

<b>APPLICATION NO:</b> 21/02828/OUT	<b>OFFICER:</b> Mrs Lucy White
<b>DATE REGISTERED:</b> 5th January 2022	<b>DATE OF EXPIRY:</b> 2nd March 2022/Agreed Ext of Time 20 <sup>th</sup> November 2023
<b>DATE VALIDATED:</b> 5th January 2022	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> St Marks	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheshire West And Chester Council
<b>AGENT:</b>	SF Planning Limited
<b>LOCATION:</b>	Unit 22 Lansdown Industrial Estate Gloucester Road
<b>PROPOSAL:</b>	Outline application for mixed use redevelopment at Units 23 and 30 Lansdown Industrial Estate (residential and commercial) with all matters reserved apart from access, following demolition of existing buildings

**RECOMMENDATION:** Permit



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## **1. DESCRIPTION OF SITE AND PROPOSAL**

- 1.1** The application site comprises of 2no. industrial buildings (known as Units 23 and 30) located within the southern half of the Lansdown Industrial Estate (LIE). The larger of the two units, No 23, is two storeys in height, fronts Roman Road and is attached, on its north side, to a row of terraced residential properties. Unit 30 is single storey and detached and located to the rear of Unit 23. The section of Unit 23 fronting Roman Road has been vacant for some years; the remaining half accommodates the management offices for LIE. Unit 30 is also currently in commercial use.
- 1.2** The site is located within the Principal Urban Area and outside of the conservation area. Surrounding development is a mix of commercial and residential, with Gloucester Road and Cheltenham Spa train station to the south and west, the railway line to the east and the northern half of LIE and Rowanfield further north and west. The main pedestrian and vehicular access to the site is via Gloucester Road with a secondary pedestrian access to Unit 23 via Roman Road.
- 1.3** The southern half of LIE contains a range of industrial/commercial buildings of various sizes, architectural style and age and accommodates roughly 40% of the floor area of the entire estate. The majority of the buildings are or were last used for traditional employment purposes (Classes E (old B1), B2 and B8) but there are other commercial activities including a micro-brewery and food and drink businesses. Building occupancy rates are generally high within the southern half of the estate, with some tenants under long lease arrangements.
- 1.4** The application site also falls within the area covered by Policy MD1 of the Cheltenham Plan (CP), which is a site specific policy relating to Lansdown Industrial Estate. The site specific requirements of this policy are an employment led regeneration of LIE which may include an element of residential development, provided that existing provision is offset by a net gain in the quality and/or number of jobs provided on the site.
- 1.5** The application seeks outline planning permission for a mixed use redevelopment scheme at Units 23 and 30 Lansdown Industrial Estate (residential and commercial). All matters are reserved except for the proposed means of access to the site. Matters relating to appearance, scale, layout and landscaping are therefore reserved for future consideration.
- 1.6** Although matters relating to layout, design, appearance and landscaping are reserved, the applicant has provided a Parameters Plan which indicates the proposed location and mix of uses within the development, alongside access arrangements. In addition, the submitted Design and Access statement provides an illustrative layout and indicative images of the proposed building types. This shows the potential construction of 3no. attached buildings, of up to three storeys in height, accommodating 5no. apartments fronting Roman Road and 2no. commercial units to the rear. Parking for both the residential and commercial elements (including allocated parking for the proposed dwellings) is shown to the rear/side of the new commercial building(s). A new pedestrian and cycle path link between Roman Road and the industrial estate is also proposed.
- 1.7** An application seeking outline planning permission for the erection of up to 215 dwellings following the demolition of all existing buildings within the northern half of LIE is also being considered by the Council (ref 21/002832/OUT) and in conjunction with this application. Similarly, an application for the erection of a new artists studios building within the southern half of the estate is being considered alongside the larger residential scheme application (ref 23/00278/FUL).
- 1.8** This application has, in part, been submitted by the applicant to address the requirements of CP Policy MD1. Matters relating to Policy MD1 and the interrelationship with the larger residential scheme application are discussed later in the report.

- 1.9 Therefore, this application is before the Planning Committee because the proposals form part of the considerations of the larger residential scheme proposals, the reasons for which are set out within the officer report for application 21/02832/OUT.
- 1.10 Regardless of all three applications being considered together and their shared policy considerations, Members must determine this application on its individual merits and independently of any decision made in respect of application 21/02832/OUT. Any required implementation of the subject application would be dealt with by way of s106 obligations in respect of application 21/02832/OUT.
- 1.11 To assist Members, all consultee responses are reproduced in full at the end of the report and a summary is provided of the concerns raised by local residents. The key issues relating to this application are set out in section 6 of the report and each are discussed in broad terms, alongside the national and local planning policy context.

