

<b>APPLICATION NO: 13/00777/FUL &amp; CAC and 13/00827/OUT &amp; CAC</b>		<b>OFFICER: Mrs Wendy Hopkins</b>
<b>DATE REGISTERED:</b> 13/00777/FUL&CAC 16th May 2013 13/00827/OUT&CAC 24 <sup>th</sup> May 2013		<b>DATE OF EXPIRY:</b> 13/00777/FUL&CAC 15th August 2013 13/00827/OUT&CAC 23 <sup>rd</sup> August 2013
<b>WARD:</b> All Saints		<b>PARISH:</b> None
<b>APPLICANT:</b>	Meaujo (766) Ltd & Leckhampton Estates (2012) Ltd	
<b>AGENT:</b>	Simon Firkins	
<b>LOCATION:</b>	Former Odeon Cinema (Winchcombe Street) and Haines & Strange (Albion Street, Gloucester Place, Fairview Road, Fishers Lane), Cheltenham	
<b>PROPOSAL:</b>	<p><b>13/00777/FUL&amp;CAC</b> 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><b>13/00827/OUT&amp;CAC</b> 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>	

## Update to Officer Report

### 1. OFFICER COMMENTS

#### 1.1. Planning obligations and financial viability

- 1.1.1. Local Plan Policy HS4 requires that *“in residential developments of 15 or more dwellings or residential sites of 0.5 hectare or greater a minimum of 40% of the total dwellings proposed (note 1) will be sought for the provision of affordable housing”*. Note 2 goes on to state *“this proportion may vary to take account of the exceptional circumstances relating to a site”*.
- 1.1.2. Paragraph 173 of the NPPF states that *“pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the cost of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be delivered”*.
- 1.1.3. In light of Policy HS4 and the advice set out within the NPPF, where proposals can demonstrate exceptional circumstance or the deliverability of the site is threatened through the level of contributions sought, it is accepted that these matters can outweigh, in whole or part, the requirement of planning obligations.

- 1.1.4. A confidential viability assessment has been submitted to accompany the Haines & Strange application and following officer request, an addendum to this submission detailing the viability of the Odeon, was received by the LPA.
- 1.1.5. The applicant contends that should a policy compliant level of obligation be sought on these applications then the redevelopment would be unviable and therefore undeliverable.
- 1.1.6. For clarity, the contributions relevant to this proposal would be 40% affordable housing and education, library and play space contributions.
- 1.1.7. An independent review of the viability assessment submitted by the application has been undertaken by the District Valuation Service (DVS). The DVS is the property arm of the Valuation Office Agency (VOA) and provides professional property advice across the public sector.
- 1.1.8. On Officers instruction, the DVS have reviewed the viability assessment submitted using 2 scenarios. The first uses the current market value of the site(s) as a development cost and then the second, the actual purchase price of the site(s) as a development cost.
- 1.1.9. The DVS have confirmed in writing that in the case of scenario 1: '*current market value*' should the LPA seek to secure a policy compliant level of contributions (detailed above in para. 1.1.6.) the redevelopment **would be viable**.
- 1.1.10. In respect of scenario 2 '*purchase price*' the DVS have concluded that should a policy compliant level of obligations be sought by the LPA (detailed above in para.1.1.6.) this would render the redevelopment scheme **unviable** (and therefore undeliverable).
- 1.1.11. The market and purchase site values are substantially different. The current market value of the site is 50% lower than the agreed purchase price of the site(s) which obviously affects the viability of the scheme. For this reason, the assessment has not resulted in any margin to seek a partial contribution to relevant obligations.
- 1.1.12. Whilst it is extremely disappointing that a zero level of contribution would result from this redevelopment Officers advise Members that when considering the financial viability of this site(s) the second scenario reflecting a more '*realistic*' approach is appropriate. This matter has been investigated further by the Council's legal advisors and case law is support of this approach. With the Governments agenda for growth in mind and a strong emphasis placed on sustainable development and the deliverability of viable sites this approach accords with guidance set out within the NPPF. For that reason Officers consider, the purchase price is an acceptable basis for the review of this assessment, and on this basis the proposals would be unviable.
- 1.1.13. Furthermore, and specifically in respect of Local Plan Policy HS4 Officers consider that this redevelopment does bring with it significant benefits which could be regards as exceptional circumstances that are unique to this site(s). These are i) the redevelopment of a key town centre site that has been vacant and neglected for a considerable number of years; it is a corporate ambition to see this site redeveloped and as such has been promoted through the Cheltenham Development Task Force; ii) delivery of housing against the 5-year housing land supply (of which we currently have a shortfall); iii) provide an up-lift in terms of urban design quality to this part of the town centre especially Albion Street and iv) the contribution of additional retail units enhancing vitality within the central shopping area.

1.1.14. To summarise, officers recognise the importance of local plan policy HS4 and do stress that the provision of affordable housing is something that is taken extremely seriously by this Authority. Having given significant consideration to the matter of viability though, including references to recent case law, it is apparent that using the purchase price of the land is an appropriate way to proceed regarding the viability of the development proposals. In light of this, and as concluded by the DVS, such an approach does make a policy compliant scheme unviable, to the extent that there is also no room for negotiation (i.e to secure a lower provision of affordable housing).

