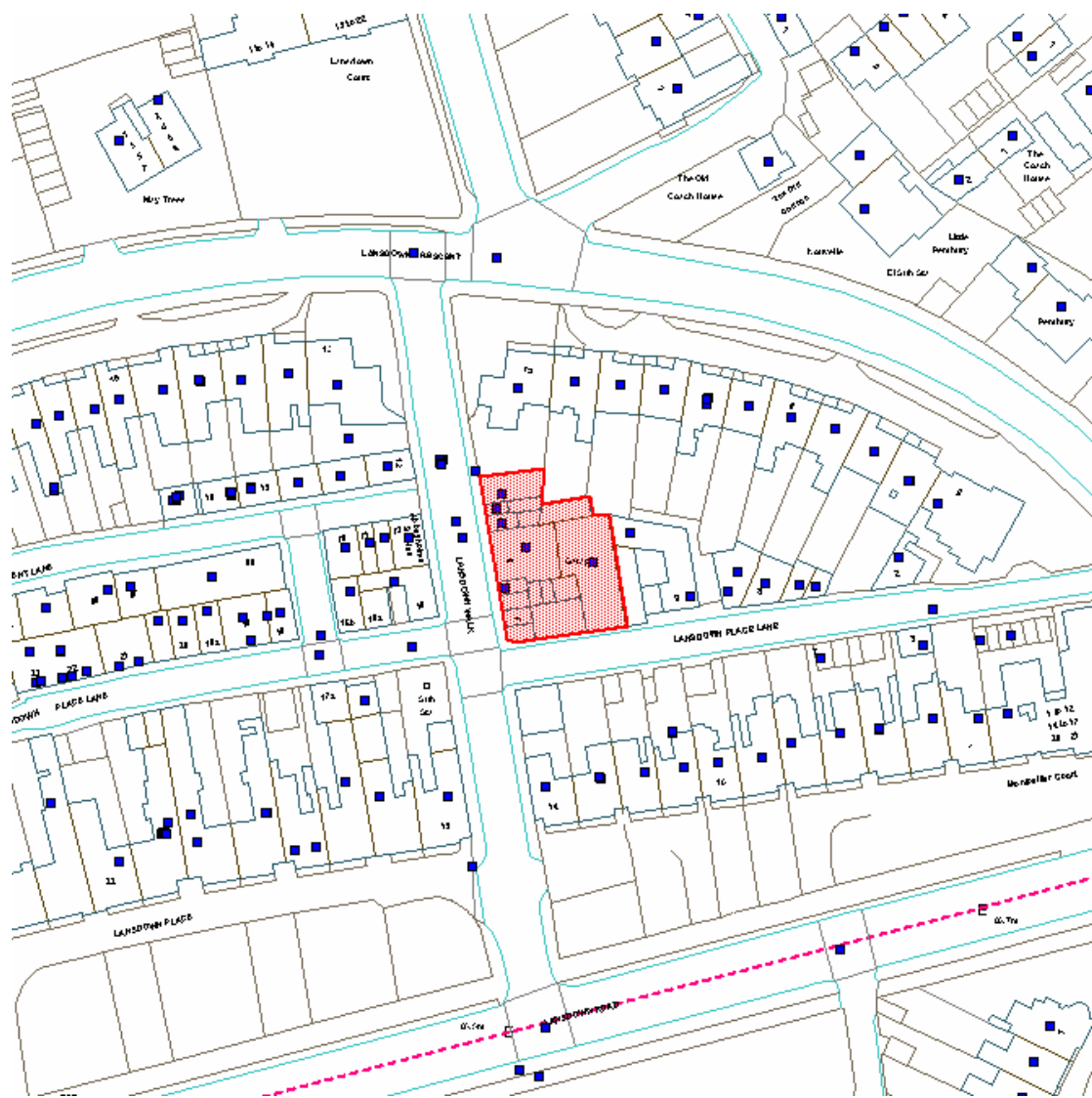


APPLICATION NO: 13/01251/FUL & CAC	OFFICER: Miss Michelle Payne
DATE REGISTERED: 30th July 2013	DATE OF EXPIRY: 24th September 2013
WARD: Lansdown	PARISH: None
APPLICANT:	William Morrison (Lansdown Walk) Ltd
AGENT:	Mr David Jones
LOCATION:	Corner of Lansdown Place Lane and Lansdown Walk, Cheltenham
PROPOSAL:	Partial demolition of dilapidated and fire damaged buildings at junction of Lansdown Place Lane and Lansdown Walk, and refurbishment and reconfiguration of retained building together with redevelopment of remainder of site to form 5no. self contained dwellings (1no. 3 bed unit and 4no. 4 bed units)

RECOMMENDATION: Recommendation at Committee



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This site map is

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application seeking planning permission and conservation area consent for the redevelopment of a prominent site on the corner of Lansdown Walk and Lansdown Place Lane for 5no. residential dwellings, following demolition of the majority of existing buildings on the site which are now generally in poor condition and in need of considerable structural repairs. The site has been the subject of extensive pre-application discussions and negotiations.
- 1.2 The application site is irregular in shape and is approximately 750 square metres in size. It is situated within the Lansdown Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area, and is located between the twin Regency grade II* listed terraces on Lansdown Crescent and Lansdown Place.
- 1.3 The site currently consists of a number of 19th century buildings, the footprints of which appear on the 1834 map and later 19th century maps, and which retain fragments of stable courts and coach houses; the existing buildings are largely two storeys in height. The Conservation and Heritage Manager has commented that *"none of these buildings appear from the historic maps to have had a particular close relationship with any individual principal listed building...and there is no evidence to suggest that the buildings are curtilage listed"*.
- 1.4 The following extract from Pevsner's original 'Buildings of England' series provides a general summary of the site:

"Lansdown Walk leads between the two halves of Lansdown Place into the mews area, where stables and coach houses were crammed between towering cliffs of brickwork. As usual in Cheltenham there was no attempt here at "design"; it is now a motley collection of workshops.

