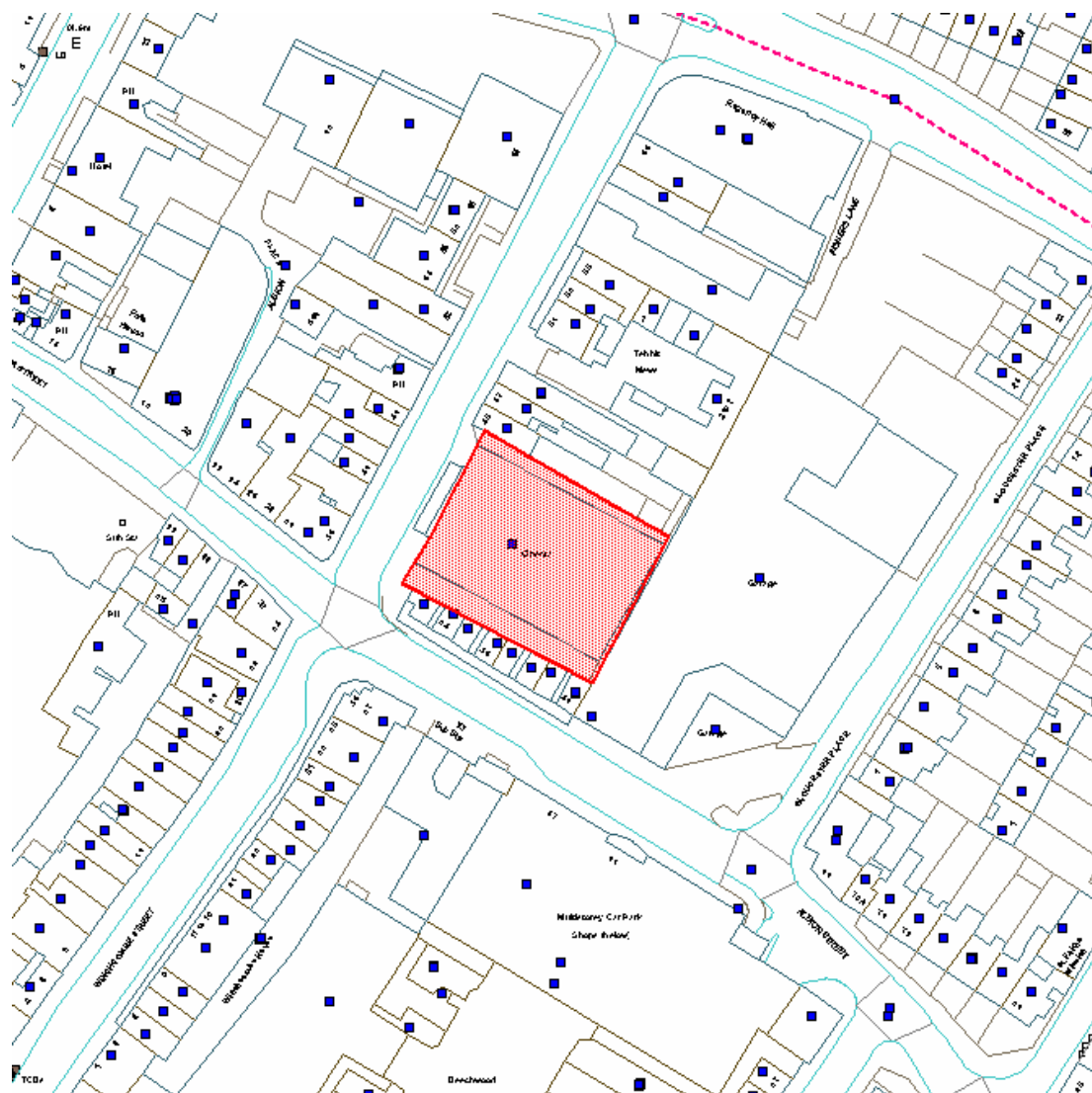
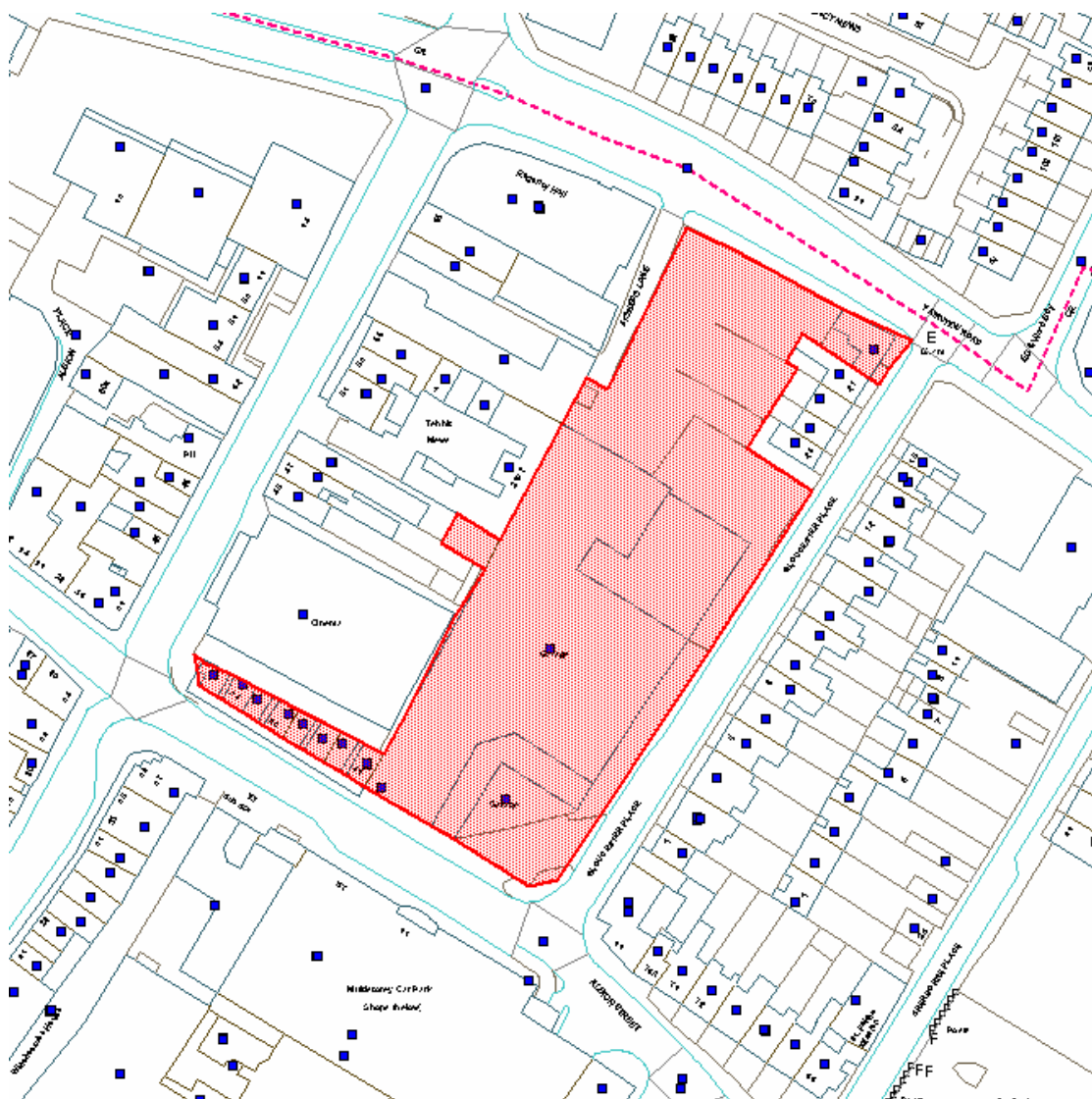


APPLICATION NO: 13/00777/FUL & CAC And 13/00827/OUT & CAC		OFFICER: Mrs Wendy Hopkins
DATE REGISTERED: 13/00777/FUL & CAC 16th May 2013 13/00827/OUT & CAC 24 th May 2013		DATE OF EXPIRY: 13/00777/FUL & CAC 15th August 2013 13/00827/OUT & CAC 23 rd August 2013
WARD: All Saints		PARISH: None
APPLICANT:	Meaujo (766) Ltd & Leckhampton Estates (2012) Ltd	
AGENT:	Simon Firkins	
LOCATION:	Former Odeon Cinema (Winchcombe Street) and Haines & Strange (Albion Street, Gloucester Place, Fairview Road, Fishers Lane), Cheltenham	
PROPOSAL:	<p>13/00777/FUL & CAC: Construction of 6 no. townhouses, 8 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of the existing building</p> <p>13/00827/OUT & CAC: Regeneration incorporating construction of 33 no. houses, 48 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of all of the existing buildings</p>	

RECOMMENDATION: To be made at Committee



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1. Introduction

- 1.1 Members will note that many of the determining issues remain outstanding when reading the following report. Officers are awaiting consultee responses which may then require subsequent negotiations to take place with the applicant(s). These matters, as stated through-out the report, will be provided as updates to this report in advance of the committee meeting.
- 1.2 Whilst this would not be our normal practice, Officers consider that an exception can be made in this case for a number of reasons.
- 1.3 Members are aware that this is a key town centre site that has been vacant for many years and it is a site that has been promoted through the 'Cheltenham Task Force'. From a commercial perspective putting together a redevelopment scheme of this nature with differing ownership can be at best complicated and it is not without substantial economic risk. The applicant(s) have informed the local planning authority that contractual obligations need to be met or the delivery of this redevelopment proposal may not go ahead.
- 1.4 The NPPF requires local planning authorities to make decisions that accord with sustainable development principles in a "positive and proactive manner". Matters

pertaining to economics form an intrinsic strand of sustainable development and therefore Officers consider that, where possible, commercial constraints should be taken into account.

1.5 It is for these reasons that these applications are being presented to this month's committee meeting. An Officer conclusion and recommendation shall form an update to this report when all outstanding information has been received. This outstanding information to date includes:

- Independent assessment of viability from DVS
- Formal Conservation consultee comments on Haines & Strange site
- Revised Conservation comments following submission of design revisions and applicant(s) written response to the initial consultee response dated 27th June 2013
- Urban Design comments following revisions to layout on both sites
- Formal consultation response from Gloucestershire County Highway – Planning Liaison on access and highway matters
- Further comment from Contaminated Land Officer on air quality
- Formal consultation response from Ubico on waste management and refuse storage
- Formal consultation response from the Housing Enabling Officer
- Further comment from Landscape and Tree Officers following submission of revised drawings

2. The Proposal

2.1 This report covers the redevelopment of a key town centre site that comprises the former Odeon cinema site, the former Haines & Strange (Baylis) site and Albion Street parade of shops. This redevelopment proposal has been submitted to the Local Planning Authority (LPA) in the form of two separate planning applications. One full application covering the former Odeon cinema site and the other, an outline application, covering the former Haines & Strange (Baylis) site and Albion Street shops. Officers expressed during pre-application discussions that a comprehensive approach to the redevelopment of the whole site would be preferable however; the applicants have stated that due to differing ownerships their preferred approach is the submission of two separate applications.

2.2 A comprehensive approach to the redevelopment of the whole site area through the submission of a single planning application is not something that the LPA can insist on. The view of Officers is that in terms of statutory process the redevelopment can be considered as two separate applications and the site considered as a whole for the purpose of any resulting planning obligations. Accompanying each planning application is a Conservation Area Consent application for the demolition of existing buildings on each site.

2.3 For ease, this report refers to each application by either the 'Odeon' or 'Haines & Strange' as Members are most familiar with each site by their previous use.

2.4 Odeon

2.4.1 The proposal involves the demolition of the Odeon and the erection of a mock-regency terrace fronting Winchcombe Street with 6 retail units at ground floor and 8 x 1 bed

apartments above; along with a 3-storey mock-regency terrace of 6 x 4 bed town houses with integral garages to the rear. Revised access arrangements are proposed along with associated hard standing, parking provision, refuse storage, secure cycle storage and landscaping.

2.4.2 A full planning application was submitted to the Cheltenham Borough Council and validated on 24th May 2013. The application forms were accompanied by:

- site location plan;
- existing and proposed drawings (block plan, elevations, floor plans);
- demolition plan;
- Master plan (covering both application site areas)
- Planning, Design & Access Statement (incorporating Justification Statement in relation to the Demolition)
- Structural Appraisal Report
- Architectural & Historical Appraisal
- Heritage Impact Assessment
- Design Concept Statement
- Urban Design Appraisal
- Transport Statement
- Ecological Phase 1 Report
- Asbestos Survey & Removal Certificates
- Statement of Community Involvement
- Commercial Agent's Letter

2.5 Haines & Strange

2.5.1 The proposal involves the demolition of all the buildings on the Haines & Strange site along with the Albion Street shops and mixed-used redevelopment proposed. This would comprise 81 residential units (48 apartments and 33 houses) and 6 retail units. Revised access arrangements are proposed along with associated hard standing, parking provision, refuse storage, secure cycle storage and landscaping (shown in an indicative form).

