

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:	Mr Alex Young
LOCATION:	One Stop Shop, 62 Alma Road, Cheltenham
PROPOSAL:	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

Update to Officer Report

4. CONSULTATIONS

The following additional consultation response has been received from Up Hatherley Parish Council since the publication of the main agenda:

Parish Council

13th February 2015

Up Hatherley Parish Council was shocked and dismayed to discover this week, quite by chance, the above application to demolish Alma Road Garage in favour of four new flats. Sadly, we were not officially informed because the site is just over the border in Warden Hill parish but it is still very surprising that nobody thought to mention it to any of our councillors. We are, however, grateful to be given this late opportunity to express our unanimous joint comments.

The garage has served the local community for 27 years, employs five people and is extremely well thought of, indeed it is used by virtually everyone with a car and is the only business in Up Hatherley and Warden Hill which cannot be replaced like for like. The owners have searched diligently for a replacement site but found nothing. Its loss would be catastrophic for everyone in south Cheltenham and we therefore register our strongest possible objection. Why destroy a valuable local business for a handful of flats which will make little difference to the number of JCS homes apparently required?

We are also concerned about the environment in respect of underground storage tanks which would presumably have to be removed and might pollute the environment in the process.

Thank you for considering our comments even at this late stage.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The principle of developing the majority of this site for housing has been previously established by the granting of planning permission ref. 07/01502/FUL and the subsequent extension of time application ref. 12/00774/FUL in June 2012 which remains extant.

6.1.2 As such, the main consideration when determining this current application relates to the loss of the existing garage facility and its replacement with 3no. additional dwellings;

alongside matters relating to design, impact on neighbouring amenity, and access and highway safety.

6.2 Loss of existing garage facility / employment use

6.2.1 Local plan policy EM2 (safeguarding of employment land) seeks to protect existing land and buildings in an existing B1-B8 use.

6.2.2 The Planning Policy Team have provided comprehensive comments in respect of policy EM2 which are set out in the main report at sections 4.6 and 4.7 however the salient point is copied below:

“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”.

6.2.3 In light of the above, officers are satisfied that the principle of development can be supported.

6.2.4 It is important to remember that it is the retention of the land for employment purposes that the policy seeks to protect, not the occupier.

6.3 Design and layout

6.3.1 Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality.

6.3.2 The terrace of 4no. dwellings in the northern part of the site, and the apartment block to the rear, both adopt similar footprints to those buildings previously permitted. As before, parking for the houses is largely proposed to the frontage and accessed directly from the highway. Such an arrangement is also proposed for the additional terrace of 3no. dwellings on the site of the existing garage. These frontage buildings adopt a similar building line to the existing development within the vicinity. Additional parking is proposed within a rear parking court.

6.3.3 A traditional design approach has been taken with pitched tiled roofs and facing brick elevations to ensure that the development would sit comfortably in its context and reflect the character of the surrounding housing. Such an approach is considered to be wholly appropriate although to be certain of a high quality development, all of the external facing materials will need to be agreed; this can be achieved by way of a condition.

6.3.4 Bin storage spaces are proposed within the rear gardens of the houses and within a communal bin store for the flats. This communal bin store would be accessed via secure access gates on Dinas Road on collection days; further details relating to this secure access point will be required by way of condition.

6.4.5 In conclusion, the proposed redevelopment scheme is of a suitable scale, height, massing and footprint for this site and would sit comfortably within its context. Officers therefore considered that the proposal is fully in accordance with the aims and objectives of policy CP7 and guidance set out within the Council's SPD relating to development on garden land and infill sites, and the NPPF.

6.4 Impact on neighbouring amenity

6.4.1 Local plan policy CP4 (safe and sustainable living) states that development will be permitted only where it would not cause unacceptable harm to the amenity of adjoining land users and the locality.

6.4.2 Officers consider that the proposed residential units could be comfortably accommodated within the site without significant harm to neighbouring amenity in respect of privacy, daylight or outlook.

6.4.3 As previously mentioned, despite the neighbour at no. 23 Dinas Road having understood that only bungalows were permitted to the rear of her property, the houses fronting Alma Road that were approved under the previous planning permission were a full two storeys in height.

6.4.4 As per the extant permission, the terrace of 4no. dwellings in the northern part of the site, to the rear of housing in Dinas Close, achieve a minimum distance of 10.5 metres from first floor windows to the rear boundary. In addition, the closest window to window distance at first floor is approximately 24.5 metres, well in excess of the normally accepted 21 metres.

6.4.5 Furthermore, the windows proposed to the side elevations of the buildings at first floor would serve en-suites or bathrooms and have been conditioned to be obscurely glazed.

6.4.6 Whilst the ridge height of the proposed dwellings, at 8 metres, is approximately 1.2 metres higher than that previously approved, given the distance from the rear boundary, such an increase would be unlikely to result in any significant or additional harm to neighbouring amenity.

