

APPLICATION NO: 16/01515/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 1st September 2016	DATE OF EXPIRY: 27th October 2016
WARD: College	PARISH:
APPLICANT:	Mr & Mrs Paul Artus
AGENT:	SF Planning Limited
LOCATION:	252 Bath Road, Cheltenham
PROPOSAL:	Regeneration of site to provide replacement retail at ground floor (flexible A1/A3 use), 7no. apartments over, 1no. end terrace house and a detached dwelling to the rear (Revised scheme)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a corner site located at the junctions of Leckhampton Road and Langdon Road, near to the roundabout at the southern end of Bath Road.
- 1.2 The site currently accommodates a two storey detached dwelling, a store building and two greenhouses. The site was formerly used as a nursery but today the buildings are in use as the Bath Road Market which sells a variety of goods.
- 1.3 The site area is 0.1 ha.
- 1.4 The site is located within the Bath Road character area of the central conservation area.
- 1.5 Planning permission is sought to demolish the existing buildings on the site and to replace them with a mixed use scheme comprising a ground floor commercial unit, for which a flexible A1(retail)/A3(restaurant) consent is sought. The scheme also includes 9 dwellings, 7 of which are 2 bed duplex apartments above the ground floor commercial unit, one of which is a 3 bedroom end of terrace dwelling, adjacent to 2 Langdon Road, and the remainder of which is a 2/3 bedroom coach house towards the rear of the site. The scheme includes a 9 space car park (one of which would be disabled parking) which is accessed via an arched opening from Langdon Road. The coach house is located at the rear of the car park.
- 1.6 The majority of the scheme is three storeys, with the coach house being two storeys. The Bath Road frontage of the scheme is rendered with a recessed second floor clad in a darker material. The corner of the building is curved and set back in order to prevent harm to the adjacent tree. The render continues around the corner, onto Langdon Road and then changes to brick and gradually steps down in scale. The recessed upper floor continues throughout. The coach house is a relatively simple flat roof, two storey dwelling comprising a mixture of cladding, render and brickwork. The roof has been chamfered at the rear to reduce the visual impact to the rear.
- 1.7 The scheme has been altered through the course of the application, although the quantum of development is similar. The original scheme involved a gable fronting Bath Road, dormer windows to the upper floors and was wholly brick.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
District Shopping Area
Smoke Control Order

Relevant Planning History:

14/01838/PREAPP 20th August 2015 CLO

Proposed site redevelopment to provide retail use at ground floor level and residential above

06/00551/FUL 6th June 2006 PER

Erection of canopy to shopfront (retrospective)

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 6 Mixed use development
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development
GE 7 Accommodation and protection of natural features
EM 2 Safeguarding of employment land
RT 1 Location of retail development
RT 4 Retail development in local shopping centres
RT 5 Non-A1 uses in local shopping centres
RC 7 Amenity space in housing developments

Adopted Joint Core Strategy Policies

SP1 The Need for New Development
SP2 Distribution of New Development
SD1 Employment - Except Retail Development
SD2 Retail and City / Town Centres
SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment
SD10 Residential Development
SD11 Housing Mix and Standards
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Central conservation area: Bath Road Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Heritage And Conservation

10th April 2018

Further to our meeting with the agent please find a brief summary of the design issues discussed. If amendments are made I would be happy to comment on them.

The proposed scale and massing is not objected to. While it would appear large facing onto Bath Road there are a small number of three storey buildings along the street so it would not be out of keeping. However the proposed development raises a number of issues concerns over its detailing that will need to be addressed.

The barrel, i.e. the curved corner, is considered to present a blank elevation in a location where it would be prominent at this junction. The extent of unbroken render giving a uninteresting elevation to the street. Consideration needs to be given to how this can be improved given how conspicuous a feature it will be within the streetscene.

The size of the canopy on the ground floor is considered overly too and as a result an incongruous feature that creates an excessively horizontal emphasis to the proposal. It is considered the canopy needs to be significantly reduced in size. This needs to be amended so it is contained within the barrel. It is also considered the canopy itself needs to be detailed so that it has a lighter appearance.

The privacy screens to the roof balconies and the pilasters to the facades are considered to give an excessive vertical emphasis. This is considered unnecessarily heavy and could be dealt with in a lighter way such as through the use of a less bulky screen and shadow gaps or downpipes.

15th May 2018

The amend plans have sufficiently addressed the concerns preciously raised and in heritage terms the proposal is now considered acceptable.

GCC Highways Planning Liaison Officer

24th October 2016

I refer to the above planning application received on the 6th September 2016, submitted with application form, design and access statement, transport statement, planning statement and drawing refs. 841;81 & 200;34 - 02G, 841;81 & 200;34 - 21E, 841;81 & 200;34 - 04E, 841;81 & 200;34 - 02G, 844;81 & 200;34 - 01A.

