude the sequential test is of limited assistance in considering the coffee shop aspect of this development.
- 6.3 Alternative views can be taken of much of the data used in assessing the impact on the vitality and viability of existing centres but the majority of the proposals turnover is likely to be diverted from existing out of centre stores. The turnover of the town centre is so large compared with the likely turnover of the proposal that it is clear that the proposal is unlikely, on its own, to cause significant adverse impact on it. The Caernarvon Road centre is too far from the proposal to be seriously affected. Coronation Square is likely to be adversely affected to some extent but the impact is likely to be limited by the wide range of competition already available to residents and the impact is unlikely to be sufficiently adverse to be able justify a refusal of planning permission.
- 6.4 The cumulative impacts identified by DPP are quite large but do not take account of the much larger comparison goods turnover of the centres. Furthermore much of the cumulative impact arises from the Morrisons scheme at North Place which it is accepted will not go ahead, at least in the permitted format. We consider that not much weight should be given to the cumulative impact exercise.
- 6.5 Of more concern is the combined impact of the proposed Aldi store at Golden Valley currently under consideration (App 16/02208/FUL) and this application. DPP assesses the combined impact but that also includes the hypothetical impact of the Morrison North Place permission. Our broad assessment of the combined impact of the two discount foodstore proposals indicates that this is not of sufficient concern to require more detailed analysis.
- 6.6 The current permission on the former BMW site (App 15/00321/OUT) represents a viable fall-back position for the applicant. The assessment of impact does not take the non-implementation of this permission into account, but the trade diversion from the town centre from this proposal would have been greater than from the current application. Although this earlier proposal was also considered to have a limited direct trade diversion effect, the risk to investment in the centre was considered to require conditions limiting the sale of goods and an

agreement from the developer not to accept retailers from the town centre as tenants. From the point of view of retail impact the current application is preferable to the existing permission.

- 6.7 In our view, the advantages of the current application over the existing permission on the site in terms of retail impact should outweigh the applicant's failure to completely satisfy the sequential test in this particular case.



Old Bank House
5 Devizes Road
Swindon
SN1 4BJ

t: 01793 610222
e: dpds.swindon@dpds.co.uk

3 Gleneagles House
Vernon Gate
Derby
DE1 1UP

t: 01332 206222
e: dpds.central@dpds.co.uk



APPLICATION NO: 17/00936/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 17th May 2017		DATE OF EXPIRY : 16th August 2017	
WARD: Swindon Village		PARISH: SWIND	
APPLICANT:	Hinton Properties (Cheltenham) Ltd		
LOCATION:	Cotswold BMW, Tewkesbury Road, Cheltenham		
PROPOSAL:	Full planning application for erection of 2,856 sq.m food store (Use Class A1) and 223 sq.m of coffee shop retail and drive-thru (Use Class A1/A3) with associated landscaping, parking and infrastructure		

REPRESENTATIONS

Number of contributors	8
Number of objections	8
Number of representations	0
Number of supporting	0

Orchard End
 Lowdilow Lane
 Elmstone Hardwicke
 GL51 9TH

Comments: 27th June 2017

I wish to object the above planning application on the grounds stated below.

We object to this application primarily on pollution grounds. The A4019 is known as the Green Gateway to Cheltenham. By changing the use and hours of operation of this site this will cause further pollution of air quality, and noise, and light pollution to this area of Cheltenham, causing nuisance to the existing residents in the vicinity to the site.

a. According to the latest JCS Evidence Base Documents on Transport this strategic primary highway A4019 into Cheltenham has an average daily flow of between 20,000 and 30,000 vehicles.

The change of use for the application site will need to be managed to have no significant increase in vehicle movements, exasperating the delays which already exist on this highway.

b. The application is not sustainable as it is encouraging the use of cars to the supermarket, and the drive-through.

c. Cheltenham Borough Council has been declared an AIR QUALITY MANAGEMENT AREA. Unless there is a successful mitigation package provided the traffic generating to and from this site will adversely impact on the A4019 corridor, and the residents in the immediate surrounds.

d. There are also several NOISE IMPORTANT AREAS declared along the A4019, the proposed activities on this site will adversely impact on the residents in this highly populated area of Cheltenham.

e. With the creation of a new town on the A4019, at Elms Park, Planning Application 16/02000/OUT there are proposed significant bus priority lanes along the Tewkesbury Road, including new signalling, and bus lane allocation, which will severely affect the traffic movements from this proposed site.

f. There has been identified a lack of walking and cycling routes into Cheltenham, how will this site address these issues.

g. The change of operating times on this site, combined with the activities of the supermarket and the drive-through, along with associated deliveries, has a negative effect on the amenity of local residents to enjoy their own homes.

Chestnut Farm
Uckington
Cheltenham
Gloucestershire
GL51 9SS

Comments: 9th June 2017

As a local user of Gallagher and Kingsditch retail parks I feel the addition of another food retailer and coffee shop is absolutely ridiculous. Within approx 200 metres from the proposed development we already have five food retailers: Sainsbury's, Aldi, Whole Foods, M&S food hall and B&M. Also within 200 metres we have 8 units already supplying coffee: Sainsburys, Next, Costa, Subway, Wholefoods, M&S Home, McDonalds and the petrol station right opposite this proposed development.

Surely, this development is not required in this area due to the other retailers being so close. Some may have to close due to the competition from this proposed development.

I understood that there was going to be a Pub/Food chain originally going to occupy the old BMW site. This would be ok as there is only one other competitor in the vicinity, The Beefeater, I know it would not be ideal for the neighbours but probably better than the proposed food and yet another coffee shop

24 Libertus Court
Cheltenham
Gloucestershire
GL51 7HX

Comments: 21st June 2017

Letter attached.

45 Glynbridge Gardens
Cheltenham
Gloucestershire
GL51 0BZ

Comments: 7th June 2017

Letter attached.

43 Glynbridge Gardens
Cheltenham
Gloucestershire
GL51 0BZ

Comments: 11th June 2017

I wish to object to this application on the grounds below. I have also forward this appeal to our local MP and created a petition based upon it.

We also wish to raise a formal complaint with the council planning office regarding the outlying planning permission granted in June 2016 reference 15/00321/OUT which changed the status of the site.

This planning change was done without the residents of Glynbridge Gardens ever being made aware of the planning application or given a chance to review or oppose the building of a public house on this site which is wholly inappropriate for the area.

As the proposers in both applications are the same (Hinton Properties) and as Hinton Properties have now formally stated that they no long wish to pursue the outlying planning permission granted in 15/00321/OUT, we the residents of Glynbridge gardens ask council planning authority to withdraw that permission and reinstate the properties original status of a residential area until such time as a proper public consultation can be done.

In the meantime we wish to object to the Planning Application 17/00936/FUL on the following grounds:-

1. Inappropriateness of the plans for the area
2. Noise Disturbance
3. Significant increase in traffic
4. Light Pollution
5. Privacy
6. Anti-Social Behaviour

Until the planning office removed the status of the BMW site without notification under 15/00321/OUT the BMW Garage (The Site) has a number of significant restrictions placed on it because it was classed as being in a residential area and being directly opposite to a residential area.

These restrictions included:-

- a. Deliveries could only take place between 0900 and 1800 Monday to Saturday.
- b. Opening time were restricted to 08:00 - 20:00 Monday to Saturday with limited opening on Sunday.
- c. All work or maintenance of motor vehicles to be carried out behind the main building thus shielding the residents from any works noise and work only to be carried out between 08:00 and 20:00 Monday to Saturday.
- d. Access from the Tewksbury road was only to a car showroom and therefore there were limited numbers of car arriving and departing, and only during normal business hours.
- e. Light pollution was kept to a minimum with the showrooms facing the Tewksbury road being low lit at night and the storage areas and car parks at the back mostly being hidden from view by the buildings and thus the residents were shielded from excessive light pollution.
- f. The site was strictly controlled by security to stop anti-social behaviour as seen around the McDonalds premises further up the Tewksbury road towards Cheltenham.

In contradiction to these exiting restrictions, this proposal is to :-

- a) To run a 24 hour active site with 36 tonne lorries making deliveries 24 hours a day 365 days a year both in and outside of public opening hours.see 17_00936_FUL-DELIVERY_MANAGEMENT_PLAN__PROPOSED_LIDL_-803384 (1) of Hiltons proposal.
- b) Whilst the current proposal is for the Starbucks office drive through to be open only until 11, as the site will be active 24 hours a day under these proposals it can be assumed that that there will be a request in the near future for 24 hour opening of the Starbucks to service the site staff.

- c) All restriction on noise from deliveries, car parking, maintenance of buildings, to be lifted and potentially to be carried out 24 hours a day. Our children's bedrooms face this and there will be significant disturbance throughout the night.
- d) Cars and lorries will have full access to the site 24 hours a day with headlights on outgoing cars sweeping the backs of our homes and our children's bedrooms throughout the night causing excessive light pollution noise and other disturbance as the accelerate away.
- e) The removal of the BMW Garage and the subsequent increase in light in the carpark surrounding the development will mean excessive light pollution in the area as the plans have no blocking mechanism in place.
- f) Anti-Social Behaviour is currently a problem by McDonalds further up the Tewksbury road because the site is unsecured at night. Street racers and gangs congregate there and police are regularly called.

This area is outside the current residential area but does have an impact on us via noise and sirens. This new development being open 24 hours a day may now attract this element into the residential area and it will have more proposed routs for the gangs the escape than the current site has.

No provision has been made to combat these antisocial elements if this happens.

Proposed Changes to the Plan

We ask the planning committee to review the Sainsbury's and other developments down the Tewksbury road which are specifically designed to combat all of the above issues.

We ask the council to consider Sainsbury's as a specific blueprint for this type of development along the Tewksbury road as it is a proven blueprint that works well with residents.

The specific design features that were put in place to combat the above are :-

- a) All direct access to and from the Tewksbury road is blocked off.
All access to the site is via a road leading away from residential areas into the industrial estate at either side of the site. All deliveries thus go up Manor Road and into the site or via the new road opposite the B4634.
- b) Only the back and side wall of Sainsbury's shows along the Tewksbury road with the appropriate signage pointing to entrances.
The building is unlit on the Tewksbury road side its bulk stopes and reflects any noise of deliveries, maintenance and general site noise away from the residential areas and towards the industrial estate.
- c) In the open car park between buildings a significant embankment has been built up and planted with trees and thick shrubs to block out any light and reflect any noise from a car parking facing the Tewksbury road and the trees also hide a significant portion of the light from carpark.
- d) All other properties in the Gallagher retail park follow this blueprint with all deliveries being made behind the stores so that noise is reflected away from the Tewksbury road further into the industrial area.

The residents of Glynbridge Gardens are not specifically against redevelopment of the site in general, whoever what we believe would be a fair compromise would be that the plans be changed so that:-

- i. The entrance and exit on the Tewksbury road be blocked off and all traffic enters the site via Manor Road and Rutherford way in the industrial estate. The road management plans submitted clearly show that this access is more than capable to taking both deliveries and normal business traffic without alteration and should therefore not impact on the site.

- ii. The plans are altered to place the back of the Lidl building along the Tewksbury road. This will block out the Tewksbury road entrance and exit to the site and also block or reflect light and noise pollution from the site.

With no direct access to the Tewksbury road the anti-social elements should not be attracted to the area as they would have to pass through a retail park which is covered by security cameras from the surrounding businesses, this will make it a much less attractive site for this element.

We would also point out the planning department that no other business in the area runs a 24 hour site as Lidl are proposing, even the Gallagher retail park is shut from 10pm.

e) We ask the council to consider restricting this site activity to these times observed by all other business 08:00 and 22:00 during the week.

Glynbridge Gardens

Comments: 7th June 2017
Petition attached.

25 Dark Lane
Cheltenham
Gloucestershire
GL51 9RN

Comments: 30th June 2017

Any development of the site entrance/exit should not be from Tewkesbury Road. Entrance & exit across a footpath & cycle way onto a busy dual carriageway should be prohibited.

To permit Tewkesbury Road entrance/exit would be a lost opportunity to make the Tewkesbury Road safer for all users.

Access should be from Manor Road mini roundabout in the same way that Sainsbury/Gallagher Retail park & Stratstone/HR Owen use this method.

Plan fails to provide adequate parking and will be a nuisance to adjacent properties

Grey Squirrels
Homecroft
Uckington
Cheltenham
GL51 9SN

Comments: 22nd June 2017

Whilst having no objection to either of the applicants, I feel a store or business with a much lesser footfall would be preferable. The previous business i.e. Cotswold Motors, would not have had hundreds of would be customers calling each day. The Joint Core Strategy is now considering what might be done to relieve traffic pressure on the A4019 i.e. Tewkesbury Road. I understand a traffic plan might be available in December. There is within the plan provision for 4500 new houses and an application in by Bloor/Persimmon for 4,152 home plus other businesses is before Tewkesbury Borough Council at present.

In view of the above information I must object to the application.

LIDL

Page 146

APPLICATION NO. 17/00936/FUL

24 LIBERTUS COURT,
CHELTENHAM GL51 7HX.

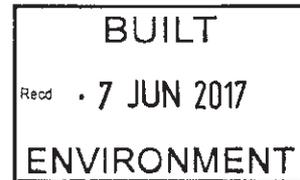
BUILT
Recd 20 JUN 2017
ENVIRONMENT

20th JUNE

There are 4 Superstores in Tewkesbury Rd (TESCO, WHOLE FOODS, SAINSBURY, ALDI + WAITROSE 300' away).
Heronsons at Hothelley.

Only two in center (Lidl, Asda).

Another store in Tewkesbury Rd is of no use to the majority of people. It is proposed, so that Lidl can have honoy, no other reason. They should contact on the town center store.