1.1.15. What members therefore need to consider is whether, in light of the findings of the viability assessment, the redevelopment of the application site does constitute the exceptional circumstances as envisaged by local plan policy. The benefits that the redevelopment will bring have already been set out above and officers advise that in this instance, these do constitute exceptional circumstances, particularly in light of the guidance set out within the NPPF. It is for this reason that officers are supporting a scheme with no affordable housing.

## 1.2. **English Heritage**

1.2.1. At the time of writing this report the consultation response from English Heritage is awaited. English Heritage is a statutory consultee for proposed demolition in a conservation area where the building(s) and/ or site is over a certain volume or area.

## 1.3. **Economic Development**

1.3.1. Formal consultee comments have been received from the Economic Development Officer which are reproduced below:

*Overall in support of the proposed development, however the following concerns need to be taken in to consideration;*

*i) The existing traders are consulted with during each phase of the development to allow for contingency planning.*

*ii) As I understand the 8 businesses located on Albion Street have been offered first refusal on proposed retail units, in respect of this I have concern over the size of the proposed units as two of the existing shops require two floors or two rooms in order to trade effectively. There are no two story offerings, so would like to see alternative solutions.*

*iii) I also have concern regarding the potential re housing of businesses into suitable temporary accommodation whilst the development takes place. Not only in relation to a change of location (a couple of the businesses have been trading on Albion Street in excess of 30 years) which will require extensive marketing, but also in terms of affordability of potential rent increases.*

*iv) Implications of retail premises being in close proximity to residential dwellings, potential impacts from business delivery times, delivery vehicles, potential noise disruption, trading hours, etc. Businesses need to be able to trade effectively.*

*v) Parking and access requirements for the retail units.*

vi) *Rental prices of retail units - take into consideration an opportunity to encourage small independent businesses to start, survive and grow in the town.*

#### 1.4. **Demolition of the Odeon**

- 1.4.1. Following receipt of comments from the applicant's structural surveyor which formed part of the previous update the case officer accompanied by a building control officer undertook a site inspection to assess the building and the practical requirements in pursuing the retention of the front element.
- 1.4.2. Officers are now satisfied that the building is constructed in 2 parts which, if seeking to retain the front section, would require extensive and costly works. Building control comments:

*I refer to our visit to the above premises on Wednesday 10th July.*

*At this visit it was noted that the depth of the front section of this building was significantly wider at ground and first floor than at second and third floor levels. The first floor area has a large beam supporting the upper floors and this beam is restrained by the tiered seating.*

*Removal of the auditorium and the tiered structures will significantly affect the integrity of the first floor beam and, while technically possible, the structure needed to stabilise this beam on removal of the tiered structure would be extensive.*

- 1.4.3. In light of these comments and the overall viability of the redevelopment, which is detailed in para 1.1 of this report, it is reasonable to conclude that should the retention of the front element be a planning requirement this would preclude the redevelopment of this site and the resulting loss of the Odeon should be balanced against public benefits.

#### 1.5. **Urban Design – Layout & Design**

- 1.5.1. Comments in have been received from the Urban Design Manager which are reproduced below:

##### 1.5.2. **Conclusion**

*This is an important set of sites to the north of the town centre. The current state of the Odeon and Haines and Strange sites are a cause for concern; the shops function but are unattractive. The proposal has the ability to contribute to the enhancement and regeneration of the neighbourhood and surrounding streets – including improvements to Albion Street which will also benefit from the traffic management alterations being introduced under the Cheltenham Transport Plan. The loss of the cinema is regrettable, but it should be possible for new uses to effectively contribute to the success of this part of Winchcombe Street There are some detailed concerns, but the proposal should provide a decent place to live for its residents. However, there are concerns about the “Regency” architectural style adopted – which seems more about “set-piece” place-making than repairing some of the fractured streets in which the sites sit. It is considered that this approach is contextually inappropriate, under-ambitious and that there could well be greater regeneration and enhancement benefits if a less rigid and formal approach had been taken to architectural styling.*

### 1.5.3. Context

*The sites consists of three elements – former Odeon Cinema fronting Winchcombe Street which is on the local index, a row of small shops fronting Albion Street and a former car sales and repair garage which itself occupies half an urban block, fronting Albion Street Gloucester Place, Fairview Road and, in part, Fisher Lane.*

*They sit within the Central Conservation Area on the edge of the town's commercial core, in a zone of transition between primarily commercial uses to the south and west and primarily residential uses to the north and east.*

*These are important sites for this part of the town. The shop units are let, but sit in an area marginal to the main retail focus. The former cinema and garage have both been vacant for five or six years and are now much neglected in appearance. The character of Albion Street in particular is poor (discussed below) but the presence of these two neglected sites has an additional negative impact, which is noticeable in the area.*

