

APPLICATION NO: 16/01577/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 10th September 2016		DATE OF EXPIRY: 5th November 2016	
WARD: All Saints		PARISH:	
APPLICANT:	Mr Paul Haskins		
AGENT:	SF Planning Limited		
LOCATION:	83 Hewlett Road, Cheltenham		
PROPOSAL:	Alterations and extensions to the building and conversion to provide 7 additional flats and ground floor retail unit		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a public house which was most recently known as The Maple Leaf which is now closed. It is located on the corner of Hewlett Road and Duke Street within the Fairview and All Saints Character Area of the Central Conservation Area. The character area appraisal identifies the building as a positive building within the conservation area.
- 1.2 The site is adjacent to the Hewlett Road Neighbourhood Centre with the neighbouring property being a café fronting Hewlett Road. To the rear of the site are the terraced houses of Duke Street. The area is characterised by a mixture of building types fronting Hewlett Road with traditional terraced housing in the side streets.
- 1.3 This application proposes the change of use of the building from public house (use class A4) to a mixture of residential (C3) with a retail unit (A1) on the ground floor. There is a flat within the building at present and the proposal would create a total of 8 flats, hence an increase of 7. The proposal includes an extension at second floor level, over the part of the building which presently has a parapet roof. The extension would project this parapet upwards by a storey. Further alterations to the existing building comprise the following:
- Installation of doors to a new bin store and pedestrian door on the Duke Street elevation
 - Opening up of blind windows on the Duke Street elevation and insertion of new windows on the same elevation
 - The raised bar area would be demolished to create a patio area for the 2 ground floor flats
 - An additional window would be inserted in the inward looking wall of the rear wing and roof lights would be installed within the roof slope of the bedroom of flat 6.
- 1.4 The resultant accommodation comprises:
- Ground Floor: Retail unit, 2 x 1 bedroom flats, bin storage and bike storage
- First Floor: 1 x studio apartment, 3 x 1 bedroom flat
- Second Floor: 1 x 1 bedroom flat, 1 x 2 bedroom flat.
- 1.5 The plans have been amended since the original submission of the application. The amendments comprise the reduction in the size of the second floor extension which has also resulted in the loss of one studio apartment. The original application also included two smaller retail units at ground floor level and these have been combined to create a larger unit.
- 1.6 Planning permission was sought in December 2015 for *“Alterations and extensions to the building and conversion to provide 9 additional flats”*. Officers recommended the application for approval, however on 18th February 2016 the Planning Committee overturned the recommendation, thereby refusing the application. The reasons for refusal were as follows:
- 1 The proposed development of the site for a total of 10 flats represents a cramped overdevelopment of the site. The density of the residential use would result in a development which fails to respect the character of the locality. As such the proposal is contrary to policy CP7 of the Cheltenham Borough Local Plan adopted 2006.

- 2 The proposal results in the loss of a public house and associated function room which is a valued local community facility. Its loss would therefore be detrimental to the quality of life of local residents and to the sustainability of the Fairview Community. As such the proposal is contrary to Policy RC1 of the Cheltenham Borough Local Plan adopted 2006 and paragraph 70 of the National Planning Policy Framework.
- 1.7 The previous application was considered by the planning committee at the request of Cllr Steve Jordan. No specific request has been made in respect of this application however due to the level of public interest and the overturn of recommendation in respect of the previous application it was considered appropriate that this application also be determined by the planning committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area

Relevant Planning History:

15/01035/PREAPP 28th July 2015 CLO

Proposed first floor external terrace and installation of new sliding folding doors to create cafe style open on the ground floor

81/00367/PF 27th August 1981 PER

The New Inn Hewlett Road Cheltenham Gloucestershire - Alterations To Public House Including Blocking-Up Of Existing External Door

94/00010/PF 17th February 1994 PER

The Pump And Optic Public House - Alterations To Existing Public House Extending Trading Area And Forming New Catering Kitchen And New Access To Function Room (In Accordance With Revised Plans)

94/00608/AI 25th August 1994 PER

Various Illuminated Signs

15/02269/FUL 24th February 2016 REF

Alterations and extensions to the building and conversion to provide 9 additional flats.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

RC 1 Existing community facilities

RC 6 Play space in residential development

TP 1 Development and highway safety

TP 2 Highway Standards

TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Central conservation area: Fairview and All Saints Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Heritage And Conservation

10th October 2016 (in response to original plans)

Analysis of Site: Prominent corner site, C19th in origin with 20thC single storey extension to the front with central opening and large windows to each side. The side of the building adjacent to Duke St is older and the extension on this side dates from between 1932 and 1954 whilst the other side is much later and of a different style. Recently in use as a public house identified in the Fairview Character Area Appraisal as a positive building within the conservation area but it appears to have ceased its primary use as a public house sometime ago and the condition of the building is deteriorating.

