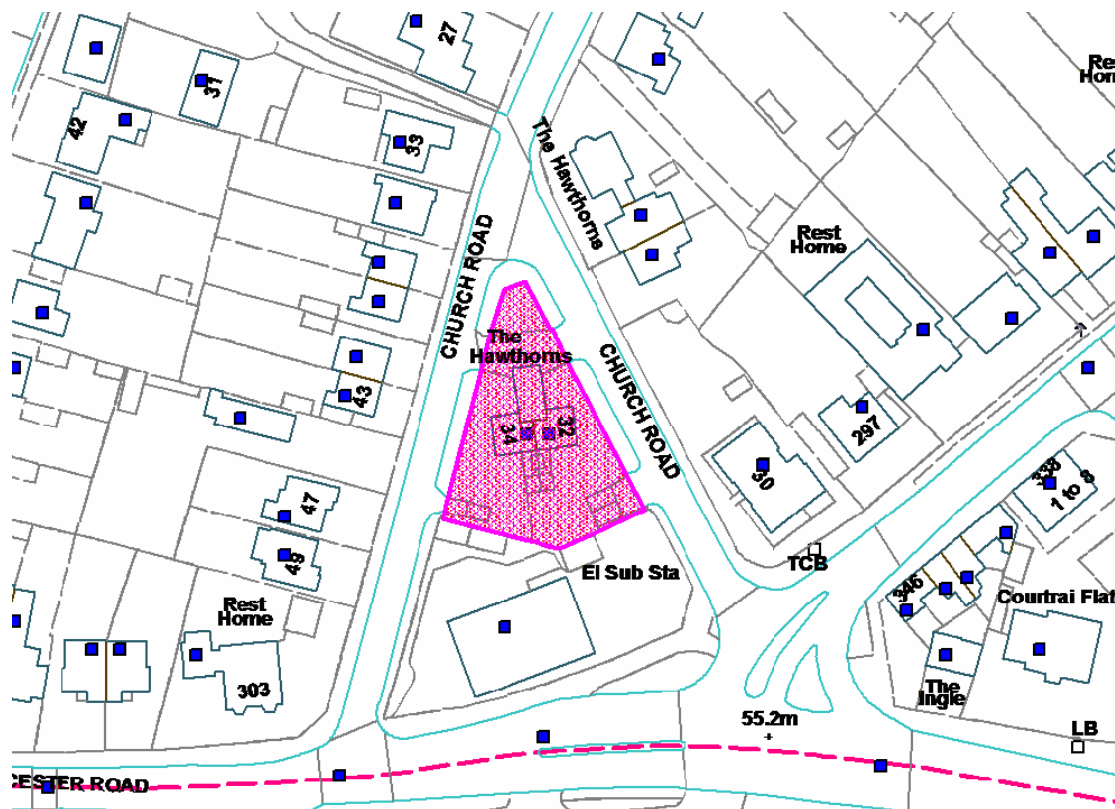


<b>APPLICATION NO:</b> 13/02139/FUL		<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 18th December 2013		<b>DATE OF EXPIRY:</b> 19th March 2014
<b>WARD:</b> St Marks		<b>PARISH:</b>
<b>APPLICANT:</b>	New Dawn Homes	
<b>AGENT:</b>	Stanley Partnership Architects	
<b>LOCATION:</b>	32 Church Road St Marks Cheltenham	
<b>PROPOSAL:</b>	Redevelopment of site comprising the erection of 6no. 1 bed apartments and 5no. 3 bed houses	

**RECOMMENDATION:** Permit



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 a roughly triangular plot which currently accommodates the old police station building. Church Road adjoins to the east and west of the site and the Triumph motorbike show room adjoins to the south. The surrounding area is generally residential in use and character.
- 1.2 This application proposes the demolition of the existing building and the redevelopment of the site for residential purposes. The proposal involves the erection of a terrace of 5 no. 3 bed houses with integral garages along the eastern edge of the site. 6 no. 1 bedroom flats are also proposed, accommodated in two blocks, one in the northern corner of the site, linked to the terrace of housing and one in the south east corner of the site.
- 1.3 In total the scheme provides for 11 dwellings and a total of 19 parking spaces (including 5 garages). The site area is 0.1ha and as such the density equates to 110 dph.
- 1.4 The planning history of this site is particularly pertinent. Two separate schemes have extant consent and therefore represent fall-back positions. These are as follows:

