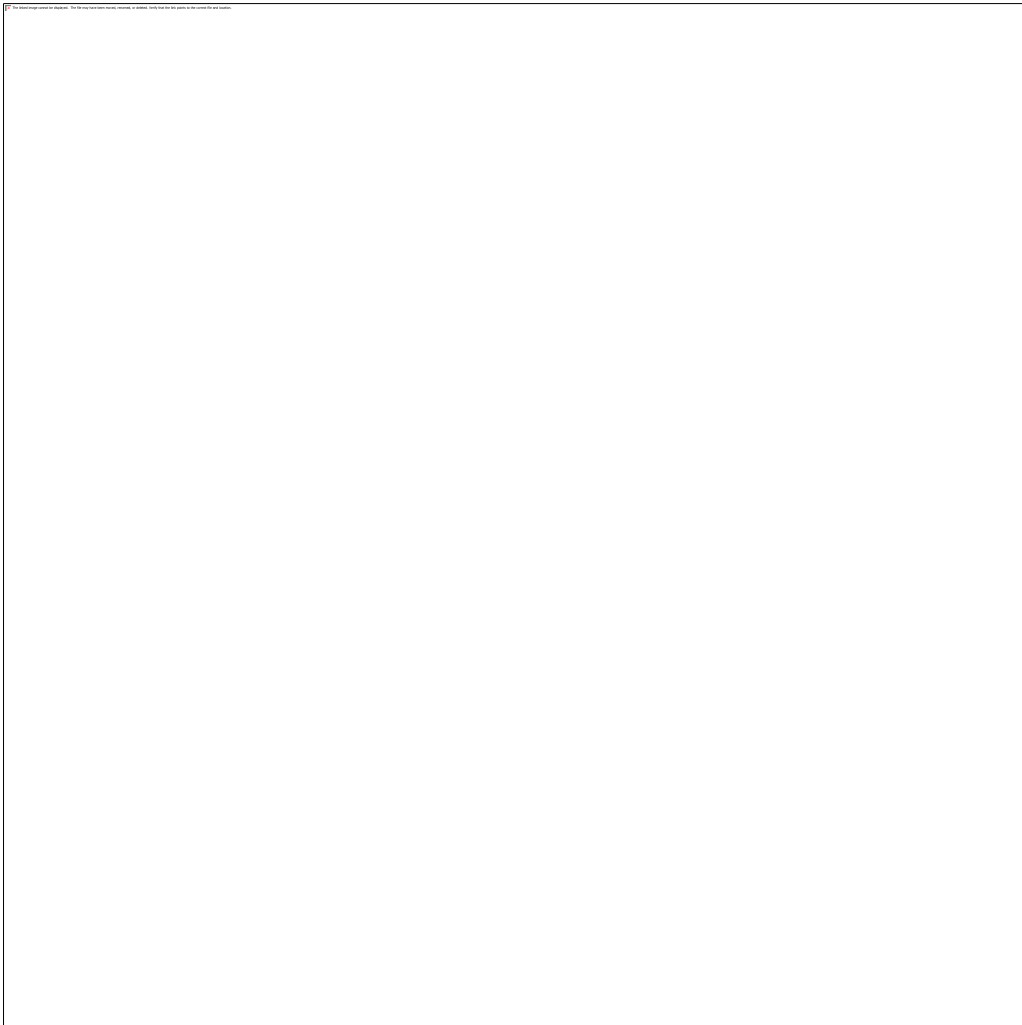


<b>APPLICATION NO: 23/00625/FUL</b>		<b>OFFICER: Michelle Payne</b>
<b>DATE REGISTERED:</b> 14th April 2023		<b>DATE OF EXPIRY:</b> 14th July 2023 (extension of time agreed until 22nd December 2023)
<b>DATE VALIDATED:</b> 14th April 2023		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> St Peters		<b>PARISH:</b>
<b>APPLICANT:</b>	Lane Britton and Jenkins	
<b>AGENT:</b>	Zesta Planning Ltd	
<b>LOCATION:</b>	456 High Street Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Full planning application for the redevelopment to provide a residential development of 18no. apartments (12no. one bed and 6no. two bed) contained within two blocks, following demolition of an existing commercial building	

**RECOMMENDATION:** Permit subject to Unilateral Undertaking



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the southern side of the Lower High Street, directly adjacent to the Honeybourne Line to the west, and just within the Central Conservation Area boundary (Lower High Street Character Area). The site is also located within the Principal Urban Area (PUA) and is approximately 0.07 hectares in size. The site is not subject to any other designation. A small part of the site is owned by the Council who are selling the land.
- 1.2 The site is currently in a Class B2 employment use and occupied by J R Laboratories Ltd, an optical product manufacturers. The existing building on site, whilst set back from the highway, covers much of the site. The building is single storey and utilitarian in its appearance, dating from the 1950s. Its front elevation is red brick with a stepped art deco style gable end with two solid courses. The building is identified as a 'Significant neutral building/space' on the Townscape Analysis Map within the Lower High Street Character Area Appraisal. The frontage of the site is hard surfaced and used for car parking and is devoid of any landscaping.
- 1.3 To the northwest of the site, beyond the Honeybourne Line, sits Honeybourne Gate, a modern, five storey development comprising 55 retirement apartments. To the south-east, the site sits adjacent to no. 452 High Street, an end-of-terrace property with a vacant shop unit at ground floor and a flat on the upper floor. To the rear, the site backs onto the Winston Churchill Memorial Gardens which house the grade II listed St Marys Mission (St Marys Cemetery Chapel). Immediately opposite the site, on the High Street, is a recent, four storey residential development.
- 1.4 The application proposes the demolition of the existing building on site and the erection of a new residential development comprising 18no. apartments (12no. one bed and 6no. two bed) within two separate blocks. The proposed buildings are four storeys in height, with the top floor recessed. Externally, the buildings are faced in red brick, with a tiled finish to the recessed top floor.
- 1.5 Revised plans have been submitted during the course of the application and these are discussed in the report below. The quantum of development is unchanged.
- 1.6 In addition to drawings, the application is supported by the following detailed reports and statements; all of which have been available to view on the Council's website:
  - Planning Statement
  - Design and Access Statement (including Sustainability and Waste Management)
  - Heritage Statement
  - Phase 1 Geo-Environmental Desk Study Report
  - Air Quality Assessment
  - Building Inspection Report
  - Arboricultural Impact Assessment
  - Drainage and Maintenance Strategy
  - Planning Viability Report
  - Transport Note: Car Parking Assessment (updated)
- 1.7 The application is before the planning committee at the request of Cllr Willingham whose full comments can be read in the appendix to this report.
- 1.8 Members will have the opportunity to visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Conservation Area  
Central Conservation Area  
Core Commercial Area  
Honeybourne Line  
Principal Urban Area  
Residents Association  
Lower High Street Shopping Area  
Smoke Control Order

### **Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework 2023 (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**

EM2 Safeguarding Non-Designated Existing Employment Land and Buildings  
D1 Design  
BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure  
SL1 Safe and Sustainable Living  
GI2 Protection and replacement of trees  
GI3 Trees and Development