Comments:

1. This application is for a revised scheme following refusal of a similar scheme earlier this year.
2. In many ways the alterations to this proposal are more harmful to the setting of the listed buildings (No.79 and 81 Hewlett Road) and the conservation area than the previously submitted scheme for which I wrote comments.
3. As previously commented it was considered that the front of the building on Hewlett Road could accommodate an additional storey subject to appropriate period detailing but the rear range, which differs in terms of scale and design should remain two storey. This was advised due to the character of the existing building and its subservient relationship with the primary building on the Hewlett Road frontage and to retain the historic hierarchy between the larger Regency terrace and the smaller scale artisan terraces behind.
4. The revised scheme now proposes an additional storey and increasing the side and rear of the primary building from three to four window range and reducing the rear building from three to four.
5. The effect is unduly bulky and disproportionate creating an unbalanced composition that does not relate well to the existing buildings.
6. The proposal will obscure the historic legibility of the ensemble: despite both front and rear range being two storey currently, a visual and hierarchical difference between the two is evident from the polite architectural language used on the front and the vernacular language on the rear. The additional storey on the front would not detrimentally alter this relationship but increasing the mass of the primary building, as proposed, will.
7. The enlarged front range will be over-bearing and unacceptably dominate the entrance to Duke Street. This will detrimentally impact the setting of the listed buildings, on the opposite corner, and the character of the conservation area.

Conservation and Heritage summary

This application is not supported due to the harmful impact on the setting of the listed buildings and the conservation area that would result from this poorly composed and over-bearing development.

Suggested refusal reasons relating to Conservation and Heritage matters:

The proposed additional storey by virtue of its height, bulk and massing would harm the character and appearance of the conservation area. Accordingly, the proposals are contrary to section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and Historic Environment Good Practice Advice In Planning and policy CP7 of the Adopted Cheltenham Borough Local plan.

Cheltenham Civic Society

19th October 2016

This seems well-executed. The additional storey will improve the streetscape. We welcome the retention of the retail units in what used to be the pub.

Building Control

14th September 2016

No comment

GCC Highways Planning Liaison Officer

29th September 2016

The application site is located in close proximity to the junction of Hewlett Road and Duke Street. There are parking restrictions in place along Hewlett Road and the adjoining junctions. There is not a history of recorded personal injury collisions in the area related to the parking of vehicles. Although it would be desirable to provide on plot parking, it is accepted that given the nature of the existing use and the need to make full use of the building, this is not possible. It is not considered that there are any dangerous locations where cars owned by residents and/or visitors could park, given the parking restrictions in place. Parking is available in the side streets. Although this parking is limited in peak times, it not considered that there are any highway grounds to object to the development, as the development will NOT have a severe impact on the surrounding highway network.

I recommend that no highway objection be raised subject to the following condition being attached to any permission granted:

Prior to first occupation, 10 secured cycle parking spaces shall be provided within the site and those facilities shall be maintained for the duration of the development.

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

Architects Panel

13th October 2016

Design Concept

The panel had commented on a previous scheme for this site and had been in favour of the development in principle but had reservations over the design. This new scheme was an improvement on the earlier proposal but the panel was still unhappy with elements of the design and felt it needed further refinement before it could be supported.

Design Detail

The Duke Street elevation appears unresolved - first floor unit 5 bedroom window needs to match adjacent windows in the block; the elevation would have a better composition and the contorted plan layout would be much improved if the redundant chimney wall was removed and window openings adjusted to suit; the new front door is too close to the adjacent windows and its position on plan and on elevation doesn't match; the bin store doors are most unattractive and arguably unnecessary with a more efficient plan.

The passage looks too narrow for bike storage.

The bedroom 2 single storey extension into the courtyard spoils what could be an attractive external space.

Elevation F-F could be improved with additional windows, though it is unclear, due to lack of contextual information, if there may be overlooking problems with adjoining properties.

The panel felt the plans were not successful and questioned whether the scheme could be much improved by having fewer but larger units making better use of the space available.