## **2. CONSTRAINTS AND RELEVANT PLANNING HISTORY**

### **Constraints:**

Land Allocated for Mixed Use  
Airport safeguarding over 15m  
Principal Urban Area

### **Relevant Planning History:**

#### **69/00192/PF 15th July 1969 PER**

Block 22 Cheltenham Gloucestershire - Change Of Use Of Build. From Offices (Use Class li) To Use Of Part Premises As Light Indust. Build. (Use Class lii)(Electronic Instrum. Assem) and Use Of Part Prem. As Offices (Use Class li)

#### **84/00037/PF 20th April 1984 PER**

Block 22 Cheltenham Gloucestershire - Erection Of Emergency Generator And Compressor Housing

## **3. POLICIES AND GUIDANCE**

### **National Planning Policy Framework**

Section 2 Achieving sustainable development  
Section 4 Decision-making  
Section 5 Delivering a sufficient supply of homes  
Section 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

### **Adopted Cheltenham Plan Policies**

EM2 Safeguarding Non-Designated Existing Employment Land and Buildings  
D1 Design  
SL1 Safe and Sustainable Living  
GI2 Protection and replacement of trees  
GI3 Trees and Development  
CI1 Securing community infrastructure benefits

### **Adopted Joint Core Strategy Policies**

SP1 The Need for New Development  
SP2 Distribution of New Development

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
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  
INF4 Social and Community Infrastructure  
INF5 Renewable Energy/Low Carbon Energy Development  
INF6 Infrastructure Delivery  
INF7 Developer Contributions

**Supplementary Planning Guidance/Documents**

Development on garden land and infill sites in Cheltenham (2009)  
Cheltenham Climate Change (2022)

**4. CONSULTATIONS**

See appendix at end of report

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>29</b>
Total comments received	<b>6</b>
Number of objections	<b>4</b>
Number of supporting	<b>1</b>
General comment	<b>1</b>

**5.1** The application was advertised by way of 29 letters sent to neighbouring properties and businesses. During the course of the application a total of 6 third party representations were received, the majority in objection to the proposed development.

**5.2** All of the comments have been made available to Members separately but the main comments and concerns raised are summarised as follows:

- Existing building detract from the area and its replacement is therefore welcomed.
- Cycle parking must be designed into the scheme at an early stage
- Should planning permission be granted for the larger residential scheme in the northern part of the industrial estate, it should be tied by s106 Agreement to suitable commercial refurbishment/redevelopment in the southern half
- Proposed 3.5 metre wall at the rear of adjacent garden should be compared to what is normally found at the end of garden, namely a 2m fence.
- Roof form and height of the commercial building may need to be amended to prevent harm to the amenity of neighbouring dwellings
- Proposed commercial building would result in loss of light and obscure outlook from rear of adjacent dwelling which would be surrounded by high brick walls
- Cycle and pedestrian route is welcomed
- No detail of party wall removal provided
- Cycle and parking provision inadequate
- Proposed cycle/pedestrian path would result in loss of existing street parking and increase anti-social behaviours
- Potential for seagulls to nest of flat roof

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.2 The key issues (in no particular order of importance) for consideration are:-

- The Policy Framework and Principle of Development/Loss of Employment Land
- Access, Parking and Highway Safety
- Design and Layout (indicative only)
- Impact on neighbouring amenity
- Sustainability and Climate Change
- Drainage and Flood Risk
- Ecology/Biodiversity and Green Infrastructure
- Links with application 21/02828/OUT and s106 Obligations

### 6.3 Policy Framework and Principle of Development

6.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated in NPPF paragraph 47.

6.5 The development plan comprises of the saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP), adopted policies of the Cheltenham Plan 2020 (CP) and the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS). Other material considerations include the National Planning Policy Framework 2023 (NPPF), and Planning Practice Guidance (nPPG).

6.6 Policies EM1, EM2, H2, MD1, D1, SL1, CI1 and CI2 of the Cheltenham Plan and policies SP1, SP2, INF1, INF2, SD3, SD4, SD10 and SD14 of the JCS are most relevant.

6.7 JCS policy SD10 advises that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development will be permitted on previously developed land within the Principal Urban Area of Cheltenham except where otherwise restricted by policies within the District Plans. The application site constitutes previously-developed land and is located within the PUA. Therefore, the general principle of residential development on this site must be considered acceptable. However, the extent of residential development on this site is restricted by CP Policy MD1, discussed below.

6.8 Paragraph 11 of the NPPF states '*Plans and decisions should apply a presumption in favour of sustainable development...and for decision making this means approving development proposals that accord with an up-to-date development plan*'. Where policies which are most important for determining the application are out-of-date, the NPPF at paragraph 11(d) advises that planning permission should be granted '*(i) unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*'. This is referred to as the 'tilted balance' and the government's approach to ensuring delivery of housing nationally.

6.9 Footnote 7 of paragraph 11 of the NPPF explains further that for applications involving the provision of housing, relevant policies must be considered out of date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing.

**6.10** Cheltenham Borough Council is currently unable to demonstrate a five-year supply of housing land. As such, the contribution of the proposed dwellings towards alleviating the housing land supply shortfall carries weight and is a material consideration in the determination of this planning application.

**6.11** Notwithstanding the above, the objectives of CP Policy MD1 and the site specific issues and merits of the proposed development all require careful consideration in order to determine whether the proposals are acceptable overall. This will include consideration of the wider implications for the retained employment use at the industrial estate, the proposed (indicative) design, layout and scale of the proposed development and their impacts upon the character and appearance of the locality, highway safety and any potential impact upon the amenities of neighbouring land users.

