

Officer Report

APPLICATION NO: 24/00236/FUL	OFFICER: Mr Ben Warren
DATE REGISTERED: 24th February 2024	DATE OF EXPIRY: EoT 30th August 2024
DATE VALIDATED: 24th February 2024	DATE OF SITE VISIT:
WARD: St Pauls	PARISH:
APPLICANT:	Wavensmere Homes Limited
AGENT:	Pegasus Group
LOCATION:	Car Park North Place Cheltenham
PROPOSAL:	Development of car park for 147 dwellinghouses (Class C3) incorporated into a part 4 storey / part 3 storey apartment block and 3 storey townhouses with associated: parking; refuse and recycling storage; sustainability features; landscaping; tree works; open space; biodiversity enhancements; drainage; pedestrian links to adjoining streets; and enhancements to existing vehicle access off North Place.

RECOMMENDATION: Permit Subject to Section 106



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site, known as 'North Place Car Park', is located to the North of St Margaret's Road, to the West of North Place and abuts Northfield Passage, a Public Right of Way (PROW) to the north of the site. The site is an area of hardstanding, approximately 1.35 ha in size and currently used as a car park. The car park is privately operated and includes approximately 479 spaces.
- 1.2 The application site is located within Cheltenham's Principal Urban Area (PUA) and Core Commercial Area, and also falls within Cheltenham's Central Conservation Area and Old Town Character Area. The site forms part of an allocated housing site under Policy HD9 in the Cheltenham Plan (North Place and Portland Street).
- 1.3 The application seeks planning permission for the development of the existing car park for residential development.
- 1.4 During the course of the application revised plans and additional information have been submitted for consideration in response to comments from officers, consultees and local residents. The submission of revised plans has resulted in a slightly amended description. The works now comprise the erection of 147 dwelling houses formed in a part four storey and part three storey apartment block and three storey townhouses. The development also provides associated parking, refuse and recycling storage, sustainability features, landscaping, tree works, open space, bio-diversity enhancements, drainage, pedestrian links, and alterations to the existing vehicle access from North Place.
- 1.5 The proposed redevelopment of the site has gone through an extensive pre-application process prior to its formal submission which has seen the proposed development amended significantly.
- 1.6 The application is at committee at the request of Councillor Baker, who has referred the application because of its significance, the level of public interest and potential impacts upon adjacent properties.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Land Allocated for Housing
Land Allocated for Mixed Use
Airport Safeguarding over 45m
Article 4 Directions
Business Improvement District
Conservation Area
Central Conservation Area
Core Commercial Area
HMO Restricted Area
Principal Urban Area
Residents Associations
Residents Associations
Smoke Control Order

Relevant Planning History:

11/01551/PREAPP CLO

Demolition of existing buildings and structures and erection of a mixed use development comprising of retail, and residential, car parking, bus interchange, public open space, landscaping and associated works.

22/01421/PREAPP 16th September 2022 CLO

Residential development - 1 and 2 bed apartments (100 units) and 50 3 bedroom town houses

23/01119/PREAPP 12th July 2023 CLO

Follow up pre-application to 22/01421/PREAPP north place redevelopment (meeting only)

89/00368/CD 15th May 1989 PER

Demolition Of Remaining Coach Station And Garages

12/01612/FUL 16th August 2013 OBL106

Erection of a mixed use development comprising; 5,792sqm (gross external floor space) of class A1 food store, 739sqm (gross) of class A1 shops and 19sqm (gross) of class A2 within atrium space and 336sqm (gross) of class A3 (customer restaurant); multi-storey car park providing 634 spaces over 5 floors (300 spaces for public use and 334 spaces for food store customers); 143 no. residential units within a mix of 1, 2, 3, and 4 bedroom houses and flats, (57 units to be affordable) with associated 143 car parking spaces at ground and basement level; creation of new public open spaces; provision of new parking bays for buses and erection of a passenger information kiosk and waiting room; associated other operations to facilitate the mixed use development including alterations to and from the existing highway for vehicular, pedestrian and cycle access. All following the demolition of existing buildings and other built structures on the site.

Discharge of conditions 9 - (method for piling), 11 - (full details of kitchen extraction system for customer restaurant) and 12 - (Scheme for odour control and noise abatement for any proposed chiller plant and cooking/baking areas) on planning permission ref: 12/01612/FUL

24/00354/SCREEN 7th March 2024 ISSUE

Screening opinion under Part 2, Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

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

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design

HE1 Buildings of Local Importance and Non-Designated Heritage Assets

HE2 National and Local Archaeological Remains of Importance

BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure

H1 Land Allocated for Housing Development

HD9 North Place and Portland Street

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

CI1 Securing community infrastructure benefits

CI2 Sports and open space provision in new residential development

CI4 Broadband provision

Adopted Joint Core Strategy Policies

SP1 The Need for New Development

SP2 Distribution of New Development
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
INF4 Social and Community Infrastructure
INF6 Infrastructure Delivery
INF7 Developer Contributions

Supplementary Planning Guidance/Documents

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

Central conservation area: Old Town Character Area and Management Plan (Feb 2007)

Cheltenham Climate Change (2022)

4. CONSULTATIONS

Please see Appendix 1 at the end of this report for full consultee comments.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Upon validation of the application, the application was advertised by way of letters sent to neighbouring properties (114 letters in total), 6 site notices were displayed in the local area and an advert was published in the Gloucestershire Echo. In response to this public consultation process 27 letters of representation were received. 21 raised objections to the development and 4 in support and 2 general comments were received. The comments received have been summarised below:

Objections:

- Impact on neighbouring amenity – loss of light and loss of privacy to properties in Monson Avenue and Northfield Terrace
- Impact on neighbouring amenity – noise and disturbance from use of new residential properties
- Pressures on existing infrastructure, schools, doctors, dentists etc
- Overdevelopment of site and area.
- Lack of parking provision
- Loss of public parking provision
- Design and its impact on the conservation area
- Loss of London Plane tree
- Limited landscaping
- Sustainability

Support:

- The need/support for the redevelopment of the site
- Provision of housing for Cheltenham
- Redevelopment of a site that has a negative impact on the conservation area.

5.2 Upon receipt of revised plans a further public consultation process was undertaken, letters were again sent out to 114 residents, and any other residents who had commented on the application. Further site notices were also displayed. 5 letters have been received in response to this further consultation process, the concerns echo those raised in response to the original consultation process.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to this application are the principle of residential development on the site, design, layout and landscaping, sustainability, the impact of the proposal on designated and non-designated heritage assets, neighbouring amenity, impact on existing trees, contaminated land, parking and highway safety, drainage and flooding, ecology, affordable housing, developer contributions, impact on the Beechwoods Special Area of Conservation (SAC) and Bio-diversity Net Gain.

6.3 Planning history and pre-application

6.4 The only relevant planning history is a permission granted in 2012, for the erection of a mixed-use development, consisting of a new food store multi storey car park and 143 residential units (ref:12/01612/FUL). The development related to both the North Place and Portland Street car parks. This permission was not implemented and has lapsed.

6.5 The redevelopment of the North Place car park has been the subject of extensive pre-application engagement. The first pre-application proposal was submitted to the LPA for consideration and comment in August 2022, with a revised proposal submitted in June 2023. Both pre-application submissions related to a wholly residential development on the North Place car park site.

6.6 Members should be aware that there is a conditional agreement in respect of the sale and redevelopment of this site, and Cheltenham Borough Council are a party to this agreement. Included in the agreement is a requirement for a scheme to deliver a 20% affordable housing provision. This agreement is not a material planning consideration and sits outside of the planning merits of the proposal.

6.7 Site context

6.8 The application site is an existing area of hardstanding, currently in use as car parking, but was formerly used as the main coach and bus station for Cheltenham. The site has two main road frontages, St Margarets Road to the south of the site and North Place to the east of the site. A PROW (Northfield Passage) runs along the northern boundary of the site. As already noted, the application site is located within Cheltenham's PUA, Core Commercial Area and Central Conservation Area.

6.9 In terms of context and nearby uses, the area is mixed. To the north, the predominant use is residential, with properties located on Clarence Square, Northfield Terrace and Monson Avenue. The properties fronting Clarence Square are three storeys above

ground, with properties in Northfield Passage and Northfield Terrace being two storeys. The rear elevations of properties in Northfield Terrace face towards the application site, whereas the smaller number of dwellings on Northfield Passage have their front elevations facing towards the application site, separated by the PROW.

- 6.10 To the east of the application site is a further car park (Portland Street car park), with the buildings further east being a mix of residential and commercial uses. St Margaret's Terrace is a Grade II* listed terrace, located on a prominent corner plot just outside the south eastern boundary of the application site. St Margaret's Terrace is four storeys in height and consists of a mix of residential and commercial units. Directly opposite St Margaret's Terrace is a modern four storey retirement living development, known as Lewis Carol Lodge. To the south and south east of the site, on the other side of St Margaret's Road, is a mix of residential terraced streets and the Brewery Quarter, a commercial development with various uses including restaurants, cinema, retail outlets and a gym. Further to the south is Cheltenham's main high street. Directly to the west of the site is a residential development known as Dowty House, recently extended, and redeveloped. Further to west is a hotel and multi storey car park.
- 6.11 In terms of heritage assets, in addition to the site being located within Cheltenham's Central Conservation Area, a number of locally listed and listed buildings are located in close proximity of the application site. This includes the Grade II listed properties on Clarence Square, Formosa House on the end of Northfield Passage, properties on Portland Street and to the south of Portland Street car park. As already mentioned, St Margaret's Terrace is Grade II* listed. Dowty House is a locally listed building.

6.12 Principle of development

- 6.13 Paragraph 11 of the NPPF sets out a '*presumption in favour of sustainable development*' and makes clear that development proposals that accord with an up-to-date development plan should be approved without delay.
- 6.14 Where housing policies are out-of-date (including situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal. At the time of considering this application Cheltenham Borough Council cannot currently demonstrate a 5 year housing land supply.
- 6.15 As the council cannot currently demonstrate a 5 year housing land supply, NPPF paragraph 11 d) is applicable to this application. Paragraph 11 d) states that permission should be granted unless:
- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.

In this instance, the protected assets referred to in 11) d) i) are the heritage assets, which include the listed buildings and the conservation area.

- 6.16 JCS policy SD10 relates to residential development and advises how housing development and conversions to dwellings will be permitted on previously developed land in the Principal Urban Area (PUA). The application site is located within a built up area of Cheltenham, adjacent to existing residential and commercial development, only

a short distance from the town centre. As such the site is in a highly sustainable location with easy access to a large range of local amenities and various public transport links. The site is therefore appropriate for residential development and is compliant with adopted JCS policy SD10.

6.17 Furthermore, as noted in the introduction, the site forms part of an allocated housing site under Policy HD9 in the Cheltenham Plan (North Place and Portland Street). Policy HD9 sets out the site specific requirements as follows;

- approximately 143 dwellings;
- a layout and form of development that respects the setting, character and significance of the Conservation Area and other heritage assets ;
- Safe, easy and convenient pedestrian and cycle links within the site and to key points.

6.18 Given the above, there is no fundamental reason to suggest that the principle of residential development on this site would be unacceptable, subject to all other material considerations, which are discussed below.

6.19 Design, layout, landscaping and impact on heritage assets.

6.20 Section 12 of the NPPF refers to achieving well designed spaces and states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

6.21 Adopted Cheltenham Plan Policy D1 requires new development to adequately reflect principles of urban and architectural design; and to complement and respect neighbouring development and the character of the locality. Furthermore, JCS policy SD4 relates to design, and identifies considerations to include context and character, legibility and identity, amenity and space.

6.22 Further detail can also be found in Cheltenham's Supplementary Planning Document – Development on Garden Land and Infill Sites. This document sets out various elements that are considered to create the character of an area and includes grain, type of building, location of buildings, plot widths and building lines.

6.23 There are a number of heritage assets in close proximity of the site, as such, the impact of this development on these heritage assets must be considered, with specific regard to the Planning (Listed Buildings and Conservation Areas) Act 1990. In terms of policy, JCS policy SD8 relates to the historic environment and states how 'Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance'. Section 16 of the NPPF also echoes the importance of conserving and enhancing heritage assets.

6.24 As discussed in the introduction, the development of this site has gone through an extensive pre-application process which has resulted in a significant change in the proposed layout. The earliest site layout presented two perimeter apartment blocks, one fronting St Margarets Road, the other fronting North Place, with the central areas of the site presenting townhouses around a centralised square. The general response from officers at pre-application stage, which included the views of the council's urban design consultant and conservation officer, supported the principle of perimeter blocks, but did not consider the layout in the central areas of the site to be acceptable and did not reflect the general layout and historic pattern of development in the immediate locality. Further discussion on the pre-applications and the evolution of the scheme is discussed in the applicants planning statement and design and access statement.

- 6.25 The application proposes a total of 75no. 3 bedroom townhouses and 72 apartments, including a mix of 1 and 2 bed units. The layout proposed within this current application retains the two perimeter blocks and includes a four-storey apartment block proposed along the St Margaret's Road frontage, and a terrace of 17 townhouses proposed along North Place. The south eastern corner of the site includes a terrace of 9 townhouses, with a further terrace of 13 townhouses proposed along the eastern boundary. In the central areas of the site, two rows of terraced townhouses are proposed, each containing 18 properties and separated by a central landscaped area, this being for the private use of residents. The applicants Planning and Affordable Housing Statement confirms that all apartments will meet the Nationally Described Space Standards (NDSS) and will be accessible and adaptable, compliant with category M4(2) for building regulations. All proposed townhouses fall short of the NDSS by approximately 15% in internal floor area.
- 6.26 All townhouses are three storeys in height, each has a dedicated parking space either to the front or rear. Every townhouse has its own dedicated private amenity space, either in the form of a rear courtyard and roof terrace or dedicated rear garden and roof terrace. The apartment block provides accommodation over three and four floors, and has an L-shaped footprint, with landscaped areas to the rear which would be publicly accessible. In terms of general sit layout, a number of landscaped areas are proposed, with areas of public open space and informal play equipment included. Pedestrian and cycle links throughout the site are also proposed.
- 6.27 As originally submitted, whilst the general layout of development was supported, a number of concerns were raised by officers, Cheltenham's Architects Panel, Cheltenham's Civic Society and in public representations. In summary, these concerns related to the scale and density of the development, design detailing for both the apartment block and the terraced housing, landscaping and impact on designated heritage assets, most notably, the impact on the setting of the Grade II* listed St Margarets Terrace. The full comments and concerns raised by both the Architects Panel and Civic Society can be read in the appendix at the end of this report. In summary the Architects Panel and Civic Society were generally supportive of a dense urban development but felt that design amendments were necessary. Comments were also received by Gloucestershire Crime Prevention Officer.
- 6.28 In terms of heritage impacts, the full comments from Historic England and the council's conservation officer can be read in the appendix. Whilst the proposed layout of the site and design of the townhouses were considered to be acceptable, the main areas of concern related to the impact of the apartment building on the setting of the Grade II* listed St Margarets Terrace and other designated heritage assets. The council's conservation officers primary concern related to the scale of the apartment block, in particular the return wing. In addition, both the conservation officer and Historic England raised concerns with the design detailing of the apartment block.
- 6.29 In response to the concerns raised, revised plans and additional details have been submitted for consideration, the notable changes to the scheme include the following:
- A reduction in height of the rear wing of the apartment block (removal of the 4th floor) resulting in a reduction of 6 units.
 - Design and elevation changes to the apartment block; alternative brick finish proposed for the rear wing, changes in fenestration and introduction of first floor balustrading.
 - Design and elevation changes to the townhouses; the recessing of rainwater goods, introduction of contrasting darker brickwork for central area of the terraces and introduction of first floor balustrading.

- Defensible space in front of the proposed North Place terrace increased.
- Increased provision of landscaping and tree planting to landscaped areas in front of the apartment block and terrace on North Place.
- The concerns of the Crime Prevention Officer have been addressed in the revised design and access statement.