### **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  
SD12 Affordable Housing  
SD14 Health and Environmental Quality  
INF1 Transport Network  
INF2 Flood Risk Management  
INF3 Green Infrastructure

### **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

See appendix at end of report

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to 54 neighbouring properties on receipt of the application. In addition, site notices were posted and an advert published in the Gloucestershire Echo.
- 5.2 Additional consultation was carried out on receipt of the revised plans.
- 5.3 In response to the publicity, 12 representations have been received; 11 in objection, and one general comment. The comments have been circulated in full to members.
- 5.4 The comments are summarised below:
  - Concerned about noise and disruption during construction and ongoing noise once complete
  - Height will impact on light to, and views from, Honeybourne Gate
  - Parking is already difficult / roads are congested
  - Impact on value of properties in Honeybourne Gate
  - Building is too large
  - There is no parking proposed on-site
  - Concerns over rubbish collection
  - The narrow gap proposed between the building and the Honeybourne Line will make repairs to the embankment and the line very difficult
  - Honeybourne Gate is a retirement development
  - Scale, height and mass of the proposal represents overdevelopment
  - Unreasonable impact on living conditions of residents in Honeybourne Gate in terms of privacy, overshadowing and loss of light – will be oppressive and overbearing
  - No provision for access for servicing vehicles, emergency services, etc.
  - Unconvincing argument for change of use – Cheltenham has lack of employment land
  - No objection to change of use but object to height and size of new building – should be no more than two storeys
  - Four storey building would impact on views and make Honeybourne Line more enclosed and less safe
  - LPA has duty to preserve or enhance the conservation area
  - Loss of views from Honeybourne Gate
  - Due to proximity to Honeybourne Gate, the mass and scale of the development will have detrimental overbearing impact, and block light
  - No Health Impact Assessment submitted
  - Access to Block B for larger deliveries and removals appears to be totally impractical
  - No objections in principle but any proposal should be of a much reduced size and scale – no more than two storeys
  - Building should be finished in white render which would be more in-keeping
  - Honeybourne Gate not designed to have windows overlooking it
  - Suggestion that public car parks locally could be used for 'visitors and delivery vehicles' is comical - delivery vehicles and vans will park on the single carriageway main road or illegally on the pavement
  - Visitors coming into town along the major access road will see the proposed building looming above the Honeybourne Bridge
  - Need to install 'mechanical ventilation systems' does not seem very green or healthy for the residents
  - Noise levels during construction will impact daily life
  - Congestion in an already busy area will be added to

- Unrealistic to think residents won't have cars
- Occupants of the proposed building would have their bedroom and/or lounge windows directly overlooked by the Honeybourne Gate windows and vice versa
- The building would completely dominate the view from all windows of Honeybourne Gate apartments on this side
- Residents on the affected side of Honeybourne Gate have chosen to live on the 'quiet' side of the building - unfair to inflict on them the inevitable noise, vibration and disruption of the building works
- The proposal represents a gross overdevelopment of a restricted site and will be out of scale with adjacent properties
- The proposal will require the removal of two trees at the entrance to Winston Churchill Gardens
- No objection to the proposed building but the developer should provide a new staircase up to the Honeybourne Line
- The site is very small and believed to have been previously found not to be financially viable for development
- There is a lack of outdoor amenity space at ground floor
- Ideal situation would be that the site be developed together with 452 High Street and other adjacent empty retail units

## 6. OFFICER COMMENTS

### 6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of redevelopment in terms of the loss of the existing employment site and the proposed residential use; design, layout and impact on the historic environment; climate change; parking and highway safety; affordable housing; neighbouring amenity; and recreational impacts on the Cotswold Beechwoods Special Area of Conservation.

### 6.2 Principle

6.2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In accordance with paragraph 11 of the National Planning Policy Framework (NPPF) which sets out a "*presumption in favour of sustainable development*" proposals that accord with an up-to-date development plan should be approved without delay.

6.2.2 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP); adopted policies of the Cheltenham Plan 2020 (CP); and adopted policies of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS). Other material considerations include the NPPF, and Planning Practice Guidance (PPG).

#### *Loss of existing employment use*

6.2.3 Adopted CP policy EM2 seeks to safeguard non-designated employment land and buildings and advises that:

*Development proposals for a change of use of land and buildings currently or last in employment use (Note 1) will only be permitted where:*

*a) buildings were constructed and first occupied for residential use; or*

*b) the loss of the site to other uses does not have a detrimental impact on the continuing operation of existing businesses in the vicinity (Note 2) and;*

*i. The proposed use is job-generating (Note 3) with any loss of existing provision being offset by a net gain in the quality (Note 4) and / or the number of jobs provided on the site; or*

*ii. Development of the site will ensure the relocation of an existing firm to a more suitable location within the Borough (Note 5); or*

*iii. There has been a sustained and long-term absence of economic activity on the land with no reasonable prospect of the land being used for employment (Note 6); or*

*c) The applicant for planning permission can demonstrate that employment use creates unacceptable environmental or traffic problems which cannot be satisfactorily resolved.*

6.2.4 In this case, whilst officers acknowledge that the site is not yet vacant, regard has been given to paragraph 1.2 of the Planning Statement, and the Building Inspection Report, which accompanies the application. These documents set out that the existing commercial building on site is in a poor state of repair and has reached the end of its natural life span, and that the existing business on site is currently reducing its operations with a view to vacating the site. In this respect, the alternative use of the site would not have a detrimental impact on the continuing operation of existing businesses in the vicinity, and given the number of residential properties that have been relatively recently constructed within the vicinity of the site, any redevelopment of the site within a B2 employment use would have the significant potential to cause harm to the amenities of neighbouring land users. On balance, officers are therefore satisfied that a change of use of this site would be compliant with the aims and objectives of CP policy EM2.

#### *Proposed residential use*

6.2.5 As previously noted, the application site is sustainably located within the PUA, wherein adopted JCS policy SD10 supports new housing development on previously-developed land. However, in any event, the housing policies are out-of-date as the Council is currently unable to demonstrate a five year supply of deliverable housing sites (the latest published figure is 4.84 years), and therefore the 'tilted balance' in favour of granting permission is triggered. The proposed development would result in the welcome provision of an additional 18no. residential units in this highly sustainable location, and make a valuable contribution to the borough's housing stock.

6.2.6 With all of the above in mind, officers are satisfied that, in principle, the proposed redevelopment of the site is acceptable, subject to the material considerations discussed below.

6.2.7 As previously noted, the existing building on site is identified as being a neutral building within the Lower High Street Character Area Appraisal and is not considered to make a positive contribution to the character and appearance of the conservation area; as such no objection is raised to its demolition subject to a satisfactory scheme for redevelopment.

### 6.3 Design, layout and impact on the historic environment

6.3.1 Paragraph 130 of the NPPF requires decisions on planning applications to ensure that new developments "*will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to local character...including the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible...with a high standard of amenity for existing and future users*".

