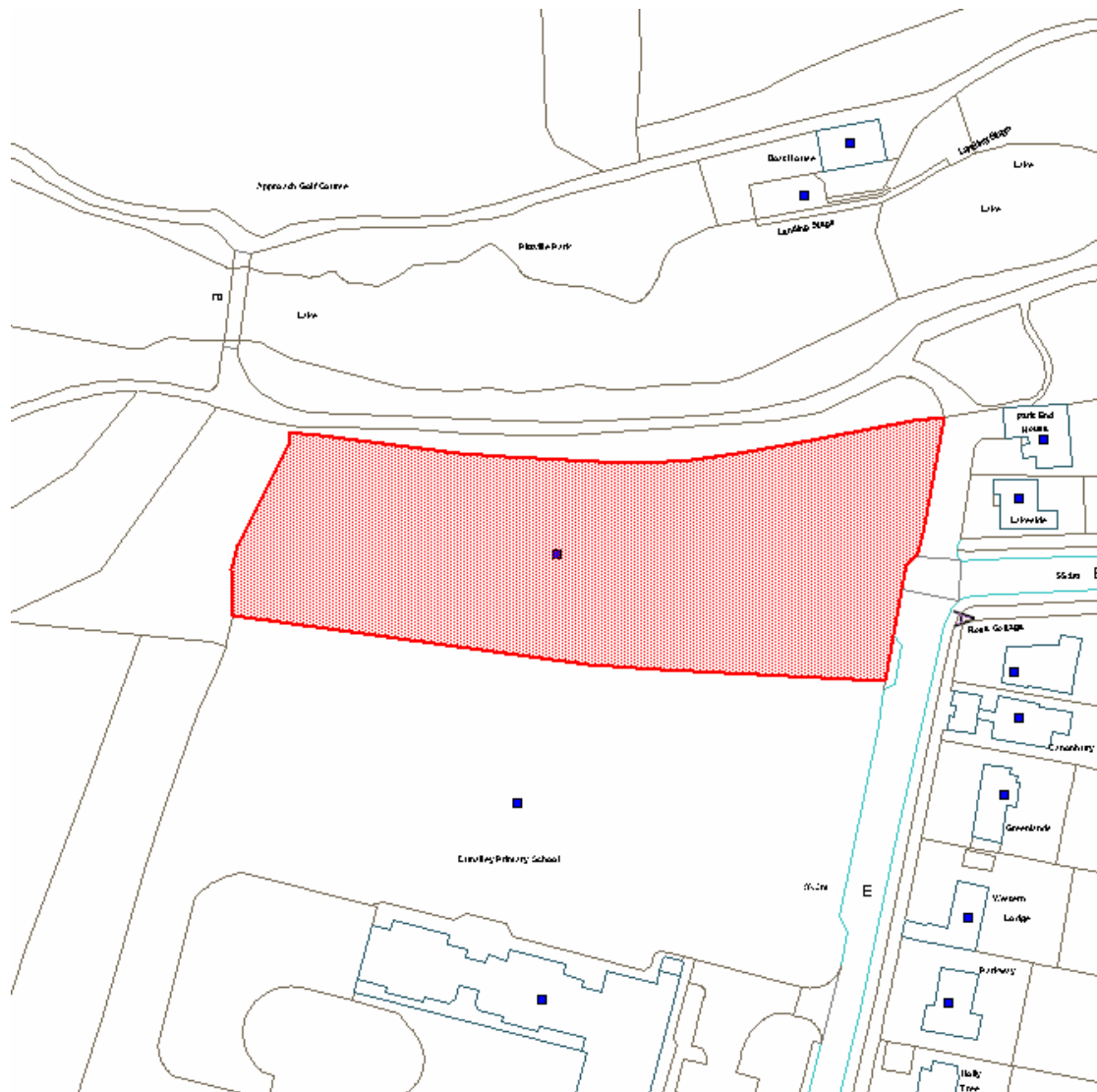


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| <b>APPLICATION NO:</b> 13/01694/FUL      | <b>OFFICER:</b> Miss Michelle Payne   |
| <b>DATE REGISTERED:</b> 3rd October 2013 | <b>DATE OF EXPIRY:</b> 2nd January 2014   |
| <b>WARD:</b> Pittville                   | <b>PARISH:</b> None   |
| <b>APPLICANT:</b>                        | National Star Foundation  |
| <b>AGENT:</b>                            | Mr Simon Firkins  |
| <b>LOCATION:</b>                         | Land adjacent to Dunalley Primary School, West Drive, Cheltenham  |
| <b>PROPOSAL:</b>                         | Provision of residential accommodation for people with disabilities, with associated care learning and activity facilities (Use Class C2) |

