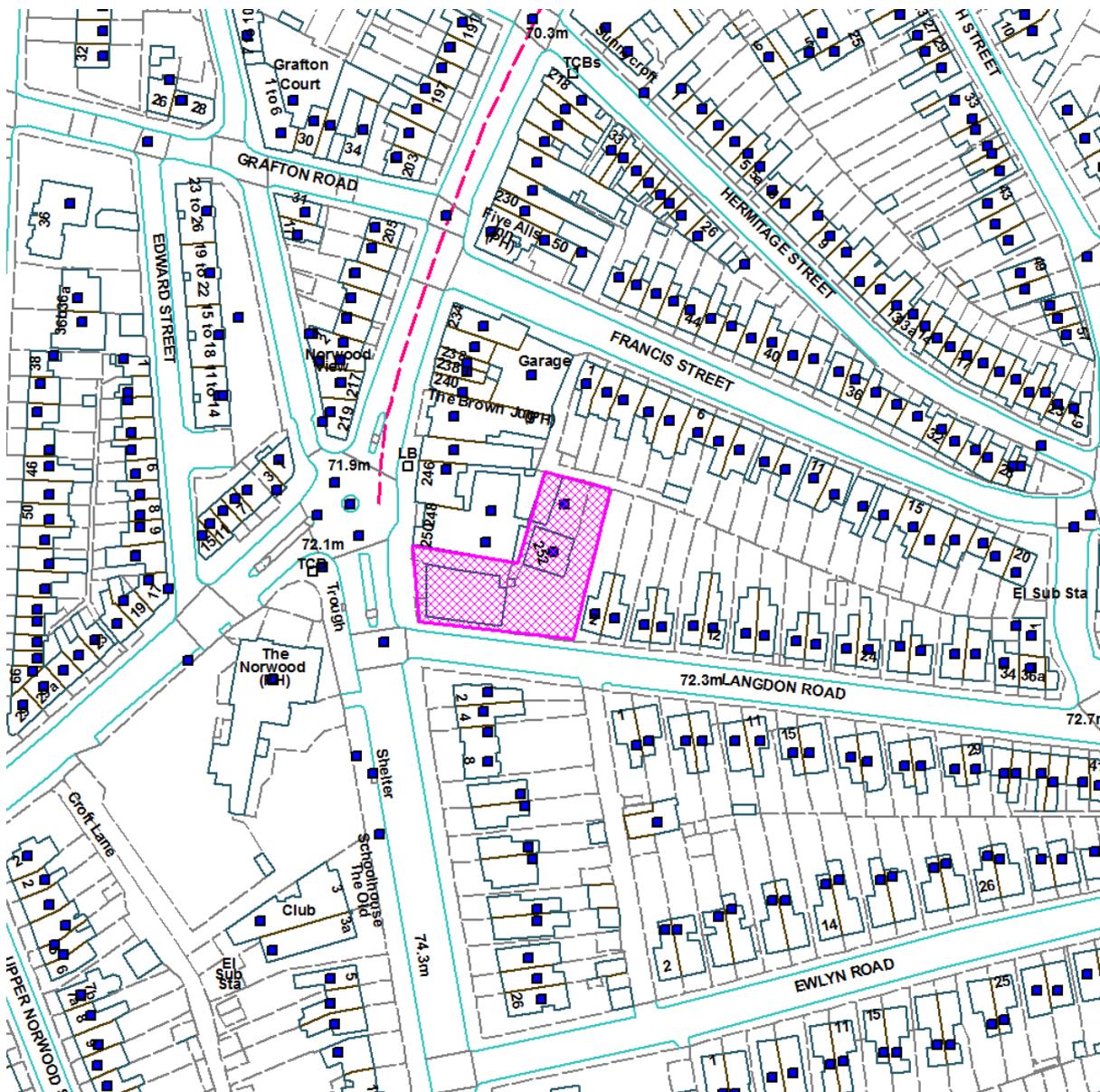


APPLICATION NO: 18/02097/FUL		OFFICER: Mr Joe Seymour
DATE REGISTERED: 16th October 2018		DATE OF EXPIRY: 11th December 2018
DATE VALIDATED: 16th October 2018		DATE OF SITE VISIT: 30th October 2018
WARD: College		PARISH:
APPLICANT:	Mr And Mrs Paul Artus	
AGENT:	Evans Jones Ltd	
LOCATION:	252 Bath Road, Cheltenham, Gloucestershire	
PROPOSAL:	Mixed use development comprising 8 flats (Class C3) on upper floors and a retail unit for flexible use as shop (Class A1) / restaurant, cafe (Class A3) on the ground floor.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site contains a retail unit known as Cheltenham Market and a two-storey dwelling. The site is situated on the intersection between Bath Road and Langdon Road. The market predominantly consists of a single storey portal-framed structure akin to a greenhouse, with an outdoor sales area to the rear which can be seen from Langdon Road. The dwelling is set back further into the site with its principal elevation facing south towards Langdon Road.
- 1.2 The site is located in a prominent location on a roundabout that forms the junction between Shurdington Road, Bath Road and Leckhampton Road. The site is located within the Bath Road Character Area of Cheltenham's Central Conservation Area. There are no listed buildings within the vicinity of the site.
- 1.3 The proposal would involve the demolition of the market buildings and the two-storey dwelling followed by the construction of a three-storey mixed use building consisting of a commercial unit on the ground floor (flexible A1 retail / A3 café use) and 8 flats on the first and second storeys. A parking area would be located to the rear of the site (in the position of the existing dwelling) accommodating 8 parking spaces for the occupants of the flats.
- 1.4 This application has been referred to the Planning Committee for determination by Cllr Klara Sudbury because of concerns about the impact on the street scene in Langdon Road due to the height, mass and design of the building.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
District Shopping Area
Smoke Control Order

Relevant Planning History:

93/00617/PF 29th July 1993 PERMIT
Erection of Rear Single Storey Storage Facility (Retrospective)

96/01068/PF 20th February 1997 PERMIT
Replacement Roof to Covered Display Area

97/00255/PF 26th June 1997 PERMIT
Proposed Replacement Roof to Covered Display Area (Amendment to Previous Scheme)

06/00551/FUL 6th June 2006 PERMIT
Erection of canopy to shopfront (retrospective)

14/01838/PREAPP 20th August 2015 CLOSED
Proposed site redevelopment to provide retail use at ground floor level and residential above

16/01515/FUL 29th May 2018 REFUSE
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)

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 (NPPF)

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

4th December 2018