### Scheme A - 11/01196/FUL

This application was for 5 no. 3 bed houses and 5 no. 1 bed apartments, a total of 10 dwellings and a density of 100 dph. (The scheme was amended during the course of the application – it was originally for 5 no. 3 bed houses, 7 no. 1 bed apartments and 1 no. bedsit – a total of 13 dwellings). 19 Parking spaces were provided (including 5 in garages). This application was refused by planning committee for the following reason:

*“This proposal is a high density scheme which by over-developing the irregularly-shaped site with a tall flat-roofed block of buildings, untypical of the locality, fails to complement and respect the essential unity of design and character within the current street scene. The proposal is therefore not compliant with Policy CP7(c) of the Cheltenham Borough Local Plan (2006).”*

An appeal was made against this refusal and the appeal was allowed. In their decision the Inspector stated that there was no ‘essential unity’ to the design and character of the street scene. They go on to state the proposed buildings would not be starkly different in height and scale than those which surround the site. They also stated that the density was not inappropriate given the densities of 130 and 138 dph at The Hawthorns and 30 Church Road.

The scheme differed from the current application in that the buildings had flat roofs and the south eastern block had two storeys.

### Scheme B - 12/00245/FUL

This application was for 7 houses therefore providing a density of 70dph. Each house would have two parking spaces therefore a total of 14 spaces (5 provided in integral garages). This application was approved by committee following the refusal of the above mentioned application but in advance of the determination of the appeal.

The application was for a terrace of 5 dwellings in the same location as those currently proposed and two detached dwellings in the location of the two proposed elements containing 3 flats each. All of the buildings were three storeys in height and had mansard roofs.

## Current scheme

The current scheme essentially involves a hybrid of the two approved schemes. It comprises a mixture of houses and flats, as did Scheme A. It is all three storeys in height, as was Scheme B. The roof forms are generally mansard, as per scheme B, however with the block in the northern corner of the site being flat roof as per scheme A. The level of parking is the same as with Scheme A. The level of accommodation provided is as per Scheme A but with one additional one bedroom flat. The footprint of the buildings are generally as approved however the unit in the south east corner is 1 – 3m deeper into the site. The materials are generally as approved in Scheme B but with the northern block is now proposed to be of grey brick as opposed to render.

- 1.5 This application has been called to committee by Cllrs Coleman and Holliday who consider that the application should be considered by committee as previous schemes have. In addition Cllr Holliday has stated that *“the overdevelopment of the site, lack of provision of adequate parking on the site, overlooking into nearby properties and safety issues regarding additional traffic are major issues”*

## **2. CONSTRAINTS AND RELEVANT PLANNING HISTORY**

### **Constraints:**

None

### **Relevant Planning History:**

**11/00637/PREAPP 4th October 2012 CLO**

Erection of 9 dwellings. Demolition of police houses No's 32 and 34

**11/01196/FUL 16th December 2011 REF**

Redevelopment of site involving the demolition of the existing former police buildings and the erection of 5 no. 3-bed houses and 5 no. 1-bed apartments

**12/00245/FUL 23rd March 2012 PER**

Erection 6no 3 bed houses and 1no 4 bed house following demolition of existing buildings

**13/01896/FUL 17th December 2013 WDN**

6no. 1 bed Apartments

**11/00637/PREAPP 4th October 2012 CLO**

Erection of 9 dwellings. Demolition of police houses No's 32 and 34

**87/01480/GF 21st January 1988 PER**

Change Of Use From Residential To Office

**93/00198/LZ 29th April 1993 PER**

Retention Of Use As Offices

**11/01196/FUL 16th December 2011 REF**

Redevelopment of site involving the demolition of the existing former police buildings and the erection of 5 no. 3-bed houses and 5 no. 1-bed apartments

**12/00245/FUL 23rd March 2012 PER**

Erection 6no 3 bed houses and 1no 4 bed house following demolition of existing buildings

**13/01896/FUL 17th December 2013 WDN**

6no. 1 bed Apartments

### 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  
HS 1 Housing development  
HS 2 Housing Density  
RC 2 Youth and adult outdoor playing facilities  
RC 6 Play space in residential development  
TP 1 Development and highway safety  
TP 6 Parking provision in development

#### Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)  
Play space in residential development (2003)

#### National Guidance

National Planning Policy Framework

### 4. CONSULTATIONS

#### **Glos Centre for Environmental Records**

*19th December 2013*

A Biodiversity Report has been received which outlines all sightings of protected species in the area. There have been none within 100m of the site.

#### **GCC Highways Planning Liaison Officer**

*10th January 2014*

I refer to the above planning application received here on 17th December 2013 with Plan No: 1238(SK)001.