[REDACTED]
45 Glynbridge Gardens
Cheltenham
GL51 0BZ

6th June 2017

Dear Sir/Madam

REF: APPEAL AGAINST PLANNING APPLICATION 17/00936/FUL

I wish to appeal against the planning application for redevelopment of the Cotswold BMW Site on the Tewkesbury Road for the following reasons:

1. NOISE – The noise level would go on into the night. Late night shopping and cars. It would give the boy racers another area to gather late at night and into the early hours!
2. LIGHT POLLUTION. The Lighting from the new site would light up the backs of our houses. Cars leaving the site headlights would shine straight into our bedrooms!
3. ANTI SOCIAL BEHAVIOUR. We have enough from the McDonalds and Kingsditch sites without giving the boy racers another place to hang out.

Please try and think of the local residents for a change. Maybe sit down with locals and try to work it out.

The last time we handed in a petition it was for the McDonalds planning application which was PASSED giving McDonalds a 10pm curfew, a year later changed to 24hrs

Kind Regards

[REDACTED]

Recd 7 JUN 2017

ENVIRONMENT

The Residents
Glynbridge Gardens

The Planning Officer
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
Gloucestershire
GL50 1PP

Reference

**Appeal Against Planning Application 17/00936/FUL
Complaint and Appeal Against Outlying planning permission dated June 2016 15/00321/OUT**

Dear Sirs,

The residents of Glynbridge Gardens wish to appeal against the planning submission for the redevelopment of the Cotswold BMW site on the Tewksbury road for the below reasons:

We also wish to raise a formal complaint with the council planning office regarding the outlying planning permission granted in June 2016 reference 15/00321/OUT which changed the status of the site.

This planning change was done without the residents of Glynbridge Gardens ever being made aware of the planning application or given a chance to review or oppose the building of a public house on this site which is wholly inappropriate for the area.

As the proposers in both applications are the same (Hinton Properties) and as Hinton Properties have now formally stated that they no longer wish to pursue the outlying planning permission granted in 15/00321/OUT, we the residents of Glynbridge gardens ask council planning authority to withdraw that permission and reinstate the properties original status of a residential area until such time as a proper public consultation can be done.

In the meantime we wish to object to the Planning Application 17/00936/FUL on the following grounds:-

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2. Noise Disturbance
3. Significant increase in traffic
4. Light Pollution
5. Privacy
6. Anti-Social Behaviour

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These restrictions included:-

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- b. Opening time were restricted to 08:00 - 20:00 Monday to Saturday with limited opening on Sunday.
- c. All work or maintenance of motor vehicles to be carried out behind the main building thus shielding the residents from any works noise and work only to be carried out between 08:00 and 20:00 Monday to Saturday.
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- e. Light pollution was kept to a minimum with the showrooms facing the Tewksbury road being low lit at night and the storage areas and car parks at the back mostly being hidden from view by the buildings and thus the residents were shielded from excessive light pollution.
- f. The site was strictly controlled by security to stop anti-social behaviour as seen around the McDonalds premises further up the Tewksbury road towards Cheltenham.

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- b) Whilst the current proposal is for the Starbucks office drive through to be open only until 11, as the site will be active 24 hours a day under these proposals it can be assumed that that there will be a request in the near future for 24 hour opening of the Starbucks to service the site staff.
- c) All restriction on noise from deliveries, car parking, maintenance of buildings, to be lifted and potentially to be carried out 24 hours a day. Our children's bedrooms face this and there will be significant disturbance throughout the night.
- d) Cars and lorries will have full access to the site 24 hours a day with headlights on outgoing cars sweeping the backs of our homes and our children's bedrooms throughout the night causing excessive light pollution noise and other disturbance as the accelerate away.
- e) The removal of the BMW Garage and the subsequent increase in light in the carpark surrounding the development will mean excessive light pollution in the area as the plans have no blocking mechanism in place.
- f) Anti-Social Behaviour is currently a problem by McDonalds further up the Tewksbury road because the site is unsecured at night. Street racers and gangs congregate there and police are regularly called.

This area is outside the current residential area but does have an impact on us via noise and sirens. This new development being open 24 hours a day may now attract this element into the residential area and it will have more proposed routs for the gangs the escape than the current site has.

No provision has been made to combat these antisocial elements if this happens.

Proposed Changes to the Plan

We ask the planning committee to review the Sainsbury's and other developments down the Tewksbury road which are specifically designed to combat all of the above issues.

We ask the council to consider Sainsbury's as a specific blueprint for this type of development along the Tewksbury road as it is a proven blueprint that works well with residents.

The specific design features that were put in place to combat the above are :-

ENVIRONMENT

- a) All direct access to and from the Tewksbury road is blocked off. All access to the site is via a road leading away from residential areas into the industrial estate at either side of the site. All deliveries thus go up Manor Road and into the site over the new road opposite the B4634.
- b) Only the back and side wall of Sainsbury's shows along the Tewksbury road with the appropriate signage pointing to entrances. The building is unlit on the Tewksbury road side its bulk stops and reflects any noise of deliveries, maintenance and general site noise away from the residential areas and towards the industrial estate.
- c) In the open car park between buildings a significant embankment has been built up and planted with trees and thick shrubs to block out any light and reflect any noise from a car parking facing the Tewksbury road and the trees also hide a significant portion of the light from car park.
- d) All other properties in the Gallagher retail park follow this blueprint with all deliveries being made behind the stores so that noise is reflected away from the Tewksbury road further into the industrial area.

The residents of Glynbridge Gardens are not specifically against redevelopment of the site in general, whoever what we believe would be a fair compromise would be that the plans be changed so that:-

- 1) The entrance and exit on the Tewksbury road be blocked off and all traffic enters the site via Manor Road and Rutherford way in the industrial estate. The road management plans submitted clearly show that this access is more than capable to taking both deliveries and normal business traffic without alteration and should therefore not impact on the site.
- 2) The plans are altered to place the back of the Lidl building along the Tewksbury road. This will block out the Tewksbury road entrance and exit to the site and also block or reflect light and noise pollution from the site.

With no direct access to the Tewksbury road the anti-social elements should not be attracted to the area as they would have to pass through a retail park which is covered by security cameras from the surrounding businesses, this will make it a much less attractive site for this element.

We would also point out the planning department that no other business in the area runs a 24 hour site as Lidl are proposing, even the Gallagher retail park is shut from 10pm.

- e) We ask the council to consider restricting this site activity to these times observed by all other business 08:00 and 22:00 during the week.

Recd . 7 JUN 2017

ENVIRONMENT

Signed

Name

Address / House Number

[Redacted]	43 Glynbridge Gardens
[Redacted]	45 Glynbridge Gds
[Redacted]	47 GLYNBRIDGE GARD
[Redacted]	32, Glynbridge Gardens Chell
[Redacted]	57 Glynbridge Gardens
[Redacted]	59 Glynbridge Gardens
[Redacted]	61 Glynbridge Gardens
[Redacted]	67 Glynbridge Gardens
[Redacted]	69 Glynbridge Gardens
[Redacted]	56 Glynbridge Gdns
[Redacted]	54 GLYNBRIDGE GARDENS
[Redacted]	50 GLYNBRIDGE GARDENS
[Redacted]	48 Glynbridge Gardens
[Redacted]	42 GLYNBRIDGE GARDENS
[Redacted]	40 Glynbridge Gardens
[Redacted]	36, Glynbridge Gdns
[Redacted]	41 GLYNBRIDGE GARDENS
[Redacted]	39 GLYNBRIDGE GARDENS
[Redacted]	37 Glynbridge Gdns
[Redacted]	33 GLYNBRIDGE Gdns
[Redacted]	31 Glynbridge Gdns
[Redacted]	10 SUMMERFIELD CLOSE

[REDACTED]	2 Summerfield Place
[REDACTED]	49 Glynbridge Gardens
[REDACTED]	49 Glynbridge Gardens
[REDACTED]	57 GLYNBRIDGE GARDENS
[REDACTED]	55 Glynbridge Gardens
[REDACTED]	53 Glynbridge Gardens
[REDACTED]	29 34 Glynbridge Gardens
[REDACTED]	30 Glynbridge Gdns
[REDACTED]	46 Glynbridge Gardens
[REDACTED]	53, Glynbridge GARDENS
[REDACTED]	29 GLYNBRIDGE GARDENS
[REDACTED]	27 Glynbridge Gardens
[REDACTED]	25 Glynbridge Gardens
[REDACTED]	21 Glynbridge Gardens
[REDACTED]	5 Summerfield Close
[REDACTED]	" " "
[REDACTED]	14 Summerfield Close

APPLICATION NO: 17/00936/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 17th May 2017	DATE OF EXPIRY: 16th August 2017
WARD: Swindon Village	PARISH: Swindon
APPLICANT:	Hinton Properties (Cheltenham) Ltd
AGENT:	Mr James Griffin
LOCATION:	Cotswold BMW, Tewkesbury Road, Cheltenham
PROPOSAL:	Full planning application for erection of 2,856 sq.m food store (Use Class A1) and 223 sq.m of coffee shop retail and drive-thru (Use Class A1/A3) with associated landscaping, parking and infrastructure

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. This update refers to Condition 3. This has been amended to provide the correct figure for net sales area (1,690 sqm) and to add further clarity. The figure given previously was the internal floor area.

2. CONCLUSION AND RECOMMENDATION

- 2.1 As per original report with updated Condition 3.

3. CONDITIONS/REFUSAL REASONS

- 3 No more than 20% of the total net sales area of 1,690sqm shall be used for the sale of comparison goods within the discount food store hereby permitted.
Reason: To control the mix of convenience and comparison goods sold within the retail space thereby managing the impact on the town centre in accordance with the advice set out within the NPPF.

From: Rob Garnham [REDACTED]
Sent: 10 August 2017 0 [REDACTED]
To: Councillor Bernard Fisher; <flo.clucas@btinternet.com>
Cc: Emma Pickernell
Subject: Planning Application for the former BMW site on Tewkesbury Road

Dear Councillors Clucas and Fisher

Application No: 17/00936/FUL: Erection of 2,856 sq.m food store (Use Class A1) and 223 sq.m of coffee shop retail and drive-thru (Use Class A1/A3) with associated landscaping, parking and infrastructure

You may know that the above application for a Lidl and Starbucks coffee at the former BMW site on Tewkesbury Road is coming to your planning committee next Thursday. We of course acknowledge some of the concerns raised, particularly over all night usage, and so the applicant is pleased to confirm that there will be no 24 hour operations as feared, and that they are agreeable to the restricted hours of openings as set out in the officers' report.

Lidl have been operating a website at <http://www.cheltenhamtewkesburyroad.lidl.co.uk> whereby people can view the proposals and contact Lidl with their comments. I have checked on the latest figures today which show the following support:-

Q1. Do you support a new Lidl discount foodstore & Starbucks in Cheltenham?

In response 373 people have voted with 77% saying yes, 19% saying no and 4% undecided.

Q2. Do you support a new Lidl discount foodstore & Starbucks at the former BMW and MINI Dealership, Tewkesbury Road, Cheltenham?

In response 353 people have voted with 70% saying yes, 26% saying no and 3% undecided.

In addition to these questions there has been the opportunity for signing an on-line petition in support of the proposals and, so far, 894 people have signed giving the proposals their support. The text of the petition is as follows:-

"We, the undersigned, fully support Lidl's proposed application for a new neighbourhood foodstore and Starbucks Drive-Thru at the former BMW and MINI Dealership, Tewkesbury Road, Cheltenham."

"We agree to our petition data being used to lobby local Councillors and Cheltenham Borough Council."

I trust these figures will be helpful in your deliberations and consideration of the site and, for the sake of transparency, I have also copied this email to Emma Pickernell, the planning case officer.

Please feel free to come back to me if you have any questions or need clarification on any points.

Thanks,

Rob.