I refer to the above application received on the 25th October 2018 submitted with application form, design and access statement, planning statement, site location and block plan ref PL001, proposed ground floor plan ref PL004 and revised proposed ground floor plan ref PL004 B.

The proposed is subject to a mixed use development comprising 8 flats (Class C3) on upper floors and a retail unit for flexible use as shop (Class A1) / restaurant, cafe (Class A3) on the ground floor at 252 Bath Road Cheltenham. The development is located adjacent to Leckhampton Road to the East and Langdon Road to the South, both subject to a sign posted limit of 30mph. It comprises close walking and cycling proximities to various amenities and access points to sustainable means of transport. Access will be located adjacent to Langdon Road, with an entrance point 4.8m wide with a segregated 2m wide pedestrian corridor. Visibility splays are perceived subject to 2.4m x 29m to the right of the access towards Leckhampton Road junction and 54m to the left to Langdon Road. Parking

layout comprises a 2m wide demarked pedestrian corridor and a turning head to enable vehicles to leave the premises in forward gear. 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.

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

Recommendation:

The highway authority recommends no highway objection to be raised subject to the conditions listed in section 8 of this report.

Environmental Health

26th October 2018

The application is broadly similar to previous applications relating to the site which involved mixed commercial and residential use. Therefore my previous comments are still appropriate:

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Comment Date: Fri 23 Sep 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 form 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.

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On a more specific note, the location of the proposed bin facilities are not ideal, as they positioned on the property boundary, close to neighbouring residential property and should be revised, due to likely adverse effect on other residents.

Tree Officer

19th November 2018

Following receipt of Tree King report of Oct 2018 (ref TKC Ref 38.39A), the majority of requests and clarifications made by CBC Tree Section have been addressed. However there are 1-2 outstanding issues from comment made 14.11.18 which have yet to be addressed:

- 1) Hand digging within the proposed seating area (within the RPA of this tree) to the front-details need to be submitted and agreed
- 2) Seating area subsurface to be constructed in such a manner so as to protect from direct physical root damage as well as damage to the roots during construction.
- 3) Confirmation that this paved area is to be and remain porous so as to help supply the tree roots with rainwater.
- 4) Confirmation that gutter covers will be attached to the outside of the building.

