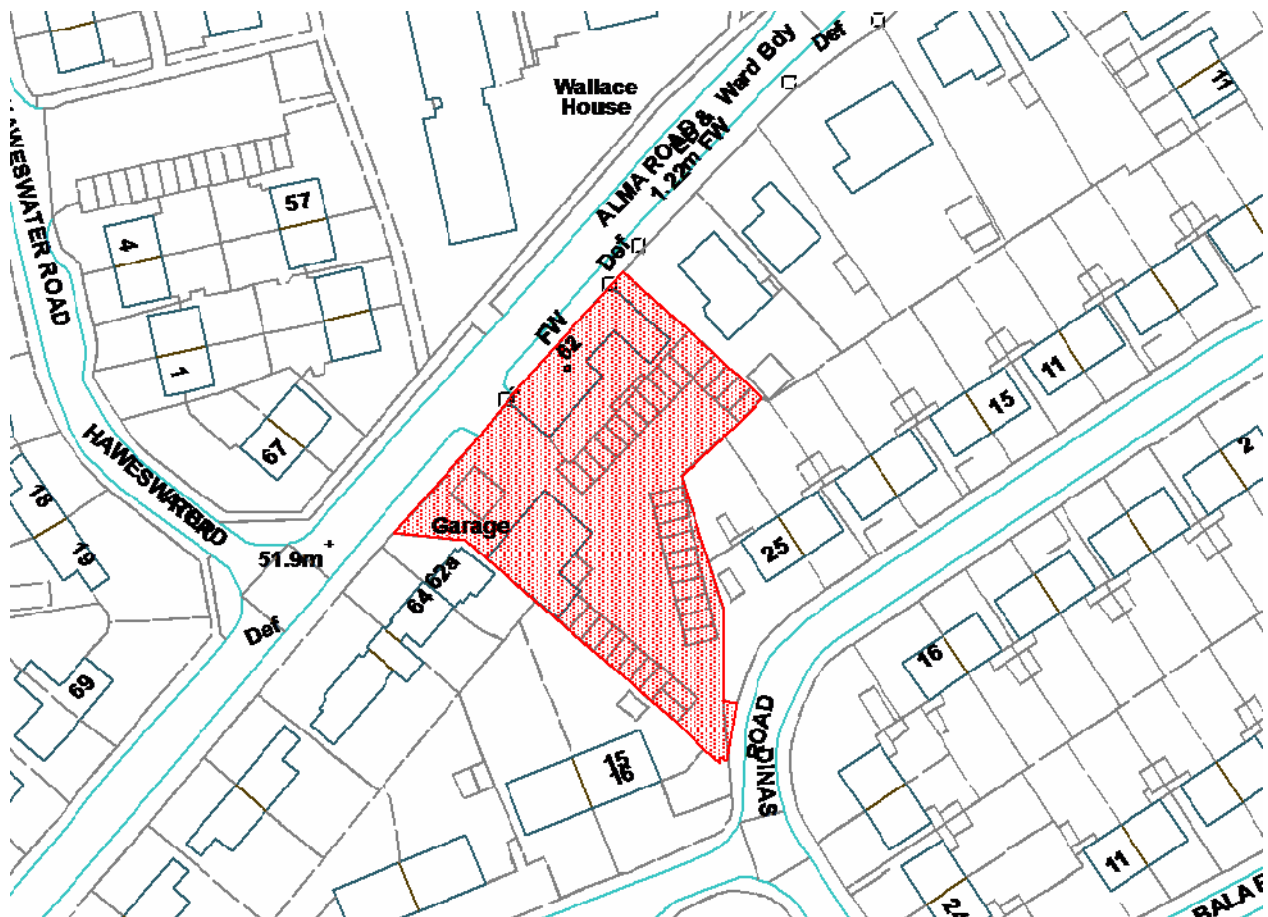


APPLICATION NO: 14/01304/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 22nd July 2014	DATE OF EXPIRY: 21st October 2014
WARD: Warden Hill	PARISH: Leckhampton With Warden Hill
APPLICANT:	Cotswold Homes Limited
AGENT:	Trower Davies Limited
LOCATION:	One Stop Shop, 62 Alma Road, Cheltenham
PROPOSAL:	Proposed residential development comprising 11 no. dwellings (7no. three bed houses and 4no. two bed flats) with associated car parking and vehicular access following demolition of existing shop, lock-up garages and Alma Road Garage