*The sites are set between the two elements of the ring road. The inner ring on Albion Street in the south is currently one-way (east bound) with two wide lanes. Under the Cheltenham Transport Plan (CTP) - currently out to consultation - it will become one-way (all vehicles eastbound) with bus contra-flow buses between North Street and Gloucester Place; and will become a two-way (all vehicles) between Gloucester Place and St John's Avenue.*

*The Northern Relief Road in the north on Fairview Road is two-way, single lanes broadening to filter lanes for the Winchcombe Street junction at this point.*

*Winchcombe Street is an important radial approach from the north-west of the town – and at this point links Albion Street and Fairview Road. In the context of the town's historic street plan it goes on to join the High Street. In the past it has been an important commercial street, and while it continues to perform an important function, north of Albion Street it lacks the vitality it once had.*

*Albion Street is a much degraded street. There is little quality in terms of positive street scene – little planting along its length, no public spaces, no views out. Buildings vary greatly. A listed regency terrace lies just east of the proposal site where the street layout widens and there are some historic buildings and buildings with active frontages scattered along its length. However the service yards of some of the larger High Street stores front the street and for much of its length it is a fractured street with no cohesion and the character of a neglected place.*

*Fairview Road is comparatively wide. Opposite the site is a residential development, but it has no active frontage onto the street here, where there is a high brick wall as a boundary. The character of the street is mixed and there are attractive terraces to the east, although they are faced by a builders' merchant. Immediately west of the site, across Fisher Lane, fronting Fairview Road is a recent student accommodation development rising to five storeys.*

*On the east, the sites main frontage is to Gloucester Place. Here a terrace of predominantly 2-storey modest Victorian terraces faces the site, rising to three storeys at the southern end. A residual terrace of 4 regency houses is wrapped by the site towards the north of the Gloucester Place frontage.*

*On the west, the former garage site flanks Fisher Lane and the rear of properties fronting Winchcombe Street, the former Odeon cinema among them. These are of*

*mixed quality, with some listed buildings – predominantly in some sort of retail or commercial use. The Odeon adjoins a short listed terrace and lies opposite a row of retail/commercial buildings*

### Cheltenham Transport Plan

*Although other streets surrounding the site will remain largely unaltered in terms of traffic management, the character of Albion Street is likely to alter considerably with the implementation of the CTP. There is predicted a considerable reduction in traffic flow (to between 50 and 60 percent of current levels); this is likely to improve conditions in terms traffic noise, vehicle emissions and road safety and offer an opportunity to improve the visual quality of the street – potentially avenue tree planting, pavement widening etc. These design opportunities are currently under investigation by the Townscape Team, through the work of the Cheltenham Development Task Force. There will be works at Albion Street's junctions with Winchcombe Street and Gloucester Place – the extent of which are as yet unclear - but traffic management arrangements in the two joining streets are not proposed for alteration.*

*Fairview Road carries the Northern Relief Road at this point and is heavily trafficked at peak times, when traffic volumes are predicted to increase by about 27% post-completion of the CTP, though again, there is no proposed alteration to traffic management arrangements.*

*However, the redevelopment of this site, together with the implementation of the CTP offers significant opportunities, particularly for Albion Street.*

### Extant Planning Permission

*There is an extant planning permission (08/00372/FUL) on the former garage site for residential, retail/commercial. This permission is relevant in the urban design considerations of the current application in setting a basis for consideration of some elements of the current proposals.*

*The layout is not dissimilar - fronting up to the surrounding streets; and adopting an internal built form backing-on to the rear of Winchcombe Street and fronting an internal (pedestrian) street – though the form is a series of blocks rather than a terrace. The architectural style is contemporary throughout. Buildings are proposed with active frontages - accesses on to the street on the frontage elements.*

*Permitted building heights in parts of the site are up to 5-storeys with 6 storeys on the Gloucester Place/Albion Street junction. Parking is predominantly underground.*

### Proposal

*The current proposal is for the demolition of all buildings on the site and redevelopment predominantly as residential with an element of retail wrapping the ground floor on Winchcombe Street and Albion Street. Buildings front either the main street frontages or the three internal gated courtyards (one designed as a street).*

*Buildings are predominantly 3 to 4-storeys, with some 2-storey elements and 5-storey apartment corner units on Albion Street/Gloucester Place and Fairview Road/Fisher Lane. The building style is predominantly a "Regency" based approach, with two groups (corner of Fisher Lane/Fairview Road & rear block in the Odeon site courtyard) in a contemporary style.*

### Analysis

*The main urban design issues are:*

- a) *The impact of the proposal on the area in terms of regeneration*
- b) *The impact of the proposal on the enclosing streets and neighbours.*
- c) *The ability of the proposal to make a decent place to live and work.*

### Regeneration

*The proposals seem likely to have considerable regeneration benefits – particularly in terms of revitalisation of this area and improvement of its environment.*