6.3.2 The above requirement is generally consistent with the design requirements set out in adopted CP policy D1 and JCS policy SD4.

6.3.3 Additional guidance of relevance to this application can be found in the Council's adopted SPD relating to development on garden land and infill sites, which sets out that various elements combine to create the character of an area. The document states at paragraph 3.5 that *"Responding to character is not simply about copying or replicating what already exists in an area...Change in itself is not considered a bad thing automatically..."*

6.3.4 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.

6.3.5 The main access to the development would be located via a passage to the side (northwest) of Block A between the building and the Honeybourne Line, leading through to Block B at the rear. Each block would be provided by dedicated refuse, recycling and bike storage facilities, with the refuse/recycling store integral to Block A having an access direct onto the High Street for collection. No on-site car parking provision is proposed.

6.3.6 Externally, the space about the buildings is largely shown to be hard surfaced with only small pockets of low level landscaping to soften the site; however, officers feel that there is scope to introduce more generous areas of soft landscaping within the site, and this could be secured via a condition requiring a detailed hard and soft landscaping scheme to be submitted for approval. Although there are no large areas of open recreational space within the development, there are opportunities for recreation reasonably close to the site.

6.3.7 With regard to the external appearance of the buildings, as previously noted, the scheme has been revised during the course of the application resulting in significant improvements: the revisions include:

- The introduction of a red brick finish throughout the main elevations of the buildings;
- a recessed, tile hung, top floor helping to break up the massing and bulk of the buildings; and
- changes to the fenestration.

6.3.8 In its revised form, officers consider the external appearance of the scheme to be acceptable. Although concerns have been raised in relation to the height of the buildings, officers are satisfied that no particular harm will occur. The top floors are now recessed from the buildings below, and are effectively the 'roof'; and the use of an alternative facing material at this level would further help to ensure that the top floor reads as part of the roofscape. In addition, the street scene elevations demonstrate that the height of the buildings would step up along this part of the High Street to address the corner, the proposed buildings sitting well below the height of the neighbouring Honeybourne Gate.

6.3.9 Moreover, it is important to acknowledge that the removal of the top floors, or limiting the development to two storeys would result in a reduction in residential units which, given the Council's shortage of housing land supply, would be at odds with JCS policy SD10 which requires new residential development proposals to achieve maximum densities compatible with good design. Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; with the Government recognising the benefits of extending upwards in terms of maximising development potential.

6.3.10 In terms of heritage impacts, the Conservation Officer's detailed comments in response to the original scheme (which can be read in the appendix below) have been duly

noted, and officers are satisfied that the revised proposals go some way in addressing their concerns. With regard to scale and massing, as mentioned above, the top floor of the buildings now appears more recessed in line with neighbouring new developments and officers do not agree that the development is overly tall in this context, nor that its dense form would be harmful to the character and appearance of the conservation area, particularly given the scale and density of the neighbouring Honeybourne Gate development.

6.3.11 It is acknowledged that views of the site from the Winston Churchill Memorial Gardens to the rear would be altered, and that the proposed development would be a far more prominent addition than the building already on site but, again, it is important to consider the impacts in relation to surrounding developments. In this case, the proposals would be read in the context of the much larger development on the opposite side of the Honeybourne Line built in 2015. Moreover, the proposals do go some way in mitigating the impact on the gardens, with the rear part of Block B being only three storeys. For the same reasons, officers do not consider the development to be detrimental to the nearby grade II listed St Marys Mission.

6.3.12 Officers accept that the proposed development would undoubtedly have a far greater visual impact within the street scene, and from other public vantage points than the existing building but this, in itself, is not considered to be unacceptable or harmful.

6.3.13 The Conservation Officer also found the proposed materials and detailing to be poor, and officers shared the view that blue/grey brick plinth originally proposed was inappropriate. However, officers strongly disagree that the use of red brick is inappropriate in this location, and that the building should be rendered. Given that the predominant finish in the locality is render, the use of red brick in the external elevations of this development, will maintain a balance of red brick and render. That said, 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.

6.3.14 The level of harm to the designated heritage assets (the conservation area and nearby grade II listed building) identified by the Conservation Officer is considered to be 'less than substantial', and as such NPPF paragraph 202 requires the harm to "*be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*"

6.3.15 PPG (Paragraph: 020 Reference ID: 18a-020-20190723) sets out that public benefits can be "*anything that delivers economic, social or environmental objectives*" and "*be of a nature or scale to be of benefit to the public at large and not just be a private benefit*".

6.3.16 In this case, officers are therefore wholly satisfied that the development of the site for residential purposes will result in public benefits that outweigh the identified harm. Given the current shortage of housing within the borough, the public benefits of the residential use in this highly sustainable location are apparent.

## 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...*" The policy requires major planning applications to be accompanied by an Energy Statement.



6.4.2 JCS paragraph 14.4.11 goes on to advise that:

*Before considering the use of renewable energy technologies the design of a development should first identify measures to reduce overall energy demand. This can include choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for space heating and/or cooling and lighting. Secondly, the design should include measures to use energy more efficiently such as increasing levels of insulation in walls, floors and roofs and improved air-tightness.*

6.4.3 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.

6.4.4 As required, the application is accompanied by an Energy/Sustainability Statement (within the Design and Access Statement) in support of the application that sets out that a 'fabric first' design approach is proposed to reduce the energy demand of the property and reduce carbon accordingly. The statement also sets out additional energy efficiency measures that could be incorporated into the development.

6.4.5 Notwithstanding the above, officers consider that the development offers the real opportunity to incorporate additional measures to help Cheltenham meet its commitment to become a net zero carbon council and borough by 2030. A condition is therefore suggested which requires a more detailed scheme to be submitted and agreed.

## 6.5 Parking and highway safety

6.5.1 Adopted JCS policy INF1 requires all development proposals to provide safe and efficient access to the highway network for all transport modes; and provide connections where appropriate, to existing walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. The policy states that planning permission will only be granted where the impacts of the development are not considered to be severe, which reiterates advice at paragraph 111 of the NPPF.

6.5.2 From a highways perspective, the access, parking and highway safety impacts associated with the proposed residential use has been assessed by the Highways Development Management Team (HDM) at the County Council, acting as the Highway Authority in its role as Statutory Consultee, and their full comments can be read in the Appendix below.

6.5.3 The application does not propose any car parking, and in their initial response HDM raised concerns *"that the failure to provide for off-street parking at this location or to introduce mechanisms that will preclude future residents from acquiring a parking permit in zone 12 will result in added parking pressures on the local road network"*, and requested that additional information be submitted. HDM advise that the permit statistics at this location show that 392% more permits have been issued than there are permit bays within the parking permit zone (Cheltenham Westend Zone 12).

6.5.4 Following receipt of additional information, namely an updated transport note comprising of a car parking assessment, HDM continue to have concerns over the additional demands the development would have on parking in the surrounding area, and continue to suggest that an s106 legal agreement is required to preclude car ownership or the ability for future occupiers from acquiring a parking permit in zone 12.