6.30 In terms of design, the approach is clearly contemporary. During pre-application discussion, officers were clear that a pastiche form of development would not be appropriate for this site and welcomed an overall contemporary design approach. The predominate facing material across the development includes mix of light and dark buff brick work. Both the proposed apartment building and townhouses will have dark grey powder coated aluminium windows, composite doors and aluminium railings. The proposed balustrading and Juliet balcony detailing for the townhouses is proposed to be finished in a bronze colour, and the roof tiles are concrete. The materials for the apartment building include Cotswold Stone at ground floor, with light and dark brick on the upper floors. The elevations include bronze metal fin detailing, and bronze panels framing the windows. Officers consider the palette of materials to be acceptable for this development, resulting in a contemporary design and appearance, whilst still respecting the sites context.

6.31 The Civic Society and Architects Panel have commented on the revised proposals and do not consider the amendments to have addressed their concerns. Overall, whilst officers acknowledge that concerns exist, the amendments are positive and have sought to overcome concerns raised during the application process.

6.32 Officers are of the view that the development achieves an acceptable layout and scale of development that responds to the site's context and constraints. The elevation amendments have improved and lifted the overall design and appearance of the development, resulting in a good quality contemporary development for this town centre site.

6.33 In terms of heritage impacts, the conservation officer concluded that the scheme, as originally submitted, resulted in harm to designated heritage assets, in particular, the setting of the Grade II* listed St Margarets Terrace, the level of harm being '*less than substantial*'. The conservation officer has reviewed the revised plans and acknowledges that the proposed amendments to the apartment block are positive, particularly the reduction in scale of the rear wing, the proposed change to the finishing details, and the amendments to the windows have all gone some way in addressing the concerns and reducing the level of impact. Whilst the conservation officer still considers there to be harm to the setting of the designated heritage assets, the proposed amendments have reduced the level of harm, with the conservation officer suggesting the level of harm now being at the lower end of '*less than substantial*'. As required by paragraph 208 of the NPPF, where development leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This exercise is discussed in the planning balance and conclusions section (section 7) of this report.

6.34 Active Travel England have reviewed the application and have referred the LPA to their standing advice. Officers have had due regard to this advice and consider the development actively promotes travel for pedestrian, cyclists and wheelchair users, providing improved connections across the site and towards the amenities in the nearby Brewery Quarter and Town Centre. Overall, the development is highly sustainable that reduces the need and reliance for car usage.

- 6.35 It is regrettable that the proposed townhouses would not meet with the Nationally Described Space Standards (NDSS) for their internal dimensions. However, officers are mindful that each townhouse has a terrace at second floor which contributes towards the total accessible areas available to any occupiers, as well as further private outside space in the form of a courtyard or larger rear garden. In addition, the JCS highlights that the NDSS are '*optional standards that can only be applied where there is a local plan policy based on evidenced local need and where viability is not compromised*'. There is no policy in the Cheltenham Plan that requires such provision, and viability is an issue for this project, as discussed in more detail below.
- 6.36 Should the development be approved, officers consider further design details will be necessary for various parts of the proposed development, which can be dealt with by conditions.
- 6.37 **Sustainability**
- 6.38 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 shall be adaptable to climate change in respect of the design, siting, orientation and function of buildings and outside space. This policy also requires an energy statement to be submitted for any major planning application.
- 6.39 Further supporting text which discusses JCS policy SD3 identifies how the design of development should first identify measures to reduce overall energy demand before the use of renewable energy technologies. It is noted that this can be achieved through the choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for heating, cooling and lighting. It also suggests that design measures should seek to use energy more efficiently, such as increasing levels of insulation and improved air-tightness.
- 6.40 It is also important to note that Cheltenham has an adopted Supplementary Planning Document – Cheltenham Climate Change (June 2022). This SPD sets out a strategy for how buildings should respond to the climate change and biodiversity crisis and sets out how applicants can successfully integrate a best practice approach towards climate change and biodiversity in their development proposals.
- 6.41 Sustainability is discussed throughout the applicant's planning statement and due consideration has been given to JCS policy SD3 and Cheltenham's Climate Change SPD. Furthermore, the application is supported by an energy and sustainability statement, prepared by Focus.
- 6.42 The statement confirms that all dwellings will be served wholly by an electric heating and hot water solution. Specifically, rooftop PV panels will be installed on the apartment block to serve electric panel heaters and immersion heaters, and the townhouses will each have air source heat pumps (ASHP's) and the provision of an EV charging point for each car parking space. The planning statement identifies that consideration has been given to the installation of solar panels for the townhouses, but has not been opted for, due to concerns regarding the impact on the historic environment.
- 6.43 The energy and sustainability statement identifies that in order to reduce the overall carbon emissions associated with the development, and in order to maximise energy efficiency, the developer has adopted a robust 'fabric first' approach. The statement confirms that the proposed U-Values are an uplift on the minimum requirements under Part L of building regulations. It also states that '*the apartments will be serviced by a direct electric space heating strategy, with hot water provided from a dual immersion*

cylinder', which will be *'supplemented by the use of a high efficient mechanical ventilation with heat recovery system'*.

6.44 The energy statement concludes that *'the scheme is predicted to achieve a reduction in energy usage against the target figures within Part L of 42.18% and a reduction in carbon emissions against the target figures of 62.45%'*.

6.45 Having considered all of the above, officers are satisfied that the development achieves an acceptable level of sustainability, would generally comply with JCS policy SD3 and the newly adopted Climate Change SPD, therefore contributing to Cheltenham's ambitions and commitment to the climate change emergency. Officers consider it necessary for a condition to be attached which requires the development to be carried out in accordance with this proposed strategy.

6.46 Impact on neighbouring amenity

6.47 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.

6.48 In terms of impact on existing neighbouring land users, those most likely to be affected include properties in Northfield Terrace whose rear elevations and gardens face towards the application site, those in Northfield Passage where their front elevations face towards the application site, Dowty House, and St Margarets Terrace.

6.49 Loss of light/outlook/overbearing impact

6.50 The applicant has provided a daylight and sunlight assessment to consider impact on neighbouring land users. In summary, the report concludes that 347 windows, serving 51 properties have been assessed. In the main, it identifies that where the proposal has an impact on windows, the impact is marginal and falls just short of the BRE guidance. It does however conclude that some windows are adversely affected, and light levels would be reduced to individual windows to below 80%, which is considered to be the acceptable level. The properties that would be most affected by the development are two ground floor flats within Dowty House, where side facing windows look towards the application site, and numbers 12, 18, 20 & 22 Northfield Passage.

6.51 With regards to the windows in the ground floor flats in Dowty House, all but one of these windows are secondary light sources, whereby the space is served by other larger light sources, as such, these spaces would not be unduly affected. One window is the only light source serving a bedroom, and would see a reduction in light to 73%, which is below the 80% that should be achieved. It is however important to note that the Paul Littlefair 'Site layout and planning for daylight' document, notes at paragraph 2.2.8, that bedrooms should be analysed, but are less important than other rooms, such as living rooms, kitchens, and dining rooms. In this instance, given the use of the room and the distance between this window and the proposed development, which is in excess of 12 metres, officers do not consider any unacceptable loss of light or outlook would occur .

6.52 With regards to impact on the properties in Northfield Passage, each of the properties (12, 18, 20 and 22) has front elevation windows that would be affected, the greatest impact being on the ground floor windows, where the light levels would achieve between 73 - 78%. The light levels are below that considered acceptable, and therefore the rooms that these windows serve would be adversely affected. However, officers are mindful of the site context, and the existing outlook from these windows, whereby the application site is currently enclosed in this location by either a brick wall or timber

fence. This existing boundary treatment located just 3 metres from these ground floor windows therefore already has an impact on light and outlook. As a result of the proposed development the existing boundary treatment would be removed and the space directly to the south of Northfield Passage would be open, and comprise the new shared space, parking areas and front gardens of the nearest terrace. The proposed new townhouses would be approximately 16.5 metres away from the windows in these properties. As such, officers are of the view that the outlook from these windows would likely be improved, and on balance, any impact on these properties is not considered to be unacceptable.

- 6.53 Formosa House is located at the end of Northfield Passage and Northfield Terrace, its side elevation would face towards the end of the proposed terrace that fronts on to North Place. Formosa House has three side facing windows what could be affected, this includes two upper floor windows and a ground floor window. The upper floor windows serve a landing and bathroom, these are not habitable spaces and therefore do not warrant protection in terms of light. The ground floor window serves a kitchen/diner, however this space is open plan and benefits from a large amount of glazing in the rear and side elevations of the property. As these additional openings would not be affected by the proposed development, no unacceptable loss of light would occur.
- 6.54 The separation distance between the end of the proposed terrace facing North Place and the side of Formosa House is approximately 10 metres. Given this distance, the limited depth of the terrace and the open space to the rear of this terrace, it is not considered that any unacceptable loss of outlook would occur. The separation distance between 20 Northfield Passage and the end of the proposed new terrace is approximately 11 metres, and for the same reasons, this relationship is considered to be acceptable.
- 6.55 Privacy
- 6.56 The proposed terrace that would face towards Northfield Passage achieves distances of approximately 15 metres to the boundary of existing properties, exceeding the minimum 10.5 metres that is usually required. In terms of window to window distances, 21 metres is usually required, however, in this context, many existing properties are located in close proximity of existing development, and fall far short of these distances. The shortest window to window distance, is between the new terrace and number 12 - 14 Northfield Passage, this distance being 16.5 metres. Whilst this distance is short of the 21 metres usually required, the front elevation windows in the new terrace would overlook the parking areas of the townhouses, the shared highway and the Northfield Passage PROW. Many properties in the immediate context that are separated by a highway/footpath have much shorter separation distances, this includes those in Northfield Terrace. As such, in this context, this separation distance is considered to be acceptable.
- 6.57 The external terraces for the proposed dwellings within the central section of the site will overlook the central landscaped area, and therefore would not impact on properties to the north.
- 6.58 The separation distance between the side windows in Dowty House and the proposed terrace along the western boundary is approximately 12 metres. Whilst this distance is short of the 21 metres usually required for upper floor windows that face each other, the upper floor windows in the side of the Dowty House development do not serve habitable rooms, but instead serve hallways, landings or communal areas, as such no unacceptable loss of privacy to these properties will occur. Furthermore, the external space beyond the boundary is not private amenity space, but is general landscaped

areas, as such, the separation distance between the sites is considered to be acceptable.

6.59 The separation distance between the proposed townhouses at the rear of St Margarets Terrace is approximately 19 metres, with the upper floor window to window distances being in excess of 27 metres. These distances are acceptable and would not result in any privacy issues.

6.60 The windows in the side elevation of the new apartment block would face towards the side elevation of St Margarets Terrace and the external areas associated with the end terrace property (number 1). Number 1 St Margarets Terrace has no side elevation windows and therefore no loss of privacy to the property would occur. Whilst the new apartment block windows would be located just 6 metres from the shared boundary, the external space is not private amenity space but is a hard surfaced parking area associated with the commercial use of the end terrace unit. As such, officers do not consider any unacceptable loss of privacy would occur.

6.61 Impact of construction works

6.62 The council's environmental health team have reviewed the details of the application, and their detailed comments can be read in the appendix at the end of this report. Some initial queries were raised, and the necessary information was later provided by the applicant. The Environmental Health Officer raises no objection to the application but requires additional information to be submitted before development commences, and for the works to be carried out in accordance with details that have already been provided. These requirements can be dealt with by compliance conditions relating to hours of work, the air quality impact assessment, and the noise impact assessment. The suggested pre-commencement conditions require the submission of a piling foundation method statement, a noise mitigation scheme for construction works and a construction management plan. Further conditions are also suggested which require the submission of details for the ASHP's and a condition which restricts the use of Crushers during the construction phase. With these conditions attached officers are satisfied that the development would not result in any unacceptable impact on neighbours during the construction stages of development, would not adversely impact neighbours once the development has been constructed and would not unduly impact on the environment.

6.63 The proposed amendments to the scheme show some betterment, largely as a result in the reduced scale of the apartment block rear wing.

6.64 Overall, in terms of impact on neighbouring amenity, the proposal is considered to be broadly compliant with adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy SD14 and would not result in any unacceptable impact.

6.65 **Impact on trees**

6.66 Cheltenham Plan policy GI2 relates to the protection and replacement of trees and states that the Borough Council will resist the unnecessary felling of trees on private land, and will make tree preservation orders (TPO's) in appropriate cases. The policy goes on to say that for any protected tree that has to be felled, the council will require it to be replaced, where practical.

6.67 Policy GI3 of the Cheltenham Plan states that development which would cause permanent damage to trees of high value will not be permitted. The policy seeks, where possible, to retain existing trees, planting of new trees and measures to protect existing trees through construction phases.

- 6.68 Paragraph 136 of the NPPF states *'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.'*
- 6.69 Three trees located on St Margarets Road are within the redline application site boundary and include two Plum trees and a Plane tree. A further tree, a Common Lime is located within the grounds of Dowty House, outside of the redline boundary. The application proposes the removal of the existing Plum and Plane trees.
- 6.70 Comments of the Council's Tree Officer (TO) can be read in the appendix at the end of this report. In summary, the Tree Officer raises no objection to the removal of the plum trees, as the replacement tree planting is suitable mitigation. However, the removal of the Plane tree is objected to, the Tree Officer considers this tree to be of high value and its loss to be unacceptable. Members should also be aware that the Plane tree is now the subject of a TPO, having recently been agreed by the planning committee.
- 6.71 The concerns of the Tree Officer have been relayed to the applicant, with officers suggesting that an alternative site layout should be considered in order to allow for the retention of this TPO'd tree.
- 6.72 The Council's Tree Officer has reviewed the revised plans and updated landscaping proposal and has provided further comments. The revised proposal does not allow for the retention of the TPO'd tree, as such the Tree Officer maintains their objection.
- 6.73 It is noted that the applicant has sought to mitigate for the loss of this tree by the provision of new landscaping works, in particular a designated landscaping strip is proposed along the St Margarets Road frontage, which includes the provision of 6 new trees and additional planting, this is also the approach taken for the road frontage along North Place. A significant amount of new landscaping works is proposed across the whole site and includes a large number of new trees and other soft landscaping proposals both in the public areas and the private areas of the development. The Tree Officer's latest comments discuss the proposed landscaping and concludes that the proposed measures are not sufficient to mitigate for the loss of the Plane tree due to the replacement tree planting being smaller, shorter living trees that they consider would have limited amenity value due to their species and the root barriers that they are planted in.
- 6.74 Officers fully acknowledge the concerns of the Tree Officer, and agree that the loss of this tree is regrettable and in conflict with policy, however, the proposed landscaping proposals for this site and the benefits they would bring must also be considered. The proposal would introduce a significant amount of new landscaping to the site, including a large number of trees (57 in total). The extent of new planting is demonstrated in the Bio-diversity calculations which are discussed later in this report, but in summary the proposal achieves a Bio-diversity net gain of approximately 226% for habitats and 123% for hedgerows. This level of increase would provide significant gains to the site and to the wider area in this urban environment. The benefits of such an increase in trees across the site can also be contributed to helping mitigate and adapt to climate change. Officers are also mindful of paragraph 136 of the NPPF, which states that decisions should ensure that new streets are tree-lined. Whilst the proposed trees would be much smaller than that of the tree to be removed, the number would be significantly increased, and officers are of the view that the development would be 'tree-lined'.