**6.12** Employment Land/Policy MD1

**6.13** Lansdown Industrial Estate is not identified as key employment site within the Borough, therefore CP Policy EM1 is not relevant.

**6.14** Policy H2 of the Cheltenham Plan allocates a number of sites for mixed-use development, including LIE. Each allocation is supported by a site-specific policy which provides further guidance and in this case CP Policy MD1 is relevant.

**6.15** The application site falls within the area covered by CP Policy MD1. The site specific requirements of the policy are an employment led regeneration of LIE which may include an element of residential development, provided that existing provision is offset by a net gain in the quality and/or number of jobs provided on the site. The policy reads as follows:

*POLICY MD1: LANSDOWN INDUSTRIAL ESTATE*

*Site description*

*The site is capable of redevelopment for mixed-use, including a continued element of employment in better-quality units together with some new residential development. There would be a net loss of employment land but this should be offset by an upgrade in the quality and density of premises.*

*Site area 5.5ha*

*Constraints • Contaminated land*

*• Highways access*

*Site specific requirements*

*• Employment led regeneration which may include an element of residential development provided that existing provision is offset by a net gain in the quality (see Policy EM2) and / or the number of jobs provided on the site*

*• Measures to mitigate the impact of noise and vibration caused by railway line*

*• Safe, easy and convenient pedestrian and cycle links within the site and to key centres*

*• A layout and form that respects the existing urban characteristics of the vicinity*

**6.16** The application proposes a mixed use redevelopment of the site to include both residential and commercial uses. The proposals form part of an applicant strategy to

identify areas for improvement within the industrial estate (applicant) ownership boundary. Given the indicative amount of residential use proposed the proposals are considered to adhere to the objectives of Policy MD1. Whilst MD1 does not preclude residential use and purposely, does not prescribe a quantum or percentage for the residential element, the clear objective of the policy is to retain substantive employment use at LIE. The proposed development achieves this when considering the retention of employment use across the southern half of the industrial estate and the potential for the existing provision to be offset by a net gain in the quality and/or jobs provided on site. In addition, the proposals include a new pedestrian and cycle link which would provide a better and safer connection between the industrial estate and the local area.

- 6.17** In addition to MD1, Policy EM2 of the Cheltenham Plan is also relevant in that it seeks to retain land and buildings currently or last in employment use across the Borough. It states that development proposals for a change of use of land and buildings currently or last in employment use will only be permitted where certain criteria are met.
- 6.18** In support of the proposals and seeking justification for the (partial) loss of employment land, the applicant appears to be relying on Criteria (b)(i) and (iii) of EM2 in that *'the loss of the site to other uses does not have a detrimental impact on the continuing operation of existing businesses within the vicinity and the proposed use is job-generating, with any loss offset by a net gain in the quality and/or number of jobs provided on site.* Furthermore the applicant claims that despite an active marketing campaign, there has been a sustained and long-term absence of economic activity on part of the application site (unit fronting Roman Road) and given its age, condition and layout there is little long term prospect of this building being used beneficially, for employment purposes.
- 6.19** In essence, the quality of the two purpose built commercial units proposed, would offset the loss of the existing poorer quality and vacant industrial buildings.

## **6.20 Design and layout/Neighbouring Amenity**

- 6.21** Section 12 of the NPPF sets out that good design is a key aspect to achieving sustainable development and creating better places to in which to live. Similarly, Policy SD4 of the JCS require development to respond positively to and respect the character of the site and its surroundings. These objectives are reiterated in Policy D1 of the Cheltenham Plan which requires development to achieve a high standard of architectural design that complements neighbouring development.
- 6.22** Section 12 of the NPPF also requires development to create places with a high standard of amenity for existing and future users. Policy SL1 of the Cheltenham Plan advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users or the locality. In assessing impact on amenity, the Council will take account of matters including, but not limited to, loss of privacy, light and outlook. The policy is consistent with adopted JCS policy SD14.
- 6.23** As discussed in the introduction, the Parameter Plan and Design and Access Statement (DAS) provide some detail on the indicative layout, scale and massing of the proposed buildings, including the new pedestrian/cycle path.
- 6.24** Whilst recognising that the proposed development would reinstate a residential frontage to Roman Road, officers have concerns over the potential height and massing of the apartment and commercial buildings which are shown abutting the boundary and rear garden of No 7 Roman Road, which is considered to be the property most affected by the proposals. That said, all of the comments and concerns raised by local residents are noted and have been considered very carefully by officers in reaching their recommendation.