I note the local residents objections on highway/parking grounds, but a number of permissions have granted previously on this site and these do need to be taken into consideration when assessing the valid 'fallback position' - this is what the site can already be used for without the need for further planning permissions.

The most recent permission on the site, ref no 12/00245/FUL, was for the erection of 6no 3 bed houses, and 1no 4 bed house, permission was granted on 22nd March 2012, therefore that permission is still extant, i.e. can still be implemented. The Highway Authority (HA) did not raise an objection to that proposal subject to a number of conditions being attached to any permission granted, those 7 houses were served by 14 car parking spaces, 5 of which were garages.

Perhaps of greater relevance to this current application is the proposal for 5no 3 bed houses, and 5no 1 bed apartments (ref no: 11/01196/FUL). That proposal had a total of 19 car parking spaces associated with it, 10 for the houses (5 of which were garages), with 9 available for the 5 flats, as shown on plan no 1170(SK)018(A). This proposal was refused by the LPA on 15th December 2011 on planning grounds, the HA did not object to the proposal. That refusal was appealed by the applicant, with the appeal being allowed on 14th May 2012, therefore there is still an extant permission on the site for 5no 3 bed houses and 5no 1 bed apartments with 19 car parking spaces on the site.

The Inspector addressed the highway concerns in paragraph 16 of his response, 'I have had regard to the local concerns expressed about parking and highway safety, but I see no reason to disagree with the Highway Authority which offered no objection subject to conditions being imposed'.

The current proposal is very similar to that allowed at appeal, albeit with an additional 1 bed apartment, the total number of car parking spaces being retained is 19. 5 spaces and 5 garages are once again proposed for the houses as per the previous permissions, a total of 9 car parking spaces are available for the 6no 1 bed apartments. The Communities and Local Government document 'Residential Car Parking Research' would suggest that for flats of such a size and at such a location the average car ownership would be between 0.7-1.1 per flat, therefore the provision for 1 space per flat plus 3 additional parking spaces is considered appropriate for the scale of development.

Notwithstanding this, given the extant permissions, and after undertaking numerous site visits at different times of the day the Highway Authority do not believe that an additional one or two vehicles parking on the adjacent unclassified highway can be considered severe or significant. The National Planning Policy Framework states that although a safe and suitable access still needs to be provided, 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe'.

As per the previous appeal, both cycle and refuse storage has been provide for the apartments.

Thus, it is for these reasons I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:-

1) Prior to occupation of the proposed dwellings the vehicular accesses shall be laid out and constructed in accordance with the submitted details and thereafter similarly maintained.

REASON: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety.

2) The car parking (including garages and car ports where proposed) serving each dwelling shall be completed in all respects in accordance with the submitted details shown on drawing No. 1238(SK)001 prior to the occupation of that dwelling and shall be similarly maintained thereafter for that purpose.

REASON: To ensure that adequate off-road parking is provided.

3) No construction works shall commence on the development hereby permitted until provision has been made within the site for a temporary car parking area for site operatives and for the storage of materials, and such provision shall be maintained for the duration of construction works.

REASON: To reduce potential detrimental impact on the public highway, in the interests of highway safety.

**INFORMATIVE:**

The proposed development will involve the provision of vehicular crossovers and the applicant/developer is required to obtain the permission of Gloucestershire Highways on 08000 514 514 before commencing those works.

**NOTE:**

If the applicant lodges an appeal for any reason in respect of this application (or proposal), I would be grateful if you would notify me immediately of the appeal and details of any public inquiry. Similarly if there is a call-in or other government action would you please advise me immediately. Without this information there is a significant risk of the County Council not being able to meet the timescales and deadlines imposed for submission of statements of case and other representations.

**Architects Panel**

*5th February 2014*

**2. Is the Information sufficient to understand the application?**

Although the information is reasonable for the new buildings the scheme would benefit from a better understanding of the buildings opposite.

**3. Comments on the Application**

The scheme appears to be a reworking of an earlier proposal which we questioned due to its overall massing on the site and the proximity to each of the different built elements. The current scheme sets a terrace of houses with 2 blocks of apartments. We believe the 3 elements appear very tight on the site and this is highlighted by the close proximity between habitable rooms and neighbours. The vertical scale is appropriate but the stepping of the terrace would be more successful if the steps were increased. Aesthetically the contemporary approach is suitable and the scheme could work if the issues with overlooking and perceived density are overcome.