Recommendation
Submit revised scheme proposals.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	86
Total comments received	29
Number of objections	28
Number of supporting	0
General comment	1

5.1 The application was publicised by way of letters to 86 neighbouring properties, a site notice and a notice in the paper. A re-consultation process was carried out on receipt of revised plans. Comments from 29 properties were received.

5.2 The main issues arising from the consultation were as follows:

- Lack of parking and increased demand for parking
- Access issues – concerns about access by emergency vehicles
- Consider residents parking
- Overdevelopment – too many small flats
- Flats do not meet the housing guidelines
- Commercial use on ground floor is welcome
- Concerns about the design and height
- Would prefer retention of function room
- Still results in the loss of community facilities
- Lack of green space
- Impact on light to neighbouring gardens
- Noise from flats
- Overlooking

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) the principle, (ii) Design, layout and conservation issues, (iii) impact on neighbouring properties, (iv) parking and highways issues.

6.2 The site and its context

The pub is located adjacent to the Hewlett Road Neighbourhood Centre which comprises a variety of uses, however the surrounding area is primarily residential. The pub currently lies empty, having most recently been known as The Maple Leaf.

6.3 Principle

6.3.1 Background

As mentioned above the previous application for the 100% residential scheme was refused for the following reason:

The proposal results in the loss of a public house and associated function room which is a valued local community facility. Its loss would therefore be detrimental to the quality of life of local residents and to the sustainability of the Fairview Community. As such the proposal is contrary to Policy RC1 of the Cheltenham Borough Local Plan adopted 2006 and paragraph 70 of the National Planning Policy Framework.

Since the refusal of the application the applicant has been in discussions with the Fairview Community Association (FCA) which have resulted in this revised application being made with some retail space on the ground floor. A group has been formed which is looking into exactly how they could make use of this space but initial ideas are a retail or food offering perhaps with classes being run from the unit. The application was revised to combine the two units to better suit this potential use and the group have been offered storage space within the basement. On this basis the FCA are supportive of the proposal.

6.3.2 Loss of the Pub

Since the submission of the previous application the pub has been designated as an asset of community value (ACV). This is not a planning designation and the Authority have no planning policies relating to ACVs. However appeal decisions have established that the designation can be a material consideration in determining applications. As the asset is not being 'disposed of' i.e. sold, there is no requirement for special marketing arrangements or procedures to be followed as was the case at the Ryeworth Inn which members recently considered.

The relevant Local Plan Policy is policy RC1 which reads as follows:

Development that leads to a loss of land or premises which meet the needs of the community will not be permitted unless:

- (a) The use is replaced within the new development; or*
- (b) Alternative provision is made in an appropriate location; or*
- (c) There is no longer a need for this site to remain on community use.*

Officer advice at the time of the previous application was that RC1 was not directly applicable to public house use, bearing in mind the views of the Inspector in the appeal at

The Greyhound Inn, 198 Hewlett Road. Officers are still of the view that the applicability of RC1 is questionable, however members were of a differing view and there has been a change in circumstances with the pub now being an ACV.

The proposal results in the provision of a retail unit, which in officers opinion is capable of fulfilling a community need. Therefore, whilst the floor space available to the public will be reduced the proposal does retain a publically accessible element. This has been done in consultation with the local community although the exact nature of the eventual use/user is unknown at present.

Paragraph 70 of the NPPF states that planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

As such the NPPF groups local shops with public houses, giving them the same status in policy considerations.

Therefore it is considered that the proposal overcomes the previous reason for refusal in relation to the principle of the use.

6.3.3 Introduction of retail unit

As mentioned above negotiations are on-going between the owner and the community, however in planning terms the principle of an A1 unit in this location is acceptable regardless of end user. It is directly adjacent to the existing neighbourhood centre and is within a run of other commercial uses. As such this use would be entirely appropriate for the location.

6.4 Design and layout

The building is not listed however it is historic and relatively prominent in the conservation area. The second floor extension has been the subject of negotiation to reduce its scale to that of the front section of the building.

The comments of the Conservation Officer and the Architects Panel were made in advance of these negotiations and the revisions have overcome the majority of the issues raised.

There are three storey buildings on both sides and as such the increase in height would not be imposing or incongruous in the street scene. The building drops down to two storeys to meet the buildings of Duke Street and this is both historically and visually appropriate.

The detailing of the extension and new windows and doors appear to be acceptable although further detail is required by condition.

The building retains the façade of the public house at ground floor and this is considered to be appropriate as it allows the history of the building to be understood.

