

APPLICATION NO: 18/01973/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 2nd October 2018		DATE OF EXPIRY: 1st January 2019
DATE VALIDATED: 2nd October 2018		DATE OF SITE VISIT: 9th October 2018
WARD: St Pauls		PARISH: n/a
APPLICANT:	Marcus Homes	
AGENT:	Stanley Partnership Architects	
LOCATION:	Dowty House Residential Home, St Margaret's Road, Cheltenham	
PROPOSAL:	Conversion and extension of building to create 28no. apartments (5no. one bed and 23no. two bed) following demolition of existing rear extensions	

RECOMMENDATION: Permit



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1. DESCRIPTION OF PROPOSAL

- 1.1 This application proposes the conversion and extension of Dowty House, a vacant former care home, to create 28no. apartments (5no. one bed and 23no. two bed) following the demolition of an existing 1960's rear addition.
- 1.2 The site located on the northern side of St. Margaret's Road, at the junction with Monson Avenue, within the Principal Urban Area (PUA), and the Old Town Character Area of Central Conservation Area.
- 1.3 The application has been accompanied by the following supporting documents:
 - Planning Statement
 - Heritage Statement
 - Transport Statement
 - Design and Access Statement
 - Tree Report
 - Financial Viability Assessment
- 1.4 The application is before planning committee at the request of Councillor Hobley due to the level of concern amongst local residents. On initial review, the application was also objected to by the Architects Panel.
- 1.5 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Core Commercial Area
Local Listing
Residents Association
Smoke Control Order

Relevant Planning History:

None of any particular relevance to this application

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 7 Design
BE 4 Timing of demolition in conservation areas
BE 5 Boundary enclosures in conservation areas
BE 11 Buildings of local importance
GE 5 Protection and replacement of trees
GE 6 Trees and development

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements
SD8 Historic Environment
SD10 Residential Development
SD11 Housing Mix and Standards
SD12 Affordable Housing
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Old Town Character Area and Management Plan (Feb 2007)

National Guidance

National Planning Policy Framework

4. CONSULTATION RESPONSES

Cheltenham Civic Society

15th October 2018

The Planning Forum would have appreciated a presentation on a scheme of this importance in a prominent location. A model or a number of 3D simulations are essential when examining a scheme of this importance.

The relationship to the existing locally listed building needs to have a visual break. This could be stunningly modern as a contrast to the Victorian Gothic of the former orphanage. Unnecessary references to the Victorian gables are misplaced.

The Planning Forum believe that this firm is capable of a far more imaginative scheme which would make the most of this prominent site.

We have concerns as to whether the planned parking provision and waste provision are sufficient. The location of the cycle storage seems to be poorly thought out.

26th November 2018

Additional comment: The forum is concerned that the submitted proposal appears to completely obscure the east façade of the existing Dowty House.

Architects Panel

19th October 2018

Design Concept

The scheme was presented to the panel by architect Bevis Stanley, Stanley Partnership, planning consultant, Mark Godson, SF Planning, and the applicant, Marcus Hawtin, Marcus Homes, with reference to plans, elevations and a selection of 3D model views of the proposed scheme. The Design and Access Statement was not presented.

The panel had no objection to the principle of the development; the demolition of the existing unsightly rear extensions to Dowty House and conversion and extensions to provide two bed and single bed apartments on this site is considered an entirely appropriate design brief.

The site plan looked convincing and well laid out but the panel had major misgivings over how the scheme was developed in three dimensions and generally felt the chosen

architectural language was incompatible with Dowty House; a distinctive building though not listed, is of special architectural interest and considered a heritage asset.

Design Detail

The panel did not agree with the overall design approach; the pitch of the roofs, the choice of materials, feature details, or the massing and juxtaposition of the new building next to the existing house. Design decisions appear to be driven by an attempt to cram as many apartments as possible on the site resulting in a bulky composition of disparate and incompatible building elements.

The panel questioned the need to build against Dowty House at all given the level changes and different construction details. Restoring defaced façades of Dowty House and keeping the new buildings quite separate might be a more appropriate design approach.

The panel would have liked to have seen the scheme in context with adjoining buildings down St. Margaret's Road, Monson Terrace and Northfield Passage. 3D model views did not include views along St Margaret's Road or adjacent to the approved North Place development.

Recommendation

Not supported.

Heritage and Conservation

5th December 2018

It is one of the core principles of the National Planning Policy Framework 2018 (NPPF) that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16, paragraph 192 of the NPPF requires local planning authority to identify and assess the particular significance of any heritage asset... taking into account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 193 of the NPPF states, "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Paragraphs 193-196 set out the framework for decision making in applications relating to heritage assets and this assessment takes account of the relevant considerations in these paragraphs.

Dowty House is an attractive red brick and stone Victorian Gothic style building with a landmark qualities located at the junction of St. Margaret's Road and Monson Avenue. Notably it is locally indexed and located within the Central Conservation Area: Old Town Character Area. The Central Conservation Area: Old Town Character Area Appraisal and Management Plan (adopted February 2007) identify it as making a positive contribution to the conservation area. Historically it was built as an orphanage, with a large modern extension added to the rear. The building is currently vacant. The proposed works are for demolition of the large modern extension to the rear, conversion and extension of Dowty House to provide 28 apartments.

Notably the submitted supporting document within the application identifies Dowty House as a non-designated heritage asset. It should be noted Dowty House is a positive building within the Central Conservation Area and by virtue of this forms part of a designated heritage asset.