6.4.7 It is also notable that in response to the high volume of letters sent out to local residents to notify them of the proposals only four objections have been received.

6.4.8 The development is therefore in accordance with the aims and objectives of policy CP4, and guidance set out within the Council's SPD relating to development on garden land and infill sites, and the NPPF.

6.5 Access and highway issues

6.5.1 Local plan policy TP1 (development and highway safety) states that development will not be permitted where it would endanger highway safety.

6.5.2 The County's highway officer has raised no objection to the scheme subject to a number of conditions being imposed on any planning permission should permission be granted.

6.5.3 In response to the highway officers' comments some minor adjustments and improvements have been made to improve the proposed vehicular access to address concerns.

6.5.4 Overall 18 car parking spaces are proposed, at a rate of two spaces per dwelling and one space per flat. In addition, a secure cycle store is proposed to serve the flats.

6.5.5 As such, the development accords with the requirements of policy TP1, and guidance set out within the NPPF.

6.6 Other considerations

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

6.6.2 Due to the previous potentially contaminative use of the site, the contaminated land officer has requested that the standard contaminated land condition be imposed in accordance with local plan policy NE4 (contaminated land) should permission be granted.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Whilst the development would result in the loss of a parcel of employment land contrary to local plan policy EM2, officers consider that because of specific material considerations which relate uniquely to this site there is a strong argument for a departure from the development plan in this case. Independent viability assessment work has confirmed that the extant scheme for 8 units is not viable.
- 7.2 Officers consider that the proposed redevelopment scheme is of a suitable scale, height, massing and footprint for the site and would sit comfortably within its context.
- 7.3 In addition, the scheme would not result in any significant or unacceptable harm to neighbouring amenity or highway safety.
- 7.4 Therefore, in conclusion, the recommendation is to grant planning permission subject to the following conditions:

8. SUGGESTED CONDITIONS / 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 Nos. 511-01-P3, 511-02-P2, 511-03-P2, 511-10-P2, 511-11-P3, 511-20-P2 and 511-21-P2.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.
Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design.

- 4 Prior to the commencement of development, an annotated elevation with a detailed specification of all external materials and finishes (including all windows and external doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.
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, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner.
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.
- 6 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.
- 7 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.
- 8 Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and 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; and
 - 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 in accordance with Local Plan Policy TP1 relating to development and highway safety and paragraph 35 of the NPPF.

- 9 Notwithstanding the submitted details, prior to the commencement of development, 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. The scheme shall include details of the secure access gates to the refuse collection point adjacent to Dinas Close and shall also include details of how the gardens to 15 and 16 Dinas Close, 23 and 25 Dinas Road, 60 Alma Road and 62A Alma Road will be secured following the removal of the existing buildings.
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings, and provides a secure residential environment in accordance with Local Plan Policies CP4 relating to safe and sustainable living and CP7 relating to design.
- 10 Prior to the commencement of development, a scheme for the provision of refuse and recycling storage facilities to serve the proposed dwelling(s) (including appropriate containers in accordance with adopted Supplementary Planning Document - Waste Minimisation in Development Projects) 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 achieve sustainable waste management and to facilitate recycling in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.
- 11 Prior to the commencement of development, details the secure and covered cycle parking facilities for the apartments 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.
- 12 Prior to the commencement of development, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
Reason: To ensure that safe 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.
- 13 Prior to commencement of development, details of the vehicular access to be formed by a dropped kerb shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details and be completed in all respects before the development hereby permitted is first occupied.
Reason: To reduce potential highway impact by ensuring the access is suitably laid out and constructed and in accordance with Local Plan Policy TP1 relating to development and highway safety and paragraph 35 of the NPPF.

- 14 The new 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 in accordance with Local Plan Policy TP1 relating to development and highway safety and paragraphs 32 and 35 of the NPPF.
- 15 Prior to first occupation of the development, 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 shall be 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 in accordance with paragraph 35 of the NPPF.
- 16 The new 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 in accordance with Local Plan Policy TP1 relating to development and highway safety and paragraph 32 of the NPPF.
- 17 Prior to first occupation of the development, car parking shall be completed and marked out in accordance with Drawing No. 511-01-P3. The car parking shall thereafter be retained in accordance with the approved plans and kept available for use as car parking at all times.
Reason: To ensure adequate car parking within the curtilage of the site in order to reduce potential highway impact by ensuring that vehicles do not have to park on the highway in accordance Local Plan Policy TP1 relating to development and highway safety and paragraph 39 of the NPPF.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that order) the first floor windows to the side elevations of the houses and shall be glazed with obscure glass and shall incorporate a restricted opening mechanism, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The window shall be installed in accordance with the details so approved and shall be maintained as such thereafter.
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

INFORMATIVES

- 1 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 these works.