2.5.2 An outline planning application was submitted to the Cheltenham Borough Council and validated on 24th May 2013. All matters (access, appearance, layout and scale) with the exception of landscaping are being considered as part of the application. The application forms were accompanied by:

- Site location;
- existing and proposed drawings (block plan, elevations, floor plans);

- demolition plan;
- Master Plan (covering both application site areas)
- 3D Visuals
- Planning, Design & Access Statement
- Urban Design Appraisal
- Transport Statement
- Gloucester Place Road Safety Audit
- Ecology Phase 1 Report
- Indicative Landscaping Master Plan
- Land Quality Assessment
- Asbestos Survey Report & Removal Certificates
- Statement of Community Involvement
- Viability Assessment

3. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Central Conservation Area
 Core Commercial Area
 Local Listing (Odeon)
 Central Shopping Area
 Smoke Control Order

Relevant Planning History:

Odeon

06/01713/COU 16th February 2007 REF – ALLOWED AT APPEAL (May 2009)

Change of use from Odeon building (Use Class D2) to 2no. restaurants (A3) at ground floor and nightclub (Sui Generis) on first and second floors with associated external alterations including new shop fronts, entrances and canopy

06/01871/COU 2nd February 2007 PER

Change of use from cinema (use class D2) to place of worship and ancillary services/facilities (use class D1)

11/00048/TIME 10th March 2011 PER

Change of use from Odeon building (Use Class D2) to 2no. restaurants (A3) at ground floor and nightclub (Sui Generis) on first and second floors with associated external alterations including new shop fronts, entrances and canopy

12/01556/PREAPP CLO

Re-development of Haines and Strange, Odeon cinema and associated buildings within this block

13/00777/CAC PCO

Demolition of the existing building prior to construction of 6 no. townhouses, 8 no. apartments, 6 no. retail units, new vehicular access and associated works

Haines & Strange

08/00372/FUL 8th July 2008 PER

Demolition of all buildings and construction of 161 dwellings and associated landscaping; 296 sqm of B1 office accommodation, 736 sqm of accommodation comprising A1 and/or, A2 and/or A3 uses; basement car and cycle parking; car parking off Fishers Lane; provision of car parking spaces along Gloucester Place; formation of a new access and associated works off Gloucester Place; landscaping and highway works to Gloucester Place

12/01556/PREAPP CLO

Re-development of Haines and Strange, Odeon cinema and associated buildings within this block

13/00827/CAC PCO

Demolition of all buildings

4. POLICIES AND GUIDANCE

Cheltenham Borough Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 6 Mixed use development
CP 7 Design
CP 8 Provision of necessary infrastructure and facilities
PR 2 Land allocated for mixed use development
BE 3 Demolition in conservation areas
BE 4 Timing of demolition in conservation areas
BE 11 Buildings of local importance
GE 6 Trees and development
NE 4 Contaminated land
HS 1 Housing development
HS 4 Affordable Housing
HS 5 Mixed Communities
RT 1 Location of retail development
RT 2 Retail development in the core commercial area
RC 6 Play space in residential development
RC 7 Amenity space in housing developments
UI 2 Development and flooding
TP 1 Development and highway safety
TP 2 Highway Standards
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Affordable housing (2004)
Amenity space (2003)

Landscaping in new development (2004)
Planning obligations (2003)
Planning obligations: transport (2004)
Play space in residential development (2003)
Security and crime prevention (2003)
Shop front design guide SPD (2007)
Submission of planning applications (2004)
Sustainable buildings (2003)
Sustainable developments (2003)

Central conservation area: Old Town Character Area and Management Plan (Feb 2007)
Index of buildings of Local Interest SPD (2007)

National Policy/Guidance
National Planning Policy Framework

5. CONSULTATIONS

Odeon

Cheltenham Civic Society (20th June 2013)

We do not favour Regency pastiche in an area where it is not already an integral part of the area as we think it dilutes the impact of Cheltenham's impressive heritage of Regency buildings. We are concerned that there may be too many shops, and some of us regret that there has been no attempt to incorporate at least some aspect of the old Odeon cinema into the design

HMO Division (7th June 2013)

The proposed layouts of apartments 1, 3, 4 and 6 have bedrooms which fail to meet the minimum floor area for a single bedroom. The minimum floor area for a single bedroom is 7sqm.

I would advise that space standards in residential accommodation are governed by both the Housing Act 1985 and Housing Act 2004. Undersized or overcrowded premises may be subject to enforcement action.

Strategic Land Use Team (25th June 2013)

The relevant policy document for consideration in regard to this application is the Cheltenham Borough Local Plan Second Review 2006; Material Considerations include National Planning Policy Framework (NPPF) and the Tewkesbury, Cheltenham and Gloucester Joint Core Strategy Developing the Preferred Option Consultation Document of December 2011.

The NPPF states that the presumption in favour of sustainable development should be a golden thread running through both plan making and decision taking (paragraph 14). This presumption in favour of sustainable development places the development plan as the starting point for decision making. (Paragraph 12)

The application site is within the following Local Plan Designated areas: The Principal Urban Area, Core Commercial Area, Central Shopping Area and Central Conservation Area.

In the Local Plan relevant policies include: CP1, CP6, RT1, RT2, HS1, HS4, and BE11

CP1 Requires that development will be permitted only where it takes adequate account of the principles of sustainable development. In particular development should... (b) Give priority to the use of previously developed land

CP2 Requires that mixed use development will be permitted where the uses are compatible... (a) with each other and adjoining land uses

RT1 Permits retail development which relates to the role and function of retailing centres as assessed against a sequential test. In this test the Central Shopping Area is the most favoured location for such development.

RT2 Permits retail development within the Core Commercial Area only where the proposals are (a) of a scale appropriate to the Core Commercial Area... (c) make adequate provision for off highway servicing.

HS1 Permits housing development on previously developed land which makes the most efficient and effective use of the site.

HS4 Requires that in residential developments of over 15 or more dwellings... a minimum of 40% of the total dwellings proposed will be sought for the provision of affordable housing.

HS5 Requires that in residential development a mix of housing sizes and types will be required which promotes social inclusion

BE11 States that the demolition of, or harmful alteration of a building on the index of Buildings of Local Importance will be resisted.

In the NPPF the most relevant policies include: The core planning Principles (paragraph 17) of

- Proactively driving and supporting sustainable economic development*
- Always seeking high quality design and a good standard of amenity*
- Re-using land that has been previously developed*
- Encouraging multiple benefits from the use of land*

Supporting these core principles are the following paragraphs in the NPPF:

Paragraph 23 (albeit referring to plan making) "local planning authorities should recognise town centres as the heart of the communities and pursue policies to support their viability and vitality" and "recognise that residential development can play an important role in ensuring the vitality of centres".

Paragraph 49 "Housing applications should be considered in the context of the presumption in favour of sustainable development."

Paragraph 70 "planning decisions should ensure that established shops facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community"

Paragraph 134 "The effect of an application on the significance of a non designated heritage asset should be taken into account in determining the application."

Summary comments for application

The proposal meets the requirements of Local Plan policies CP1 and CP2 in that the application site is for the mixed use redevelopment of a site within the Core Commercial Area and Central Shopping Area. The development proposal accords with the close surrounding area which includes shopping, offices, financial services and residential uses.

The location of the development meets the policy requirements for retail use in Local Plan policy RT1 as it is within the central shopping area and provides a good and accessible location which will add vitality and diversity to the retail offer in Winchcombe Street and create a better retail gateway to the High Street. The case officer should check that arrangements for off highway servicing are sufficient with relevant officers; however it seems unlikely to be worse than the existing arrangements.

The Planning Policy team acknowledges that the council cannot currently demonstrate a five year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF. Therefore it is welcomed that the proposal will make a small contribution toward increasing housing land supply on previously developed land. The site is not protected in the Plan for another use and despite benefiting from permission for D class and Sui Generis uses over the past seven years has not found an occupier.

It is something of a missed opportunity that the scheme falls slightly under the threshold for affordable housing identified in policy HS4 (providing 14 rather than 15 units), the applicant may wish to consider splitting one of the 6 town houses to create a wider mix of units and to deliver some affordable provision in line with policy HS5.

The development is also likely to contribute towards building a strong responsive and competitive economy in the town and create a high quality built environment if good quality materials are used. However the impact of the loss of the non designated heritage asset at the heart of this proposal will need to be assessed as the key factor in determination.

Environmental Health (30th May 2013)

I have reviewed the two applications for these sites, which form one redevelopment proposal, and offer the following recommended conditions in respect of both applications:

Condition 1:

A plan for the control of noise, dust and other nuisances from the site(s) shall be submitted to the Local Planning Authority for approval before such works commence.

Reason: To control loss of amenity affecting nearby properties due to noise, dust etc.

Condition 2:

The retail premises proposed on Albion Street in application 13/00827/OUT shall be limited to A1/2 use only.

Reason: Use for A3/4/5 purposes has potential to cause loss of amenity to residential properties constructed as part of this development, due to noise and odour from kitchen extraction plant.

Condition 3:

The applicant must provide an acoustic report to establish the levels of road traffic noise affecting residential property fronting Albion Street and Winchcombe Street. This report must then be used to identify suitable fenestration and/or ventilation to prevent and adverse effect on residents of these properties.

Reason: Residential property fronting to Albion Street and Winchcombe Street will be affected by noise from high levels of road traffic using these roads, which may lead to disruption of sleep etc.

Heritage and Conservation

13/00777/CAC (2nd July 2013)

Further to: pre-application site visit, pre-application meeting and application information

Analysis of Site: An extremely prominent corner site within the town centre.

Historic analysis of the site-

1. *The site is located on the historic route north out of the town and Winchcombe Street (previously known as Bell Lane and St Leger's Lane) was in existence certainly by 1792. However before 1810 the only buildings constructed were in the section of the street between the High Street and Albion Street.*
2. *By the publication of the 1820 map, the application site was occupied by the Albion Livery Stables, later known as the Albion Mews on the 1834 map.*
3. *By 1852 the stables are replaced by the new Congregational Church and by 1932 the Church is demolished and replaced by the Gaumont Cinema, later known as the Odeon Cinema.*

Comments:

My comments relate separately to the two applications for this site and my comments for the total demolition of the Odeon building are set out below.

Application 13/00777/CAC

Submitted Architectural & Historic Appraisal (dated December 2012) -

1. *The applicant has submitted an Architectural and Historic Appraisal in order to assess the significance of the former Odeon Cinema. This is a supporting document to the application for conservation area consent for the total demolition of this building.*
2. *This is the key document in the applicant's argument for justifying the total demolition of this building, and as such therefore it is an extremely important document.*
3. *In addition the applicant has also submitted an Addendum report (undated but written after 17th April 2013) to the Architectural and Historic Appraisal.*
4. *The preparation of the Architectural & Historic Appraisal document is welcomed and its author argues the existence of this document fulfils the applicant's requirements under clause 128 of the NPPF. However I do not accept that this document does satisfy the requirements of clause 128 in the NPPF, and my comments below explain why I hold this view.*
5. *In some respects this Architectural & Historic Appraisal is an interesting read and a mini thesis on 1930s cinema buildings in Britain. However much of its content is of marginal interest and much of its content is not directly pertinent to this application building or its setting or this part of the conservation area. It is therefore a wasted opportunity and poorly focused document, since it fails in the following areas-*
 - a. *Fails to analyse or even mention the way in which this former cinema is constructed in three distinct sections, with three different structural systems.*
 - b. *Fails to analyse or mention the contribution that this building makes to its setting, as a landmark building in this part of the town.*
 - c. *Fails to understand the historic evolution of this part of Cheltenham which forms the setting of the former cinema building, but instead simply focuses in a narrow way on the history of the application site only.*

- d. *Fails to understand or consider the selection reasons for the Odeon building being included on the Index of Buildings of Local Interest, but instead makes a sweeping and unsubstantiated statement that the inclusion of this building is meaningless.*
 - e. *Fails to understand the policy implications of Local Plan policy BE11 which relates to Locally Indexed Buildings.*
 - f. *Fails to consider the phenomena of the historic Golden Age of the cinema within the Cheltenham context.*
 - g. *Fails to make a considered architectural critique of the Odeon building but instead makes sweeping a generalisation about the building's architectural quality.*
 - h. *Fails to understand that the architecture in Cheltenham is not solely Regency, makes no reference to any other style of architecture in the town except stating that the Odeon is Art Deco.*
 - i. *Fails to comment on the how many other buildings by W E Trent, (who was the architect for the Odeon was a nationally recognised cinema architect) have either been retained or demolished across the country.*
6. *Therefore as a baseline document prepared in order to argue the case for total demolition of this building, this Architectural & Historic Appraisal is flawed and in some respects seriously flawed, and I cannot accept its conclusion that there is no objection, based on government guidance, to the demolition of the Odeon.*
7. *The submitted Addendum report essentially reiterates the assumptions and conclusions, arrived at in the Architectural & Historic Appraisal and since in my opinion there are flaws in the principal document it also follows that there are flaws in the Addendum Report.*
8. *Structural Engineer's report - the applicant has submitted an engineer's report. This is a document is also flawed in many respects. In particular the following comments are of interest:*
- i. *Clause -2.00 -states - "the condition of the built form is currently stable but deteriorating." In other words it is not currently unstable*
 - ii. *Clause 4.03 -states - ".the front wall could be retained because it does not currently display significant evidence of distress..." In other words it is not unstable.*
 - iii. *Clause 3.03 - refers to- "the currently internal wall between the foyer/front of house section and auditorium having openings in it, and if the auditorium were to be demolished whilst leaving the foyer, this wall would become an external wall"- and therefore the demolition of this wall is the engineer's only conclusion. However he fails to consider in-filling some of the openings or the possibility of another building being constructed alongside the wall. His logic is weak and questionable, as is his conclusion.*
 - iv. *However later in the report (clause 4.010) he considers installing strengthening to this wall but dismisses this idea for cost and site access reasons. Again his argument is weak and flawed, especially*

since he offers no costings to justify his dismissive conclusion on finances.