Concern is raised over the proposed scale and massing of the development which appears overly bulky in terms of its width and height within its immediate context, most notably Dowty House itself and the terraces houses on Monson Avenue. The proposed scale and massing is of an extent it is considered overdevelopment of the site. It is also considered to relate poorly to Dowty House, crowding its setting and creating an overbearing relationship, detracting from its visual appearance.

The proposal is therefore considered to neither sustain nor enhance the affected heritage assets as required by paragraph 192 of the NPPF. It should be noted a number of attempts have been made to negotiate amendments to the proposal to overcome these issues. However, the submitted amended schemes have failed to adequately address these concerns. It is therefore considered the proposed works would cause less than sustain harm to a locally indexed building and this part of the Central Conservation Area: Old Town Character Area. Paragraph 194 of the NPPF states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification." Paragraph 196 of the NPPF states, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

The supporting information within the application does not specifically recognise it would cause less than substantial harm to the heritage asset and does not make a public benefit argument. The proposal is therefore considered to lack a clear and convincing justification, as required by paragraph 196 of the NPPF. This will need to be included within any reasons for refusal. Notwithstanding the lack of submitted information within the application, it is useful to draw out what the public benefits of the proposal could be. The main public benefits are considered to be; the removal of an incongruous modern extension from the rear of Dowty house, the re-use of brownfield land and the provision of 28 apartments within a sustainable location boosting housing supply in an area without an identified housing land supply. It is not considered these issues outweigh the great weight that needs to be given to the conservation of heritage assets required by Paragraph 193 of the NPPF as alternative, more sensitive schemes for the site have not been properly explored. It should be noted the advice on the weight given to the public benefits of the proposal is the considered opinion of the conservation officer only. It will be necessary for the planning officer to carry out the exercise required by paragraph 196 of the NPPF separately.

GCC Highways Development Management

24th October 2018

I refer to the above planning application received on the 9th October 2018 with Plan Nos: 1418(SK)037, 1418(SK)036, 1418, CTP-18-507, SP01, SK01, Parking Survey Data (Appendix C) and further supporting information.

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

Visibility

The vehicular accesses 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 43m distant in both directions (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 0.6m 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.

Parking & Turning/ Internal Layout

The buildings hereby permitted shall not be occupied until the internal layout, vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. 1418(SK)037, 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

Fire Hydrant

No above ground works shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 110 of the National Planning Policy Framework.

Note: The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

Estate Road Maintenance

Prior to occupation of the proposed development hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 127 of the Framework.

Note: The applicant is advised that to discharge the above condition that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Electric Charging Points

Prior to the occupation of the building(s) 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 facilities for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

Cycle Storage

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 1418(SK)037 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.

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.

29th October 2018

Additional comment:

Based on the submitted information (Transport Statement) the LHA are satisfied that within a 200m radius that the vehicles could park on-street, given the site's town centre location and the short distances to the local services and amenities via excellent sustainable infrastructure the LHA could not raise an objection solely based on displaced parking from the development.

Tree Officer

31st October 2018

The CBC Tree Section does not object to the proposed development on condition that agreement can be reached with Gloucestershire Highways regarding the removal of T4-(as described within MHP Arboriculture Tree Report of 2.10.18)

This report suggested that commuted sums of £36,000-£54,000 should be donated to CBC along with specific ring fencing to ensure this sum is for the provision of tree planting within the local area. However in that there is a lack of street trees in this area and that it is a mature street tree which is proposed to be removed, a separate agreement between GH and the developer should be reached with a view to this commuted sum. Whilst there are nearby Clarence and Wellington Squares, there is a less urgent need for new tree establishment in these parks as compared to street tree planting along the adopted highway within a 500M radius of this site. Previous on-site and post meeting discussions between the site arboriculturist and CBC and GH Trees Officers agreed a CAVAT (Capital Asset Value of Amenity Tree) value on T4 as £57,331 and as such provision for such should be made between GH and Marcus Homes for such local tree planting sums to be commuted.

If such an agreement cannot be reached, it would not be possible to build this proposal without serious damage to the roots of and the rooting area of this tree. The footprint of the proposal is well within the Root Protection Area of this tree. Similarly, given the nature of this mature lime tree, future occupants of the proposed dwellings would be likely to put significant pressure on the Highway authority to inappropriately prune or remove the tree as a result of honey-dew from the crown as well as other tree related debris/litter which would likely be causing nuisance to householders. Exercising the common law right to prune those parts of the canopy which are over the property boundary would unbalance the crown and seriously reduce the visual amenity of the tree.

Assuming the above agreement can be reached, the CBC Tree Section does not object to this application. Along with increased local Highway tree planting, there is a proposal to plant suitable new tree species within the site as well as protecting significant existing trees facing St Margarets Road. Similarly, provision is made for the protection of ground where new trees are to be planted to the front. It would be welcome if other ground to the north east corner where the dawn redwood is to be planted could also be protected during demolition and construction.

The submission of tree pit details could be left to a pre-commencement planning condition.

The foundation type of the proposed new build should take account of existing soil types and future tree root water extraction.

Gutter covers should be attached to all drains so as to reduce the nuisance experienced by any future occupants.

Social Housing

29th October 2018

Level of Affordable Housing Provision

The Joint Core Strategy Policy (SD12) states that 'on sites of 11 dwellings or more, or sites with a maximum combined gross floor space of greater than 1000 sqm; a minimum of 40% affordable housing will be sought with the borough of Cheltenham'

This application will comprise of 28 residential units, however due to the Vacant Building Credit being applied the affordable housing contribution has been reduced to 6 units

The latest SHMA that has been commissioned also requires a mix of 75:25 rented to intermediate housing.