Similarly confirmation of the following proposals within Tree King report need to be submitted and agreed:

- 1) foundation drawing details,
- 2) Suds schemes ,
- 3) Service trench routes,
- 4) Tree pit details (incorporating the introduction of fresh top soil),

- 5) Para B4 of Treeking report states 'as far as is possible, there will be no excavation of existing soils and the bases of ground beams will be set no lower than the existing ground level' On no account can there be excavation of the existing soil level. Whilst the Root Protection Radius of this tree may be 7.8 metres as per Tree King Tree Constraints Plan (Drawing no 38.39.01A), (it is marked blank in the report), such a radius is a circle which would be equal to an area of equivalent size, assuming the tree has a unbiased growth pattern. However, being at the junction of 2 roads, it is assumed that the majority of the area of root growth will be under the existing build, not under the road. As such it is imperative that existing roots with a diameter of more than 25mm are not disturbed during demolition and construction. As such, the wording of this paragraph needs to be changed.

It is assumed will be submitted and agreed as a part of the application or by pre-commencement planning condition. Providing the above can be agreed, the CBC Tree Section does not object to this application. Concerns remain regarding the ground level windows facing and adjacent to this window.

Conservation Officer

7th December 2018

The site is within the Central Conservation Area: Bath Road Character Area. Careful consideration will therefore need to be given to the heritage significance of the existing building on site and whether the proposed building sustains and enhances the heritage significance of the conservation area.

The existing building on site is identified within the Bath Road Character Area Appraisal and Management Plan (2008) in the local details section 5.18 as having interesting historic details. Having carried out a site visit to consider the significance of the existing building it appears largely to be a modern single storey, greenhouse-like building with little merit architecturally or historically. A map regression exercise was also carried out to try to date the existing glazed building. This showed it did not exist on the site historically. The statement within the Bath Road Character Area Appraisal and Management Plan (2008) about this building having interesting historic details is therefore fundamentally disagreed with. It is not considered to make a positive contribution to the heritage significance of the conservation area. As such the general principle of its loss is acceptable, provided an appropriate replacement building is proposed.

The proposed building is considered to have a scale and massing that is in keeping with its context but with contemporary detailing, allowing the building to read as a 21st century addition to the streetscape. It will be important that good quality materials and detailing are used on the building, number of conditions are considered necessary to ensure this. No objection is raised to the proposed works which are considered to sustain the heritage significance of the Central Conservation Area: Bath Road Character Area.

Gloucestershire Centre for Environmental Records

20th November 2018

Biodiversity report received.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	164
Total comments received	61
Number of objections	61
Number of supporting	0
General comment	0

5.1 A site notice was placed at the site, an advertisement was placed in the Gloucestershire Echo and 164 properties in the surrounding area were notified of the proposal.

5.2 This consultation exercise has resulted in 61 letters of objection. No letters of support were received. The objections were focused on the following issues:

- Highway safety and the development would increase risk of traffic collisions
- Loss of parking spaces on Langdon Road by dropping the kerb to create vehicular access to the rear parking area
- Insufficient on-site parking (one space per dwelling is not enough)
- Increased traffic from new residents and customers of the commercial units
- Three-storey building is too high and out of scale with surrounding buildings
- The proposed building is out of character with the houses on Langdon Road and the Conservation Area
- The proposal fails to take the opportunity to enhance the Conservation Area
- Design and materials proposed is too modern
- Loss of amenity due to outside commercial and residential bins
- There is no need for more retail units
- Too many dwellings in a relatively small space
- Overbearing impact on residential properties on Langdon Road
- Loss of light and loss of privacy
- The site is susceptible to flooding

6. OFFICER COMMENTS

Background

6.1 A similar mixed used development was proposed at this site which was recommended for approval by Officers but ultimately refused by Members of the Planning Committee in May 2018 (ref: 16/01515/FUL). This development would have provided replacement retail at ground floor (flexible A1/A3 use), 7 flats above, an end terrace house and a detached dwelling to the rear.