- v. *Clause 4.04 (5) - states - "Whilst an engineering solution is possible, the costs and complications relating to the retention of the façade or front section. "Again his comments are flawed as no costings have been submitted to substantiate his conclusion.*

9. *My comments on the Odeon building*

- a. *Construction of the Odeon* - *this building has been built as three separate structural elements joined together. So the east end is the load bearing brick fly tower with concrete floors. The middle section is the steel framed auditorium with steel structural roof supports and a sheet material covering (possibly asbestos cement sheets?). The west end section (ie entrance and front of house) is a brick masonry section with concrete floors and corner stairs and a flat roof. It is possible to demolish the fly tower and auditorium and convert the front of house section to an alternative use. I would support such an approach and this approach was discussed at pre-application stage. It is therefore particularly disappointing that the applicant has simply dismissed this approach, as too costly and difficult without either providing a financial analysis or articulating the perceived difficulties.*
- b. *Setting and Landmark building* - *this building is a visual landmark from a number of locations, due to its prominent location corner location. Clearly the design of the building was such that the front elevation was always intended to be the visual focal point and it has remained a focal point in this part of the town for the past 80 years. Because of its prominent location the setting for this building is quite significant, and its ability to form a strong focal point particularly when looking north up Winchcombe Street from the High Street, is of value. The retention of the front of house part of the cinema would allow the visual landmark element of the building to be retained.*
- c. *Historic evolution of the area* - *Cheltenham's history pre-dates the Regency period and High Street formed the mediaeval core of the town, with streets running off from the High Street being part of that mediaeval core. This site is located on the historic route going north out of the town and linked Cheltenham to the mediaeval town of Winchcombe. This wider area with its variety of architectural styles forms the setting of the Odeon building. This part of the town was never conceived as a set piece of Regency town planning.*
- d. *Character and appearance of the wider area forming the setting of the site* - *Although Cheltenham's architecture is prominently Regency there are other architectural styles in the town. Indeed such a distinct and unique building as the Odeon adds to the visual richness to the area and visually reinforces the historic evolution of this part of the town.*
- e. *History of the Odeon* - *it was designed by W E Trent, a noted cinema architect of national repute, and built in 1932-3. It was originally named the Gaumont Palace.*
- f. *Architectural appearance of the Odeon* - *it was built in a modernist style known as Art Deco. It originally had a projecting vertical fin on the front elevation. Although the fin has been removed in all other respects the external appearance remains essentially the same as it was in 1933. The*

"front of house" street is a bold and confident composition, with excellent proportions, and interesting details which are so typical of Art Deco design.

- i. Other cinemas designed by W E Trent - William Edward Trent was a leading cinema architect and designed a total of 46 cinemas across Britain. However, of these 46, only 9 currently remain in use as cinemas, with the remaining 37, including the Odeon in Cheltenham, facing an uncertain future and potentially demolition.

- g. Golden Age of cinema in Cheltenham - during the mid 20th century period Cheltenham cinema goers enjoyed the choice of a number of cinemas in the town. These were as follows:
 - i. Regal Cinema (later renamed as the ABC) in the Promenade, (demolished in 1980s).
 - ii. Coliseum Cinema (later renamed the Springbok Club) in Albion Street (demolished in 2011).
 - iii. Ritz Cinema (later renamed the Essoldo) in the High Street (now Ace Bingo Hall)
 - iii. Daffodil Cinema - now a restaurant

This phase of British social history is represented in the remaining buildings which are still standing. The most architecturally confident and aesthetically pleasing of them is the front of house section of the Odeon.

- h. Events which have taken place in the Odeon - not only was this a popular cinema but during the 1960s it was a popular concert venue, with the Rolling Stones, Beatles, Small Faces, The Hollies, Everly Brothers, Joe Brown and Rolf Harris all performing at the Odeon.

- i. Local index
 - i. The Odeon is included on the Index of Locally Listed Buildings.
 - ii. The Index of Buildings of Local Interest (supplementary planning document) was adopted on 28th June 2007 by full Council.
 - iii. The need for the Index is set out in the supplementary planning document (clause 2.4, page 3) stated as follows- "In recent years a number of locally valued buildings have been demolished so that their sites can be more intensively developed.By compiling the Index, the Council aims to protect buildings of local importance from insensitive alteration and demolition through the use of powers available under the Planning Acts".
 - iv. Total demolition of buildings included in the Local Index is set out in the supplementary planning document (clause 6.2d, page 8) and is stated as follows - "Demolition of Indexed buildings will only exceptionally be permitted. Redevelopment proposals should use the principles of good architecture and urban design to retain and integrate Indexed buildings rather than demolish them".
 - v. The impact of the Index is set out in the supplementary planning document (clause 5.4, page 6) and is stated as follows - "Where there is control over demolition (ie buildings in a conservation area), it will normally be refused unless there is strong justification."
 - vi. The Odeon building is an historic building and is included on the Index of Buildings of Local Interest (ie locally listed) and whilst this

lacks the statutory protection given to statutory listed buildings (which also have their interiors protected), none the less the fact that this building has been included on the Index does mean it is a material consideration in planning decisions. However it should be noted that its interior has never been protected.

- vii. *The Odeon was included in the Index in 2007, and there were no objections to its inclusion at the time. There has been a review of the Index in the years of 2008, 2009, 2011 and although the applicant has made a sweeping assertion that it is no longer worthy of being included in the Index, there has never been any requests from anyone that it should be removed: so it's inclusion has remained valid and it has remained protected as a Locally Indexed heritage asset. It should be noted that any member of the public, or Council officer or Councillor is able to request that a building is added or removed from the Index.*
 - viii. *The selection of buildings on the Index was undertaken in 2007 as an external visual assessment and that has continued in the subsequent Index reviews. It has never been the Council's intension to control a building's interior by including the building on the Index.*
 - ix. *Selection criteria for buildings on the Cheltenham Local Index is set out as Appendix 2 in the supplementary planning document (page 16) and is stated as follows - "Locally listed (or Indexed) buildings are those which make a special contribution to the history, appearance, character, and cultural value of Cheltenham. They include buildings which have qualities of age, style, and detailing.....It is likely that most of the entries will date from the mid-19th to mid-20th century".*
 - j. *Should the Odeon remain on the Index of Locally Listed Buildings?*
 - i. *From the process of review of the Index there have been opportunities for it to have been removed but no request has been received for its removal. Therefore it has remained on the Index and its inclusion must be considered as a material planning consideration.*
 - ii. *The external appearance (in particular the front elevation) of the Odeon has an architectural quality, is a landmark building, has a distinctive architectural style which is fairly unique in Cheltenham, is part of the social history of the town from the 1930s through the 1960s until it closed as a cinema in 2006, it is designed by a nationally significant architect and due to its age it is historic.*
 - iii. *For all of the above reasons it is correct that it was included on the Index and it is correct that it remains on the Index today.*
10. *My comments on the total demolition of a building (ie Odeon) in the conservation area*
 - a. *This building is also located in the Central Conservation Area, which has been subdivided into 19 smaller character areas. The application site is in the Old Town Character Appraisal Area (no. 1). This Character Appraisal document was adopted by full Council in February 2007, including the Management Plan and management proposals.*

- b. *In the townscape analysis map (page 37) of the Character Appraisal document correctly identifies the Odeon building as a positive building.*
- c. *The Management proposals in the Appraisal document states - "The Council will refuse planning permission or other consents for proposals which. or for: a) the demolition of any building or structure if its loss would damage the character or appearance of the conservation area".*

11. Relevant legislation and policies -

- a. *The Planning (Listed Buildings and Conservation Areas) Act 1990 section 72(1) states -special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.*
- b. *The NPPF - section 12 - in terms of this clause the conservation area is considered to be a designated heritage asset and the Odeon building is an un-designated heritage asset which is located within the conservation area (ie within a designated heritage asset).*
- c. *There are a number of relevant clauses in particular clause 129 which states - "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."*
- d. *I have identified flaws in the applicant's Architectural & Historic Appraisal - see above. However independent conservation assessor's included the Odeon building in the Index of Buildings of Local Importance, it has been included in the Conservation Character Appraisal as a positive building and my detailed comments above also confirm it is a positive landmark building with architectural qualities which contribute to the character and appearance of the conservation area. These positive assessments of the Odeon need to be considered in relation to the proposals for its total demolition and in consideration of clause 129 in the NPPF.*
- e. *Clause 130 of the NPPF also states - "Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision."*
- f. *The applicant has argued that because the Odeon building has been empty for a number of years and it has had the interior removed, it has therefore lost any architectural value. However my detailed comments above concerning the external qualities of the building have exposed the error in the applicant's argument and in addition clause 130 of the NPPF advises local planning authorities that any neglect or damage should be ignored when reaching a planning decision.*
- g. *Clause 132 of the NPPF is also relevant and states - "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation." This clause is referring to the conservation area. The Odeon has been identified as a positive building in the conservation area and the demolition of the Odeon will not be preserving or enhancing the character of appearance of the conservation area.*

- h. *NPPF - clause 138 is relevant and states that any loss of a building which makes a positive contribution (and the Odeon does make a positive contribution - see 12 b, c and d above) to the significance of a conservation area and should be treated as substantial harm under clause 133 of the NPPF.*
- i. *NPPF - clause 133 states - "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss..". The applicant has not argued that the total demolition of the Odeon will bring about any substantial public benefits. Therefore the proposed total demolition of this building is not in accordance with this policy 133 in the NPPF.*
- j. *Local Plan policies BE3 and BE11 are relevant. In particular policy BE11 states - "The demolition of, or harmful alteration of a building on the Index of Buildings of Local Importance will be resisted." Note 3 of this policy requests that applicants submit a robust justification for demolition and analysis of repair costs.*
- k. *Local Plan policy - BE3 states - "The demolition or substantial demolition of buildings or other significant structures in conservation areas will not be permitted, unless:*
 - a) *they make no positive contribution to the special character or appearance of the area, or*
 - b) *the retention of the building is structurally and financially impracticable (taking into account all sources of finance, including associated development), or*
 - c) *there is an essential need in the town for development which cannot be accommodated satisfactorily by a different form of development or in a different location, or*
 - d) *the demolition serves to preserve or enhance the character or appearance of the conservation area, taking into account both the history and appearance of the building to be demolished and the contribution of any new buildings.**In addition the notes to the above policy states that anyone wishing to demolish a building on the basis of the above exceptions will be required to provide convincing and fully documented evidence of the validity of the exception, including a full financial analysis.*

12. Summary

- a. *The applicant's Architectural & Historic Appraisal of the Odeon building is flawed, and does not fulfil the obligation under clause 128 of the NPPF.*
- b. *The Odeon is on the Index of Buildings of Local Importance.*
- c. *The conservation Character Appraisal has identified the Odeon building as positive.*
- d. *My detailed comments also confirm that the Odeon continues to be a positive historic building in the conservation area.*
- e. *Under the Planning (Listed Buildings and Conservation Areas) Act 1990 section, the total demolition of this historic positive Odeon building will harm the character and appearance of the conservation area.*

- f. *Under clause 130 of the NPPF, the deteriorated state of the Odeon or the loss of its interior fittings should be ignored in the consideration of an application for the demolition for the building.*
- g. *NPPF - clauses 129 and 132 are relevant and recognise the need to avoid harm to the historic Odeon building and to avoid harm to the conservation area. However the total demolition of this positive building will harm both the historic building and the conservation area. Therefore the proposed total demolition of this building is not in accordance with these policies.*
- h. *NPPF - clauses 138 and 133 are relevant and the test under these clauses confirms that the total demolition of this positive building will be considered to be substantial harm which should be refused unless there are substantial public benefits which outweigh the harm of the demolition. There are no public benefits identified and so it follows that the demolition should be refused.*
- i. *The Odeon building is positive and therefore cannot be considered as a suitable exception under clause (a) of Local Plan policy BE3. The applicant's structural engineer states that the building is structurally stable but retention of the front elevation would be costly but fails to provide any financial analysis and therefore the total demolition cannot be considered as a suitable exception under clause (b) of Local Plan policy BE3. The applicant has failed to suggest or to provide any evidence to suggest that the new development on this site of retail and housing could not be accommodated elsewhere in the town, and therefore total demolition cannot be considered as a suitable exception under clause (c) of Local Plan policy BE3. Therefore the total demolition of this building is contrary to Local Plan policy BE3 a, b, and c.*
- j. *The Odeon building is on the Index of Buildings of Local Interest and its demolition is contrary to Local Plan policy BE11.*
- k. *This application for total demolition of this building clearly is contrary to national legislation, national planning policy (ie NPPF) and Cheltenham Local Plan policy.*

CONCLUSION

My comments are such that I am unable to support this application for total demolition of a positive building in the conservation area which is also on the Index of Buildings of Local Interest.