Dwelling Mix

Having regard to local needs and a mix of 75:25 rented to intermediate housing, we would seek the following mix of affordable dwellings on a policy compliant site:

40%	Social Rented	Intermediate (Shared Ownership)	Total	%
1 Bedroom 2P Flat	4	0	4	67 %
2 Bedroom 4P Flat	0	2	2	33 %
Total	4	6	6	100 %

Viability

The Joint Core Strategy states that where there is an issue relating to the viability of development that impacts on delivery of the full affordable housing requirement, developers should consider:

- Varying the housing mix and design of the scheme in order to reduce costs whilst having regard to the requirements of other policies in the plan, particularly Policy SD4, and the objective of creating a balanced housing market.
- Securing public subsidy or other commuted sums to assist delivery of affordable housing

If a development cannot deliver the full affordable housing requirement, a viability assessment conforming to an agreed methodology, in accordance with Policy INF6 will be required. Viability assessments will be published in full prior to determination for all non-policy compliant schemes except in exceptional circumstances when it can be proven that publication of certain specific information would harm the commercial confidentiality of the developer to no public benefit. Where necessary CBC will then arrange for them to be independently appraised at the expense of the applicant.

The council considers that information submitted as a part of, and in support of a viability assessment should be treated transparently and be available for wider scrutiny. In submitting information, applicants should do so in the knowledge that this will be made publicly available alongside other application documents.

The council will allow for exceptions to this in very limited circumstances and only in the event that there is a convincing case that disclosure of an element of a viability assessment would cause harm to the public interest to an extent that is not outweighed by the benefits of disclosure. Given the significant benefits associated with the availability of information to the public as part of the decision making process, and the other factors identified above, the councils anticipate that there would be very few exceptions.

If an applicant wishes to make a case for an exceptional circumstance in relation to an element of their assessment, they should provide a full justification as to the extent to which disclosure of a specific piece of information would cause an 'adverse effect' and harm to the public interest that is not outweighed by the benefits of disclosure. The council will consider this carefully, with reference to the 'adverse effect' and overriding 'public interest' tests in the EIR, as well as the specific circumstances of the case.

The viability of a site may enable additional levels of affordable housing to be delivered above the requirements set out in the Joint core Strategy. In this case the authority will negotiate with developers to find an appropriate balance to deliver affordable housing and infrastructure needs.

Dwelling Mix/Tenure

The 75:25 split between the affordable housing (social rent) and intermediate housing is required on this site for the affordable housing provision. The intermediate housing should be shared ownership and we have proposed this as a mix of dwelling types as this best meets local needs.

On the 26th June 2018 as part of the drive to build the 23,000 new affordable homes that communities need, the government announced a Social Housing Investment boost to include at least 12,500 social rented homes in high cost areas. As Cheltenham has been identified as an area of high affordability pressure (this is defined as an area where there is a difference of more than £50 or more per week between average private rented sector rents and social sector rents) we are therefore requesting social rented properties to be built on this site.

Where possible the affordable housing should be provided on-site and should be seamlessly integrated and distributed throughout the development scheme.

The design of affordable housing should meet required standards and be equal to that of market housing in terms of appearance, build quality and materials.

Service Charges

Any service charges on the affordable dwellings should be eligible for Housing Benefit.

Service charges should be kept minimal this can be achieved through the design and we would be happy to refer you to RP's for further input if necessary.

Shared Ownership

The intermediate housing should be shared ownership and we would expect that the shared ownership units will be let at a level that is affordable, having regard to local incomes and house prices.

Provision should be made, where possible to ensure that housing will remain at an affordable price for future eligible households, or that subsidy will be recycled for alternative housing provision in accordance with the NPPF affordable housing definition.

Car Parking

Parking provision for affordable homes will be expected to be made available on the same basis as that provided for market dwellings.

Affordable Housing Standards

We would expect all the affordable housing to meet minimum gross internal floor area size measurements, space, design and quality standards as described by Homes England.

Amendments to M4 (1), M4 (2) and M4 (3) of schedule 1 to the Building Regulations 2010 took effect on the 1st October 2015 therefore we would seek the following:

All general needs accommodation should be designed to meet the 2015 amendments of M4 (1) Building Regulations 2010.

All ground floor flats or a proportion of dwellings (to be agreed) should be designed to meet the 2015 amendments of M4 (2) Building Regulations 2010.

Any wheelchair user dwellings would be required to be designed to meet the 2015 amendments of M4 (3) Building Regulations. As the gross internal areas in this standard will not be adequate for wheelchair housing, additional internal areas would be required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

There is no longer a requirement for a specific level of code for sustainable homes standard to be achieved to meet Homes England standards for new affordable homes. This is therefore to be negotiated with the developer.

Full Planning Application

On submission of a full planning/revised application we would require an Affordable Housing Plan as part of the application, detailing the location of both the market and affordable homes in terms of their type and size as well as highlighting parking spaces and the dwellings they serve.

Registered Providers

All affordable housing should be provided by a Registered Provider who will be expected to enter into a nominations agreement with the Local Authority, providing 100% nominations on first letting/sale and 75% of all subsequent lettings thereafter and will be marketed by

Help to Buy South. This will assist the Local Authority in meeting its statutory housing duties under the Housing and Homelessness legislation.