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 This is a full application for a residential development of 11no. dwellings (comprising 7no. three bed houses and 4no. two bed flats) with associated car parking and vehicular access following the demolition of all existing buildings on site.
- 1.2 The application site is 0.19ha and is located approximately 1.5 miles south-west of the town centre within the parish of Leckhampton with Warden Hill; the site extends through from Alma Road to Dinas Road and is bounded by residential development on Alma Road on either side, and Dinas Road and Dinas Close to the rear. The surrounding character is suburban style housing typical of its age, dating from the 1950's -1970's.
- 1.3 The site is currently occupied by a two storey rendered shop building sited at the back edge of the pavement on Alma Road, a number of lock-up garages, and the Alma Road Garage; the entire site is covered either with buildings or hard standing.
- 1.4 Planning permission was granted in December 2007 for the erection of 4no. houses and 4no. flats on a large portion of the site following the demolition of the shop building and the lock-up garages. Subsequently, an application for an extension of the time limit for implementation of the approved scheme was granted in June 2012 and this permission remains extant until 19th June 2015.
- 1.5 The approved scheme proposed a terrace of 4no. two storey houses fronting Alma Road on the site of the existing shop unit, and 4no. apartments to the rear of the site in place of the of the lock-up garages. The houses were to have individual accesses from Alma Road, whilst the apartments were to be accessed from Dinas Road with a parking court behind.
- 1.6 The scheme now proposed is quite similar to that previously approved, albeit the current application proposes an additional terrace of three houses on the site of the garage.
- 1.7 The application is before planning committee at the request of Cllr Regan principally in respect of the loss of the garage, and policy EM2. An objection has also been received from the parish council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

07/01502/FUL

PERMIT

14th December 2007

Residential development consisting of 4 houses and 4 flats, demolition of existing shop and lock up garages

12/00774/TIME

PERMIT

19th June 2012

Application to extend the time limit for implementation of planning permission ref. 07/01502/FUL for residential development consisting of 4 houses and 4 flats, demolition of existing shop and lock up garages

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 3 Sustainable environment

CP 4 Safe and sustainable living
CP 7 Design
NE 4 Contaminated land
EM 2 Safeguarding of employment land
HS 1 Housing development
RC 6 Play space in residential development
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

4.1 Contaminated Land Officer

30th July 2014

Please add the standard contaminated land planning condition to this application due to the previous potentially contaminative use of the site.

4.2 Parish Council

6th August 2014

The Parish Council objects to this application as it conflicts with policy EM2.

The Council is concerned that the loss of the garage would be a significant loss to the area as this garage has been in operation for over 20 years and is used regularly by many local residents, particularly the elderly. There is a heavy reliance on this facility as it is the only garage in the vicinity of Hatherley and Warden Hill and the South West of Cheltenham generally. This business is highly regarded in the local community and would be much missed.

In addition the Council is concerned about the loss of 8 jobs which would have a significant impact on local employment in an area where there are few if any employment opportunities.

In respect of highway safety, Policy TP 1 is relevant. The off road parking proposals for the site as a whole will increase the risk to the safety of local pedestrians and road users as vehicles will have to reverse on or off their drives onto this narrow and very busy road with a 10 minute "D" bus service causing traffic congestion. This proposed use will increase the potential for accidents to occur and along a stretch of road where this type of incidents are already observed at present as there is parking on the opposite side of this road at all times of the day.

Ground Conditions - Contaminated land

The Council requests that should the application be permitted that there is a condition attached requiring the underground storage containers previously used for fuel storage to be removed and the land reinstated to its former condition.

