

APPLICATION NO: 13/00813/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 21st May 2013	DATE OF EXPIRY: 16th July 2013
WARD: College	PARISH: None
APPLICANT:	Halebourne Developments Ltd
AGENT:	Mr Clive Petch
LOCATION:	Land adjacent to Eagle Tower, Montpellier Drive, Cheltenham
PROPOSAL:	Erection of three storey building to provide 5no. apartments (2no. one bed units and 3no. two bed units)

RECOMMENDATION: Permit



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1. DESCRIPTION OF PROPOSAL

- 1.1 This is a full application for the erection of a three storey building to provide 5no. apartments (2no. one bed units and 3no. two bed units) on a site within the Eagle Tower office complex.
- 1.2 The application is before planning committee at the request of Cllr Sudbury who “would like the issues around the suitability of the site to be developed as housing to be discussed at committee, as well as the design, relationship with the objector’s property – particularly the boundary – and any related amenity issues”.
- 1.3 The application was deferred from last month’s committee meeting to allow the Trees Officer’s concerns to be addressed.
- 1.4 Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints

Conservation Area
Core Commercial Area
Smoke Control Order

Relevant Planning History

08/01693/FUL

PERMIT

12th May 2009

Alterations to fourth floor and construction of new fifth floor to provide 3no. residential units together with an extension at basement level to provide car parking spaces for the new residential units, and associated works

10/01749/FUL

PERMIT

19th April 2011

Change of use and extension of existing Annexe building (Use Class B1) to provide 13no. residential apartments (Use Class C3)

12/00393/TIME

PERMIT

12th April 2012

Application to extend the time limit for implementation of planning permission ref. 08/01693/FUL for alterations to fourth floor and construction of new fifth floor to provide 3no. residential units together with an extension at basement level to provide car parking spaces for the new residential units, and associated works

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
HS 1 Housing development
RC 6 Play space in residential development
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Play space in residential development (2003)
Montpellier character area appraisal and management plan (2007)

4. CONSULTATIONS

HMO Division

3rd June 2013

I have no fundamental objection to this proposal.

Architects Panel

20th June 2013

2. Is the information sufficient to understand the application?

Yes

3. Context.

The scheme doesn't appear to make much consideration of the adjoining building uses.

4. Massing and Scale

The proposed density looks fine.

5. External Appearance.

The building doesn't have a very residential appearance and the elevations closest to the boundary are particularly poor.

6. Detailing and Materials

No comment

7. Environmental Design.

There appears to be little real consideration towards sustainable design.

8. Summary

If this site is to be developed the proposal should better relate to the site.

9. Recommendation

We would not support the application in its current form.

Cheltenham Civic Society

20th June 2013

We consider that the elevations should be simpler. The emphasis of the vertical is not right in a building of this scale.

Heritage and Conservation

3rd July 2013

1. This application site does not seem to be an obvious residential site. It does not have any merit in terms of creating a focal point or good public realm. However whilst the principle of developing the site does not enhance the character or appearance of the conservation area, neither does it harm either the character or appearance of the conservation area. Given the problem with the shortfall of housing within the

Cheltenham area, the principle of this site for residential development would appear to be difficult to resist. However please note that whilst the principle of developing the site may not harm the conservation area, it does not necessarily follow that the detailed design of a new building will automatically also not harm the conservation area.