6.5.5 However, it is not appropriate to secure such an obligation through an s106 agreement as it would fail to meet the necessary tests, in that it is not required to make the development acceptable in planning terms. HDM raise no objection in principle to the lack of car parking,

and it is for the County Council to control the issuing of permits. That said, an informative is suggested that highlights the fact that future occupiers of the development would not be eligible for permits.

6.5.6 Furthermore, the County's Manual for Gloucestershire Streets identifies that "*For both residential and commercial developments in town and city centres the applicant may choose not to provide car parking spaces at all or to provide a reduced parking provision*" and that one of the considerations will relate to "*the opportunity to access the site sustainably*".

6.5.7 In this regard, NPPF paragraph 112 advises that priority should first be given to pedestrian and cycle movements, and secondly, to facilitating access to high quality public transport.

6.5.8 With regard to access for emergency vehicles, the situation will not be dissimilar to that elsewhere along the lower High Street and in other densely populated areas of the town centre.

6.5.9 Overall, given this highly sustainable town centre location, officers are therefore satisfied that the requirements of JCS policy INF1 and NPPF paragraphs 110 – 113 are met.

## 6.6 Affordable housing

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

6.6.2 As this application proposes 18no. dwellings, policy SD12 is triggered; a policy compliant 40% provision of affordable housing would equate to 7no. affordable units.

6.6.3 In response to policy SD12, the applicant has submitted a Planning Viability Report prepared by Stuart Larkin and Associates Ltd to demonstrate that the affordable housing policy requirement cannot be met on this site. The viability report has been independently reviewed by the District Valuer Service (DVS), the specialist property arm of the Valuation Office Agency (VOA) which provides independent valuation and professional property advice to bodies across the public sector. The DVS report concludes that "*that the proposed scheme cannot viably provide any level of Affordable Housing, or any amount by way of payment towards an off-site Affordable Housing Contribution*".

6.6.4 The proposed scheme is therefore a 100% Open Market scheme; officers have no reason to dispute the findings of the DVS.

## 6.7 Neighbouring amenity

6.7.1 Adopted CP policy SL1 states that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality. CP paragraph 14.4 advising 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, smells, dust, fumes, vibration, glare from artificial lighting, hours of operation, and traffic / travel patterns.*

6.7.2 Adopted JCS policy SD14 reiterates this advice and also seeks to ensure high quality developments that "*protect and seek to improve environmental quality*". In addition, NPPF

paragraph 130 highlights the need to ensure a high standard of amenity for both existing and future users.

6.7.3 The proposed development has given rise to a number of objections on amenity grounds which primarily relate to a loss of privacy, daylight and outlook. Concerns have also been raised in relation to noise and disturbance during construction.

6.7.4 From a privacy perspective, officers are satisfied that no unacceptable loss of privacy or overlooking would occur as a result of the development. Note 2 to CP policy SL1 advises that in determining privacy for residents, the Council will seek a minimum distance of 21 metres between dwellings which face each other where both have windows with clear glazing, and 12 metres between dwellings which face each other where only one has windows with clear glazing.

6.7.5 In this case, the windows in the side elevation of Block A facing Honeybourne Gate have been amended to be projecting, angled windows to direct views back towards the Honeybourne Line, away from Honeybourne Gate. This window arrangement, together with the distances involved, which are in excess of 15 metres is considered to be acceptable. Moreover, it is important to be recognised that in this situation, the windows in Honeybourne Gate are already overlooked by users of the Honeybourne Line, they are not facing onto private amenity space. A similar window arrangement is proposed in the other side elevation facing no. 452 High Street. The windows in Block B facing no.452 have been conditioned to be obscurely glazed.

6.7.6 Turning to daylight, the proposed development passes the relevant 25° daylight test when assessed against facing windows in Honeybourne Gate. Furthermore, given the distances involved, officers are satisfied that the proposed development will not appear overbearing, nor result in any unacceptable level of harm in terms of outlook.

6.7.7 Any increase in noise from the residential properties should not be detrimental to the amenity of neighbouring land users in this town centre location.

6.7.8 With regard to noise and disturbance during demolition and construction, whilst inevitable, Members will be aware that this is not a reason to withhold planning permission. That said, the Environmental Health team (EH) have requested that a Construction Management Plan, to control emissions of noise and dust, be submitted for approval prior to the commencement of development. Similarly, they request a condition which requires a piling plan to be submitted for approval prior to any piling activities being carried out on site, should piled foundations be proposed.

6.7.9 The site is located within an Air Quality Management Area and the application is therefore supported by an Air Quality Assessment. EH have reviewed the assessment and are satisfied that, subject to the installation of the specified mechanical ventilation system and fenestration, acceptable air quality for future residents would be achieved. The implementation of the specified system can be secured by condition.

6.7.10 On balance, officers are therefore satisfied that the development would not result in any unacceptable impact upon the amenities or living conditions of those residential neighbours living close to the site, nor on future residents of the development.

## 6.8 Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC)

6.8.1 The application site lies within a zone of influence as set out in the Cotswold Beechwoods SAC Recreation Mitigation Strategy (May 2022) for recreational pressure for the Cotswold Beechwoods SAC, which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

6.8.2 Adopted CP policy BG1 states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site Network and the effects cannot be mitigated. All development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects. Without appropriate mitigation, the proposed development is likely to have a significant effect on the Cotswold Beechwoods SAC (either alone or in combination with other development) through increased recreational pressure.

6.8.3 The Council has undertaken an Appropriate Assessment and considers the measures set out in the abovementioned mitigation strategy to be necessary to provide adequate mitigation to address the impacts of the proposal. The applicant can choose to make a contribution towards the measures in the strategy, or to provide their own bespoke strategies to mitigate the impacts the proposed development will cause.

6.8.4 In this case, the applicant has opted to make the contribution of £673 per dwelling which would be secured via a Unilateral Undertaking.

## 6.9 Other considerations

### *Flooding and drainage*

6.9.1 JCS policy INF2 states that development proposals must avoid areas at risk of flooding, and seek to minimise the risk of flooding. It goes on to state that new development should, where possible, contribute to a reduction in existing floor risk, and that new development should incorporate Sustainable Drainage Systems (SuDS) where appropriate.

6.9.2 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 Drainage and Maintenance Strategy. As this is an application for major development, the County Council acting as the Lead Local Flood Authority (LLFA) have been consulted.

6.9.3 Having reviewed the submitted strategy, the LLFA state *“The drainage strategy submitted with this application proposes a 40% reduction in the rate of discharge of surface water however it is not clear where this water is going. There is a combined sewer and a surface water sewer in the high street and the LLFA require clarity that the surface water will go to the surface water sewer and not the combined sewer.”* Additional detailed is therefore required by condition.

### *Waste Minimisation*

6.9.4 Waste Minimisation has been addressed within the submitted Design & Access Statement. The County Minerals and Waste Policy Team have reviewed the application and raise no objection in principle. They are satisfied that waste minimisation matters have been considered, but request that additional information be secured by condition.