Refusal reason:

The total demolition of this historic 1930s Art Deco former cinema building (known as the Odeon) which has been included on the Council's Index of Buildings of Local Interest will harm the character and appearance of the conservation area and therefore will not be in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition the total demolition of this former cinema building will not comply with the NPPF and Local Plan Policies CP3(c), BE3, and BE11.

13/00777/FUL (2nd July 2013)

Further to: pre-application site visit, pre-application meeting and application information

Analysis of Site: An extremely prominent corner site within the town centre, adjacent to a small terrace of 3 listed buildings which date from 1820 with later 19th century shop-front in the central building.

Historic analysis of the site-

1. *The site is located on the historic route north out of the town and Winchcombe Street (previously known as Bell Lane and St Leger's lane) was in existence certainly by 1792. However before 1810 the only buildings constructed were in the section of the street between the High Street and Albion Street.*
2. *By the publication of the 1820 map, the application site was occupied by the Albion Livery Stables, later known as the Albion Mews on the 1834 map.*
3. *By 1852 the stables are replaced by the new Congregational Church and by 1832 the Church is demolished and replaced by the Gaumont Cinema, later known as the Odeon Cinema.*

Comments:

My comments relate separately to the two applications for this site and these comments on the planning permission need to be read in conjunction with the comments for the conservation area consent for the total demolition of the Odeon cinema (ie application no. 13/00777/CAC).

My detailed comments

1. *The principle of the applicant considering development work to this site is welcomed, subject to what development work is being proposed.*
2. *It is recognised that the former cinema building was closed in 2006. Since that time no other proposals for the existing building have been submitted other than as a nightclub and despite planning permission being granted for it being converted into a night club, this conversion has not been implemented.*
3. *It is also recognised that this building is empty and deteriorating and its state is having an adverse visual impact on the surrounding area. It is also recognised that in addition to the visual impact that uncertainly over the buildings future will also be deterring investment in the surrounding area.*
4. *However none the less the Odeon is a heritage asset in the conservation area and the conservation area has the benefit of statutory protection. I do not support the total demolition of the Odeon building - see my detailed comments relating to 13/00777/CAC.*
5. *I therefore consider this application to be a missed opportunity to solve the problem with the site in a creative way, and fails to avoid or minimise the conflict between the conservation of the Odeon and the proposed new development.*
6. *However not withstanding the above comments, my objection to the total demolition of the Odeon and my objections to the application 13/00777/CAC, my detailed comments on this application are as follows-*
 - a. *Site context and adjoining properties - this application site is adjacent to a small terrace of 3 listed buildings which date from 1820 with later 19th century shop-front in the central building. The front elevations of these buildings are built in ashlar limestone over brick with double pitched roof, and have a double depth plan with a side stairways and full height service range/wing to the rear. They are typically Cheltenham Regency houses which have later been converted to shops on the ground floor. They are designated heritage assets. The end property (no 45 Winchcombe Street) has had an unfortunate history and it became structurally unstable however it has now been stabilised; and work is now progressing to restore it.*
 - b. *Application Site layout - the site plan with a block of flats on the front of the site and a block of town houses behind is acceptable in principle (subject to the comment below about the design of the shop relationship to the street)*

and there are numerous examples of this type of development in the town. However I do have more detailed concerns which are as follows-

- i. Refuse bin provision - the central courtyard area serves as an access area for the rear entrances to the shops, parking areas for residents, possible delivery area for the shops, an amenity external space for residents of the flats and a bin area. The space suggested for bin provision appears totally inadequate. Since no refuse storage is shown for the town houses, is it to be assumed that the bin area has to serve shops, flats and 6 town houses as well as re-cycling storage for all these properties? This issue was raised at pre-application discussions. This must be resolved in a satisfactory manner now in order to avoid the small courtyard area becoming unsightly or bin bags being left on the pavement. This issue of refuse storage is fundamental to the success of the courtyard space and should not be left to be resolved with a condition.
- c. Height and mass of the street block - the proposed height and mass are acceptable.
- d. Height and mass of the town house block - these town houses are too high and should be two storey. My reasons are given below and relate to the proposed style of architecture.
- e. Proposed use - the proposed change of the site from a cinema/leisure use to a residential and retail use is acceptable. This is certainly a mixed use part of the town and such a change of use would not harm or detract from the character of the area. Indeed the proposed use of shops on the ground floor is welcomed and will create an active frontage at street level.
- f. Form and style of architecture are linked:
 - i. Style of architecture - it is noted that in Dr Carole Fry states in the Heritage Impact Assessment dated 4th March 2013, that this proposed scheme is a pastiche. In Building in Context - new development in historic areas published by English Heritage and CABE, it is stated - "A word often used to describe projects including elements of this kind is pastiche, which when used correctly, implies the assembly of stylistic elements from different sources. Frequently, however, the term has come to be a generalised way of abusing architecture with any historic elements regardless of the skill or accuracy with which they are employed"
 - ii. The principle of designing an historic replica style of architecture is acceptable subject to the proposed location of the replica building in the town, the form and mass of the replica building both being appropriate and convincing, and the materials and details of the replica building all being convincing.
 - iii. Unfortunately due to the form, mass and overall design of these new buildings I agree with the Heritage Impact Assessment that this scheme is a pastiche and unfortunately for a variety of reasons, these is not are convincing historic replica buildings.
 - iv. The front elevation of this block has been designed as a set piece of "Regency" architecture with the side and rear elevations also having

Regency references. Due to proposed size and detailing and proportions of this front building, it has been designed as if it were terraced houses for the 19th century gentry (later converted into shops at the ground floor). Such houses (if they were ever to have been built) may have had artisan housing or coach houses or mews buildings at the rear. They would never have had 3 storey town houses at the rear. Therefore read as a whole scheme using "Regency" reproduction architecture the mass, height and form of the town houses at the rear are too grand, too big and too high for their proposed location and relationship to the principal reproduction buildings to the front.

- g. Street frontage block - as stated above the front elevation for this building which is a block of flats, has been designed to have the appearance of terraced houses. Although as these "terraced houses" do not have front doors, the theme of architectural deceit has continued, so that ground floors of the houses have been converted to shops. This architectural make believe approach is acceptable as a principle, provided that it is historically accurate in all respects. Unfortunately the design of this development fails in a number of areas:*
- i. Street elevation has duality, with no central focus to balance that duality.*
 - ii. The horizontal spacing between the front windows is uneven and therefore not authentic "Regency" style architecture.*
 - iii. To the north of the site the adjacent small terrace of three listed buildings, has ground floor shops. These terrace buildings each has a typically raised ground floor which give these authentic historic buildings elegant vertical proportions. The proposed replica terrace fails to copy the elegant proportions of the adjacent listed buildings. Instead this new building has elevations of poor proportions, especially the side and rear elevations which is particularly poor.*
 - iv. The adjacent listed buildings have projecting ground floor shop front which are typical of 19th century conversions. The proposed replica building has failed to copy that projection with the new shop fronts.*
 - v. In addition the detailed shop fronts of the new development appear to have squat proportions and atypical gaps between the shop front pilasters.*
 - vi. Due to the prominent location of this corner site, the south elevation of the street frontage block will be seen from long distances above the roofs of the retained 1960s parade of shops. The proposed architectural treatment of this elevation is weak and unconvincing in terms of an accurate replica building.*
 - vii. The courtyard elevation of the street block may have timber sash windows and a slate pitched roof but fails in all other respects to attempt to appear like an historic building.*
 - viii. No roof drainage has been indicated and yet downpipes can alter the appearance and composition of elevations. Therefore the location of rainwater down pipes does need confirming now.*
- h. Inner courtyard town houses - whilst the height of the houses is of concern (see above comment) in general the design of these houses is more acceptable and in terms of massing, duality has been avoided. However there are aspects of the overall design which like the front block of flats does lack authentic historic*

architectural conviction, in particular the relationship of the single rear extension to the main building.

- i. Impact on the setting of the adjacent listed buildings - Indeed the adjacent listed buildings do provide an authentic example of Regency architecture which the applicants could have copied. Failure to propose an authentic reconstruction building but instead propose a style of architecture which is approximately historic does therefore devalue the architectural quality of these listed buildings and consequently causes harm to their setting.*
- 7. The applicant's Heritage Impact Assessment - this is written in the form of a brief letter dated 4th March 2013. It confirms that this new development is pastiche architecture, but finds such pastiche architecture acceptable. The applicant's design approach contradicts design advice given by English Heritage and CABE in their published document, and this is a document which is recommended in national planning guidance. In addition the applicant's Heritage Impact Assessment fails to recognise that the adjacent buildings are listed and therefore fails to comment on how the proposed new development will impact on the setting of these listed buildings.*
- 8. Planning policies*
 - a. Notwithstanding my comments on the application to totally demolish the Odeon, the merits of the replacement development also need to be considered in relation to legislation, and planning policies.*
 - b. Clause 5.25 of the Local Plan states - "the general presumption should be in favour of retaining buildings which makes a positive contribution to the character and appearance of a conservation area, and that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In making such an assessment, the Council may consider the merits of the any proposed development as well as those of the existing building."*
 - c. Local Plan policy CP7 - states - "Development will only be permitted where it: a) is of high standard of architectural design, b) adequately reflects the principles of urban design, and c) complements and respects neighbouring development and the character of the locality and/or landscape."*
 - d. From my assessment of the new development, the scheme is not sufficiently well designed to be an accurate and convincing historic replica building. It is a pastiche design and has used some historic elements inaccurately or without due consideration. Consequently it does not have a sufficiently high standard of architectural design to comply with Local Plan policy CP7.*
 - e. The NNPPF has a presumption in favour of sustainable development, and explains that a sustainable development has economic, social and environmental considerations. The environmental consideration does include protecting and enhancing the built and historic environment (clause 7) and the core planning principles (clause 17) include that the planning system should - "always seek to secure high quality design". Clause 60 of the NPPF states that planning decisions should not impose architectural styles, but that it is proper to promote or reinforce local distinctiveness. Whilst Cheltenham has a wealth of fabulous Regency buildings, the proposed mock and poorly proportioned Regency architecture being proposed is not high quality design and fails to promote local distinctiveness, but instead de-values the town's architectural heritage.*
 - f. Again in the NPPF clause 126 confirms the desirability of new developments making a positive contribution to local character and distinctiveness, and the*

opportunities to draw on the contribution made by the historic environment to the character of a place. However the applicants have failed to use the opportunity to understand, consider and copy the listed buildings immediately next to the application site.

- g. Clause 128 of the NPPF states that - "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted..". However the applicant has failed to mention or consider the listed status of the buildings immediately next to the application site, in any of the following the submitted supporting documents - Heritage Impact Assessment, the Architectural and Historic Appraisal and its addendum. The applicant has ignored the impact that the proposed development will have on the setting of these listed building and therefore these supporting documents have not fulfilled the required level of consideration under the NPPF clause 128.*
- h. The PPS5 Planning for the Historic Environment (Historic Environment Planning Practice Guide) which remains as relevant national planning policy states that detailed guidance on design and the historic environment is available from English Heritage and CABE, and suggests Buildings in Context: New Development in Historic Areas (pub. 2001). Although this advice booklet was published in 2001, the design advice it gives and the architectural principles it explains remains a relevant consideration today. On page 5 - it is stated - "A word often describe to describe such projects is pastiche, which implies the assembly of stylistic elements from different sources". On page 4 it is explained that "the principle of copying the architecture of existing buildings (but not as an authentic reconstruction) leads to superficial echoing of historic features in the new building, which erodes the character of the area rather than enriches it". Consequently pastiche schemes erode the character and appearance of an area and this proposed development will certainly erode this part of Cheltenham.*

CONCLUSION

My comments are such that I am unable to support this application for a new development of residential units and shops.

