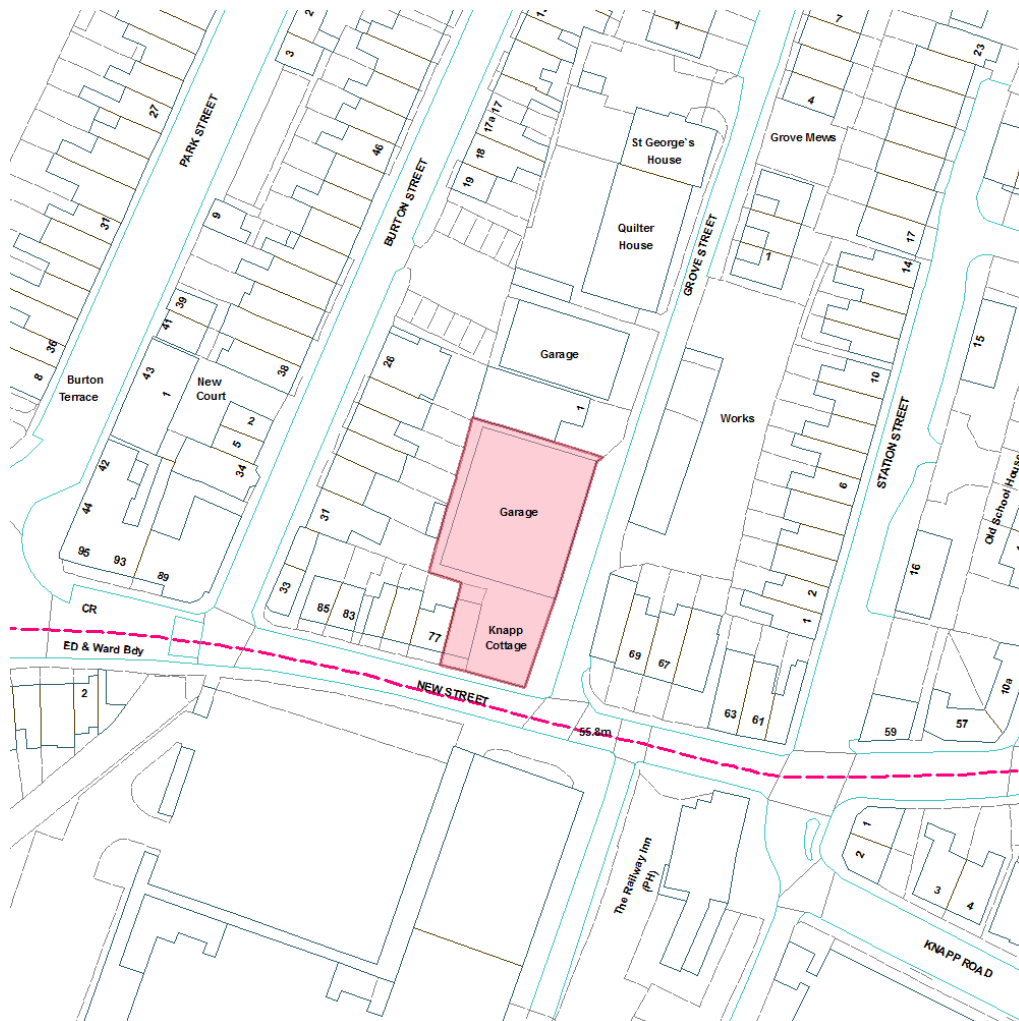


APPLICATION NO: 22/01585/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 3rd September 2022		DATE OF EXPIRY: 29th October 2022 (extension of time agreed until 17th February 2023)
DATE VALIDATED: 3rd September 2022		DATE OF SITE VISIT:
WARD: St Peters		PARISH:
APPLICANT:	Ski Tyres	
AGENT:	Brodie Planning Associates Ltd	
LOCATION:	Ski Tyres 73 New Street Cheltenham	
PROPOSAL:	Construction of 7no. residential dwellings and associated works following demolition of existing buildings	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The site is located on the western side of Grove Street at the junction with New Street. The site is wholly located within the Central Conservation Area, and the Principal Urban Area (PUA).
- 1.2 The site is currently in use as a tyre fitting establishment and comprises a large, pitched roof industrial building with a parking area adjacent to New Street. The site also includes the end of terrace property facing New Street (no. 75). The existing industrial building is identified as a significant negative building on the Townscape Analysis Map within the Lower High Street Character Area appraisal, with the end terrace building positively identified.
- 1.3 The context of the site is mixed with the Waitrose store to the south, residential development in New Street and Burton Street to the immediate south and west, and further commercial development to the north and east. Further to the north along Grove Street are some relatively recent residential buildings. Land levels in Burton Street to the rear are approximately 1 metre lower than the site.
- 1.4 The application proposes the demolition of the existing buildings on site and the redevelopment to provide 7 no. dwellings; comprising a terrace of three dwellings fronting New Street and two pairs of semi-detached houses fronting Grove Street.
- 1.5 The application has been submitted following pre-application discussions and the scheme has been further revised during the course of the application. The revisions are discussed in detail in the report below.
- 1.6 The application is before planning committee at the request of Cllr Willingham due to the concerns amongst neighbours.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area
Residents Association
Smoke Control Order

Relevant Planning History:

21/02247/PREAPP

CLOSED

12th November 2021

Demolition of the existing building and redevelopment of the site to provide up to 8 no. residential dwellings.

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy 2017 (JCS) Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

Development on Garden Land and Infill Sites in Cheltenham (2009)

Lower High Street Character Area Appraisal and Management Plan (2008)