A list of Registered Providers managing accommodation in Cheltenham can be made available if needed.

Joint Waste Team

12th October 2018

The entrance to this site is off of Monson Avenue right opposite the entrance/exit to the multi-storey car park. There is no loading bay from my understanding and so the waste collection vehicles would cause considerable inconvenience to motorists if they were expected to park on street and then go and fetch the receptacles from the bin storage area. There are also traffic lights on that road which would further exacerbate the problem.

The gateway would have to therefore be wide enough to allow a collection vehicle to reverse into it and then make the collection. Access would also be required between 07:00 & 17:00 every day including Saturdays to cover work following a bank holiday.

Gloucestershire Centre for Environmental Records

25th October 2018

Biodiversity Report received.

Severn Trent Water Ltd

23rd October 2018

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Environmental Health

2nd November 2018

Cheltenham has a Borough wide AQMA however the A4019 has some of the largest exceedances of the National Air Quality Objectives in the borough (2 Gloucester Road, 422 High Street and New Rutland) as advised in CBC's 2018 Annual Status Report. There is also an automatic analyser and 3 diffusion tubes placed on the corner of St Georges Street (approx. 200m from the development site) however it is worth pointing out that the National Air Quality Objective for NO₂ is not in exceedance at this location although remains very close. As such given that this proposed development is to be located in an area where there is the potential for the National Air Quality Objective for NO₂ to be exceeded it is my opinion that an Air Quality assessment be undertaken in the interest of protecting future residents.

In addition to air quality this development is also likely to be affected by noise from traffic utilising the A4019 and neighbouring NCP car park and as such a noise assessment is required to ensure that façade elements of the building ensure adequate protection to future occupants. The noise assessment is also to take into account noise from revellers at The Brewery Quarter which is located opposite the development site.

I would look to recommend approval to this application subject to the following conditions being attached to any approved permission.

- During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 08:00hrs -18:00hrs, Saturday 08.00hrs - 13:00hrs nor at any time on Sundays, Bank or Public Holidays.
- No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - parking of vehicle of site operatives and visitors
 - method of prevention of mud being carried onto highway
 - waste and material storage
 - Control measures for dust and other air-borne pollutants
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- No development shall take place until:
 - A proposal for an air quality assessment has been submitted to and approved by Cheltenham Borough Council Environmental Health.
 - If the assessment indicates that air quality is likely to affect this proposed residential development then a detailed scheme for protecting the future residential occupiers of the building from the effects of [nitrogen dioxide/airborne particulate matter] arising from road traffic shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the occupation of the building hereby approved, and thereafter maintained for the lifetime of the development.
- No development shall take place until an assessment on the potential for noise affecting this proposed residential development has been submitted to and been approved in writing by the Local Planning Authority. The assessment shall consider noise from road traffic and the commercial Brewery Quarter development across St Margret's Road.

If the assessment indicates that noise is likely to affect this proposed residential development then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that the following criteria are met:

- Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events should not normally exceed 45 dB L_{Amax,F} by more than 15 times)
- Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq
- Gardens and terraces (daytime) 55 dB LAeq

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer (member of the institute of acoustics) and shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 24 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the publicity, 22 representations have been received in objection to the proposed development.
- 5.2 All of the representations have been circulated in full to Members but, in brief, the main concerns relate to:
- Overdevelopment of the site
 - Inadequate levels of on-site car parking
 - Heights of buildings and impact on light levels to neighbouring properties in Monson Avenue and Northfield Passage
 - Additional noise and disturbance
 - Loss of privacy
 - Loss of light caused by proposed tree in north-east corner of site
 - Design

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application for planning permission relate to the principle of developing this site for housing; design and impact on the historic environment; impact on neighbouring amenity; parking and highway safety; trees and landscaping; and affordable housing and other planning obligations.

6.2 The site and its context

6.2.1 The application site is located on the northern side of St Margarets Road at the junction with Monson Avenue, within the Old Town Character Area of the Central Conservation Area.

6.2.2 The site is 0.2 hectares, and is occupied by Dowty House, a vacant former care home. The Old Town Character Appraisal identifies the building as a key unlisted building within the area because:

- Built between 1865-6, the building was originally constructed as an orphanage for boys, providing local interest;
- It is designed in Gothic style of architecture with lancet windows and a high-pitched roof. The bell-tower is also an interesting feature. It includes details and building materials typical of Cheltenham's mid/late 19th century educational buildings;
- Its size and positioning makes it a landmark building which contributes to the character and appearance of this area;
- It provides an historical anchor in an area that is presently under-going regeneration.

6.2.3 The external space within the site is largely hardsurfaced with vehicular access provided from Monson Avenue.

6.2.4 The site is bound by Northfield Passage to the north with residential properties on Monson Avenue beyond; and North Place car park to the east. Opposite the site to the west, is the multi-storey NCP car park, whilst The Brewery Quarter sits to the south on the opposite side of St Margarets Road. There are a number of grade II and II* listed buildings in the vicinity of the site.

6.3 Principle

6.3.1 Planning law requires that applications for planning permission must be determined in accordance with the development unless material considerations indicate otherwise.

6.3.2 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out a "*presumption in favour of sustainable development*" which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay.

6.3.3 Where housing policies are out-of-date (including situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal; as it stands, the Council is currently unable to demonstrate such a five year supply.