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application for the provision of residential accommodation for people with disabilities, together with associated care, learning and activity facilities (Use Class C2) on a vacant parcel of land located between Dunalley Primary School on West Drive and Pittville Park. The application has been submitted by the National Star Foundation.
- 1.2 Planning permission was previously granted on this site by Members in August 2009 for the erection of a residential facility for 12 adults with complex disabilities (Use Class C2) and a non residential therapeutic activities centre. Subsequently, an extension of time was granted in February 2013, and the planning permission remains extant. The fundamental principle of developing this important site has therefore been established.
- 1.3 The previously approved scheme proposed two large single storey buildings which were contemporary in appearance and incorporated a pallet of materials including Cedar boarding, metal cladding, and powder coated aluminium windows, together with a green roofing system to the large expanses of flat roof. The scheme provided for a new vehicular access from West Drive, alongside eight car parking spaces on a small area of hardstanding to the front of the development.
- 1.4 At the time of granting the previous permission, the site was used as a Wildlife Garden by Dunalley Primary School although the land was owned by the County Council. Since this time, a replacement Wildlife Garden has been constructed within the school grounds.
- 1.5 The current application now proposes the erection of five buildings throughout the site, two of which at the front of the site, would be two storeys in height. Again the buildings are contemporary in appearance and would incorporate the use of vertical and horizontal timber cladding, white and through coloured render, powder coated aluminium windows, standing seam metal roofs, and sedum roofs. Access would again be provided from West Drive, with 14 car parking spaces within the site.
- 1.6 The current proposal has been the subject of pre-application consultations and discussion, including public consultation before the submission of this application, and has been amended to address the key concerns. Further, minor revisions have been made during the course of the application.
- 1.7 The application is before Planning Committee because of the history on the site and the extensive public interest in the application, both for and against. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Central Conservation Area  
Landfill site boundary

### **Relevant Planning History:**

**08/01342/FUL                      PERMIT                      20th August 2009**

Erection of a residential facility for 12 adults with complex disabilities (Use Class C2) and a non-residential therapeutic activities centre and associated landscaping

**12/00422/TIME                      PERMIT                      4th February 2013**

Extension of time limit for implementation of planning permission ref: 08/01342/FUL, erection of a residential facility for 12 adults with complex disabilities (Use Class C2) and a non-residential therapeutic activities centre and associated landscaping

### 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  
CP 8 Provision of necessary infrastructure and facilities  
BE 1 Open space in conservation areas  
GE 2 Private green space  
GE 4 Pittville park and bouncers lane cemetery  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
GE 7 Accommodation and protection of natural features  
NE 3 Biodiversity and geodiversity of local importance  
UI 1 Development in flood zones  
UI 2 Development and flooding  
UI 3 Sustainable Drainage Systems  
UI 7 Renewable energy  
TP 1 Development and highway safety

#### Supplementary Planning Guidance/Documents

Flooding and sustainable drainage systems (2003)  
Sustainable buildings (2003)  
Sustainable developments (2003)  
Landscaping in new development (2004)  
Pittville character area appraisal and management plan (2008)  
Development on Garden land and infill sites in Cheltenham (2009)

#### National Guidance

National Planning Policy Framework

### 4. CONSULTATION RESPONSES

#### **Contaminated Land Officer**

*8th October 2013*

No comment.

#### **GCER**

*17th October 2013*

The data search for this site is based on the grid reference supplied by CBC, which is assumed to be located at the centre of the planning application site. GCER searches for all data within 250m of the grid reference. The provision of this data shows that important species or habitats are present on or near the proposed development site; however it does not show that important species or habitats are not present or not affected by the development.

**Tree Officer**

*21st October 2013*

In principle this revised scheme appears to be acceptable to the Tree Section, however, in order to make an informed decision, further information is required to ensure that all of the trees on and adjacent to the site can be fully assessed in respect of the proposal. Therefore please can the following information be submitted prior to a decision being issued:

Up-to-date tree survey to include trees on and adjacent to the site, to include:

- Tree Constraints Plan (indicating the root protection areas (RPA))
- Tree Protection Plan (indicating the proposed fencing and/or ground protection)
- An arboricultural method statement to include; how they intend to construct the foundations in the RPA of trees on and adjacent to the site; details of no-dig construction for parking areas, footpaths and other forms of hard landscaping where they fall within the RPA of trees on and adjacent to the site; storage of materials and siting of temporary structures for contractors and any access facilitations pruning.

All of the above is to be submitted and agreed with Trees Officers to ensure the safe retention of the trees on and adjacent to the site. Once this has been submitted and agreed I will recommend appropriate tree and landscaping conditions.

**Cheltenham Civic Society**

*13th November 2013*

We do not favour the development of this land adjacent to Pittville Park, but accept that the pre-existing planning permission means that development is inevitable. We were not unanimous about the scheme, but the majority view was that it was well designed for the location, with the separate blocks minimising the massing. The main concern is the impact of the two-storey block, but most of us did not think this would adversely impact on the park with suitable screening. There was some concern about the over-complication of the detailing on the two-storey block.

**Landscape Architect**

*13th November 2013*

The proposed Landscaping Plan (Drawing No. PL006) does not show sufficient detail to allow for comment on the proposed planting scheme. Please could a standard landscaping condition be attached to a planning permission, if granted.