- 6.25** The Parameter Plan indicates a ridge height of up to 12 metres (11m eaves height) for the residential element and a 5m ridge height and 3.5m eaves height for the commercial building. Whilst it is acknowledged that No 7 has been extended at the rear in the form of two storey addition and the amenity of the occupiers of this neighbouring property is somewhat compromised currently by the height and bulk of the adjacent existing buildings, officers consider that there would be no compelling reason to allow a scheme that would perpetuate or worsen a harmful relationship between neighbouring properties.
- 6.26** There are also concerns about the location and accessibility of the proposed parking area for the flats. That said, this is an outline application with matters relating to design, scale, layout and appearance reserved. The scale, form, layout and massing of the buildings and their curtilages and impacts on amenity and access could therefore be considered appropriately at REM stage.
- 6.27** However, in light of the neighbour amenity concerns, a condition is suggested which restricts the height/storeys of both the residential and commercial elements; a limit of two storeys (or roof height no greater than that of the existing building fronting Roman Road) for the residential building and single storey (with 3m eaves height) for the commercial building(s) at the rear.
- 6.28** The side elevation treatment and scale of any building fronting Roman Road and how this might impact on users of the pedestrian/cycle path to the side would also be considered at REM stage. Similarly, there would be opportunities for the new commercial building(s) frontage and elevations to enhance the appearance of the main entrance area into the estate. Hard and soft landscaping opportunities and the requirement for the detailed scheme to achieve biodiversity net gain, would also be considered at a later stage and secured by planning condition.
- 6.29** For the above reasons, and subject to the inclusion of the above conditions, the proposals are considered to be in accordance with the objectives and policy guidance of sections 8 and 12 of the NPPF (2023), Policies D1 and SL1 of the Cheltenham Plan and policies SD4 and SD14 of the JCS.

### **6.30 Access and highway issues**

- 6.31** Paragraph 11 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Policy INF1 of the JCS reiterates the stance of the NPPF and states that proposals should ensure that safe and efficient access to the highway network is provided for all transport modes.
- 6.32** The proposed development would be accessed via Roman Road, Gloucester Road and the internal estate road. The indicative layout shows 5no. allocated parking area/spaces for the proposed residential use and 3no. parking spaces for the commercial use, located at the rear of the site and accessed from within the industrial estate.
- 6.33** The proposals also include a new pedestrian/cycle path link between Roman Road and the industrial estate. This path would connect with existing routes within the industrial estate and to new pathways proposed as part of the larger residential scheme for the northern half of the estate, application 21/02832/OUT. It would also improve access to Cheltenham Spa Station and the Honeybourne Line.
- 6.34** The Highway Authority (HA) has assessed the proposals based on the indicative layout and quantum of development/uses. In summary, the HA finds that the proposals would likely lead to a reduction in trip rates when compared to the existing commercial floor space and as such should not result in any safety or capacity concerns in respect of the local highway network. Similarly, the proposed pedestrian link to Roman Road is



considered a reasonable form of mitigation to address an otherwise lack of segregated pedestrian facilities along the main estate road.

**6.35** In conclusion, the HA concludes that the proposals would not result in an unacceptable impact on highway safety or a severe impact on congestion and there are no justifiable grounds on which an objection could be maintained. The HA's suggested conditions have been added and further conditions relating to the implementation of the proposed access and pedestrian/cycle path, and parking and cycle storage provision are also included.

**6.36** The HA's comments are set out in full at the end of the report.

### **6.37 Sustainability**

**6.38** Policy SD3 of the JCS requires all new development to be designed to contribute to the aims of sustainability by increasing energy efficiency and minimising waste and air pollution. Development proposals are also required to be adaptable to climate change in respect of the design, layout, siting, orientation and function of buildings. Similarly, Policy INF5 of the JCS sets out that proposals for the generation of energy from renewable resources or low carbon energy development will be supported.

**6.39** The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising buildings over the next decade. For all new development there is an opportunity to improve the environmental performance of buildings through the inclusion of technologies and features such as photovoltaics, heat recovery, permeable (or minimal) hard surfaces, fabric first design approach, insulation renewable and appropriately sourced materials and alternative heating systems.

**6.40** The application was submitted prior to the SPD adoption in 2022 and therefore without a requirement for a Sustainability Statement. On submission, the application details lacked information on Climate Change and the incorporation of low carbon measures. The applicant was subsequently asked to provide a Sustainability Statement/Checklist to address the SPD. The submitted Strategy sets out the applicant's proposed approach to sustainable design and measures to reduce carbon emissions, as follows:-

- Passive design principles will be utilized to maximise solar gain, natural daylighting and ventilation and shading. Building orientation and footprint will be optimised accordingly.
- Use of renewable energy (likely ASHPs throughout), high levels of insulation and thermal bridge minimization
- Fossil fuel free development i.e. non-gas heating strategy with likely low carbon air source heat pumps (ASHPs) installed throughout
- Roof mounted solar PV panels
- Priority for water efficiency measures to be incorporated into building fixtures and fittings
- Interim Travel Plan submitted – encourages shared mobility and home office provision plus new cycle and pedestrian routes
- EV charging points provided for all new dwellings/commercial units

- Space allocated for waste, recycling and composting in accordance with the Gloucestershire Waste Core Strategy (GWCS) and SPD. The submitted Waste Minimisation Statement identifies specific measures to minimise consumption and waste generation during the construction and operational stages

**6.41** Note that, this is an outline planning application and as such, the applicant comments that as the design progresses, further energy (SAP) modelling/calculations will help scale renewable systems to get as close to net zero as is feasible, taking into account the site location and planning considerations. For example, detailed roof designs, embodied carbon minimisation and renewables feasibility assessments have not yet been completed. Exact specifications on renewables, generation capacity and percentage of offsets of predicted total energy consumption have also not been finalised.