### *Community infrastructure*

6.9.5 The County Council have confirmed that they are not seeking any contributions towards libraries or education as the development does not meet the thresholds. Only developments of 10 or more 2 or more bed units are qualifying for education, and only developments of 25 or more 1 bed or more units are considered qualifying for libraries.

### *Trees*

6.9.6 The Trees Officer consider the Arboricultural Report which accompanies the application is well considered and of good quality; they do not object to the removal of the

Ash trees on site or to the modest pruning of the Ash-leaf Maple growing on the Council's land.

#### *Protected species*

6.9.7 Gloucestershire Centre for Environmental Records (GCER) have identified that a number of protected species have been sighted in proximity to the application site in the past, including bats. However, there are no particularly recent sightings, and the most recent bat sighting recorded was in 2020 some 364 metres away.

6.9.8 Nevertheless, the proposed development does provide the opportunity to include enhancement measures such as bat and bird boxes; and a condition is suggested in this regard.

#### *Biodiversity Net Gain (BNG)*

6.9.9 NPPF paragraph 174 (d) states that decisions on planning applications “*should contribute to and enhance the natural and local environment by...providing net gains for biodiversity*”. As such, providing any biodiversity gain, however small, is currently compliant with national policy. The requirement to provide a 10% net gain is not yet mandatory.

6.9.10 In this case, officers are satisfied that a scheme for ecological enhancement measures such as those mentioned above is sufficient to meet the requirements of JCS policy SD9 and the NPPF.

#### *Public Sector Equalities Duty (PSED)*

6.9.11 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.

6.9.12 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.

6.9.13 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, unless material considerations indicate otherwise.

7.2 Officers are satisfied that the general principle of redeveloping this site for residential purposes is acceptable. The proposed development would, on balance, be in accordance with the aims and objectives of adopted CP policy EM2; and the application site is highly 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) development proposals for housing 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 In this case, whilst some harm has been identified, officers are satisfied any adverse impacts resulting from the revised scheme are clearly outweighed by the benefits of providing 18no. residential units in this highly sustainable location. Although the number of dwellings proposed would normally trigger the need to provide 40% affordable housing, the viability of the scheme has been tested, and no affordable housing contribution can be secured.
- 7.5 From a highway safety perspective, the scheme has been assessed by the Highways Development Management Team (HDM) at the County Council, who raise no highway objection subject to a number of conditions. For the reasons set out in the report above, officers do not consider it appropriate enter into an s106 legal agreement to preclude car ownership or the ability for future occupiers from acquiring a parking permit in zone 12.
- 7.6 The amenity concerns raised by local residents living in close proximity to the site, have been carefully considered. On balance, officers are satisfied that the development would not result in any unacceptable impact upon the amenities and living conditions of any neighbouring land user.
- 7.7 Suitable mitigation of any adverse recreational impacts on the Cotswold Beechwoods SAC can be achieved.
- 7.8 With all of the above in mind, taking into account the economic, social, and environmental aspects of the application, officers are satisfied that, as a whole, the proposed development would not result in any adverse impacts that would outweigh the clear benefits of the scheme.
- 7.9 The recommendation therefore is to grant planning permission subject to a Unilateral Undertaking and the schedule of conditions set out below; in accordance with The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, agreement has been sought in respect of the pre-commencement conditions:

## **8. SUGGESTED 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, other than those works necessary to comply with the requirements of this condition, a Phase 2 ground investigation shall be carried out as per the recommendations at paragraph 6.3 of the Pre-Planning Geo-Environmental Desk Study Report Assessment (Wilson Associates, Report No: 4963, dated March 2022) and the results and any remediation measures shall be submitted to and approved in writing by the Local Planning Authority.

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, having regard to 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.

- 4 Prior to the commencement of development (including demolition and site clearance), 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 development process and shall include, but not be restricted to:

- i) Provision of 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);
- ii) Advisory routes for construction traffic;
- iii) Any temporary access to the site;
- iv) Locations for the loading/unloading and storage of plant, waste and construction materials;
- v) Method of preventing mud and dust being carried onto the highway;
- vi) Arrangements for turning vehicles;
- vii) Arrangements to receive abnormal loads or unusually large vehicles;
- viii) Highway condition survey;
- ix) Measures to control the emission of noise, dust and dirt during demolition and construction;
- x) Measures for controlling the use of site lighting whether required for safe working or for security purposes; and
- xi) Methods of communicating the 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, and to prevent any loss of amenity to neighbouring land users, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 5 Prior to the commencement of development (including demolition and site clearance), a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the development process and shall:

- i) identify the specific types and amount of waste materials forecast to be generated from the development during site preparation, and demolition and construction phases;
- ii) identify the specific measures that will be employed for dealing with the waste materials so as to:
  - minimise its creation, and maximise the amount of re-use and recycling on-site;
  - maximise the amount of off-site recycling of any wastes that are unusable on-site; and
  - reduce the overall amount of waste sent to landfill; and

iii) set out the proposed proportions of recycled content that will be used in construction materials.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy, and adopted Minerals Local Plan for Gloucestershire Policy SR01.

- 6 Prior to the commencement of development (other than demolition and site clearance), a detailed scheme for the incorporation of water and energy efficiency measures, and renewable or low carbon energy technologies within the development shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details and thereafter so retained.

Reason: To promote sustainable building design, having regard to adopted policy SD3 of the Joint Core Strategy (2017) and the adopted Cheltenham Climate Change SPD (2022). Approval is required upfront because sustainable design is an integral part of the development and its acceptability.

- 7 Prior to the commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution, having regard to adopted policies SD14 and INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 8 Prior to any works above ground level, details of the provision made for facilitating the management and recycling of waste generated during occupation of the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy.

- 9 No external facing and/or roofing materials shall be applied unless in accordance with:  
a) a written specification of the materials; and  
b) physical sample(s) of the materials.  
The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

- 10 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 perforated



brickwork. 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 policy SD4 of the Joint Core Strategy (2017).

- 11 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:

- a) Window system;
- b) External doors;
- c) Parapet detail;
- d) Rainwater goods;
- e) External vents and flues;
- f) External lighting; and
- g) Cycle store for Block B.

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).

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

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

Any trees or plants indicated on the approved scheme which, within a period of 30 years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, 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 The development shall be carried out in accordance with the recommended mitigation measures detailed in Section 7 of the Air Quality Assessment (Air Quality Consultants Ltd, Report No: J10/13186A/10/1/F1, dated April 2022). The mechanical ventilation system shall be installed and operational prior to first occupation of the development.

Reason: To ensure that suitable mitigation measures are installed to protect future residents of the dwellings, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 14 Should piled foundations be proposed on site, prior to any piling activities taking place, a Piling Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall identify the likely impact of piling activities and identify suitable mitigation of those effects.

Reason: To safeguard the amenity of nearby residential 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).

- 15 Prior to first occupation of the development, the existing vehicular accesses to the site shall be permanently closed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, having regard to adopted policy INF1 of the Joint core Strategy (2017).

- 16 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).

