

APPLICATION NO: 18/02053/FUL		OFFICER: Mr Joe Seymour	
DATE REGISTERED: 12th October 2018		DATE OF EXPIRY: 7th December 2018	
DATE VALIDATED: 12th October 2018		DATE OF SITE VISIT: 23rd October 2018	
WARD: St Pauls		PARISH:	
APPLICANT:	Scott McArdle		
AGENT:	SF Planning Limited		
LOCATION:	48 Swindon Road, Cheltenham		
PROPOSAL:	Demolition of existing buildings and redevelopment of site comprising 7 apartments and 2 semi-detached houses		

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The site is located at 48 Swindon Road in the St Paul's ward of Cheltenham. Swindon Road is one of the main roads navigating the centre of Cheltenham and the buildings alongside the road range in age, architectural style and use. The site is located within Cheltenham's Central Conservation Area and many of the surrounding streets, including Normal Terrace which also forms the eastern boundary of the site, were constructed in the 19th century and they have retained their form to this day.
- 1.2 The buildings on site consist of a three-storey building which has the appearance of a former dwelling, but it was most recently used as the office for the vehicle rental business Enterprise, who have recently relocated to a site nearby on Tewkesbury Road. To the rear of the office building lies an open-fronted vehicle storage building and a more conventional garage block.
- 1.3 The proposed development involves the demolition of the buildings on site and the construction of a three-storey building containing 7 flats and a pair of semi-detached dwellings fronting onto Normal Terrace.
- 1.4 This application has been referred to the Planning Committee for determination at the request of Cllr Brownsteen due to concerns relating to parking and highway safety in Normal Terrace.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Residents Associations
Smoke Control Order

Relevant Planning History:

81/01184/PF 29th October 1981 PERMIT

Change of use from shop/storage to service and repair motor vehicles

97/00129/PC 20th March 1997 PERMIT

Change Of Use From Business Yard, Workshop And Offices To Premises For The Hire Of Motor Vehicles Refurbishment Of Building To Include Replacement Of Existing Windows And Door For New Timber Sashes

97/00531/AI 31st July 1997 PERMIT

Erection of Two Illuminated Fascia Signs (Retrospective)

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD8 Historic Environment

SD10 Residential Development

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

Central conservation area: Lower High Street Character Area and Management Plan (July 2008)

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

26th March 2019

I refer to the above planning application in regards to revised plan ref: 21835/03E to which no highway objection is raised.

Heritage and Conservation

7th 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.

48 Swindon Road, Cheltenham is within the Central Conservation Area: Lower High Street Character Area and adjacent to the boundary with the Central Conservation Area: St Paul's Character Area. It identified within the Central Conservation Area: Lower High Street Character Area Appraisal and Management Plan (2008) as being a building that makes a positive contribution to the conservation area. 48 Swindon Road and its curtilage have undergone a number of unsympathetic alterations including extensions, outbuildings, boundary treatments, advertisements and the loss of its historic windows and doors, which diminish its appearance within the conservation area. The site is currently vacant. The proposed works are for demolition of the existing building and associated buildings and structures and its redevelopment comprising seven apartments and two semi-detached dwellings to its rear.

No objection is raised to the loss of the modern additions on the site as these are not considered to have heritage significance. Their loss would enhance the character of the conservation area. However, concern is raised over the proposed loss of main building. It is important to understand the character of the area to determine the heritage significance of this building. Swindon Road is characterised by a variety of uses, building typologies and periods. Building uses include residential, commercial and industrial with building types varying between terraces, flats and detached properties. There are a number of period properties including Regency and Victorian buildings and a number of fairly sympathetic modern buildings. Notably there are many side roads leading off Swindon Road. This results in there being many ends of buildings, terraces and several detached buildings located on corners at these junctions.

48 Swindon Road is characteristic of this established pattern of development, it being a detached building located at the junction of Swindon Road and Normal Terrace. It is a former artisan house, likely Victorian, although possibly earlier. It is very simply detailed, as is characteristic of residential properties within this part of the Central Conservation Area. As a result of this simplicity the unsympathetic alterations that have been made to it and its curtilage have had a disproportionately detrimental impact on its visual appearance. Also detrimental to its visual appearance is the modern garage and parking area on Swindon, Tyre City garage, which directly abuts the site, its large scale, massing and position set back from the frontage of the site resulting in it having an incongruous appearance within the street scene, adversely affecting the setting of 48 Swindon Road. It is considered these detrimental features are what undermine the character and appearance of 48 Swindon Road and, with the exception of the garage, could easily be addressed to enhance the appearance of the building and allow it to make a greater contribution to this part of the central conservation area. It is considered despite these unsympathetic alterations the former artisan house still makes a limited positive contribution to the character of the conservation area and with some minor works could make more of a positive contribution. It is considered its proposed demolition should be resisted because of the harm it would cause to the character of the conservation area.