Cheltenham Climate Change SPD (2022)

4. CONSULTATION RESPONSES

GCC Local Flood Authority (LLFA)

5th October 2022

No Objection subject to conditions.

Surface Water Drainage

A preliminary drainage document has been submitted which proposes to discharge surface water into the Severn Trent Sewer at 2.0l/s. This will be subject to a section 106 consent to connect document issued by Severn Trent, though it is understood that this, along with a full drainage plan, is requested to be dealt with at condition stage.

The onsite surface water drainage system must be designed to accommodate up to and including, either a:

- 1 in 100 year storm event plus 40% climate change (C.C.); or

- 1 in 30 year event plus 40% C.C. but any volume above this must be kept on site for all return periods up to and including the 1 in 100 year event + 40% C.C. and must not cause a risk to any existing property or land beyond the site.

General Comments:

The site must contain surface water for all return periods up to and including the 1 in 100 year event + 40% climate change.

It is important to note that development must not increase flood risk to any existing property or land beyond the site boundary and the landscaping of the site should route water away from any vulnerable property and avoid creating hazards to access and egress routes. As such, an exceedance route plan for flows above the 1 in 100 +40% CC event must be submitted with the proposal, identifying the surface water flow routes though the site should the capacity of the drainage system be exceeded.

We highly recommend the use of permeable or granular construction on access routes and hardstandings.

We would like to see water butts/rainwater harvesting being incorporated into the proposed surface water drainage system if possible.

CONDITION TO BE ATTACHED:

That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, following section 106 consent. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

In these cases the following notes should also be added to the decision notice:

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 – Clause 27 (1))
- Code for sustainable homes – A step-change in sustainable home building practice
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 – Clause 9 (1))
- Gloucestershire SuDS Design and Maintenance Guide (Nov 2015)

GCC Highways Development Management

17th October 2022

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection subject to conditions.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

Reinstatement of Redundant Access

The vehicular access hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

Informatives

Alterations to Vehicular Access

The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full Details can be found at www.gloucestershire.gov.uk .