2. Therefore I accept the principle of the development of this site for residential use, subject to the detailed design of the new building.
3. Whilst this new building will certainly affect the setting of the adjacent Edwardian house (8 and 10 Montpellier Parade), it would be difficult to argue that the impact of the new building will harm the setting of the Edwardian house with the large Eagle Tower looming over the area.
4. However I do have concerns about some aspects of the proposed detailed design. The proposed form, mass, height and proposed materials are all acceptable but the proportions of the east elevation are of concern and so is the absence of any meaningful soft landscaping proposals.
5. The proportions of the east elevation are too vertical, and this vertical effect is emphasised by the vertical proportions of each window light and the swept eaves of the roof.
6. It is recognised in Section 7 of the NPPF that the “Government places great importance to the design of the built environment. Clause 60 of the NPPF states Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”.
7. It can certainly be argued that the predominant local distinctive style in this part of Cheltenham is high quality Regency architecture, set in tree lined street and lushly planted gardens and public parks. Whilst the Eagle Tower building is the physically largest building in the town, its 1960s architecture is not predominant in the area. One of the key elements of Regency architecture is the excellent balance of vertical and horizontal elements and features which together combine to give good proportions and balanced elevations in harmony.
8. I do not object to the modern/contemporary style of the architecture, but modern architecture can be as well proportioned and as balanced as Regency architecture and unfortunately the design of the east elevation of this modern building has poor proportions and a poor setting with no landscaping of any significance. It does not promote or reinforce local distinctiveness and therefore fails to comply with clause 60 of the NPPF.
9. It also fails to comply with CP7 of the Local Plan which states that development will only be permitted where it is of a high standard of architectural design and complements and respects neighbouring development and the character of the locality.
10. It also fails to comply with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Trees Officer

9th August 2013

The Tree Section objects to this application due to the proximity of the trees on the adjacent site and the impact upon the proposed development. No information has been submitted in

relation to the trees in the neighbouring property (3 x Lawson cypress and a group of Leyland cypress) and these trees should have been taken into consideration during the design process.

There is currently an incompatibility between the layout and the adjacent trees in that the proposed end use of the space has not taken the trees into consideration i.e. the impact that the trees will have on the courtyard and the proposed single storey units, with regard to year round leaf litter and lack of sunlight and daylight as the three storey building will block morning light into the courtyard and the trees will block afternoon and evening light, which will be worse in the winter months due to the lower angle of the sun. These trees have the potential to become very large (25m+) and therefore taking all of the above into account there is likely to be considerable pressure on the owners to prune or remove by future occupants.

The following information needs to be submitted and considered by the Tree Section before a decision is issued;

- Tree Survey to BS5837:2012
- Shade analysis to BS5837:2012 - to include current and ultimate height and spread
- Arboricultural Impact Assessment to BS5837:2012 - to include species characteristics including density of foliage, leaf litter etc and how it would be likely to affect the potential land use or living conditions including the effect of the tree on daylight and sunlight. Whilst either shade or sunlight might be desirable, depending upon the potential use of the area affected the design should avoid unreasonable obstruction of light (see also shade analysis and 5.2.1 and 5.2.2 of BS5837:2012)

All of the above need to be assessed by a suitably qualified arboriculturalist.

The following comments were made following the submission of revised plans:

Architects Panel

9th August 2013

2. Is the information sufficient to understand the application?

Yes

3. Context.

The scheme doesn't appear to make much consideration of the adjoining building uses.

4. Massing and Scale

The proposed density looks fine.

5. External Appearance.

The changes to the external appearance and the incorporation of balconies appear to be an improvement although we would still like to see a higher quality design.

6. Detailing and Materials

No comment

7. Environmental Design.

There appears to be little real consideration towards sustainable design.

8. Summary

If this site is to be developed the proposal should better relate to the site.

9. Recommendation

Although the changes are an improvement we could not support the application in its current form.

Trees Officer

5th September 2013

I confirm that the Tree Section no longer has any objections (subject to condition) to the revised drawings 21307/02D and 21307/03E as this layout is now taking into consideration the impact that the adjacent trees will have on this development.