Given the above concern over the principle of demolition of the existing historic building on site the proposal considered to neither sustain nor enhance the affected heritage assets as required by paragraph 192 of the NPPF. It should be noted an attempt has been made to negotiate an amendment to the proposal at a pre-application stage to overcome this issue by retaining the existing building. However, this advice was not followed. It is therefore considered the proposed works would cause less than sustain harm to this part of the Central Conservation Area: Lower High Street 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."

It is useful to draw out what the public benefits of the proposal could be. The main public benefits are considered to be the re-use of brownfield land and the provision of seven apartments and two semi-detached dwellings within a sustainable location boosting housing supply in an area without an identified five year housing land supply. It will be important the planning officer carefully consider whether these issues outweigh the great weight that needs to be given to the conservation of heritage assets as a result of this unacceptable harm as required by Paragraph 193 of the NPPF. It is the opinion of the conservation officer that alternative, more sensitive scheme for the site that retains the existing building have not been properly explored and the benefit of a limited number of additional residential units that could be located elsewhere without a harmful impact, does not outweigh the great weight that needs to be given to the conservation of heritage assets.

Approval of the loss of positive building within the conservation area is resulting in the slow erosion of its heritage significance and approval of such schemes should be exceptional. If this application is approved concern is raised this unwelcome approach will be further reinforced resulting in resisting such proposals in future becoming increasingly difficult. It will be necessary for the planning officer to carry out the exercise required by paragraph 196 of the NPPF separately.

Notwithstanding the concerns over the principle of demolition of the existing building, the general design of the proposed buildings is not objected to. The exception to this is the number of rooflights on the proposed semi-detached dwellings which are considered excessive and clutter the roofscape, detracting from the visual appearance of the building and as a result the wider conservation area where a proliferation of rooflights would normally be resisted. It is advised the rooflights be reduced in number to one on each property.

County Archaeology

22nd October 2018

In connection with the above planning application I wish to make the following observations regarding the archaeological implications of this scheme.

I advise that the application site is archaeologically sensitive since it is located in Cheltenham's medieval settlement area. Therefore, ground works required for the construction of this scheme may have an adverse impact on significant archaeological remains relating to medieval settlement.

In accordance with the NPPF, paragraph 189, I recommend that in advance of the determination of this planning application the applicant should provide the results of an archaeological field evaluation which describes the significance of any archaeological remains present on this site and how these would be affected by the proposed development.

I look forward to advising you further when this information is made available.

County Archaeology

21st March 2019

This morning I received from Rubicon Heritage the report on the results of an archaeological field evaluation at 48 Swindon Road.

Three test-pits were excavated within the proposed development area, and in each case the investigation found evidence that the land had been previously quarried and backfilled during the 18th or 19th centuries.

Therefore, any medieval settlement remains which may once have been present at this location have been removed by the quarrying activity.

For that reason it is my view that the proposed development will have no adverse impacts on archaeological remains, and I recommend that no further archaeological investigation or recording need be undertaken in connection with this scheme.

Architects Panel

6th November 2018

Design Concept:

The panel had no objections to the principle of the development. It was felt that the existing building was not of sufficient quality to be considered a heritage asset. The development was seen as an opportunity for positive enhancement to this area of town.

The panel nevertheless had reservations over the detailed design of the scheme submitted which had referenced some of the less successful recently built schemes on Swindon Road. It was felt there was an opportunity to improve the design of what might otherwise be a mediocre scheme.

Design Detail:

The composition and proportions of building elements could be improved perhaps by reference to the more historic buildings in Swindon Road. The top floor projecting eaves profile is not attractive and could be more elegant. The stepping of the elevation on Swindon Road was questioned and felt it might be better to have a more prominent principal elevation on Swindon Road.

The west elevation blank wall is very dull. It is strange that windows are shown at lower floors and not on the top floor which would benefit more from westerly views. Remodelling this elevation might consider setting back the top floor as the east elevation or breaking up the blank walling in a creative and artistic way.