**6.42** The proposed strategy is welcomed and overall, should reduce energy demand and CO2 emissions beyond Building Regulations Part L. In this respect, the applicant has utilised the SPD effectively at this early stage to seek enhancements to the sustainability and low carbon approach to this development.

**6.43** In light of the above and given that this is an outline planning application, officers consider it reasonable to add a condition to ensure that the development is carried out in accordance with measures set out in an updated Sustainability and Energy Statement which shall be submitted to and agreed in writing by the local planning authority as part of the first reserved matters application. A condition requiring that there shall be no gas supply connection to any part of the proposed development is also included.

#### **6.44 Other considerations**

##### **6.45 Habitats Regulations Assessment/Cotswold Beechwoods Special Area of Conservation (SAC)**

**6.46** Policy BG1 of the Cheltenham Plan 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 (alone or in combination), and the effects cannot be mitigated. Therefore, in order to retain the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC) all development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects.

**6.47** This planning application was validated on 5th January 2022. Natural England has stated in its letter to Councils of 9 September 2022 that the Cotswolds Beechwoods SAC Mitigation Strategy of May 2022 should apply to relevant applications (constituting habitat development) submitted on or after the 1st November 2022. Accordingly, Members should note that SAC mitigation in the form of a financial contribution is not being sought for this development at either outline or REM stage.

**6.48** Notwithstanding the above, alternative mitigation for recreational pressures on the Beechwoods SAC could be provided in the form of a homeowner pack/information leaflet issued to all first occupiers of the proposed dwellings. This would both educate and raise awareness of the SAC and list other recreation opportunities locally and further afield. A condition has been attached accordingly.

##### **6.49 S106 Obligation/Planning Application 21/02832/OUT**

**6.50** As discussed in the report introduction, in order to address the requirements of Policy MD1, the s106 in respect of application 21/02832/OUT (should planning permission be granted), would need to include an obligation requiring the implementation and completion

of this mixed use development alongside the delivery of the larger residential scheme. The drafting of the s106 obligations is still in progress, but it is likely that various trigger points would be set for the commencement and completion of construction work on the mixed use scheme and associated completion/occupation of a certain number of new dwellings within the southern half of the estate.

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

**6.52** 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.

**6.53** 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.

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

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise.

**7.2** The relevant policies of the development plan currently in force are out of date due to a shortfall in the five-year supply of housing land. The proposal has therefore been assessed against the guidance contained within the NPPF. Paragraph 11(d) of the NPPF applies a presumption in favour of sustainable development unless:-

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

**7.3** The application site is located within the PUA and within the site area covered by CP Policy MD1. As such, and notwithstanding the shortfall in the Council’s housing land supply (HLS), the principle of developing the site for residential purposes remains acceptable.

**7.4** In carrying out an objective assessment of the proposals (in line with NPPF paragraph 11d), officers have had to balance any potential adverse impacts of the proposals on the character of the site and wider locality, any implications associated with conflicts with Policy MD1/loss of employment land, the amenities of neighbouring land users and highway safety implications, against the positive contribution the proposal would make towards HLS and any wider economic or social benefits that the scheme might bring. In this regard, the contribution of A small number of (indicatively 5no.) market dwellings towards meeting the Council’s identified housing needs weighs in favour of the proposals.

- 7.5 The proposals adhere broadly to the objectives of CP Policies MD1 and EM2. The loss of the existing industrial buildings to a mixed residential and commercial use would not have a detrimental impact on the continuing operation of existing businesses within the vicinity and the proposed use, in part, is job-generating. Furthermore, the employment loss is considered offset by a net gain in the quality and/or number of jobs that could be provided on the site.
- 7.6 The indicative layout also incorporates green infrastructure, improvements to the appearance of the industrial estate/public realm, and a new pedestrian and cycle route with connectivity to surrounding pathways and local areas.
- 7.7 The potential for harm to the amenities of neighbouring land users and those of future occupiers of the development would be considered further at the detailed, reserved matters stage. Nonetheless, conditions are added which restrict the height of any future buildings and require the submission of a noise impact assessment.
- 7.8 Similarly, there are no highway safety concerns associated with the proposed development.
- 7.9 Officers have taken account of the social, economic and environmental benefits of the proposals and having assessed the proposals in accordance with NPPF paragraph 11(d), the 'tilted balance' in favour of sustainable development is engaged in this case and there are no other adverse impacts arising from the proposals that would significantly outweigh the benefits of the scheme and substantiate a refusal.
- 7.10 The recommendation is therefore to grant outline planning permission, subject to the following conditions.
- 7.11 The applicant has agreed to the terms of the pre-commencement condition.