GCC Highways Development Management

1st November 2022 – additional comment

Please would it be possible to include the below CMS condition to this site:

Construction Management Plan

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- o Advisory routes for construction traffic;
- o Any temporary access to the site;
- o Locations for loading/unloading and storage of plant, waste and construction materials;
- o Method of preventing mud and dust being carried onto the highway;
- o Arrangements for turning vehicles;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Highway Condition survey;
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Environmental Health

23rd September 2022

Conditions:

1. As this proposal includes a considerable amount of demolition of existing buildings for replacement with new habitable properties. These activities will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. We would request that if an application were received and granted, that a condition is attached along the following lines:

The developer shall provide a comprehensive plan for the control of noise, dust, vibration and any other nuisances from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be submitted to and approved by the Local Planning Authority before work commences on site.

2. We would also seek to ask that 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:

a. Monday - Friday 07:30 - 18:00, Saturday 08:00 - 13:00 nor at any time on Sundays, Bank or Public Holidays.

Query/additional matter for review:

Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.

Contaminated Land Officer

23rd September 2022

Condition:

Historic maps show the site itself as being contaminated due to its use historic use as a warehouse as well as nearby sites being recorded as potentially contaminated due to historic use as railway land, coal yards and warehouses.

As a result, a full and intrusive site survey will need to be undertaken prior to the build commencing. This is due to our records showing the site as contaminated land as well as very nearby land also being recorded as contaminated due to historic use. As the application is for residential units with gardens, the survey is to check on the extent of any possible contamination and the extent of any remedial work which may need to be undertaken to ensure the safety of future receptors. The contaminated land survey will need to be made available to this department for review and we may at that stage put forward further conditions to ensure recommendations from the survey are adhered to which would mitigate the transfer of any known contamination on human receptors.

County Archaeology

10th November 2022

We have noticed this application on the planning list. The Historic Environment Record shows that the proposed development is within part of the town which has medieval origins. As this is a reasonable size development within the historic part of town I consider it be appropriate to condition a programme of archaeological investigation to enable the recording of archaeological remains impacted by the proposals. Due to previous impacts within part of the site it is likely that the site will have suffered a degree of impact. I therefore advise that an archaeological Watching Brief should be carried out during construction.

To facilitate the archaeological work I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, ie;

'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework

I have no further observations.

Architects Panel

18th October 2022

Design Concept

The panel had no objection to the principle of providing new residential dwellings on this site. However, concerns were raised over certain aspects of the design which the panel felt needed addressing: The design for the buildings 4 to 7 is very bland and arguably too bulky. Additional drawings are needed to show more of the site context as the panel was concerned there could be overlooking privacy issues that could have an adverse impact on Burton Street properties. Changing these units to two storeys or setting back the top floor is likely to be more successful in massing terms.

Design Detail

The narrow gap between the three storey buildings is visually too narrow and arguably unnecessary if the group were designed as a row of terrace houses. This would be more apparent if the elevations of buildings 4 to 7 were shown in context rather than in isolation. The panel questioned the choice of building materials and the strange mix of part render part brick walls to the New Street terrace houses.

The panel also felt the end terrace house at the corner junction with Grove Street could be more interesting and have elevations that address both streets.

Recommendation

Not supported.

Building Control

12th September 2022

This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Cheltenham Civic Society

22nd September 2022

NEUTRAL

The Civic Society Planning Forum supports the development of site for residential use, and the proposed density is about right.

The style of the Grove St buildings is uninspiring and rather aggressive. Even with a modern style, they could have a more attractive finish.

The sustainability statement is excellent.