However, of greater concern, is the proximity of the proposed development to the boundary of historic Pittville Park. Pittville Park is Grade 2 listed on English Heritage's register of historic parks and gardens. The effect of any proposed development on the park's special character is therefore a material consideration in planning decisions.

Cheltenham Borough Council's Local Plan Second Review 2006 has a specific policy to protect the town's two registered parks.

Policy GE4 Pittville Park and Bouncers Lane Cemetery

Development which would adversely affect the setting or appearance of Pittville Park and Bouncer Lane Cemetery will not be permitted.

Development so close to the boundary would be a visual intrusion into the park. It would have a negative impact what is currently a sylvan setting. In my opinion development next to this boundary would adversely affect the setting and appearance of this area of the park and it would be preferable if it did not proceed. However, given that there is an extant

planning permission for this site, ways of mitigating the effect of development should be sought. If possible the proposed buildings should be set further back from the boundary. Increased tree planting would also help to soften the appearance of the built form from within the park.

## **Architects Panel**

*14th November 2013*

### 1. Is the information sufficient to understand the application?

Yes. The drawings are thorough and explain the scheme well.

### 2. Context

The 3D sketches help to illustrate the scheme well and the cross sections pick up the adjoining buildings.

### 3. Massing and Scale

The mass and scale of the buildings are appropriate for the size of the site.

### 4. External Appearance

The crisp use of a simple mixed palette works well. Our one area of concern is the East elevation which we feel could benefit from further refinement possibly the introduction of a vertical element.

The building and landscapes reflect each other well.

### 5. Detailing and Materials

The proposed materials are acceptable as are the proposed landscaping.

### 6. Environmental Design

No comments.

### 7. Summary

The scheme could benefit from some further rationalisation to the elevational treatment of the east elevation of the front block.

### 8. Recommendation

Approve subject to the comments above.

## **Heritage and Conservation**

*15th November 2013*

1. It should be noted that Pittville Park is a grade II Registered Park under Section 8C of the Historic Buildings and Ancient Monuments Act 1953.

2. It should be noted that my comments relate purely to the built environment and Cheltenham's Central Conservation Area issues as defined under the Planning (Listed Building and conservation Areas) Act 1990. I am not qualified to comment on nature conservation.

3. The principle of a building on this application site is acceptable since the principle of developing has been confirmed by the permission granted on 20th August 2009, which was also for a residential facility for disabled people. However I would be concerned for the development of this site for purposes without a significant public benefit. However notwithstanding these comments about the principle of development on the site, the acceptability of any new building is subject to the size, mass, form, general detailed design of the building and any landscaping all being acceptable.

4. The site is visible from all four directions, and has equally important views from all four directions. In many respects the characteristic form of the existing site, with its overhanging tree canopies, acts as a transition in landscape terms between the wide open expanse of the Park with its informal but big scale planting and trees to the north; and the small scale domestic gardens of the surrounding houses and the utilitarian space of the school playing fields.

5. The site contains a number of mature and significant trees, which are very important to the conservation area and also for the setting of the adjacent Pittville Park. The site layout of the application scheme appears to have been successfully designed to sit amongst these trees.

6. The proposed layout of the site in the current application scheme is considered to be a significant improvement on the extant scheme, and is considered to be generally suitable for the site with some concerns as follows -

- a. No refuse and re-cycling facilities for individual blocks have been shown and yet building block 4 and 5 appear to have quite large commercial kitchens. The only refuse storage appears to be attached to block 3. This store appears quite small. Given the disability problems associated with the people who will be using the buildings, has a refuse strategy been considered? Please ask the applicants to confirm. I would be very concerned if detached refuse buildings/store become necessary in the future.
- b. In particular the proposed parking being at right angles to the road is welcomed. However I am unclear on how far into the site will vehicles be allowed, please ask for confirmation on this point. I would be concerned if it is intended that vehicles will regularly drive up to the blocks 4 and 5.
- c. I assume that the site perimeter path around the west end of the site is for pedestrian only, but again confirmation is required.
- d. Generally the planting along the southern boundary is good but is quite weak adjacent to block 5. This is probably due to the lack of space immediately to the south of block 5. I suggest that this element of the site layout is reconsidered.
- e.

7. Building design and architectural style - Notwithstanding my comments below about the east elevation and heights of blocks 1 and 2, my other detailed comments are as follows -

- a. The principle of the architectural style being contemporary is acceptable and in itself not an issue.
- b. The proposal to design the buildings with mono-pitch roofs allows the scale of the buildings to be reduced to a domestic scale and generally this approach is acceptable.
- c. I also welcome the use of green roof and the sedum planting on the roofs. However the proposed shallow pitch mono-pitch roofs do readily lend themselves to have photo-voltaic solar panels being fitted. Such a proposal for the future installation of PV panels would be of concern and I suggest that to avoid any future doubts or misunderstandings a condition or informative is attached to any permission which may be granted.
- d. The form, mass and appearance of block 3 are good and it will provide an attractive building to be viewed across the adjacent school land to the south and from the road to the east.
- e. Similarly the form, mass and appearance of block 4 are good and it will provide an attractive building to be viewed across the adjacent school land to the south.
- f. However the south elevation of block 5 is weak and has an unresolved duality, and I suggest that this elevation is reconsidered and revised, especially as it is located very close to the southern boundary of the site.
- g. Blocks 4 and 5 both show a plant room but no confirmation is given on the type of energy. Will these buildings need a gas flue? Please ask the applicant to confirm.