Refusal reason:

The proposed new buildings due to the general design and proportions of both of these buildings, and in addition the proposed height of the town houses, will harm the character and appearance of the conservation area and harm the setting of the adjacent listed buildings. Therefore this development will not be in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition this proposed development will not comply with the NPPF, PPS5 Historic Environment Planning Practice Guide, and the Local Plan policies CP3, CP7.

Architects Panel (5th July 2013)

1. Is the information sufficient to understand the application?

We viewed this application at pre application stage as part of the wider development for the Haines and Strange site. It is now submitted as a separate application and our comments are based on this assumption. The information provided is therefore sufficient to understand the smaller application.

2. Context

When viewing this application on its own, the proposal sits between poor quality accommodation and the chosen aesthetic does little to improve this. This leads us to question the benefit of losing the historic façade especially when the proposed plan appears to provide single aspect accommodation. If this is the preferred plan we cannot see why the façade could not be retained with the plan handed and the main entrance area used as an entrance to the apartments? This would also have the potential of gaining an additional floor.

3. Massing and Scale

The scale appears acceptable and the front elevation seems well proportioned although a little bland and out of context.

4. External Appearance.

The front elevations appear competent in their design but the rear elevations are very utilitarian and need to be better considering they face the houses in the rear block. Should the entrances to the ground floor retail units have canopies? Why the blank windows?

5. Detailing and Materials

The detailing and materials appear competent but we question the principal.

6. Environmental Design.

No apparent consideration towards sustainable design.

7. Summary

When viewing this application independently we question the loss of the historic façade and the chosen aesthetic. We believe the current plan could work with the retention of the façade and this would provide a more sympathetic solution and a scheme with much better value. If the façade is to be lost we would like to see a much higher quality solution.

8. Recommendation

Refuse.

Crime Prevention Design Advisor (19th June 2013)

In my capacity as Crime Prevention Design Advisor for Gloucestershire Constabulary I would like to comment on the planning application at the former Odeon Cinema, Winchcombe Street, Cheltenham with reference number 13/00777/FUL. I would like to draw your attention to the PDF document attached to the carrying e-mail which should be read in conjunction with the following crime generating subjects.

Crime and Disorder Act

Gloucestershire Constabulary would like to remind the planning committee of their obligations under the Crime and Disorder Act 1998, Section 17 and their "Duty to consider crime and disorder implications (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area."

Design and Access Statement

This application's Design and Access Statement has only described security for the communal cycle store and hasn't mentioned any consideration for crime prevention, designing out crime techniques or site security, but further information should have been included to address the concerns listed below and any future Secured by Design application.

The Communities and Local Government (CLG) "Guidance on information requirements and validation" which describes under Paragraph 132 that "new developments should create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion. Design and access statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in Safer Places- the Planning System and Crime Prevention."

"Security and personal safety are matters that are generally taken for granted, but crime and the fear of crime has a significant impact on the way we live. Careful design of the built environment can reduce opportunities for crime and improve feelings of safety." Cheltenham Supplementary Planning Guidance - Security and Crime prevention Planning Policy

Cheltenham Borough Council's Local Plan which contains Policy CP 4:

"Development will be permitted only where it would:

*(c) make adequate provision for security and the prevention of crime and disorder; and
(b) not, by nature of its size, location, layout or design to give rise to crime or the significant fear of crime or endanger public safety."*

Carbon Footprint of Crime

The carbon cost of crime is based on a formula created by Prof Ken Pease for converting the financial costs of crime into the energy expenditure of the emergency services and criminal justice service as they respond to criminal events. In Gloucestershire this roughly equates to 257,012 tonnes of CO2 generated in 2012, with Cheltenham responsible for 27% a total of 65680 tonnes of CO2. Over the past 12 months 2265 crimes occurred in Cheltenham Town Centre, generating 10666 tonnes of CO2.

Secured by Design

Secured by Design focuses on crime prevention of homes and commercial premises; promoting the use of security standards for a wide range of applications and products. The design principles can reduce crime by 60%; create a positive community interaction; work to reduce the opportunities exploited by potential offenders; remove the various elements that contribute and encourage situational crime; and ensure the long term management and maintenance of communal areas.

To assist in achieving these security levels the door sets and windows installed in this development should comply with BS PAS 24:2012. Laminated glazing should also be used on glazed door panels, windows adjacent to doors and any additional glazing which is easily accessible to provide additional security and resilience to attack.

Permeability

The layout should encourage all routes, housing types and layout to offer spaces that are overlooked, integrated within the community and well used to increase opportunities of passive surveillance.

Management and maintenance

*In an effort to preserve the quality finish, reduce the anti social behaviour, create safe and friendly public spaces. "Management and maintenance needs to be part of the design and delivery process across a large scheme." (Design Council CABE Case Studies 5, 2012)
The access gates into this development should be maintained to ensure their continual operation and long-term security of the small court parking area.*

The landscape will need to be continually managed by either the council or an external company under contract to demonstrate a level of ownership and community respect for this public space; the plants should be maintained to offer natural surveillance and

restrict any opportunities for hiding, stalking and ambush. "The level of investment in the public spaces and the quality of its management does rely on there being sufficient resources from residents and a competent organisation overseeing the scheme to maintain this quality approach." (Design Council CABE Case Studies 1, 2012)

Surveillance

Secluded and shaded areas around the apartment entrances will instil a fear of crime as residents anticipate the opportunities for ambush, assault or robbery; these issues will be reduced by providing sufficient lighting and CCTV coverage.

The street scene and landscaping should encourage passive surveillance from the pedestrian and vehicular movement; this can be achieved by keeping the ground level plants below 1m in height, while removing epicormic growth and lower branches to a height of 2 metres.

Soft landscaping

Ground level planting's vertical growth should be maintained to provide natural surveillance, with any horizontal growth trimmed to ensure the footpaths remain open and parking spaces are unobstructed.

The location of trees and taller shrubs should not provide climbing aids onto or over built structures.

CCTV

To assist with the security of the building and outside spaces the cameras needs to be located to monitor each façade and the approaching footpaths. These cameras should be positioned at a suitable height to prevent damage, abuse or tampering, but ensure identifiable images are obtained.

Lighting

The lighting plan should be designed to encompass an effective and efficient coverage of the development and allow for seasonal variations within the planting scheme; while preventing light pollution into the environment and any residential rooms facing this area. Dusk till dawn lighting on the front of each dwelling should compliment the overall plan, provide additional lighting to each front garden and assist in the recognition of visitors. These provisions will remove areas of deep shadow, thereby reducing the fear of crime and addressing crime and ASB.

"Well-designed public lighting increases the opportunity for surveillance at night and sends out positive messages about the management of an area... well lit spaces are crucial in reducing the fear of crime, making places more 'liveable' and in most cases, increasing activity after dark while being sensitive to the needs of residents and users".

'Safer Places - The Planning System and Crime Prevention'

Apartments

The communal entrance door to each of the blocks should form the first line of security; fitted with an access control system that incorporates a telephone door entry system so that residents can confirm their visitors. The layout of the stairwell should restrict access to each floor, with the apartment door creating the final security measure for each residence.

Each apartment should be supplied with separate utility meters stored outside of the building. The delivery of mail needs careful consideration so that post can be securely deposited without compromising the building security.

Shops – CCTV

To assist with the security of each shop should offer a fused spur, wiring loom and camera points to provide suitable internal and external coverage of the retail spaces.

These cameras should be positioned at a suitable height to prevent damage, abuse or tampering; and located to allow for any seasonal variations within the planting scheme and the specifications defined in the lighting plan.

Cash/ valuables handling

Each shop should have a safe and secure area; covered by CCTV and included within an intruder alarm security system dedicated to the storage of monies or other valuables left on site over night.

Communal storage buildings

The cycle store for the apartments should be housed in a purpose built structure with a BS PAS 24: 2012 external door and fitted with lighting that will provide a 15 Lux average.

The cycle rack, Sold Secure anchor points or a galvanised steel 'Sheffield Hoop' should provide a means of locking both wheels and the crossbar securely. One theft or incident of criminal activity will leave either of these facilities unused, with the bins left on the kerb side. Once ignored by the community, these buildings will be open to further abuse and vandalism. 12/6/13

The cycle store for each house should offer the same cycle rack, as any apartment facilities, this will compliment the type and quality of the security products used should be proportionate to the value of modern cycles and reduce the impact of crime on an individual. 13/6/13

Car parking

The parking spaces close to the rear access/ egress to each shop should offer a larger The parking area and adjoining communal spaces should be well lit and landscaped to encourage natural surveillance from pedestrian movement through the area and from within each dwelling, which in turn will help reduce any 'fear of crime' experienced by residents or visitors.

Specific attention should be made to where visitors are likely to park - visitors seem particularly unwilling to park in areas away from the public carriageway and will tend to park up on kerbs nearest the dwelling they are visiting. Design Council CABE Case Studies website 2012

Forensic Marking

Personal or business property kept, stored or used within any of these buildings should be marked with a forensic property marker, identifiable and traceable through a recognised database. The use of these products should be displayed on the entrance signage, along with stickers on external windows and door.

Conclusion

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation. Please feel free to contact me should you have any queries or wish to discuss these issues further.

Trees Officer (13th June 2013)

As the same Landscape Proposal (Drawing No 1079-002-2) has been submitted for both this application and 13/00827/OUT Haines and Strange, Albion Street my comments are duplicated for both application:

In respect of the demolition and construction the Tree Section has no objections but comments will be in reference to the Landscaping Proposal.

Overall this is well considered with good choices of fruit or ornamental fruit trees which will be in-keeping with the size of the gardens and shared areas within the development. However, the proposed sizes of 25-30cm girth are very large (semi-mature) and, although they will have an instant impact, are likely to struggle to establish and the maintenance for such large trees is costly and time consuming. Therefore I recommend that the largest size of 12-14cm girth be planted and to use container grown trees (the 10-12cm should also be container grown), as these are sufficient in respect of impact, but will also establish far quicker and will require the normal maintenance for newly planted trees.

The only other concern is regarding the four Quercus ilex to the front of the 6 town houses in the inner courtyard. This species of tree will become very large, cast dense shade and more than likely, will be seen as a nuisance in the future to the residents. There are many constraints to this area (low natural light levels, paved areas, near to buildings, poor soil conditions etc) therefore I have three other suggestions for this space that I feel will be more suitable long-term:

- Carpinus betulus Fastigiata Fran Fontaine-this tree is suitable for very poor soil, good where space is restricted, hardy once established and will tolerate shade.*
- Acer campestre Elegant-good for restricted spaces due to tight, upright habit and hardy once established. Good autumn colour.*
- Ginko biloba (or varieties of)-hardy once established, remains relatively narrow, tolerates paved areas and is deep rooted. Good autumn colour and attractively shaped foliage.*

The above information needs to be considered and the necessary amendments made to the Landscaping Proposal. Also further details are required to be submitted prior to a decision being issued:

- planting pit details, aftercare and maintenance*
- service runs*

Both are to ensure that the Landscape Proposals can take place as detailed and to ensure the long-term successful establishment to help soften this new development within the central conservation area.

Once the amendments have been made to the landscape proposal and further details have been submitted I will be happy to recommend conditions.

Haines & Strange

Cheltenham Civic Society (20th June 2013)

We do not favour Regency pastiche in an area where it is not already an integral part of the area as we think it dilutes the impact of Cheltenham's impressive heritage of Regency buildings. We are concerned that there may be too many shops, and some of us regret that there has been no attempt to incorporate at least some aspect of the old Odeon Cinema into the design.

Architects Panel (5th July 2013)

1. Is the information sufficient to understand the application?

We viewed this application at pre application stage as part of the wider development for the former Odeon Cinema site. It is now submitted as a separate application and our comments are based on this assumption. The information provided is sufficient to understand the application.

2. Context

We had previously questioned the chosen aesthetic especially with the change to contemporary to Gloucester Road. The scheme has now been refined with the removal of one floor to Albion Street which is an improvement and Gloucester Road changed to a more regency type aesthetic. This then ties in much better with the retained buildings to the North of Gloucester Place and we believe the change in aesthetics to Fairview Road is quite successful.

3. Massing and Scale

The general massing and scale are acceptable but we do question the additional floor to the southern end of Gloucester Place. These buildings will be quite high against the rest of the original street. The loss of a floor from Albion Street also improves the overall proportions and aesthetic. Other things to be applauded are the general design and scale of the northern houses and the set back of the building line to provide front gardens to Gloucester Place.