6.3.4 Additionally, adopted JCS policy SD10 (residential development) advises that in Cheltenham housing development will be permitted on previously developed land within the Principal Urban Area (PUA). As previously noted, this site is wholly located within the built up area of Cheltenham in a highly sustainable location, and the site is not the subject of any other designation that would rule out residential re-development in principle.

6.3.5 Therefore there is no fundamental reason to suggest that the general principle of developing this site for housing would be unacceptable subject to number of material considerations set out below.

6.4 Design and layout

6.4.1 Adopted JCS policies SD3 and SD4 set out the design requirements for new development proposals. These policies seek to ensure that development proposals are designed and constructed so as to maximise the principles of sustainability, and to ensure that all new development responds positively to, and respects the character of, the site and its surroundings. The policies are consistent with saved local plan policy CP7 and advice set out within Section 7 of the NPPF.

6.4.2 Paragraph 127 of the NPPF requires decisions to ensure that new developments “*will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to...the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible*”.

6.4.3 The Architects Panel in reviewing the original submission raised no objection to the principle of the development or the demolition of the existing unsightly rear extensions to Dowty House; and considered the conversion and extensions to provide two bed and single bed apartments to be an entirely appropriate design brief. However, the panel “*did not agree with the overall design approach; the pitch of the roofs, the choice of materials, feature details, or the massing and juxtaposition of the new building next to the existing house*”. The Civic Society also suggested that a visual break was needed between the existing building and the new development, and that “*Unnecessary references to the Victorian gables are misplaced*”. Additionally officers raised similar concerns in relation to the link to the existing building, the varying eaves heights and roof pitches, and the cluttered elevations, together with concerns over the height of the new build.

6.4.4 The proposed scheme has therefore been amended during the course of the application in an attempt to address the main concerns raised by officers, the Architects Panel and Civic Society. Most notably, the building to the rear is now detached from Dowty House; the palette of external materials has been simplified; and the elevations have been streamlined. Additionally, a consistent roof pitch is proposed throughout.

6.4.5 The overall height of the building is consistent in height with Dowty House. The building is contemporary in its appearance, faced in charcoal colour brick and vertical standing seam zinc, to provide a contrast to the existing building, whilst coloured metal balconies would pick up on the red brick; additionally standing seam roofs are proposed in contrast to the slate roof of Dowty House. A modest, flat roofed extension to the east elevation of Dowty House would be similarly finished. A sample panel of the proposed brickwork will be available on planning view.

6.4.6 It is noted that the Architects Panel have questioned the design approach, that others may have adopted an alternative design approach, and the design may not be to everyone’s taste; however, officers are satisfied that, subject to a high quality finish to the building, the design is one which can be supported.

6.4.7 With regard to scale and massing, whilst the Conservation Officer’s comments have been duly noted, it is important to take account of surrounding developments that have quite recently taken place within the vicinity of the site, namely the NCP car park; The Brewery Quarter; and Pate Court, which was allowed on appeal. Additionally, it is also important to acknowledge the scale and massing of the development approved on the adjacent North Place car park site, in close proximity to the rear the nearby grade II* listed St Margaret’s Terrace, which, whilst not implemented, was deemed to be appropriate to its context.

6.4.8 In this respect, the recent appeal decision on the nearby Pate Court site, which the Inspector allowed despite a strong objection from the Local Planning Authority, is quite pertinent; part of the LPA’s reason for refusal having read:

As proposed, the building by virtue of its height, scale and massing represents an unacceptable overdevelopment that fails to adequately respond to its context. Architecturally uninspiring, the proposal provides for a monotonous and unrelieved mass and bulk that would be an incongruous addition to the locality.

6.4.9 It should also be remembered that throughout the NPPF emphasis is given to new development optimising the potential of the site; JCS policy SD10 also requires new residential development proposals to achieve maximum densities, whilst retaining the character and quality of the local environment.

6.4.10 The proposed development would also provide for limited car parking located on the rear portion of the site adjacent to Northfield Passage, with two additional undercroft parking spaces proposed; together with adequate refuse and recycling storage, cycle storage, and landscaping throughout.

6.5 Impact on the Historic Environment

6.5.1 JCS plan SD8 requires both designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and is consistent with paragraph 192 of the NPPF that advises that in determining planning applications, local planning authorities should take into account:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

6.5.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.5.3 The Conservation Officer suggests that the Heritage Statement submitted with the application incorrectly identifies Dowty House as a non-designated heritage asset, advising that it is a designated heritage asset due to its position within the conservation area; however, the Glossary at Annex 2 of the NPPF makes a clear distinction between designated heritage assets, and those assets identified by the local planning authority (including local listing). As such, officers do not agree that Dowty House has been incorrectly identified; it is the conservation area in which the building is located that is the 'designated' heritage asset.

6.5.4 The Conservation Officer has identified that the proposed development would result in 'less than substantial' harm to the conservation area. It is therefore necessary, in accordance with NPPF paragraph 196, to weigh this harm against "*the public benefits of the proposal including, where appropriate, securing its optimum viable use*". In addition, the impact on the significance of Dowty House, as a non-designated heritage asset, must be taken into account, and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the heritage asset.

6.5.5 PPG paragraph 020 (Reference ID: 18a-020-20140306) sets out that public benefits can be "*anything that delivers economic, social or environmental progress*", should "*flow from the proposed development*" and "*be of a nature or scale to be of benefit to the public at large*". However, it also highlights that benefits do not have to be "*accessible to the public in order to be genuine public benefits*". Heritage benefits may include sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage asset; or securing the optimum viable use of a heritage asset.