- h. Generally confirmation should be given at this stage on the source of heating and any flues required on the other buildings. Again blocks 1 and 2 have a plant room, but no flue. Is a flue necessary?
- i. In all the buildings in addition to gas boiler flues, how and where will extract vent from kitchens and bathrooms be considered? A proliferation of vent terminals across the roofs will be unacceptable. Again confirmation is required.

8. Block 1 and block 2 -

- a. I am concerned at the proposed two storey height of the eastern block of buildings (i.e. block 1) although less concerned about the height of block 2.
- b. The proportions and general design of this east elevation facing the road has improved from the pre-application submission, but still has an unresolved duality. The staggering of the individual units has helped but not sufficiently for my concerns to be addressed.
- c. The glazed staircase link between blocks 1 and 2 certainly provides a focal point for the entrance and this is welcomed. However at night or dark winter afternoons when the lights are on, this glazed link will shine out like a light house. In such circumstances there will be a strong visual impact which will not be harmonious with the semi-rural character of this part of the conservation area. I suggest that this element is reconsidered.

6th December 2013

1. My previous comment stated -*The site is visible from all four directions, and has equally important views from all four directions. In many respects the characteristic form of the existing site, with its overhanging tree canopies, acts as a transition in landscape terms between the wide open expanse of the Park with its informal but big scale planting and trees to the north; and the small scale domestic gardens of the surrounding houses and the utilitarian space of the school playing fields.* The applicant has responded by saying that the current application is an improvement on the previous extant scheme in respect to the transition nature of the site. I agreed with the applicants' comment on this point.

2. The proposed layout of the site in the current application scheme is considered to be a significant improvement on the extant scheme, and is considered to be generally suitable for the site with some concerns as follows:

- a. The applicant has provided satisfactory answers to my previous concern about refuse arrangements.
- b. The applicant has provided satisfactory answers to my previous concern about how far into the site will vehicles be allowed. Although I suggest a condition is imposed regarding the parking arrangements.
- c. The applicant has provided satisfactory confirmation that the perimeter path around the west end of the site is for pedestrian only.
- d. My previous concerns about the planting on the south boundary have been answered by the applicant by confirming that a landscape strategy is being developed for the southern boundary in conjunction with the school. This is welcomed but how can this be guaranteed to happen?

3. Building design and architectural style: Notwithstanding my comments below about the east elevation and heights of blocks 1 and 2, my other detailed comments are as follows:

- a. I note that the applicant has confirmed that currently there is no intention to fit photo-voltaic solar panels on the shallow pitched roofs. However I continue to suggest that to avoid any future doubts or misunderstandings a condition or informative is attached to any permission which may be granted.
- b. The south elevation of block 5 has now been revised and is acceptable.
- c. The applicant has confirmed that any boiler flues necessary will be of a domestic size flue, however I suggest that to avoid any future doubts or

misunderstandings a condition requesting more information about the flue is attached to any permission which may be granted.

- d. The applicant has provided satisfactory answers to my previous concern about extract vent from kitchens and bathrooms, however I suggest that to avoid any future doubts or misunderstandings a condition requesting more information about the vent terminals is attached to any permission which may be granted.

#### 4. Block 1 and block 2:

- a. I remain concerned at the proposed two storey height of the eastern block of buildings (i.e. block 1) although less concerned about the height of block 2.
- b. The proportions and general design of this east elevation facing the road has now been revised and is generally satisfactory.
- c. The glazed staircase link between blocks 1 and 2 certainly provides a focal point for the entrance and this is welcomed. The applicants have suggested an internal lighting strategy for this area, in order to address my previous comments about light pollution and the semi-rural character of this part of the conservation area. I suggest that the lighting strategy is conditioned.

#### 5. Summary:

The principle of this type of development on this site has been accepted by the extant permission. The only remaining concern I have about this scheme is the height of blocks 1 and 2. On this basis, in my opinion the two storey height of blocks 1 and 2 will cause harm to the conservation area and the setting of the adjacent registered Pittville Park (note both the conservation area and Pittville Park are designated heritage assets). However this harm will be less than substantial. Clause 134 of the NPPF states "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals, including securing its optimum viable use.*" Therefore with clause 134 of the NPPF in mind, I consider that on balance I am prepared to recommend this application for approval subject to conditions.