Proposal

The regeneration of site to provide replacement retail at ground floor (flexible A1/A3 use), 7no. apartments over, 1no. end terrace house and a detached dwelling to the rear of 252 Bath Road, Cheltenham.

Access

The creation of a vehicular access for the site will be from Langdon Road via a proposed dropped kerb along a new two-way shared access drive. This will be a shared surface that will be 6.8m wide at the entrance point reducing to 6m in width between the parking spaces. The required 54m emerging visibility can be achieved to the left, with 29m to the right up to the junction from a 2.4m setback of the middle of the proposed centre line.

Parking

Car parking within the proposed development has been based on the Census derived car ownership statistics. The predicted increase in car ownership over the next five years has been factored in using TEMPro (Trip End Model Presentation Program) for the projected 5 years to 2021. A total of nine car parking spaces have been proposed to serve the development, based on local ward census data the (College Ward) the required amount of parking spaces for each dwelling is as follows:

- i. 6 x two-bed flats (4 habitable rooms) = 0.919 space per dwelling
- ii. 1 x two-bed flat (5 habitable rooms) = 1.085 space per dwelling
- iii. 1 x 3-bed house (5 habitable rooms) = 1.247 space per dwelling
- iv. 1 x 3-bed house (6 habitable rooms) = 1.370 space per dwelling

Based on the above, the provision of 9 spaces including 1 disabled space will appropriately accommodate any increases in car ownership in the area. Based on the Census data the proposed amount of car parking is therefore considered acceptable for the proposed dwellings.

No on-site parking is currently provided for the existing retail use of the site, nor has any been proposed for the proposed retail use. It is reasonable to assume that there will be no

material increase in trip generations to the site compared to that of its previous full operative uses.

Additionally the site will incorporate a safe and secure cycle parking facility for up to 10 cycles, which is considered appropriate for the accessible location of the development. The site is located in an accessible area with access to high quality public transport facilities and local amenities.

There has been no accident data recorded in the past 5 years as a result of on street parking. There appears to be no inherent highway safety concern with the levels of on-street parking, it is an existing situation for which this development is not to mitigate for and that this development would not cause a detriment to highway safety as it will not significantly increase any on-street parking associated with it.

However, the increase in peak hour trips is not regarded as significant in accordance with the NPPF. The impact of such increase would not have a detrimental impact upon highway safety.

To address local concerns I have noted the objections on the LPA website prior to compiling this recommendation.

Recommendation

The Highway Authority recommends that no highway objection be raised subject to the following conditions being attached to any permission granted:

Condition #1 Access

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m to the left and 29m to the right (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: - To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Condition #2 Parking

The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. 841;81 & 200;34 - 02G, and those facilities shall be maintained available for those purposes thereafter.

Reason: - To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Condition #3 Cycle Storage

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 10 bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.

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.

Condition #4 Pedestrian crossing

The development hereby permitted shall not be occupied until details of the tactile pedestrian crossing from either side of the vehicular access has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason: - To ensure that the development is designed to give priority to pedestrian and cycle movements and provide access to high quality public transport facilities in accordance with paragraph 35 of the National Planning Policy Framework.

Condition #5 Pedestrian visibility

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.0m back along each edge of the access, measured from the carriageway edge, 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 to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Condition #6 Construction Method Statement

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

Reason: - To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

Condition #7 Refuse storage

The development hereby permitted shall not be occupied until the refuse storage area has been made available for use in accordance with drawing no. 841;81 & 200;34 - 02G and those facilities shall be maintained for the duration of the development.

Reason: - To ensure that the development creates safe and secure layouts which minimise conflicts between traffic and cyclists and pedestrians, avoiding street clutter in accordance with paragraph 35 of the National Planning Policy Framework.

Informative

- i. The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is

considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Trees Officer

19th September 2016

The CBC Tree Section objects to this application due to the anticipated pressure on the adjacent 'A' class (as per enclosed tree survey) lime tree under Gloucestershire Highways management ownership/management. This tree is very visible in the landscape and currently in good condition as described within the Tree king report.

Due to the nature of the footpath and road layout within this area, there is likely to be a high percentage of this tree's roots under the existing building. The Tree report shows that approx. 20 square metres of the Root Protection Area (RPA) could become damaged whilst inserting foundations and removing the existing foundation. Experience shows that where trees are located adjacent to the highway, there is a greater proportion of feeding roots on the opposite side of the tree from the highway. As such, any excavations within the RPA of this tree could damage a disproportionately large volume of the tree's ability to extract water from the ground. No details of how any new foundation could be inserted without significant damage so close to this tree have been described. It is strongly recommended that if any modified plan is pursued further, an accurate description of the soil under and adjacent to the existing building is made so that a suitable foundation design could be created. Similarly, it is not clear where any underground service (gas, electric, drainage etc) runs could be inserted within the RPA without significant damage. Detailed method statement should be submitted as a part of any application (in line with BS 5837 (2012)).