- 6.75 In summary, there is conflict with Cheltenham Plan policy GI2 as the proposal seeks to remove a protected tree, as such, consideration needs to be given to this issue in the planning balance exercise, which is discussed at the end of this report.
- 6.76 If planning permission were to be granted, conditions relating to the implementation of the landscaping scheme and its management, and the protection of the neighbouring Lime tree would be necessary.
- 6.77 **Affordable Housing**
- 6.78 JCS policy SD12 requires the provision of a minimum of 40% affordable housing for sites of 11 dwellings or more. The policy requires, where possible, for affordable housing to be provided on-site and it should be seamlessly integrated and distributed throughout the development. The policy also requires development to meet the requirements of Policy SD11 which relates to type, mix, size and tenure of residential development.
- 6.79 This application proposes a 20% affordable housing provision, which is less than that required by JCS policy SD12. The reason given by the applicant for a reduced provision is due to the viability of the project. With this being the case, as required by JCS policy SD12, a viability statement is necessary. A statement has been provided and is publicly available to view on the Council's website. The Council appointed Carter Jonas to independently appraise the statement and to provide their conclusions on the scheme. Carter Jonas' report is also publicly available to view on the Council's website.
- 6.80 As already mentioned, the scheme has been amended throughout the process of the application, this has resulted in a small reduction in the total number of units, reducing from 153 to 147. The applicant has also accepted the requirement for further financial contributions which relate to the Cotswold Beechwoods SAC Mitigation and the Education and Libraries contributions sought by GCC, which are discussed in more detail below. Given the changes to the scheme and the financial contributions required, the revised plans are supported by an amended viability assessment. This has again been independently reviewed by Carter Jonas.
- 6.81 The conclusions of Carter Jonas are that neither the original proposal nor the revised proposal is financially viable when providing a 40% affordable housing provision. Furthermore, in its original form, the proposal was not viable when providing a 20% provision. However, following revisions to the scheme, Carter Jonas have identified that the scheme is viable when providing the current 20% affordable housing provision, providing a small surplus of approximately £200,000. The proposed affordable housing offering from the developer is the delivery of 29 affordable units, made up of 1 bed shared ownership flats located within the apartment building. It is important to note that the assessments have been based on a 15% gross development value (GDV) profit margin, which is at the lower end of that considered to be a reasonable developer profit, as set out in the PPG, which states that *'15 – 20% may be considered a suitable return to developers in order to establish viability'* (Paragraph: 018 Reference ID: 10-018-20190509). When reassessing the proposed development based on an 18.8% profit margin (RICS Guidance), Carter Jonas have confirmed that the project produces a significant deficit of £1,230,586.
- 6.82 The applicant acknowledges that the provision of 1 bed shared ownership flats is a departure from the latest housing needs assessment (LHNA) prescribed in the 2020 Gloucestershire LHNA. The applicant does however consider the need for 1 bed units is justified by the site's town centre location.
- 6.83 The Council's Housing Enabling Officer (HEO) has reviewed the proposals and has provided detailed comments. Whilst they confirm there is a need for shared ownership units and this provision is welcomed, concerns have been raised regarding the

practicalities of integrating this type of tenure into the apartment block. The HEO has discussed the scheme with Registered Providers (RP), who have indicated similar concerns to those raised by the HEO. The applicant has been asked to provide evidence that suitable RP's are available and willing to adopt such units, however due to time constraints it has not been possible to provide such information at this stage.

6.84 Whilst the practical concerns of the Council's HEO are duly noted, the proposed shared ownership tenure is acknowledged as being an identified need for Cheltenham, and officers are of the view that it is not the role of the LPA at this stage in the process to address issues that may or may not arise following a decision. In addition, whilst the proposed affordable housing provision does not meet the requirements of Policy SD11 and SD12 in terms of providing a mix of tenures which should be spread out across the site, it is duly noted that the viability of the development is limiting the type of provision possible.

6.85 Officers welcome the provision of a 20% affordable housing provision on this site, and acknowledge that this is achievable by the developer accepting a profit margin at the lower end of that considered reasonable. As already mentioned, the viability of the project has been appraised by the Council's independent assessor.

6.86 **Developer Contributions**

6.87 JCS policy INF6 states '*Where infrastructure requirements are generated as a result of individual site proposals...new development will be served and supported by adequate and appropriate on- and/or off-site infrastructure and services*'. The policy describes that where need for infrastructure and services is to arise, the LPA will seek to secure appropriate infrastructure, which is necessary, directly relates, and fairly and reasonably related to the scale and kind of development proposed.

6.88 As Gloucestershire County Council (GCC) are responsible for Education and Libraries provision, they have been consulted and their detailed comments can be read in the Appendix at the end of this report.

6.89 GCC have identified the need for financial contributions for both education and libraries as a result of this proposed development. In summary, this includes a financial contribution of £952,976.58 for education (£569,299.91 for primary and £383,676.67 for secondary school places), and a libraries contribution of £28,812. The education and libraries contributions towards off-site provision are to be secured via a S.106 agreement.

6.90 Development of this scale would usually require provision of, or off-site contributions towards other infrastructure, such as; public open space, Local Play Area's (LAPs), allotments etc. The proposed scheme includes provision of some public open space and informal play equipment, however, due to the viability of the project, no further provision or contribution is being proposed. Whilst this is disappointing, officers consider the provision of affordable housing to be of greater need to Cheltenham's residents. Furthermore, given the site's town centre location, officers consider the existing play facilities in Pittville Park and open space provision in Clarence Square, Wellington Square and Pittville Park to be sufficient to address the needs of any future residents of the development.

6.91 **Highway considerations**

6.92 Adopted JCS policy INF1 requires developers to provide safe and accessible connections to the transport network to enable choice for residents and commuters. Proposals are required to take account of all transport modes, consider connections to existing walking, cycling and passenger transport networks to encourage maximum potential use and increase sustainability. The policy also states that planning

permission will be granted only where the impact of development is not considered to be severe (also referred to in paragraph 115 of the NPPF). Furthermore, the policy requires the submission of a transport assessment to demonstrate impacts, and for an application to be accompanied by a travel plan.

- 6.93 The application is supported by a Transport Impact Assessment and Residential Travel Plan.
- 6.94 The proposed development includes one vehicular access point from North Place, which is an existing access point that serves the car park. Various pedestrian links are shown, with public entry and exit points in the north east and south west corners of the site. A further footpath is located to the south east of the apartment block. The internal areas of the site are designed to be shared spaces for vehicles, pedestrians and cyclists. It is also noted that no boundary treatment is proposed for the northern boundary of the site, therefore opening up the existing PROW to the application site and shared spaces within the development.
- 6.95 In terms of parking provision, there are no vehicular parking spaces proposed for the apartment building, and one off-road parking space is proposed for each townhouse. The apartment building provides a dedicated cycle parking area within the building, providing ample space for storage of bicycles. Cycle storage is also provided to the front or rear of each townhouse.
- 6.96 As already mentioned, during the pre-application discussions, officers considered that pedestrian connectivity from the development to the town centre and Brewery Quarter to the south was important for this development, as also highlighted in policy HD9 of the Local Plan. The proposed layout has addressed these points and now includes positive connectivity through the site and enables access towards the Brewery and Town Centre for residents to the north of the application site.
- 6.97 Gloucestershire County Council as the local Highways Authority were consulted on this application, their detailed comments can be read in the appendix at the end of this report.
- 6.98 With regards to parking provision and displacement of the existing public car parking provision, Gloucestershire Highways conclude that the loss of the public car parking can be accommodated within other Cheltenham car parks without on-street displacement. Officers are aware of concerns raised by local residents regarding parking pressures and acknowledge that there is no vehicular parking for the apartments within this development. However, in this highly sustainable town centre location, parking provision for each residential unit is not a requirement.
- 6.99 In terms of highway safety, Gloucestershire Highways initially requested additional information/details, which has been addressed in the form of a revised transport statement.
- 6.100 Gloucestershire Highways raise no objection to the application, subject to conditions and contributions. Whilst no objection has been raised by Gloucestershire Highways, some areas of concern have been raised, this relates to access and manoeuvrability through the site for refuse vehicles if parking on the road is not controlled throughout the development. A further issue relates to visibility splays for the access to the site, however, highways have suggested a condition would address the issue. The applicant has also confirmed that the required visibility splays can be achieved with the current proposed layout.
- 6.101 Given highways concerns regarding manoeuvrability through the site, officers consider it necessary for a parking management plan to be submitted for approval, a condition has therefore been recommended. Other conditions suggested by highways relate to

the reinstatement of the redundant accesses and the submission of a residential travel plan. Officers however note that the Travel Plan has been provided as part of the submission documents.

6.102 Highways also suggest that contributions may be sought in respect of Home to School Transport (HTST) and a residential travel plan. They identify that the HTST is not proposed to be progressed and two options are available to the applicant regarding a travel plan contribution. In addition, highways also indicate that the JCS Infrastructure Delivery Plan identifies the need for improvement works to Junction 10 of the M5 and the A4019 towards Cheltenham and that this infrastructure is crucial in delivering planned growth in this area. A methodology for seeking developer proportionate financial contributions towards the delivery of the J10 and A4019 highway improvement works is not yet agreed between all relevant parties. Therefore, it would be unreasonable to secure such contributions at this time. Officers are also aware of the viability of this project, as already discussed above, which means that additional financial contributions towards any off site works are not proposed and in this instance, cannot be secured.

6.103 Gloucestershire Highways conclude that there are no justifiable grounds on which an objection could be maintained.

6.104 Having considered all of the above, the development is considered to be acceptable in highways terms, and therefore accords with JCS policy INF1 and section 9 of the NPPF.

6.105 Ecology, Bio-diversity Net Gain (BNG) and Impacts on the Beechwoods Special Area of Conservation (SAC)

6.106 JCS policy SD9 seeks to protect biodiversity and geological resource which will be achieved by ensuring European Protected Species and National Protected Species are safeguarded in accordance with the law. The policy states that any development that has the potential to have a likely significant effect on an internationally designated site will be subject to a Habitats Regulations Assessment.

6.107 The application is supported by an Ecological Impact Assessment (EIA). In addition, a Shadow Habitats Regulation Assessment (sHRA) was later submitted. The submitted plans and documents have been reviewed by Wild Service who were the ecologists working on behalf of the Council for this project. The comments can be read in full in the appendix at the end of this report. Further comments have later been provided by the Councils 'in-house' ecologist, which can also be read in the appendix.

6.108 Ecological impacts

6.109 Wild Service agreed with the findings of the EIA in that the site is generally of low/negligible value for ecology. The EIA proposes a number of mitigation proposals in order to protect nesting birds, badgers and other mammals. They identified that new habitat would be created in the areas of open green space, which comprises native trees and shrub planting, hedgerow planting and sowing of wildflower meadow. The ecologist requested that a plan be submitted which identifies the type and location of the bat roosting and bird nesting features that are proposed to be incorporated into the development. A number of other conditions have been suggested and are considered necessary, these relate to the submission of a Construction Environmental Management Plan (CEMP), a Habitat Management and Monitoring Plan (HMMP) and the submission of an external lighting scheme.

6.110 Bio-diversity Net Gain

6.111 As of 12th February 2024, 10% Bio-diversity Net Gain (BNG) for all major development became mandatory and is therefore a requirement of this development. The developer has provided the necessary BNG metric calculations, which have been reviewed by the council's ecologist. As already mentioned briefly above, the proposal achieves a bio-diversity net gain of approximately 226% for habitats and 123% for hedgerows, the Council's Ecologist confirming that the development would far exceed the mandatory BNG requirements.

6.112 Impacts on Beechwoods Special Area of Conservation (SAC)

6.113 The site is 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).

6.114 Cheltenham plan 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.

6.115 Natural England (NE) were consulted on this application and advised that a Habitats Regulation Assessment (HRA) was required before they could provide comment on the scheme, this was also requested by the council's ecologist. As already noted above, the applicant has submitted a sHRA, which, in its revised form, concluded that suitable mitigation for the increased recreational pressures on the Beechwoods SAC would be in the form of a financial contribution towards the council's adopted mitigation strategy. The Council later adopted the sHRA and re-consulted NE. NE raise no objection and confirm that the financial contribution to the council's mitigation strategy is sufficient to overcome the recreational pressures of the development.

6.116 The contribution towards SAC mitigation will be secured by a S.106 agreement. With this in place, the proposal is acceptable.

6.117 **Contaminated Land**

6.118 Relevant contaminated land information and reports have been submitted by the applicant, these have been reviewed by the council's contaminated land officer. No objection has been raised, subject to the inclusion of compliance conditions.

6.119 **Flooding and drainage**

6.120 Policy INF2 of the JCS requires development to avoid areas at risk of flooding and not to increase the level of risk to the safety of occupiers of a site, the local community or the wider environment. The policy also sets out how development can minimise flood risk and provide resilience to flooding.

6.121 The application site is wholly located in flood zone 1 and therefore is at low risk of flooding. The application is supported by a Flood Risk Assessment (FRA) and drainage strategy, both of which have been revised through the application process.

6.122 The Environment Agency (EA), the Local Lead Flood Authority (LLFA) and Severn Trent (ST) have been consulted on the application. The EA confirmed that the development is not in a location or of a nature that they need to provide comment on.

The LLFA, did not consider the discharge of surface water into the combined sewers in North Place and Northfield Passage to be acceptable, as such, an amendment to the proposed drainage strategy was necessary. A revised drainage strategy has been submitted and reviewed by the LLFA. The strategy proposes the discharge of surface water into the surface water sewer in Clarence Road, and is now supported by the LLFA. The LLFA confirm that no further drainage related detail is necessary, and as such, only a compliance condition is to be attached.

6.123 ST have reviewed the revised drainage strategy and raise no objection to the application.

6.124 Having considered the above, the development is considered to be acceptable in terms of flooding and drainage, and therefore accords with JCS policy INF2.

Other considerations

6.125 Public Rights of Way (PROW)

6.126 As already mentioned, North Field Passage is a PROW that abuts the northern boundary of the application site. Gloucestershire County Council's PROW officer was consulted on the application and their comments can be read in the appendix below. In summary, the comments conclude that the development does not appear to affect the PROW (ZCH25) and therefore no concerns are raised. Detailed information for the developer has been provided and is included by way of informatives.

6.127 Minerals and Waste

6.128 Gloucestershire County Council (GCC) requested that the applicant provide a waste minimisation statement and further information regarding secondary/recycled aggregate use. This information was later provided. GCC have reviewed the additional information and raise no objection, subject to a condition.

6.129 Bin/recycle storage and collection

6.130 Comments have been received from the Clean Green team, which highlights matters for consideration, this includes pathways, bin locations, road layout, presentation points, bin and storage areas. Officers consider the proposed development includes these necessary provisions.

6.131 Removal of Permitted Development Rights

6.132 The development has been carefully considered in terms of design and its impact on heritage assets, as such, officers consider it necessary to remove permitted development rights to ensure the design and quality of the scheme is retained. Furthermore, due to the narrow plot widths of the townhouses and limited private external amenity space, officers consider that further additions to the rear of the properties, which could include extensions, outbuildings, or boundary treatments, could give rise to unacceptable amenity impacts on adjacent land users. This is therefore a further reason for suggesting the removal of permitted development rights.

6.133 S.106 agreement/s

6.134 A S.106 agreement with GCC will be necessary to secure the contribution towards education and libraries provision and Travel Plan monitoring.

6.135 A further S.106 agreement with CBC will be necessary to secure other obligations which include Affordable Housing provision, Beechwoods SAC mitigation, delivery and management of BNG, public open space management and public art.

6.136 Public Sector Equality Duty (PSED)

As set out in the Equality 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.

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.

Officers duly acknowledge the proposal would result in the loss of public car parking spaces which provide parking close to the town centre and facilities within the Brewery Quarter. However, other nearby car parking provision is available, this includes the NCP Brewery Quarter Car Park which is just 50 metres from the site, this facility includes level access parking facilities and 8 disabled spaces.

As for the development itself, with regards to accessibility, the site is relatively flat, each townhouse has level access into the property and each property has access to its own private amenity space, as well as shared spaces. The apartment building has various level pedestrian access points and includes an internal lift, and access to open space within the development is also available. As already discussed in other sections of the report, the layout has identified a number of new pedestrian and cycle links to the wider public footpath network.