### **Environmental Health**

*10th December 2013*

I have reviewed the application and the additional information recently provided and offer the following comments:

#### Unit 3 "Shared Space"

Concern has been raised locally about the uses and users of Unit 3 of the development, which I understand has been offered out for community use. Given the limited size of the room, its structure and orientation I do not anticipate that day-to-day use would have a significant affect on the amenity of nearby property. The circumstances in which use of this area could potentially affect others would seem most likely to arise during use by outside groups if they extend to anti-social hours. I would therefore propose a condition on the following lines:

#### Condition 1:

Use of the building marked "Unit 3" by outside groups shall be limited to the hours of 9:00AM to 11:00PM daily.

Reason: To protect residents of nearby property from loss of amenity due to noise from community use of this facility.

#### Site lighting

The site will need to be lit to allow access to, from and around the site after dark. I therefore request a condition on the following lines:



Condition 2:

The design of the site external lighting system will be submitted to and approved by the LPA before first use of the site.

Reason: To prevent loss of amenity for residents of nearby property due to overspill lighting.

## **County Council Highways Authority**

*27th December 2013*

I refer to the above planning application received on 7th October 2013 with drawing no: PL005. I make this recommendation taking into account the most recent planning policy and guidance, and the concerns of the local residents as highlighted on the Cheltenham Borough Council (CBC) website. A number of concerns have already been raised to the Local Planning Authority (LPA) over the level of information that has been submitted, which has been addressed in part by the planning agent.

When assessing a planning application such as this, it is important to establish the 'fallback' position; this is what the site can already be used for without the need for further planning permissions. Planning permission was granted for a residential facility for 12 adults with complex disabilities (Use Class C2) and non residential therapeutic activities centre in 2008 (ref no: 08/01342/FUL), with an extension of time (ref no: 12/00422/TIME) being granted in 2012, therefore the permission is still extant. As part of the original Planning Statement dated September 2008, the proposal was outlined. The non-residential therapeutic activity facility was to be used by approximately 25 adults at any one time, with the gross floor area measuring approximately 750sqm, there were 12 residential bedrooms with an additional 2 for staff at night, there would be approximately 30 full time members of staff. The unit was also going to incorporate the facilities which were located on Central Cross Drive, which was to include such activities as training visits for County Police Students. The 750sqm of non residential C2 use would have been likely to generate a much greater number of arrivals and departures by motor vehicle than the residential use. All of this was to be served by just 8 car parking spaces.

Although the number of bedrooms is being increased to 25, the current proposal will reduce the non-residential element of the original scheme to just 70sqm, significantly reducing the number of arrivals and departures. The number of car parking spaces is being increased to 13, 3 of which will be for disabled users. Space for a mini bus collection and drop off area has been provided within the site to the west of block 2, this area is beyond controlled bollards and does mean that the residents can be collected and dropped off in a safe manner.

When assessing the difference between the likely vehicle movements between such uses, TRICS (Trip Rate Information Computer System) is normally used. The agent has not provided this information, however in order to understand the differences between the two proposals I believe this is important; this way its the worst case scenarios of the planning uses can be assessed, and not just the specific needs of the client. The agent has also mentioned that the client already has a number of sites which would be relocated to the proposed site; a traffic study of this could have also been undertaken and would have been useful but this has not been done and therefore TRICS is considered to be the most useful alternative.

A C2 residential use such as this would be likely to generate approximately 2.27 DAILY vehicle movements per resident, this takes into account staff, deliveries, visitors etc. Therefore purely in terms of the residential element, the extant use of 12 residents would have been likely to generate approximately 27 DAILY vehicle movements, only 2 during the morning peak hours, and 2 in the evening peak hour. I am fully aware of the traffic that is generated in association with the nearby school which does create localised traffic peaks,

however for the most part of the day West Drive and Central Cross Drive are what would be considered lightly traffic and are not a primary traffic route, therefore I have taken the peak hours to coincide with the school opening and closing hours where traffic will be at its most heavy. The proposed use for 25 residents would be likely to generate approximately 57 DAILY vehicle movements, with 4 vehicle movements in the morning peak, and 5 during the evening peak.

The non-residential element is a little harder to work out, however given the uses originally proposed I have looked at trips likely to be associated with both community care and education centres. Even when taking the highest generator of vehicle trips (the education community centre) this shows that there would be a significant likely reduction in number of trips associated with the proposed use as opposed to the extant permission. The extant non-residential element with a GFA of 750sqm would be likely to generate in the region of 83 DAILY vehicle movements, with 8 in the morning peak, and 12 in the evening peak.

The proposed 70sqm would only be likely to generate approximately 8 daily vehicle movements, with 1 in the morning, and 2 in the evening peak hours. When using other land uses, such as a community care centre, the difference just becomes even greater, with a far greater number of trips likely to be associated with the extant gross floor area of 750sqm.