**4. Summary**

We could not support the scheme in its current

**Civic Society**

*10th February 2014*

We think that this is an appropriate solution for a difficult site, and we support it. We like the contrast between the flats and the terrace.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>31</b>
Total comments received	<b>19</b>
Number of objections	<b>18</b>
Number of supporting	<b>0</b>
General comment	<b>1</b>

**5.1** The application was publicised by way of letters to neighbouring properties, a site notice and a notice in the local newspaper. 19 responses have been received along with a copy of a petition submitted against Scheme A. The objections raised relate to the following issues:

- Overdevelopment
- Highway Danger/ loss of visibility/ request for changes to traffic lights
- Congestion
- Lack of parking and impact of this on church, too many parking spaces accessed from one road frontage

- Overbearing impact
- Loss of privacy
- Relocation of telegraph poles and street lights
- Previous concerns still exist
- Design out of character

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

The principle of residential development on this site has already been established and as such the key issues in determining this application are considered to be (i) design and layout, (ii) impact on neighbouring properties, (iii) parking and highways issues

### **6.2 The site and its context**

The site is a roughly triangular site which currently accommodates a relatively unattractive building which was formerly in use as a police station. It is now vacant and has fallen into disrepair.

The context comprises a mixture of building styles and forms. Immediately to the south is the single storey Triumph show room and its parking area. To the east is 30 Church Road; a 3.5 storey rendered building with a pitched roof in use as flats. To the north east is 28 – 26 Church Road, a 2.5 storey pitched roof building with a linked 4 storey flat roof building attached, in use as flats. To the north west are a small number of hipped roof bungalows and to the west are primarily two storey semi-detached houses with hipped roofs and detached gable roof properties.

### **6.3 Design and layout**

The proposal takes elements of its design from both of the schemes which benefit from extant consents. The proposal includes the mansard roofs which were included in scheme B although the block on the northern corner of the site has a flat roof, as allowed on Scheme A. This approach is considered to be appropriate. The flat roof block on the corner picks up on the flat roof design of 26 Church Road and provides a focus to this corner as well as resolving the two road frontages. The use of this block as flats rather than houses means it is easier for the building to address these two frontages. It is considered that the western elevation of this block could be improved in order to provide more articulation. Officers have asked the architect to amend the plans in this respect and members will be updated upon any revised plans received.

The remainder of the elements of the proposal have mansard roofs as approved through scheme B which members approved. This mix of roof styles is considered to be an appropriate way to accommodate a mixture of houses and flats in a manner which respects the context of the site.

Officers have asked the architect to look again at the front elevation of the block in the south eastern corner of the building in terms of recessing the entrance area to provide some relief to the building. This matter will be updated.

The materials proposed are broadly similar to those approved although the flat roof block would now be of grey brick. This is considered acceptable in principle although the exact brick, along with all other materials will need to be agreed.

Bin storage spaces are proposed within a landscaped front garden for the houses and within communal walled areas for the flats.

The proposal does represent a slight increase in the density of the scheme through the addition of 1 flat. Furthermore the overall footprint of the proposal has slightly increased through the enlargement of the south east block. However neither of these factors are considered to render the scheme unacceptable. The scheme is relatively dense and this has been commented upon by the Architects Panel. However this in itself does not mean that the proposal is unacceptable. The density is comparable with the surrounding area and the design and layout is considered to be acceptable and for these reasons the proposal is considered to be in accordance with Adopted Local Plan Policies CP 7 Design, Development on garden land and infill sites in Cheltenham (2009) and the National Planning Policy Framework.

#### **6.4 Impact on neighbouring property**

The heights of the buildings are the same as the approved schemes. The relationships between habitable rooms within the scheme and on existing surrounding residential properties are also the same. The proposal has resulted in the introduction of windows on the rear elevation of the block in the south east corner which may result in an increased degree of inter-visibility between the proposed dwellings, albeit at a slightly oblique angle. The architect has been asked to look at ways of resolving this matter and an update will be provided.

In all other respects the relationship between properties is very similar to the approved scheme which met all the relevant criteria in relation to distances between properties. As such the impact on neighbouring properties is considered to be acceptable and therefore the application is considered to be in accordance with Adopted Local Plan Policies CP 4 Safe and sustainable living, Development on garden land and infill sites in Cheltenham (2009) and the National Planning Policy Framework

#### **6.5 Access and highway issues**

As highlighted above this application, in terms of the ratio of accommodation to parking spaces, is very similar to that of Scheme A, albeit with the introduction of one additional flat. 19 parking spaces are proposed which would allow for two parking spaces per terraced house, one parking space per flat and three additional visitor parking spaces. This is considered to be an appropriate level of parking provision and no objection has been raised by the Highways Officer. For these reasons it is considered that the parking and highways situation is considered to be acceptable and therefore the scheme is in accordance with Adopted Local Plan Policies CP 5 Sustainable Transport, TP 1 Development and highway safety & TP 6 Parking provision in development, Development on garden land and infill sites in Cheltenham (2009) and the National Planning Policy Framework.