Clean Green Team

22nd December 2022

- 1 Pathway Pathways need to be of hard standing
- 2 Bins Locations If private dwellings residents would need to be informed that due to ownership they are required to present on the kerbside for 7am on the morning of collection. No receptacles are to be stored on the highway.
- 3 Road Layout Ideally off road parking is advisable with a space for refuse and recycling trucks that is to be kept free on collection days. Ideally on the highway a turning circle is recommended. The road will need to withstand 26 tonnes and until the road is finished Ubico and CBC cannot be held responsible for any damage. If access is not permitted whilst the road is still being finished then all properties would need to present at the nearest adopted highway on collection day.
- 4 Presentation Points (if single dwellings) The properties would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to pathway or driveways.
- 5 Storage of bin and boxes for single dwellings Property's need adequate space to store bins and boxes off the public highway when not out for presentation.
- 7 Entrance to the estate Entrance to the estate needs to have parking controls to prevent parking on the corners which prevents entrance and exit of refuse vehicles up to 26 tonnes.
- 8 New residents information We would advise that all residents are given the link below so they can see how and what can be recycled in Cheltenham https://www.cheltenham.go.uk/info/5/bins_and_recycling/924/kerbside_recycling_box_collection

5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of the application, letters of notification were sent to 26 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. Further letters were sent on receipt of the revised plans.
- 5.2 In response to the publicity, objections have been received from the owner/occupiers of five neighbouring properties. The representations have been circulated in full to Members but, in brief, the main concerns relate to:
- Loss of light and privacy
 - Noise and disruption during construction
 - Noise from air source heat pumps
 - Lack of parking
 - Impact on wildlife
 - Overdevelopment
 - Impact on security to the rear of properties in Burton Street
 - Overbearing impact
 - Concerns over demolition

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of redevelopment; design, layout and impact on the historic environment; climate change; impact on neighbouring amenity; and parking and highway safety.

6.2 Principle of redevelopment

6.2.1 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.

6.2.2 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 of housing and therefore the ‘tilted balance’ in favour of granting permission is triggered.

6.2.3 Notwithstanding the above, CP policy EM2 seeks to safeguard non-designated land and buildings currently or last in employment use; however, the policy does set out some exceptions. Criterion b) of the policy advises that permission for a change of use will be granted where the loss of the site would not have a detrimental impact on the continuing operation of existing buildings in the vicinity and development of the site will ensure the relocation of an existing firm to a more suitable location within the Borough. Criterion c) also states that permission will be granted where the applicant can demonstrate that employment use creates unacceptable environmental or traffic problems which cannot be resolved.

6.2.4 In this regard, the Planning Statement that accompanies the application states at paragraphs 6.4 and 6.5:

the demolition of the commercial tyre fitting garage will not result in the loss of an existing business, as Ski Tyres are seeking to relocate to a more suitable premises. The reasoning for this is set out in a letter from the applicant...which discusses their changing business model. In short, Ski Tyres have been in business for 30-years and employ over 50 people across their branches, which include Cheltenham (the application site), Gloucester, Tewkesbury and Hereford. The nature of the business has evolved in recent years and now the majority of their customers are from the commercial, industrial, and agricultural sectors, rather than the domestic market. As such, the Cheltenham branch is no longer appropriate for the bulk of the vehicles requiring assistance (such as trucks, lorries, cranes, forklifts etc.) due to the site's town centre location and associated access issues. As a consequence, such vehicles tend to be serviced at the other nearby Ski Tyres branches. In addition, Ski Tyres have recently introduced a mobile tyre fitting service for domestic cars. Therefore, the business can still service the Cheltenham area without the need for a central depot, given these vehicles can operate from the head office (Tewkesbury). Thus, the proposals evidently comply with exception b) of Policy EM2.

Secondly, the existing employment use creates unacceptable environmental and traffic problems which cannot be resolved, such as; noise disruption, dust, dirt and significantly high levels of traffic movements along narrow streets. Such issues clearly conflict with the primarily residential character of the area, as evidenced by other permitted commercial/industrial to residential schemes in the immediate locality (please refer to application refs: 17/01159/FUL, 15/01243/FUL, 14/01158/FUL and 12/00383/TIME). Mindful of the above, the planning officer confirmed at pre-application stage that the proposals complied with criterion c) of Policy EM2. Accordingly, the principle of redeveloping the site to residential should be supported on this basis alone.

6.2.5 Officers are therefore satisfied that a change of use of the site would be compliant with CP policy EM2, and that the ongoing employment use of the use has the significant potential to conflict with the primarily residential character of the area.