The design is now very similar to that which members considered through the previous application. The application was not refused specifically on design grounds.

The previous application was refused for the following reason:

The proposed development of the site for a total of 10 flats represents a cramped overdevelopment of the site. The density of the residential use would result in a development which fails to respect the character of the locality. As such the proposal is contrary to policy CP7 of the Cheltenham Borough Local Plan adopted 2006.

The proposal is now for a total of 8 flats due to the introduction of the retail space on the ground floor. This reduces the density of accommodation within the building although it is acknowledged that the proposed flats are similar in size and layout as those within the previous application. Circulation is now more generous due to revised corridor layouts etc and this helps relieve the 'cramped' feel.

Some of the flats are relatively small however they have been assessed against the national space standards and fulfil the criteria.

Therefore on balance it is considered that this reason for refusal has been overcome and that the proposal is in accordance with policies CP3 and CP7 of the Adopted Local Plan.

6.5 Impact on neighbouring property

The impact upon neighbouring property is largely unchanged from the previous application and no reason for refusal was given on amenity issues.

6.5.1 6 Duke Street

This property has a two storey rear wing adjoining the application site and is therefore somewhat shielded from the proposal. The second floor extension is over 11m from the amenity space of this dwelling which is sufficient to avoid excessive overshadowing. The new windows facing towards this property are a shower room and kitchen window on the rear elevation of the second floor extension, however this is 16m from the amenity space of this property and therefore would not result in significant overlooking. There is also a window within the rear elevation of flat 6 and it is suggested that this be obscure glazed. A concern has been raised by the occupant of this property in relation to the provision of a living/dining room within flat 6 directly adjacent to the master bedroom of 6 Duke Street. This has been discussed with Environmental Health and they would not raise an objection on these grounds, however they did consider that it might be appropriate to attach a condition requiring soundproofing to be installed where the two buildings meet in order to avoid future conflicts.

6.5.2 85 Hewlett Road

The ground floor of this unit is in use as a café and a meat processing unit to the rear. What would have once been the garden of this property is now covered over in association with this use. It is assumed that the floors above are in use as flats. The proposed extension complies with the light tests with regards to the windows on the rear of this neighbouring building. There are side facing windows on the rear section of the building which might result in overlooking to a window in the side return of this property and as such it is suggested that these are obscure glazed.

6.5.3 81 Hewlett Road

The proposed extension is 10 m from the garden of this property which is an acceptable distance between buildings and gardens, common in residential areas.

For these reasons the proposal is considered to be in accordance with policy CP4 of the Local Plan and advice contained in the NPPF.

6.6 Access and highway issues

The previous application was not refused on highway grounds and the revised application has two fewer dwellings than the previous application.

The proposal does not provide for any off street parking. The Highways Officer has confirmed that there is no objection on Highway grounds as detailed above. It confirms that there are parking restrictions in the area which prevent parking from occurring in inappropriate and dangerous locations. There are opportunities for parking on nearby streets, although these can be limited at peak times. Whilst this might result in inconvenience for residents who are unable to find a space, the test in planning terms is whether the proposal results in severe impacts upon the surrounding highway network. The advice of the Highways Officer is that this is not the case.

The proposal provides for sufficient cycle parking and this is secured by condition.

As such it is considered that the proposal is in accordance with policies TP1, TP2 and TP6 of the Local Plan and advice contained in the NPPF.

6.7 Other considerations

6.7.1 Bins

The bin storage area is in a location accessible by residents. It provides sufficient space for communal waste and recycling storage in accordance with the advice given by UBICO.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The site is a vacant public house the condition of which is starting to deteriorate. Members refused the previous application based on the loss of the community facility and the density of the residential use. The revised proposal reduces the number of apartments within the scheme and introduces a retail unit on the ground floor. This is considered to be an appropriate use of the building which would bring it back to viable use. It is considered to overcome the concerns which have been previously raised.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The cycle parking provision 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 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.

- 4 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

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

- 5 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 following shall be glazed with obscure glass and shall be maintained as such thereafter:
- South east facing bedroom window to apartment 6
 - North east facing living room window to apartment 5
 - North east facing bedroom window to apartment 7

Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 6 Prior to the installation of any new windows or doors full details to include the design, materials, colour and finish (including cills) 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.

7. Apartment 6 shall not be occupied until sound insulation has been installed within room which adjoins 6 Duke Street, in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

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

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought amendments to overcome the concerns raised.

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