Rob Garnham



11 Vilverie Mead
Bishops Cleeve
Cheltenham
GL52 7YY

t. [REDACTED]

m. [REDACTED]

e. rob@mediationinplanning.co.uk

w. mediationinplanning.co.uk

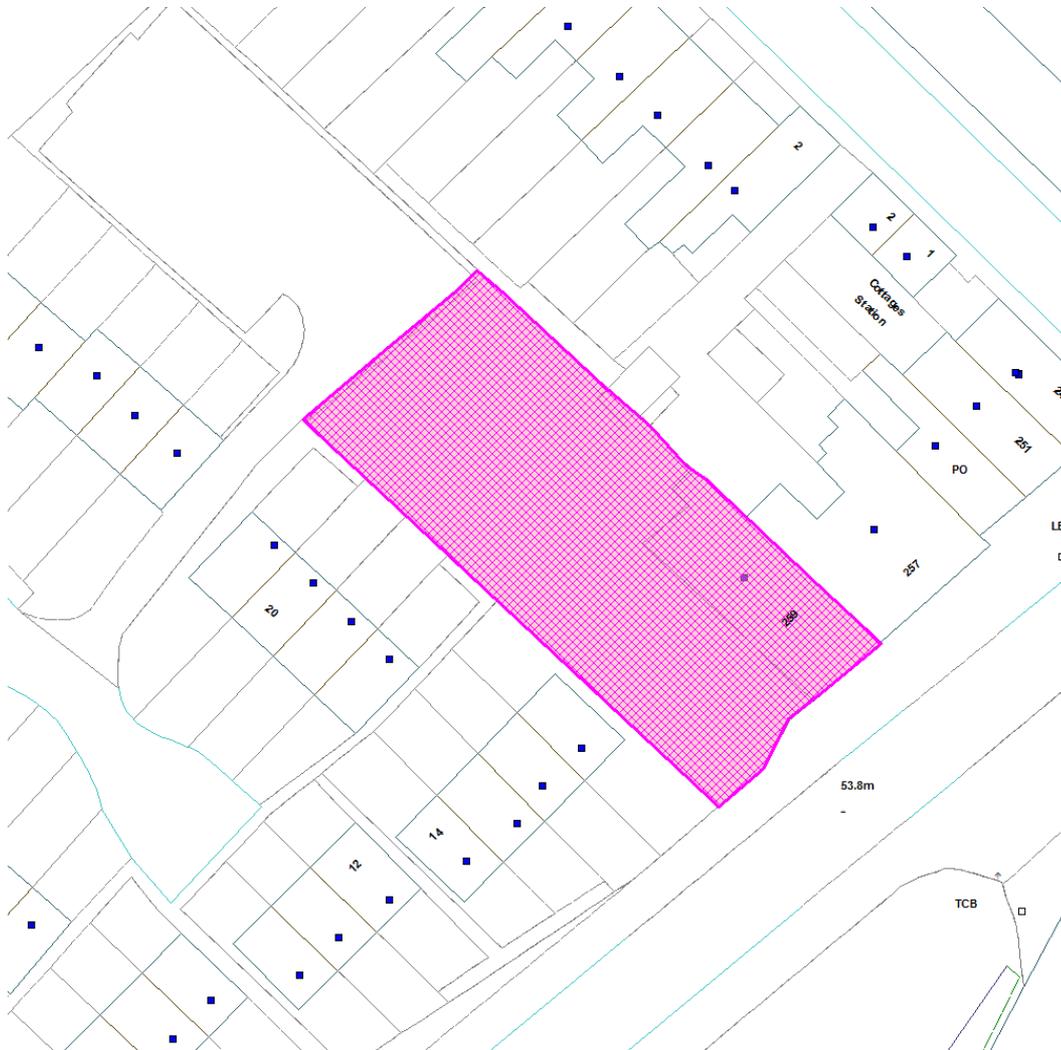
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APPLICATION NO: 17/01179/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 20th June 2017	DATE OF EXPIRY: 15th August 2017
WARD: St Marks	PARISH:
APPLICANT:	Homeward Properties Ltd
AGENT:	Coombes Everitt Architects Limited
LOCATION:	259 Gloucester Road, Cheltenham
PROPOSAL:	Erection of 6no. one bedroom units within an apartment block and a pair of semi-detached two bed houses on land adjacent to 259 Gloucester Road (revised scheme following refusal of planning permission ref. 17/00165/FUL)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a parcel of land adjacent to a terrace of properties which front Gloucester Road, opposite Cheltenham Spa Railway Station, within St Marks ward. The existing terrace to the east contains shops and other commercial uses at ground floor, and forms part of larger Neighbourhood Shopping Centre. The terrace presents two storeys to Gloucester Road, and three to the rear which face onto a lane leading off Roman Road. The remaining boundaries are adjoined by residential properties in Roman Road and Libertus Court. Presently the application site is rough ground with no defined use. Pedestrian access is provided to the side of the site along with entrance to the existing property.
- 1.2 Planning permission was granted by committee, in August 2016, for the erection of 4no. dwellings on the site. The approved scheme comprises 2no. two bed semi-detached properties to the rear and, to the front, in a building facing towards Gloucester Road, 2no. two bed flats. The buildings are two storeys with pitched roofs, and predominantly faced in red brick, with access and 3no. off-street car parking spaces provided via Roman Road.
- 1.3 Prior to this, in February 2014, committee members refused planning permission for the erection of a three storey extension to the terrace comprising 6no. one bed flats. The refused scheme proposed an extension 8.6m wide and 17m deep, with the roof following through from the existing building. No off-street parking was proposed. The refusal reason was threefold; size and design, amenity, and lack of parking.
- 1.4 More recently, in April 2017, planning permission for a scheme comprising 2no. two bed semi-detached houses to the rear and, to the front, 6no. one bed flats in a three storey building facing towards Gloucester Road, was refused by committee. The refusal reason states:

The proposal fails to complement and respect neighbouring development and the established character of the locality. The application site is located between two widely disparate buildings and the design of the proposed development fails to respond to its context and would appear as an incongruous addition in the streetscene.

The proposal is therefore contrary to the requirements of Local Plan Policy CP7 (Design) and the design advice set out within the National Planning Policy Framework.

- 1.5 This application is now seeking planning permission for a further revised scheme. The scheme is quite similar to that recently refused, and provides for the same mix of accommodation, but has been amended in an attempt to address members concerns. The buildings would still have flat roofs and are largely faced in red brick and white painted render, but dark grey cladding has been introduced to the upper part of the apartment building adjacent to Libertus Court. This cladding has been introduced to provide an improved transition between the new apartment block and the houses in Libertus Court which are characterised by steeply pitched, tiled roofs. Additionally, the clad part of the building has been stepped in. As with the previous proposals, vehicular access and off-street car parking spaces would be provided via Roman Road.
- 1.6 The application has been referred to committee by Cllr Holliday who raises concerns in relation to an overbearing impact on, and loss of amenity to, neighbouring properties. Members will revisit the site on planning view.

residents in Roman Road and Libertus Court. The comments have been circulated in full to Members but largely refer back to previous correspondence. Additionally, the comments refer to the number of applications local residents have been asked to comment on on this site in the last few years. Whilst the Local Planning Authority are obliged to deal with any number of applications on an individual site, it is clear that the local residents are frustrated at the situation.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application relate to the principle of development, design and layout, impact on neighbouring amenity, and parking and highway safety. All of these matters were duly considered in the officer report to committee in April, and members will note that the recent refusal reason relates only to the design of the building and its relationship to adjacent buildings. As such, given the similarities between the scheme now proposed and the former scheme, this report will concentrate on design matters.

6.2 Design and layout

6.2.1 Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality.

6.2.2 Further guidance is set out within the NPPF at paragraph 56 which advises that *“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. It goes on to say at paragraphs 59 and 60 that design policies *“should concentrate on guiding the overall scale, density, massing, height”* etc. and *“should not attempt to impose architectural styles or particular tastes”*.

6.2.3 It is widely acknowledged that this is a particularly difficult site to develop given the widely disparate buildings on either side, fronting Gloucester Road. It was suggested during the debate at the April committee meeting that the proposed scheme would appear out of keeping, and would fail to complement the terrace of shops or houses in Libertus Court. However, such is the variety of development in the vicinity that there is no clear theme for the new buildings to respond to. It would be inappropriate for the development to try to simply replicate the buildings on either side of the site. In addition, it was suggested that perhaps the apartment block should be located at the rear of the site and the houses brought forward; however this would have a far more significant impact on a greater number of neighbouring properties.

6.2.4 The applicant's agent has made reference to some recent developments on nearby sites in their submission, including the former Alpha Filling Station redevelopment on Queens Road, where contemporary, flat roofed buildings of varying scale have been successfully integrated into the street scene alongside more traditional pitched roofed buildings. The contextual analysis also references The Midland Hotel immediately northeast of the terrace which, whilst traditional in form, is largely flat roofed.

6.2.5 As previously stated at paragraph 1.5, the proposed buildings would still have flat roofs and are largely faced in red brick and white painted render, but dark grey horizontal cladding, to match the cladding on the projecting bay window, has been introduced to the upper part of the apartment building adjacent to Libertus Court. Officers consider this to be a positive revision to the scheme, which together with the recessed top floor would provide for an improved transition between the new apartment block and the houses in Libertus Court which are characterised by steeply pitched, tiled roofs.

6.2.6 It is noted that some local residents still do not like the design; however, officers continue to consider the general design approach to be appropriate.

6.3 Other matters

6.3.1 For clarity, further to the Ubico comments at Section 4, access for bin collection would be from Roman Road; this is unchanged from the previous schemes, including the approved scheme for 4no. units.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 The proposal would provide for 8no. additional dwellings within a highly sustainable location, and would make a positive, if limited, contribution to the supply of housing in the Borough. Additionally, the proposal would also bring about economic benefits through the construction process and from the occupation of the proposed dwellings.
- 7.3 Officers are mindful of the need to consider the NPPF advice on the presumption in favour of sustainable development and the implications of not being able to demonstrate a 5 year supply of housing.
- 7.4 The principle of development, impact on neighbouring amenity, and parking and highway safety has previously been deemed to be acceptable. With regard to design, officers continue to consider the general design approach to be appropriate but welcome the revisions to scheme which would provide for an improved transition between the widely disparate buildings on either side of the site, fronting Gloucester Road.
- 7.5 In considering the planning balance with regard to economic, social and environmental matters, officers are of the view that the planning balance is firmly in favour of the proposal and the application is therefore recommended for permission, subject to the conditions set out below:

8. CONDITIONS

- 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 No development shall commence on site unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Management Plan shall:

- a) specify the type of vehicles used during construction
- b) provide for the parking of vehicles of site operatives and visitors
- c) provide for the loading and unloading of plant and materials
- d) provide for the storage of plant and materials used in constructing the development
- e) provide for wheel washing facilities; and
- f) specify the access points to be used and maintained during the construction phase.

The development shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of highway safety and visual amenity and having regard to Policies TP1 and CP4 of the Cheltenham Borough Local Plan (adopted 2006). This information is required up front because highway safety could otherwise be compromised at the beginning of construction.

- 4 No external facing or roofing materials shall be applied unless in accordance with:

- a) a written specification of the materials; and
- b) physical sample/s of the materials.

The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 5 Prior to the implementation of any landscaping, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 6 The development hereby permitted shall not be occupied until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate provision and availability of car parking within the site, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006).

- 7 The development hereby permitted shall not be occupied unless secure, covered cycle storage has been constructed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall at all times be retained in accordance with the approved details.

Reason: To ensure adequate provision and availability of cycle parking facilities, having regard to Policy TP6 of the Cheltenham Borough Local Plan (adopted 2006).

- 8 The development hereby permitted shall not be occupied until refuse and recycling storage facilities have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Such areas shall not be used for any purpose other than the storage of refuse and recycling and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate provision of refuse storage, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order), all windows annotated on the approved plans as being obscured shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the privacy of adjacent properties, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to Policies CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in the development without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

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

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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: 17/01179/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 20th June 2017		DATE OF EXPIRY : 15th August 2017	
WARD: St Marks		PARISH:	
APPLICANT:	Homeward Properties Ltd		
LOCATION:	259 Gloucester Road, Cheltenham		
PROPOSAL:	Erection of 6no. one bedroom units within an apartment block and a pair of semi-detached two bed houses on land adjacent to 259 Gloucester Road (revised scheme following refusal of planning permission ref. 17/00165/FUL)		

REPRESENTATIONS

Number of contributors	5
Number of objections	4
Number of representations	1
Number of supporting	0

1 Libertus Court
Cheltenham
Gloucestershire
GL51 7HX

Comments: 28th June 2017

In response to Ubico's comment [by Scott Williams on 23.06.2017] regarding clarification of bin access collection to this new development either being from Libertus Court or Roman Road.

We wanted to take this opportunity [as Libertus Court Management Ltd] to express that we have not been approached nor would grant access to this site through Libertus Court private car park.

However, looking at the Application [Section 7] & the proposed plans, it doesn't look as if the developers are proposing this anyway. Their comment states in the Application that "A bin store [will be] located within the communal parking court", which is drawn on the plans on the left hand side of the entrance to the development from Roman Road, so could assume that bin collection is from this access road.

It would be appreciated if the developers could confirm the interpretation of the plans back to both ourselves & Ubico so that the matter can be resolved.

Kind regards, Company Secretary for Libertus Court Management Ltd

10 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 17th July 2017

Letter attached.

8 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 18th July 2017

Our comments in respect of application 17/00165/FUL remain valid for this most recently application and should be deemed incorporated for the purposes of this application.

As has been previously raised by my fellow residents, I am concerned that the barrage of applications in respect of this site is confusing residents and causing application fatigue (which is somewhat evident by the lack of responses to this latest application). Residents with little or no knowledge of architectural nuances and the planning processes are being asked to wade through multiple applications to keep track of differences. We therefore continue to ask that the legitimate and consistent concerns previously raised in respect of loss of privacy, amenity and parking and traffic safety are accounted for.

I also add that since our submission of the previous application I have witnessed cement mixers trying to access the site via the small lane from Roman Road. However, in reality what happened was the cement mixer got stuck mid way down Roman Road as the road is so narrow. I noticed something was going on as all the builders were shouting to the driver for over 30 minutes trying to direct the driver in a way that it could squeeze past the cars. When they figured that was impossible, the cement mixer then reversed all the way back up Roman Road (it got stuck outside 10 Roman Road approx) to Rowanfield Road, went around the block and then reversed down Roman Road against the flow of traffic so it could access the lane. Despite going through all that, when it got to the lane the mixer was too big to be able to reverse down it despite a good 15 minutes of trying so the builders had to then shift cement by the wheel barrow until they gave up.

This event may be unconnected to this application but, in any event, demonstrates that that lane is too small to accommodate industrial vehicles and therefore I question how on earth the the applicants intend to get this building finished in a quick and efficient way without considerable disruption to the area. Videos of this event and the struggles of the cement mixer are available on request of the Council.

4 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 23rd July 2017

As other residents have said, this is the sixth (6th) application to develop this land in three years, and is proving speculative and vexatious.

Despite already having had approval for a previous application, they seem to be throwing mud at the Council planners in the hope of seeing what sticks.

As others, we would similarly ask that our comments on (multiple) previous applications regarding loss of amenity in terms of visual impact, noise and begin overlooked, pedestrian and highway safety, parking, and issues with bin collections clogging the pavement be reviewed and taken into consideration this time.

The main difference this time would seem to be the design of the main block, and for the worse. It is now a slab-sided Lego jumble of render, brick and aluminium that bars no relation to surrounding buildings in terms of size, scale, lines or materials.

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The design seems to be purely to take the building up to the road and to the roofline of the adjacent row of shops and flats as far as possible, and boy does it show. At least the nearest design the application reference, Tesco Express, has the good grace to sit well away from the road and not dominate the street scene. Is this really one of the first things we want visitors alighting the train to see from the train station?