- 17 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with approved plans and shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy.

- 18 Prior to first occupation of the development, ecological enhancements to include bird nesting and bat roosting boxes shall be installed on the building or within the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to preserve and enhance biodiversity, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 19 Prior to first occupation of the development, a residential welcome pack promoting sustainable forms of access to the development shall be submitted to and approved in writing by the Local Planning Authority. The approved pack shall thereafter be provided to each resident at the point of the first occupation of each dwelling.

Reason: To reduce vehicle movements and promote sustainable access, having regard adopted policy INF1 of the Joint Core Strategy (2017).

## APPENDIX – CONSULTATIONS RESPONSES

### Ward Councillor – Cllr David Willingham

I would like to call-in this planning application (23/00625/FUL, 456 High Street, GL50 3JA) if the officer recommendation is to approve.

I will endeavour to submit a more detailed representation in due course, but I have been contacted by a number of constituents who are concerned about this proposal, and it seems in the public interest for it to be heard at committee.

In terms of material planning considerations, I am concerned that the design of the building with narrow alleyways does not seem to have done a great deal to design out crime. The bin storage being only in block A seems likely to lead to dumping and other waste storage issues, similar to those seen in other alleyways off of the High Street.

The site is within the Cheltenham Central Conservation Area, and aesthetically the building seems to be a rather unappealing block that adds little to the character of the area. The size and massing seems likely to enclose the Honeybourne Line and the High Street creating a more oppressive feeling on the Honeybourne Line, and an unappealing gateway feature on when entering the town on the A4019. I am also concerned that this would be detrimental to the setting of the listed façade of the former gas works when viewed from the Swindon Street / High Street junction.

The parking assessment is contradictory, either the development is in a sustainable location, in which case no car parking is necessary and save for visitor permits and compliance with the s149 PSED, flats should not be eligible for any parking permits. Otherwise, the assumption must be that the every one of the flats will apply for the maximum number of permits they are able to have and be assessed on the basis of it requiring 36 parking spaces. It is also noticeable that the applicant has not mentioned roads such as Stoneville Street, Bloomsbury Street, Market Street or Park Street in their assessment. When I last checked the super cul-de-sac of Market Street, Park Street and Great Western Road was oversubscribed in terms of permits issued versus spaces available. It is disingenuous to assess the number of available spaces in other roads without considering the current number of permits issued, to ensure that this proposal will not lead to local oversubscription of on-street parking if occupants purchased their maximum quota of two permits per dwelling. As an example, the document misleadingly suggests that 50 parking spaces are available on Burton Street, without considering how many permits have been issued to extant residents living on that road. The only reasonable conclusion is that the assessment methodology used by the car parking assessment is so deeply flawed as to be of negligible value in accurately assessing the true impact of the proposal on parking.

If an enforceable planning condition is agreed with Gloucestershire County Council that these dwellings will not be eligible for permanent on-street parking permits, and this is enforced by both GCC and CBC, then I would be happy to withdraw this part of my objection.

If permission is granted, then an enforceable planning condition requiring the removal of the redundant dropped kerbs and reinstatement of a kerb line should be agreed between CBC, GCC Highways and the applicant. The proposal also needs to ensure that the 4.4m / 14'6" height limit sign attached to the lamp column directly outside the application site is not impinged on in any way.

Finally, it seems likely that the proposal would interfere with the advertising board on the side of 452 High Street, and legal clarification may be needed about what, if any, planning implications this has, given the owner of that property paid CBC for planning permission to install the advertising board, and if CBC grants this application, it is thwarting the purpose of the permission it previously granted. I suspect this needs an assessment to show compliance

with and consideration of the Human Rights Act duty, with respect to possessions and property.

Hopefully the above is sufficient to justify the call-in.

### **Clean Green Team**

**21st April 2023**

Report available to view in documents tab.

### **Minerals and Waste Policy Gloucestershire**

**12th June 2023**

Response available to view in documents tab.

### **Environmental Health**

**14th June 2023**

Air Quality

The proposed development site is located within an Air Quality Management Area. The applicant has provided an assessment of the air quality affecting future residents. This assessment includes a specification for a mechanical ventilation system and fenestration which will ensure acceptable air quality for residents. I would therefore suggest a condition is attached to ensure the specified system is installed and operating before first occupation of the property.

Control of Noise and Dust during construction and demolition.

As with most sites of this scale, there is potential for works of demolition and construction to cause emissions of noise and dust that will affect nearby property. I would therefore request a condition is attached to any permission for development at this site to require a Construction Management Plan to be submitted for approval before works commence on site. This plan should identify suitable mitigation of noise and dust at all stages of the project.

Piling

It is not specified in the application that piled foundations will be in use at this site, but I expect that is likely to be the case. Given the proximity of nearby residential properties which are likely to be affected by noise and vibration from piling operations, I must request an condition is attached to any permission for this development which requires a piling plan to submitted for approval before works commence on site. The plan must identify the likely impact of piling activities and identify suitable mitigation of those effects. Note: It is highly unlikely that driven piles will be suitable for this site.

### **GCC Highways Development Management**

**26th May 2023**

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 recommends that this application be deferred. The justification for this decision is provided below.

The proposal seeks Full planning application for the redevelopment to provide a residential development of 18no. apartments (12no. one bed and 6no. two bed) contained within two blocks, following demolition of an existing commercial building at 456 High Street Cheltenham Gloucestershire GL50 3JA. A Transport Note has been submitted in support of the application by Zesta Planning & Development Consultancy.

The site comprises of an extant commercial use and benefits from an existing vehicular and pedestrian access onto the A4019 High Street immediately to the north. The site is located

within a parking permit zone (Cheltenham Westend Zone 12), and no parking is proposed as part of the development plan.

The Highway Authority has concerns that the failure to provide for off-street parking at this location or to introduce mechanisms that will preclude future residents from acquiring a parking permit in zone 12 will result in added parking pressures on the local road network. The permit statistics at this location show that 392% more permits have been issued than there are permit bays within zone 12. Reliance on the location of the site in relation to proximity to local services and amenities, as set out in the Transport Note, is not sufficient to ensure that the development does not cause an adverse impact on the operation of the local road network, which would be the resulting effect should this application be permitted in its current form. A revised Transport Statement should be produced to explore and mitigate the undue effects associated with lack of off-street parking, these could comprise of a S106 agreement that will preclude car ownership or the ability for future occupiers from acquiring a parking permit in zone 12, the introduction of a travel plan and/or potential contributions to car clubs.

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

### ***1st November 2023 – revised comments***

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 and financial obligations. The justification for this decision is provided below.

Further to the Highway Authority's (HA) recommendation dated 25th May 2023, an updated transport note comprising of a car parking assessment carried out by Zesta Planning & Development Consultancy has been submitted in support of the application.

As formerly mentioned, the development site is inserted within a Residential Parking Zone 'Cheltenham Westend Zone 12. The permit statistics at this location show that 392% more permits have been issued than there are permit bays within this zone.