6.5.6 In this case, from a purely heritage perspective, the public benefits that would arise from the development is limited to the removal of the existing incongruous 1960's extension to the rear; and the future conservation of the non-designated heritage asset, which, in itself, would not outweigh the identified harm to the conservation area. However, there are a number of other public benefits that would arise from this development proposal, and these will be discussed later in this report.

6.6 Amenity

6.6.1 Saved local plan policy CP4 and adopted JCS policy SD14 seek to ensure that new development does not result in unacceptable harm to the amenity of adjoining land users and the locality. That said, NPPF paragraph 123 advises that when considering applications for housing, local planning authorities "*should take a flexible approach to in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living conditions)*".

6.6.2 The development has been carefully considered to respect the amenity of adjacent land users; whilst it is acknowledged that outlook from neighbouring properties would undoubtedly be altered by the development, officers are satisfied that the proposals would not result in any significant overlooking or loss of privacy, outlook or daylight to these neighbouring dwellings.

6.6.3 The upper floor windows in the north elevation which will serve habitable rooms are in excess of 15 metres to the boundary with 16 Monson Avenue, well in excess of the 10.5 metres normally sought. Elsewhere, the upper floor windows to the east facing elevation of the new building, which would be in close proximity to the boundary with North Place car park, would serve landings and hallways; it is therefore not considered unreasonable to attach a condition which requires these windows to be obscurely glazed to safeguard the future development potential of the neighbouring site.

6.7 Parking and highway safety

6.7.1 JCS policy INF1 advises that planning permission will be granted only where the impacts of the development are not severe, and seeks to ensure that all new development proposals provide safe and efficient access to the highway network; and provide connections to existing walking, cycling and passenger transport networks, where appropriate; the policy reflects the advice set out within Section 9 of the NPPF. JCS policy SD4 also highlights the need to prioritise movement by sustainable travel modes.

6.7.2 Vehicular access to the site would continue to be provided from Monson Avenue; with 8no. car parking spaces proposed within the site. It is noted that the low level of parking provision is of concern to local residents but, as members will be aware, there are currently no parking standards throughout Gloucestershire. Although local residents already experience problems with parking in this area, particularly permit parking, this is not unusual in town centre locations such as this. Low levels of parking must be acceptable in highly accessible locations such as this, given the ambition to encourage the use of sustainable modes of transport; covered cycle storage for 28no. cycles is proposed within the site.

6.7.3 An assessment of the development proposals has been undertaken by the County Council as the Local Highway Authority (LHA) whose response can be found in Section 4 above. The response recommends that no highway objection be raised subject to the inclusion of conditions should permission be granted.

6.7.4 Having reviewed the submitted Transport Statement, the LHA are satisfied that, within a 200m radius of the site, vehicles could park on-street; and given "the site's town centre location and the short distances to the local services and amenities via excellent

sustainable infrastructure the LHA could not raise an objection solely based on displaced parking from the development”.

6.7.5 The Joint Waste Team have raised concerns over waste collection, as there is no loading bay, suggesting that the entrance should be wide enough to allow a refuse collection vehicle to reverse into the site; stating that it would “*cause considerable inconvenience to motorists if they were expected to park on street and then go and fetch the receptacles from the bin storage area*”. However, this must be the existing situation, not just in Monson Avenue but in the surrounding streets also. It should be noted that the refuse and recycling store has been located in the most accessible position, just inside the entrance. Additionally, the LHA has raised no concerns in relation to waste collection.

6.8 Affordable housing and other planning obligations

6.8.1 JCS policy SD12 requires the provision of affordable housing in new developments. In Cheltenham, outside of Strategic Allocation sites, a minimum of 40% affordable housing is sought on sites of 11 dwellings or more. Where the development cannot deliver the full affordable housing requirements, the policy sets out that a viability assessment, in accordance with policy INF7 will be required, and where necessary this will be independently appraised at the expense of the applicant.

6.8.2 JCS policy INF7 states that:

Arrangements for direct implementation or financial contributions towards the provision of infrastructure and services required as a consequence of development, including its wider cumulative impact, and provision where appropriate for its maintenance, will be negotiated with developers before the grant of planning permission. Financial contributions will be sought through the S106 and CIL mechanisms as appropriate

6.8.3 In this case, the application proposes 28no. dwellings and therefore policy SD12 is triggered; a policy compliant 40% provision of affordable housing would equate to 11no. affordable units. Additionally, for a development of this nature, contributions to education and libraries may also be required in line with JCS policy INF6.

6.8.4 Notwithstanding the above, vacant building credit (VBC) is applicable on this site. VBC is an incentive for development on brownfield sites that contain vacant buildings that would be brought back into a lawful use, or would be demolished to be replaced by a new building. It offers developers a financial credit equivalent to the existing gross floorspace of the building for the purposes of calculating any affordable housing contribution; affordable housing contributions only being required for any increase in floorspace. The credit does not apply where buildings have been abandoned, i.e. where it has been made vacant for the sole purposes of re-development, which is not case here.

6.8.5 Taking VBC in account, the number of affordable units that could be sought as part of this development is 6 units; this is based on an additional gross floorspace of 1307sqm.