It is noted that this 8+ metre high building is so close to the existing tree canopy that significant pruning of the canopy of the tree would be necessary. This would detract from the visual amenity the tree provides as well as leaving no future re-growth potential on this east side. The existing broadly symmetrical crown would become unbalanced.

The remaining canopy will likely cast shade on the adjacent apartment. It is noted that windows on the first floor are for a living room and the tree would be almost due west-thus much later afternoon and evening sun would be lost at a time when inhabitants would be likely home from work and enjoying their dinner. Views from this first floor window would look into the canopy of this tree rather than the any views beyond. Both of the above reason could give rise to pressure from inhabitants to prune the tree (thereby removing further visual amenity of this tree).

Given that this species of tree is lime, it is likely to shed much sticky honeydew from aphids residing on leaves during summer months-such honeydew leads to black, sticky surfaces underneath and adjacent -again likely leading to calls for increased pruning.

Similarly with a bedroom to be on the second floor with this tree canopy nearby, movement of the canopy in the prevailing winds from the south west could lead to feelings of apprehension from inhabitants during windy nights. Such feelings would further likely lead to requests to prune.

15th March 2018

Subject to clarification and agreement detailed below, it is considered that the proposed construction can be built without significant harm to the most significant large lime tree adjacent to the site at the corner of Bath Rd and Shurdington Rd.

Designs have been altered and tailored significantly to take account of this visually important street tree and as such there should be few direct and indirect negative impacts on the tree providing demolition and construction methods follow those proscribed succinctly in Tree King Consulting report of January 2018 (Ref 37.69B).

The design of the proposed build is such that it is outside the Root Protection Area as defined by British Standards (BS 5837 (2012) Trees in Relation to Design, Demolition and Construction-Recommendations). Similarly, the design has taken account of the crown of this tree and as such shade cast, leaf, flower etc fall from the crown of the tree should not have a significant impact on potential future occupants of this building. Given the tree's protected status by virtue of being under the control of Gloucestershire Highways as well as being within a Conservation Area, should there be future calls to prune the tree in a manner likely to reduce the tree's visual amenity or have a negative impact on the trees health, such calls can be resisted.

The proposed method of demolition, foundation and build construction takes account of the likely pattern of roots, both structurally supporting roots as well as feeding roots and therefore such disruption to this tree's biological and structural condition should not be compromised. Foundation design (through the use of a pile and shallow foundation beam type) must take account of any shrinkable clay content within the subsoil as to fortify against claims of potential indirect impact of the tree's roots by soil movement in the form of subsidence (or heave).

Daily arboricultural supervision of demolition of the existing build is to take place. This should ensure that no activity takes place which has a negative impact and clearly defined demolition methods are adhered to. No significant excavations (other than the insertion of piles through the use of a piling rig are to be undertaken in the likely principle rooting area of this tree (under the existing build). Ground beams will be set above the existing soil level. The holes for such piles are to be sufficiently far from the tree trunk that significant roots (ie greater than 25mm diameter) are unlikely to be encountered and as such there should be no adverse impact of installation of such piles and beams foundations.

The introduction of new tree planting along Langdon Road is also welcome.

Please could the following be clarified and agreed prior to any permission being granted:

- 1) No pruning of branch work greater than 40cms will be undertaken (so as to accommodate scaffolding).
- 2) Polystyrene will be placed inside the proposed plywood box so as to reduce the impact of any possible collision (see para C2.1 of Tree King report).
- 3) Whilst daily arboricultural supervision is to take place during demolition, it would be preferable if such daily supervision and monitoring extended to installation of the foundation and soakaways.
- 4) Following demolition and prior to construction of foundations, fibrous roots may become exposed. Such roots quickly desiccate and die if not retained in a moist and mild environment. As such, any such roots should be covered in damp hessian cloth if left exposed for more than 8 hours.
- 5) Underground service installation must take place outside the root protection area (7.6 metres from the centre of the tree trunk).
- 6) Rainwater and surface water drainage must lead to soakaways beneath the building (see para 2.5.2 of Tree King report. Severance of any roots with a diameter greater than 25mm diameter shall not occur whilst installing such soakaways.

If the above can be agreed, the CBC Trees Officers do not object to this application.