The parking surveys submitted in support of this application were carried on Tuesday 4th July 2023 – Evening period between 18:30 and 19:30 hours; and Thursday 6<sup>th</sup> July 2023 – Daytime period between 10:30 and 11:30 hours. The outputs of the assessment demonstrated a capacity of some 35 available parking spaces on Thursday 4th July, and 63 available spaces on Thursday 6th July. The assessment goes to ascertain that there is ample opportunity to accommodate in excess of the 10 cars likely to be generated through the development proposal within nearby streets included in Zone 12.

The HA has extensive concerns with regards to the additional parking demands this proposal will arise within Zone 12. Whilst the submitted parking survey is appreciated, it only shows but a scope in time i.e. two instances both of which for the duration of 1 hour; and thus not fully robust nor truly representative of the parking demands in this area.

The HA's former assertion that a S106 agreement that will preclude car ownership or the ability for future occupiers from acquiring a parking permit in zone will therefore be sought. Manual for Gloucestershire Streets is clear that "Where development is proposed in a controlled parking zone future residents will be entitled to apply for permits. The LHA will consider the capacity of permit scheme to consider if it has the potential to cater for the development. Where no capacity exists and car free development would otherwise be acceptable the applicant will be required to fund amendments to the traffic regulation order to exclude the future dwellings."

### Conditions

#### Reinstatement of Redundant Access

The development hereby permitted shall not be occupied until the existing vehicular accesses to the site have 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.

#### Bicycle Parking

The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

#### Residential Welcome Pack

The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

#### 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:

- 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);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- 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.

### Informatives

#### Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation

and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement  
A Monitoring Fee  
Approving the highway details  
Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

#### Traffic Regulation Order (TRO)

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov](mailto:highwaylegalagreements@gloucestershire.gov).

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

#### Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed. No Drainage to Discharge to Highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

#### Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

#### Planning Obligations

Specific Purpose – Amendment to Traffic Regulation Order within Residential Parking Permit Zone 12 to exclude future dwellings from acquiring a parking permit.

Contribution - £15,000.00

Trigger – Prior to Commencement

Retention Period – 5 years from first occupation.

#### ***10th November 2023 – revised comments***

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 justification for this decision is provided below.

Further to the Highway Authority's recommendation dated 1st November 2023, the development proposal will still necessitate a S106 agreement to preclude car ownership, however the agreement is not dependent on the introduction of a Traffic Regulation Order, thus the formerly suggested planning obligation is void. The remaining conditions and informatives are still deemed appropriate.

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.

#### **Building Control**

##### ***25th April 2023***

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

#### **Heritage and Conservation**

##### ***14th June 2023***

The proposed works are for the redevelopment to provide a residential development of 18no. apartments (12no. one bed and 6no. two bed) contained within two blocks, following demolition of an existing commercial building. An important consideration regarding the acceptability of the proposal will be its impact on the development site and its context, which includes the Central Conservation Area. It is therefore important these are understood.

The development site contains 456 High Street. It dates from the 1950s and is a single storey brick building with a centrally located, double door with a modest projecting flat roof canopy above, flanked by small windows either side. It is simply detailed, with a stepped art deco style gable end with two solid courses, on its front elevation facing the Lower High Street. Usually for its Lower High Street location it is setback from its front boundary, with this open frontage given over to hard surfacing for vehicle parking. It is identified on the 1947-1965 OS map as historically being an Engineering Works.



456 High Street is located within the Central Conservation Area in the Lower High Street Character Area. It is identified within the Lower High Street Character Area Appraisal and Management Plan (adopted July 2008) (the Appraisal) as a neutral building. It is not considered to make a positive contribution to the character and appearance of the conservation area. The General principle of its demolition is acceptable, provided any replacement development sustains and enhances the significance of the affected heritage assets.

The Lower High Street runs northwest from the southeast, across the frontage of the development site. The character of the area is defined by modern and historic buildings. Typically these are two and three storey buildings, mostly render, some limited brick, many with shopfronts to the ground floor. Para 2.5 of the Appraisal notes, "building heights are inclined to increase towards the town centre, particularly to the east of no. 330 High Street.", although several modern developments now buck this tendency, in being taller than is characteristic for the streetscene.

A number of buildings make a positive contribution to the character and appearance of this part of the Central Conservation Area, identified in the Townscape Analysis Map of the Lower High Street, within the Appraisal. These include 442-452 (evens) High Street located on the same side of the street as the development site, 449-451 (odd) High Street located opposite the development site, along with numerous other buildings on the High Street and streets off the High Street.

This part of the Conservation Area has been subject to change since adoption of the Appraisal. There are now a small number of modern examples of four storey buildings on the High Street. However, of the four storey buildings on the Lower High Street only three are externally expressed as four storeys. These are one half of 453 High Street immediately opposite the site, 401 High Street at the junction with Poole Way and 337 High Street, which appears to be Victorian. The other four storey properties either have their third floors significantly recessed or incorporated within a roof form, with the result the top storey has a diminished visual impact on the streetscene.

Winston Churchill Memorial Gardens lies to the south of the site. It is the former cemetery ground of St. Mary's Cemetery Chapel (St. Mary's Mission), a grade II listed former burial chapel dated 1831 by architect C. Paul of Rowland Paul and Sons, builders George Wood and Thomas Newton, in the Greek Revival style, constructed of Cotswold stone. Today the character of Winston Churchill Memorial Gardens is open space, with formal and informal trees and planting. The boundary of Winston Churchill Memorial Gardens is defined by tall brick walls along the Honeybourne Line and to the rear of surrounding two storey Victorian terraced houses on Park Street and the rear of the two and three storey buildings on the High Street. There is a low stone wall, planting and railings, with a second entrance off Market Street, which is faced with two storey Victorian terraced houses opposite. Notably there is generally a sense of openness behind these boundaries, i.e. they are not occupied by dense forms of development.

To the immediate west of the development site is the Honeybourne Line, a former elevated railway line now used as a linear park. It generally has a verdant character due to the tree and vegetation planted along it. The character of the area is also defined by views of the roofs, side and rear elevations of adjacent buildings. The Honeybourne Line is connected to Winston Churchill Gardens through a ramped public footpath, which is adjacent to the side and rear development site. The development proposal will have a significant impact on this ramped public footpath area. The edge of the boundary of the Central Conservation Area is located to the west of the boundary of the development site, with the Honeybourne Line located outside the Conservation Area but with Winston Churchill Gardens within the Conservation Area.

Over the Honeybourne Line to the west of the development site is Honeybourne Gate, an imposing, modern 5 storey render and brick retirement apartments which, due to its scale and massing, is prominent over the Honeybourne Line from the High Street.