6.2.6 With reference to the proposed use, the site is highly sustainably located within Cheltenham's Principal Urban Area (PUA) wherein JCS policy SD10 supports new housing on previously-developed land.

6.2.7 Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; with policy SD10 also requiring new residential development proposals to “*seek to achieve the maximum density compatible with good design,...local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.*”

6.2.8 As such, the principle of residential development in this location is supported by officers subject to other material considerations discussed below.

6.3 Design, layout and impact on the historic environment

6.3.1 Adopted CP policy D1 requires all new development to adequately reflect principles of urban and architectural design; and to complement and respect neighbouring development and the character of the locality. The policy is generally consistent with adopted JCS policy SD4 and advice set out within Section 12 of the NPPF.

6.3.2 With particular regard to development within the historic environment, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. JCS policy SD8 also requires development to make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

6.3.3 The terraced housing fronting New Street is traditional in design and will sit comfortably alongside the adjacent terrace, maintaining the existing building line. The properties are two storeys, and will be faced in render and red brick, with string course detailing, pitched roofs, single chimney stacks, and sash windows. Each property will be provided with private amenity space, secure cycle facilities and dedicated bin/recycling storage areas. The size of the rear gardens has been increased as a result of revisions to the scheme.

6.3.4 The townhouses fronting Grove Street are more contemporary in their design and set back from highway; they are three storeys, and are proposed to be faced in red brick to complement with buildings opposite the site, with dark grey aluminium cladding panels, windows and doors. These properties, in addition to good sized rear gardens, secure cycle facilities and dedicated bin/recycling storage areas, will each be provided with two car parking spaces on the frontage.

6.3.5 The townhouses have been amended during the course of the application to address officer concerns. Namely, a single storey side element to plot 4 has been omitted (which has allowed for the increase in garden sizes to the rear of the terrace); the depth of the building has been reduced by 1m; and the front elevation has been improved through the introduction of a recessed band detail around the windows and the introduction of panelling between windows. Officers are satisfied these revisions also address the Architects Panel and Civic Society concerns that the design as originally submitted was too bland, and uninspiring. In addition, to the rear, the Juliet balconies have been omitted, the amount of glazing reduced, and the second floor windows have been obscured or fitted with external louvres.

6.3.6 Whilst the scale and massing of the townhouses is quite large, there are other examples of three storey residential buildings along Grove Street, and therefore whilst noting the comments of the Architects Panel in terms of omitting or setting back the top floor, officers do not consider this is necessary in this instance. The height of the buildings is commensurate with Quilter House, to the north, which is a full three storeys. The applicant's agent has also responded that they do not consider it necessary to set the top floor back as the building is set back from the pavements edge, thereby reducing its presence on the wider street scene; they feel such a revision "*would compromise the simple, elegant and honest design approach of these townhouses. Further, a setback is not a prevailing characteristic of the locality*". They also note that the recent development at Milsom Street does not have a setback at second floor and is right on the pavement edge.

6.3.7 A high quality palette of external facing materials and finishes will be key to the success of the scheme, particularly the extensive brickwork, and therefore conditions are suggested which require the submission of additional design details, and the construction of a sample panel of brickwork on site for consideration.

6.3.8 Overall, the proposed development will undoubtedly provide for an enhancement within the street scene and the wider conservation area. Although the plans show the introduction of landscaping, which will help soften the development, officers consider that there is additional scope to introduce some small trees, and therefore a full landscaping condition is suggested.

6.4 Climate change

6.4.1 In addition to the aforementioned design policies, adopted JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability; development proposals are required to "*demonstrate how they contribute to the aims of sustainability*" and "*be adaptable to climate change in respect of the design, layout, siting, orientation...*"

6.4.2 The adopted Cheltenham Climate Change SPD also provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals.

6.4.3 A Sustainability Statement is included within the Planning Statement which sets out the measures that have been incorporated within the development proposals; these include:

- Air source heat pumps
- Electric vehicle charging points
- Water efficient fittings
- Smart meters

6.4.4 Solar panels have also been introduced on the town houses during the course of the application. Solar panels are not proposed on the terraced dwellings due to the orientation of the rear roof slope; solar panels to the front (south facing) roof slope not considered visually appealing within the conservation area.