The proposed development also includes a range of property types, including 3-bedroom townhouses, 1 and 2 bedroom apartments, therefore offering a range of unit types and sizes, which would vary in cost. The development also provides a 20% affordable housing provision.

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 The application site forms part of the North Place and Portland Street allocation for housing under Cheltenham Plan policy HD9, as such the principle of residential development of the site is supported and welcomed. The redevelopment of the site has been through extensive pre-application discussion with the LPA and various stakeholders. The scheme has been revised significantly since its initial presentation to the LPA and has also undergone further revision and amendment throughout this current application process. Additional technical information has also been provided in response to the various consultee comments.
- 7.2 Officers are of the view that the proposed development confirms with the specific requirements of policy HD9 of the Cheltenham Plan. The development proposes a fully residential scheme, with a form and layout that is considered to appropriately respect the character of the area. Furthermore, good pedestrian and cycle links are proposed within the site, providing connections to key points, such as the Brewery Quarter. Overall, officers consider the proposed development to achieve an acceptable design, appropriate

for its context and includes significant on-site gains in terms of the new landscape proposals and bio-diversity enhancements.

- 7.3 As already noted, the council cannot currently demonstrate a 5 year housing land supply and therefore the housing policies of the development plan are out-of-date. With this being the case the NPPF requires development proposals to be approved without delay, unless a clear reason for refusing development has been identified (NPPF para 11 d) i), or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme (NPPF para 11) d) ii), when assessed against the NPPF policies as a whole.
- 7.4 With regards paragraph 11 d) i), in this instance, when considering the developments impact on the protected assets, or assets of particular importance, no clear reason for refusing the development has been identified.
- 7.5 Officers conclude that the proposed development would result in some harm to designated heritage assets, in this case the setting of a Grade II* listed building and the wider conservation area. The extent of harm being at the lower end of '*less than substantial*'. As required by paragraph 208 of the NPPF, this harm should be weighed against the public benefits of the development.
- 7.6 Paragraph 11 d) ii) of the NPPF also requires any harm to be weighed against the public benefits of the development, and consideration given to whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework as a whole.
- 7.7 In this instance, the main benefits of the scheme include:
- the provision of 147 residential units to Cheltenham's much needed housing stock,
 - the provision of 29 affordable housing units,
 - the redevelopment of the site that has remained in poor condition for many years and currently has a negative impact on the conservation area and setting of nearby heritage assets,
 - the public open space, ecological and bio-diversity enhancements included within the proposed landscaping proposals.
 - New pedestrian and cycle links and improved connectivity to the town centre and Brewery Quarter.
- 7.8 Whilst officers consider the scheme to be acceptable and policy compliant in main, there are some areas where the proposed development is in conflict with policy or results in some harm. This includes:
- the loss of a protected tree,
 - harm to designated heritage assets,
 - minor amenity impacts,
 - the lack of additional infrastructure provisions or contributions, such as public open space, Local Play Area's (LAPs) and allotments.
- 7.9 As required by paragraphs 11 and 208 of the NPPF, having considered all of the above, officers do not consider the identified harm as a result of the development would

significantly and demonstrably outweigh the benefits of the scheme, as such, the tilted balance in favour of sustainable development is engaged.

- 7.10 Furthermore, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *"where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise"*. The proposed development, for the reasons set out above, accords with the development plan as whole. There are no material considerations indicating that a decision other than in accordance with the development plan ought to be taken in this instance (i.e. refusal) and as such it is recommended that, subject to the conditions set out below, and subject to the prior completion of relevant S.106 Agreement/s, permission be granted.

8. CONDITIONS / INFORMATIVES

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 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 07:30hrs -18:00hrs, Saturday 08.00hrs - 13:00hrs nor at any time on Sundays, Bank or Public Holidays.

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).
- 4 The development hereby approved shall be carried out in accordance with the submitted Air Quality impact Assessment (ref P6310-R1-V3).

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).
- 5 The development shall be carried out in accordance with the submitted Noise Impact Assessment (ref:P6310-R1-V3).

Reason: To safeguard the amenity of future occupiers of the development, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).
- 6 Prior to the commencement of foundation installation, a piling foundation method statement shall be submitted to and approved in writing by the Local Planning Authority. The details shall include background base measurements of noise and mitigation measures to control both noise/vibration and dust. The development shall be undertaken in accordance with the details approved.

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). Approval is required upfront because the mitigation scheme may be integral to the overall design of the development.

- 7 Prior to the commencement of development, details of a noise mitigation scheme to suppress noise generated from demolition, site clearance and construction works shall be submitted to and approved in writing by the Local Planning Authority. The noise mitigation measures shall be implemented/adhered in accordance with the approved details before the use hereby permitted commences on site and shall be retained as such at all times.

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). Approval is required upfront because the mitigation scheme may be integral to the overall design of the development.

- 8 At no time shall a crusher machine be used on site.

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).

- 9 Prior to the commencement of development (including demolition/site clearance) a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The construction method statement shall include the following:

- a) hours of operation;
- b) 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);
- c) routes for construction traffic;
- d) Any temporary access for the site;
- e) locations for loading / unloading and storage of plant, waste and construction materials,
- f) method of prevention of mud being carried onto highway;
- g) communicating the construction management plan to staff, visitors and neighbouring residents and businesses;
- h) control measures for dust and other air-borne pollutants;
- i) measures for controlling the use of site lighting whether required for safe working or for security purposes;
- j) Arrangements for turning vehicles;
- k) Arrangements to receive abnormal loads or unusually large vehicles;
- l) Highway Condition survey;

Reason: To safeguard the amenity of adjacent properties and the general locality and in the interests of safe operation of the adopted highway, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the use could have an unacceptable environmental impact on the area.

- 10 The development hereby permitted shall be carried out in accordance with the contaminated land reports/information included within the 'Remediation Strategy' (ref: 23211-RLL-23-XX-RP-O-0003).

No dwellings shall be occupied until the remedial works have been validated and the required verification has been 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 in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

- 11 Prior to the commencement of development, a landscaping phasing plan, which shall detail the timings for implementation of all soft landscaping areas, shall be submitted to and approved in writing by the Local Planning Authority.

The soft landscaping works shall be implemented in accordance with the approved phasing plan and in accordance with drawing number P23-0823_EN_003_D.

The soft landscaping, within each relevant phase, shall be implemented prior to the occupation of that phase.

Any trees indicated on the approved scheme which, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees, whereby the location, species and size shall have first been first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 12 Prior to the commencement of development, a landscaping phasing plan, which shall detail the timings for implementation of all hard landscaping works, shall be submitted to and approved in writing by the Local Planning Authority.

The hard landscaping works shall be implemented in accordance with the approved phasing plan and in accordance with drawing number P23-0823_EN_002.

The hard landscaping, within each relevant phase, shall be implemented prior to the occupation of that phase.

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).

- 13 Prior to the commencement of development (including demolition and site clearance), tree protective fencing to BS 5837:2012 shall be installed in accordance with the details set out in drawing number RSE_6929_TPP V4, unless otherwise first agreed in writing by the Local Planning Authority. The approved protective fencing shall thereafter remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020).

- 14 The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of

0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety for pedestrians and all other users, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

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

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

- 16 The approved Residential Travel Plan (RLRE Consulting Engineers Ref: 23211-RLL-23-XX-RP-D-5004 Rev P02, received 13th February 2024) shall be implemented and monitored in accordance with the regime contained within the plan. In the event of failing to meet the targets within the plan, a revised plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The plan shall thereafter be implemented and updated in agreement with the Local Planning Authority, as amended.

Reason: To reduce vehicle movements and promote sustainable travel, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 17 The Development hereby approved shall not be occupied until a Management Plan for parking within the site, has first been submitted to and approved in writing by the Local Planning Authority.

The management plan shall include, but not be limited to:

- a) Road Markings
- b) Parking signage

The measures shall be implemented in accordance with the approved details, prior to the first occupation of the development, and maintained as such thereafter.

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

- 18 No dwelling shall be occupied until the proposed means of vehicular access to the site and the parking and turning facilities for all relevant dwellings have been constructed and provided in accordance with the approved plans (22039-GNA-XX-ST-DR-A-0103 C). The access, turning and parking for each dwelling shall thereafter be retained as such at all times and shall not be used for any purpose other than for 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).

- 19 Prior to first occupation of the relevant dwelling unit, the sustainability measures and renewable energy technologies set out in the Energy and Sustainability Statement, produced by Focus and dated February 2024 shall be implemented in full.

Reason: To ensure that the development is sustainable and complies with Adopted JCS policy SD3 and guidance in the Cheltenham Climate Change SPD (adopted 2022).

- 20 Details of the type/model, operation and predicted noise levels (noise assessment to the standard of BS4142) of the proposed air source heat pumps (ASHPs) for each townhouse shall be submitted to and approved in writing by the local Planning authority.

The ASHP's shall be installed prior to first occupation of each dwelling hereby approved and in accordance with the details approved. The ASHPs shall be retained as such thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of future occupiers and neighbouring properties and to reduce carbon emissions, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies SD3, SD4 and SD14 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD.

- 21 Prior to first occupation of the relevant dwellings hereby approved, the proposed solar PV panels shall be installed in accordance with the approved drawings and details (to include their operation, design, appearance and positioning on the roof) which shall have first been submitted to and approved in writing by the local planning authority. The solar PV panels shall be retained as such thereafter unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of the character, appearance and amenities of the area and reducing carbon emissions, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies SD3, SD4, SD8 and SD14 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD (2022).

- 22 The development shall not be carried out unless in accordance with the drainage strategy shown in drawing number: 23211-RLL-23-XX-DR-C-2002, rev P10, and revised Flood Risk Assessment, doc ref: 23211-RLL-23-XX-RP-C-001 P04 FRA (produced by RLRE Consulting Engineers and dated 7th June 2023).

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 23 Notwithstanding drawing, 22039-GNA-XX-ST-DR-A-0104- Rev A, details of all boundary treatments, including the enclosures to the central landscaping area and private gardens/courtyards, shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out and installed in accordance with the approved details prior to the first occupation of the development.

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).

- 24 Notwithstanding the submitted details, the following elements of the scheme, which relate to the townhouses, 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) Facing materials (a written specification of the materials; and/or physical samples)
- b) Windows
- c) Doors
- d) Rainwater goods

- e) Balustrading for roof terraces and Juliet balconies

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

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).

- 25 Notwithstanding the submitted details, the following elements of the scheme, which relate to the apartment building, 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) Facing materials (a written specification of the materials; and/or physical samples)
- b) Windows
- c) Doors
- d) Rainwater goods
- e) Balustrading for Juliet balconies
- f) Feature panels

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

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).

- 26 No townhouses dwelling shall be occupied until sheltered, secure and accessible bicycle parking and bin storage has been provided for that dwelling in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

The approved details shall thereafter be kept available for use thereafter.

Reason: In the interests of the character and appearance of the area and to promote sustainable travel and healthy communities, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policies SD4, SD8 and INF1 of the Joint Core Strategy (2017).

- 27 No apartments shall be occupied until the bicycle and bin storage facilities, have been made available for use, in accordance with approved drawing number: 22039- GNA-B1- 00- DR- A-1100 E. These facilities shall be kept available for use thereafter.

Reason: In the interests of the character and appearance of the area and to promote sustainable travel and healthy communities, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policies SD4, SD8 and INF1 of the Joint Core Strategy (2017).

- 28 No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and the specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of reuse 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. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in

construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 - Waste Reduction and adopted Minerals Local Plan for Gloucestershire Policy SR01.

- 29 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area and the emanities of neighbouring land users, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4, SD8 and SD14 of the Joint Core Strategy (2017).

- 30 Prior to the commencement of development above slab level, an indicative plan identifying the type and locations of all of the enhancement features proposed for animal species (bat roosts, bird boxes, insect houses and hedgehog highways) shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement features shall thereafter be installed in accordance with the approved details.

Reason: To ensure the protection of biodiversity on the site, in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and NPPF paragraphs 170 - 182.

- 31 Prior to the commencement of development, including preparatory works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the mitigation measures in the EclA that apply to the site clearance and construction phase of development, along with detailed method statements.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure the protection of biodiversity on the site during construction, in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and NPPF paragraphs 170 - 182.

- 32 No external lighting shall be installed, unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The details should clearly demonstrate that lighting will not cause excessive light pollution of the areas of open green space and the proposed bat roosts and bird boxes. The details should include, but not be limited to, the following:

- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii) Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii) A description of the luminosity of lights and their light colour including a lux contour map;
- iv) A drawing(s) showing the location and where appropriate the elevation of the light fixings; and

v) Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting should be installed in accordance with the specifications and locations set out in the approved details. These should be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed unless agreed with the LPA.

Reason: To ensure the protection of biodiversity, in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and NPPF paragraphs 170 - 182.

33 The development shall not commence until a [Habitat Management and Monitoring Plan (the HMMP)], prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

Notice in writing shall be given to the Council when the:

- (f) [HMMP] has been implemented; and
- (g) habitat creation and enhancement works as set out in the [HMMP] have been completed.

No dwelling shall be occupied until:

- (h) the habitat creation and enhancement works set out in the approved [HMMP] have been completed; and
- (i) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP].

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved [HMMP].

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and Schedule 7A of the Town and Country Planning Act 1990.

34 Notwithstanding the submitted details, no plant, extract or ventilation equipment shall be installed on the roof of the apartment building hereby approved, unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

The equipment shall be installed and maintained in accordance with the details so agreed.

Reason: To safeguard the amenities of future occupiers and neighbouring properties and in the interests of the character and appearance of the area, having regard to

adopted policy D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4, SD8 and SD14 of the Joint Core Strategy (2017).

INFORMATIVES

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

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

In this instance, the authority sought revisions to address issues raised by officers and consultees;

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 Should the development require the use of a crusher, in addition to any relevant planning permission required, the Council's Environmental Health Team should be made aware and the relevant permit provided.
- 3 Severn Trent Water advise that there is a public 225mm foul sewer and a public 225mm combined sewer located just within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact 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, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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.

NO BUILD ZONES: 100mm to 299mm diameter - 3m either side of the pipe, measured from the centreline of the sewer

- 4 The development 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 allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's 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.

5 The development 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 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.

6 You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road. The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

7 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.

8 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

- o Informing, respecting and showing courtesy to those affected by the work;
- o Minimising the impact of deliveries, parking and work on the public highway;
- o Contributing to and supporting the local community and economy; and
- o 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.

9 The Footpath should not be obstructed by vehicles, building materials or construction work at any time, maintaining and safeguarding public access at all times. If there is any suggestion that it will, whether through a need for a temporary closure or permanent diversion then contact should be made with the PROW team at the earliest opportunity.

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless: -

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs to be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Local Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. Absolutely no development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order through the LPA. The area Public Right of Way Officer should be consulted as part of this process.

2) Additionally:-

a) There must be no encroachment on the width of the public right of way.

b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

10 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be [insert name of the planning authority1].

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

[the following is suggested text for inclusion in the decision notice where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).]

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-built or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the

purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

- 11 Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our Development Services Team (Tel: 0800 707 6600).

Appendix 1 – Consultee Comments

Clean Green Team - 10th April 2024

All pathways need to be hard standing

For the self-contained dwellings, residents would need to be informed that due to ownership they are required to present on the kerbside for 7am on the morning of collection. No receptacles are to be stored on the highway.

Ideally off-road parking is advisable with a space for refuse and recycling trucks that is to be kept free on collection days. Ideally on the highway a turning circle is recommended. The road will need to withstand 26 tonnes and until the road is finished Ubico and CBC cannot be held responsible for any damage. If access is not permitted whilst the road is still being finished, then all properties would need to present at the nearest adopted highway on collection day.

The self-contained dwellings would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to the pathway or driveways.

The properties need adequate space to store bins and boxes off the public highway when not out for presentation.

The bin shed needs to be of adequate size to house all the receptacles needed for the occupancy. Ideally the bin shed should be no further than 2 metres away from the adopted highway as per the planning guidance document, and the pathway leading to the bin shed must be of hard standing.