## **8. CONDITIONS / INFORMATIVES**

- 1 The outline planning permission hereby granted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application(s) for approval of the reserved matters must be made not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 Applications for approval of reserved matters shall be in general accordance with the submitted Parameter Plan (drawing LDR-AHR-RO-XX-DR-A-93-000 P03).

Notwithstanding the submitted details, the proposed residential use/building(s) fronting Roman Road shall not exceed two storeys in height or the roof height of the existing two storey building on the site, whichever is the greater. Notwithstanding the submitted details, the proposed commercial use/building(s) shall not exceed one storey in height and shall have an eaves height of no more than 3 metres.

Reason: In the interests of the character and appearance of the area and amenities of neighbouring land users and to ensure the development accords with the required principles and standards of urban design, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 4 The reserved matters required to be submitted and approved under Condition 1 shall include:

- (i) details of the design, form and architectural features of the buildings
- (ii) details (to include elevation drawings) of the position, design, materials and type of boundary walls, fences and any other means of boundary enclosure
- (iii) details of cycle storage facilities for each dwelling and commercial unit;
- (iv) details of refuse and recycling storage for each dwelling and commercial unit;
- (v) details of external lighting (including security lighting)
- (vi) details of the pedestrian and cycle link (including surfacing material and external lighting of this area)
- (vii) details for hard and soft landscaping (to include details of biodiversity net gain (BNG), in accordance with Natural England's Biodiversity Metric 3.0).

The development shall be carried out in accordance with the approved details.

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).

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

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

- 6 Prior to the commencement of development, a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

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

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and development shall be halted on that part of the site affected by the unexpected contamination. An investigation and risk assessment must then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and a remediation scheme, where necessary, also submitted. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before development can recommence on the part of the site identified as having unexpected contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

- 9 Prior to the commencement of development an Environmental Noise Assessment shall be carried out and submitted to the local planning authority. The assessment shall consider the noise and environmental impacts of the proposed and nearby commercial and industrial uses on the proposed and adjacent, existing residential properties and shall include detailed façade/fenestration specifications for the proposed dwellings, where necessary.

Any approved noise mitigation measures shall be installed in full prior to first occupation of the proposed dwellings and retained thereafter for the lifetime of the development.

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

- 10 No piling activities shall be carried out at this site until a full pile method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement must assess and include full details of the noise and vibration impact from the piling operations on the nearest residential property, dates and times of piling and details of monitoring measures. All piling activities shall be carried out in accordance with the approved details.

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

- 11 Prior to the commencement of development a Construction Traffic Environmental Management Plan (CTEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CTEMP shall be adhered to throughout the site preparation, demolition and construction periods unless the Local Planning Authority gives prior written permission for any variation. The plans/statements shall include but shall not be restricted to:

- Parking of vehicles 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;
- Types, size and numbers of construction related vehicles anticipated daily including arrangements to receive abnormal loads or unusually large vehicles;
- Any temporary access into 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;
- Measures for the control of noise, dust and other air borne pollutants during works of demolition and construction;
- Wheel washing facilities;
- Arrangements for turning vehicles;
- Measures for the control of site lighting (required for safe working or for security purposes);
- Arrangements to receive abnormal loads or unusually large vehicles; and
- Methods of communicating the CTEMP to staff, visitors and neighbouring residents and businesses.

No construction works and/or ancillary operations which are audible at the site boundary shall be carried out on site outside the following hours:

Monday to Friday - 8am to 6pm

Saturday - 8am to 1pm

There shall be no working on Sundays or Public or Bank Holidays. Deliveries to, and removal of plant, equipment, machinery and waste from the site shall only take place within the permitted hours detailed above.

Reason: In the interests of highway safety and to safeguard the amenity of occupiers of neighbouring properties, having regard to adopted policies SL1 of the Cheltenham Plan and adopted policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway and amenity impact during construction.

- 12 Prior to first occupation of the development, the proposed means of vehicular access shall be constructed in accordance with the approved plans and thereafter retained as such at all times.

Reason: To ensure a safe and suitable access to the development is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

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

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

- 14 Each dwelling hereby approved shall be provided with an electric vehicle charging point (EVCP). Prior to the commencement of any above ground development, the details of the appearance, location and type of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. No dwellings shall be first occupied unless the associated charging points have been installed in strict accordance with approved details and are operational. The electric vehicle charging points shall thereafter be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: In the interests of sustainable development and the reduction of carbon emissions, having regard to Section 9 of the NPPF and the Council's Climate Change SPD (adopted 2022).

- 15 Prior to the first occupation of any commercial building hereby permitted, an electric vehicle infrastructure strategy and implementation plan for the proposed commercial units shall be submitted to and approved in writing by the local planning authority. The strategy/plan shall contain details of the number and location of all electric vehicle charging points which shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with the approved details and are operational. The charging points installed shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: In the interests of sustainable development and the reduction of carbon emissions, having regard to Section 9 of the NPPF and the Council's Climate Change SPD (adopted 2022).