6.4.5 Overall, the measures are considered to be proportionate to the scale of development proposed, and sufficient to address the policy requirements.

6.5 Neighbouring amenity

6.5.1 Adopted CP policy SL1 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners and living conditions in the locality; these requirements are reiterated in adopted JCS policy SD14. In addition, NPPF paragraph 127 highlights the need to secure a high standard of amenity for existing and future users. CP paragraph 14.4. sets out that *“In assessing the impacts of a development including any potential harm, the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy; and potential disturbance from noise...”*

6.5.2 It is noted that concerns have been raised by residents to the rear of the site in Burton Street, particularly in relation to overlooking and loss of privacy, and such matters have been carefully considered. Moreover, as previously noted, significant revisions have been made to the fenestration in the rear elevation during the course of the application to mitigate the impacts of the development on the amenity of neighbours; the building is now set in excess of 10 metres from the rear boundary, and the second floor windows are to be obscurely glazed or fitted with fixed external louvres. The external louvres will allow for natural ventilation to the bedroom but prevent views towards the boundary.

6.5.3 Whilst note 2 to CP policy SL1 refers to a minimum distance of 21 metres between dwellings which face each other and both have windows with clear glazing, officers acknowledge that the scheme does not achieve a full 21 metres to all properties to the rear; the minimum distances achieved being 17.6m at ground floor, and some 19 metres at first floor. However, the scheme does achieve a minimum of 10.2 metres to the boundary at its closest point. Moreover, some degree of overlooking is not unusual, and is to be reasonably expected, within such densely populated areas of the town.

6.5.4 Turning to daylight, a section drawing has been submitted to demonstrate the relationship of the existing and proposed buildings with the properties to the rear in Burton Street which sit a lower level. The drawing shows that the height of the proposed dwellings will not exceed the ridge height of the existing commercial building and will be set much further away from the rear boundary. The drawing also demonstrates that the impact in terms of daylight will be not be significantly altered; the proposal passes the 25° daylight test when assessed against these properties to the rear. A right to light is a civil matter and is separate from the daylight and sunlight considerations undertaken as part of a planning application.

6.5.5 Given the distances involved, officers are satisfied that the proposed dwellings will not appear overbearing, nor result in any unacceptable level of harm in terms of outlook.

6.5.6 With regard to potential noise and disturbance from the proposed Air Source Heat Pumps, a condition has been added which requires details to be submitted prior to their installation.

6.5.7 Members will be aware noise and disturbance during demolition and construction, whilst inevitable, is not a reason to withhold planning permission. An informative has been attached which sets out the recommended hours of work, which are Monday to Friday 7.30am to 6pm, and Saturdays 8am to 1pm, with no working on Sundays or bank holidays.

6.5.8 The concerns in relation to security have also been duly noted, but officers are satisfied that security to the surrounding houses will not be compromised as a result of the development. The townhouses will have their rear gardens backing on to the rear gardens in Burton Street, with gated accesses. An additional gate has been introduced to secure the alleyway proposed between plot 1 and no.77 New Street to ensure that security to the rear of this neighbouring property is maintained.

6.6 Parking and highway safety

6.6.1 Adopted JCS policy INF1 advises that planning permission will be granted only where the impacts of the development are not severe. The policy also 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.

6.6.2 From a highway safety perspective, the application has been reviewed by the County Highways Development Management Team (HDM) who raise no objection subject to conditions; concluding that *“there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.”*

6.6.3 The site is highly sustainably located in close proximity to the town centre, with good access to a range of services and facilities, and public transport links. In addition, the application proposes secure cycle storage provision for each dwelling; and 2no. off-road car parking spaces for each of the 4no. townhouses. It is acknowledged that concerns over parking in the local area are raised in the representations but the level of parking provision proposed is considered to be acceptable in this location; this is evidenced by the absence of any objection from the Local Highway Authority.