9th May 2018

Following the comments and further request for information above and following updated Tree King report of 7/5/18, CBC trees officers do not object to the above application.

Site supervision by a suitably qualified arborist will take place on a daily basis during the times of significant potential disruption to tree roots. The footprint of the proposed building is outside the Root Protection Area of the tree and physical protection of the tree trunk will be constructed. Soakaways should help keep the tree watered and the building has been designed so as to minimise conflict between occupants and the tree canopy.

Environmental Health

23rd September 2016

I have no objection in principal to this proposal, but significantly more detail is required before final comment can be made:

Road Traffic Noise & Fenestration

The entire site will be subject to noise from road traffic using Bath Road and Shurdington Road, in particular the first floor apartment overlooking the Norwood Roundabout. Some other units may be affected by noise from other existing sources, including the commercial premises around the site.

A survey of noise levels from these noise sources is required. Such a survey should also identify suitable fenestration to control the effects of noise on residents of these properties.

Noise from A1/A3

The combination of A1/A3 use with residential over (and adjacent) has the potential to cause loss of amenity for residents of the proposed and existing property due to noise from commercial use, including the operation of kitchen extractor plant. I would recommend that the particular extractor plant for the premises should be designed to limit any noise impact on neighbouring premises. This detailed design could be required as a condition to be attached, should permission for the proposed development be granted, on the following lines:

Prior to the commencement of development, details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control measures, noise levels, its appearance and finish shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use hereby permitted commences and maintained in strict accordance with the manufacturer's and installer's instructions thereafter.

Reason: These details need careful consideration and formal approval to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

Scheme to control noise and nuisance during redevelopment

The proposed development is in close proximity to existing residential property and therefore has potential to cause significant nuisance through noise and dust emissions during the site work. I would therefore recommend a condition on the following lines:

Condition: A scheme for the effective control of all noise, dust and other nuisances shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted.

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

Informative: The councils recommended hours of work for construction and demolition are: Monday - Friday 7:30AM - 6:00PM, Saturday 8:00AM - 1:00PM, with no noise producing work on Sundays or Bank Holidays. Work outside these hours may be approved subject to an application for consent under Section 61 of The Control of Pollution Act 1974.

Piling

In the event of the developers deciding to use piled foundations at this site there will be significant potential for noise and vibration from this operation to affect nearby premises. I would therefore recommend the following condition:

Condition: No piling activities shall be carried out at this site unless previously approved in writing by the Local Planning Authority.

Reason: To prevent nuisance being caused to residents of neighbouring property due to noise and vibration.

27th February 2018

I note that revisions have been made to the application for mixed use commercial and residential accommodation at this site.

The revised plans do not meet the recommendations for further info, requested in my previous e-mail relating to the site (reproduced below).

I must therefore recommend that these comments are still valid for this application.

Cheltenham Civic Society

16th September 2016

[please note these comments were made in relation to the original submission and not the revised scheme]

We think that the residential component would fit better with the existing area if it were two storeys rather than three. We also dislike the gable on the Bath Road frontage above the retail unit. As the last shop on the Bath Road something more distinctive is needed - and which successfully turns the corner to the residential part. As proposed, the Bath Road frontage is subservient to the Langdon Road one - that is the wrong way round.

Architects Panel

13th October 2016

Design Concept

The panel had reviewed an earlier design proposal for this site as part of a Pre-App submission and had already stated support for the principle of a mixed use development in this location. However, the panel felt the new scheme was not of sufficient quality to be supported. An opportunity exists on this prominent site to design a new building that positively enhances the street scene, addresses the corner location, and is in scale and in harmony with adjoining properties.

Design Detail

Concerns were raised about extending the building line further out over the pavement on the Bath Road elevation and the implications this would have on the roots of the mature tree on the corner.

The shopfronts could include a retail unit addressing the corner, the tree and with a view to creating some urban context.

There should be a better relationship to the two-storey houses along Langdon Road with frontages set back from the pavement. An option to lose the townhouse altogether might give the development more space to breath and achieve a better relationship both with Bath Road and the Langdon Road houses.

Recommendation

Not supported.

7th June 2017

Presentation

The panel had reviewed earlier design proposals for this site as part of a Pre-App submission and then the full application scheme (see Review dated 28th September 2016).

Bob Beswick, BLP Architecture, presented his latest proposals to the panel. He explained that the tabled proposals had not formally been submitted as the design was still under development - he was looking for feedback from the panel before finalising the design amendments.

The scheme presented provided similar accommodation to the original submission but was a completely different design approach in terms of massing, style, layout and architectural detail. The design changes were meant to respond to the panel's previous comments as well as advice given by the Planning Case Officer over the preceding months.

Design Concept

The panel had already stated support for the principle of a mixed use development in this location.