Therefore, the current 'fallback' position is that there is an extant planning permission in place that if built out could generate approximately 110 DAILY vehicle movements, with 10 movements during the morning peak, and 14 in the evening peak hours. The proposed use for 25 residents plus 70sqm of non residential use could generate in the region of 65 DAILY vehicle movements, with 5 during the morning peak, and 7 during the evening peak hours. This study shows that there would be an overall likely reduction in vehicle movements between the extant permission and proposed use. The National Planning Policy Framework (NPPF) says that although safe and suitable access should be provided, *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe'*. Given the likely reduction in number of vehicular trips during the morning and evening peaks, and total daily trips, the Highway Authority do not believe that the proposed development can be refused on highway safety grounds for the impact upon the surrounding highway network.

On the original application, the Highway Authority recommended that additional car parking be provided, however this did not make it on to the final planning permission, therefore the 'fallback' position of the 12 residents and 750sqm of C2 non residential uses needs to be taken into consideration, in that the permission only benefited from 8 car parking spaces. As already demonstrated the proposed use would be likely to generate less vehicle movements, and would benefit from 13 car parking spaces, it is for these reasons the proposed number is accepted. A car parking study/consultation is also currently been undertaken by Gloucestershire County Council with a new parking scheme in the area likely to be implemented. The GCC consultation document addresses some of the perceived parking issues on Central Cross Drive and West Drive, the document says:

*"Those residents further away from the Town Centre, around Central Cross Drive, experience a different problem - congested parking due to all-day on-street commuter parking. The proposed scheme will prevent this practice, easing congestion in the area".....it goes on to say "Feedback from some of the more peripheral roads to this scheme, such as West Drive and Pittville Crescent confirmed that at present, they do not experience severe parking issues. These roads are included in this proposal due to the risk of displacement parking worsening the parking congestion on these roads were they to be excluded".*

This would suggest that existing parking problems are not significant and any indiscriminate parking in the area is likely to be dealt with by the new parking controls. Notwithstanding

this, as already demonstrated, the proposed development is likely to be less intensive than the 'fallback' position, and would benefit from a greater number of car parking spaces, therefore it would be unreasonable to object to the proposal on impact of parking on the surrounding streets.

One of the concerns raised by the Highway Authority on this current scheme was the lack of delivery area, including food and pharmacy deliveries. The agent has argued that such deliveries would be short term, and could be undertaken within the site, and if such vehicles (pharmacy and food deliveries) did need to reverse to or from the site this is not an area for concern in the context of the site/scheme, and the low levels of traffic associated with it; again particularly with regard to the existing permission. West Drive is an unclassified highway, with acceptable visibility in all directions, given the low levels of traffic for the majority of the day, and that this not a primary traffic route, I would agree with the agents assessment that such vehicles reversing to or from the highway would not be likely to create severe or significant highway safety dangers or hazards. There have not been any recorded collisions on West Drive in relation to vehicles reversing to or from driveways over the last 5 years.

On the previous proposal, the Highway Authority (HA) raised concerns over the suitability of the pedestrian routes to local facilities. The HA recommended a condition to improve the facilities between the site and the existing public transport facilities on Evesham Road (A435), this condition does not appear on the planning permission, however I do note that a Sustainable Transport SPG contribution was secured by agreement dated 7th August 2009, this could have been used to help improve such facilities. The agent has argued that as the daily trips associated with the proposed use will be fewer than the approved, they would anticipate there being no sustainable transport contributions; or if such contributions are requested then they would expect these to be lower than previously to reflect the reduced number of vehicle movements. I appreciate the extant planning permission and the signed S106, however just because a contribution was to be secured as part of the original permission, does not mean the second application is exempt. This would only be relevant if that contribution had already been paid and there was no repayment clause inserted into the S106, or that permission had been built out and the contribution paid, i.e. that the mitigation had already been provided/guaranteed, I don't believe this is the case.

Looking back through the information submitted at the time it would appear that the SPG contribution was calculated purely in terms of number of residents, with the non-residential element not being taken into consideration. If you apply this purely to the number of residents likely to be associated with the proposed use there would be a requirement for a greater SPG, however given the overall likely reduction in vehicle and pedestrian movements from the extant permission this does seem a little perverse. Since that decision in 2008 the NPPF has been published, with section 7 placing greater importance on good design, and that it is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Section 8 places emphasis on promoting healthy communities and says that planning decisions should aim to achieve places which promote safe and accessible developments, containing clear and legible pedestrian routes.

Given this emphasis on good design, and that a large proportion of residents are likely to be wheelchair users, the Highway Authority are of the opinion that the pedestrian facilities should be improved between the site and Evesham Road. The LPA didn't apply such a condition to the original permission therefore I will leave them to decide whether its reasonable to do so in this instance, given the greater emphasis on sustainability/accessibility provided by the NPPF. Should the LPA decide not to impose this condition then it is considered reasonable to adjust the SPG on a percentage basis between the total number of daily vehicle movements likely to be associated with the proposed use, in relation to the extant 'fallback' position.

Thus, I recommend that no highway objection be raised subject to suggested conditions.