4.3 Crime Prevention Design Advisor

11th August 2014

I write with reference to the above and thank you for the opportunity to make comments regarding this planning application. The content contained within this letter refers specifically to designing out crime.

It is encouraging that the site will be built to meet Secured by Design standards. I would be more than happy to offer further advice as the development progresses.

The cycle store for the flats (plots 8-11) needs to be lockable. This will discourage thieves from stealing bicycle components leaving just the frame attached to robust hoops.

A lockable gate will need to be fitted to the path giving access to plots 5 & 6 in line with the side boundary of plot 5 and the existing fence. This will prevent the creation of a hidden recess.

It is noted from the elevation plans that a planted buffer is proposed to the sides of plots 3 & 4. This needs to extend the whole length of these units, providing defensible space and ensuring privacy to ground floor windows.

Rear and accessible side boundaries should be a minimum of 1.8m and of solid construction to prevent unauthorised access and reduce the risk of burglary.

4.4 Environmental Health

11th August 2014

In relation to application 14/01304/FUL for 62 Alma Road, Cheltenham, Gloucestershire, GL51 3NB please can I add the following condition and advisory point:

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, including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

"The developer shall provide a plan 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.

Advisory: 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.

4.5 **GCC Highways Planning Liaison Officer**

21st August 2014

I refer to the above application received at our office on 22nd July 2014 with the Design and Access Statement, Site Layout Plan Drawing number:01 Revision:P2, and Site Layout block Plan Drawing No; 02 Revision:P1 for the proposed residential development comprising 11no. dwellings (7no. three bed houses and 4no. two bed flats) with associated car parking and vehicular access following demolition of existing shop, lock-up garages and Alma Road Garage.

I have spoken with Mr Alex Young, of Trower Davies Architectural Consultants on 5th August 2014 seeking clarification regarding elements contained within the Design and Access Statement, Site Layout Plan Drawing number: 01 Revision:P2 and Site Layout block Plan Drawing No: 02 Revision:P1 and it is with regard to these discussions the following is noted;

Accessibility

I consider that the proposed site is located within an accessible location, the application site is located close to a mix of local amenities including schools, shops, public houses, sports facilities and employment opportunities with highway links, including various bus service routes in and out of town with links to surrounding areas. The D Bus services runs along Alma Road with bus stops only a short distance from the site and provides access to Cheltenham town centre and railway station (less than 2 miles away).

The area offers many social amenities within walking distance. There are small local shopping facilities in the adjacent Windermere Road to the north and at Caernarvon Court on Caernarvon Road to the West. A major supermarket and a secondary shopping complex are within walking distance along Caernarvon Road. The site is located within 2 miles of 10x primary and 10x secondary schools. There is a good standard of pedestrian pathways and with provision for good cycling accessibility. I consider that the opportunities for sustainable transport modes have been taken up given the nature and location of the site in accordance with Paragraph 32 of the NPPF.

Accidents

There are 3 no reported accidents in the vicinity of the proposed development; these are all reported as slight. There is no road safety considerations related to the proposed application.

Proposed Site Access

Adjustment and slight improvements to the width of the entrance will provide suitable width for resident's vehicles. Private parking spaces to the frontage houses proposed to Alma Road are to be accessed directly from the highway to reinforce the ownership of each property.

Proposed Site Access - Visibility

It is noted that there are no drawing(s) submitted with the application that shows a visibility splay North East or North West towards the proposed junction of the site with Alma Road.

Alma Road is a Class 4 Road and subject to a speed restriction of 30mph and is on a local bus route.

To achieve the necessary visibility splay North East or North West towards the proposed junction of the site with Alma Road, will require a visibility splay North East of 2.4 x 47m towards the proposed junction of the site with Alma Road and 2.4 x 47m North West towards the proposed junction of the site with Alma Road.

Having reviewed the site and visibility splays I am satisfied that; provided visibility splays are clear of any hard landscape or vegetation then the visibility splay at the junction of the proposed access onto Alma Road can achieve a visibility splay North East of 2.4 x 47m towards the proposed junction of the site with Alma Road and 2.4 x 47m North West can be achieved towards the proposed junction of the site with Alma Road.