Entrance to the estate needs to have parking control to prevent parking on the corners which prevents the entrance and exit of refuse and recycling vehicles up to 26 tonnes. We would advise that all residents are given the link below so they can see how and what can be recycled in Cheltenham

https://www.cheltenham.gov.uk/info/5/bins_and_recycling/924/kerbside_recycling_box_collection

Severn Trent Water Ltd – 1st August 2024

I have viewed the submitted 'Drainage Strategy' (ref: 23211-RLL-23-XX-DR-C-2002 Rev: P10) which shows:

Foul sewage is proposed to discharge to the public combined sewer to manhole 0802.

Surface water is proposed to discharge to the public surface water sewer adjacent to manhole 1801 with a proposed discharge rate of 5litres/second.

I can confirm these proposals are in agreement with Development Enquiry 1085791.

Based upon this I can confirm we have no objections to the proposals and am happy for the discharge of the drainage related condition.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our Development Services Team (Tel: 0800 707 6600).

Severn Trent Water Ltd - 7th March 2024

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:

- o 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
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- o Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Severn Trent Water advise that there is a public 225mm foul sewer and a public 225mm combined sewer located just within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact 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, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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.

NO BUILD ZONES: 100mm to 299mm diameter - 3m either side of the pipe, measured from the centreline of the sewer.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Please note, the Development Enquiry (SAP 1085791) provided within the FRA is no longer valid, the letter states ;

"Please note that Developer Enquiry responses are only valid for 6 months from the date of this letter."

And the letter is dated 27/06/2023. It is advisable for the applicant developer to contact network.solutions@severntrent.co.uk to discuss the drainage proposals via the Development enquiry process.

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Planning Liaison Technician.

Tree Officer - 19th July 2024

Cheltenham Borough Council has served a Tree Preservation Order to protect the plane tree T1, and a copy of this TPO has been made available to the applicant. As they raised an objection to this TPO, the decision on whether or not to legally confirm the TPO was taken to the Council's Planning Committee Meeting. It was decided by unanimous vote of elected members to confirm this TPO. This decision was communicated to the applicant.

It is disappointing therefore to see T1 not included in the revised plans. The Council has made a legal and public declaration of intent to retain this tree, whose importance in its location is unquestionable (as before, see comments made by the applicant's own project arborist). The applicant's attempts to mitigate for its loss are misguided. Replacing a well-established, mature, potentially very old-living and large-growing tree in such a prominent public position cannot simply be done with a number of smaller, shorter-living trees whose ultimate size and amenity value will be limited by their species and the root barriers that they are planted in. The TPO was served for the purpose of securing of mitigating planting and given that the TPO now has the unanimous support of elected members, it would be undemocratic for the Trees Section to support the removal of the tree without sound arboricultural reasoning.

The Council's own policy on retention of trees of high value is clear – development that would cause permanent harm to such trees will not be permitted. The Trees Section therefore cannot support this scheme without a change of layout that would include T1.

Tree Officer - 4th March 2024

The proposal would remove three trees which have been under the management of CBC as leisure trees - two lower value plum trees and a high value plane tree. Although the loss of the plums is broadly speaking acceptable when weighed against mitigation planting which could potentially replace their amenity value in a relatively short time, the loss of the plane (when an alternative design that would retain this tree is possible) represents an unacceptable loss of amenity. It is regrettable that the application does not reflect the pre-application advice that was given by the Council - it was made clear at a meeting with the applicant that the removal of T1 would be unacceptable. The tree is one of very few mature trees on a section of a main arterial road in the centre of town, and is clearly high value, as evidenced in the applicant's arborist's report where it's classified as A2:

The proposed development will require the removal of a single high-quality London plane (T1).

... the loss of T1 represents a significant arboricultural impact and reduction in street scene amenity.

Plane is a long-living species with the potential to provide amenity and wider green infrastructure benefits for several hundred years. They are pollution tolerant, stable and largely resistant to pathogens. As such, they have a long and successful heritage as street trees in many cities across Europe.

Policy GI3 of the Cheltenham Plan states:

Development which would cause permanent damage to trees of high value (Note 1) will not be permitted.

Note 1: 'High value' means a sound and healthy tree with at least 10 years of safe and useful life remaining, which makes a significant contribution to the character or appearance of a site or locality.

Paragraph 136 of the NPPF states:

Planning policies and decisions should ensure that ... existing trees are retained wherever possible.

Given the size of the site, it cannot reasonably be considered that it is not possible to retain such a high value tree that is on the very periphery.

The Trees Section therefore cannot support the scheme in its current iteration. A revised layout should be submitted to incorporate T1.

GCC Local Flood Authority (LLFA) - 21st June 2024

A revised drainage strategy at revision 10 and a revised FRA at revision 4 were published on the planning portal on 13th June 2024.

The revised drainage strategy proposes discharging surface water to the surface water sewer in Clarence Road as opposed to the previous scheme discharging surface water to the combined sewer in North Place.

The LLFA consider this to be an acceptable solution reducing the likelihood of sewer overflow from the combined sewer.

The LLFA has no further objection to the proposal using the drainage strategy shown in drawing number 23211-RLL-23-XX-DR-C-2002 at revision P10.

The information provided in the FRA and Drainage strategy is complete enough that there would be no benefit in further drainage conditions being applied to a consent granted against this application.

GCC Local Flood Authority (LLFA) - 16th May 2024

A response to the previous comments from the LLFA was published on the planning portal on 13th May 2024.

It repeats the issue of disruption caused by laying a surface water sewer parallel to the existing combined sewer due to potential disruption to other services conduits that may interfere with the path. Given the surface water sewer would run parallel to an existing sewer it is likely that a suitable path could be found crossing other service conduits at similar positions. If running a sewer along North Place is too problematic then a connection to the surface water sewer in Portland Street should be pursued and not simply dismissed on the basis of crossing third party land. The space between North Place and Portland Street is also an NCP car park, it is difficult to see how works across it would cause more disruption than the complete removal of the car park on the other side of the road. This sewer runs parallel to the one on North Place, presumably crossing the same service conduits that a sewer along North Place would, to join the surface water sewer in Clarence Road. The invert level of the surface water manhole in Portland Street (1701) is not stated in the Severn Trent Asset register however the manhole it connects to in Clarence Road is 56.88m.

The SuDS hierarchy offers the following for surface water:

1. Discharge to the ground
2. Discharge to a surface water body
3. Discharge to a combined sewer

In this case a surface water body would be the surface water sewer, which discharges to the west pond in Pitville Park, therefore the current proposal does not meet the definition of SuDS as it doesn't comply with the hierarchy.

The response concludes that it is acceptable for the new development to discharge to the combined sewer as the gulleys on the existing carpark site connect to the combined sewer in Northfield Passage.

The LLFA disagree with this conclusion. This is a proposal for a new development and an opportunity to correct previous faults in the drainage infrastructure. It is this poor design that has resulted in excessive discharges from combined sewer overloads to watercourses that is a common news item currently.

The LLFA continues to object to the proposal

GCC Local Flood Authority (LLFA) - 12th April 2024

A response to the previous comments from the LLFA was published on the planning portal on 8th April.

The response includes the following paragraph:

While a connection to Clarence Road seemed feasible from a level's perspective, significant works are required to tie into the existing surface water network. This includes installing an additional length of pipe to be laid parallel to the existing combined sewer in North Place, crossing the combined sewer network and in situ services. Also, the requirement of incorporating a new manhole downstream of 1801 as connection into the current arrangement would lead to an acute angle. Moreover, the practical element of conducting these works would lead to disruption to the surrounding areas with road closures and temporary diversions is also a major concern.

This paragraph seems to indicate that it is feasible to discharge surface water to the surface water sewer system rather than the combined sewer system, the reason for not doing so being the need to install a length of sewer pipe along North Place, re-engineer manhole 1801 and short-term disruption while these works are conducted.

As an alternative they have concluded that it would be better to discharge surface water to the combined sewer failing to state the disadvantages of such a choice. The disadvantages are increased discharges from combined sewer outlets to open watercourses and increased load on the sewage treatment plant leading to more frequent surcharges from the treatment plant to the local watercourses. The effect of these disadvantages is currently high on the news agenda.

GCC Local Flood Authority (LLFA) - 19th March 2024

The proposal is for development in flood zone 1. The development will enable surface water drainage to be restricted to QBAR (3.92 l/s) for all events.

The combined sewers in North Place and Northfield Passage should not be considered as suitable points of discharge for surface water given the proximity of surface water sewers in Portland Street, Clarence Road or Dunalley Street shown in the Severn Trent Sewer record in Appendix B. Discharging surface water to combined sewers increases the frequency with which their CSOs are activated discharging foul sewage to watercourses.

This is the only point of contention that the LLFA has. Any other matters could be resolved through conditions to ensure we get adequate detail of drainage features, particularly the attenuation crates whereby the LLFA can see adequate access is provided for camera surveys and jetting of the system, detailed drawings of the crates should include camera and jetting routes throughout the crate systems.

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 e-mail address. Please quote the planning application number in the subject field.

Public Rights Of Way Department - 13th March 2024

This development does not appear to affect the nearby public right of way ZCH25 which runs parallel with the northern boundary. The Footpath should not be obstructed by vehicles, building materials or construction work at any time, maintaining and safeguarding public access at all times. If there is any suggestion that it will, whether through a need for a temporary closure or permanent diversion then contact should be made with the PROW team at the earliest opportunity.

Please note:

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless: -

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs to be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Local Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. Absolutely no development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order through the LPA. The area Public Right of Way Officer should be consulted as part of this process.

2) Additionally:-

a) There must be no encroachment on the width of the public right of way.

b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

Minerals And Waste Policy Gloucestershire - 9th April 2024

Response available to view in Public Access

Minerals And Waste Policy Gloucestershire - 7th May 2024

Response available to view in Public Access

Social Housing - 26th July 2024

Full comments available to view in Public Access

Summary :

Whilst partially complying with JCS Policy SD11 and SD12 respectively, the proposed scheme nevertheless falls short of full policy compliance against JCS Policies SD4, SD11 and SD12 respectively. Considering policy compliance against JCS Policy SD11, the inclusion of 29 x 1b1p Shared Ownership apartments, whilst informed by viability, still fails to create an 'appropriate mix' of tenures, types and sizes on this scheme. Although the proposed 1-bedroom size standards meet NDSS standards, the small unit sizes are non-complaint against JCS Policy SD4: Design Standards, which requires that new developments should be adaptable to changing economic and social requirements. Turning to JCS Policy SD12, whilst this officer recognises that the proposals will meet an identified affordable home ownership need, questions around the deliverability of this scheme remain. Indeed, the applicant has not exhausted the possibility of securing First Homes, or securing Homes England funding to support affordable housing delivery- the former of which would improve scheme deliverability, the latter of which could improve viability. Equally, situating the Shared Ownership homes exclusively in the apartment block clearly fails to meet JCS Policy SD12's distribution requirements. Finally, after approaching a number of local RPs, this officer has serious concerns about the deliverability of this scheme in practice. Thus, on these grounds, this officer cannot support the scheme proposals in their current form.

Social Housing - 26th March 2024

Full comments available to view in Public Access

Summary :

The applicants' proposals claim that only 20% affordable housing on-site affordable housing is viable on this site. To test this assumption, the applicant must submit a viability assessment for independent scrutiny to justify this proposal in line with the process established within JCS Policy SD12: Affordable Housing. The applicant's proposals, both in terms of the tenure types (social rent, affordable rented and shared ownership) and unit sizes require significant amendments to reflect the Council's evidence bases of affordable housing need, in accordance with JCS Policy SD11: Housing Mix and Standards. Of particular note, the inclusion of affordable rented homes is not reflective of the latest LHNA, nor does it consider the reality of the affordability pressures that are ever present within Cheltenham's housing market. Equally, the proposed unit sizes, especially within the apartment block, are smaller than expected, falling below 85% NDSS in the majority of cases.

Accordingly, whilst the applicant should submit additional details to demarcate the affordable homes from their market counterparts, significant revisions are required to the proposed scheme to ensure policy compliance against JCS Policy SD11: Housing Mix and Standards and JCS Policy SD12: Affordable Housing.

Gloucestershire Centre For Environmental Records - 1st March 2024

Response available to view in Public Access

Environment Agency - 10th April 2024

I have reviewed this application, and the site does not hit our Consultation Filter Checklist for matters that we would be consulted on as the site is in Flood Zone 1 on EA Flood Map for Planning, therefore, it has been assessed as a Non Reply and we wouldn't have any comments to make.

Environmental Health - 9th April 2024

I am happy for the assessment to satisfy the ASHP condition to be completed at a later point, when the make and model has been confirmed.

In response to the query responses, please could I ask that the LPA are made aware if there is a change of plan and a crusher is utilised prior to the crusher arriving on site.

Additionally, in response to the piling response, please could the below condition be added to my consultation response.

Due to piled foundations being utilised on site, a pre commencement condition for a piling method statement shall be submitted in writing for EH approval, prior to the commencement of any piling activities at the site. This statement shall include background base measurements of noise and mitigation measures to control both noise/ vibration and dust.

Environmental Health - 18th March 2024

In relation to 24/00236/FUL, Car Park, North Place, Cheltenham, GL50 4DW please find the below from Environmental Health.

The application includes the submission of a Noise Impact Assessment (ref: 10332/FD) and therefore, please could a compliance condition be attached to ensure they work in line with this report and the recommended mitigations to ensure noise levels are in accordance with BS8233.

The application also includes the submission of an Air Quality Impact Assessment (ref P6310-R1-V3), and please could a compliance condition be attached to ensure they work in line with this report.

Also, please could a compliance condition be attached to the submitted Contaminated Land Reports, especially the Remedial Strategy (23211-RLL-23-XX-RP-O-0003) to ensure that the developers work in line with the required remedial works. Once the remedial works have been validated, the required verification would need to be submitted for review to the LPA, prior to occupancy.

In addition to this, please see the below conditions from Environmental Health:

Environmental Health Conditions:

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 07:30hrs -18:00hrs, Saturday 08.00hrs - 13:00hrs nor at any time on Sundays, Bank or Public Holidays.

Noise will be generated throughout the construction works of this proposed development, which differs greatly from the noise emitted from the current land use. Additionally, the proposed development would entail a prolonged period of construction and some demolition, meaning that the disruption to nearby residential properties would be prolonged

too. Therefore, pre commencement, a detailed scheme of noise mitigation measures shall be submitted to for the approval of the Local Planning Authority.

A Construction Method Plan detailing the controls to be in place during the construction phase that shall provide for: hours of operation, 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), routes for construction traffic, locations for loading / unloading and storage of plant, waste and construction materials, method of prevention of mud being carried onto highway, communicating the construction management plan to staff, visitors and neighbouring residents and businesses, waste and material storage, control measures for dust and other air-borne pollutants, measures for controlling the use of site lighting whether required for safe working or for security purposes.

Note: it is recognised that the Air Quality Impact Assessment details dust control measures, but these controls would also be required within the Construction Method Plan/ Statement.

For all houses, it is proposed that Air Source Heat Pumps (and associated cylinders/ thermal stores) will service the heating demand. Whilst the location of the ASHP has been included on the housing type plans, no information about the make/model nor acoustic information has been provided. Therefore, in order to appropriately assess the suitability of the proposed ASHPs, a noise assessment of the standard of BS4142 would be required to appropriately assess its suitability. Such assessment should also specify which ASHP make/model would be utilised.

Please note that this assessment is required to be based on a worse case scenario situation, and as such the background assessment position should be selected to reflect this. Therefore, the background levels from the 3 locations obtained in 2023 for the BS8233 assessment would not be appropriate.

Environmental Health Queries:

Will the site be utilising any large scale equipment such as a crusher?

Will the site will be utilising piling as a construction method?