*The enhancement of these neglected sites will have beneficial impacts on the sites themselves; their neighbourhood; and streets which have an important function within both the town's transport network and street plan. By bringing them back into beneficial uses, consistent with the function of the area, there is a real opportunity to revitalise this quarter of the town. Coupled with the traffic management proposals in the Cheltenham Transport Plan and the potential for public realm works associated with the CTP, there are particular grounds for optimism in respect of the future of Albion Street. It seems likely that construction work will require remaking of footways around the site and in their reinstatement there may be opportunities to seek contributions to or implementation of the Council's enhancement ambitions for Albion Street as part of the CTP work.*

*The loss of the cinema building is regrettable; however, its ability to provide vitality in this part of Winchcombe Street sprang both from its built-form and from its function as an important place of entertainment for the town. The Heritage Manager will address heritage issues related to the loss of the building. In terms of function, the closure of the cinema had a negative effect on this part of Winchcombe Street, as it did on the building; it is unclear whether new uses within the existing building (or part) could begin to recapture that functional vitality.*

*Notwithstanding this uncertainty, the new uses proposed for the site should have positive impacts. The success of the retail element will be important in restoring vitality to the street; the incorporation of existing Albion Street retailers into the new retail units may help here, and the opportunity to tie retail on Albion Street into Winchcombe Street is a positive move.*

*The introduction of beneficial uses to the remainder of the sites will have positive regeneration impacts in respect of the reuse of the site and the surrounding area. Nevertheless, any positive beneficial reuse of the unattractive area would have such benefits and, as discussed below, there remains a question as to whether the benefits are sufficient or can be improved upon.*

### Impact on Neighbourhood

*The sites as a whole have a neglected appearance – in the case of the cinema and garage, the levels of neglect are a real concern which needs to be addressed. The proposals should have a positive impact on their neighbourhoods simply by addressing that sense of neglect. As previously indicated, Albion Street stands to improve significantly; providing an activate frontage along Fairview Road will also be beneficial.*

*However, whilst the use of a Regency design approach, adopted on the majority of the site, is an acceptable principle, there remains a question as to whether it is contextually the correct approach to adopt and whether it adequately addresses ambitions to raise the character of the area. The Heritage Officer gives a critique of the approach. However, the style can be considered in broader urban design context.*

*Albion Street is a fractured street in need of a lift; whilst Fairview Road and Winchcombe Street are not as degraded as Albion Street, in and around the sites*

*they lack a strong sense of cohesion; and Gloucester Place (apart from the site) is a street of modest, predominantly 2-storey terraces.*

*None of these streets could be considered “grand” in terms of their setting in the vicinity of the sites; and to the north, Fairview is a neighbourhood which is by-and-large modest in its form. There is a Regency terrace further to the east and other period buildings on the Albion Street and the other streets nearby. However, they are very much of their time and settled in their place and, in the case of the Albion Street terrace, it is located where the street broadens. The “Regency” style adopted for this proposal appears better suited to a grander set-piece setting – for example overlooking a park (indeed this approach has worked successfully at Montpellier Spa Road and Imperial Gardens); its use in Albion Street is open to question.*

*The concern is that in this location, this approach maybe overbearing and at the same time under-ambitious. Whilst the development is almost certain to improve the neighbourhood, this approach seems uninspiring, a missed opportunity and contextually inappropriate.*

*Furthermore, a more contemporary approach to style might have allowed a less rigid approach to form and layout; eased the design process; and settled the proposal in its place. Certainly where it is used on Fairview Road it sits well. The Civic Society has suggested that the “Regency” approach runs the risk of undermining the town’s heritage. This criticism considered entirely in line with the NPPF’s guidance on delivering design quality which is contextually sensitive (para 58); it is consistent with para 60’s approach which points at substantiating advice on style and reinforcing local distinctiveness.*

*The 4 or 5-storey heights achieved are challenging, particularly within the site, but need to be set within the context of the extant proposal on the Haines and Strange site. Within the site these permitted high buildings are broken into blocks, rather than a terrace as proposed here, which perhaps reduces impact, nevertheless they frequently exceed the height of those now proposed.*

*There remain some detailed areas of uncertainty in terms of impact on streets.*

*There is no open space within the site and on the garage site landscape is reserved. A landscape strategy within the site is beginning to emerge through adjustments to the layout. However, there is no street planting around the site and Albion Street in particular is a harsh environment. It would be beneficial to occupants of the proposal and the neighbourhood generally if, during reinstatement of footways etc following construction, a street tree avenue-planting could be implemented – linking with public realm work being coordinated through the Cheltenham Development Task Force.*

*The developer needs to put in train adjustments to ensure that disposal of rubbish is convenient and does not impact on street scene. Currently there are areas where the rubbish disposal for residents of flats and retailers is neither straightforward nor clear - particularly some of the flats and retail units on Albion Street. Whilst there may be sufficient quantity of bin storage space available, it is not always conveniently accessible. Design needs to be adjusted to introduce this element of convenience and help to ensure rubbish or bins are left on-street.*

*The access to flats fronting Winchcombe Street would have a more beneficial impact if it addressed the street, rather than the rear courtyard as proposed. This alternative arrangement would activate the street throughout the day and evening, introducing more passive surveillance and easing access for visitors.*