There will still be an impact from loss of light but as it is mainly to the proposed bedrooms this is considered more acceptable. The main living area now has an alternative light source to the east side of the building. Leaf litter is likely to be an on-going issue, therefore please attach the following condition to help mitigate this issue;

TRE09B - Submission of leaf guard details.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 20 neighbouring properties. In addition, two site notices were posted, and an advert published in the Gloucestershire Echo. In response to the publicity, two letters of objection have been received from the residents of no.10 Montpellier Parade.
- 5.2 The letters have been circulated in full to Members however the main objections relate to:
- Visual impact
 - Overdevelopment
 - Loss of privacy
 - Traffic/parking

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application are design and layout, impact on the conservation area, impact on neighbouring amenity, and highway safety.

6.2 The site and its context

6.2.1 The application site is a redundant storage yard/area within the Eagle Tower office complex. The 13 storey Eagle Tower and associated buildings date from the late 1960's and are not listed however the site is located within the Montpellier Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area.

6.2.2 In May 2009, planning permission was granted for alterations to the fourth floor and the construction of new fifth floor to Montpellier House, a four storey office building immediately north of the Eagle Tower. The application proposed the provision of 3no. residential units together with an extension at basement level to provide car parking spaces for the new residential units, and associated works. The time limit for the implementation of this permission was recently extended until April 2017.

6.2.3 In April 2011, planning permission was granted for a change of use and extension of the existing Annexe building to the south of the site to provide 13no. residential apartments with basement car parking; these works are nearing completion. A current application is seeking planning permission for the provision of an additional apartment within a former plant room at lower ground floor level.

6.3 Design and layout

6.3.1 Local plan policy CP7 requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect the character of the locality.

6.3.2 Following the submission of revised plans, officers consider that the design, scale and layout of the proposed apartment building are now suitable for this location. A contemporary approach has been taken with a simple palette of materials. The elevations would be through-colour render and ceramic panels, with grey powder coated aluminium windows and doors, and a dark grey single ply membrane roof covering. To ensure that the detailed design would be of a sufficiently high standard in order to provide a quality building which sits well in its context, a condition is suggested requiring additional design details to be submitted prior to the commencement of development for due consideration.

6.3.3 In response to the concerns raised by the Architects' Panel, Civic Society, and Heritage and Conservation Manager, glazed balconies have been introduced to the principal elevation to give a horizontal emphasis to the building, resulting in a more residential appearance. Such a horizontal emphasis also reflects the strong horizontal emphasis of the original annexe building which has been maintained. The Heritage and Conservation Manager has verbally confirmed that the revised drawings are now acceptable.

6.3.4 The most significant revision to the scheme has come about as a result of concerns raised by the Trees Officer. There are a number of trees in the neighbouring garden in close proximity to the site boundary which had not been adequately taken into account during the design process. As submitted, the two ground floor units had rear wings with the only outlook from the kitchen/living/dining area onto central courtyards which would have been significantly affected by year round leaf litter and a lack of sunlight and daylight. Given that the adjacent trees have the potential to become very tall, it was felt that such a layout would be likely to result in considerable pressure on the owners to prune or remove the trees by the future occupiers of the flats.

6.3.5 In an initial attempt to overcome the concerns raised by the Trees Officer the rear wings were combined to try to create a more open outlook from the living spaces onto courtyards which would be less overshadowed by the building and adjacent trees.

6.3.6 Further revisions were made however in response to an Arboricultural Report commissioned by the applicant on the advice of the Trees Officer. In the latest revised plans, the kitchen/living/dining areas have been relocated to the front of the building with outlook to the east; the rear wings would now accommodate bedrooms which open out onto the courtyards. This revised layout has successfully overcome the concerns of the Trees Officer subject to a condition requiring leaf guards being installed to the guttering and down pipes to reduce tree-related nuisance for the future occupiers.

6.3.7 The proposal is therefore considered to accord with the objectives of local plan policy CP7.

6.4 Impact on neighbouring property

6.4.1 Local plan policy CP4 advises that development will only be permitted where it would not cause harm to the amenity of adjoining land users and the locality.