Refuse Collection & Swept Path Analysis and Forward Visibility for refuse or service vehicle(s)

It is noted that no drawing(s) have been submitted showing Swept Path Analysis and Forward Visibility for refuse or service vehicle(s).

Having spoken with Mr Alex Young of Trower Davies Architectural Consultants, Mr Young has advised that the intention is for any refuse and recycling collections to be from the frontage with Alma Road and to the rear on Dinas Road (via a gated access).

It is noted that although the refuse collection has been determined as above, there is no mention of access to the C Type 4x - 2 Bed Flat(s) for service vehicles such as on-line supermarket delivery etc. Therefore it would be preferable to have a suitable path from the rear of Dinas Road throughout the development to service the C Type 4x - 2 Bed Flat(s) this will have the added advantage of access to the bin store and in providing interconnectivity for cycle users throughout the development between Alma Road and Dinas Road through a secure gated entrance.

Shared Surface Street

It is noted that the new access is designed to be a shared surface access of sufficient width to allow for residential use. It is further noted that there are no drawing details submitted which sets out the detail for the shared space street.

Having spoken with Mr Alex Young of Trower Davies Architectural Consultants, Mr Young has advised that the intention is for the Shared Access Drive and Parking Courtyard to be a shared surfaced street and there is no proposal to seek adoption of the Shared Access Drive and Parking Courtyard.

Having noted the above;

Our local guidance "Manual for Gloucestershire Streets (3rd Edition Adopted 12th June 2013)" provides guidance for "Shared Surface Streets". All drawings submitted with the planning application showing the shared space street need to demonstrate the shared space street has adequate highway width and can accommodate vehicle tracking and bend widening to accommodate vehicle passing in both directions and provision for pedestrians throughout the shared space street within the development.

Off-street Vehicle and Cycle Parking Provision

There are a total of 18 parking spaces provided within the site being; 7x off street parking spaces provided in the Parking Courtyard and a further 11x off-street parking spaces being accessed directly off the highway along Alma Road. A cycle store is shown on drawing no: 01 Revision:P1 to service the Type C 4x 2 bed flats and it is stated that Type A&B 7x 3bed unit's have rear garden access for cycle storage.

The Design Access Statement has stated; parking provision is generally made at two spaces per house and one space per flat.

Conclusion

I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-.

Prior to occupation of the proposed development details of the vehicular access to be formed by a dropped kerb shall be submitted to and agreed in writing by the LPA and those

details once approved shall be completed in all respects prior to any dwelling being brought into beneficial use.

Reason: To reduce potential highway impact by ensuring the access is suitably laid out and constructed and in accordance with paragraph 35 of the NPPF.

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

Reason: In the interest of highway safety; to ensure safe and suitable access has been provided for all people; and to safeguard the visual amenities of the locality and in accordance with paragraph 35 of the NPPF.

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 and suitable access is achieved and maintained for all people in accordance with paragraph 32 of the NPPF and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit in accordance with paragraph 58 of the NPPF.

The dwelling hereby permitted shall not be occupied until the car parking associated with that dwelling has been provided in accordance with the submitted Drawing Number 01Revision P2 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 and in accordance with paragraph 39 of the NPPF.

The vehicular access hereby permitted shall not be brought into use until the proposed roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along the centre of the access, measured nearer edge of the footway, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

Reason: To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and in accordance with paragraph 32 and paragraph 35 of the NPPF.

The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been

permanently closed, and the footway/verge in front has been reinstated, in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: To reduce potential highway impact by ensuring there is no further use of an access that is deemed to be unsuitable to the serve the development and in accordance with paragraph 32 of the NPPF.

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;
- viii. specify the access points to be used and maintained during the construction phase(s).

Reason: To reduce the potential impact on the public highway and in accordance with paragraph 35 of the NPPF.