The proposed semi-detached dwellings to the rear of the site were considered acceptable in terms of scale, massing and overall design.

Recommendation:

Submit revised design proposals for the apartment block.

Gloucestershire Centre For Environmental Records

15th November 2018

Biodiversity report received.

Environmental Health

5th 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 Ebley Tyres and as such a noise assessment is required to ensure that façade elements of the building ensure adequate protection to future occupants.

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 Ebley Tyres adjacent.

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

Number of letters sent	24
Total comments received	9
Number of objections	8
Number of supporting	0
General comment	1

5.1 A site notice was placed at the site, the proposal was advertised in the Gloucestershire Echo and 24 neighbouring properties were notified of the proposal.

5.2 Nine letters were received which raised concerns regarding the following issues:

- Parking and highway safety
- Light restriction
- Archaeology
- Bin storage and collection

6. OFFICER COMMENTS

6.1 Determining Issues

- i. Principle of Residential Development
- ii. Impact on the Character and Appearance of the Conservation Area
- iii. Parking and Highway Safety
- iv. Impact on Neighbouring Living Conditions
- v. Archaeology

Principle of Residential Development

6.2 The site is located within the Principal Urban Area (PUA) of Cheltenham where the principle of new residential development is supported by policies within the existing Local Plan and policy SD10 of the JCS. The site is within close proximity to a wide range of day-to-day services such as shops, schools, amenities and employment opportunities; there is also a bus stop nearby offering a regular bus service which would also provide would-be residents of the development with the opportunity to utilise public transport. The site is therefore also considered to be a sustainable location for residential development in the context of the NPPF.

6.3 Cheltenham Borough Council cannot currently demonstrate a five-year supply of housing land with the latest figure (August 2018) at 4.6 years. Even though the proposal for nine dwellings would not eliminate this shortfall, it would make a modest contribution towards alleviating it, which would be welcomed in a sustainable location such as this one.

6.4 NPPF paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. Furthermore, NPPF paragraphs 117 and 118 state that planning decisions should promote the effective use of land in meeting the need for homes. It states planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. This is considered to be directly applicable to Cheltenham which is a town with a tight urban boundary bordered by an Area of Outstanding Natural Beauty and a Green Belt.

- 6.5** For these reasons, the principle of redeveloping the site for new housing is considered to be acceptable. However, there are other site-specific constraints and characteristics that the proposal needs to be assessed against in order to determine conclusively whether the development is acceptable overall.

Impact on the Character and Appearance of the Conservation Area

Demolition at 48 Swindon Road

- 6.6** The proposal would involve the demolition of the existing building on site and its associated outbuildings to the rear which were formerly occupied by vehicle rental company Enterprise. The principal building was used as an office/reception for Enterprise but the site is now vacant as they have relocated to a nearby site on Tewkesbury Road. In place of these buildings a three-storey building containing 7 flats would be constructed in addition to a pair of semi-detached dwellings in line with those that comprise Normal Terrace, which are perpendicular to Swindon Road.
- 6.7** The site is located within Cheltenham's Central Conservation Area (Lower High Street Character Area) where the local planning authority is required to preserve or enhance its character and appearance pursuant to section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.8** The office/reception building at 48 Swindon Road dates from the 19th century along with Normal Terrace and the surrounding terraced streets. The building is identified as a 'positive building' within the Lower High Street Character Area Management Plan ("Management Plan"). Modern buildings such as the neighbouring vehicle garage adjoining the site to the west are identified as 'significant negative building space'.
- 6.9** The Management Plan does not explain why 48 Swindon Road is a positive building and it is not discussed specifically within the document; it can only be interpreted that its 19th century origins thereby make its contribution to the character of the area a positive one. It is most likely the building was a dwelling when originally built and it changed to a commercial use in the second half of the 20th century.
- 6.10** This use change has led to changes in its physical appearance including the addition of a single storey flat-roof side extension, a new rendered façade and other additions including new windows and signage. The original brick walls are only visible on the side elevations. The western side elevation has been painted white and is used as advertising space for the neighbouring vehicle garage. These changes have eroded the character of the building to a significant extent.
- 6.11** The Management Plan describes 'positive buildings' as: *"those buildings which make a positive contribution to the character and appearance of each character area. They often have a collective group value. Although a small number of buildings in the overall Central Conservation Area are in a poor condition, they may still be identified as positive if the building itself makes a positive contribution"*.
- 6.12** The building does not have any group value because it stands alone. Normal Terrace is a good example of positive buildings with group value. The building is considered to be one of the smaller number of positive buildings in a poor condition in a historical context, not due to deliberate neglect (NPPF paragraph 191), but rather due to its changing commercial functions over time. Consequently, it is considered the building neither detracts from nor complements the character and appearance of the Conservation Area, and its impact is therefore neutral.
- 6.13** NPPF paragraph 193 states that: *"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.”