6.8.6 In response to policy SD12, the applicant has submitted a Financial Viability Assessment prepared by Alder King to demonstrate that a full affordable housing requirement cannot be provided. This viability assessment has been independently reviewed by the District Valuer Service (DVS), the specialist property arm of the Valuation Office Agency (VOA) which provides independent valuation and professional property advice to bodies across the public sector. The DVS report concludes that a scheme for 28 flats including 6 affordable units would not be viable, but that an all private scheme of 28 flats would result in a surplus which could be converted to a contribution of £91,113 towards affordable housing within the borough. The applicant has accepted the outcome of the DVS report.

6.8.7 In addition to the above, the redevelopment of the site would require the removal of a mature Lime tree located within the highway outside of the site. The removal of this tree is not objected to by the Trees Officer, or Gloucestershire Highways, subject to securing a commuted sum towards new street tree planting within the local area. The public amenity value of the tree in monetary terms has been calculated using the Capital Asset Value for Amenity Trees (CAVAT) tool; the agreed value has been calculated at £57,331.

6.8.8 The above contributions, £91,113 towards affordable housing and £57,331 towards replacement street tree planting, would be secured through a S106 agreement.

6.8.9 With regard to education and library contributions, the S106 Officer at the County Council has advised that the scheme would create a need for less than one pre-school, primary and secondary school place, and as such, no contributions towards education or school places are required. They have, however, sought a contribution £5,488 towards library facilities; which would go towards “increasing access to the library and services provided (to include increase in opening hours, increase in accessibility and support for digital and IT facilities, increase in information resources and/or the renewal of library stock, furniture or fittings).”

6.8.10 With regard to the above library contribution, although officers recognise the need to invest in the library service, given the viability of the scheme and the desire to secure the maximum contribution towards affordable housing, the library contribution does not form part of the S106 agreement on this occasion.

6.9 Conclusion and recommendation

6.9.1 As previously noted, paragraph 11 of the National Planning Policy Framework (NPPF) sets out a “*presumption in favour of sustainable development*” which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay.

6.9.2 Where housing policies are out-of-date (including situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal; as it stands, the Council is currently unable to demonstrate such a five year supply, this being confirmed in a ‘Joint Core Strategy Review Issues & Options Consultation’ report to Council in October 2018.

6.9.3 It has been identified above that this development would lead to ‘less than substantial’ to the conservation area, a designated heritage asset; it is therefore necessary to carry out a balancing exercise to see if the benefits arising from the scheme would outweigh this harm.

6.9.4 The benefits that could reasonably be attributed to this proposal are:

- An important contribution to the supply of housing within a highly sustainable town centre location, including a contribution towards the provision of affordable housing, which, in light of the current situation whereby the local planning authority cannot demonstrate a five year supply of deliverable housing sites, must be afforded substantial weight.
- The removal of the existing 1960’s extension which is acknowledged by the Conservation Officer as being an incongruous feature – limited weight

- The future conservation of the non-designated heritage asset, Dowty House, which is recognised of being of local historic value – limited weight
- The provision of jobs within the construction industry for the duration of the development, albeit only moderate weight can be afforded given the temporary nature of the development.

6.9.5 With all of the above in mind, officers are of the view that the public benefits of the scheme tip the balance in favour of granting planning permission, and that the less than substantial harm to the conservation area, would not significantly and demonstrably outweigh these benefits.

6.9.6 The recommendation therefore is to grant planning permission subject to a signed S106 agreement to secure the financial contributions towards affordable housing and replacement street tree planting.

7. 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 Prior to the commencement of development, including any works of demolition or site clearance, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement shall be adhered to throughout the development process and shall, where necessary:

- i) specify the type and number of vehicles expected during the construction of the development;
- ii) allocate space for the parking of vehicles for site operatives and visitors;
- iii) allocate space for the loading and unloading of plant and materials;
- iv) allocate space for the storage of plant and materials used in constructing the development;
- v) allocate space for the storage of waste;
- vi) specify the intended hours of construction;
- vii) specify measures to control the emission of noise, dust and other air-borne pollutants;
- viii) provide for wheel washing facilities;
- ix) specify the access points to be used and maintained during the construction phase; and
- x) include measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policies SD14 and INF1 of the Joint Core

Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 4 Prior to the commencement of development, a scheme for an air quality assessment shall be submitted to and approved in writing by the Local Planning Authority. If the assessment indicates that air quality is likely to affect this proposed residential development then a detailed scheme for protecting the future residential occupiers of the building from the effects of nitrogen dioxide/airborne particulate matter arising from road traffic shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to first occupation of the building, and thereafter maintained for the lifetime of the development.

Reason: In the interests of the amenity of future residents, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the use could have an unacceptable impact on future residents.

- 5 Prior to the commencement of development, an assessment on the potential for noise affecting this proposed residential development shall be submitted to and been approved in writing by the Local Planning Authority. The assessment shall consider noise from road traffic and the commercial Brewery Quarter development across St Margarets Road.

If the assessment indicates that noise is likely to affect the development then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The noise mitigation measures shall be designed so that the following criteria are met:

1. Bedrooms (night time - 23.00 to 07.00) 30 dB LAeq (individual noise events should not normally exceed 45 dB L_{Amax}, F by more than 15 times)
2. Living Rooms (daytime - 07.00 to 23.00) 35 dB LAeq
3. Gardens and terraces (daytime) 55 dB LAeq

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer (member of the Institute of Acoustics) and shall take into account the provisions of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

The approved scheme shall be implemented prior to first occupation and be permanently maintained thereafter.

Reason: In the interests of the amenity of future residents, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the use could have an unacceptable impact on future residents.