Note:

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

4.6 Planning Policy Team 4th September 2014

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

The NPPF states that the presumption in favour of sustainable development should be a golden thread running through both plan making and decision taking (paragraph 14). This presumption in favour of sustainable development places the Development Plan as the starting point for decision making (paragraph 12). The 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 NPPF aims to ensure that significant weight is placed on the need to "support economic growth through the planning system" (paragraph 19).

National Policy also requires that local authorities "boost significantly the supply of housing" (paragraph 47).

As the application seeks to redevelop the site for residential use, Cheltenham Borough Local Plan 2006, policy EM2: Safeguarding of Employment Land must be considered. The applicants set out their view that as the Council is unable to demonstrate a current 5 year supply of deliverable housing sites that policy EM2 should no longer be considered up to date and in light of the NPPF 'set aside'. Paragraph 49 of the NPPF makes clear that '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'.

Local Plan Policy EM2 is not intended as a policy for the 'supply of housing' rather it seeks to safeguard employment land and buildings from being redeveloped for other purposes, subject to a number of criteria, recognising the need to retain existing employment sites within the Borough. The NPPF balances the need for housing alongside the need for sustainable economic growth and support for existing business sectors (paragraph 21)

The Council's evidence base shows that there remains a quantitative and qualitative shortage of viable employment land within the borough, and recommends that all existing employment land should continue to be used for that purpose unless there is clear

evidence that the land in question is no longer suitable for that use. Because of these circumstances policy EM2 in the Development Plan is broadly consistent with the NPPF and identifies strong economic reasons why, normally, housing development should not replace employment development in the B classes.

The council and applicants agree that the garage site has been in long established B1-B8 use. The garage integrates well into the street scene, is busy and has not been the source of noise complaints.

In order to be in accordance with the development plan, the tests set out in EM2 will need to be met by this application. Permission for 8 dwellings on the remainder of this site was granted in 2007 and time extended. The applicant's submission does not demonstrate how the application meets the requirements of EM2, other than a reference to (e) "employment use creates unacceptable environmental or traffic problems". This test is clearly not met in regard to the site, which has a long history of continuous operation without significant evidence of problems and is in a mixed residential area. Existing housing in the area is as close to the garage as houses proposed within the extant planning permission.

The applicants represent that their supplied report concludes that "the previously consented scheme cannot be implemented" until the underground storage tanks as part of the garage unit are removed. They also set out that "the remediation of the site is costly and can only be facilitated through the value secured through residential development, therefore re-accommodating a business use on the garage area would not be viable, nor would it be appropriate."

No viability appraisal has been included in the application which demonstrates that this is the case.

Advice from the Council's contaminated land officer, on reading the Core Geotechnics Report, indicates that a fully quantified risk assessment has not been provided in regard to the danger the existing tanks may pose. The report supplied does not indicate significant leakage from the tanks.

Insufficient evidence has been provided to demonstrate that removal of the tanks (and therefore removal of the existing garage use) is the only financially viable option. A full removal of all underground storage tanks is not always necessary or the only cost effective method, given that testing can be undertaken and membrane's/ other mitigation measures put in place. Comment from the officer is enclosed.

Therefore the Planning Policy team finds that the removal of the underground storage tanks has not been proven to be essential to facilitate the development of the previously consented scheme. Other options such as further investigation of the hazard and, if needed, alternative remediation do not seem to have been significantly considered or costed as part of the evidence presented. This therefore exposes a weakness in the marketing, as clearly the removal of the garage may be more attractive to prospective buyers.

Should further investigation and viability study prove that the only way of facilitating development of the originally consented scheme would be the removal of the garage and its associated employment by removing the tanks this need for remediation would be considered within the requirements of paragraph 173 of the NPPF. Given the evidence provided at present however, this is not proven to be the case.

More detail, investigation and costing of alternative solutions to the removal of the garage site and business may have the benefit of increasing interest in the consent already granted. From the submission it seems that some interest has been generated in the

consented element and perhaps if marketing was targeted on this part of the site only, as the economy continues to improve this may produce results.