Attempts had been made to address previous concerns relating to the special corner condition and the building's alignment along Langdon Road and there were certain aspects of the new scheme that the panel felt were going in the right direction. However, although Street Scene Elevations were tabled, no updated three-dimensional views had been prepared so this made it difficult for the panel to fully appraise the new scheme in terms of its context, scale and visual impact.

Design Detail

The new scheme is broken down into two blocks: the front Bath Road block no longer has a mansard roof so the building appears taller than the previous scheme; its height is accentuated by the coupling of first and second floor windows into tall incongruous projecting bays.

The panel was not convinced that the splayed corner elevation worked architecturally, and felt the rendered elevations gave the impression of corner set-backs that on plan do not exist. The ground floor shopfront projects into the street with a flat roof canopy that appears severed in an unresolved way which further confuses the elevation. The panel questioned the suitability of large amounts of first and second floor glazing on the corner splay, and the close proximity of these windows to the protected tree.

The secondary block along Langdon Road is set back slightly but not as far as the existing semi-detached dwellings (as the panel had previously suggested). This block now has a mansard roof and rendered walls. The panel could see the benefit of breaking down the Langdon Road elevation but had reservations that the new design could still appear too tall and incongruous.

The panel thought changing the walling material of the smaller block to brickwork to match neighbouring properties might help the overall composition along Langdon Road.

Some drawing inaccuracies (south elevation town house door; north elevation lift shaft position; north elevation lower block alignment) reinforce the need for further design refinement.

In summary, the panel felt the previous comments still applied to the new scheme: "An opportunity exists on this prominent site to design a new building that positively enhances the street scene, addresses the corner location, and is in scale and in harmony with adjoining properties".

Recommendation
Not supported.

20th March 2018

Design Concept

The panel have viewed previous variations of this scheme and were generally of the view that the design overall has improved with this iteration.

The scale is better judged in relation to adjoining sites and particularly the Victorian terrace to Langdon Road. The corner treatment also has more potential in the way that it addresses this articulation and the tree, although still needing further work.

The use of render and brick is also not entirely successful.

Design Detail

The corner treatment was considered oddly blank, perhaps reflecting the unresolved internal arrangement of that apartment. The curve succeeds better than previous treatments, but the fin projections, particularly at second floor level have a negative effect on the elevations.

The canopy also appeared unresolved with concerns that it projects to the kerb line, outside the site boundary and this needs more detail to be convincing.

There was debate as to whether the scheme would work better if it were all brick, perhaps with a varied palette with the articulation of the elevations providing valuable variety.

The use of brick pilasters was not successful, particularly the one that appears, oddly off-centre to the arch through and a better detail articulation device should be sought.

Recommendation
Still needs development to be supported.

25th April 2018

Design Concept

The panel had reviewed earlier design proposals for this site as part of a Pre-App submission followed by the now superseded scheme on 28th September 2016. This latest review was for revised design proposals prepared in response to concerns raised by the panel, officers and the general public.

The panel has consistently stated support for the principle of a mixed use development in this location. The latest design has made some changes which are moving in the right direction, particularly along the Langdon Road elevation, but there are certain aspects of the scheme that the panel felt were not successful. Given this is such a prominent and important site, further design refinements are recommended.

Design Detail

Following previous criticism, the new design has attempted to respond to the corner street location by setting the building further back from the tree and by introducing a curved wall and canopy. The detailing of this corner treatment, the change in planes, the blank upper walls and the large projecting canopy, does not work as a composition.

The panel questioned the logic behind the design of the retail unit elevations with no attempt to provide shopfront designs which work with the street scene or reflect the pattern and scale of neighbouring Bath Road buildings. The multi-door corner entrance does not work with the curved wall above (not shown on the ground floor plan) and the projecting canopy is likely to clash with the tree.

New trees on the pavement so close to the shopfronts are unlikely to be practical.

Inaccuracies in the drawings submitted did not give the panel confidence that the design has been fully considered: the 3d visualisations, for example, do not tally precisely with the elevations with Langdon Road first floor windows of different sizes, and the first floor plans do not show how the change in levels indicated in elevation work on plan.