6.2 Members refused the previous application at the site for two reasons:

1. *The proposed development by reason of its scale, mass and detailed design is poor quality, out of keeping with the scale and character of the area and fails to preserve or enhance the character and appearance of the conservation area. Therefore the proposal is contrary to policies CP3 and CP7 of the Local Plan, Policies SD4 and SD8 of the JCS, policy SD4 of the Emerging Cheltenham Plan, advice contained in the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning SPD and advice contained in the NPPF.*
2. *The proposed coach house by reason of its mass and position in relation to the dwellings on Francis Street, would result in an overbearing impact upon the occupants of these properties, to the detriment of their residential amenity. Therefore the proposal is contrary to policies CP4 of the Local Plan, SD14 of the JCS and advice contained in the NPPF.*

Principle of Redeveloping the Site

- 6.3 The application seeks a flexible A1/A3 planning permission for the ground floor commercial unit which would allow either retail or restaurant uses to operate from the unit. The proposal also results in a net increase of 7 dwellings in the form of 8 flats on the two upper floors of the building with the demolition of one dwelling (252 Bath Road). Unlike the refused application, no detached dwelling is included in this application and the area to the rear of the site would be solely used as a parking area of the residents of the flats.
- 6.4 Cheltenham Market has a floor area of approximately 270m². The proposal results in a net increase of approximately 50m² of commercial floor space as the proposed ground floor unit would have an area of 320 m².
- 6.5 The site is within a District Centre as designated by the extant Cheltenham Borough Local Plan (1991-2011). 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.
- 6.6 It is considered that the uses proposed are appropriate for Bath Road which contains a mix of retail, restaurant, café and pub uses. The introduction of a potential A3 unit is not considered to be damaging to the vitality of the Bath Road given the number of A1 retail shops within the centre. In the event the commercial unit was to be used for solely for A1 retail purposes, the principle of changing from A1 to A3 is acceptable in any case due to the provisions within the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.7 A number of representations raise concerns over the loss of Cheltenham Market as an independent retailer. While there may be sympathy for the sentiment of this particular retailer, 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 retailer over another.
- 6.8 The proposal also involves the creation of 8 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 at a time when a five-year supply of housing land cannot be demonstrated (current figure is 4.6 years). As such the proposal is in line with the objectives of policy SD10 of the JCS.

Design / Impact on the Character and Appearance of the Conservation Area

- 6.9** The site is located within Cheltenham's Central Conservation Area. The local planning authority has a statutory duty to pay special attention to preserve or enhance the character or appearance of the Conservation Area pursuant to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. JCS policy SD8 and the NPPF also seek to ensure that development within Conservation Areas is appropriate.
- 6.10** While Cheltenham market 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 considered to be acceptable. The same applies for the dwelling at 252 Bath Road; it dates from the 1930s but is considered not to be architecturally or historically significant. Its white pebble dash render walls, upvc windows and bradstone extension to the front detract from the character and appearance of the Conservation Area. Therefore no objection is raised to the loss of this building either.
- 6.11** Concerns have been raised by the design of the proposed building stating it does not assimilate with the semi-detached dwellings that characterise Langdon Road. Some have stated the proposal should be more akin to the development at the opposite end of Langdon Road where at the intersection with Fairfield Parade three dwellings were recently built in a similar style to surrounding dwellings.
- 6.12** On a smaller site like this, a simple repetition of the existing architectural style was considered to be the correct approach as a pastiche development is sometimes a good way of safely preserving the character and appearance of the Conservation Area. However, the application site intersects with Bath Road which is much more retail-orientated and the character is therefore very different. A pastiche development in this situation on a much larger site is considered to be a poor way of utilising the space and it would represent a missed opportunity to enhance the character and appearance of the Conservation Area.
- 6.13** It is common for buildings on corner plots to have an additional storey compared to the buildings on the streets lead off from it as it helps to provide a focal point for the street and create a sense of place. This can be seen at 184 Bath Road (intersecting with Exmouth Street) which is a three-storey building containing a family-run bakery called Parson's on the ground floor with two residential storeys above. The same can be seen at 150-156 Bath Road (intersecting with Clare Street) which is the location of the Natural Grocery Store.
- 6.14** The Conservation Officer has stated "*The proposed building is considered to have a scale and massing that is in keeping with its context but with contemporary detailing, allowing the building to read as a 21st century addition to the streetscape.*" The use of red brick takes reference from the dwellings on Langdon Road but the design of the building has deliberately not made an attempt to copy these buildings which are very much of their time and different in their function compared to the proposed mixed use development.
- 6.15** The proposed building has an additional storey compared to the two-storey dwellings on Langdon Road but the overall height of the building is only marginally greater than the surrounding dwellings. Also the uppermost storey is recessed back from the edge of the building to further reduce its overall scale and massing which is welcomed.
- 6.16** The building has also been recessed on its south-west corner to accommodate the nearby lime tree and utilise it as a feature of the development, which is preferable to the existing situation where the canopy of the tree overhangs the existing building. This is another improvement compared to the previously refused application which featured a sweeping curve on its south-west corner which would have been mostly obscured by the tree.
- 6.17** The proposal now features a double-height glazed section providing light into the ground floor commercial unit and allowing views out onto the tree and a sitting out area