Immediately adjacent to the northwest of the development site is a former railway bridge, associated with the Honeybourne Line. It acts as a strong edge separating this part of the Lower High Street from the area to the northwest. Through the former railway bridge arch partial oblique views of the Cheltenham Gas Company building are possible. The Cheltenham Gas Company building is a grade II listed former gas works offices, dated 1880, in the Gothic Revival style, constructed of red brick and terracotta. A distant vista of the circular upper stage and conical roof of the tower of St. Peter's Church is also possible. St. Peter's Church is a grade II\* former Parish church, dated 1847-8, by architect S.W Daukes and builder Thomas Haines, in the Norman style, constructed of Cotswold stone. Due to the strong edge create by the Honeybourne Line, the oblique location and distance from the development site it is not considered the development proposal will have an adverse impact on the setting of these listed buildings.

Given the sensitivity of the site and its context, regard needs to be given to the legal and policy context as it applies to heritage assets. The cornerstone of heritage legislation is the Planning (Listed buildings and Conservation Area) Act 1990 of which para 72(1) states, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area and para 16(2), which requires local planning authorities to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and their setting.

A core principle of the National Planning Policy Framework 2021 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 199-208 set out how potential impacts on heritage assets shall be considered. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 197 of the NPPF, which requires the significance of heritage assets to be sustained and enhanced, with paragraph 199 requiring great weight be given to the asset's conservation.

Concern is raised over the proposed scale and massing of the development proposal. Specifically a concern is also raised over the cumulative impact of the height, width, depth which result in overdevelopment of the site, out of keeping with this part of the Central Conservation Area: Lower High Street character area.

Regarding height, as noted previously, typically development within the context of the site is two or three storeys in height. While, there are now several examples of new development that is four storeys in height, including 453 High Street directly opposite, four storey development is still atypical of Lower High Street and where it does exist third floors are usually discreetly located, either being recessed or within the roof. It is noted 453 High Street has an element that is a full four storeys but this was partly justified through the planning gain associated with the provision of a stepped access onto the Honeybourne Line forming part of the application. There is no such planning gain associated with the current application.

It is considered the proposed four storeys, with its limited set back to the third floor, results in a development proposal with an overly tall height. As a result its relates poorly to the neighbouring two storey buildings facing the High Street it is directly attached to and the streetscene. Also, the proposed width and depth of the development proposal is wider and deeper than those in its context which, when considered with the height, is cumulatively considered to exacerbate concerns of overdevelopment of the site. The development proposal results in an excessively dense form of development with a height, width, depth that is out of keeping with its context, to the detriment of the character and appearance of the Conservation Area.

It is considered the application lacks convincing justification and a detailed contextual analysis of buildings within the more immediate context, if undertaken, would not help to justify the proposed scale and massing is in keeping with this part of the Conservation Area.

Specific concerns are also raised over the impact of the proposed scale and massing of block B of the development proposal. There is considered to be a poor understanding of the impact the rear of the development proposal will have on the setting of Winston Churchill Memorial Gardens. As the former cemetery ground of St. Mary's Cemetery Chapel (St. Mary's Mission), it is considered part of the curtilage of the listed building. Block B of the development proposal is visible to the northwest from the north and west elevation of Mary's Cemetery Chapel (St. Mary's Mission) and from the northern corner of the Gardens, where it will appear as a dense, three and four storey development.

As previously described above, St. Mary's and the Gardens have a verdant quality as a result of formal and informal planting, typically defined within tall brick walls around the boundaries. Immediately adjacent to the curtilage of St. Mary's and the Gardens, build form is set away from the walled boundaries, allowing more of a sense of openness to the setting of St. Mary's and the Gardens.

The setting of the curtilage of the listed building typically has significantly less dense forms of development or open rear gardens/amenity spaces. It is considered the scale and massing of the development proposal in this backland location will appear bulky with the result it would be imposing, incongruous overdevelopment within this context. It is considered block B would have a detrimental impact on the listed building and its setting. It is noted the supporting information states "The scheme also includes a landscaped buffer between the rear block and the boundary wall to the west part of the former cemetery, now Winston Churchill Memorial Gardens." And that the rear of block B is a reduced three storeys, not four storeys. However, this is not considered sufficient to mitigate the overbearing impact of the development proposal.

Notwithstanding the concerns over the scale and massing, concern is also raised over the proposed detailing and materials, which are poorly considered. These concerns are detailing below.

The use of a blue/grey brick for the plinth is not considered to reinforce the local character of buildings in this part of the conservation area. It is noted there is an engineering brick within the railway bridge but reference to this within the proposed building is considered inappropriate as this material is distinct to railway structures.

The uniform use of a red brick to the upper floors is not considered an appropriate material. Render is the most common material, with brick only making a small contribution to the character of the Conservation Area. It is important to maintain this balance. It is advised the development proposal be largely rendered (but not the silicon / self-coloured type which does not have the same appearance as the render found in the conservation area and typically weathers poorly).

The proposed use of a grey membrane to the attic storey is not considered to be a sufficiently high quality material. It is considered alternative materials, metal such as zinc or slate hanging (as per neighbouring 453 High Street should be considered).

The proposed works are not considered to sustain the designated heritage assets, nor do they give great weight to the affected assets conservation. The development proposal does not comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework 2021 and Policy SD8 of the Joint Core Strategy 2017.

## **GCC Local Flood Authority (LLFA)**

**28th April 2023**

The drainage strategy submitted with this application proposes a 40% reduction in the rate of discharge of surface water however it is not clear where this water is going. There is a combined sewer and a surface water sewer in the high street and the LLFA require clarity that the surface water will go to the surface water sewer and not the combined sewer. The LLFA would normally expect the drainage strategy to include WASC asset maps to identify this level of detail at outline application stage.

NOTE 1: The Lead Local Flood Authority (LLFA) will consider how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2: Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

## **Social Housing**

**5th June 2023**

Letter available to view in documents tab.

## **Contaminated Land Officer**

**14th June 2023**

The applicant has provided a suitable Phase 1 assessment of the site which recommends that a Phase 2 investigation is carried out as per para 6.3 of the report. I would suggest that a condition is applied to any permission for this development to ensure this takes place at a suitable point during the re-development process.

## **Architects Panel**

**12th May 2023**

Design Concept

The panel had no objection to the principle of redeveloping this site to provide residential apartments. However, it was felt that the scheme submitted was over development of the site and a wasted opportunity to come up with a design that related more specifically to the special characteristics of the site.

Design Detail

The panel felt the scheme had a poor relationship to the Honeybourne line and that it could address the site better. The relationship of the new buildings to the Memorial Gardens is not addressed. The spaces around the buildings are too tight and will be unattractive. There is a lack of amenity space. The buildings are particularly bland and austere.

Recommendation

Not supported.

## **Tree Officer**

**28th April 2023**

The Arb Report submitted with the application is of good quality and well considered. The Trees Section does not object to the removal of the ash trees on site, nor to modest pruning to the ash-leaf maple growing on Council land to facilitate the proposal. However, the proposal should be used as an opportunity to plant some trees to improve the site. Currently the scheme affords limited room for such planting. It would be preferable therefore for the scale of the proposal to be reduced to offer more space for soft landscaping, especially new trees. A landscape plan should be submitted for approval, detailing species, size and location, as well as tree pit details.

**Gloucestershire Centre for Environmental Records**

***21st April 2023***

Report available to view in documents tab.