Recommendation
Not supported

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	168
Total comments received	141
Number of objections	139
Number of supporting	0
General comment	2

- 5.1** The application was publicised by way of letters to nearby properties, a site notice and a notice in the Gloucestershire Echo. The consultation exercise has been repeated twice upon receipt of revised plans. Approximately 140 representations have been received. The representations will be reproduced for members however the main points raised can be summarised as follows:

- Unacceptable design
- Unacceptable impact on conservation area

- Overdevelopment
- Out of scale with neighbouring buildings
- Impact on drainage system/Flooding
- Insufficient amenity space
- Impact on light and privacy of neighbouring properties
- Impact on biodiversity and air quality
- Impact on lime tree
- Impact on highway and pedestrian safety
- Insufficient parking spaces for both residents and staff/customers
- Loss of independent business – Impact on vitality and viability of Bath Road and the community

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1** The key issues in determining this application are considered to be (i) the principle in terms of both the loss of the existing uses and the replacement uses, (ii) the design and layout including the impact on the conservation area, (iii) the impact on neighbouring properties, (iv) access and highways issues, (v) trees and landscaping, (vi) flooding and drainage, (vii) biodiversity.

6.2 The site and its context

- 6.2.1** The site is an L shaped plot which currently accommodates a dwelling and the Bath Road Market as mentioned above. The site is within the conservation area and is very prominent within the street scene.
- 6.2.2** The context of the site is mixed in terms of both architectural style and land use. Immediately to the north is a two storey rendered building in use as 'Roots and Fruits' greengrocer and the 'cook' food shop, beyond this is a three storey red brick building. Opposite the site on Leckhampton Road is The Norwood Arms, a two storey, white rendered detached building with a large car park and garden. The buildings behind the existing dwelling comprise the two storey terraced houses of Francis Street which are rendered. The houses of Langdon Road and which continue up Leckhampton Road are primarily semi-detached brick houses.

6.3 Principle

- 6.3.1** The proposal results in a net increase of 55sqm of commercial floorspace. As stated above the application seeks a flexible consent which would allow either retail or restaurant uses within the unit. The proposal also results in a net increase of 8 dwellings.
- 6.3.2** The site is within a District Centre as designated by the 2006 Local Plan. Policies RT4 and RT5 of the Local Plan seek to ensure that new uses within these areas are appropriate to

the scale and function of the area and do not harm the vitality and viability of the Town Centre. They also seek to avoid an excessive loss of A1 uses within the centre.

- 6.3.3** It is considered that the uses proposed are appropriate for the location which, as mentioned above is mixed in character. The introduction of a potential A3 unit is not considered to be damaging to the vitality of the Bath Road given the number of shops within the centre. Were the unit to be used for retail purposes under a flexible consent this would be a very similar situation to that which exists.
- 6.3.4** A number of representations make reference to the loss of independent retailing. Whilst there may be sympathy for the sentiment, the end user is not known in this instance and in any event the role of the planning system is to consider land uses in general terms and not to favour one type of retailer over another.
- 6.3.5** The proposal also involves new dwellings. These are located within a highly sustainable, central location within the Principle Urban Area (PUA) of Cheltenham. As such the location is wholly appropriate for new housing, and the dwellings would make a welcome addition to the housing delivery targets within the Borough. As such the proposal is in line with the objectives of policy SD10 of the JCS.
- 6.3.6** Whilst the building has some interest in terms of its position within the conservation area, the individual buildings are not of significant interest or quality and, subject to the replacement being acceptable the principle of demolition is acceptable.

6.4 Design and layout

- 6.4.1** The NPPF states that good design is indivisible from good planning. The importance of good design is reiterated through policy CP7 of the Local Plan, policy SD4 of the JCS and the Council's Supplementary Planning Document for development on garden land and infill sites. All of these seek development which is well considered, contextually appropriate and contribute towards making places better. However the NPPF does warn Local Authorities against seeking to stifle originality through unsubstantiated requirements to conform to certain development styles of forms.
- 6.4.2** As mentioned above the site is within the central conservation area and as such policies CP 3 of the Local Plan, SD8 of the JCS are relevant, as it the Central conservation area: Bath Road Character Area and Management Plan (July 2008) and the NPPF. All seek to preserve or enhance the conservation area.
- 6.4.3** As mentioned at para 1.7 the proposal has been subject to significant changes since it's original submission in response to comments made by officers, consultees and the public. Significant concerns were raised including the overall height and design of the building, the gable fronting Bath Road, the design of the dormers, the proximity of the building to the edges of the site. Overall it was felt that the proposal was a missed opportunity on this prominent corner. There were also significant concerns in relation to the impact that the proposal would have on an adjacent street tree.
- 6.4.4** Officers did express concerns that the scheme may be asking too much of the site and that it might be necessary to reduce the quantum of development in order to overcome the concerns. The revised scheme has not resulted in any loss of units however some significant improvements to the scheme have been secured as follows:
- The Bath Road frontage has lost the forward facing gable and is now of a height and grain which is appropriate for the Bath Road.
 - The dormers have been removed and have been replaced with a recessed top floor.