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 47 neighbouring properties on receipt of the application. In addition, an advert was published in the Gloucestershire Echo and three site notices were posted, one on West Drive and two within Pittville Park.
- 5.2 Additional letters were sent out to all interested parties on receipt of additional information in respect of Block 3, and amended drawings to address concerns relating to the East elevation of Blocks 1 & 2.
- 5.3 At the time of writing this report, in response to the publicity, a total of 101 representations have been received from 66 individual contributors. 31 of the contributors have written in objection and 34 have written in support, whilst one general comment has also been received; the comments have been circulated in full to Members but are briefly summarised below:
- 5.4 The objections largely relate to:
- Loss of the existing green space / impact on adjacent Pittville Park
  - Overdevelopment
  - Contemporary design / out of keeping
  - Two storey development
  - Parking / traffic implications
  - Proposed sub station
  - Uncertainty of the use of Block 3 (communal learning & activity space)
  - Noise / light pollution
- 5.5 The representations in support of the application have come from far and wide, and principally focus on the importance of the work carried out by the National Star Centre, and the need to provide additional specialist accommodation within the town, rather than the specifics of the application.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.1.1 The main considerations when determining this application are the design and layout of the proposed development, impact on neighbouring amenity, and traffic and highway safety.

### 6.2 The site and its context

6.2.1 The application site is 0.56 hectares and is located within the Pittville character area, one of 19 character areas that together form Cheltenham's Central conservation area. Dunalley Primary School sits to the south of the site, whilst Pittville Park, a grade II Registered Park, wraps around the site to the north and west. To the east, there are a number of residential properties.

### 6.3 Design and layout

6.3.1 The accompanying Design and Access Statement provides the following summary of the design approach taken with this scheme:

*“The design picks up on the residents desire to have individual ‘houses’ with their own access, character, approach and external space. This breaking down of the built form works with the site to minimise the impact on both the park and playing fields to the South. This allows the scheme to provide 5 new buildings across the site which accommodates a range of cluster types from 1 and 2 person apartments, through to 6 bedroom ‘clusters’ providing 25 new bed spaces.*

*The layout of the spaces has been designed to promote independent living by careful location on the site, with the more care required the deeper into the site you live. The form and layout of the buildings will then serve to reduce the need for a gated community leaving the fences and gates being no more than you would expect to find on a similar residential development.*

*The mass and scale of the development is laid out with single storey buildings closer to the park with the scale rising up towards the 2 storey houses along West Drive. This allows the scheme to have a domestic scale with a range of different types and characters.*

*The scheme is designed as a residential development with a terrace of 4 private dwellings to the East addressing the existing houses on West Drive. A communal parking area is provided for both the staff and visitors to the community facility. The suggested uses, openness of the design and the lack of fences will break down boundaries and encourage integration into the community”.*

6.3.2 The layout in this revised scheme is considered to be a significant improvement over that of the extant scheme. The provision of five separate smaller buildings would help reduce the visual impact of the development from the registered park and would allow for a greater level of landscaping throughout the site. The combined footprint of the buildings would also be lower than that of the previously approved scheme. The layout also makes provision for the retention of a number of mature trees within the site.

6.3.3 Whilst it is acknowledged that this new scheme proposes the introduction of a two storey development at the front of the site, it is not considered that it would have any significant adverse impact on the adjacent park, particularly given the existing screening along the site boundary which would be reinforced by additional planting.

6.3.4 The scheme is generally supported by the Civic Society, Architects’ Panel and the Heritage and Conservation Manager although members will note that some reservations have been advanced regarding the two storey block to the front of the site. Both the Architects’ Panel and the Civic Society have suggested that this block would benefit from some refinement whilst the Conservation Manager has commented on the unresolved duality of the building. In response to this, the applicant has made subtle alterations to this block which officers are satisfied with.

6.3.5 It is considered that the block benefits from a good level of articulation in terms of its form and massing and will make for an interesting new building to the front of the site. In an attempt to resolve the duality, a single storey wrap around component has been introduced to the northern most section of the block and members will note from the most recent consultation response that the conservation team are satisfied with the appearance of this block in its revised form.

6.3.5 Regarding the two storey nature of the block, members will note that there is a degree of reservation put across by the Civic Society and Conservation Manager albeit that neither suggest that the proposal is unacceptable due to this height. Helpfully, the Conservation Manager refers to paragraph 134 of the NPPF which advises that;

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.*

6.3.6 Given the nature of the comments received in relation to the design of the proposal, it is quite apparent that any perceived harm is certainly '*less than substantial*'. This report has already touched upon the public benefit that the development will bring and therefore when the application is considered against this section of the NPPF, it is very difficult to identify a level of harm which outweighs this benefit. In this respect, the proposal is compliant with this specific provision within the NPPF and officers are satisfied that the design and layout of the proposed development complies with the objectives of Local Plan policy CP7.

#### 6.4 Impact on neighbouring property

6.4.1 The proposed scheme is considered to be acceptable with regard to neighbouring amenity; levels of privacy, outlook, and daylight would not be unduly affected by the development.