The only other aspect that appears to have changed is the parking arrangements along the boundary with Liberty Court. Even in the smallest vehicle, these spaces are laughably small and crammed, especially the space wedged behind the bin store. The architect seems to be designing in problems here, creating conflict with other residents (especially of No. 2 Roman Road, whose front door opens straight into the lane) and motorists.

We broadly accepted the previously approved application. This application though is poor, has no design or architectural merit, bears no relation whatsoever to its surroundings, and will negatively impact on existing residents' amenity, and on highway and pedestrian safety.

We would politely ask the Council to advise the applicant to stop testing residents' patience with repeated poor and speculative applications, and generating resentment and bad-will before a spade has even gone in the ground.

20 Libertus Court
Cheltenham
Gloucestershire
GL51 7HX

Comments: 26th June 2017

All objections stated on the previous application 17/00165/FUL remain in place for this application.

10 ROMAN Rd =
Cheltenham,
GLOS.
GL51 8AA,



Miss Michelle Payne -
01242 264313.
Ref - 17/01179/Ful-

Dear Sir or Madam -

About 259 Glos Rd -

1. We have up to 10 cars parked in the back - which shouldn't be there at present -
2. Our back entrance - to Six houses - is a no go area - because people have dumped their rubbish - from the Flats there including mattresses - and building rubbish -
3. ~~Noise~~ Noise in the area as gone through the roof - I have had to change my hours working because of banging etc from 7 o'clock - in the morning - because I work nights -
4. Parking Scheme - don't no if this will work - because of 10 cars round the back - will have to come on the Road - With six Flats & a pair of Semi - could mean at another 10 cars on top of that - where are all these cars - going to go

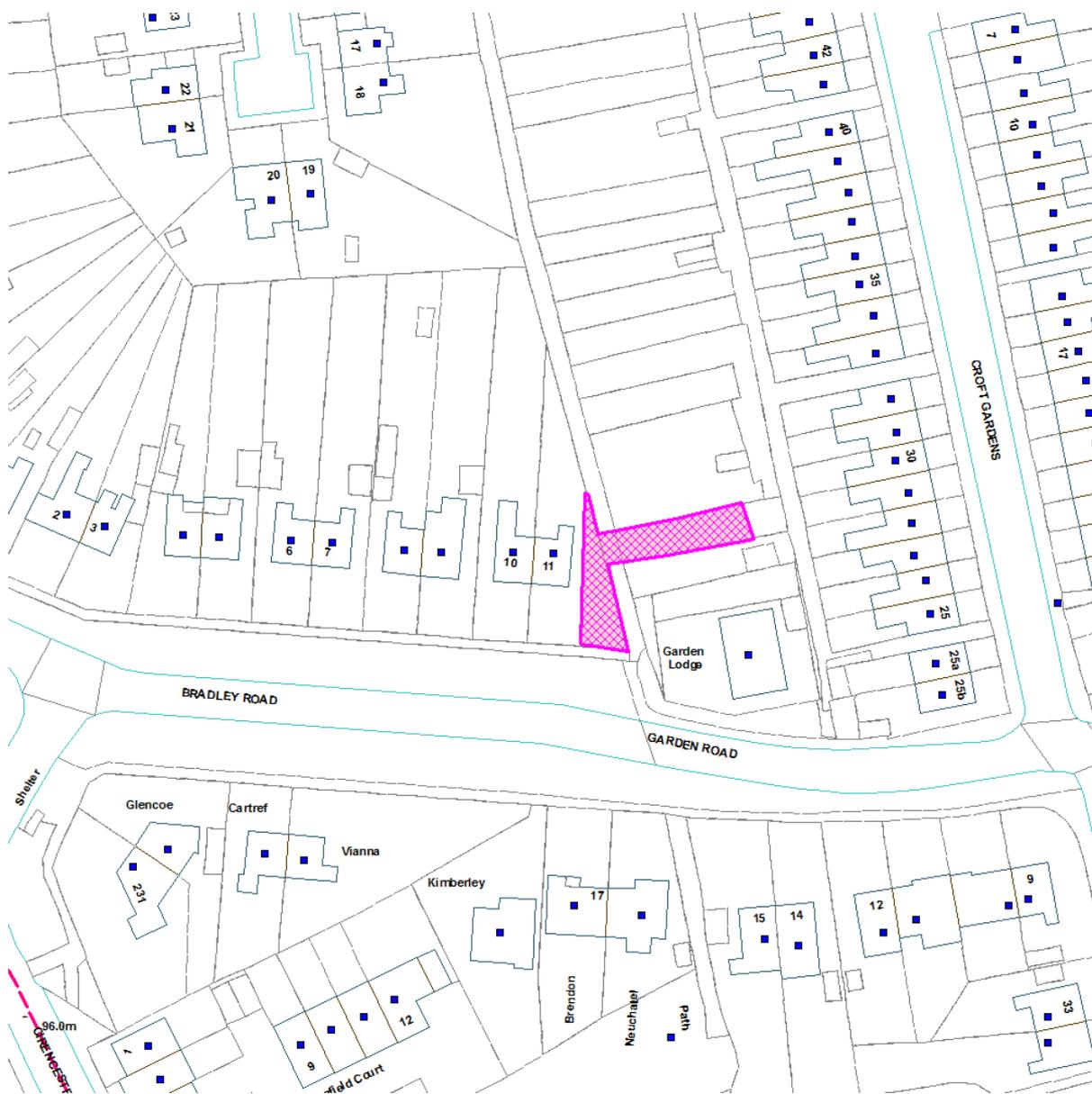
5. litter & Dog mess. b Page 169 a big Problem -
any worse it will become a Shum area
6. If you come to Roman Rd and have a Look -
you notice at Least Six Houses for Sale -
because they have had enough -
7. I wish I had the money to move away -
we have been here for 50 years don't like it
anymore -
8. I can still see me - Parking 10 minutes away -
even in the Future .

Yours faithfully,


14-7-17.

APPLICATION NO: 17/01210/FUL		OFFICER: Mrs Lucy White
DATE REGISTERED: 24th June 2017		DATE OF EXPIRY: 19th August 2017
WARD: Charlton Kings		PARISH: Charlton Kings
APPLICANT:	Mr Berry	
AGENT:	SF Planning Limited	
LOCATION:	Golden View, 11 Bradley Road, Charlton Kings	
PROPOSAL:	Erection of a new single dwelling	

RECOMMENDATION: Refuse



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL.

- 1.1 The application site comprises part of the side and rear garden/curtilage of No 11 Bradley Road, part of a public footpath running alongside 11 Bradley Road and part of the rear garden of No 29 Croft Gardens. The formed plot is triangular in shape adjacent to the existing dwelling and rectangular in shape extending across the footpath and into the rear garden of No 29 Croft Gardens.
- 1.2 No 11 Bradley Road is a two storey, hipped roof, semi-detached dwelling with a cast stone and rendered finish to external walls. This property is one of several pairs of semi-detached properties on the north and south sides of Bradley Road which has a strong building line and a consistent pattern, form and character of development. The application site lies within the Principal Urban Area and is not subject to any other land designation, other than a public footpath.
- 1.3 The applicant proposes the erection of a two storey dwelling of contemporary design on land adjacent 11 Bradley Road. Access to the proposed dwelling would be from Bradley Road with two off road parking spaces provided on a private driveway to the front of the property.
- 1.4 The proposed development will require the adjoining footpath (CK13) to be stopped up and diverted by way of an order under section 247 of the Town and Country Planning Act 1990. The proposed route of the diverted footpath is shown on the submitted drawings; running in the gap between 11 Bradley Road and the proposed dwelling. The applicant has confirmed that an order has been submitted to the County Council concurrently with this application and that initial discussions have taken place with GCC as Highway Authority.
- 1.5 Planning permission was granted in 2012 for the erection of a two storey side extension and single storey rear and side extensions (ref 12/01537/FUL). It is evident that the single storey rear element only of this consent has been built.
- 1.6 This application is before planning committee at the request of Cllrs Bickerton (in objection) and Walklett (in support) to allow Members to consider the impact on the amenities of neighbouring properties and character of the area.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Smoke Control Order

Relevant Planning History:

68/00303/PF 26th December 1968 REF

Golden View Cheltenham Gloucestershire - Change Of Use Of Premises Previously Residential To Use As A Sub Post Office

12/01537/FUL 4th December 2012 PER

Two storey side and single storey rear extension

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 4 Safe and sustainable living
CP 7 Design
HS 1 Housing development
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Flooding and sustainable drainage systems (2003)
Sustainable developments (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

20th July 2017

No Objection

But the following concern was raised by No 28 Croft Gardens about the effect of the East facing window on his privacy and enjoyment of his garden

We note that in the Comments section on this application were responses on objections raised by the Agent of 12 Royal Crescent on 17th July including the following offer

"No 28 have concerns about loss of privacy the East facing windows have been designed not to overlook however we can also agree screening or obscure glazing where this is considered to be necessary to make the development acceptable"

We therefore formally request if the planning officers recommendation is for approval of the application that this be a Condition of Approval being granted.

Wales and West Utilities

11th July 2017

Letter and plan available to view on line.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	12
Total comments received	9
Number of objections	2
Number of supporting	5
General comment	1

5.1 As part of the statutory consultation process, 12 letters of notification were sent to neighbouring properties. In response to the publicity, nine representations were received in relation to the proposal, two objecting and 5 in support. In summary, the concerns and comments relate to:-

- overlooking, loss of privacy and outlook from rear garden areas of neighbouring properties

- proposals do not respect local context and street pattern
- scale and design out of character
- forward of building line and an awkward narrow site
- proposals would impact on the only view out of the rear of 28 Croft Gardens
- proposals do not replicate spacings between properties in street
- discrepancies in the dimensions shown and quoted in drawings and correspondence
- damage to neighbouring gardens
- support for an affordable family home with minimal impact on local area
- proposal would encourage better use of a new diverted footpath
- better to use land outside AONB for new housing
- a good use of space and fills an untidy bit of wasteland

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues are:-

- the principle of residential development within this location and the suitability of the application site to accommodate an additional dwelling
- the design and scale of the proposed development and their impact upon the character and appearance of the locality
- impact on amenities of occupiers of neighbouring properties, in particular Nos 27, 28 and 30 Croft Gardens
- suitability of the proposed access to serve the new dwelling and highway safety implications
- implications of proposed footpath diversion

6.3 Principle of Residential Development

6.4 The relevant policy documents for consideration are the Cheltenham Borough Local Plan (adopted 2006), the NPPF, NPPG and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS). The JCS is currently undergoing public examination and although a material consideration, the weight that can be afforded to the plan and its individual policies will be guided by levels of support and objection attributed to it as the JCS progresses through to its adoption.

6.5 At paragraph 14, the NPPF states that “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking...” Further, when determining applications for housing, paragraph 49 of the NPPF similarly advises that they should be considered in the context of a presumption in favour of sustainable development.

6.6 The application site is located within the Principal Urban Area of the Local Plan and benefits from ease of access (by cycle and public transport) to all amenities and services provided in Cheltenham town centre. The application site must therefore be considered as a sustainable location for new residential development.

6.7 The NPPF requires local planning authorities to demonstrate a five year supply of housing; as at 1st April 2015 and using the JCS housing requirement for Cheltenham, the

Council is currently unable to demonstrate such a requirement. The NPPF advises that relevant local plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- 6.8** Where policies are not considered to be up-to-date, the NPPF advises that, with the presumption in favour of sustainable development (unless material considerations indicate otherwise) permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework.
- 6.9** The Council's Supplementary Planning Document 'Development on Garden Land and Infill Sites in Cheltenham (2009)' assists in the determination of planning applications, as it provides a consistent and robust means of assessing the context and character of residential areas. The document also ensures only development which is in keeping with the character of the surrounding area, does not harm the amenities of nearby residents and that is of a high standard of design is approved. At paragraph 3.1 it advises that *'proposals for development on garden land and other infill sites should be based upon a thorough understanding of the character of the neighbourhood, and in particular the street and block within which the site is located... and to complement and respect neighbouring development'*.
- 6.10** It is against the SPD, relevant development plan policy the guidance set out within the NPPF that this application needs to be assessed.
- 6.11 Design and layout**
- 6.12** The application site is made up of three separate parcels of land and is consequently an odd shape and configuration. The footprint of the proposed dwelling would straddle the existing public footpath, with half located within the side and rear garden/curtilage of 11 Bradley Road, the remainder in part of the rear garden of No 29 Croft Gardens. The proposed dwelling would extend virtually the full width of the available plot sections. Off road parking to the front and a private amenity space are also provided; utilising a large proportion of the existing rear garden of No 29 Croft Gardens. Timber boarded fencing at 2 metres in height is proposed to all rear boundaries and a small area to the rear of the proposed dwelling would provide secure cycle storage.
- 6.13** In terms of architectural appearance, the proposed dwelling is two storey, contemporary and simple in style, incorporating a flat roof with grey aluminium fascias, brick and rendered facing walls, coloured aluminium windows and doors. Fenestration is minimal on the west and north elevations and parts of the east elevation; those which primarily face directly into the rear of properties in Croft Gardens.
- 6.14** There is an established urban grain and character within the locality whereby plot layouts on the north and south sides of Bradley Road consist predominantly of strong frontage building lines, semi-detached and detached housing of similar age and architectural style and uniformly linear rear gardens. The extended rear gardens of Croft Gardens appear to be the main garden/amenity areas serving these properties and are not ancillary in their use as private gardens. Collectively, these rear gardens have a very open and exposed feel in terms of their general appearance with minimal boundary treatment between some gardens.
- 6.15** It is quite evident that the space to the side and rear of No 11 Bradley Road is of insufficient depth and width to accommodate an additional dwelling. This has necessitated the rather awkward piecing together of additional parcels of adjoining land, the diversion of a footpath and extending the proposed dwelling forward of the established building line in order to accommodate the footprint of a new dwelling. This results in an

extremely cramped and contrived form of development, made worse by the proximity and poor relationship with adjoining properties in Croft Gardens, most notably No 28 Croft Gardens. There would also be some very awkward internal spaces created with odd angles.