- The choice of material is more appropriate with render on the front section and brick on the Langdon Road frontage
- The ground floor elevation is more appropriate, providing an active frontage on all elevations
- The coach house at the rear is simpler in design and the footprint has been reduced
- The building line is staggered on the Langdon Road elevation and the style of architecture drops to a more 'domestic' scale sooner on the Langdon Road frontage.
- The corner of the site has been resolved to address the tree and provide a proper entrance.

6.4.5 Officers acknowledge that the scheme is dense. At 0.1 hectares this equates to 90 dwellings per hectare and includes 315 sqm of commercial floorspace. However it is located within an urban area which is characterised by relatively dense development and therefore this is not considered to be inappropriate. The properties are all of a good size and offer a good standard of accommodation to future occupiers.

6.4.6 Officers consider the design of the front section of the scheme which fronts Bath Road to be wholly appropriate, it responds well to the proportions and character of The Bath Road. The Langdon Road frontage has been challenging to resolve in terms of dropping down from a larger scale of development to a more domestic scale and various options were considered as to how this could be achieved in terms of style and material. Officers acknowledge that the proposed building is three storeys, whereas Langdon Road is characterised by two storey dwellings. However the top storey is recessed and proposed to be of a darker material and therefore reflecting the pitched, slate roofs of Langdon Road in terms of mass. The submitted drawings indicate that the overall height is the same at the point where proposed meets existing, with the eaves line also being similar. The fenestration is a contrast in style, however the proportions are considered to be appropriate and it is considered that the proposal strikes the right balance by being respectful of its historic context whilst not being a pastiche copy.

6.4.7 The corner of the building adjacent to the lime tree was also challenging to resolve in terms of building form and interest versus the protection of the tree. Officers consider that the curved form adds visual interest and links together the two separate sections successfully. Queries have been raised as to why it is largely blank, and again various options were considered. To add glazing onto this curved section would result in issues in relation to leaf litter and sap from the adjacent tree and could result in future pressure to fell. It was felt that the shape and projecting canopy added enough interest to this corner to negate the need for glazing to break it up.

6.4.8 The coach house is relatively simple in form and not widely visible. It is considered to be acceptable in design terms – neighbour impact is discussed below.

6.4.9 It is acknowledged that concerns remain regarding the design from members of the public. The latest comments from the architects panel also raise concerns, although officers would point out that new issues were raised which had not been mentioned previously and that most of the comments made in the penultimate representation from the panel had been responded to.

6.4.10 Whilst these concerns are understood, officers consider that when assessed against the criteria of good design around which the relevant policies are framed (i.e. context, character, sense of place, legibility, identity, amenity, public realm, landscape, safety and security, inclusiveness and adaptability, movement and connectivity) the scheme performs

well. It is noted that the Conservation Officer considers the scheme to be acceptable in terms of its impact on the conservation area.

6.4.11 It must be acknowledged that there is a degree of subjectivity in terms of what constitutes good design, however the NPPF warns against this as mentioned above. Officers are confident that this proposal is a significant improvement upon earlier iterations of the scheme and represents a high quality form of development which is responsive to its surroundings

6.4.12 For these reasons, on balance, it is considered that the design and the impact on the conservation area is acceptable.

6.5 Impact on neighbouring property

6.5.1 Policies CP4 of the Local Plan and SD14 of the JCS seek to ensure that new developments do not have an unacceptable impact upon neighbour amenity.

6.5.2 The impact on the most effected neighbours will be discussed as well as general considerations.

6.5.3 *250 Bath Road (Roots and Fruits)*– this property has a blank side elevation and no rear amenity space. The dwelling which currently exists directly to the rear of this building would be removed and as such there is no significant impact upon amenity.

6.5.4 *246 Bath Road (Daisy Chain Benevolent Fund)* – There are no ground floor windows at the rear. It is assumed that the first and second floor windows are to residential properties, however these are approx. 24m from the side elevation of the coach house and therefore there would be no significant impact upon amenity.

6.5.5 *1 – 5 Francis Street* – These properties would have the new coach house adjacent to their rear boundaries. The design of this has been amended to include the chamfer to the roof. The elevation facing the rear of these properties comprises a brick elevation of approximately 12m in length and 3.5m in height with a zinc pitched roof beyond to a maximum height of 5m. There is one bathroom window in the rear elevation and 4 roof lights in the rear roof slope. The building is over 12m from the nearest neighbouring building. It complies with the light tests and therefore would not have an unacceptable impact on the level of light entering these properties. There is the potential for overlooking from the windows on the rear elevation and roof slope and a condition will be attached to ensure these are obscurely glazed. It is acknowledged and the building will have somewhat of an overbearing impact upon these properties however Officers do not consider that this is so significant as to warrant the refusal of the application.