- 16 The details to be submitted for approval as part of the reserved matters application(s) for appearance, scale and layout pursuant to Condition 1 shall include an Energy and Sustainability Statement. The statement shall demonstrate an improvement on the energy efficiency of the scheme over and above the Building Regulations in place at the time of this decision and shall include, but not be limited to, the following information:

- a. details of the methods used to calculate predicted annual energy demand and associated carbon emissions;
- b. measures to reduce impact on climate change (including consideration of heat proofing, construction techniques, building fabric, solar gain, natural lighting, shading, orientation, water retention, flood mitigation and landscaping).



Reason: In the interests of reducing carbon emissions, having regard to adopted policies adopted policy SD3 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD (2022).

- 17 No building hereby permitted shall be connected to mains gas supplies for the purposes of hot water or space heating.

Reason: To ensure that the development contributes towards the mitigation of Climate Change, having regard to Strategic Objective 6, policies SD3 and INF5 of the Joint Core Strategy (2017) and the guidance set out in Cheltenham Climate SPD (adopted 2022).

## **INFORMATIVES**

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

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

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

## Consultations Appendix

### **Building Control**

*25th January 2022* - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

### **Contaminated Land Officer**

*31st January 2022* - Contaminated Land

This site includes existing commercial property that has a range of previous uses, the details of which are not fully available to this department. The site has not previously been investigated as potentially contaminated land, but includes part of an Industrial Estate. Therefore I must recommend that should a full application be made for this development the applicant is required to submit an assessment of previous uses of the site and any potential for residual effects of that use to cause harm to future users, in particular residents of the proposed domestic property.

### **GCC Highways Planning Liaison Officer**

*20th June 2022* - Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning Development Management Procedure)(England) Order, 2015 has no objection subject to conditions.

The justification for this decision is provided below.

The proposal seeks outline application for mixed use redevelopment at Units 22 and 23 Lansdown Industrial Estate (residential and commercial) with all matters reserved apart from access, following demolition of existing buildings at Unit 22 Lansdown Industrial Estate Gloucester Road Cheltenham Gloucestershire GL51 8PL.

Access In order to ascertain likely number of trips between the lawful use of the site and those proposed, the Highway Authority carried out a TRICS appraisal, an industry recognised form of assessment used to quantify average number of vehicle trips associated to different use classes. The outputs of the survey demonstrate the proposed uses (5 residential units + 290sqm of commercial space) will be likely to

generate a combined average of 3 two-way trips in the AM (0800 - 0900) and PM (1600-1700) peak times, which is perceived as a reduction when compared to the former 900sqm of commercial space likely to generate 5 and 4 two-way movements in the AM and PM peak times, respectively. The likely reduction in the number of vehicle trips between the lawful and proposed uses is perceived as an overall betterment of the site conditions, thus not perceived likely to result in any safety or capacity concerns on the highway network.

The proposed pedestrian link to Roman road is perceived as a reasonable form of mitigation to address the otherwise lack of segregated pedestrian facilities along the main site access.

Layout The internal highways and parking layouts are only suggested not confirmed. The response and recommendation can only cover those items submitted and does not include or imply no objection will come forward for items submitted at reserved matters, for example estate road layouts, parking design etc.

To confirm, consideration must be given to policy SD4 of the Joint Core Strategy, paragraph vii which states:

New development should be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes, both through the application of legible connections to the wider movement network, and assessment of the hierarchy of transport modes set out in Table SD4a below. It should:

o (...) Be fully consistent with guidance, including that relating to parking provision, set out in the Manual for Gloucestershire Streets and other relevant guidance documents in force at the time.

Parking should be provided in accordance with the guidance set in Manual for Gloucestershire Streets - Addendum October 2021. All parking should be designed to enable electric vehicle charging according with NPPF paragraph 112.

For cycle parking, a minimum of 1 space is needed per 1 bedroom units, 2 spaces there afterwards.

On this basis, the Highway Authority would not wish to object to the proposal subject to conditions for electric vehicle charging points in order to promote sustainable transport.

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

#### Conditions

##### Electric Vehicle Charging Points (Residential)

Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

##### Electric Vehicle Charging Points (Commercial)

An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any building hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets. Buildings and

parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

#### **Environmental Health**

*31st January 2022 - Noise and nuisance*

As outlined above, the proposed site includes part of an existing industrial estate, and also includes development described as "commercial units", which covers a lot of scope. I would therefore request an assessment of noise levels affecting the proposed residential areas. It may also be necessary to agree some restrictions on the types of commercial operations permitted as part of this development, in order to safeguard the welfare of new and existing residents.

#### **Severn Trent Water Ltd**

*2nd February 2022 - Re Application: P-220128-34844*

Re Site: Unit 22 Lansdown Industrial Estate Gloucester Road

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

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

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

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

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

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

#### Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> scroll down the page to view the link:

Please visit [www.digdat.co.uk](http://www.digdat.co.uk)

You will need to register on the website and then you will be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide(opens in a new window).

Please look at the district area supply plan (PDF)(opens in a new window) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.