- 6.16** A number of the rear gardens of Croft Gardens would be overlooked. The proposed east, south and north elevations would abut the boundaries with Nos 28 and 30 Croft Gardens with the east elevation extending across the full width of the rear boundary of No 28 Croft Gardens. As such, the height and proximity of the east elevations would result in an overbearing appearance, overlooking, overshadowing and loss of visual outlook affecting a large part of the rear gardens of Nos 28 and 30 Croft Gardens; the far end of the garden of No 28 currently used as a raised patio area. The proposed east elevation is 5.6 metres in height with virtually full height and width glazing on the ground and first floors. The proposed development would therefore significantly harm the enjoyment of these garden areas and thereby the amenities of the occupiers of several neighbouring properties.
- 6.17** Turning to architectural design, there is a uniform pattern of almost identical pairs of semi-detached properties on the north side of Bradley Road. The proposed dwelling would be located forward of the building line at ground and first floor levels and prominent in the street scene; the side wing/elevation also clearly visible from Bradley Road. As such, the siting, layout and contemporary approach to its design are considered to be at odds with the consistent pattern, character and form of existing surrounding development.
- 6.18** For all the above reasons this is not considered a suitable 'formed plot' to accommodate a dwelling. The proposed development would result in an undesirable form of infill development that would conflict with the Council's Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (Adopted June 2009). The proposed development is therefore contrary to Policies CP4 and CP7 of the Local Plan and paragraphs 53, 58 and 64 of the National Planning Policy Framework.

6.19 Access and highway issues

- 6.20** Notwithstanding the concerns outlined above, the proposed new access arrangements, visibility and off-road parking provision are considered acceptable. There are examples within the street of parking at the front of properties.

6.21 Other Considerations

- 6.22** There would not appear to be any significant implications with regards the proposed footpath diversion; the new route would be similar in location/length and should not inconvenience pedestrians. However, GCC are the determining local authority for this element of the proposals.

7. CONCLUSION AND RECOMMENDATION

- 7.1** In light of the above, officers consider the proposed development fails to meet the requirements of Local Plan Policies CP7 and CP4 and the Supplementary Planning Document – Development on Garden Land and Infill Sites and the advice set out in the NPPF. Essentially, the proposed development is considered to be an undesirable form of infill development on an unsuitable plot. The proposed dwelling would appear incongruous in the street scene and would fail to respect the established pattern and character of surrounding development. There is also the potential for significant harm to the amenities of the occupiers of neighbouring properties given the context and poor relationship with adjacent properties.

7.2 The recommendation is therefore to refuse planning permission for the following reasons.

8. INFORMATIVES / REFUSAL REASONS

- 1 The proposed dwelling, by virtue of its layout, design and siting would represent a harmful infill/backland development at odds with its surroundings. The space to the side and rear of No 11 Bradley Road is of insufficient depth and width to accommodate an additional dwelling. This has necessitated the piecing together of additional parcels of adjoining land, the diversion of a public footpath and extending the proposed dwelling forward of the established building line in Bradley Road in order to accommodate the footprint of a new dwelling. This results in a cramped and contrived form of development, made worse by the proximity and poor relationship with adjoining properties in Croft Gardens, most notably No 28 Croft Gardens. The proposed east, south and north elevations abut the boundaries with Nos 28 and 30 Croft Gardens. As such, the height and proximity of the proposed dwelling would result in an overbearing appearance, overshadowing, overlooking and loss of visual outlook, affecting a large part of the rear gardens of Nos 28 and 30 Croft Gardens. The proposed development would therefore significantly harm the enjoyment of these garden areas and thereby the amenities of the occupiers of neighbouring properties.

The proposed development would represent an undesirable form of infill/backland development that would conflict with the Council's Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (Adopted June 2009) and cause significant harm to the amenities of occupiers of neighbouring properties. As such, the proposed development is considered contrary to Policies CP4 and CP7 of the Local Plan and paragraphs 53, 58 and 64 of the National Planning Policy Framework.

APPLICATION NO: 17/01210/FUL		OFFICER: Mrs Lucy White	
DATE REGISTERED: 24th June 2017		DATE OF EXPIRY : 19th August 2017	
WARD: Charlton Kings		PARISH: CHARLK	
APPLICANT:	Mr Berry		
LOCATION:	Golden View, 11 Bradley Road, Charlton Kings		
PROPOSAL:	Erection of a new single dwelling		

REPRESENTATIONS

Number of contributors	9
Number of objections	2
Number of representations	1
Number of supporting	5

Kimberly
Bradley Road
Charlton Kings
Cheltenham

Comments: 5th July 2017
Letter attached.

7 Croft Parade
Charlton Kings
Cheltenham
Gloucestershire
GL53 8LE

Comments: 25th July 2017
Letter attached.

27 Glynrosa Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8QS

Comments: 18th July 2017
I am writing to offer my support for this application.

I have looked carefully at the scheme and feel strongly that this is exactly what we should be promoting in the village, infill one off family homes.

The site is in the housing area and fills an untidy bit of wasteland that will put the area to good use.

Promoting these types of plots is what is needed to prevent encroaching into areas of A.O.N.B., so I am therefore giving my full support to this proposal.

2 Vineyards Close
Charlton Kings
Cheltenham
Gloucestershire
GL53 8NH

Comments: 18th July 2017

I would like to offer my support for this proposed dwelling.

It is refreshing to see people thoughtfully planning new builds with ideas which offer a great use of space and we should be these plots encouraging to keep up with local housing demands.

Surely applicants such as this should be supported as they are individually designed and built and don't cross into AONB or damage the character of the village.

Building over areas which are not AONB is also nice to see. Unlike the proposed development on Timbercombe Lane which the whole village is completely against.

30 Croft Gardens
Cheltenham
Gloucestershire
GL53 8LG

Comments: 17th July 2017

I am opposed to this application for the same reasons as Mr [name supplied] at number 28 Croft gardens. My back garden is very important to me and my family and I have worked very hard on it during the 23 years I have lived here.

Whilst I don't know a great deal about the planning and construction processes, I cannot see how a new building could be constructed without great damage to the gardens either side of the site, namely mine and Mr [name supplied]'s.

It seems rather silly to me for Mr Berry to apply for planning on this rather awkward, narrow site when it would seem common sense to use some of his own, quite sizeable back garden, which would avoid the need to mess around with public footpaths and other people's gardens. Perhaps this application has not been thought through properly.

28 Croft Gardens
Cheltenham
Gloucestershire
GL53 8LG

Comments: 12th July 2017

Letter attached.

Rosemont
10 Bradley Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DX

Comments: 11th July 2017

Letter attached.

12 Royal Crescent
Cheltenham
Gloucestershire
GL50 3DA

Comments: 17th July 2017

I write regarding the above application for a single dwelling at 11 Bradley Road. This letter is to clarify the situation following an objection made by No.28 Croft Gardens ('No.28') dated 6th July 2017.

Many of the issues raised by them have already been addressed in the application and we do not repeat those matters here. However, the applicant notes a number of inaccuracies within this objection and we have been asked to bring these to your attention.

The issues and the applicant's response are as follows:

1. No.28 state that Bradley Road is characterised by large spacing between houses.

The majority of houses have a spacing between them of around 2.5m. The retained space between the new dwelling and 11 Bradley road would actually be greater than this at approximately 3m.

2. No.28 claims that the concrete walls will be over 25feet.

This is incorrect; they will be brick or render and around 18.5feet. With regards to overshadowing, the distance from No.28 bathroom window to the fence is around 40feet.

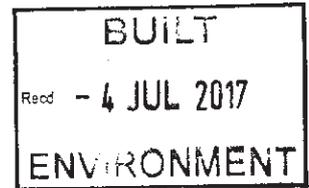
3. No.28 have concerns about loss of privacy

The east facing windows have been designed not to overlook however, we can also agree screening or obscure glazing where this is considered to be necessary to make the development acceptable. The photographs show that the existing hedgerow at No.28 is already high.

In addition, Photo No.4 provided by No.28 is misleading, this in fact shows where a single storey section will be located near to a two storey section. Also it is worth pointing out that the applicant disagrees with No.28's assessment of the 'identical' houses in the street as many of them were built in different periods ranging from 1930s to 1980s.

Please let me know if you require any additional information.

Kimberly
Bradley Road
Charlton Kings
Cheltenham



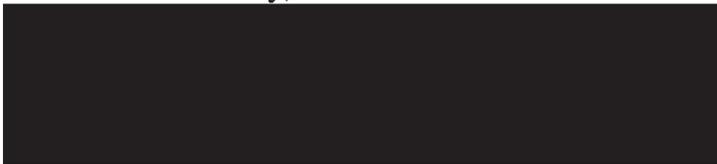
To whom it may concern.

1st July 2017

Planning application ref:- 17/01210/FUL

Regarding the above planning application for a new dwelling next to 11 Bradley Road
I wish to confirm I have no objections and offer my support.

Yours sincerely,





FAO Lucy White Ref:17/01210/FUL.

[REDACTED]
7 Croft Parade,
Charltonkings,
Cheltenham,
GL53 8LE.
[REDACTED]

Dear Madam,

Further to the application for planning of a dwelling next to Eleven Bradley Road in Charlton Kings. I feel as a local resident and long standing member of the community in Charltonkings that this development should not only be allowed to go ahead but should indeed be encouraged. Too much development in the village is being considered and approved for large expensive housing by large developers which I feel is not in line with the county structure plan which has a remit to provide affordable housing. The dwelling being considered is a relatively affordable family home with minimal impact on the local area with no real detriment and impact on local services and infrastructure. An excellent example of this is the house built on Horsefair Street at the junction of Little Herbert's Close which is almost directly behind my property. This development has blended seamlessly into the character and feel of the local area with minimal impact as a whole. I would much prefer to see a development such as this than the slow encroachment onto AONB which ruins the countryside and unique feel of the village such as the proposal on Timbercombe lane. Having lived on Croft Parade for nearly twenty years I know from experience that the lane which runs adjoining the development behind Croft Gardens is unkempt and rarely used . Perhaps if the development were to go ahead this may change as the entrance would be more user friendly encouraging locals to use it more encouraging the residents who back on to the lane to take more pride in what is considered locally an bit of a neglected eyesore. I therefore offer my wholehearted support for this application.

Yours faithfully

[REDACTED]


28 Croft Gardens
Cheltenham
Glos
GL53 8LG
6/07/2017

Cheltenham Borough Council
Municipal Offices
Cheltenham

Dear Mrs Lucy White,

RE: Planning Application 17/01210/FUL : Golden View, 11 Bradley Road, Charlton Kings

We wish to make you aware of a number of strong **objections** that we have with regard to the proposed development of an additional property on open space to the side of 11 Bradley Road, Charlton Kings, Cheltenham, application number referenced above. As an immediate neighbour to the site of the proposed development, we are of the view that the proposed development will have a serious impact on our standard of living. Our specific **objections** are as follows:

Visual Impact

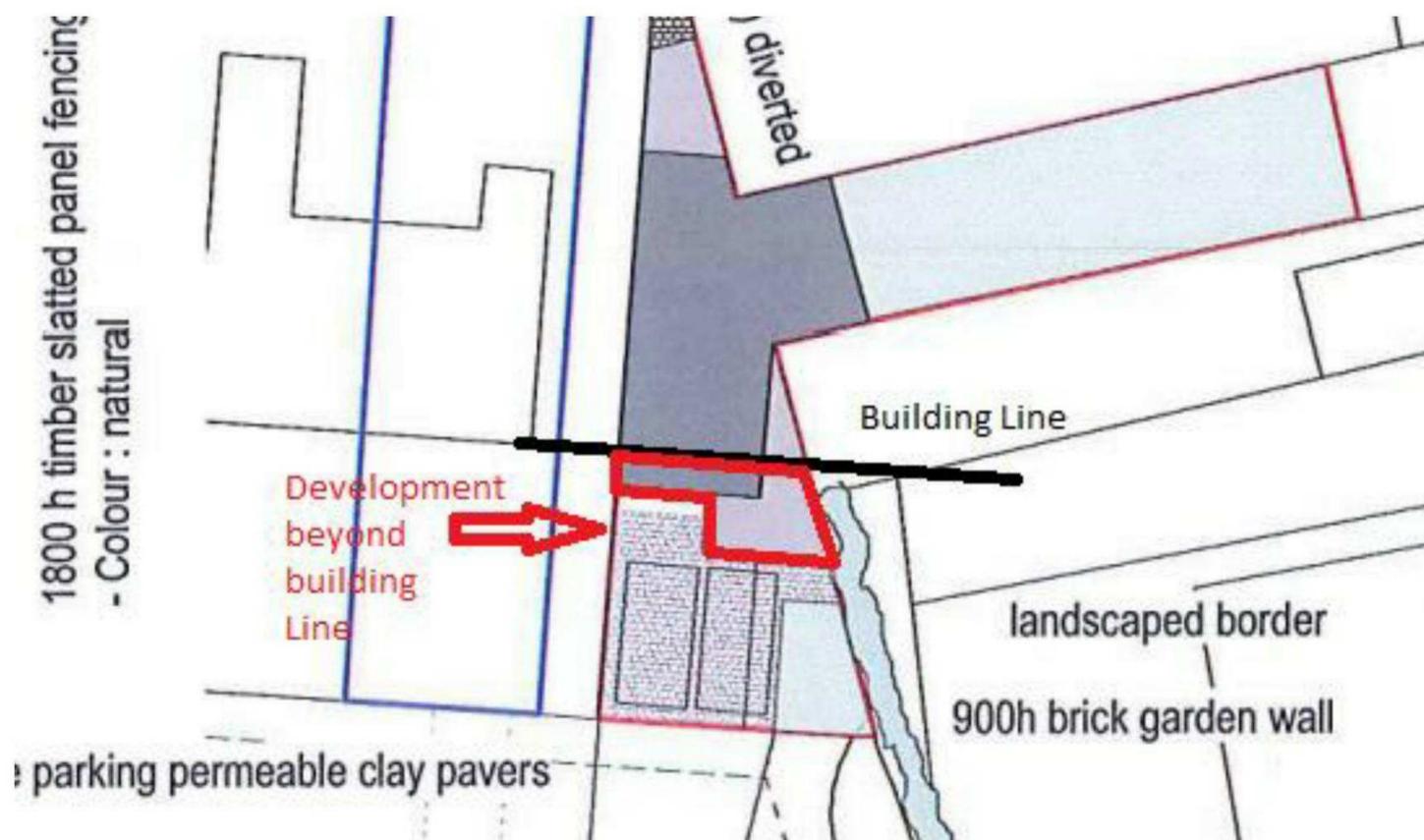
We believe that the proposed development is a direct contravention of current CBC and NPPF policies. It does not respect local context and street pattern or, in particular, the scale and proportions of surrounding buildings, and would be entirely out of the character of the area, to the detriment of the local environment. The properties along Bradley Road are typically characterised by large plots with large spacing between. The proposed dwelling would be just 3m from 11 Bradley Road and just 10cm from the West and North boundaries of my garden at 28 Croft Gardens. Access to the rear of the new proposed property would be extremely limited. The proposed dwelling is a two storey detached house, yet its proportions are smaller than the neighbouring semi-detached properties. The proposed dwelling incorporates design features that are entirely unlike any other neighbouring property, so the scale and design of the development will be entirely out of keeping.