6.6.4 In terms of trip generation, the residential use will result in a reduction when compared to the existing commercial use.

6.7 Other considerations

Archaeology

6.7.1 The County Archaeologist has highlighted that the Historic Environment Record shows that the site is within part of the town which has medieval origins, and that due to the size of the development, a programme of archaeological investigation to enable the recording of archaeological remains impacted by the proposals, as per the requirements of CP policy HE2, should be secured by condition.

Contaminated land

6.7.2 According to historic maps the site is identified as being contaminated due to its historic use as a warehouse as well as nearby sites being recorded as potentially

contaminated due to historic use as railway land, coal yards and warehouses. As such, in accordance with JCS policy SD14, a condition has been imposed which requires the submission of a contaminated land survey prior to the commencement of development.

Ecological impacts

6.7.3 The application is accompanied by an Ecological Impact Assessment that confirms that no protected species were recorded on site, and that the habitats present on site are common and of low ecological value. No further surveys are necessary, but pre-cautionary working methods are recommended which can be secured by condition.

6.7.4 Additionally, recommendations are made for the inclusion of integrated bat and bird boxes, and for ecological enhancements in any new soft landscaping, in order to provide biodiversity net gains; and these can again be secured by condition, having regard to JCS policy SD9.

Flooding and drainage

6.7.5 The site is located within Flood Zone 1 in an area at low risk from fluvial flooding, and the site is not identified as being susceptible to surface water flooding. The application is supported by a preliminary drainage document; however, a full surface water drainage scheme is required by way of condition.

Public Sector Equalities Duty (PSED)

6.7.6 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

6.7.7 Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

6.7.8 In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

7.1 Decisions on planning applications must be made in accordance with the development plan.

7.2 The application site is sustainably located within the Principal Urban Area, wherein adopted JCS policy SD10 supports new housing development. Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; and policy SD10 also requires new residential development proposals to “*seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.*”

7.3 Notwithstanding the above, where housing policies are out-of-date (as is the case in Cheltenham as the Council is currently unable to demonstrate a five year supply of deliverable housing sites) development proposals must 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.

- 7.4 As set out in the above report, officers are satisfied that the design of the proposed buildings is appropriate in this location; and that, overall, the proposals would result in a significant enhancement to the street scene and wider conservation area. The proposals would also result in some biodiversity net gains.
- 7.5 The site is highly sustainably located, and no highway objection has been raised by the Local Highway Authority.
- 7.6 The amenity concerns raised by local residents have been duly noted and, following revisions to the scheme, officers are satisfied that no significant harm to neighbouring land users would occur as a result of the development.
- 7.7 In addition, the dwellings have been designed to incorporate renewable energy technologies and will go some way in helping Cheltenham meet its commitment to become a net zero carbon council and borough by 2030.
- 7.8 Moreover, the proposals would make an efficient and effective use of a brownfield site and contribute to the borough's much needed housing stock.
- 7.9 As such, officers are wholly satisfied that the proposed development would not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme. The recommendation therefore is to grant planning permission subject to the following conditions:
- 7.10 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, agreement has been sought from the applicant in respect of the pre-commencement conditions (conditions 3 and 4).