4. External appearance

The overall appearance is much improved over the pre application scheme and we feel the change in aesthetic along Fairview Road is particularly successful. We do have concerns over the perceived length of the regency elevation to Albion Street and feel the scheme could respond better to the change in levels along the street and break up the perceived length of terrace. Gloucester Place and Fairview Road are then acceptable, assuming Gloucester Place could be limited to 3 storeys? However, our main concerns come from the internal elevations which are very poor. There are a number of elements we find unacceptable including the top floor projecting bays to the rear of Gloucester Place but generally they do not appear to have the level of thought of the principal elevations. This needs real consideration as the central courtyard will be the principal access for many residents.

5. Detailing and Materials

Assuming the regency aesthetic is deemed suitable the rendered finish is suitable. The detailing to the principal elevations is moving in the right direction but should be defined in more detail either by supplemental drawings or a planning condition. The internal elevations need working up with the robustness and level of thought the principal elevations have received. Issues such as the staircase to the East of Albion Place also still do not appear to have been resolved which leaves questions in our minds about the rest of the detailing?

6. Environmental design

No apparent consideration towards sustainable design.

7. Summary

The principle of the development is acceptable but we question the overall aesthetic style. However if it is the preferred route the internal elevations need a complete rethink to make them acceptable as a design.

8. Recommendation

Refuse.

Environmental Health (30th May 2013)

I have reviewed the two applications for these sites, which form one redevelopment proposal, and offer the following recommended conditions in respect of both applications:

Condition 1:

A plan for the control of noise, dust and other nuisances from the site(s) shall be submitted to the Local Planning Authority for approval before such works commence.

Reason: To control loss of amenity affecting nearby properties due to noise, dust etc.

Condition 2:

The retail premises proposed on Albion Street in application 13/00827/OUT shall be limited to A1/2 use only.

Reason: Use for A3/4/5 purposes has potential to cause loss of amenity to residential properties constructed as part of this development, due to noise and odour from kitchen extraction plant.

Condition 3:

The applicant must provide an acoustic report to establish the levels of road traffic noise affecting residential property fronting Albion Street and Winchcombe Street. This report must then be used to identify suitable fenestration and/or ventilation to prevent and adverse effect on residents of these properties.

Reason: Residential property fronting to Albion Street and Winchcombe Street will be affected by noise from high levels of road traffic using these roads, which may lead to disruption of sleep etc.

Crime Prevention Design Advisor (19th June 2013)

In my capacity as Crime Prevention Design Advisor for Gloucestershire Constabulary I would like to comment on the planning application at the former Haines and Strange, Albion Street, Cheltenham with reference number 13/00827/OUT. I would like to draw your attention to the PDF document attached to the carrying e-mail which should be read in conjunction with the following crime generating subjects.

Crime and Disorder Act

Gloucestershire Constabulary would like to remind the planning committee of their obligations under the Crime and Disorder Act 1998, Section 17 and their "Duty to consider crime and disorder implications

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area."

Design and Access Statement

This application's Design and Access Statement has not mentioned any consideration for crime prevention, designing out crime techniques or site security, but further information should have been included to address the concerns listed below and any future Secured by Design application.

The Communities and Local Government (CLG) "Guidance on information requirements and validation" which describes under Paragraph 132 that "new developments should create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion. Design and access statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in Safer Places- the Planning System and Crime Prevention."

"Security and personal safety are matters that are generally taken for granted, but crime and the fear of crime has a significant impact on the way we live.

Careful design of the built environment can reduce opportunities for crime and improve feelings of safety."

Cheltenham Supplementary Planning Guidance - Security and Crime prevention

Planning Policy

Cheltenham Borough Council's Local Plan which contains Policy CP 4:

"Development will be permitted only where it would:

(c) make adequate provision for security and the prevention of crime and disorder; and
(b) not, by nature of its size, location, layout or design to give rise to crime or the significant fear of crime or endanger public safety."

Carbon Footprint of Crime

The carbon cost of crime is based on a formula created by Prof Ken Pease for converting the financial costs of crime into the energy expenditure of the emergency services and criminal justice service as they respond to criminal events. In Gloucestershire this roughly equates to 257,012 tonnes of CO₂ generated in 2012, with Cheltenham responsible for 27% a total of 65680 tonnes of CO₂. Over the past 12 months 2265 crimes occurred in Cheltenham Town Centre, generating 10666 tonnes of CO₂.

Secured by Design

Secured by Design focuses on crime prevention of homes and commercial premises; promoting the use of security standards for a wide range of applications and products. The design principles can reduce crime by 60%; create a positive community interaction; work to reduce the opportunities exploited by potential offenders; remove the various elements that contribute and encourage situational crime; and ensure the long term management and maintenance of communal areas.

To assist in achieving these security levels the door sets and windows installed in this development should comply with BS PAS 24:2012. Laminated glazing should also be used on glazed door panels, windows adjacent to doors and any additional glazing which is easily accessible to provide additional security and resilience to attack.

Permeability

The permeability of the development should offer places with well-defined routes, spaces and entrances that provide for convenient movement of residents and visitors without compromising safety or security.

Management and maintenance

"Management and maintenance needs to be part of the design and delivery process across a large scheme." (Design Council CABE Case Studies 5, 2012) The public facilities and the landscaping scheme will need to be continually managed by either the council or an external company under contract to demonstrate a level of ownership and instil community respect in an effort to preserve the finish, reduce the anti social behaviour, and create safe, friendly public spaces.

The access gates into this development should be maintained to ensure their continual operation and long-term security of the small court parking area.

Anonymity

This development needs to consider removing potential hiding places and circular route which will create anonymity for offenders, increasing the visitor's vulnerability to crime and anti social behaviour. Additionally the layout needs to consider its affects on the surrounding areas and existing issues; the new access will provide further opportunities potential hiding places and circular route which will create anonymity for offenders, increasing the visitor's vulnerability to crime and anti social behaviour.

Surveillance

Secluded and shaded areas naturally instil a fear of crime as residents anticipate the opportunities for ambush, assault or robbery; homes are also at risk as recessed doorways provide burglars with a concealed means to enter a building. These issues will be reduced

by providing each dwelling with sufficient lighting and fenestration to allow natural surveillance from high occupancy rooms.

Soft landscaping

The planting scheme and hard landscaping plan in the public areas and private gardens needs to assist with surveillance, this can be achieved by keeping the ground level plants below 1m in height, while removing epicormic growth and lower branches to a height of 2 metres. 30/5/13

Ground level planting's vertical growth should be maintained to provide natural surveillance, with any horizontal growth trimmed to ensure the footpaths remain open and parking spaces are unobstructed.

Lighting

The lighting plan should be designed to encompass an effective and efficient coverage of the development and allow for seasonal variations within the planting scheme; while preventing light pollution into the environment and any residential rooms facing this area. Dusk till dawn lighting on the front of each dwelling should compliment the overall plan, provide additional lighting to each front garden and assist in the recognition of visitors.

These provisions will remove areas of deep shadow, thereby reducing the fear of crime and addressing crime and ASB.

"We all like to feel safe, most of us would particularly like to be able to see that we are safe"

Lighting against crime - A Guide for Crime Reduction Professionals, Secured by Design 2011

Apartments

The communal entrance to each apartment block should form the first line of security by controlling and restricting access into the building; various security features should be provided before reaching the lockable individual apartments. Each apartment should be supplied with separate utility meters stored outside of the building, also provision for a safe mail drop which would not compromise the building security.

CTSA requirements for undercroft parking

The vehicular access under the Albion Street apartments should be designed to address accidental damage or a specific threat from criminal or terrorist activity, to this end the Counter Terrorism Security Advisors (CTSA) require the structure of the building should be enhanced to withstand a 100kg explosive device. (Vehicle Based Improvised Explosive Device - VBIED) 19/6/13

Shops - CCTV

To assist with the security of each shop should offer a fused spur, wiring loom and camera points to provide suitable internal and external coverage of the retail spaces.

These cameras should be positioned at a suitable height to prevent damage, abuse or tampering; and located to allow for any seasonal variations within the planting scheme and the specifications defined in the lighting plan.

Cash/ valuables handling

Each shop should have a safe and secure area; covered by CCTV and included within an intruder alarm security system dedicated to the storage of monies or other valuables left on site over night.

Out buildings and communal storage buildings

The Refuse storage should be set away from the building to prevent arson, housed in a purpose built structure that includes lockable doors or gates, appropriate security lighting, have clear signage, subject to natural surveillance from the surrounding area and easily accessible during refuse collection by the council.

The cycle store for any apartments should be housed in a purpose built structure with a BS PAS 24: 2012 external door and fitted with lighting that will provide a 15 Lux average. The cycle rack for any apartment or private dwelling should either be a Sold Secure anchor or a galvanised steel 'Sheffield Hoop' to provide a means of locking both wheels and the crossbar securely.

Footpaths

The designs of public footpaths will be influenced by the principles described in 'Manual for Street'; therefore any footpaths exceeding 1.5m wide should have vehicle mitigation designed into the entry/ exit points to restrict motor vehicles from entering, using them as a thoroughfare or as an ad hoc parking area.

"Good design will minimise the risk of ad hoc parking that might compromise designed spaces." (Guidance Note: Residential Parking - The Chartered Institution of Highways and Transportation Institute of Highway Engineers, 2012)

Boundary treatment and garden fencing

The use of long fenced alleyways between the rear gardens should be avoided as they raise serious issues in terms of safety and security. Home Office statistics and research identifies the greatest vulnerability to any development concerns the rear access footpaths as 2/3 of all burglaries are executed via the rear and sides of premises. As a result the residents will live in fear of crime and left vulnerable to any criminal event as proven through the research of Poyner, (2005); Johnson and Bowers (2009). As the problems escalate the residents will remedy the problem by retro fitting security features which in turn increases to 'fear of crime' through the area

Any rear garden access from the front of the property should be installed in line with the front façade of the dwelling, made of durable materials, lockable and where possible illuminated by the street lighting scheme. Street scenes which offer terraced properties should incorporate a gated 'ginnel' or tunnelled alleyway between plots that would provide secure access into two rear gardens. These features will encourage security, create easier movement with bins and garden waste and offer direct links with parking spaces. 4/6/13

Any internal divisions to create private garden spaces should not exceed 1.5m in height; this will provide natural surveillance from the dwellings, views across the surrounding landscape, encourage neighbour interaction and security for the car park. 25/4/13

Car parking

Any undercroft parking and garages should be designed and constructed to accommodate the average family car and allow for the increased average dimensions, failure to provide sufficient space will encourage the owners to use the garage for storage which will increase risk of burglary.

"Some schemes had garages in unusual locations such as at the rear of properties accessed via side lanes or rear access. These appeared to have a high burglary risk so should be considered very carefully."

Design Council CABE Case Studies website 2012 13/6/13

The parking area should be well lit and landscaped to encourage natural surveillance from pedestrian movement through the area and from within each dwelling, which in turn will help reduce any 'fear of crime' experienced by residents or visitors.

Specific attention should be made to where visitors are likely to park - visitors seem particularly unwilling to park in areas away from the public carriageway and will tend to park up on kerbs nearest the dwelling they are visiting. Design Council CABA Case Studies website 2012

Public Space

Creating an interesting and welcoming series of parks should meet the needs of the local community, who should be included from the off-set to ensure the long term future of these resources. Once complete these facilities should be managed by either the council, an external management company under contract or by a voluntary residents group with a vested interest in the long term future of the park.

"The level of investment in the public spaces and the quality of its management does rely on there being sufficient resources from residents and a competent organisation overseeing the scheme to maintain this quality approach."

Design Council CABA Case Studies 1, 2012 15/2/13

Forensic Marking

Personal or business property kept, stored or used within any of these buildings should be marked with a forensic property marker, identifiable and traceable through a recognised database. The use of these products should be displayed on the entrance signage, along with stickers on external windows and door.

Conclusion

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation. Please feel free to contact me should you have any queries or wish to discuss these issues further.

Trees Officer (13th June 2013)

As the same Landscape Proposal (Drawing No 1079-002-2) has been submitted for both this application and 13/00777/FUL Former Odeon Cinema, Winchcombe Street, my comments are duplicated for both application:

In respect of the demolition and construction the Tree Section has no objections but comments will be in reference to the Landscaping Proposal.

Overall this is well considered with good choices of fruit or ornamental fruit trees which will be in-keeping with the size of the gardens and shared areas within the development. However, the proposed sizes of 25-30cm girth are very large (semi-mature) and, although they will have an instant impact, are likely to struggle to establish and the maintenance for such large trees is costly and time consuming. Therefore I recommend that the largest size of 12-14cm girth be planted and to use container grown trees (the 10-12cm should also be container grown), as these are sufficient in respect of impact, but will also establish far quicker and will require the normal maintenance for newly planted trees.