**A Decent Place to Live**

*Despite the concerns over style and the impact that this may or may not have on the area in general, the layout is beginning to work. Issues regarding access to bin storage are raised above.*

*There have been adjustments to some of the internal courtyard layouts, in particular the main linear internal street, adopting the Borough's landscape architect's advice. There is a discussion above about the need for street trees around the site.*

*This is a town centre site and some compromises in terms of "normal" suburban standards are both inevitable and, in this case, acceptable. Concerns about back-to-back distances in the centre of the site have been addressed and are satisfactory – although in order to address issues in the "Odeon" courtyard a contemporary building approach had to be adopted in order to give the flexibility of style necessary to address problems within the courtyard around lack of overlooking and loss of landscape; it also helped with issues of height.*

*Garden spaces will work appropriately and parking courtyard spaces have been improved.*

## 1.6. **Access and highway issues**

1.6.1. Following the receipt of revised drawing dated 12<sup>th</sup> July 2013 the following comments have been provided by Gloucestershire County Highway – Planning Liaison:

### 1.6.2. **Odeon**

*The proposal is a regeneration scheme, to include demolition of the former Odeon Cinema, and the erection of 14 residential units, and 6 ground floor retail units. The existing use was a cinema, and would not have generated much vehicular traffic, but would have generated significant pedestrian flows. The development is proposed to be accessed by a single, shared surface; access located on Winchcombe Street, the units will be served by a courtyard with all parking located off the courtyard.*

#### **ACCESS**

*The access is located at a point on Winchcombe Street, where visibility is reduced. As part of the consultation period, a speed survey was carried out in accordance with national guidance by a independent, traffic consultant. The recorded 85th percentile wet weather speeds were 18pmph, albeit decelerating, approaching both the proposed access location, and the signalled controlled junction, with Albion Street.*

*Using this data, this equates to a required visibility splay of 22m, as set out in Manual for Streets, Sight Stopping Distances. As part of the proposed access a dropped kerb will be required, to compliment the shared surface access, and as part of the dropped kerb, a minor realignment of the carriageway edge, will enable the 2.0 m x 22.0 m visibility splay required.*

*Forward visibility has been assessed again using the speed data, but also the tracking plots and declaration of vehicles approaching the junction, and the forward approach visibility is considered acceptable.*

#### **PARKING**

*Each residential unit has 1 on plot parking space, as outside spaces or integral garages, which is considered acceptable given the predicted levels of car*

ownership, and the sustainable location of the development. The garages have and internal widths of 2.5m x 5.6m which is acceptable.

#### REFUSE/EMERGENCY ACCESS

Refuse and recycle collection will be carried out from the kerbside, from Winchcombe Street, and I understand that CBC's term refuse collection contractor has confirmed this. The site is accessible to emergency vehicles, in accordance with national guidance, which we have confirmed with Gloucestershire Fire and Rescue Service.

#### CONSTRUCTION TRAFFIC

Given its location any demolition and construction must be properly planned and phased, if permission is granted, particular attention to this must be given. Therefore I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:-

#### CONDITIONS

1. The proposed dwellings shall not be occupied until the access from Winchcombe Street has been constructed in accordance with the approved layout, and shall be maintained available for use at all times thereafter.

REASON: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety.

2. The proposed dwellings shall not be occupied until full details of the access construction has been submitted to, and approved in writing by, the local planning authority.

REASON: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety.

3. The proposed dwellings shall not be occupied until car parking has been provided in accordance with the submitted details and that area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To ensure that adequate off-road parking is provided in the interests of highway safety.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Construction Method Statement shall be adhered to throughout the demolition and construction period. The Construction Method Statement shall provide full details of:

- i. the parking of vehicles of ALL site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel washing facilities
- v. measures to control the emission of dust and dirt during construction

REASON: In the interests of highway safety.

#### INFORMATIVE

The new access will require works in the existing footway, and vehicle crossing license from the Highway Authority, therefore before any work commences on the highway (including the footway/pavement), the Highway Authority must be contacted on 08000 514 514.

**Haines & Strange**

*The proposal is a regeneration scheme, to include demolition of the former Haines and Strange garage and showroom, with the erection of 81 residential units, (48 apartments and 33 open market houses).*

*Vehicular access will be taken via a new access from Gloucester Place, and also a secondary access provided off Fishers Lane. A total of 68 on plot car parking spaces are proposed, with some semi-basement and undercroft parking areas.*

**ACCESS**

*The main entrance and gate will be 4.8m in width with 4m radii. The gate will be set back 7.5m from the edge of Gloucester Place, enabling vehicles to wait off-road whilst the gate opens. Internally, the road will remain at 4.8m wide but with additional 1.2m strips either side in front of the parking space, which will enable drivers to enter and exit parking spaces with ease. Vehicles and pedestrians will be segregated, with footways being provided through the site, but the slow speeds within the site will enable pedestrians to cross the internal road safely.*