- 6.14** In relation to 48 Swindon Road, it has been identified that much of its original character has been lost and its contribution to the Conservation Area is more neutral. The building is not a locally listed building and nor is it on the national list of buildings of historic or architectural significance. The building itself is therefore not the designated heritage asset in relation to NPPF paragraph 193, rather it is the Conservation Area in which it is situated.
- 6.15** The Management Plan states the Lower High Street area is characterised by the pattern and layout of its streets with a predominance of compact artisan terraced housing mixed with modern terraced and semi-detached housing. The proposed development would not compromise the character of the area as just described, in fact, in relation to Normal Terrace a pair of modern semi-detached houses would add to the character of this particular street.
- 6.16** The remaining areas of the site to the rear and side of the principal building consist of a black-painted metal gate and other fencing topped with barbed wire and a pair of utilitarian vehicle garages. It is considered that these features detract from the character and appearance of the Conservation Area as they are seen in conjunction with, and have similar visual characteristics with, the adjacent car garages which the Management Plan deem to be ‘negative building space’.
- 6.17** The existing use of the site is also considered to be harmful to the Lower High Street Character Area. When it was used by Enterprise their rental vehicles would regularly occupy all of the hardstanding areas to the side and rear of the office/reception building, creating a cluttered appearance in the street scene.
- 6.18** Policy BE3 (Demolition in Conservation Areas) was not saved when the JCS was adopted in December 2017. JCS policy SD8 (Historic Environment) advocates the conservation of designated heritage assets but because the building is not listed it does not therefore, in itself, fall within the definition of a designated heritage asset given within the NPPF.
- 6.19** The Area Management Plan has grouped the principal building at this site along with the other buildings of 19th century origin in this area as ‘positive’, but an assessment of the principal building, its outbuildings and its curtilage as they stand today has found that their contribution to the character and appearance of the Conservation Area is more neutral with some harmful elements. Consequently, in this particular case, no objection is raised to the demolition of the buildings in order to facilitate a redevelopment of the site for a residential use.

Design of the Proposed Residential Buildings

- 6.20** The buildings that would replace the existing buildings at 48 Swindon Road would be a three-storey building containing 7 flats and a pair of semi-detached dwellings. The flats would replace the principal building fronting onto Swindon Road and the semi-detached dwellings would be built in place of the outbuildings to the rear of the site.
- 6.21** The flats would be designed with a principal three-storey structure, in place of the original part of the existing principal building, with a flanking recessed two-storey section adjacent to Normal Terrace with a subservient roof section which is recessed further still. The recessed nature of the principal elevation breaks up the mass of the building and helps to emphasise its relationship with Normal Terrace. The main entrance to the building would be accessed from Normal Terrace. The elevations facing Swindon Road and Normal Terrace would be enclosed by a rail fence to provide some separation from the public realm.

- 6.22** The flats would be larger in terms of their overall height and floor area compared to the existing building they would replace. However, the flats would be a similar height to the semi-detached pair 22-23 Normal Terrace situated 6 metres to the east. The flats would also be similar in height to the 'tyre city' garage immediately to the west although this building is set back much further from the road.
- 6.23** A new building of a larger scale on this corner plot would not appear out of context. Indeed, 19 St Paul's Street South is a three-storey building adjacent to 22-23 Normal Terrace (it is 3.5 metres higher than its neighbours), which also occupies a corner plot as it intersects with Swindon Road. Three-storey buildings also form the corners of St Paul's Street North on the opposite side of Swindon Road with the remainder of this street consisting of two-storey terraced dwellings, not unlike those found on Normal Terrace.
- 6.24** Although the modern style of the flats would differ from the stone-built 22-23 Normal Terrace and the main terrace of dwellings on this street to the rear, there is no strong architectural rhythm or sense of uniformity on Swindon Road and as a consequence the proposal would not be viewed as discordant within the Conservation Area.
- 6.25** The semi-detached dwellings would be located to the rear of the flats positioned in line with 1 Normal Terrace with a 2.8-metre space separating them. The semi-detached pair would be a metre higher than the rest of the terrace in order to accommodate a habitable loft space. It is acknowledged that this deviates from the uniformity of the existing terrace but as a new addition to the street which is physically separated this is considered not to be an issue in terms of their design. There would be a clear and legible hierarchy of the heights of buildings; the block of flats would be the highest fronting onto Swindon Road with the buildings then diminishing in height towards rear of the site.
- 6.26** The materials of the semi-detached dwellings have not been specified but a condition (number 3) would be in place to control these elements. The preference would be brick to integrate with the brick-built houses of Normal Terrace. It is considered that a pair of brick semi-detached houses on this part of the site would represent an enhancement to the Conservation Area as they would replace dilapidated outbuildings and visually obtrusive barbed wire fencing.