The only other concern is regarding the four Quercus ilex to the front of the 6 town houses in the inner courtyard. This species of tree will become very large, cast dense shade and more than likely, will be seen as a nuisance in the future to the residents. There are many constraints to this area (low natural light levels, paved areas, near to buildings, poor soil

conditions etc) therefore I have three other suggestions for this space that I feel will be more suitable long-term:

- *Carpinus betulus Fastigiata Fran Fontaine*-this tree is suitable for very poor soil, good where space is restricted, hardy once established and will tolerate shade.
- *Acer campestre Elegant*-good for restricted spaces due to tight, upright habit and hardy once established. Good autumn colour.
- *Ginkgo biloba* (or varieties of)-hardy once established, remains relatively narrow, tolerates paved areas and is deep rooted. Good autumn colour and attractively shaped foliage.

The above information needs to be considered and the necessary amendments made to the Landscaping Proposal. Also further details are required to be submitted prior to a decision being issued:

- planting pit details, aftercare and maintenance
- service runs

Both are to ensure that the Landscape Proposals can take place as detailed and to ensure the long-term successful establishment to help soften this new development within the central conservation area.

Once the amendments have been made to the landscape proposal and further details have been submitted I will be happy to recommend conditions.

Strategic Land Use Team (25th June 2013)

These comments address the principle of proposed land uses but not the detailed design of the scheme or potential impact on nearby heritage assets.

Site and context

The site comprises 2 parcels of land: (i) the Baylis Haines and Strange site, and (ii) a parade of shops on Albion Street. The retail units, which are currently occupied, are located within the Central Shopping Area. The larger Haines and Strange parcel has been vacant for some time, with the bulk of the site being allocated for mixed use development by the 2006 Local Plan (policy PR2). The whole application site is located within the Core Commercial Area and Central Conservation Area.

The proposal involves redevelopment of the Albion Road retail parade to provide 6 new retail units with residential accommodation above. The Haines and Strange parcel would be redeveloped for an entirely residential scheme. The proposal would therefore result in no net increase in employment generating floorspace across the site.

In making a decision on this application it will be necessary therefore to carefully consider the balance between:

- the benefits of regenerating this key site in the Core Commercial Area,
- the significance of the lost opportunity to provide additional retail, leisure or other employment generating uses in a sustainable, central location, and
- the contribution of proposed housing to meeting local needs.

Regeneration in the Core Commercial Area

Local Plan policy CP1 requires that development gives priority to the use of previously developed land, while the NPPF (paragraph 111) promotes brownfield development. Policy CP1 also requires development to make the most efficient and effective use of land, while the emerging Joint Core Strategy includes a Strategic Objective (4.4) to 'maximise the efficient use of previously developed land'.

In land use terms, the proposal to replace the retail parade on Albion Street with shops with residential units above is supported. This opportunity was identified in the Council's Development Brief for Gloucester Place, Sherborne Place and Fairview Road (SPG adopted 2001). The site is located in the Central Shopping Area where retail is acceptable (policy RT1). The Local Plan also supports mixed use development (policy CP6) and higher densities of residential development (policy HS2) in the Core Commercial Area, while the NPPF recognises that residential development can play an important role in ensuring the vitality of centres (paragraph 23).

The regeneration benefits of redeveloping the vacant Haines and Strange land parcel are significant and it is recognised that the site requires remediation which will entail a financial cost to the developer and may have an impact on viability. Local Plan policy PR2 firmly establishes the principle of mixed use development on this part of the site. The Development Brief also highlights the potential for retail and leisure uses to the south of the site and the specific opportunity to extend the Albion Street commercial frontage to the corner of Gloucester Place. In designing a scheme, the applicant has combined the Haines and Strange land parcel with the Albion Street retail parade and the approach is supported due to potential benefits that are highlighted in the Development Brief. However the proposal does not take the opportunity to extend the retail frontage and also fails to provide any mix of uses in this allocated part of the site.

Based on this analysis, while it is clear that the development would regenerate brownfield land, some consideration needs to be given as to whether the scheme proposed would be the most efficient and effective use of this land.

Mixed use / employment space

Since the proposal includes only residential development on the allocated part of the site, it is necessary to consider the significance of the lost opportunity to provide additional retail, leisure or other employment generating uses in a sustainable, central location. The emerging Joint Core Strategy (Vision, 3.16) identifies provision of high quality, modern premises in the town centre as a means of addressing the ageing stock of employment sites in Cheltenham.

The Haines and Strange site has been allocated for mixed use since 2006 and has also achieved planning permission for mixed use (08/00372/FUL) that was not subsequently delivered. The NPPF (paragraph 22) states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Although there may be a prospect of the site accommodating employment use, the viability and timescale for this is unclear given the current vacancy of the site and the need for remediation.

The Development Brief (paragraph 6.3.6) suggests that the site has potential to accommodate mixed uses but states that residential should be the predominant use. The previously approved mixed use proposal incorporated 161 residential units and a relatively small element of employment generating uses comprising 296 m² B1 floorspace and 736 m² A1/A2/A3 floorspace.

The applicant's Design and Access Statement points to the fact that the Council cannot currently demonstrate a five year supply of deliverable housing sites in Cheltenham, which gives added weight to the need to provide new housing in the borough.

Finally it is noted that an associated development proposal for the nearby Odeon site incorporates further new retail provision in the area.

Considered in combination, the factors above may make the loss of a mixed use allocation acceptable in this location, taking account of the benefits of regenerating this site. Further advice should be sought from the Council's Economic Development Officer.

Housing delivery

A total of 81 residential units are proposed across the site, equating to a density of around 141 dwellings per hectare (consistent with Local Plan policy HS2). The development would therefore make a significant contribution to housing supply in the borough. The proposal includes 48 apartments and 33 houses of a mix of types and sizes. However, there are no affordable units within this mix which reflects a failure to comply with Local Plan policy HS4. Since the proposal only includes market housing, further consideration should also be given to whether the proposed mix is sufficient to meet the requirements of policy HS5 in order to promote social inclusion.

The failure to provide any affordable units across the site is a very significant consideration. Given the acute need for affordable housing in Cheltenham, a minimum of 40% should be sought (Local Plan policy HS4), which equates to 32 of the 81 dwellings proposed across the site. The applicant's Design and Access Statement highlights NPPF paragraph 173, which aims to ensure that local obligations and policy burdens, including affordable housing, do not render a scheme unviable when taking account of the normal cost of development and mitigation. It will therefore be essential in determining this application that full account is taken of an independent assessment of the viability of the scheme, including the likely cost of remediating the site. Local Plan policy HS1 states that all residential development should 'make the most efficient and effective use of the site' and it is noted that this proposal incorporates considerably fewer dwellings than the previously consented scheme and that this could have an impact on the viability proposals.

HMO Division (7th June 2013)

Some of the proposed layouts have bedrooms which fail to meet the minimum floor areas. The minimum floor area for a single bedroom is 7sqm and a double bedroom is 10.5sqm. I would advise that space standards in residential accommodation are governed by both the Housing Act 1985 and Housing Act 2004. Undersized or overcrowded premises may be subject to enforcement action.

Contaminated Land Officer (3rd June 2013)

I also want to make a comment about the lack of consideration of air quality as a material planning consideration with this application. This development site lies adjacent to a road which is currently in breach of the EU/UK air quality limit for nitrogen dioxide and as such there are no proposals within the development brief which state what mitigation will be included to prevent potential harm to future occupiers. In addition an 'air quality assessment' has not been submitted to identify the impact of the development and address current breaches of air quality caused by vehicle emissions.

It is essential that this development includes additional proposals/funds for sustainable travel (e.g. better on/off site cycling infrastructure, vehicle charging points and reduced parking) that tie in with the emerging Air Quality Action Plan and principles of sustainable transport.

In its current form I cannot recommend approval of this application.

3rd June 2013 - Contaminated Land - this application will require the addition of the full contaminated land condition as included below to ensure that the proposed further site investigation and remedial works are completed to the satisfaction of this authority;

Standard Contaminated Land Planning Condition

Unless otherwise agreed by the Local Planning Authority, development shall not commence on site until the following condition has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site

affected by the unexpected contamination until section iv) has been complied with in relation to that contamination.

i) Site characterisation

A site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report must include;

a) a survey of the extent, scale and nature of contamination

b) an assessment of the potential risks to;

- human health*
- property (including buildings, crops, livestock, pets, woodland and service lines and pipes)*
- adjoining land*
- ecological systems*
- groundwaters and surface water*
- archaeological sites and ancient monuments*

c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'

ii) Submission of a remediation scheme

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

iii) Implementation of approved remediation scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the development, other than that required to carry out remediation. Following completion of measures identified in any approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the Local Planning Authority.

iv) Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with section i) and a remediation scheme submitted in accordance with section ii). Following completion of measures identified in the approved remediation scheme, a verification report must be produced in accordance with section iii).

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.

6. PUBLICITY AND REPRESENTATIONS

Odeon

Number of letters sent	209
Total comments received	4
Number of objections	1
Number of supporting	3
General comment	0

Haines & Strange

Number of letters sent	209
Total comments received	5
Number of objections	3
Number of supporting	2
General comment	0

6.1 Letters of representation are provided in full as an attachment to this report. In summary comments relate to:

- Support the generation of this site;
- Odeon has no real architectural merit and is beyond preservation;
- Redevelopment will be a benefit to Winchcombe Street
- Object to loss of Odeon – fine example of Art Deco;
- Not convinced proposals detail enough parking;
- Further congestion along a busy Street;
- Light pollution;
- Over-looking into Tebbit Mews;
- Concerns relating to where the existing businesses will be relocated and affordability;
- Site needs regeneration;
- Great improvement to area;

7. OFFICER COMMENTS

7.1 Determining Issues

7.1.1 The planning matters for consideration in the determination of this application relate to i) the principle of the redevelopment; ii) the loss of the Odeon & any impact the development would have on the conservation area and nearby listed buildings; iii) layout & design of the proposal; iv) the provision of housing in terms of strategic supply, mix, size, type and affordable provision; v) protection of adjoining land users amenity; vi) any access and highway matters arising from the development; vii) landscaping & trees viii) any existing and potential land and air contamination; ix) viability and planning obligations; and x) any other matters .

7.1.2 As with all planning applications statute requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for this administrative area is the Cheltenham Borough Local Plan (2006) and to some extent the emerging Joint Core Strategy (JCS). The emerging JCS is currently at the early stages of the formal local plan adoption process and has not yet been through public examination therefore only very limited weight can be

accorded to this document. As such, planning policy requirements are those set out within the Local Plan (2006) and national planning guidance in the National Planning Policy Framework (NPPF) is material to the consideration of this application.

- 7.1.3** The “golden thread” running through the NPPF, for both plan-making and decision-taking, is a “presumption in favour of sustainable development”. This means “approving development proposals that accords with the development plan without delay” (NPPF 2012).

The site and its context

- 7.1.4** The whole application(s) site comprises of the former Odeon cinema site, the former Haines and Strange (Baylis) site and Albion Street shops. The site as a whole has an extensive street frontage, which forms part of Winchcombe Street, Albion Street, Gloucester Place, Fairview Road and Fishers Lane.
- 7.1.5** The site area forms a key part of the Cheltenham town centre. The Albion shops are located within the Central Shopping Area and the site as a whole lies within the Core Commercial Area and Central Conservation Area. The Odeon is a locally indexed building and is identified as a ‘positive’ building in the Central Conservation Area: Old Town Conservation Area Appraisal & Management Statement.
- 7.1.6** The Odeon cinema closed in 2006 and has been vacant since. In 2007 permission was granted for a nightclub and restaurant. Prior to this permission lapsing the time period for development was extended in 2011. This permission remains extant but has never been implemented.
- 7.1.7** Last trading as Baylis, the Haines & Strange site ceased commercial operations in 2007 and has been vacant since. Permission was granted in 2009 for a mixed use redevelopment on this site to include 161 dwellings, 296 sqm of B1 office accommodation and 736 sqm of A1, A2 & A3 accommodation. The permission was never implemented and has now lapsed.
- 7.1.8** The Albion Street Shops are fully occupied for the first time in the past decade.
- 7.1.9** Whilst marketing of both the Odeon and Haines & Strange has been undertaken in intervening years, these sites remain vacant today. Without occupancy both sites have fallen into a state of disrepair and now visually detract from the appearance of the immediate locality and town centre as a whole. The lack of activity associated with vacant sites has resulted in this area being underutilised and detracting from the viability and vitality of the wider town centre. The NPPF requires local planning authorities (LPA) to “recognise town centres as the heart of their communities and pursue policies to support their viability and vitality”.

7.2 The principle of redevelopment

- 7.2.1** A response from the strategic land use team can be found in section 4 of this report.
- 7.2.2** Notwithstanding the loss of the Odeon (a matter that will be discussed elsewhere in this report), this response clearly sets out that the redevelopment of brown field sites (previously developed land) is supported by the local plan and national guidance.
- 7.2.3** Local Plan Policy PR2 allocates the Haines & Strange site for mixed use development to “improve facilities and employment opportunities in the borough, to make best use of land in a sustainable location, and to bring about visual improvements to the town centre and conservation area”.
- 7.2.4** Historically employment has narrowly been associated with the ‘B’ use class. The definition of ‘employment’ was broadened considerably in revisions to PPS4: Planning for Sustainable

Economic Growth. This definition is supported and further expanded by the NPPF that replaced PPS4. Employment can be defined as any economic generating activity.