**PARKING**

*A total of 68 car parking spaces is proposed for the development. It is proposed to provide 37 spaces at ground level, adjacent to dwellings. In addition, basement car parking will be provided for up to 21 cars, and a second basement for another ten cars is proposed from Fishers Lane.*

*Whilst parking is not provided on a 1:1 basis, given the location, and the recent decisions at Brewery, North Place, and Sherborne Arms, (all extremely close), and the future car ownership levels for the ward, I consider the parking proposed is acceptable.*

**REFUSE/EMERGENCY ACCESS**

*Refuse and recycle collection will be carried out from the kerbside, from Gloucester Place, in refuse storage areas, and Fisher Lane, I understand that CBC's term refuse collection contractor has confirmed this. The site is accessible to emergency vehicles, in accordance with national guidance, which we have confirmed with Gloucestershire Fire and Rescue Service, and by an AutoTracking drawing.*

**CONSTRUCTION TRAFFIC**

*Given its location any demolition and construction must be properly planned and phased, if permission is granted, particular attention to this must be given.*

*Therefore I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:-*

**CONDITIONS**

*1. The proposed dwellings shall not be occupied until the accesses from Gloucester Place and Fisher Place have been constructed in accordance with the approved layout, and shall be maintained available for use at all times thereafter.*

*REASON: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety.*

*2. The proposed dwellings shall not be occupied until full construction details of the new accesses to the development has been submitted to, and approved in writing by, the local planning authority.*

*REASON: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety.*

*3. The proposed dwellings shall not be occupied until car parking has been provided in accordance with the submitted details and that area shall not thereafter be used for any purpose other than the parking of vehicles.*

*REASON: To ensure that adequate off-road parking is provided in the interests of highway safety.*

*4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Construction Method Statement shall be adhered to throughout the demolition and construction period. The Construction Method Statement shall provide full details of:*

- i. the parking of vehicles of ALL site operatives and visitors*
- ii. loading and unloading of plant and materials*
- iii. storage of plant and materials used in constructing the development*
- iv. wheel washing facilities*
- v. measures to control the emission of dust and dirt during construction*

*REASON: In the interests of highway safety.*

**INFORMATIVE**

*The new access will require works in the existing footway, and vehicle crossing license from the Highway Authority, therefore before any work commences on the highway (including the footway/pavement), the Highway Authority must be contacted on 08000 514 514.*

**1.7. Ubico – Waste Management & Refuse Storage**

- 1.7.1. Discussions resulting from the receipt of revised drawings dated 12<sup>th</sup> July 2013 remain on-going between Ubico and Officers to ensure that the location, size and operational management of refuse provision creates a satisfactorily form of development.

**1.8. Landscape & Trees**

- 1.8.1. Revised consultee comments have been received from the Landscape Architect and Tree Officer following the submission of a revised landscaping scheme. Members are reminded that landscaping on the Haines & Strange site is a reserved matter therefore although detailed comments have kindly been received from the Landscape Architect the drawings should only be considered as indicative and therefore detailed matters would be pick up at the reserve matters stage. For clarity, the Odeon is a full application and therefore landscaping should be fully considered at this stage.

**1.8.2. Landscape Architect**

**Haines & Strange**

*There are discrepancies between the planting shown on the Landscape Proposals drawing (No. 1079-002-2) and the Proposed Site Plan drawing (No. 32). The Landscape Proposals drawing should be amended to agree with the Proposed Site Plan as follows:*

- i. 4 no. trees are to be added in the planting beds in front of the 3 storey townhouses (see attached scan).*
- ii. 1 no. tree is to be added in the corner planting bed (see attached scan).*

- iii. *4 no. trees along the rear of the townhouses fronting Gloucester Place should be repositioned to match locations shown on Proposed Site Plan. As currently shown some garage entrances would be blocked.*
- iv. *Rear gardens of the 5 no. 3 storey and 6 no. 4 storey townhouses fronting into the courtyard - why are there no trees planted in these rear gardens, whereas there are trees planted in the back gardens of the townhouses on the former Odeon site?*
- v. *Rear gardens of townhouses fronting Fairview Road - there is insufficient space here for apple trees. Consider instead planting evergreen or deciduous shrubs.*
- vi. *Parking Area Accessed from Fishers Lane - remove central planting area from all plans. I think this is probably a drawing error resulting from a misplaced CAD symbol. If constructed this way, access to parking bays would be blocked.*
- vii. *Townhouses Fronting Fairview Road - drawing No. 45, Ground Floor Plan: it looks as if one of the windows overlooks a neighbouring garden (see attached scan). Should this be obscured glass?*
- viii. *Buildings Fronting Albion Street - drawing No. 33 shows the bin and cycle stores accessed from the courtyard of the former Odeon site. Will this require addressing land ownership issues?*

### **Former Odeon Cinema Site**

#### **Tree Planting**

*Back gardens of townhouses - as shown some of the trees are planted on the boundary and others in the alleyway. The symbols should be moved so that it is clear in which gardens the trees are planted (see attached scan).*