underneath its canopy. It is considered that this would make a positive contribution to the character and appearance of the Conservation Area and the way in which it is experienced.

- 6.18** The proposal involves an interesting use of contemporary materials such as aluminium window frames and metal cladding for the second storey section, while using red brick to pick up on the brick used for the construction of the dwellings on Langdon Road.
- 6.19** The design of the building is considered to be acceptable in terms of its size, scale, materials and overall design approach. The development would make good use of a corner plot in a prominent part of the Conservation Area, ultimately enhancing the character and appearance of this area. For these reasons, it is considered that the proposal is in accordance with the guidance advocating good design and development within Conservation Areas including JCS policies SD4 and SD8 and the NPPF.

Highway Safety and Parking

- 6.20** Concerns have been raised by local residents about highway safety and parking issues in relation to the proposed development. The Local Highway Authority (LHA), Gloucestershire County Council, has assessed the application and found no reason to object on these grounds.
- 6.21** The LHA have reported that no accidents have been recorded on Langdon Road in the past five years and there is no inherent highway safety concern in terms of the level of on-street parking, the proposed vehicular access / visibility splay for the development or the design of the local highway network in general.
- 6.22** Langdon Road was constructed over 100 years ago and it was therefore not designed with the motor car in mind. A small number of property owners on Langdon Road have managed to create driveways in spaces immediately in front of their property for small vehicles, however most rely on leaving their cars parked on the road. Living on Langdon Road and owning a private car without a private parking space is an individual *caveat emptor* (let the buyer be aware) decision. The LHA reiterate that it is not for this development to ameliorate any existing struggles residents may have with regard to parking their cars that inevitably come with living on a street that was constructed in the late Victorian period without future proofing for cars.
- 6.23** Some residents have lamented the lack of parking to be provided for the residents of the proposed flats, with a ratio of one space per dwelling. It is acknowledged that some households have two or more cars each in the 21st century, however once again future residents of the proposed flats would be in full knowledge that any additional cars they own would have to be parked on the public highway, which is always subject to availability. The fact that existing Langdon Road residents would have lived in the locality longer does not entitle them to a parking space on a public highway which can be used by all road users.
- 6.24** The proposed provision of one parking space per dwelling is superior to the off-street parking provision on Langdon Road as it exists today which, for the most part, is zero spaces per dwelling. The site is located in a sustainable part of Cheltenham that is within walking and cycling distances to a wide range of services and amenities on Bath Road and the town centre. The site is also well served by public transport. In this situation one parking space per dwelling considered to be adequate.
- 6.25** Some residents of Langdon Road have raised concerns that the dropped kerb required to create the vehicular access into the site would result in less on-street parking spaces. The access would take up approximately two car lengths of on-street parking space so while there is truth in these concerns, it is important to reiterate that Langdon Road is not a car park and it does not have any designated residents' parking areas, it is simply a road

where traffic should ideally move through the space. It is considered the creation of a dropped kerb would not cause a severe cumulative impact on the local highway network.