Summary

- 6.27** The Area Management Plan has grouped the building along with the other buildings of 19th century origin as 'positive', but an assessment of the principal building, its outbuildings and its curtilage as they stand today has found that their contribution to the character and appearance of the Conservation Area is more neutral with some harmful elements. Consequently, in this particular case, no objection is raised to the demolition of the building.
- 6.28** It is acknowledged that the existing principal building at 48 Swindon Road is deemed a positive building in the Character Area Management Plan due to its 19th century origins. However, when assessing the building's current state its contribution to the character and appearance of the Conservation Area is considered to be neutral and its associated outbuildings and enclosures are deemed to be harmful.
- 6.29** In light of this the demolition of the existing buildings is considered to be acceptable and the design of the proposed flats and semi-detached houses to be built in their place is complementary to their surroundings in the Lower High Street Character Area of Cheltenham's Central Conservation Area. The development is therefore seen as an enhancement of the character and appearance of the Conservation Area pursuant to section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, JCS policy SD8 and the guidance within the NPPF.

Parking and Highway Safety

- 6.30** The main issue residents of Normal Terrace are concerned with in relation to the proposed development is the impact it would have on vehicle parking. Normal Terrace was built in the Victorian era before the invention of the motor car, or at least before their widespread use; it is a narrow street less than 6 metres wide in many places. A minority of properties such as numbers 8 and 9 are set back from the street and benefit from an off-street parking area, but the majority of the properties are mid-terrace with no private parking facilities. Residents with cars are not guaranteed a space in front of their own property, and considering the narrow confines of the street, securing any parking space is not a guarantee on Normal Terrace, especially because residents of surrounding streets could potentially park there providing they have the correct permit.
- 6.31** The site is within a residents' permit parking area (zone 11) where residents can apply for a permit to park their car in Normal Terrace and the surrounding streets. From the site visit it was evident that some residents were able to park their car on Normal Terrace despite its narrow design and lack of convenient turning facilities. Refusing the development would not alleviate this situation and Cheltenham Borough Council does not have any adopted minimum parking standards because this prevents car-free developments which can be successful in historic locations that were built before the invention of the motor car and town centre locations such as this where residents are not totally reliant on car journeys to access day-to-day facilities and amenities.
- 6.32** Future occupants of the proposed dwellings would be aware of the parking facilities (or lack thereof) in Normal Terrace and this should not necessarily preclude further development in light of the situation described above. NPPF paragraph 109 states that proposals for new development should only be refused if the cumulative impacts on the highway network would be severe.
- 6.33** The proposal may generate more demand for residents' parking permits in zone 11 but this would be true of any new residential development in a location that is subject to on-street parking controls. Parking permits are provided subject to availability so the proposed residential development is considered not to be inherently harmful to highway safety in this regard and the cumulative impact of the development would not be severe in the case officer's view. The concerns raised with regard to the difficulties of parking on Normal Terrace are a reflection of the current situation which is not for this or any other development to resolve. It is recognised that occupiers of the proposed dwellings would have the benefit of being able to access local services and amenities from this site on foot, by bicycle or by bus, thus they would not be totally reliant on private car journeys.

Impact on Neighbouring Living Conditions

- 6.34** Concerns have been raised that the proposed development would have a negative impact on the living conditions of residents of Normal Terrace, with particular reference made to the new buildings causing light restriction.
- 6.35** The pair of semi-detached houses would be positioned in line with the existing terraced houses 2.8 metres beyond the side elevation of 1 Normal Terrace. This property has a window on the first floor of its side elevation although it is a secondary window to the primary windows located on its front and rear elevations. The other properties in the terrace do not benefit from the same type of window because these mid-terraced properties do not have exposed side elevations.
- 6.36** Although the proposed semi-detached houses would restrict light into the neighbour's first floor side window to a degree, given the secondary nature of the window and the other light sources available, it would not be considered an unacceptable amount of light restriction in this case.