- 6 Prior to the commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details prior to first occupation of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution, having regard to adopted policies SD14 and INF2 of the Joint Core Strategy (2017). Approval is required upfront as any works on site could have implications for drainage, flood risk and water quality in the locality.

- 7 Prior to the commencement of development (including demolition and site clearance), an Arboricultural Monitoring scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:
- i) person(s) to conduct the monitoring;
 - ii) foundation type of the proposed new build (which should take account of existing soil types and future tree root water extraction);
 - iii) gutters covers (which should be attached to all drains so as to reduce the nuisance experienced by any future occupants);
 - iv) the methodology and programme for reporting; and
 - v) a timetable for inspections.

The works shall not be carried out unless in accordance with the approved details.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 8 Prior to the commencement of any works above ground level, a scheme for the provision of fire hydrants (served by mains water supply) shall be submitted to and agreed in writing by the Local Planning Authority, and no apartment shall be occupied until the hydrant serving that property has been provided in accordance with the agreed scheme.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire, having regard to adopted policy INF6 of the Joint core Strategy (2017), and paragraph 110 of the National Planning Policy Framework.

- 9 Notwithstanding submitted details, no external facing or roofing materials shall be applied unless in accordance with:
- a) a written specification of the materials; and
 - b) physical sample(s) 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).

- 10 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:
1. All windows and external doors (including details of materials, colour, finish, cill, head, reveal, opening mechanism and glazing systems);
 2. Boundary walls/fences and retaining wall structures (including details of materials and samples when requested);
 3. Flues, vents and any other external pipework;
 4. Rainwater goods;
 5. Balustrade/balcony screening and any safety rail guards;
 6. Roof plant/structures, lift overrun and any roof enclosures;
 7. Extraction and ventilation apparatus and equipment; and

8. Fascias and cappings.

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.

- 11 The external facing brickwork and installation of cladding shall not be carried out unless in accordance with sample panels of the brickwork and cladding, of at least one square metre, which shall have first been constructed on site and approved in writing by the Local Planning Authority. The approved sample panels shall thereafter be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

Reason: To ensure that the new brickwork and cladding is sympathetic and appropriate within the conservation area, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and SD8 of the Joint Core Strategy (2017).

- 12 Following demolition of the existing two storey extension to the rear of Dowty House, as illustrated on the approved plans, and once the remaining rear walls of Dowty House are exposed, the rear of Dowty House shall not be finished until elevations and floor plans of the exposed rear part of the building have been submitted to and approved in writing by the Local Planning Authority. The rear of Dowty House shall thereafter be completed in accordance with the agreed details.

Reason: To ensure that the exposed rear elevation is sympathetic and appropriate within the conservation area, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and SD8 of the Joint Core Strategy (2017).

- 13 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 43m distant in both directions (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 0.6m 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, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 and 110 of the National Planning Policy Framework.

- 14 Prior to first occupation of the development, the internal layout, vehicular parking and turning facilities shall be provided in accordance with approved Drawing No. 1418(SK)047, and those facilities shall be maintained available for those purposes thereafter. The 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 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, and to ensure that the development incorporates facilities for charging plug-

in and other ultra-low emission vehicles, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 and 110 of the National Planning Policy Framework.

- 15 Prior to first occupation of the development, secure cycle storage facilities for 28no. cycles shall be provided in accordance with approved Drawing No. 1418(SK)047, and those facilities shall be maintained available for those purposes thereafter.

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, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and paragraph 108 of the National Planning Policy Framework.

- 16 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority, and the storage facilities shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 17 Prior to first occupation of the development, details of the proposed arrangements for future management and maintenance of the proposed vehicular access within the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular access shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108, 110 and 127 of the National Planning Policy Framework.

- 18 Prior to first occupation of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include Travel Information Packs to new residents providing residents with incentives as set out within the application. A Travel Plan Coordinator shall be appointed to support the implementation of the travel plan thereafter.

Reason: To ensure that the appropriate opportunities for sustainable transport modes have been taken up, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and paragraph 108 of the National Planning Policy Framework.

- 19 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include species, size, position and method of planting of all new trees (including tree pits details) and shrubs; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, and to ensure that the planting becomes established, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4, SD8 and INF3 of the Joint Core Strategy (2017).

- 20 The development hereby approved shall not be carried out unless in accordance with the approved Tree Report (mhp Project no. 18098, Issue no. V3) and the protective measures specified within the Tree Protection Plan (Drawing No. 18098.302 A) shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

- 21 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the upper floor windows to the east facing elevation of the new building shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the future development potential of the neighbouring site, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 22 Unless shown on the approved plans, or as part of condition compliance, no satellite dishes or other aerials, meter boxes or external cabling shall be affixed to the external elevation(s) 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), and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 This planning permission is subject to a S106 legal agreement which requires the delivery of a contribution to affordable housing of £91,113, and a contribution towards street tree planting in the vicinity of the site of £57,331.
- 3 The applicant/developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure required by condition 8 above.
- 4 The applicant/developer should note that, to discharge condition 17, the Local Planning Authority may require a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
- 5 The applicant/developer is advised that the reasonable working hours during the construction phase are Monday to Friday 08:00-18:00, and Saturday 08:00-13:00, with no working at any time on Sundays, Bank or Public Holidays.
- 6 The applicant developer is advised that there may be a public sewer located within the application site. Whilst Severn Trent Water's statutory sewer records do not show any public sewers within the site, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. The applicant/developer should therefore contact Severn Trent Water to discuss the proposals.