- 6.26** There is local concern that traffic levels would increase as a result of the proposed A1/A3 commercial unit. The existing retail unit presumably generates vehicular traffic from customers visiting the site. It is acknowledged that the proposed A1/A3 would be approximately 50m² greater compared to the existing retail unit, however it is considered this modest increase in floor area would not materially increase vehicular traffic, even if the business that occupied the unit was particularly successful. There are public car parks within the vicinity of the site at the Norwood Arms and at Bath Terrace for future customers to utilise.
- 6.27** Taking the above issues into account and the considering the LHA assessment of the proposal, it is deemed the development would not cause a severe cumulative impact on the local highway network. Consequently the proposal is judged to be acceptable pursuant to the relevant guidance found within JCS policy INF1 and the NPPF.

Impact on Living Conditions

- 6.28** Policies CP4 of the Local Plan, SD14 of the JCS and the NPPF seek to ensure that new developments do not have an unacceptable impact upon the living conditions of neighbouring residents. It is considered that due to the size, orientation and scale of the proposed building there are three main neighbouring properties that would be most affected by the development. These properties are 2 Langdon Road, 2 Leckhampton Road and 250 Bath Road.
- 6.29** The east elevation of the proposed building would be parallel with the side elevation of 2 Langdon Road in close proximity to the common boundary between the two properties. The side elevation of 2 Langdon Road is blank with no windows overlooking the application site, although it does have a first floor window on its rear (north) facing elevation. The ground floor rear window has recently been covered by a single storey extension which has infilled the space between the original rear elevation and a projecting two-storey wing of the building that has been built symmetrically over the common boundary with the attached neighbouring dwelling 4 Langdon Road.
- 6.30** The extensions at 2 Langdon Road also include a first floor rear extension with a new window on the rear elevation. The single storey extension would have a full width bi-fold door and rooflights along the length of its lean-to roof.
- 6.31** The north-east corner of the proposed building would end at approximately the mid-point of the single storey infill extension at 2 Langdon Road so part of the structure would be visible from the extended ground floor area through the rooflights above. However, the east elevation of the proposed building would not contain any windows to look down on the occupants of 2 Langdon Road and unacceptable light restriction would not result from the development in this particular situation because the rooflights are only secondary windows to the bi-fold doors to the rear which would provide the sufficient levels of light into this habitable room.
- 6.32** 2 Langdon Road and many of the dwellings in this street benefit from rear gardens approximately 20 metres in length. The rear of the proposed building would be visible from rear gardens but it would not overhang these sitting out / private amenity areas so it is considered the development would not have an overbearing impact. The demolition of the dwelling at 252 Bath Road that lies immediately to the north-west of 2 Langdon Road is considered to offset any impact caused by the proposed building which, for the most part, would be situated immediately alongside its neighbour. This is considered to be preferable in terms of respecting the living conditions of others, instead of having a neighbouring dwelling located at an angle with an upper floor side window overlooking neighbouring properties, which is the case with 252 Bath Road.

- 6.33** 2 Leckhampton Road would face the proposed development across Langdon Road. There are a number of windows on the side elevation from which the proposed development would be visible. However this relationship is common in all urban areas, including Langdon Road itself where its semi-detached dwellings directly face each other across the road at a distance of approximately 17 metres.
- 6.34** The side elevation of 2 Leckhampton Road is set slightly further forward in the street compared to the odd numbered dwellings on the southern side of Langdon Road, but even when taking this into account the side-to-front relationship that would exist between 2 Leckhampton Road and the proposed building is still considered to be acceptable in this urban context.
- 6.35** 250 Bath Road (Roots and Fruits) 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.
- 6.36** The end user 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 Council adequate control over these and as such adverse impacts upon neighbouring properties can be avoided.
- 6.37** Similar café / restaurant uses currently co-exist with residential properties on Bath Road and there is no reason to suggest that controls cannot be put in place to ensure the commercial unit is not harmful to the residents in the flats proposed above or to residents of existing properties. The hours of opening are not known at this stage and it is considered appropriate to restrict them as suggested by the informative below.
- 6.38** Subject to these controls the impact of the proposed development on neighbour amenity is considered to be acceptable when assessed against JCS policy SD14 and the guidance within the NPPF.