I attach a number of photographs that show all properties along the Bradley Road that are on the same side of the street and adjacent to the proposed development clearly showing that each is identical to the next.

Bradley Road – from Cirencester Road up to the proposed development



In addition, the application states that the development will respect the existing building line. A quick look at the plans indicates that this is not the case. Such is the contrived nature of this proposal that they have been unable to get anywhere near achieving this ambition. You can see that the proposed development significantly exceeds the existing building line.



Loss of Privacy and Overlooking

The proposed site of development is at such an angle that the primary amenity areas of our garden, a raised terrace with seating, and a summer house with double width glass patio doors, would be severely overlooked from the expansive, east facing, windows of the new development, resulting in a serious and unacceptable invasion of our privacy.

We believe that the proposed development is a direct contravention of current planning guidance in that the design of the proposed development does not afford adequate privacy for the occupants of the building or of adjacent residential properties. Particularly with regard to their right and ours to the quiet enjoyment of garden amenities.

We would urge you to consider the responsibilities of the council under the **Human Rights Act** in particular **Protocol 1, Article 1** which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property and garden.

Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.

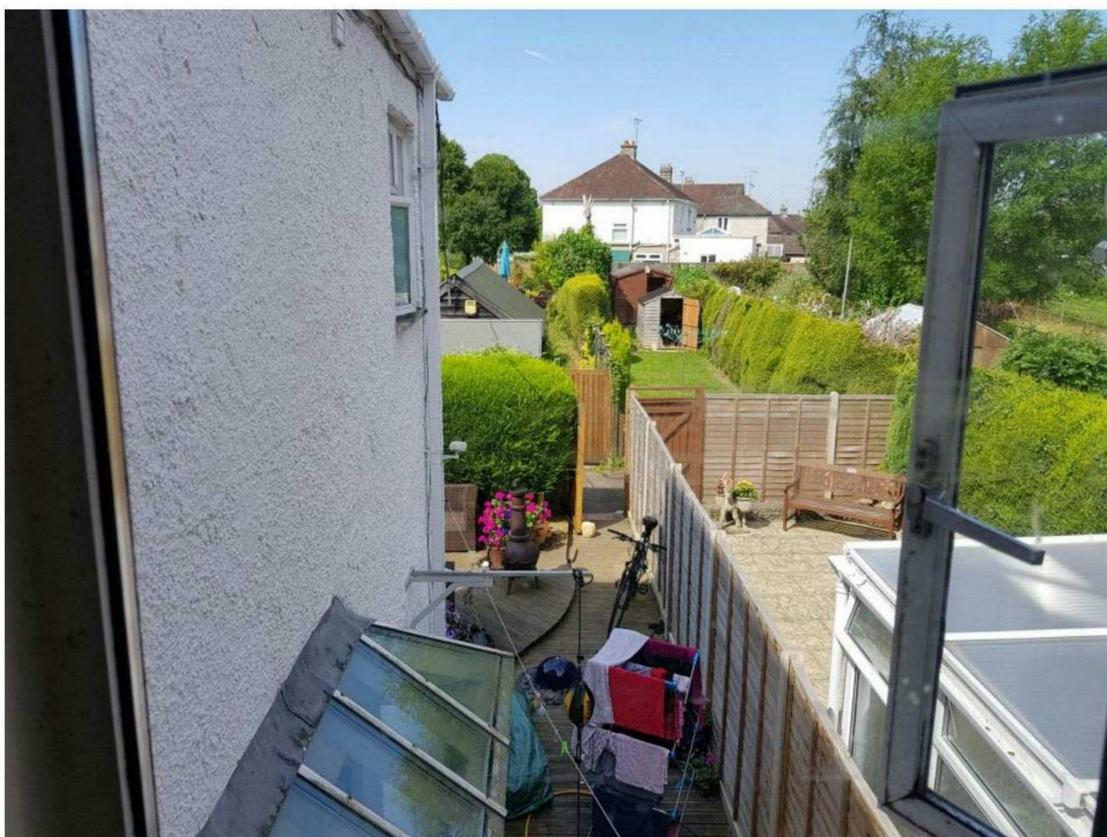
I attach some pictures that show the west facing aspect of our garden and in particular the decked terrace that we enjoy using in the early evening of the summer months as the sun moves round to the west and streams down our garden.



Below is a photograph of our summer house that would be directly overlooked from the east facing windows.



I also attach a photograph of the view from our bathroom. The proposed development would have all of its east facing windows looking directly into our bathroom. Such is the nature of our current dwelling that this is the only view we have out of the back of our house and is a valuable source of natural light.



Loss of Amenity - Overshadowing

We feel that the amenity of our garden would be significantly compromised if the development were to proceed. As well as the issue of overlooking we would also suffer from having two sides of our garden, (in particular those directly adjacent to our decked seating area), entombed by unsightly and overbearing two story concrete walls. The two directly adjacent walls would block the sun and cast a black shadow down our garden from about 5pm each day. This is the time when, in the summer months, we like to sit out and enjoy the last rays of summer sunshine.

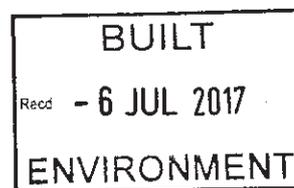
Summary

It is clear to me that this proposal is incredibly contrived. It is attempting to locate a dwelling where there is clearly not the room. This clear overdevelopment would materially affect the feel of the area and bring misery to those of us who would have 25 feet of oppressive concrete wall looming up directly next to our garden perimeter.

As mentioned the proposed development is incongruous with existing form and is at direct odds with the existing urban rhythm.

I urge you to make a visit to my property before any decisions are made so that you can assess the situation in person. My contact details are below.





**Rosemont
10 Bradley Road,
Charlton Kings,
Cheltenham
GL53 8DX**

29th June 2017

For the attention of Lucy White, Cheltenham Borough Council Planning Dept.

Your ref:- 17/1210/ful

Dear Ms White,

We would like to say we have no objections to a new house being built next to 11 Bradley Road.

Yours sincerely



APPLICATION NO: 17/01210/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 24th June 2017	DATE OF EXPIRY : 19th August 2017
WARD: Charlton Kings	PARISH: CHARLK
APPLICANT:	Mr Berry
LOCATION:	Golden View, 11 Bradley Road, Charlton Kings
PROPOSAL:	Erection of a new single dwelling

ADDITIONAL REPRESENTATION

30 Croft Gardens
Cheltenham
Gloucestershire
GL53 8LG

Comments: 14th August 2017
Letter attached.

15th August 2017

30 Croft Gardens
Charlton Kings
Cheltenham

12/8/2017

re: - planning application
for single dwelling on
Bradley Rd.

To whom it may concern

I have spoken directly to both [redacted]
and [redacted] (30 Croft Gardens) and
am satisfied that the proposed build
will after all not cause me any problem.

Now the situation has been
clarified to me I am no longer in
opposition to the application.

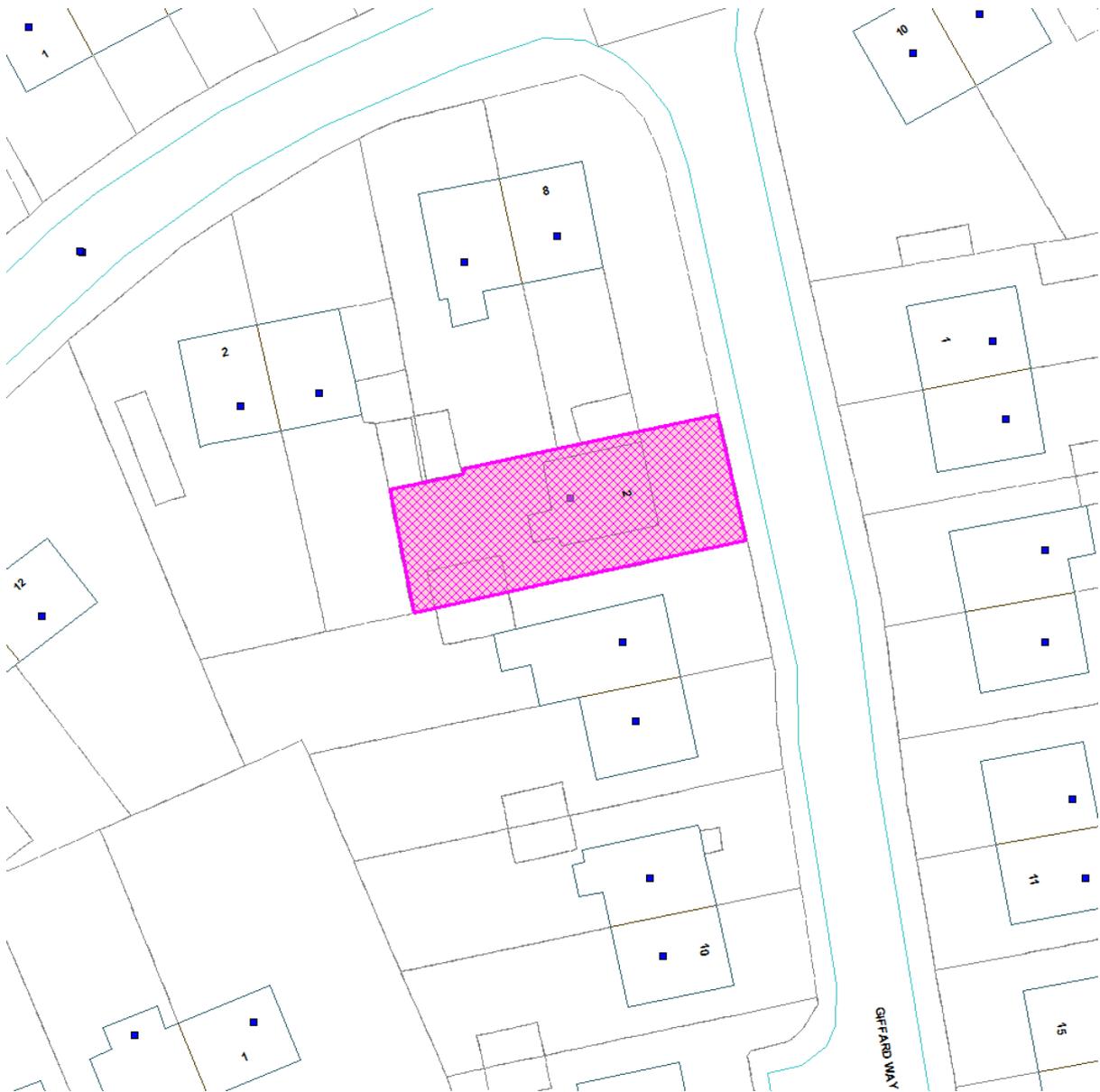
Yours faithfully

[redacted]

[redacted]

APPLICATION NO: 17/01238/FUL	OFFICER: Mr Harry Du Bois-Jones
DATE REGISTERED: 29th June 2017	DATE OF EXPIRY: 24th August 2017
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT: Mr & Mrs S. Adanev	
AGENT: extendArchitecture	
LOCATION: 2 Giffard Way, Leckhampton, Cheltenham	
PROPOSAL: Side and rear extension, new porch and bay window.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The property is a detached brick built dwelling house with a pitched tiled roof on Giffard Way. The property is not a listed building, nor is it in a conservation area.
- 1.2 The applicant is seeking planning permission for a two storey side extension, single storey rear extension, and a front porch and bay window on the front elevation.
- 1.3 The application is before the planning committee at the request of Councillor Nelson, who supports the neighbours objections relating to the potential impact on amenity, specifically a loss of light to a neighbouring window.
- 1.4 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m

Relevant Planning History:

None.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 4 Safe and sustainable living

CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

27th July 2017

The Council requests that the following observations be noted and considered by the Planning Committee in respect of the plans for the above application:

The Council objects to the application, for the reasons noted below.