Natural England - 20th June 2024

Full comments available to view in Public Access

Summary:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Cotswold Beechwoods Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>

In order to mitigate these adverse effects and make the development acceptable, the following

mitigation measures are required / or the following mitigation options should be secured:

- Contributions to the Cotswold Beechwoods SAC mitigation strategy

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts.

Natural

England advises that all environmental impacts and opportunities are fully considered, and **relevant local bodies are consulted.**

Natural England - 10th April 2024

Full comments available to view in Public Access

Summary:

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

Cotswold Beechwoods Special Area of Conservation – Habitats Regulation Assessment is Required

Please re-consult Natural England once this information has been obtained.

Natural England - 1st March 2024

Full comments available to view in Public Access

Summary:

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON COTSWOLD BEECHWOODS SAC.

As submitted, the application could have potential significant effects Cotswold Beechwoods Special Area of Conservation. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Habitat Regulation Assessment, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

GCC Highways Planning Liaison Officer – 21st July 2024

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 initial response dated 30 April 2024 in which my colleague recommended deferral, additional commentary has been provided to respond to the concerns raised.

The internal layout concerns have been independently reviewed and the recommendations made within by the Safety Audit Team have only been noted by the design team. In light of these findings the Highway Authority's primary concern remains that general parking i.e. not within the allocated spaces, approaching the 90 degree bends will prevent refuse vehicles from being able to remain within the surfaced area creating damage to private frontages and placing future residents at risk. The applicant will need to communicate with the waste collection services to agree a protocol and indemnity for access beyond the public highway.

Following a review of the information provided and detailed discussions with the HDM adoption team, it is considered that the internal layout will not be amended by the applicant to the satisfaction of officers and revised to meet GCC highway adoption requirements.

Appropriate Private Street signage will be required to highlight the status to all users entering the site with clear delineation of the public highway boundary at all access points to the site.

Section 278 works

The proposed kerb radii vehicular access shown on plan 23211-RLL-23-XX-DR-C-200 P01 together with refuse vehicle tracking indicates a visibility splay of only 'y' at 33m which is considered insufficient. Although the plan does show a previous internal layout the latest updated masterplan retains this junction proposal prioritising private vehicles over pedestrians within the central area.

On balance and considering that all parts of the development behind the existing back of public highway will remain private, the access shall remain as a vehicular drop kerb, adjusted to the north towards the proposed building. This is to ensure that a MfS 30mph visibility splay of 'x' 2.4m by 'y' 43m can be maintained for the life of the development past the brick wall. The submitted Section 278 plan 23211-RLL-23-XX-DR-C-2004 P01 indicating highway construction is therefore rejected and further details will be conditioned to be documented and agreed prior to the commencement of any part of the development.

It will also be necessary that all existing redundant drop kerbs surrounding the site be reinstated to a standard full height (125mm or adjacent check) and the footway reprofiled as required over the various sections of St. Margaret's Road and North Place in materials matching or appropriate to the adjacent frontages. This will be conditioned to be documented and agreed prior to the commencement of any part of the development.

S106 Contributions

As previously advised at pre application stage, S106 contributions may be set towards Home to School Transport Contribution and a Residential Travel Plan. The HTST is not proposed to be progressed and regarding the Travel Plan contribution two options are available to the applicant. Either, a fixed fee and monitoring deposit, or a monitoring fee and development contribution, depending on whether implementation of the Travel Plan is led by the Developer or GCC. The Highway Authority will provide an update on the exact value of this prior to determination.

It should be noted that in addition the JCS Infrastructure Delivery Plan identified the need to improve Junction 10 of the M5 and the A4019 towards Cheltenham. This scheme is currently going through a Development Consent Order (DCO) examination. It is considered that this piece of infrastructure is crucial in delivering the planned growth in this area. GCC are currently in the process of reviewing and updating the funding strategy and methodology on how J10 will be delivered and appropriate S106 contributions sought, to ensure it meets the required tests of NPPF. The HA duly recognises the submitted viability statement, however should an updated position be available prior to determination this will be presented for discussion.

To conclude, the principle of residential development at this location is considered acceptable and the previously stated the loss of the public car park can be accommodated within other Cheltenham car parks without on-street displacement.

The NPPF position that development should not be prevented unless the impact is considered severe and, for the purposes of the Highway Authority this means with regard to either highway safety or congestion to the wider highway network. There are no justifiable grounds on which an objection could be maintained therefore the H.A submits a response of no objection subject to conditions.

Conditions

Visibility Splay

The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access

to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety for pedestrians and all other users

Reinstatement of Redundant Access

The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been assessed to be 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.

Residential Travel Plan

The Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated.

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 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.

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 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.

Private Road

You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road. The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

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.

Travel Plan

The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan. Gloucestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation

of the Travel Plan can be monitored.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org

Construction Management Plan (CEMP)

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.

GCC Highways Planning Liaison Officer - 7th May 2024

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 following items are considered to need further clarification hence the recommendation for deferral.

1. The application appears to include existing highway land within their red line and we don't appear to have received the necessary Notice.
2. The road profile appears to be a 6m pedestrian prioritised street, which does not accord with any of the street types listed in MfGS (no footways/SM either side). I do not believe a pedestrian prioritised street would be suitable here as there would be too much traffic for it to be safe. GCC would not adopt this arrangement (although I note it is currently proposed to remain private). It might be better with some build outs (maybe with trees?!) to add some deflection and make this more attractive for a shared space. Regardless of whether its being built to be adopted or not, we still have a duty to consider whether it is appropriate.
3. There does not appear to be any street lighting proposed. The roads should be street lit to ensure safe operation. There are no footways so it is unclear where the lighting columns would be located on the current layout. Can the applicant be asked to provide this information.
4. A Stage 1 RSA should be undertaken to inform the on-site design. The footway provisions are inadequate and the lack of lighting raises safety concerns. A full package of drawings should be sent to the auditors for review (including visibility +

tracking drawings).

5. Drainage strategy proposes all new SW and FW flows go to the existing combined sewer. Combined sewers are ill advised (I don't think you can build new combined sewers) and GCC should be doing all we can to prevent a permanent increase in flows to this type of sewer.

In addition to this:

□ The LLFA have stated "The combined sewer in North Place and Northfield Passage should not be considered as suitable points of discharge for the surface water given the proximity of the surface water sewers in Portland Street, Clarence Road and Dunalley Street shown in the Severn Trent Sewer record in Appendix B."

□ Severn Trent have stated "Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means."

Following the SUDs hierarchy, GCC would firstly need to agree that infiltration is not possible. What evidence of this has been submitted? How many parts of the site were assessed for infiltration? Etc etc. GCC should not take it as a given that infiltration is not possible without rigorously interrogating the evidence provided.

If GCC were to agree infiltration was not possible, I would then expect the next port of call to be for the developer to approach Severn Trent for a Section 98 agreement to requisition a sewer. GCC should insist on seeing this correspondence to ensure this is not feasible/or wanted by Severn Trent.

Assuming Severn Trent are not interested in a S98, the next option in the hierarchy is to connect into a SW sewer/highway drain. I do not believe there are highway drains in the area. However, it should be noted that there are at least two viable outfalls for the development into a SW sewer with the use of a SW pumping station. The reason cited by the designers for not having a SW PS is that it would make the site 'financially unviable'. In my opinion, this is not a sufficient reason to pursue a connection to a combined sewer and therefore the designers have not properly followed the SUDs hierarchy when determining a combined sewer was the most suitable outfall.

It may be possible that this could be sorted through an appropriately worded planning condition? i.e. prior to commencement of any development a drainage strategy is provided which needs agreement etc. although given the identified problems this may not be appropriate until it can be agreed that there is a solution.

6. Private water is not permitted to flow to adoptable land and vice versa. In this case adoptable land would flow to a private site. The levels should be re-designed to make the adoptable boundary the high point.

7. Drawings showing the forward vis around bends (internal layout) and showing refuse vehicle tracking should be included in the drawing pack to the RSA. It is unclear what design speed is proposed for the internal roads, but assuming it is a 20mph design speed the vis splays for 20mph need to be demonstrated. If these are unachievable then speed reduction features will need to be added to the layout. Cheltenham Borough Council have provided the following information to confirm that they are content that the displaced car parking can be accommodated in the existing car parks in the Town.

"Based on a survey undertaken in December 2022, the surveys identified that the peak car parking demand occurred at 13.00 with a total of 1393 cars parked in the 13 car parks

assessed. The maximum car park occupation equates to an occupation rate of 88.2% of spaces available on the days of the survey, and 71.2% of all spaces in the 13 car parks. The lowest occupancy occurred at 20.00 with 699 cars parked. It should be noted that this study was carried out on one of the busiest shopping days of the year – the penultimate Saturday before Christmas. Even at the busiest time of day, the occupation rate across the car parks where data was gathered was more than 13% below the industry target for optimum use.”

In terms of traffic generation, it is accepted that at the site itself there is likely to be a reduction in traffic compared to the existing use and the assumptions in the TA are considered reasonable. The reallocated traffic from the has been assessed to some extent however it is acknowledged that the car park could be closed without there being a proposal for redevelopment and therefore this change in traffic flows is not necessarily a result of the development.

The TA makes reference to connections for cyclists and pedestrians primarily based on the distance from the site and the quality of those routes should be fully considered with a NMU Audit/WHCAR to be completed.

Car and cycle parking for the dwellings should comply with the requirements of MfGS.

These are initial comments on the submission and there may be further comments following the receipt of the information requested.

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

Historic England - 18th March 2024

Significance of Designated Heritage Assets

North Place sits within a conservation area, and in close proximity to a number of listed buildings, including Holy Trinity Church; (Grade II*), Saint Margaret's Terrace (Grade II*); and Dowty House (Grade II, so outside our statutory remit to consider setting impacts). Consequently the form, massing and design of the development has great potential to impact upon the adjacent historic environment.

The site appears to have always been open in character, being a landscaped park during much of the 19th century until the mid-20th century, after which it became a coach station. Its present use as a surface carpark contributes little to the character and appearance of the Conservation Area and the setting of individual heritage assets. The significance of the site and its context is appraised in the submitted Heritage Assessment.

Holy Trinity Church and St Margaret's Terrace are designated as Grade II*, and as such are in the top 8% of listed buildings. Therefore, greater weight should be given to their conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

Summary of proposals.

The revised application for this site is for a development of 153 dwelling houses, incorporated into a 4 storey apartment block and 3 storey townhouses with associated: parking; refuse and recycling storage; sustainability features; landscaping; tree works; open space; biodiversity enhancements; drainage; pedestrian links to adjoining streets; and enhancements to existing vehicle access off North Place.

Impact of the Proposed Development

Consent was granted 12 years ago for a significant mixed-use development on this site, for which we supported in principle, subject to concerns over details and some impacts on the historic environment.

The principle of redeveloping North Place is established through the previous consent and is accepted, given the potential to enhance the surrounding historic environment, although this is a reduced site boundary from that of the consented scheme. Presumably, the consented development on the carpark to the east of North Place should be considered as part of the wider impacts?

The proposed site layout appears to be a more appropriately scaled and better informed grain than the approved scheme. A tighter, more domestic layout, although not reinstating the historic urban grain of the site, which was probably always open, would help knit-in with the surrounding townscape. This scheme has potential to better reveal the significance of the Conservation Area and also improve the setting of heritage assets. Certainly, where the approved scheme included a food store alongside the GII* listed St Margaret's Terrace and a multi-storey carpark to its rear, the revised proposals to enclose the southern boundary of the site with a residential terrace would certainly deliver a more contextual land use and opportunity for an improved design.

The principal impact on highly- graded heritage assets will be as the result of the proposed apartment building fronting St Margaret's Road. While there has never been any historic development on this part of the site, with a former parkland backdrop to the Regency terrace, the principle of a continuation of the building line along the road in a domestic manner is supported.

In design terms, we acknowledge that the contemporary approach has taken a steer from the Regency terraces and villas of Cheltenham. The detailing is stripped down, presumably deliberately to deliver a markedly different, but contextual juxtaposition with the adjacent St Margaret's Terrace. However, the principal elevation of this block

lacks hierarchy between floors, which tends to result in a regularity of fenestration that lacks interest over the combined elevations. While the window proportions are well balanced, there could be greater articulation between the first and second floors in particular.

The south elevation of the apartment block is broken up with set-backs, giving more of an impression of a row of villas, although more could be made of this, as this articulating effect will only be really apparent when viewed obliquely.

In terms of impact on the setting of Trinity Church, these will be limited to the obscuring effects of the development in views from the west, which have most always been experienced across the open space of the site. Presumably, if the previous consent has been commenced in any way, the development on the east side of North Place, could be built out and therefore the impacts of the current scheme would be more limited. There will be other impacts on individual GII heritage assets, for which you should seek the advice of your Conservation Officer.

Planning Legislation & Policy Context

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses".

Section 72 of the act refers to the council's need to pay special attention to the

desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties.

When considering the current proposals, in line with paragraph 200 of the NPPF, the significance of the asset requires consideration, including the contribution of its setting. The setting of St Margaret's Terrace is a major aspect of its significance.

Paragraph 205 states that in considering the impact of proposed development on significance, great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. St Margaret's Terrace is Grade II*, a heritage asset of the highest significance. Paragraph 206 goes on to say that clear and convincing justification is needed if there is loss or harm.

Historic England's advice is provided in line with the importance attached to significance and setting with respect to heritage assets as recognised by the Government's revised National Planning Policy Framework (NPPF) and in guidance, including the Planning Practice Guidance (PPG), and good practice advice notes produced by Historic England on behalf of the Historic Environment Forum (Historic Environment Good Practice Advice in Planning Notes (2015 & 2017)).

The significance of a heritage asset can be harmed or lost through alteration or destruction of the asset or development within its setting. As heritage assets are irreplaceable, any harm (whether substantial or less than substantial) is to be given great weight, and any harm to, or loss of, the significance of a designated heritage asset (or site of equivalent significance) should require clear and convincing justification.

Position.

We recognise that the revised application for this site would deliver a more contextual development over the site within the Conservation Area, than the previously approved use and layout. While the site has historically contributed open space within the city centre, we are supportive of the principle of development.

We advise that while the architectural approach for the apartment building, alongside the GII* listed terrace, is quite valid, your authority should be satisfied that this makes a sufficiently positive response to the character and significance of the Conservation Area, given that we have some concerns over the detailing and proportions of the principal elevation onto St Margaret's Road. We believe that further design adjustments could be made, which would deliver a more satisfactory addition to the Conservation Area.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 205, 206 and 212 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Section 106 Officer – 30th July 2024

Full comments available to view in Public Access

Summary:

Financial contributions will be required to make the development acceptable in planning terms. The County Council would have concerns if provision of and funding for the necessary infrastructure requirements could not adequately be addressed by planning obligation.

Summary of Education Contribution Requirements:

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Total Pupil Yield from QD	Cost/Place Multipliers	Contribution Requested (£)	Number of places requested
Primary	Cheltenham Primary Schools within 2 miles of development site	94	28.200	£20,187.94	£569,299.91	28.20 places
Secondary (Ages 11-16)	Pittville School and/or the Cheltenham Secondary Planning Area	94	13.818	£27,766.44	£383,676.67	13.818 places
Secondary (Ages 16-18)	Cheltenham Secondary Planning Area	94	4.700	£27,766.44	£0.00	0 places

See Tab.1 of the supporting Excel Workbook

Summary of Library Contribution Requirements:

A contribution to GCC of £28,88 is required (based on 153 dwellings), and which would be used in Cheltenham Library to improve customer access to services through refurbishment and upgrades to the library building, improvements to stock, IT and digital technology, and increased services.

Section 106 Officer - 21st March 2024

Full comments available to view in Public Access

Summary:

Financial contributions will be required to make the development acceptable in planning terms. The County Council would have concerns if provision of and funding for the necessary infrastructure requirements could not adequately be addressed by planning obligation.