Trees and Landscaping

- 6.39** A good quality, healthy lime tree is located at the intersection between Leckhampton Road and Langdon Road. The tree makes a positive contribution to the character and appearance of the area and it is protected due to its location within a Conservation Area pursuant to Section 211 of the Town and Country Planning Act 1990. Therefore, every effort should be made to ensure the health of the tree is not compromised by the development.
- 6.40** As mentioned above, the design of this revised proposal has allowed for the tree to become a focal point by incorporating a sitting out area underneath its canopy and recessing the building back from the street on its south-west corner to allow the tree space to flourish.
- 6.41** The Tree Officer is satisfied with the arboricultural strategy proposed with the application which would be controlled by conditions. This would ensure the tree remains healthy in accordance with Local Plan policies GE5 and GE6. Given the urban context of the site, the opportunities for further landscaping treatment are considered to be limited.

Other considerations

Flooding and Drainage

- 6.42** The site is in Flood Zone 1 as identified by the Environment Agency which is the lowest risk category. There are no watercourses near the site that could cause the site to flood.

Surface water and foul water drainage are a matter to be resolved by building regulations in this case.

Biodiversity

- 6.43** The site is devoid of natural features and as such there is limited potential for wildlife. The existing buildings on the site have not been identified as habitats for protected species.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The proposed development would create 8 dwellings in a sustainable location which would make a modest contribution to the overall supply of housing in a time when Cheltenham is unable to demonstrate a five-year supply of housing land. The proposal would also provide additional commercial floor space 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 local and national planning policies and they would 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 respecting living conditions of neighbouring residents, also having regard to concerns of Members that refused the previous application. Any concerns which may remain need to be balanced against the positive aspects of the scheme as is outlined above.
- 7.3** Given that it has been concluded that the design is acceptable, it is considered that there are no 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

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 planning permission hereby granted 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 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 29m distant to the right towards Leckhampton Road and 54m to the left towards Langdon Road (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 avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

- 4 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 avoid an unacceptable impact on highway safety 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 the National Planning Policy Framework.

- 5 The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan drawing no. PL004 B and those facilities shall be maintained for the duration of the development.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

- 6 The development hereby permitted shall not be occupied until the car parking associated with the development has been provided in accordance with the submitted plan drawing no. PL004 B, and shall be maintained available for that purpose thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

- 7 Prior to the occupation of the buildings hereby permitted, the proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

- 8 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 Local Planning Authority.

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.

9 Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

10 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.

11 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.

12 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.

13 No underground services are to be situated within the extended Root Protection Area as described in approved drawing Tree King Consulting Report Drawing no 38.39.02A Rev B Nov 2018 unless otherwise agreed by the Local Planning Authority. Any such works shall be carried out in accordance with the National Joint Utilities Group; Volume 4 (2007) (or any standard that reproduces or replaces this standard).

Reason: In the interests of the visual amenity in accordance with Local Plan Policy GE 6-Development which would cause permanent damage to trees of high value will not be permitted.

14 Prior to commencement of any work on site (including demolition) updated tree pit details will be submitted and agreed to Cheltenham Borough Council which will including the introduction of top soil (to BS3882)2015 into the tree planting pits, underground irrigation tubes, and surface mulch, to ensure prompt establishment and growth.

Reason: To preserve the visual amenities of the locality in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 15 50mm of sharp sand is to be laid over any exposed roots within the extended Root Protection Area as described in Tree King Consulting Report Drawing no 38.39.02A Rev B Nov 2018.

Reason: In the interests of the visual amenity in accordance with Local Plan Policy GE6 development which would cause permanent damage to trees of high value will not be permitted.

- 16 No external facing or roofing materials shall be applied unless in accordance with a written specification of the materials and physical samples of the materials. The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to saved policy CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 17 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority: balustrades, shopfront, pedestrian entrance on the west elevation, vehicular access on the south elevation.

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

- 18 Details of all external windows and doors shall be carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority prior to their installation. Details shall include but not limited to elevations to a scale of 1:10 or similar and sectional details to a scale of 1:2 or similar, materials and their finish, positioning of the windows of door within their openings. The external windows and doors shall be retained in accordance with the approved details at all times.

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

- 19 Unless shown on the approved plans, no satellite dishes, aerials, meter boxes, vents, flues and external lighting shall be affixed to the south and west elevations of the development unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

INFORMATIVES

- 1 The Council's 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.