Reasons/Observations

The Parish Council has reviewed the plans, visited the site and spoken to the householders at number 4 Giffard Way about their concerns. The Council is generally opposed to allowing two storey side extensions in Giffard Way because closing the gaps between houses at two storey height would create a terraced appearance that conflicted with the character of the road. However, because number 2 is a detached dwelling it differs from the adjacent semi-detached properties and allowing a 2 storey side extension would not necessarily create a precedent that would apply to the semi-detached houses.

Nevertheless, allowing the two storey extension would detract somewhat from the character and appearance of the other houses.

The Council believes that the proposed two-storey side extension could have a substantial detrimental effect on the living conditions at number 4 by obscuring light to ground floor windows and being somewhat overbearing. The front porch and bay window would protrude beyond the present building line. The side extension would block car access to the existing rear garage and also the use of the side area for parking. The statement in the application that the proposed works will not affect car parking arrangements may not therefore be correct. The Council is concerned to avoid on-road parking in this area.

The Council observes that it might be possible to achieve the degree of extra living and bedroom space desired by the applicants without requiring a two-storey extension and without significantly affecting number 4 by converting the existing rear garage into habitable space as a single storey extension (or possibly 1.5 story extension with minimum ceiling heights) linked to a single storey rear side extension. This could also retain some side space for parking.

Gloucestershire Centre For Environmental Records

17th July 2017

Biodiversity Report available to view on line.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	2
Number of objections	2
Number of supporting	0
General comment	0

5.1 Six letters were sent to neighbouring properties. One public comment was received, written on behalf of neighbours at the adjacent property 4 Giffard Way, in addition to one letter received from the neighbours themselves.

5.2 The objections raised the following concerns:

- The impact on neighbouring amenity, specifically loss of light.
- The overbearing nature of the proposed extensions.
- The effect of the proposed changes to the street scene and local context.

6. OFFICER COMMENTS

6.1 Officer comments to follow as an update.

7. CONDITIONS / INFORMATIVES

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Page 196

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 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

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: 17/01238/FUL		OFFICER: Mr Harry Du Bois-Jones	
DATE REGISTERED: 29th June 2017		DATE OF EXPIRY : 24th August 2017	
WARD: Leckhampton		PARISH: LECKH	
APPLICANT:	Mr & Mrs S. Adanev		
LOCATION:	2 Giffard Way, Leckhampton, Cheltenham		
PROPOSAL:	Side and rear extension, new porch and bay window.		

REPRESENTATIONS

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

4 Giffard Way
 Leckhampton
 Cheltenham
 Gloucestershire
 GL53 0PP

Comments: 24th July 2017

Thank you for your letter alerting us to the said plans.

We wish to raise some comments in in opposition to these plans.

The proposed extension is against the full height of the property next door and will create a dark tunnel area over our driveway. In addition the rear extension with it's pitched roof will also cause more light to be lost.

Our kitchen windows are North facing and will be significantly affected by the loss of light and general amenity which we currently enjoy, as the proposed building will be a mere two and a half meters from our windows.

We feel that the proposed building is of an overbearing nature, with loss of outlook, as well as light. And not in keeping with the rest of the street.

The resultant area of driveway left will only be suitable for parking one car, forcing any additional vehicles to park on the street, leading to further congestion.

Comments: 26th July 2017

Letter attached.



Stacey Robins
Planning

Martin Chandler MRTPI
 Development Manager
 Cheltenham Borough Council
 Municipal Offices
 Promenade
 Cheltenham
 GL50 1SA

25 July 2017

Dear Mr. Chandler,

**17/01238/FUL Side and rear extension, new porch and bay window.
 2 Giffard Way Leckhampton Cheltenham**

I am writing on behalf of Mr. and Mrs. [REDACTED] of No. 4 Giffard Way who are neighbours to the above planning application and closest affected residents. Please would you consider this letter as a supplement to the objection already lodged from No. 4 Giffard Way.

Having reviewed the proposal, I hope you would agree that the main issues in this case are the effect of the proposal: on the character and appearance of the host dwelling; and on the living conditions of the occupants of the neighbouring property No. 4 Giffard Way.

Character and appearance

The application site lies on Giffard Way and accommodates a two-storey detached dwelling. The application property has been extended in the past. This includes a half width single storey rear extension which extends in the region of 2 metres past the original dwelling. There is also a single storey porch extension at the front.

The wider area is largely residential, comprising predominately semi-detached houses. As you know, each house is divided from the next by the width of driveways to each house

Policy CP7 of the Cheltenham Borough Local Plan Second Review (2006) (the LP) seeks to ensure that developments are of high quality design and complements and respects

30 Raphael Road
Hove
BN3 5QQ
07842 152 392
stacey.robins.planning@gmail.com

neighbouring development. In addition, the Council's Supplementary Planning Document – Residential Alterations and Extensions (2008) (the SPD) sets out within its five basis design principles that an extension should not dominate or detract from the original building, but play a 'supporting role' (Section 2). The SPD is a long-standing document and has variously been afforded significant weight in the balance of considerations. This includes the Council but also at appeal.

The proposal consists of the construction of a two-storey side/rear extension, with a single storey rear extension. The rear extension would span the full width of the dwelling. This would result in a significant full width two-storey extension, with the rear single storey element projecting past the rear elevation of the original dwelling by some 2.5 metres. The side extension, at full height of the existing dwelling, is proposed just under 2.4 metres wide and would be only nominally set off the common boundary. Due to the location of the vehicular access, the side elevation of the dwelling is prominent in the street scene.

The Council SPD says that the space between dwellings is essential to the character of streets but that the sense of space can be completely lost when adjacent owners decide to create two storey side extensions. This produces a terraced appearance, by closing off the important space between buildings and giving formerly symmetrical houses a lopsided appearance. As you know, the SPD, anchored by LP Policy CP7, says the Council may refuse permission for a proposed extension if an existing adjacent extension would make it impossible to achieve a visual gap between houses.

The proposed extension would be deeper than the original footprint of the house and in effect would double it in size. Due to this, the excessive depth of the proposed two-storey element of the proposed extension and that the two-storey element would step outside of the side elevation of the host dwelling, its scale would not appear subservient to the main dwelling house. Further, the proposed extension would be so large in scale that it would detract from the character and appearance of the existing dwelling and would not represent high quality design.

I accept that the side extension is set back from the main elevation, but it would still close off a substantial part of the side space dividing Nos 2 and 4 Giffard Way. The resulting space, effectively only the width of one drive, would be uncharacteristic in the street scene. Moreover, an extension at No. 4 would close off the space causing terracing.

Whilst the proposal would utilise acceptable external materials to match the host dwelling, the scheme by virtue of its scale and erosion of the space at the side of the dwelling would not appear subservient to the property and would be overly dominant. It would cause harm to the character and appearance of the host dwelling and this would be highly visible from the road. The scheme therefore conflicts with Policy CP7 of the LP and the guidance provided in the SPD.

Living conditions

The adjacent semi-detached property No. 4 has a number of side facing windows. There is a combination of ground floor habitable rooms serving a kitchen and dining room together with an upper floor landing window.

The Council's SPD says that a proposed extension that causes a significant reduction in daylight to neighbouring windows will be refused. It refers to 45° and 25° degree 'tests' of impact, which originate from the guidance on site planning for daylight and sunlight, BRE publication IP/92 by Paul Littlefair.

Since the proposed extension is a facing obstruction, the test is the '25° degree' assessment. This cannot be passed for the ground floor windows in the side elevation at No. 4. Since the side extension proposed at No. 2 is extruded up to the common boundary will significantly worsen light reaching these habitable rooms. The fact that these are north facing windows, means the light reaching them is already limited and the occupants are keenly aware of any obstruction to the light on this side of their dwelling. As mentioned, these windows serve the kitchen and dining room where the occupants spend a significant amount of time.

The proposal would result in two-storey development extending approximately 2.4 metres further beyond the side elevation of No. 2 than the existing two-storey gable end of that property. As stated, it is noted the extension is recessed by 1 metre, but the proposal would nonetheless still extend built development at two-storey height substantially further beyond that which currently exists. This is towards the habitable room windows at No. 4. I am in little doubt that this would further reduce the amount of daylight and sunlight that would be able to reach the side ground floor windows of No. 4. There would also be an impact upon the upper floor landing windows. The landing would appear gloomy and the occupants would rely upon electric light rather than natural light as at present. Whilst the landing is not a habitable room, it is a key circulation space to No. 4, where occupants pass through frequently each day. There is borrowed light to some rooms on the upper floor from the hallway/landing. The effect upon the landing would amplify the deleterious effects from the extension at No. 2.

For the same reasons, I also consider that the proposal would have an unacceptably overbearing and oppressive effect on the occupants of No. 4, particularly when viewed from the side ground floor window, causing harm to their living conditions.

Conclusion

The proposed works, the subject of application 17/01238/FUL, would erode space about the dwelling which is characteristic of the street scene in Giffard Way. This is in conflict with LP policy CP6 and the Council's SPD.

The proposal would also cause material harm to the living conditions of the occupants of No. 4, through the loss of daylight and sunlight to the ground floor side windows serving habitable rooms, as well as being unacceptably overbearing and oppressive. The scheme therefore runs contrary to policy CP4 of the LP, which ensures that proposals do not cause unacceptable harm to the amenity of adjoining land users.

Conflict with the LP and SPD means the planning application should be refused. Certainly, there are no considerations at play that would justify setting aside the policy expectations of the long-standing LP and SPD guidance.

Yours sincerely,

Stacey Robins **MRTPI**

CC: [REDACTED]

APPLICATION NO: 17/01238/FUL		OFFICER: Mr Harry Du Bois-Jones	
DATE REGISTERED: 29th June 2017		DATE OF EXPIRY: 24th August 2017	
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill	
APPLICANT:	Mr & Mrs S. Adanev		
AGENT:	Mr Jeremy Dickman-Wilkes		
LOCATION:	2 Giffard Way, Leckhampton, Cheltenham		
PROPOSAL:	Side and rear extension, new porch and bay window.		

Update to Officer Report

1. OFFICER COMMENTS

Determining issues

- 1.1. The main considerations with this application are design, impact on neighbouring amenity, and local context.

Design and layout

- 1.2. Local Plan policy CP7 requires development to be of a high standard of architectural design to complement and respect neighbouring development.
- 1.3. The Supplementary Planning Document (SPD): Residential Alterations and Extensions (2008) emphasises the importance of subservient extensions in relation to the parent dwelling. In order to achieve this, the SPD outlines that side extensions should be recessed by at least 1 metre from the front elevation of the house, allow space between the extension and the side boundary, and match the parent dwelling in terms of both roof design and materials used.
- 1.4. The SPD also describes how rear extensions ought to be subservient to the original building in both height and width, and how the angle of a pitched roof should match that of the parent dwelling.
- 1.5. Particular care is advised in the SPD when considering porches and bay windows, as they typically feature prominently at the front of a property. In order to avoid a 'boxy' appearance, the use of a pitched canopy is recommended in some instances.
- 1.6. The proposal at 2 Giffard Way includes a two storey side extension that will extend 2.4 metres from the original dwelling, it will be set back 1 metre from the front elevation, it will have a lower roof ridge, but the same pitch angle, and will consist of materials that match the parent dwelling.
- 1.7. The proposed rear extension will extend 2.5 metres beyond the rear elevation of the property, it will be 2.7 metres in height at the eaves, and 3.5 metres high in total. It will measure 8.9 metres in width, which is the full width of the existing dwelling and the proposed side extension together. The proposed rear extension will feature a pitched roof and will consist of materials that match the parent dwelling.
- 1.8. Proposed changes to the front elevation include a porch, which will extend 1.8 metres beyond the front elevation of the property, and a bay window, which will extend 1.3 metres. Both the porch and bay window will be covered by a pitched

canopy, which will measure 6 metres in width and project 1.8 metres out beyond the front elevation. The height of the pitched canopy at the eaves is 2.6 metres, and the total height is 3 metres.

- 1.9. An objection raised during the consultation stated that the proposed side extension would significantly alter the street scene, owing to the loss of a gap between No. 2 and 4. However, whilst the SPD states that spaces should be maintained, it advises that gaps can be partially closed. It is considered that this proposal would only consist of a partial loss of space between No. 2 and 4, and that this would not produce a terraced effect, contrary to the objections.
- 1.10. The design and layout of the proposed alterations are considered to be in keeping with the original dwelling, and not harmful to its character or the character of the locality. The side and rear extensions will appear subservient to the parent dwelling, owing to the recess and proposed heights. The matching materials also mean that the proposed extensions will be in keeping with the appearance of the original dwelling. Additionally, the proposed alterations to the front will successfully integrate the porch and bay window.

Impact on neighbouring amenity

- 1.11. Local Plan policy CP4 requires development not to cause unacceptable harm to the amenity of adjoining land users and the locality. The primary objections raised relate to the impact of the proposed side extension on neighbouring amenity. Objections state that the proposed extension is overbearing, and will lead to a loss of light on a neighbouring window that faces the proposed extension, which serves a habitable room, a kitchen. Whilst the side extension will cause a loss of daylight to this neighbouring window, the room which this window serves has several other sources of light, including a roof light and patio doors that will be unaffected by the proposal.
- 1.12. Therefore, it is considered that the neighbouring habitable room would not experience a significant loss of light as a result of the proposed side extension, owing to the other sources of natural light. This is not an uncommon scenario and in rooms where there are multiple light sources, the cumulative impact of these light sources has to be considered, rather than the value of each specific window. Essentially, what we are assessing is the amount of daylight that is lighting a room, not just the amount of daylight received by a particular light source.
- 1.13. When considered in this way, officers are satisfied that the room will receive an adequate amount of daylight and therefore the proposal is compliant with the requirements of policy CP4.