Summary of Education Contribution Requirements:

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Total Pupil Yield from QD	Cost/Place Multipliers	Contribution Requested (£)	Number of places requested (*rounded up to 2dp)
Primary	Cheltenham Primary Schools within 2 miles of development site	87	33.50	£18,133.00	£607,364.84	33.50* places
Secondary (Ages 11-16)	Pittville School and/or the Cheltenham Secondary Planning Area	87	14.79	£23,775.00	£351,632.25	14.79 places
Secondary (Ages 16-18)	Cheltenham Secondary Planning Area	87	5.22	£23,775.00	£124,105.50	5.22 places

See Tab 1 of the supporting Excel Workbook

Summary of Library Contribution Requirements:

A contribution to GCC of £29,988 is required (based on 153 dwellings), and which would be used in Cheltenham Library to improve customer access to services through refurbishment and upgrades to the library building, improvements to stock, IT and digital technology, and increased services.

Ecologist – 17th July 2024

I have reviewed the revised plans submitted 12th July. The landscaping plan includes an acceptable mix of native and non-native species in the planting schedule and the previous BNG calculation is well above the mandatory expectation (10%).

An updated BNG metric needs to be submitted reflecting the alterations to the plans for this proposal.

As this application is subject to the mandatory BNG requirements, the Landscape Management Plan (LMP) (Pegasus, July 2024) needs to be converted to a Habitat Management and Monitoring Plan (HMMP) and updated so it meets the requirements set out by DEFRA. See [Creating a habitat management and monitoring plan for BNG - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-bng). The HMMP must include details of how habitats will be managed to their target condition, as shown in the BNG metric. Condition assessment sheets must be submitted either with the revised BNG metric or the HMMP, either would be acceptable.

Only a draft of the HMMP is required prior to determination. A finalised HMMP can be submitted via condition.

A S106 will be required to secure the BNG calculation as the proposals are for “significant” on-site gains.

Ecologist - 29th April 2024

I accept the proposition that the applicant would provide detail of the enhancement features under a condition, prior to commencement. My first 'Requirement prior to Determination' given in my response of 7th March 2024 therefore no longer applies.

Ecologist – 7th March 2024

I have reviewed the Ecological Impact Assessment (EclA; 26th January 2024) and the Biodiversity Impact Assessment and Enhancement Strategy (23rd February 2024) and accompanying Biodiversity Metric, prepared by RammSanderson. I have also reviewed the Design and Access Statement, the Planning Statement, the Illustrative Landscape Masterplan, the Detailed Soft Landscape Proposals and the Landscape Management Plan. My response regarding ecology is provided below.

Baseline Information and Assessment

A desk study was carried out, which included records obtained from the Gloucestershire

Centre for Environmental Records. An extended Phase 1 habitat survey was carried out on 19th May 2023. The Phase 1 habitat survey data was translated into the UK Habitat Classification (UKHab) system in order to enable a Biodiversity Net Gain (BNG) assessment.

The application site comprises mainly hard standing, with small areas of ephemeral / short perennial vegetation and several trees. The trees have the potential to support nesting birds. The site is generally of low / negligible value for ecology.

Impacts, Mitigation and Enhancements

The development would result in the loss of all areas of ephemeral / short perennial vegetation and several trees.

The mitigation proposed during site clearance and construction comprises protection of existing trees to be retained and precautionary measures to protect nesting birds and badgers / other mammals.

Habitat creation would take place in the areas of open green space, comprising native tree and shrub planting, hedgerow planting and sowing of wildflower meadow. There is a commitment to undertake long-term management of these habitats.

A commitment is also made to adopt a sensitive lighting strategy to minimise impacts of light spill on nocturnal wildlife, in particular bats.

The EclA states that species enhancements could include artificial bat roosts and bird nesting features incorporated into the new dwellings and/or installed on retained and newly planted trees, as well as insect houses and holes in fencing for hedgehog passage. An indicative plan should be provided showing the type and locations of all of these features. The BNG calculation shows that the habitat enhancements proposed would result in a net gain in biodiversity of approximately 278% for habitats and 66% for hedgerows. The development as indicated in the Illustrative Landscape Masterplan would therefore meet the BNG requirements.

Designated Sites

Although not mentioned in the EclA, the development site is located within the 15.4km zone of influence of the Cotswold Beechwoods Special Area of Conservation (SAC). Since there is potential for impacts on Cotswold Beechwoods SAC due to increased recreational pressure from residents of the new housing, the applicant should prepare a shadow Habitats Regulations Assessment (HRA) to address the potential impacts and propose site-specific mitigation. It may be possible for the applicant to propose mitigation in line with the Cotswold Beechwoods SAC Recreation Mitigation Strategy, including making a financial contribution. This would need to be agreed with the LPA and Natural England.

Requirements prior to determination:

1. An indicative plan should be provided showing the type and locations of all of the enhancement features proposed for animal species (bat roosts, bird boxes, insect houses and hedgehog highway).

2. The applicant's consultant should prepare a shadow HRA to assess whether the proposals would impact on Cotswold Beechwoods SAC as a result of increased recreational pressure. The shadow HRA should include details of the mitigation measures that would be required to address any potential impacts.

Requirements prior to commencement/conditions to be attached to planning consent:

1. The mitigation measures in the EclA that apply to the site clearance and construction phase of the development should be included in a Construction Environmental Management Plan (CEMP) for the site, with detailed Method Statements.

2. The enhancement measures outlined in the EclA and the required additional submission should be further expanded on in an updated version of the Landscape Management Plan (LMP). Management should be applicable for a minimum period of five years, though in relation to BNG this should be for 30 years and include a monitoring regime to ensure habitats establish well and that wildlife features remain in good condition. The LMP should include plans showing locations and extent of all habitats and wildlife features, and a timetable of activities. A Responsible Person / organisation needs to be stated and the method by which the protection of retained, enhanced and created habitats will be secured. The extent and location of removed, retained and newly created habitats presented in the LMP should match that set out in the BNG assessment. The LMP should demonstrate that the BNG proposed in the BNG assessment would be achieved.

3. Prior to commencement, details of external lighting should be submitted to and approved in writing by the Council. The details should clearly demonstrate that lighting will not cause excessive light pollution of the areas of open green space and the proposed bat roosts and bird boxes. The details should include, but not be limited to, the following:

- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii) Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii) A description of the luminosity of lights and their light colour including a lux contour map;
- iv) A drawing(s) showing the location and where appropriate the elevation of the light fixings; and
- v) Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting should be installed in accordance with the specifications and locations set out in the approved details. These should be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed unless agreed with the LPA.

4. Any mitigation and compensation measures needed to protect Cotswold Beechwoods SAC (as presented in the HRA document) should be undertaken if required. National Planning Policy Framework (NPPF) and Local Plan Policy (Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031) (adopted December 2017)) context:

- NPPF Para 170 – 182 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework 1
- SD9 Biodiversity and Geobiodiversity
- INF3 Green Infrastructure

In England, biodiversity net gain (BNG) is becoming mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a biodiversity net gain of 10%. For significant on-site gains, and all off-site gains, the BNG must be maintained for at least 30 years. Responsibilities should be set out in a legal agreement. Further guidance can be found at <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>

1 The NPPF Paragraph 179 states: "To protect and enhance biodiversity and geodiversity plans should: b) ...

identify and pursue opportunities for securing measurable net gains for biodiversity." Cheltenham Plan, Adopted 2020.

- Policy BG1: Cotswold Beechwoods Special Area of Conservation Recreation Pressure
- Policy BG2: Cotswold Beechwoods Special Area of Conservation Air Quality

Wildlife legislation context:

- Wildlife and Countryside Act 1981 (as amended)

- Conservation of Habitats and Species Regulations 2017
- Natural Environment and Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992

Crime Prevention Design Advisor - 8th May 2024

In my capacity as Designing out Crime Officer (DOCO) for Gloucestershire Constabulary I would like to express concerns about this the planning application.

Reading through the Design and Access Statement and the Planning Policy Statement, the lack of security and crime prevention into the design proposals is worrying. It would be beneficial for the Planning Authority to know what design principles have been incorporated; thereby removing any design feature which would contribute to possible crime or the perceived fear of crime. The application includes a brief reference to Cheltenham Borough Council's 2003 Security and Crime Prevention Supplementary Planning Guidance, but offers no specific detail or design strategy for personal and property security as required in the following documents.

- o Section 5: Design Requirements of the Cheltenham Borough Council's Local Plan
- o RIBA Security overlay
- o Paragraph 130 of the National Planning Policy Framework (NPPF), Department for Levelling Up, Housing and Communities
- o Paragraph 12 of the Healthy and Safe Communities section of the Practical Planning Guidance (PPG)
- o Section 17 of the Crime and Disorder Act 1998

It would be good to see how the developers and Planning Authority work to address the lack of information and ensure this development uses the National Legislation and Guidance to create a safe and secure development.

County Archaeology - 21st March 2024

Thank you for consulting the archaeology department on this application. In line with our previous advice on development of this site, archaeological assessment and trial trench evaluation has not revealed any significant archaeological remains within the site and on this basis recommend that no further archaeological investigation or mitigation is required in relation to this application.

Heritage And Conservation - 30th April 2024

SITE

Concerning the heritage assets, whilst there are no listed buildings within the site there are a notable number immediately adjacent or close to it. These include but are not limited to: St. Margret's Terrace, St. Margret's Road a grade II* listed Regency terrace; Clifton Lodge 11 North Place a grade II listed Regency house; Portland Chapel, North place a grade II listed former Regency chapel; 32 Portland Street a grade II listed Regency house, likely the chaplin's house: Formosa House a grade II listed Regency house; Tyndale and Clarence Lodge, Clarence Road a grade II listed villa (miss identified on the Considerations & Constraints map as grade I); Camden House, Clarence Road a grade II listed Regency villa: Camden Villa, Clarence Road a grade II listed Regency villa; 8-10 Clarence Court, Clarence Road a grade II listed villa; 88 Portland Street a grade II listed villa; and bollards approx. 4 metres west of the rear on no. 10 Clarence Road, x2 iron Regency bollards. Also visible across Portland Street Car Park to the southeast, facing Portland Street is: 47-57 Portland Street a grade II listed Regency terrace; Church of the Holy Trinity, Portland Street a grade II* listed church; and 43 Portland Street, a grade II listed Regency villa.

The site is also located within the Central Conservation Area: Old Town Character

Area, which benefits from the Central Conservation Area: Old Town Conservation Area Character Area Appraisal and Management Plan 2007 (the Appraisal). Of significance within the conservation area are Dowty House, a Victorian, former boy's orphanage, recognised as a key unlisted building in the Appraisal and buildings located along Bennington Street, a terrace of artisan houses, which are noted as positive buildings within the Appraisal.

The present use of the site is a surface car park, which contributes very little to the character and appearance of the conservation area and the setting of the aforementioned heritage assets.

COMMENTS ON THE PROPOSAL

The principal of redeveloping the site was established 12 years ago when consent was granted for a mixed-use development. Although this has a reduced site boundary from the consented scheme as it does not include the adjacent car park to the east of North Place.

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 66(1) requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses. S.72 (2) refers to the council's need to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area.

A core principle of the National Planning Policy Framework 2023 (NPPF) is that heritage assets are to be conserved in a manner appropriate to their significance. Chapter 16 sets out the approach to conserving and enhancing the historic environment. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 205 of the NPPF, where it states that in considering the impact of the proposed development on significance, great weight should be given to the assets conservation and that the more important the asset the greater the weight should be. St Margarets Terrace is Grade II*, a heritage asset of the highest significance. Para 206 goes on to say that clear and convincing justification is needed if there is loss or harm.

Notable also are the Local Plan policies and as previously mentioned, the Central Conservation Area: Old Town Conservation Area Character Area Appraisal and Management Plan 2007.

Finally, the Joint core Strategy 2011-2031, which was adopted by Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council in December 2017, and in particular Policy SD8: Historic Environment. Para. 4.8.4 states; "New forms of development can enhance or erode the appearance, character and distinctiveness of our historic environment. A key challenge for the future is therefore to manage change in a way that realises the regeneration potential of the area while protecting and capitalising on its unique heritage".

In August 2022 a pre-application enquiry was submitted for the proposed scheme of residential development where it was concluded that; Whilst the principle of redeveloping the site for a wholly residential scheme is considered to be acceptable, a number of concerns remain regarding the proposed density, site layout, form, design, as well as heritage concerns which are discussed by the conservation officer.

Officers consider that consideration needs to be given the points/issues raised in this feedback whilst formulating a future proposal for this site. Officers would welcome further involvement in the design and development process of this site, but please note that follow

up meetings/discussions, or follow up comments on a revised proposal may require an additional fee.

Since the initial pre-application enquiry there have been ongoing discussions between the agent and officers for Cheltenham Borough Council and this formal submission is now before us.

From a heritage perspective we find the proposed layout of the site and design of the properties broadly acceptable and acknowledge that a lot of work has been done to achieve this. However, the main issue for heritage is the proposed apartment block, which faces onto St Margarets Road and abuts St Margarets Terrace, Grade II*, and Dowty House, which is categorised as a key unlisted building.

This apartment block has always been the most contentious element to the site due to its sensitive location directly facing onto one of the main thoroughfares through Cheltenham, but also with it being nestled between significant heritage assets. From the pre-application stage in 2022, the comments made by the previous conservation officer were that there were concerns regarding scale, massing and design of this apartment block and that further consideration should be given to these issues because of its proximity to St Margarets Terrace and its prominence within the wider street scene. Unfortunately, the advice offered was not taken on board and to compound the issue even further the apartment block has been made larger by adding a rear projection, which is due to the change from a second apartment block to Town Houses in North Place, which reduces the viability of the scheme.

Notwithstanding the sheer mass and scale, and the additional bulk, which has been introduced with the rear projection the advice offered regarding the design of the apartment block has also not been taken on board. It was previously advised that the design principles should be taken from the adjacent regency block, St Margarets Terrace. Hierarchy and interest is achieved by changes to fenestration within the building; where larger windows are used to the ground and first floor, with the size diminishing for each further storey up to the top where the roof is recessed back and small dormer windows are used, which traditionally would have been accommodation for the servants of the house. Whilst this is reflective of tradition and status, it also helps to break up the strong horizontal emphasis, which can be vast within large regency terraces by creating a verticality with varying sizes of windows that are symmetrically positioned. It was also hoped that more recesses would be introduced into the building, which again would help to break up the massing, whilst an attempt has been made to introduce recesses it's not enough detail to break up the overall massing of the large apartment block.

The proposed material for the block is also of a concern; the buff-coloured bricks, which are proposed is disappointing as a natural stone would have lifted and visually improved the block particularly as it adjoins the Grade II* listed terrace. The same applies to the proposed horizontal and vertical brick banding; this again is disappointing as it will only emphasise the mass of the building again. With regards to the proposed bronze metal cladding, this is an interesting feature, which could again lift the building dependent on the quality of the material and its location.

Consequently, due to the reasons given above, the relationship between the apartment block and St. Margaret's Terrace, a grade II* listed building, and the wider street scene, the proposal for this particular development (the apartment block) is considered unacceptable. The proposed scale, massing and design of the block facing onto St. Margaret's Road is larger than the already imposing St. Margaret's Terrace, especially with the proposed addition of the rear projection.

Concerns are also raised over the lack of open space around it, its width facing St.

Margaret's Road and its depth extending into the site. It was also advised that the block should also be reduced in length to set it back further away from Dowty House, which has not been taken on board, which results in it unacceptably competing for dominance in St. Margaret's Road.

Therefore, It is considered that the proposed apartment block in its current form, the mass, scale and design, would detract from the setting of this listed building, the key unlisted building and the wider conservation area. The harm caused would result in less than substantial harm, at a medium scale. Whilst it is considered there may be a public benefit, in that housing supplies may be met, any harm could be lessened with a change in the overall design of the block, which should be quite easy to achieve.

The conservation department would be willing to discuss the above advice given so that a sensitive, acceptable scheme could be forthcoming.