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 Prior to the commencement of development, a full surface water drainage scheme 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 adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.
- 4 Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan

shall be adhered to throughout the demolition/construction period and shall include but not be restricted to:

- a) Parking for vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- b) Advisory routes for construction traffic;
- c) Any temporary access to the site;
- d) Locations for loading/unloading and storage of plant, waste and construction materials;
- e) Measures for the control of noise, dust, vibration and any other nuisances from works of construction and demolition at the site;
- f) Method of preventing mud and dust being carried onto the highway;
- g) Arrangements for turning vehicles;
- h) Arrangements to receive abnormal loads or unusually large vehicles;
- i) Highway condition survey; and
- j) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, having regard to adopted policy INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 5 Prior to the commencement of development, a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and shall include:

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to:
 - human health
 - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
 - adjoining land
 - ecological systems
 - groundwaters and surface water
 - archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

The site investigation, risk assessment report, and proposed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with

adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 6 Prior to the commencement of development (other than development or works required by this condition), a programme of archaeological works shall be carried out in accordance with a Written Scheme of Investigation, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that archaeological remains and features are preserved in situ or, if this is not feasible, to enable a record of the remains of archaeological interest to be made prior to their disturbance, having regard to adopted policy HE2 of the Cheltenham Plan (2020) and Historic Environment Good Practice Advice Note 2). Approval is required upfront because archaeological remains and features could otherwise be permanently lost.

- 7 Prior to the commencement of development, an Ecological Mitigation and Enhancement Plan based on the measures set out within the submitted Ecological Impact Assessment (Swift Ecology Report ref: C2898-1, dated July 2022) shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall thereafter be implemented in strict accordance with approved details.

Reason: To conserve and enhance the biodiversity value of the site, having regard to policy SD9 of the Joint Core Strategy (2017), and paragraphs 174 and 180 of the National Planning Policy Framework (2021).

- 8 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 adopted policy D1 of the Cheltenham Plan (2020), and adopted policies SD4 and SD8 of the Joint Core Strategy (2017).

- 9 The external facing brickwork shall not be carried out unless in accordance with a sample panel which shall have first been constructed on site and approved in writing by the Local Planning Authority. The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the facing brickwork including coping bricks/stones (if applicable). The approved sample panel shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020), and adopted policies SD4 and SD8 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 been submitted to and approved in writing by the Local Planning Authority:
- a) Windows;
 - b) External doors;
 - c) External louvres;
 - d) Flat roof detail; and
 - e) Rainwater goods.

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020), and adopted policies SD4 and SD8 of the Joint Core Strategy (2017).

- 11 Prior to their installation, details of the proposed air source heat pumps shall be submitted to and approved in writing by the Local Planning Authority. The details shall include their positioning and an assessment of predicted noise levels. The air source heat pumps shall thereafter be installed in accordance with the approved details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 12 Prior to the implementation of any landscaping, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of all new walls, fences, or other boundary treatments; 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; 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.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 13 Prior to first occupation of the development, car parking facilities shall be provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure the adequate provision of car parking within the site in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 14 The vehicular access hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 112 of the National Planning Policy Framework (2021).

- 15 Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017).

- 16 Prior to first occupation of the development, refuse and recycling storage facilities (including appropriate containers) shall be provided in accordance with the approved plans and 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 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), all second floor rear facing windows in plots 4 – 7 shall be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent), unless fitted within an external fixed louvre, and shall be retained as such thereafter.

Reason: To safeguard the amenities of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 18 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 with or without modification), no additional windows, doors and/or openings shall be formed in the development without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

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, the authority sought revisions to address concerns in relation to design, and neighbouring amenity. Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The surface water drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 – Clause 27 (1))
 - Code for sustainable homes – A step-change in sustainable home building practice
 - The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 – Clause 9 (1))
 - Gloucestershire SuDS Design and Maintenance Guide (Nov 2015)

- 3 The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full details can be found at www.gloucestershire.gov.uk.
- 4 The applicant/developer is advised that the accepted construction hours for works which are audible at the site boundary are Monday to Friday 7.30am to 6pm, and Saturdays 8am to 1pm, with no noise generating activities to be carried out on Sundays, Bank and/or Public Holidays.
- 5 Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.
- 6 The proposed development may require agreement under The Party Wall etc. Act 1996; the granting of planning permission does not remove the need to comply with the Party Wall etc. Act 1996 where it is applicable.