In conclusion, the Planning Policy Team are of the view that the re-development of the garage site for residential accommodation would be contrary to the Development Plan, particularly policy EM2, and that insufficient information has been provided to demonstrate that the existing permission granted could not be enacted viably whilst the existing business remains on site. The NPPF's dimensions of sustainable development in paragraph 7 are not met, particularly the 'economic role' which requires the planning system to contribute to building a strong, responsive and competitive economy.

4.7 Planning Policy Team (additional comments)

9th February 2015

Subsequent to the initial comments made by the Planning Policy team regarding this application, independent viability assessment work has been submitted. The valuation office confirms that the consented scheme of 8 is unviable. Part of the reason for this is the cost of remediation of contamination necessary to bring the scheme of 8 about, and therefore the higher overall proportion of abnormal costs.

The initial planning policy comments sought to ensure that the shared use of the site with both housing and employment use would be fully and diligently investigated. A key theme of these comments was the lack of viability evidence indicating that the scheme of 8 as consented could not be brought about. The additional viability work is acceptable in meeting this requirement.

However, the planning policy issues concerning this application are still finely balanced. The submitted scheme would mean the removal of the garage element which is a use protected by Cheltenham Borough Local Plan Policy EM 2. EM 2 is an important part of the development plan and is consistent with the NPPF, particularly paragraphs 20 and 21. The garage business is a local employer, is functioning and valuable. It would therefore be valid for decision takers to follow the development plan in this case and refuse on these grounds.

However, because of specific material considerations which relate uniquely to this site, there is also a strong argument for a departure from the development plan in this case. The current consent for the scheme of 8 would mean the removal of both the shop and lock up garages on the site, were it to be implemented. The only part of this site which is protected by EM2 is the garage and associated workshop. This comprises only around a quarter of the site overall. The garage unit is not part of an industrial estate, and therefore its removal would not compromise or harm neighbouring businesses.

The NPPF and NPPG recognises the importance of scheme viability and this should be seen in the context of the application as a whole, particularly as we have previously given consent to development of the majority of the site; which it has been demonstrated can only be 'unlocked' through the removal of the garage element and its associated underground tanks. Paragraph 173 of the NPPF states:

"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."

Therefore viability can amount to a material consideration, particularly in regard to the redevelopment of brownfield sites, as set out in national planning practice guidance.

The lock up garages on the site are not an efficient use of the existing brownfield site, and are in varying conditions of repair and use. Their layout on the site creates a cut through which is not well overlooked. Therefore their removal as part of this scheme would contribute to the objectives of paragraph 58 of the NPPF:

"Planning policies and decisions should aim to ensure that developments...create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion"

The NPPF sets out that sustainable development has three dimensions. In this application they are finely balanced and the nature of the site contributes some specific material considerations.

In the Economic role, the *retention of the existing development* would be in accordance with the development plan, maintaining the business trading on the site, but the *redevelopment* to better utilise the site as a whole would also slightly benefit the local economy and provide new homes.

In the social role, the redevelopment would help to reduce the fear of crime by removing the existing lock up garages 'cut through', it would also support the Borough's provision of housing, and unlock the consented scheme on the rest of the site.

In the environmental role, the redevelopment would address contamination on the site through dealing with contamination from underground storage tanks.

On balance, the planning policy team take the view that in the particular circumstances of this case, the arguments for redevelopment of the site as a whole just tip the balance to justify a departure from the development plan in the removal of the garage and workshop without fully meeting the tests of policy EM2. The most significant reason for this is the small area of the site covered by the policy in relation to the whole, much of which is already covered by a consented but unviable scheme which the applicants have demonstrated could be unlocked by this departure.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 84 neighbouring properties on receipt of the application. In response to the publicity, 6 representations have been received; four in objection, one in support and one general comment.

5.2 The comments have been circulated in full to Members but in brief the main concerns/objections relate to:

- The loss of the garage facility / employment use
- Parking and highway safety
- The two storey nature of the houses fronting Alma Road
- Potential for overlooking / loss of privacy

6. OFFICER COMMENTS

Officer comments to follow.