6.5.6 *2 Langdon Road* – The proposed town house would be adjacent to this property. Neither the existing or proposed dwelling have windows on the side elevations and as such there would be no overlooking to the sides. The proposed dwelling extends slightly beyond the front of 2 Langdon Road however not enough to result in any adverse impact. It also extends slightly beyond the side return, but again not enough to have a significant impact. 2 Langdon Road has planning permission for an extension which would see this side return filled and a first floor extension at the rear. The first floor window would be approximately 16m from the first floor window of the coach house, however this would be at an oblique angle and therefore considered to be acceptable. The presence of the coach house would have an impact on this property and would be visible from within the garden however this is not considered to be so significant as to warrant the refusal of the application. This is partially offset by the removal of the existing dwelling and other structures from the site.

6.5.7 *2 Leckhampton Road* – This property would face the proposed development across Leckhampton Road. There are a number of windows on the side elevation from which the

site would be visible, however this relationship is common in all urban areas, across roads and is not considered to be so significant as to warrant the refusal of the application.

6.5.8 The ultimate operator and use of the ground floor unit is not known at this stage. The Environmental Health Officer has requested further information, however this is considered to be most appropriate by condition due to these uncertainties. It is acknowledged that there is the potential for noise and smell due to potential extraction systems and the use itself, however it is considered that the suggested conditions give the LPA adequate control over these and as such adverse impacts upon neighbouring properties can be avoided. The hours of opening are not known at this stage and it is considered appropriate to restrict them as suggested below.

6.5.9 Subject to these controls the impact on neighbour amenity is considered to be acceptable.

6.6 Access and highway issues

6.6.1 Policy SD 4 of the JCS sets out requirements in terms of movement and connectivity and includes reference to the parking standards Manual for Gloucestershire Streets.

6.6.2 The proposal includes vehicular access off Langdon Road, leading to a car park with 9 spaces, including one disabled parking space. The application layout includes a bin store and a bike store accessible off the car park.

6.6.3 Full comments have been received from the Highways Officer as detailed above. It is not necessary to repeat the comments which conclude that the access is safe and that sufficient parking spaces are provided.

6.6.4 It is acknowledged that there is local concern regarding the impact upon parking in the nearby streets, however much of this concern relates to problems which already exist and it is not the role of an individual planning application to solve existing problems. The proposal provides adequate parking spaces, calculated using the accepted methodology and therefore it is not considered that a reason for refusal on lack of parking could be sustained. It is acknowledged that there is no off street parking available for users of the ground floor commercial unit, be it A1 or A3, however at present there is a market and a dwelling on this site, none of which have off street parking. Furthermore the site is in a sustainable location in close proximity to bus stops and a short walk from a public car park.

6.6.5 For these reasons, subject to the conditions suggested by the highways officer, the highways impact of the proposal is considered to be acceptable.

6.7 Trees and Landscaping

6.7.1 As outlined above considerable effort has been put in to amending the plans in order to accommodate the existing street tree adjacent to the site. Following detailed methodology and tree protection information the Tree Officer is now content with the proposals as outlined above.

6.7.2 There are not significant opportunities for landscaping through this proposal however two new trees are indicated within the site which help to soften the development.

6.8 Biodiversity

6.8.1 The site is devoid of natural features and as such there is limited potential for wildlife. The proposed scheme includes some opportunities for landscaping within private gardens and through the provision of new trees and as such would be an enhancement.

6.9 Flooding and Drainage

6.9.1 The site is not within a flood zone and as it does not constitute major development it is not a site where a detailed drainage strategy is required at planning stage. As such drainage issues will be dealt with at building control stage.

6.9.2 No objections have been made by Severn Trent Water.

6.10 Other considerations

6.10.1 The comments raised by the Health and Safety Officer are for information only and have been forwarded to the developer.

7. PLANNING BALANCE, CONCLUSION AND RECOMMENDATION

7.1 In conclusion a number of benefits would flow from this development. The proposal represents an opportunity to provide nine quality dwellings thereby making a modest contribution to the overall supply of housing. The proposal would also provide commercial floorspace for either a shop or restaurant. As such there would be a small contribution to economic activity in Cheltenham. These uses are entirely consistent with the thrust of planning policy and assist with both economic development and housing delivery aims.

7.2 Officers have worked with the applicant to arrive at a scheme which can be supported in terms of design, highways and neighbour amenity. Any concerns which may remain need to be balanced against the positive aspects of the scheme as is outlined above. Given that it has been concluded that the design is acceptable it is not considered that there are overriding areas of concern which outweigh the positive aspects of the scheme. As such the recommendation is to approve the application subject to the conditions outlined below.

8. CONDITIONS / INFORMATIVES

To follow as an update.