- 7.2.5** The proposal details a mixed residential and retail redevelopment. 195 residential units of varying type and size and 12 'start-up' retail units are proposed over the whole redevelopment area. The level of 'employment' use is therefore relatively low. The applicant contends that due to the overall viability of redeveloping this site, the borough's lack of 5-year housing land supply, and the sites planning history where a previously approved scheme accepted a low level of B1 floor space (296m²), the predominant use should be residential.
- 7.2.6** National guidance set out in the NPPF (paragraph 22) supports this view "*planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose... Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities*".
- 7.2.7** Clearly evident on a national, European and Western economy scale is the fact that our economic markets are and continue to be in a period of financial recession. This in terms of our local economy has resulted in a raft of vacant and under occupied office buildings and a struggling housing market. These facts are no small consideration to the redevelopment proposal on this site.
- 7.2.8** Furthermore, the NPPF (paragraph 70) states that planning decisions should "*ensure an integrated approach to considering the location of housing, employment uses and community facilities and services*" and "*recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity*" (paragraph 23).
- 7.2.9** Officers consider that whilst the Haines & Strange site is allocated for mixed use development these requirements are not strictly echoed in national guidance. On this point Officers are satisfied that in accordance with the NPPF, and notwithstanding the loss of the Odeon (considered below) the benefits of the proposed redevelopment, namely the regeneration of this key town centre site with a mixed use redevelopment, would act not only to enhance this site but promote and support the viability and vitality of the town centre as a whole; and make a significant contribution to housing supply and mixed communities and should be supported for that reason.

7.3 Loss of the Odeon and impact on conservation area and nearby listed buildings

- 7.3.1** The whole redevelopment site area lies within the Central Conservation Area. There are a number of listed buildings nearby along Winchcombe Street and Albion Street.
- 7.3.2** The Odeon is a locally indexed building which, for the purposes of assessment against the NPPF is an un-designated heritage asset. The Odeon is identified within the Central Conservation Area: Old Town character area appraisal and management plan as a building that makes a positive contribution to the character and appearance of the area. A conservation area, again for the purposes of assessment against the NPPF, is a designated heritage asset.
- 7.3.3** The Conservation Officer has provided a formal consultation response which forms part of section 4 of this report. In addition comments from the Cheltenham Civic Society and Architects Panel are detailed in this section.

- 7.3.4** Firstly dealing solely with the loss of the Odeon, Local Plan Policy BE11 advises that “*the demolition of, or harmful alteration of a building on the Index of Buildings of Local Importance will be resisted*”. Policy note 3 states “*in cases where the demolition on the Index is sought, applicants will be required to submit a robust statement in justification. This statement should include an independent structural survey of the building, an analysis of the repair cost and market value of the building, evidence that the building has been marketed at a realistic price which reflects the condition of the building*”.
- 7.3.5** The NPPF (paragraph 126) states that local planning authorities should “*recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance*”. This paragraph then goes on to state that planning authorities should take into account “*the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and... the desirability of new development making a positive contribution to local character and distinctiveness*”.
- 7.3.6** Paragraph 128 of the NPPF advises that local planning authorities should require applicants to provide a level of detail “*proportionate to the assets*” importance and no more than is sufficient to understand the potential impact of the proposal on their significant”.
- 7.3.7** The starting point for any application involving the loss of a heritage asset would therefore be an assessment of significance.
- 7.3.8** An ‘Architectural and Historical Appraisal’, ‘Structural Appraisal’ and ‘Planning, Design and Access Statement (incorporating a Justification Statement in relation to the Demolition)’ accompany the planning application submission on the Odeon site.
- 7.3.9** The assessment of the Odeon’s significance is contained within the ‘Architectural and Historical Appraisal’. The assessment sources available evidence from written accounts and architectural, heritage and structural expertise.
- 7.3.10** The assessment considers that “*The Odeon building, though dominant and striking in its day was never a good example of Art Deco cinema architecture, nor a particularly good example of the work of its architect William Trent. As it stands today, in a dilapidated condition and having lost its historic interior, it is considered to have very little merit either of itself or within the wider street scape or Conservation Area*”. The assessment concludes that “*there is no reason why this building should be retained... subject to the quality of any proposals for a redevelopment of the site*”.
- 7.3.11** The view of the Conservation Officer, as set out in section 4, is contrary to this. She considers that the Odeon remains as a landmark building that increases the visual richness of the town and also helps in understanding the town’s historic evolution. It is also suggested that the applicant(s) have not yet demonstrated, under Local Plan Policy BE3, that this building cannot be retained in whole or part.
- 7.3.12** The applicant has rebutted this view stating that an independent structural survey has been undertaken which demonstrates that “*the retention of either the façade or the ‘front section’ of the property would not be structurally sound without significant, bulky and expensive engineering solutions which are difficult to install due to the confined nature of the site*” (Structural Appraisal Report, Dec 2012).
- 7.3.13** Local Plan Policy BE3 states that “the demolition or substantial demolition of buildings or other significant structures in conservation areas will not be permitted, unless a) they make no positive contribution to the special character or appearance of the area; or, b) the retention of the building is structurally and financially impractical (taking into account all sources of financial, including associated development); or c) there is an essential need in the town for development which cannot be accommodated satisfactorily by a different form of development or in a different location; or d) the demolition serves to preserve or enhance

the character or appearance of the conservation area, taking into account both the history and appearance of the building to be demolished and the contribution of any new buildings”.

- 7.3.14** Taking a pragmatic approach with the information available, we know that the NPPF requires LPA’s to request a proportionate level of information dependant on the significance of the heritage asset. The Odeon is a locally indexed building that forms part of a wider Central Conservation Area in which it is identified as a positive building. The submitted level of detail - structural survey, historical significance assessment and financial viability can be reasonably considered a “proportionate “level of information. In this respect, the submission is compliant with the requirements of para 128 of the NPPF.
- 7.3.15** The concerns expressed by the Conservation Officer specifically relate to this information (structural survey and historic significance assessment) being *“flawed and in some respects seriously flawed”*. The applicant has been asked to comment on this response and Officers are awaiting this information; members will be updated on this point. What the conservation response does not do as successfully is articulate the merits of the Odeon building itself other than state that “it is a positive landmark building with architectural qualities which contribute to the character and appearance of the conservation area” as well as the comments set out at 7.3.11 above.
- 7.3.16** In light of the conflicting views being advocated by both the applicant and the Conservation Team, Officers have looked to the NPPF for some assistance in how to progress the application. It is quite apparent that the Conservation Officer considers that the proposed demolition of the Odeon (a non-designated heritage asset) would be harmful to the conservation area (a designated heritage asset) and this is a view that is understood by the wider planning team. When considering harm to a conservation area however, the NPPF provides quite a clear approach, and an approach which local plan policy BE3 and BE11 are not entirely consistent with.
- 7.3.17** Paragraph 133 of the NPPF states that *“where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”*.
- 7.3.18** Paragraph 134 of the NPPF states *“where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against public benefits of the proposal, including securing its optimum viable use”*.
- 7.3.19** The question that therefore has to be asked is would the loss of the Odeon lead to substantial or less than substantial harm to the conservation area (the designated heritage asset)? The answer to this question directly influences how this aspect of the applications should be considered.
- 7.3.20** The Odeon has been vacant for the past 7 years. The building has been marketed during this period and benefited from a permission that has never been implemented. The lack of occupation and activity has naturally led to the deterioration of this buildings fabric and appearance. The openings on the front elevation are boarded up, fly posters are stuck to the façade and the facing tiles and entrance canopy are in a pitiful state of repair. There is no doubt due to its size and massing this building is striking, and this is firmly acknowledged in the Conservation Officer report, but at present it certainly does not make a positive contribution to the character and appearance of the wider conservation area. Officers are aware of the NPPF advice that the deteriorated state of a heritage asset should not be taken into account in any decision, but there is no evidence to suggest that the current state of the building is through “deliberate neglect or damage” (NPPF para 130) and therefore should be a material consideration in the determination of this application.

- 7.3.21** In light of the above, and with regard to the Conservation Officer comments, whatever way Officers consider the proposal, the demolition of the Odeon would not constitute *substantial harm to or total loss of significance of a designated heritage asset*. Its loss would certainly be regrettable and it would represent a significant change to the appearance to the conservation area. But, when forming a balanced and objective view on the loss of the Odeon, it is important to be mindful that the building is not listed; in this respect it is a non-designated heritage asset and its loss *cannot* constitute the substantial harm envisaged by the NPPF. If the harm is not substantial harm, it therefore follows that it is less than substantial harm which should be weighed against the public benefits of the application.
- 7.3.22** The NPPF advises that it is “*desirable to sustain or enhance heritage assets and put them to viable uses. Otherwise local planning authorities should consider new development that would make a positive contribution to sustainable communities and to the significance of the heritage asset*” which, in this case is the conservation area. The fundamental question in terms of weighing the proposal against public benefit is therefore would the redevelopment proposal promote and support sustainable communities and make a positive contribution to the character and appearance of the conservation area? (The former of which this report has already established - the redevelopment of the application(s) site area would regenerate this key town centre site making a positive contribution to the viability and vitality of the town centre as a whole).
- 7.3.23** The outstanding matter is therefore would the proposal represent an enhancement to the character and appearance of the locality? This matter is addressed in the following section.
- 7.3.24** Now turning to the Haines & Strange site, Conservation comments are awaited in respect of the demolition of the existing utilitarian buildings on this part of the site and any impact the redevelopment would have on the conservation area. For this reason, Conservation consultation comments shall form an update to this report.

7.4 Design and layout

- 7.4.1** The application is supported by a detailed analysis of the site and its surroundings and is based on a mock regency approach.
- 7.4.2** The NPPF states that “*design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally*” (paragraph 59).
- 7.4.3** The NPPF then goes on to say that “*planning policy and decision should not attempt to impose architectural styles or particular tastes... it is, however, proper to seek and promote or reinforce local distinctiveness*”.
- 7.4.4** Officers are currently in on-going negotiations with the applicant so it would be premature to provide detailed comments at this stage. These comments will form an update to this report.

7.5 Housing

- 7.5.1** Officer comment will be provided in the form of an update when the results of the viability assessment are known and revised drawing/ documentation considered.

7.6 Protection of neighbouring amenity

- 7.6.1** The impact on adjoining land users/occupies may change with the submission of revised drawing therefore Officers consider it prudent to deal with this matter in full as an update to Members.

7.7 Access and highway issues

7.7.1 Officers await a formal consultation response from Gloucestershire Highways – Planning Liaison. Officers are aware that the applicant(s) are working together with Gloucestershire Highways and a formal consultation response is imminent. This response shall form an update to this report prior to Committee.

7.8 Landscaping & trees

7.8.1 Landscaping details have been provided in full on the Odeon application and in an indicative form on the outline Haines & Strange application.

7.8.2 The Tree Officer has formally responded to the application(s) in section 4 of the report.

7.8.3 The Tree Officer is broadly satisfied with the proposals and has made some suggestions in terms of species relative to specific locations. These suggestions have been reviewed by the applicant who has responded with the submission of a revised landscaping scheme. This revised scheme has been forwarded to the Tree Officer for further comment. These comments, once received, shall form an update to this report.

7.8.4 A response is awaited from the Landscape Officer and shall form an update to this report prior to Committee.

7.9 Contamination

7.9.1 The 'Planning, Design & Access Statement' states that the "application site is polluted and the buildings contain deleterious materials". An 'Asbestos Survey' was submitted to accompany the application along with a "Land Quality Assessment".

7.9.2 The Contaminated Land Officer has been formally consulted on the proposal and the response is detailed in section 4 of this report.

7.9.3 Following receipt of this response the applicant(s) have been request to submit additional information on 'air quality' as outlined in the Contaminated Land Officers comments.

7.9.4 This additional information and a revised consultation response commenting on this information shall be provided to Members in the form of an update to this report.

7.9.5 In terms of land contamination the Contaminated Land Officer is content with the level of information received and suggests conditions to monitor and secure the necessary improvements.

7.9.6 Notwithstanding the lack of air quality information, Officers consider that the 'cleaning-up' of the site through the removal of any land pollution and harmful materials such as asbestos would be an environmental benefit that accords with sustainable development principles.

7.10 Viability and planning obligations

7.10.1 Comments to follow as an update when outcome of independent viability assessment is known.

7.11 Other considerations

7.11.1 To follow

8. CONCLUSION AND RECOMMENDATION

8.1 To follow

9. CONDITIONS / INFORMATIVES / REFUSAL REASONS

9.1 To follow