*Planting apple trees in this location should be reconsidered, as there is insufficient space to allow for growth to maturity on anything other than dwarfing rootstock. Even with dwarfing rootstock, which would limit the eventual height, the spread might still be too great for these small gardens. Limiting the height would also result in a loss of amenity greening along the boundary between the back gardens. Although it is an attractive idea to plant fruit trees in this urban location, unfortunately the space is too limited. Consider instead planting small ornamental trees e.g. Sorbus cahmiriana or Amelanchier arborea 'Robin Hill'.*

#### **Bin and Cycle Storage**

*A detail drawing is required of the bin store at the entrance to the site. Consider a green roof or a pergola with climbing plants to screen it when viewed from the adjacent apartments.*

### **1.8.3. Tree Officer**

*Following the updated information the Tree Section has no objections to this application providing that the submitted landscaping plans can be conditioned and maintained for 5 years after planting, so should they be removed, die etc within that time they have to be replaced.*

*Service runs also need to be explored to ensure the landscaping scheme can be implemented.*

### 1.9. **Applicant response to Conservation comments**

1.9.1. The applicant's heritage expert has provided a response to Conservation comments dated 28<sup>th</sup> June and 2<sup>nd</sup> July 2013. This response forms an attachment to this report.

## 2. CONCLUSION AND RECOMMENDATION

- 2.1. Officers consider the recommendation for this scheme to be finely balanced. The proposals will bring with them public benefit in terms of the redevelopment of a key town centre site, the resulting enhancement to this part of the town centre both in terms of visual and economic revitalization, and the delivery of housing against the 5-year supply. Regrettably though, the proposal is perhaps not the imaginative or innovative solution that officers have envisaged for the site. The mock-Regency approach has been met with a mixed response during consultation but officers recognise that to refuse planning permission in relation to this would be a difficult argument to sustain at appeal.
- 2.2. It is also unfortunate that the proposal does not allow for the provision of affordable housing and other contributions that would be usually expected for a scheme of this nature although this matter and the viability of the proposal has been thoroughly discussed in an earlier section of this report.
- 2.3. The fundamental question in determining the application is therefore; is the loss of the Odeon, the limited ambition within the design of development proposals and the lack of affordable housing (and education, library and playspace contributions) outweighed by the benefits that this redevelopment will bring to the town (including to the five year housing supply)?
- 2.4. After much deliberation and with guidance sought from the NPPF, Officers consider that the balance does in fact lie with the regeneration of this key town centre site. The proposals would bring about a significant up-lift to not only this site but the wider town centre and make a substantial contribution to the recognised 5-year housing land supply shortfall. Importantly, the development will act to encourage and support the local economy in uncertain times.
- 2.5. The NPPF requires applications to be determined in light of the "*presumption in favour of sustainable development*". Having considered the applications in some detail, officers are satisfied that the proposal does represent a sustainable form of development and therefore it is one that should be supported.
- 2.6. Members will note from this report there are some matters that remain outstanding. Specifically, this relates to the location, size and operational management of the refuse facilities and certain design considerations. Furthermore, the consultation response from English Heritage is outstanding. Officers are therefore recommending that members resolve to support the proposals that are before them but delegate authority back to officers to ensure that these outstanding matters are adequately resolved before the relevant planning permissions and conservation area consents are issued. These matters would of course be discussed with the Chairman and Vice Chairman before final decisions made.

## 3. CONDITIONS

- 3.1. To be finalised by Officers and agreed with Chair and Vice Chair should Members resolve to hand delegated permission to Officers.

**REVISED COMMENTS**  
**Conservation & Heritage Consultation Response**

**Application No-** 13/00777/FUL

**Site:** Odeon Cinema site, Winchcombe Street

**Further to:** pre-application site visit, pre-application meeting and application information, revised drawings submitted 12<sup>th</sup> July 2013.

**Comments:**

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

**My detailed revised comments -**

Notwithstanding my concern about the proposed total demolition of the whole of the former cinema my revised comments on the proposed replacement buildings are as follows-

1. Application Site layout –The refuse bin storage arrangements have been revised and appear to be much improved.
2. Height and mass of the town house block – the proposed architectural style of these town houses has now changed to a contemporary modern style and these town houses are now acceptable.
3. My previous critical comments about the street frontage block remain valid with the following comment about the revised rear elevation –
  - a. I have noted that the applicant has made minor revisions to the rear elevation (ie east elevation from courtyard) of the street frontage block of flats and retail units, as shown on the revised drawings submitted on 12<sup>th</sup> July 2013. These revisions are an improvement however they are very minor and do not overcome my previous critical concerns.

**CONCLUSION** – My revised 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.

**Karen Radford**  
**Conservation & Heritage Manager**

**Date – 17<sup>th</sup> July 2013**

**REVISED REVISED COMMENTS**  
**Conservation & Heritage Consultation Response**

**Application Nos-13/00777/CAC**

**Site:** Odeon Cinema site, Winchcombe Street

**Further to:** pre-application site visit, pre-application meeting and application information, revised drawings submitted on 12<sup>th</sup> July 2013, an email from Building Control Surveyor colleague dated 11<sup>th</sup> July 2013 and subsequent discussion.