Some cycle parking provision is shown on the layout, however this appears to provide space for 3 bicycles. As such it is considered appropriate to attach a condition requiring a scheme for cycle parking provision to be submitted.



## 7. CONCLUSION AND RECOMMENDATION

- 7.1 The scheme is considered to represent an acceptable amalgamation of the two schemes which have consent. The combination of mansard roofs and flat roofs is considered to be a good compromise between the two schemes. The slight increase in footprint and the introduction of one addition flat is not considered to result in any adverse impacts. Some amendments have been requested which were not available at the time of writing the report and these matters will be updated. Subject to the satisfactory resolution of these matters the proposal is considered to be acceptable and is therefore recommended for approval.

## 8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 1238(SK)001, 002, 003, 004, 005 and 006 received 17th December 2013.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to any construction work above ground level, the design and details including materials and finishes of the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a) Windows including heads, cills and reveals;
  - b) All external doors;
  - c) Balconies and Balustrades
  - d) Roof details including eaves and overhang

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

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

- 4 Prior to any construction work above ground level, and notwithstanding any suggested materials within the application documents samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 5 Prior to the commencement of development, the surface water drainage system shall be designed in accordance with the principles of Sustainable Drainage Systems (SUDS). This shall include a maintenance strategy and full details (including calculations) shall be submitted to and approved by the Local Planning Authority. Prior to the first occupation of any part of the development, the surface water drainage

system shall be completed in all respects in accordance with the details approved and shall be retained as such thereafter.

Reason: To ensure the surface water drainage system does not contribute to flooding or pollution of the watercourse in accordance with Local Plan Policy UI3 relating to sustainable drainage systems.

- 6 Prior to occupation of the proposed dwellings the vehicular accesses shall be laid out and constructed in accordance with the submitted details and thereafter similarly maintained.

Reason: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety in accordance with policy TP1 of the Local Plan.

- 7 The car parking (including garages and car ports where proposed) serving each dwelling shall be completed in all respects in accordance with the submitted details shown on drawing No. 1238(SK)001 prior to the occupation of that dwelling and shall be similarly maintained thereafter for that purpose.

Reason: To ensure that adequate off-road parking is provided in accordance with policy TP6 of the Local Plan.

- 8 The proposed dwellings shall not be occupied until the existing frontage boundaries either side of the vehicular access have been removed/lowered to provide visibility splays extending from a point 2.4 metres back from the carriageway edge along the access centre line to a point on the nearside carriageway edge 40 metres distant in each direction. Any new boundary, fence or other enclosure shall be erected on or behind the splay lines so defined, with the area in advance maintained permanently clear of obstructions to visibility at a height not exceeding 0.6 metres above the adjacent carriageway level.

Reason: To ensure that adequate visibility is provided and maintained in the interests of highway safety in accordance with policy TP1 of the Local Plan.

- 9 The bin storage areas shown on the approved plans shall be completed prior to the first occupation of the development and thereafter kept free of obstruction and available for the storage of bins and recycling facilities only.

Reason: To ensure that adequate provision and availability of bin storage in accordance with Local Plan Policy CP7 of the local plan.

- 10 Prior to its implementation, a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed. The approved landscaping proposals shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for 5 years after planting and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within this period shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 11 Prior to their construction/installation, a detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the boundary walls, fences or other means of enclosure shall be erected before the development hereby permitted is first occupied.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policy CP7 relating to design.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.

Reason: Any further extension or alteration requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.

Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

- 14 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.

Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.

- 15 Prior to the commencement of development, details of secure and covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the cycle parking shall be completed in all respects and thereafter kept free of obstruction and available for the parking of cycles only.

Reason: To ensure adequate provision and availability of cycle parking in accordance with Local Plan Policy TP6 relating to parking provision in development.

- 16 No development shall take place, including and 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 provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) locating and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) wheel washing facilities, and
- v) measures to control the emission of dust and dirt during construction.

Reason: To ensure that the proposed works do not cause harm to the amenity of the adjoining land users during demolition and construction in accordance with local plan policy CP4.

## **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.