[https://www.stwater.co.uk/content/dam/stw/stw\\_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf](https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf)

Information on diversion application charges can be found at [https://www.stwater.co.uk/content/dam/stw/stw\\_buildinganddeveloping/new-connections/2020/new-connections-charging-arrangement-20-21.pdf](https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/new-connections/2020/new-connections-charging-arrangement-20-21.pdf) Scroll down the "New

Connections Charging" document - 1 April 2020 to 31 March 2021 go to Page 24 Diversion of a Water Asset.

### **Clean Green Team**

*26th January 2022* - Comment available to view in documents tab.

### **Contaminated Land Officer**

*14th January 2022* - I have no objection to this application for outline permission in principal. However as the plan develops for this site, we are likely to need to see a contaminated land report for this location, and a report on noise levels affecting the residential part of the site.

### **GCC Highways Planning Liaison Officer**

*7th June 2023* - Letter available to view in documents tab.

### **Environmental Health**

*14th January 2022* - A report to the standard of BS4142:2014 will be required to ensure there is no loss of amenity caused to residents of existing nearby property, or residents of the proposed new residential units.

The site is situated on a location used for a variety of previous activities as part of an industrial estate. Therefore the applicant will be required to produce a report on conditions of the land to assess the suitability of the site for the proposed uses. Such a report is likely to include:

- i) Site characterisation
- ii) Submission of a suitable remediation scheme
- iii) Implementation of approved remediation scheme
- iv) Reporting of unexpected contamination

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.

### **Publica Drainage And Flooding**

*14th January 2022* - The proposal states a total area of just over 900m<sup>2</sup> which means that the LLFA would not form comments on the proposal. From the information submitted I can confirm that the site is not at risk of fluvial or surface water flooding.

The submitted information does not include any reference to the disposal of foul or surface water. I advise the applicant to consider those aspects sooner rather than later due to the amount of development proposed for the site.

CBC will expect SUDS to be used on the development. I suggest that any outline consent has a condition attached that any detailed application must be accompanied by a detailed surface water disposal design for approval by CBC, noting that soakaways must be at least 5mtrs away from structures and that CBC will not accept a connection to any existing surface water disposal network without prior attenuation being achieved.

Additionally, thought must be given to an exceedance pathway for excess storm water.

I would advise that thought should also be given to using permeable paving for walkways and car parking spaces.

### **Severn Trent Water Ltd**

18th January 2022 - Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

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

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

#### Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> scroll down the page to view the link:

Please visit [www.digdat.co.uk](http://www.digdat.co.uk)

You will need to register on the website and then you will be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide(opens in a new window).

Please look at the district area supply plan (PDF)(opens in a new window) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.

[https://www.stwater.co.uk/content/dam/stw/stw\\_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf](https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf)

Information on diversion application charges can be found at [https://www.stwater.co.uk/content/dam/stw/stw\\_buildinganddeveloping/new-connections/2020/new-connections-charging-arrangement-20-21.pdf](https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/new-connections/2020/new-connections-charging-arrangement-20-21.pdf) Scroll down the "New Connections Charging" document - 1 April 2020 to 31 March 2021 go to Page 24 Diversion of a Water Asset.

#### **Contaminated Land Officer**

8th September 2022 - 21/02832/OUT - Con Land comments:

I do not wish to raise any objection to this application from a contaminated land perspective although it is worth noting that there is the potential for considerable risk given the historical uses of the site. This is well documented in the desk study and numerous recommendations are made in section 10.2 of the report which I fully support. These recommendations can be picked up at a later stage in the planning process and so I can support the application with

the caveat of a further report being submitted at a later date with the findings of the proposed ground investigation.

### **Gloucestershire Centre For Environmental Records**

*24th January 2022* - Biodiversity report available to view in documents tab.

### **Building Control**

*13th January 2022* - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

### **Architects Panel**

*18th February 2022* - Design Concept Although only an Outline application with all matters reserved apart from

access, the submission includes initial proposals for new buildings and a site layout that the panel decided would be worth commenting on in the hope that these comments might assist the design process and result in a more appropriate design solution for this site.

The panel had no objection to the principle of demolishing the existing buildings to provide improved new residential and commercial buildings on the site. The existing buildings are an eyesore and are incongruous particularly along the Roman Road frontage. Concerns were nevertheless raised on the scale and character of the proposed buildings illustrated. The three-storey block shown is totally out of keeping with the adjacent terrace houses along Roman Road. It is too tall for its setting, several metres higher than the existing building, which is already considered too tall.

The proposed new access/cycle route link from Roman Road to the larger Lansdown Industrial Estate development is too narrow to be of any major public benefit and is likely to become an uninviting dark alleyway and an inappropriate access to the block of flats.

The site layout generally could be improved - having the residential parking separated from the apartments makes no sense. More amenity space could be provided with a better site layout, improving access to the apartments, and enhancing external spaces.

The scale of the building needs to be looked at carefully - reducing the height of the building fronting Roman Road is essential but there may be opportunities for denser development at the rear where a building of some prominence could front the main entrance leading to the estate.

Consideration needs to be given to hard and soft landscaping, public and private amenities. The narrow strip of private garden along Roman Road is not realistic or appropriate in this setting.