6.4.2 Of most concern to local residents, in terms of amenity, is Block 3 which is identified as a Teaching/Activity Space; the concerns relate to potential noise levels arising from the use of this space by residents and, possibly, small local community groups.

6.4.3 Given the limited size of this space and its orientation, Environmental Health do not consider that the day-to-day use would have a significant affect on nearby properties and have therefore raised no objection to the proposals subject to conditions restricting the hours of use by outside groups, and requiring the design of the external lighting system for the site to be submitted for due consideration.

6.4.4 One local resident has suggested that additional conditions are required to restrict the use of amplified music or drums, and electronic PA systems and to ensure that the ambient sound level at the site boundary after the development is completed would be no more than that which currently exists.

6.4.5 In response, Environmental Health have provided the following additional comments:

*"These conditions are disproportionate to any likely loss of amenity from use of this part of the development and are largely unenforceable. Conditions 1&2 are in effect the same condition and would prohibit the use of domestic-sized equipment that any average domestic property would normally contain. Condition 3 is unrealistic, as the ambient noise levels will be affected by the residential development that forms the bulk of this application, also levels of noise at the boundary of the site are generally less important than the levels of any noise as assessed at another property".*

6.4.6 Members will be well aware that where conditions are to be imposed on a development they have to be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other aspects. In light of the comments provided by Environmental Health, it is quite apparent that the use conditions to restrict the use of block 3, beyond that already suggested, is not necessary, would be difficult to enforce and ensuring precision would also be difficult. With this in mind, officers would not advise that conditions of this nature are imposed on the development should members resolve to grant planning permission. In light of the concerns raised though, officers do consider that an informative setting out some guiding principles of how the site, and in particular block 3 should be used, would be a worthwhile addition to the planning permission if granted.

6.4.7 Taking the above into consideration, the proposed development is considered to be acceptable with respect to neighbouring amenity. It is therefore compliant with the aims and objectives of local plan policy CP4.

## 6.5 Traffic and highway safety

6.5.1 A number of local residents have raised concerns over the likely increase in traffic and the parking provision within the site.

6.5.2 An initial informal response from Highways raised a number of issues and concerns over the level of the information originally submitted with the application. Additional information has therefore been received in an attempt to address these concerns, and members will note that a comprehensive response from the County Council is set out in an earlier section of this report.

6.5.3 Having fully assessed the proposal, the County Council are satisfied that the proposed development will not compromise highway safety or place an unacceptable burden on parking requirements in the locality.

6.5.4 Within the consultation response, emphasis is placed on the desire to improve pedestrian facilities between the site and Evesham Road and it is suggested that a condition would be an appropriate mechanism to secure such improvements. As with the 2008 approval, this approach has been fully assessed by officers but it is not considered reasonable to attach such a condition. The necessary works would be outside of the control of the applicant and they would be reliant on the County to enable the works to be implemented. Members will note that the previous planning permission was subject to a sustainable transport contribution to the County Council and this is the appropriate mechanism to secure improvements to pedestrian facilities.

6.5.5 Officers therefore consider that it is entirely reasonable to suggest a similar approach with this scheme. Following the advice from the County Council, the relevant SPG contribution would be £2804 and this would need to be secured through an appropriate S106 mechanism undertaking.

6.5.6 Subject to the applicant agreeing to this contribution, the proposal is acceptable in terms of highway safety.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 To conclude, it is considered that this proposal represents a sustainable form of development that should be supported. The principle of developing the site is well established and it benefits from an extant permission for a similar use.
- 7.2 The proposal is well-conceived; it respects the important constraints of the site, particularly the mature trees and relationship with the adjacent park, whilst generating an interesting layout with good quality, contemporary architecture.
- 7.3 Whilst some reservations have been advanced regarding the two storey block to the front of the site, members will note that none of the Council's design advisors have suggested that the proposal should not be supported for this reason. In response to the consultation comments, the applicant has revisited this aspect of the scheme and officers are content that it represents an acceptable addition to the conservation area, and when assessed against paragraph 134 of the NPPF, this less than substantial harm is considered to be outweighed by the public benefits that the scheme will bring.

- 7.4 The proposal will not compromise neighbouring amenity to an unacceptable degree. Whilst concern has been expressed regarding the use of block 3, these are not shared by the Council's Environmental Health team. To control the use of this block, a condition will be suggested to limit hours of use by third parties, it is considered that it would be unnecessary and unreasonable to put more onerous restrictions on to this building.
- 7.5 Finally, regarding highway considerations, the County Council have raised no objection to the scheme, suggesting that the number of trips associated with this proposed use will be less than the approved scheme. A sustainable transport contribution is necessary and this is still being discussed with the applicant.
- 7.6 In summary, this is a scheme that has prompted a considerable amount of interest from the public. The proposal has been thoroughly assessed against local and national policy and has been found to be acceptable. It is therefore recommended that members resolve to grant planning permission subject to the sustainable transport contribution being secured as part of a Section 106 undertaking.
- 7.7 A full set of conditions will follow as an update to this report.