Cheltenham Civic Society - 27th March 2024

OBJECT

While we strongly support the principle of developing this area of land for residential use, we do not support these proposals. Our comments relate to: i) the strategic context; ii) many aspects of the design itself; and iii) the consultation process.

Strategic context

We appreciate the housing pressures on Cheltenham, but these cannot be used to justify a sub-standard scheme of this kind. Nor should the 40 years or so during which the site has lain undeveloped become an excuse to accept any scheme that comes along.

This site is absolutely critical to the planning of the central area of Cheltenham. Its strategic location and its size demand that it be designed as an outstanding example of urban planning. If we are critical of the proposals before the planning authority, it is in large part because this site deserves the best.

Moreover, this is an important site in the Central Conservation Area, and is surrounded by several fine and impressive buildings. It needs something equally impressive to fill the site properly. We think this not only fails to do that, but it does not comply with s72 of the Planning (Listed Building & Conservation Area) Act 1990 in that it does not pay special attention "to the desirability of preserving or enhancing the character or appearance of the conservation area". It cannot be judged simply as an improvement on a rough surfaced car park but whether the proposals rise to the challenge of this exceptional site.

It is also regrettable that the council has missed the opportunity to create a master plan to include the adjacent Portland Street Carpark. It will now be difficult to unify the two sites. Missed opportunities include: the possibility of closing North Place to through traffic; providing some limited local retail and community provision (which could be viable with a larger number of residents); better parking provision; more scope to favour walking and cycling; and using Holy Trinity Church as a focal point for the entire scheme.

Comments on the scheme itself

Conservation and heritage

Generally, the proposed architecture is lacklustre, with poor proportions and cheap detailing. The palette of buff bricks is not part of the vernacular in this part of Cheltenham. The plans fail to reference key neighbouring buildings such as the fine St Margaret's Terrace (see below). Instead, they propose an ugly, almost monolithic block of flats facing St Margaret's Road.

This scheme could be anywhere. It makes no reference to the town and its design history. There is no reference to local landmarks or architecture which might have provided focal points for the design - for example the widespread use of stucco and elegant cast iron railings and balconies that are so characteristic of Cheltenham.

Overall design

We are very disappointed that the plans ignore the lessons that could be drawn from nearby Clarence and Wellington Squares. These provide civilised living around open spaces, with buildings at least 5-storeys high. Without resorting to pastiche copies, the plans for North Place could have drawn inspiration from the design principles that were followed there.

The large block proposed alongside St Margaret's Terrace – one of the finest terraces in Cheltenham – will truly be a “monstrous carbuncle” of a neighbour.

The grid square supposedly transposed from the St Margaret's Terrace frontage is fabricated reverse engineering. The proposed new building bears no relation in design terms to its early nineteenth century neighbour and will sit very uncomfortably alongside it.

Density

The density is far too low at 114dph. Compare this to other developments in and around the town centre. The Haines & Strange site achieved 165dph; Montpellier Spa Road 247dph; both Priors and Grosvenor House achieved 140dph. This site could be developed with buildings at least 5-storeys high, thereby adding to Cheltenham's housing stock and improving the financial viability of the scheme.

Sustainability

Sustainability should have been at the heart of this proposal. But sadly, that is not the case. We suggest that:

- the entire scheme be designed for EPC level A, in accordance with the council's ambitious net zero plans,
- the properties should be heated through a district heating scheme,
- solar PV should be included on all suitable roofs, and
- the buildings should be planned with an intended lifetime of at least 100 years.

Transport and parking

Sustainability should also be central when it comes to transport planning. Looking ahead, this development should be planned with considerations in mind such as shared car ownership, arrangements for shared car charging and integration with bus routing.

As it is, the whole scheme will inevitably be dominated by moving and parked vehicles. Despite this, there is insufficient parking provision for future residents, which is likely to impact on neighbouring streets. Parking should be provided by underground or undercroft parking: a good, late twentieth century example of how to do this is to be seen in the award-winning development in Montpellier Gardens and Imperial Square.

Green spaces and trees.

The planned strip between the rows of houses may look attractive in the CGIs but, in reality, it presents a number of problems, for example: the space will need intensive management and upkeep – is there a mechanism planned for this? and the back gardens will likely be full of garden clutter - trampolines, barbeque, washing lines etc. - which do not appear in the visualisations.

The green space within the scheme would be better configured round a public square (see our comments above under Overall Design).

We also have concerns about the boundary treatment with Northfield Passage.

This is poorly defined and could end up being a weed-infested edge.

Trees

We would like to see many more trees, including street trees – a characteristic feature of Cheltenham - in the scheme. Indeed, this is now required practice as set out in the NPPF1. Instead, the one existing street tree in St Margaret's Road is to be removed, and the planned 4-storey block is too close to the road to plant replacement street trees. Likewise, the 3-storey units on North Place.

Within the development, most of the proposed trees are small "lollipop" shaped trees which are short-lived and cause access problems because they do not have a 1.8 metre clear stem. Trees need to be tall enough to shade buildings from hot sun and create privacy for upper floor room users. Tree lined streets are a feature of Regency Cheltenham

"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵⁰, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users."

Footnote 50 states, "Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate."

Privacy, crime and anti-social behaviour

The layout fails to comply with Secured by Design principles because both the front and back of the two terraces facing the shared green space are publicly accessible. Only front gardens should face onto footpaths and public open space.

https://www.securedbydesign.com/images/HOMES_2024.pdf.

The scheme should be reviewed by the Designing Out Crime Officer as there are numerous alleys and cut throughs that could encourage ASB and crime.

Affordable Homes

We welcome the provision of affordable housing, but we are unconvinced by the arguments put forward for why the CBC minimum threshold of 20% cannot be met. At least 20% affordable housings should be provided across the development; and in design terms, market and affordable housing should be indistinguishable.

Consultation

The consultation process fell far short of what we would expect for such a key town centre site. By the time the public were invited to comment on the draft scheme earlier this year, there were very few opportunities for suggestions or discussion. When we raised points of principle about the design – for example the value of taking inspiration from Clarence and Wellington Squares – we were told that these had been ruled out in discussions with council officers. The boxes might have been ticked, but the public consultation exercise was of little or no value.

We understand that consultation on the Black & White site was restricted to those living within about 200 metres of the site. Our involvement, and that of the Architects' Panel, seems to have almost an afterthought. In all, only 78 people commented on the scheme: it cannot be the case that this represents the extent of public interests in what happens here. By contrast, the pre-app consultation undertaken for Stakis on its scheme for the Black &

White site some 35 years ago, which included a week-long public exhibition in the Regent Arcade, attracted more than 4,000 people from across the whole town. Had a master plan for the existing two car parks been drawn up (see comment above), public consultation could have been focused on that and the major principles of the development of the Black & White site could have been established after meaningful public debate.

Conclusion

The Black & White site is a strategically important location in the centre of Cheltenham. For the reasons set out above, we feel that the plans before the council fall well short of what is required. We urge the council to reject them and seek a new scheme that would do credit to our town.

Building Control

6th March 2024 - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Active Travel England - 29th February 2024

Standing Advice

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here: <https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes>

ATE would like to be notified of the outcome of the application through the receipt of a copy of the decision notice, in addition to being notified of committee dates for this application.

Architects Panel – 2nd August 2024

Design Concept:

The principle of a replacement dwelling is acceptable

Design Detail:

The panel have reviewed the site previously and their initial response dated the 10th of April was sent to the Local Authority.

The panel were keen to see how the project had developed because there were some strong concerns re the initial proposal.

In reality it is apparent that there have been very few changes to the scheme and many of the concerns raised about the quality of the homes and public realm spaces the proposed scheme would deliver are still valid.

It was noted that a tree that has recently been the subject of a TPO ref 24/00814/TREEPO is not illustrated on the plans in anyway as such it is not clear whether this is to be retained or its removal is included within the application.

It was also noted that the revision note B on the drawing reference 22039-GNA-XX-ST-DR-A-0103 Rev C comments that 'All townhouses on site are now Non-compliant NDSS house types – affecting terraces 1 and 4'. It is a concern that on a new brownfield site of this scale a development would be delivering 'Non-compliant NDSS house types'.

With regards the overall scheme the changes to the proposal since our last review of the drawings have been so minor that our initial comments still stand in their entirety.

Recommendation:

Whilst we support the use of this large brownfield site which is in a highly sustainable location to provide residential accommodation within the town we do not feel this scheme is of a high enough quality for the panel to support.

Architects Panel – 18th July 2024

Development of car park for 147 dwellinghouses (Class C3) incorporated into a part 4 storey / part 3 storey apartment block and 3 storey townhouses with associated: parking; refuse and recycling storage; sustainability features; landscaping; tree works; open space; biodiversity enhancements; drainage; pedestrian links to adjoining streets; and enhancements to existing vehicle access off North Place. [Car Park North Place Cheltenham Gloucestershire GL50 4DW

OBJECT

The changes made since the previous application are essentially minimal and do not address the main points made in our earlier criticisms. Accordingly, our original objections still stand.

In addition to our earlier concerns, we wish to emphasise these points in respect of the revised scheme:

- Since the previous plans were out for consultation, a TPO has been placed on the London Plane on St Margarets Terrace. We are very disappointed that the developers have not adapted their plans to take this into account, and still intend to fell this mature, healthy tree. Only a line of small trees are to be planted to replace it: instead the building along the this main road should be set back to allow space for street trees to reduce overheating of buildings and traffic pollution.
- The emphasis which the new Government is placing on the need for housing means it is timely to consider a greater density of housing. As we commented earlier, there is scope to increase the height of this development and so to increase the number of homes created. On these grounds alone, the plans should be rejected.
- Security remains a concern in the revised scheme. Public access to some of the homes from both sides is a source of concern.
- Some extra details of landscaping have been provided, but there is still a large amount of the site given to hard standing and car parking. This appears at variance with the policies set out in the council's Climate Change SPG document.

Architects Panel - 11th April 2024

Summary

The applicants presented their proposals to the Cheltenham Architects Panel (CAP) on 31st January 2024 as part of their Pre-app consultation process. Unfortunately the panel had major concerns over the design proposals and recommended design amendments be made prior to formal submission. Sadly the applicants ignored CAP comments and submitted the application without any design amendments.

Following a CAP meeting on 10th April 2024, it was agreed that the panel would formally issue the Pre-app response with a strong recommendation for the application to be refused for reasons stated in the response below:

Presentation The Pre-app scheme was presented to the panel by Adam McPartland,

James Dickens and Rob Buckland. The drawings and model views were well presented and explained the scheme and how the design had developed over the last 12 months following a consultation process with officers of Cheltenham Borough Council.

A Planning Update Summary Document was issued to panel members in advance of the presentation.

The project architect, Adam McPartland, explained that although the scheme design was at an advanced stage, the applicants would welcome the panel's comments so that any concerns raised could be adequately addressed before submission.

The panel welcomed the opportunity to review this important development proposal knowing that the council had been wanting to develop North Place for many years. It is a large site in the heart of the town that requires a scheme of high architectural quality given its prominent location.

Design Concept

Unfortunately, the panel was unanimous in concluding that the scheme presented did not meet the well-intentioned objectives set out in the summary document. The panel felt the design lacked sufficient quality to be supported and recommend design amendments are carried out before submission.

Mixed Use Brief Fundamentally the panel had concerns about the development brief and the fact that constraints self-imposed by the council and developer would result in an unsatisfactory design solution.

The panel queried why the scheme was not more of a mixed use development and were advised that for viability reasons the scheme was limited to providing town houses and apartments only and standard 3 Bed units. This bears no relationship to housing need. If 40% are affordable (which it should be) there is a defined mix in Cheltenham which should not be ignored.

This constraint has resulted in a rigid and uninspiring site layout composed of extruded monolithic blocks that do not sit comfortably on the site.

Site Analysis

The panel felt that the submission needed a more in-depth site analysis that looked more closely at the different scales and characteristics of surrounding streets and adjacent buildings.

Despite illustrating 19 different site layout options, all are simple blocking diagrams based around a pre-defined road layout and standard unit floor plans. The panel was not convinced by any of the layouts. Where attempts are made to provide visual links through the site, for example to the Brewery Quarter, this is crudely achieved by slicing off the corner of the apartment block in a haphazard manner rather than developing an attractive architectural solution.

The panel agreed that a Sun Path Analysis of the proposal is essential and likely to demonstrate major overshadowing problems given the orientation of the blocks, their height and close proximity.

Central Open Space Reference is made to beneficial public realm open spaces characteristic of Regency Cheltenham urban planning, such as nearby Clarence Square, Imperial Square and Gardens and Sandford Park, but the site layout bears no resemblance to these spaces. The two inner site blocks create a long narrow garden which is gated so

cannot be enjoyed by the general public. It is a disappointingly monolithic space that has no focus at the ends and none of the architectural interest of the precedent schemes illustrated in the summary document.

The “public open green space” outside the apartment block is too small to provide valuable amenity space and likely to be overshadowed by the apartment block throughout the day.

The applicants described the need for site permeability. The panel was not convinced that the layout encouraged this and felt the link past

Dowty House to Brewery Quarter was spurious and not helped by superficial “feature archways” that lead nowhere.

The applicants agreed further work was needed to provide private defensible space adjacent to ground floor rear apartments.

St Margaret’s Road Apartment Block

The applicants say the apartment block building is “designed to pick up on the architectural cues from St Margaret’s Terrace”. The analysis and diagrams provided are not at all convincing: the new building does not correspond in scale, proportions, storey heights, or distinctive roof and ground floor articulation. The ground floor apartments are particularly problematic in that there is insufficient space between the large windows and the busy street and public realm. Lessons could be learnt from St Margaret’s Terrace design where there is more defensible space leading up to front doors. Terraces with raised ground floors with semi-basement space, typical of so many Cheltenham terraces, have a better relationship to the street.

The “leg” of the apartment block that extends into the site has a detrimental impact on the listed building, St Margaret’s Terrace, and its setting and does not follow the pattern of development. The front and back elevations of Regency townhouses are invariably quite different with integrated outshot, bays or bows at the back that provide architectural variety and interest. If this wing is required, it needs to be subservient to the main block.

North Place Terrace

Building terrace houses fronting North Place is entirely appropriate but again the amount of defensible space along the street is minimal and certainly insufficient to plant the mature trees so close to the building as illustrated.

Northfield Passage

The panel was concerned that having a wide access road along Northfield Passage would not be an attractive space and suggest the layout be reviewed to include a landscape margin so there is some softening and visual surveillance from the new terrace. This would make it more usable.

Blank Elevations

The panel was horrified that the applicants were justifying blank end elevations because the council were looking for Arts Council funded wall murals. This is a scheme that will hopefully last 100 years and could have a very negative impact on this part of Cheltenham if ephemeral graffiti is considered more valuable than beautifully proportioned architecture.

Materials

The panel thought the palette of suggested building materials was entirely appropriate.

Parking The panel questioned whether there was sufficient parking on the site given that only one space was provided for each 3 Bed townhouse and no parking whatsoever for the apartments. The applicants said details of a scheme providing reserved parking spaces in the nearby NCP would be presented with the planning application along with an appraisal

of parking requirements in the town and the impact the loss of North Street Car Park would have on traffic management.

If more car parking spaces are deemed necessary, the scheme might consider having semi-basement parking like other successful housing schemes in Cheltenham.

Suggested Design

Improvements

The panel felt the proposed site layout was most unsatisfactory and could be much improved. The scheme would benefit from breaking up the monolithic blocks and stepping heights across the site to take advantage of sun paths and provide opportunities to open up the site to create more exciting spaces.

The panel recognise that there is pressure on the designers to maximise development potential on the site. It is likely that a much better scheme could be achieved by reducing the number of units – the current site layout is looking like over development – but with a more imaginative design approach and a more efficient layout, the panel thought the target density might still be achieved.

Summary The panel were not averse to a dense urban development on this site but felt there were other design opportunities that should be explored to create more architectural variety and more vibrant place-making spaces that respond sympathetically to the existing urban fabric.