**Comments:**

My revised 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-**

1. The email from Mr David Burrows (Buildings Control Surveyor) following his second site visit and our subsequent conversation confirms that –

*‘the Odeon building is constructed as a series of separate but linked structural elements, and it would be technically possible to remove the auditorium tiered seating structure whilst retaining the front section of the building, albeit requiring additional extensive structural support to stabilise the front section of building.’*

The applicant appears not to have considered a proposal scheme for retaining any portion or the former cinema, and consequently no costings have been considered for the retention of any element of the former cinema. Therefore my previous comments remain extant.

**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.

**Karen Radford**  
**Conservation & Heritage Manager**

**Date 17th July 2013**



**REVISED COMMENTS**  
**Conservation & Heritage Consultation Response**

**Application Nos-** 13/00827/CAC, 13/00827/OUT

**Site:** Haines and Strange

**Further to:** pre-application site visit and meetings, site visit and application information, revised drawings submitted on 12<sup>th</sup> July 2013, further revised drawings submitted on 17<sup>th</sup> July 2013, email from Building Control Surveyor colleague and subsequent discussion with Building Control Surveyor colleague.

**Comments:**

1. Despite revised drawings being submitted, I do still have detailed concerns about the site layout of this scheme. Some of these comments and concerns I have raised previously. Although revised drawings have been submitted the majority of my concerns remained unresolved. In addition there are extra comments and concerns. These are as follows-
  - a. Refuse bin arrangements for collection from courtyard area accessed from Gloucester Place. Confirmation is needed that the general approach is acceptable to Ubico and if the proposal is that bins will be stored to the rear of the town houses facing Gloucester Place, will collection also take place from the rear?
  - b. There is bin store shown to the rear of the flats/shops facing Albion Street. This bin store may be acceptable for the flats, but it can not be accessed by the shops, where will the shops store their refuse?
  - c. There are 3 town house apartment which face Albion Street (on the east end of the site), and the location and access of their refuse storage remains unclear.
  - d. The inner courtyard area is very tarmac and car dominated. Although the revised site plan drawings now show some planting in front of the 2 storey town houses which are located running east to west across the site; these same revised site plan drawings have reduced the area of planting and landscaped space in front of the houses which run north to south. It is possible that the reason for this reduced planting area is to allow space for the turning of a fire engine, which is of course an essential requirement, but equally important is opportunity and space for landscaping. Generally this inner courtyard space is very over developed, hard landscaped and tarmaced, and car dominated.
2. My previous comments relating to the style of architecture having relevance to the proposed relationships and size of buildings, especially the size and style of the inner courtyard buildings remain valid. The site layout read in conjunction with the proposed size and proposed architectural style of the buildings, does continue to make this a pastiche development.
3. My previous comments and suggestions in relation to the inner courtyard buildings remain, however it is noted that revisions have been made to the elevational

treatment and form of the rear (ie west elevation). Generally these are considered to be improvements although there are errors and inconsistencies which remain between proposed floor plans, and elevations. The fenestration pattern on the rear (north) elevation of the 3 storey town houses which run east to west across the site is particularly irregular, weak and unconvincing.

4. It is also noted that despite the applicant's expert on classical architecture suggesting that all the Regency style houses must have chimney stacks, the houses on Fairview Road do not have chimney stacks and this omission has failed to be rectified on the submitted revised drawings.
5. To enable the scheme to be better than a pastiche development, I have made some suggestions in my previous comments in relation to space around buildings and relationship of buildings. The revised drawings have not addressed my previous concerns in relation to these previous points.
6. I have previously suggested that a three dimensional drawing or sketch up is produced, viewed diagonally to towards the curved corner of the scheme from the other corner of Winchcombe Street (ie from the A plan insurance building). This has not been done and the visual impact of the proposed curved corner building in particular the roof of this section of building, remains of concern.
7. Generally the rear elevations are poor although I accept the rear elevation of one of the town house blocks has improved slightly with the revised drawings.
8. My previous comments related principally to the main front and side elevations and in many respects my previous comments and the applicant's expert advice have continued to be ignored. However it is noted that the mansard roof has been amended so that the dormer windows in the end unit (ie corner apartment block to Albion Street/Gloucester Place) now still sit below the mansard roof change of angle line, however the total height of the roof on this block has been increased.

**CONCLUSION** – My comments are such that whilst the re-development of this important site is welcomed in principle, I am unable to support this application for a new development of residential units and shops. It is unfortunate that this application has been somewhat rushed and the applicants failed to engage in a meaningful pre-application process. From my experience the pre-application process can be so helpful in developing a quality scheme.

**Refusal reason:**

The proposed new buildings due to the general design and proportions of the buildings, and in addition the proposed height of the town houses in the inner courtyard, 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.

**Karen Radford-  
Conservation & Heritage Manager-**

**Date – 17th July 2013**