- 6.37** Concerns have also been raised regarding the storage of bins. The semi-detached houses would benefit from an outdoor space to the side or rear that could be utilised for bin storage and the flats have a bin store proposed on the ground floor. The collection of bins from these properties would be the same as the existing collection on Normal Terrace. The proposed change of use from a car garage / vehicle storage facility to a residential use would represent an improvement in terms of residential amenity as noise and fumes from vehicles would be less of an issue if replaced with housing.
- 6.38** In all other respects, it is considered the development would not cause any other harm to living conditions in terms of overbearing or overlooking impacts. The proposal is considered retain the same living conditions currently enjoyed by residents at Normal Terrace which accords with the guidance in NPPF paragraph 127 f).
- 6.39** The proposed dwellings (the flats in particular) would be in close proximity to Swindon Road, which is one of the busiest roads in Cheltenham and therefore also one of the noisiest and most polluted. The Council's Environmental Health Officer has therefore requested by condition noise and air quality assessments to be submitted and agreed by the local planning authority prior to development starting.

Archaeology

- 6.40** The Archaeologist at Gloucestershire County Council initially recommended the application be refused on the grounds of insufficient archaeological information being submitted.
- 6.41** The applicant has since submitted the results of an archaeological investigation which has confirmed the site had been previously quarried and backfilled during the 18th or 19th centuries. Therefore, any medieval settlement remains which may once have been present at the site have been removed by the quarrying activity.
- 6.42** Consequently, the proposed development would have no adverse impacts on archaeological remains and the Archaeologist at Gloucestershire County Council no longer raises an objection to the proposal.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The principle of residential development is considered to be acceptable in this town centre location and the contribution it would make to the Council's five-year housing land supply shortfall is welcomed.
- 7.2** The demolition of the existing buildings on site and the proposed replacement residential buildings are considered to represent an enhancement of the character and appearance of Cheltenham's Central Conservation Area.
- 7.3** The proposal would not have an unacceptable impact on highway safety, residential amenity or archaeology.
- 7.4** For these reasons, the proposal is recommended for approval, subject to the following conditions.

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 No external facing or roofing materials shall be applied unless in accordance with:
 - a) a written specification of the materials; and/or
 - 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).

- 4 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:

- a) All windows and external doors (including details of materials, colour, finish, cill, head, reveal, opening mechanism and glazing systems)
- b) Boundary walls/fences and retaining wall structures (including details of materials and samples when requested)
- c) Flues, vents and any other external pipework
- d) Rainwater goods

Reason: To preserve or enhance the character or appearance of the conservation area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), Section 12 of the National Planning Policy Framework, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted December 2017).

- 5 Prior to the commencement of development, a demolition and/or construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The demolition and/or construction plan shall include measures to control noise, dust, vibration and other nuisance during the demolition and/or construction phase. No demolition or construction shall be carried out unless in accordance with the approved details.

Reason: To safeguard the amenity of adjacent properties and the general locality, 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 environmental impact on the area.

- 6 Prior to first occupation of the development hereby permitted, adequate refuse and recycling storage facilities shall be provided within the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage facilities shall thereafter be retained available for such use at all times.

Reason: In the interests of sustainable waste management and recycling, having regard to saved policy W36 of the Gloucestershire Waste Local Plan (adopted 2004) and policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017).

- 7 Prior to the construction of foundations of any new buildings or infrastructure on site, details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted December 2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 8 Unless shown on the approved plans, no satellite dishes or other aerials, metre boxes or external cabling shall be affixed to the external 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 Policies CP3 and CP 7 of the Cheltenham Borough Local Plan (adopted 2006), section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted December 2017).

- 9 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.

Reason: To safeguard the amenity of local residents in accordance with policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 and the National Planning Policy Framework.

- 10 No development shall take place until an air quality assessment has been submitted to and approved 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 the occupation of the building hereby approved, and thereafter maintained for the lifetime of the development.

Reason: To safeguard the amenity of local residents in accordance with policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 and the National Planning Policy Framework.

- 11 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 Ebley Tyres adjacent.

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 LAmax,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.

Reason: To safeguard the amenity of local residents in accordance with policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 and the National Planning Policy Framework.