6.4.2 The building has been designed with a mono-pitch roof so that its eaves height to the rear, where it faces no. 10 Montpellier Terrace, would be at the lower height of 7.4 metres. Given that this elevation would be approximately 4.5 metres from the existing boundary wall and well in excess of 21 metres from the rear elevation of no.10, with the exception of the single storey element, officers do not consider that the building would have any significant or unacceptable impact on the amenity of this neighbouring property in terms of outlook or daylight.

6.4.3 Furthermore, the windows to this rear elevation could be reasonably conditioned to be obscurely glazed to prevent any overlooking or loss of privacy given their proximity to the site boundary. It should be noted that this elevation would also be well screened by the existing trees.

6.4.4 In addition, the windows in the side elevation facing the apartment building to the south, which would have been just 13 metres from the rear windows in this neighbouring building, have been omitted.

6.4.5 Therefore, the proposal is considered to be in compliance with local plan policy CP4.

6.5 Access and highway issues

6.5.1 The application proposes five car parking spaces within the application site and this level of car parking is considered to be wholly appropriate given the highly sustainable nature of the site within this town centre location. Cycle storage would also be provided within the site.

6.5.2 Vehicular access to the site will be via the existing Eagle Tower car park, which has its entrance located on Montpellier Drive, and an exit onto Montpellier Parade.

6.5.3 Conditions are suggested requiring the car parking and cycle parking facilities to be completed prior to the first occupation of the development and to be kept available at all times to ensure that parking facilities continue to be available within the site.

6.6 Other considerations

6.6.1 As with all new residential development, provision for play space would be required to meet the requirements of local plan policy RC6. Whilst on-site play space provision is not feasible in this location, policy RC6 envisages a commuted sum in order to achieve its requirements and it is considered that this matter could be adequately dealt with by way of a condition

6.7 Conclusion and recommendation

6.7.1 In summary, the proposed apartment building is considered to be of a suitable design, scale and layout for this location, and would not result in any unacceptable harm to neighbouring amenity or highway safety.

6.7.2 The recommendation therefore is to grant planning permission subject to the following conditions:

7. SUGGESTED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing No. 21307/01B received by the Local Planning Authority on 14th August 2013 and Drawing Nos. 21307/02D and 21307/03E received on 3rd September 2013.
Reason: To ensure the development is carried out in strict accordance with the revised drawings, where they differ from those originally submitted.
- 3 Prior to the commencement of development, an annotated elevation with a detailed specification of all external materials and finishes (including all windows and external doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Prior to the commencement of development, details of the proposed balconies to include the balustrade and glazing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 5 Prior to the commencement of development, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner.
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.
- 6 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.
Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design.
- 7 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.

- 8 Prior to the commencement of development, a scheme for the storage of refuse and recycling facilities to serve the proposed dwelling(s) (including appropriate containers in accordance with adopted Supplementary Planning Document - Waste Minimisation in Development Projects) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To ensure adequate provision and availability of refuse storage and to facilitate recycling in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.
- 9 Prior to the first occupation of the development, full details of leaf guards for the guttering and down pipes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.
Reason: To reduce levels of tree-related inconvenience experienced by residents during the occupancy of the development.
- 10 Prior to the first occupation of the development, the car parking area shall be completed and marked out in accordance with the approved plan(s). The car parking area shall thereafter be retained in accordance with the approved plans and kept available for use as car parking.
Reason: To ensure adequate car parking within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 11 Prior to the first occupation of the development, the cycle parking provision shown on the approved plans shall be completed in all respects and thereafter kept free of obstruction and available for the parking of cycles only.
Reason: To ensure adequate provision and availability of cycle parking in accordance with Local Plan Policy TP6 relating to parking provision in development.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order) the upper floor windows in the rear (west facing) elevation shall be glazed with obscure glass and shall be maintained as such thereafter.
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

INFORMATIVE

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

In this instance, the authority sought revisions to include the provision of balconies to the principal elevation to secure a more residential appearance to the building, and a revised ground floor layout to overcome tree related concerns.

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