Other considerations

- 1.14. An objection was raised in relation to the loss of parking space as a consequence of the proposed side extension. The proposals will leave enough driveway space for one car, and the street (Giffard Way) has no parking restrictions in place, therefore officers are satisfied that adequate parking remains for the application site.
- 1.15. Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed small scale development will have any impact on these species.

2. CONCLUSION AND RECOMMENDATION

- 2.1. The proposal complies with Local Plan policies CP4 and CP7 in terms of achieving an acceptable standard of design and not being harmful to neighbouring amenity or the local character. Officers accept that the neighbouring property will experience a slight loss of daylight to their kitchen window, but, given the fact that the room is served by other unaffected light sources, the amount of daylight lost within the room will not be noticeable.
- 2.2. Considering the above comments, the recommendation is to permit this application subject to the conditions set out below.

3. CONDITIONS/INFORMATIVES

- 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 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.
Reason: In the interests of the character and appearance of the area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

INFORMATIVES :-

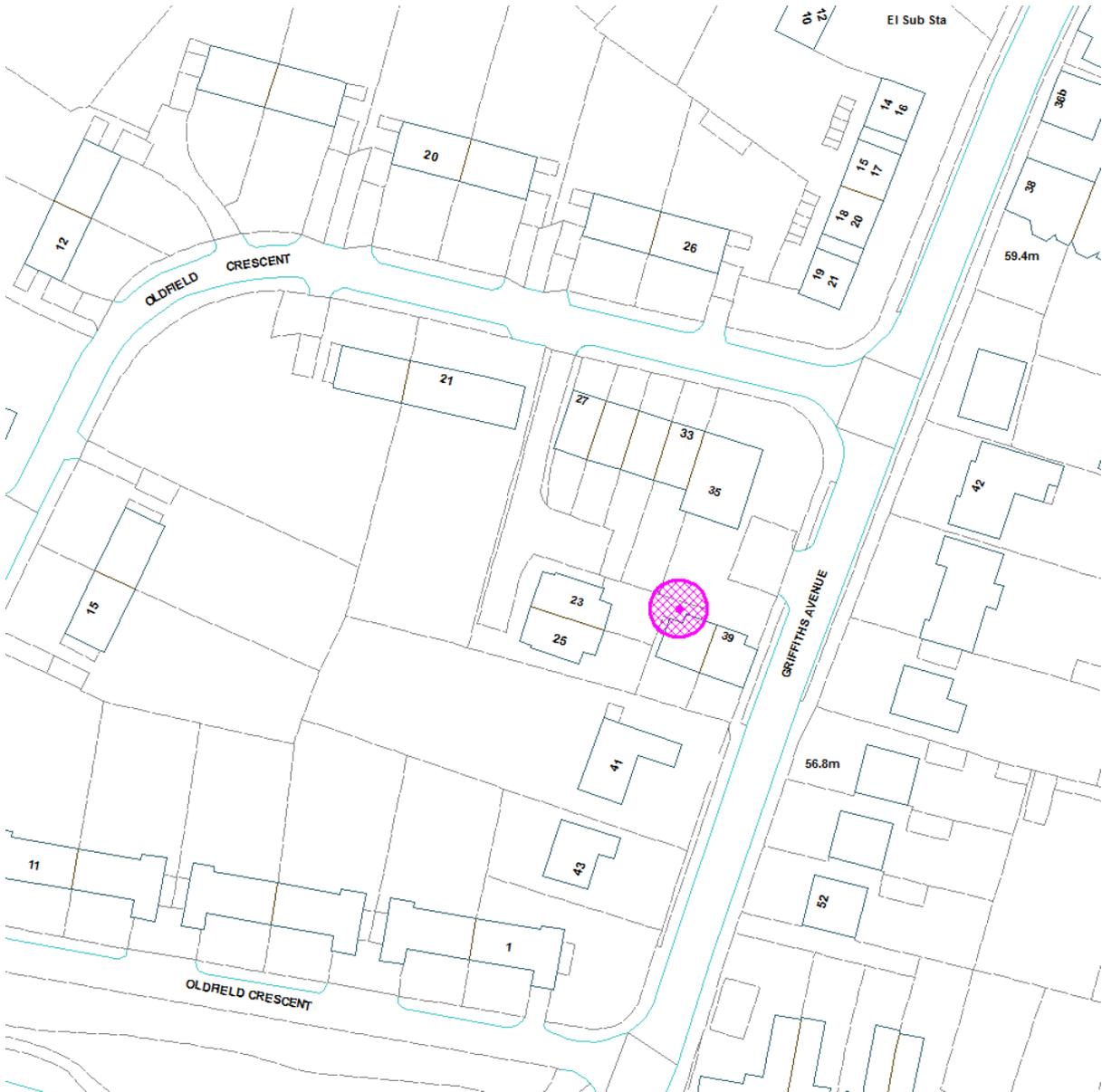
- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, 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: 17/01369/TPO		OFFICER: Mr Christopher Chavasse
DATE REGISTERED: 14th July 2017		DATE OF EXPIRY: 8th September 2017
WARD: St Marks		PARISH:
APPLICANT:	Mr W Walker	
AGENT:	Falcon Lettings	
LOCATION:	37 Griffiths Avenue, Cheltenham	
PROPOSAL:	Horse Chestnut in front garden - complete removal	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a 20m+ high and wide Horse Chestnut tree within in a small courtyard garden within St. Marks Conservation Area. This property development is 11 years old and the tree is considerably older. The tree owner wishes to fell the tree entirely.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Relevant Planning History:

00/00937/FUL 11th September 2000 REF

Proposed conversion of existing dwelling(s) to six flats, two new dwellings and garaging

01/01641/FUL 6th February 2002 PER

Proposed amendments to approved scheme under 00/00937/FUL, (three additional dwellings) within approved new structures (Revised Plan)

04/01434/DEMCON 23rd September 2004 NPRIOR

Demolition of existing building

04/01811/OUT 29th November 2004 WDN

Construction of four storey building comprising 21 apartments and pair of semi-detached houses

04/02137/OUT 23rd February 2005 REF

Construction of four-storey building comprising 21 apartments and pair of semi-detached houses - resubmission of revised scheme following withdrawal of application under CBC Planning Ref. 04/01811/OUT

05/00520/OUT 23rd June 2005 PER

Construction of residential development comprising two pairs of semi-detached dwellings, three storey terrace comprising 4no. townhouses and 5no. apartments with associated car parking

05/01749/REM 20th February 2006 APREM

Approval of reserved matters following grant of 05/00520/OUT (two pairs of semi-detached dwellings, three storey terrace comprising 4no. townhouses and 5no. apartments with associated car parking)

3. POLICIES AND GUIDANCE

Local Plan

Policy GE5:

The Borough will resist the unnecessary felling of trees on private land and will make Tree Preservation Orders in appropriate places. For protected trees the Council will require:

- a) Any tree which has to be felled to be replaced where practicable.

4. CONSULTATIONS

Cheltenham Tree Group

6th August 2017

Site visited on 06/08/17. Noted too are the photos in relation to the surrounding buildings, which clearly have been built after the tree. In that area, there is little such amenity from other trees in the close locale, though it is noted that there is support for complete removal on safety and other grounds. Given that there may be other options available - a factual check on the health of the tree, pruning or branch removal as an alternative, would be two examples - we would 'object' to complete removal, until the CBC Tree Officer is satisfied no other alternative exists. Replacement with a more suitable tree is noted and welcomed.

5. PUBLICITY AND REPRESENTATIONS

6.

Number of letters sent	15
Total comments received	3
Number of objections	1
Number of supporting	2
General comment	0

6.1 15 adjacent neighbours were written to and 2 site notices erected nearby.

7. OFFICER COMMENTS

7.1 Determining Issues

This is a fully grown mature pollarded Horse Chestnut which pre-dates the adjacent property. It is growing in a small courtyard garden and several neighbouring properties are within falling distance. However, the tree is in good structural condition and branch or limb failure is not anticipated during normal weather conditions.

The tree provides high visual amenity in a relatively treeless area especially when in leaf until approximately mid-July until September when the tree's leaves are subject to colonisation by Horse chestnut Leaf Miner larvae. These larvae make the tree's leaves crispy and brown from mid-summer onward which reduces the trees ability to photosynthesise as well as remove much visual amenity. The pupae overwinter in leaf litter and as such there is no reasonable action available to remedy this situation.

Whilst the tree has survived the rigours of demolition and rebuild it is not clear if the tree's overall proportion was appropriately considered as a part of the planning application to build these houses.

Tree officers consider that this tree is out of proportion with its environment and the owner (and some adjacent neighbours) feel overwhelmed by its presence. No neighbours have objected to its removal.

The tree could be re-pollarded so as to make it more size appropriate but such a heavy reduction would be of poor arboricultural practice and would remove much visual amenity. Such pollarding would not resolve the Horse Chestnut Leaf Miner problem. It could be reduced to approximately half its current size but this would not resolve fundamental problems regarding such an inappropriate species for this location. If retained, as the tree goes into over-maturity and its biological vitality is reduced by the action of the leaf miner the tree could become more vulnerable to failure.

7.2 Design and layout

Tree Officers consider that there is insufficient space between this tree and adjacent properties and that the annual nuisance of falling leaves, conkers, flowers, guano and

other debris overwhelms the amenity the tree may provide. There is a perceived fear of tree failure and the owner wishes the tree to be entirely removed.

7.3 Impact on neighbouring property

This tree drops much debris on adjacent properties and the response from neighbours supports the application to fell.

7.4 Sustainability

It is considered that a small courtyard garden could support a more modest sized tree of high ecological value such as hawthorn.

7.5 Other considerations

Whilst a replacement tree can be conditioned in any permission to fell such a new tree species will not have the same high visual amenity or landmark value as a chestnut but in time the replacement will help to soften the adjacent landscape.

8. CONCLUSION AND RECOMMENDATION

- 8.1** Given the trees maturity its colonisation by Horse Chestnut Leaf Miner, its disproportionate size for the location and proximity to adjacent property, Trees Officers consider it would be preferable in the longer term to fell and replant with a more suitably sized species.

9. CONDITIONS

- 9.1** Any permission to fell could be mitigated with a replanting condition (Note 3 of policy GE5, the legitimate felling of protected trees will require replacement planting. The Council will determine the location, size and species of the replacement).

APPLICATION NO: 17/01369/TPO		OFFICER: Mr Christopher Chavasse	
DATE REGISTERED: 14th July 2017		DATE OF EXPIRY : 8th September 2017	
WARD: St Marks		PARISH:	
APPLICANT:	Mr W Walker		
LOCATION:	37 Griffiths Avenue, Cheltenham		
PROPOSAL:	Horse Chestnut in front garden - complete removal		

REPRESENTATIONS

Number of contributors	3
Number of objections	1
Number of representations	0
Number of supporting	2

34 Griffiths Avenue
Cheltenham
Gloucestershire
GL51 7BL

Comments: 22nd July 2017

The removal of this tree would cause minimal loss to the nature of the road. We are lucky to live in a very green area of Cheltenham and the loss of this tree would only have a positive impact on the immediate area. The amount of leaf fall and debris on a property can cause huge damage and the risk of having such a large tree so close to your house must be a worry. I agree with the applicants and support this application.

1 Oldfield Point
35 Griffiths Avenue
Cheltenham
Gloucestershire
GL51 7AZ

Comments: 20th July 2017

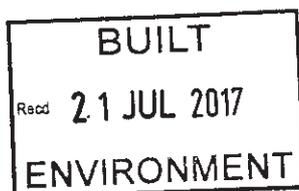
I live near 37 Griffiths Ave and have received a letter about the removal of the tree in their garden.

I tried to comment online but couldn't work out how too. I want to say I support this application for removal. It looks very diseased and it does cause anxiety when the weather is bad. My allocated parking space is under the tree and have to ensure my car is covered with extra paint protection due to bird faeces and sap, and I am worried it is not as stable as it should be and there is a risk of it damaging the cars parked under.

I hope this helps with the application - the sooner it is removed the better.

31 Oldfield Crescent
Cheltenham
Gloucestershire
GL51 7BB

Comments: 25th July 2017
Letter attached.



20th July 2017

Mr Christopher Chavasse
Cheltenham Borough Council
Municipal Offices
The Promenade
Cheltenham
GL50 1PP

Dear Mr Chavasse

Removal of Horse Chestnut 37 Griffiths Avenue 17/01369/TPO

With reference to the above.

I would like to support the application to remove the tree as it appears to be in bad health, and my concern is that if the tree or branches fall away during high winds it will damage the adjacent block of apartments, number 37 where the tree is currently located and its neighbor.

The scale of the tree would also affect numbers 33, 31 and 29 Oldfield Crescent

It appears the owners have suggested in the application planting a more suitable species and size of tree which makes great sense

Yours sincerely



31 Oldfield Crescent

APPLICATION NO: 17/01369/TPO		OFFICER: Mr Christopher Chavasse	
DATE REGISTERED: 14th July 2017		DATE OF EXPIRY : 8th September 2017	
WARD: St Marks		PARISH:	
APPLICANT:	Mr W Walker		
LOCATION:	37 Griffiths Avenue, Cheltenham		
PROPOSAL:	Horse Chestnut in front garden - complete removal		

ADDITIONAL REPRESENTATION

39 Griffiths Avenue
 Cheltenham
 Gloucestershire
 GL51 7AZ

Comments: 16th August 2017

I support the removal of this tree due to the large quantity of branches which have been falling off recently. I also agree that the tree appears to be diseased.

I do have concerns however, that the immediate area has been prone to ground heave in the past due to the clay substratum. Ground heave occurred when a previous tree was removed (similar proximity, but potentially smaller) causing substantial damage to adjacent foundations.

Please note, the original officer report stated in error that there was one objection to this application – there are four letters of support and no objections.