Architecturally most of the existing buildings are of low quality and are inconsistent in their style and detail".
- 1.5 The proposal would involve the demolition of all buildings on site with the exception of the building to the north of the site, which is locally indexed for being the only example of an original shop serving the mews to the Lansdown estate, and the rear boundary walls.
- 1.6 The new building is contemporary in design, with flat roofs, and would step up within the site to three storeys. One car parking space would be provided for each dwelling with adequate cycle and refuse storage space also available.
- 1.7 Revised plans have been submitted during the course of the application to show a reduction in the extent of the third storey. Additional elevation drawings and perspective sketches have also been received.

RELEVANT PLANNING HISTORY

- 1.8 Planning permission (03/01467/FUL) and conservation area consent (03/01468/CAC) were previously granted in June 2004 for the redevelopment of this site. The proposal included the conversion and partial demolition of buildings on the site together with new building works to accommodate 8no. live/work units with commercial space provided at ground floor and one and two bedroom flats on the upper floors. Three of the units would have benefited from external terraces/balconies.

- 1.9 The new buildings would have been predominantly two storeys although a three storey wing was proposed along the eastern boundary, with a frontage onto Lansdown Place Lane. The scheme proposed the partial demolition of buildings on site and replacement with replica buildings to echo the vernacular of the existing buildings and those close by.
- 1.10 This scheme however was not implemented and has since expired.

2. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
BE 3 Demolition in conservation areas
BE 4 Timing of demolition in conservation areas
BE 5 Boundary enclosures in conservation areas
BE 6 Back lanes in conservation areas
NE 4 Contaminated land
EM 2 Safeguarding of employment land
HS 1 Housing development
RC 6 Play space in residential development
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Play space in residential development (2003)
Lansdown character area appraisal and management plan (2008)
Index of buildings of Local Interest (2007)

National Guidance

National Planning Policy Framework

3. CONSULTATIONS

HMO Division

6th August 2013

Some of the proposed layouts of this development appear to have inner rooms with regard to means of escape in case of fire.

The layout of any proposed dwelling must comply with the Building Regulation requirements for means of escape in case of fire.

The applicant should be advised that inadequate, insufficient or hazardous accommodation may be subject to enforcement action under the Housing Act 2004, which can include prohibition of use.

Building Control

7th August 2013

No comment.

Contaminated Land Officer

7th August 2013

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.

Environmental Health

9th August 2013

Traditional strip foundations shouldn't be a problem. As its a confined space with houses and businesses all around I would like to see something in place to control the effects of demolition / construction on the neighbourhood. If the developer (or his agent) is averse to providing a scheme for the control of noise dust, etc...then I would propose the following conditions:

Condition 1

Hours of demolition, construction and fit-out work at the site shall be limited to 07:30-18:00 Monday-Friday, 08:00-13:00 Saturdays, with no work on Sundays or Bank Holidays.

Condition 2

Deliveries of materials to the site and collection of any waste materials will not take place outside the hours in condition 1.

Condition 3

There will be no burning of any waste on site.

Condition 4

All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

Condition 5

Dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

Condition 6

Noise from any radio or similar device used on site must be inaudible at the boundary of the nearest neighbouring property.

All conditions above are recommended to protect neighbouring properties from loss of amenity during the construction of the proposed development.

Cheltenham Civic Society

15th August 2013

We deprecate the loss of workshop space for which this area is well-suited, and for which we believe there is demand. The proposal could be out of character - and we are particularly concerned at the proposal for a third storey.

English Heritage

27th August 2013

This proposal is for the demolition of unlisted heritage assets at the junction of Lansdown Place Lane and Lansdown Walk and their redevelopment to form five dwellings. These buildings are situated within the Central Cheltenham Conservation Area and are part of the Lansdown Estate. The estate was originally designed by Papworth, and then altered and built to designs by Robert and Charles Jeppard. It consists of a number of early C19 regency villas and their associated ancillary buildings.

The buildings at the focus of this application are situated in the centre of the estate and form a group of ancillary buildings which were originally constructed as a mews of coach houses and stabling. The survival of this mews block is surprising and their architectural detailing, which links them to the regency terraces in the surrounding estate, makes them an interesting and positive addition to the Conservation Area.

Heritage significance lies in the connection between these buildings and the Grade 11* listed houses throughout the estate. While intentionally built as working buildings, they were designed as a set piece that, given their location within the estate, were detailed to reflect the architectural approach taken on the main houses. They use simple variations of regency architectural style to create a subservient yet pleasing street elevation. The buildings have undergone a number of alterations in the last century but their heritage significance lies in their survival and relationship with the Regency Grade 11* townhouses of Lansdown Crescent. While these buildings are not curtilage listed they hold heritage significance and provide a positive contribution to the Central Cheltenham Conservation Area. Their alteration will have an impact on the overall character and historic integrity of the Lansdown Estate and as such we are offering the following comments regarding this proposal.

We are pleased to see the retention of the historic façade of the building numbered Unit A on plans and that, to some extent, the original plan form of the mews development is being reinstated. We are concerned, however, to note the height and mass of the central element of the proposed development and the extent of historic fabric that will be lost through the construction of the current scheme.

The design incorporates a central block that in our opinion is too high and inappropriate for a mews block such as this. The block will be very visible from the surrounding Grade 11* listed terrace properties and be out of keeping with the subservient character of the mews block. The scheme should consider the overall impact of the size and scale of the buildings within the historic context of the mews and the wider character areas of the Lansdown Estate. A subservient character should be maintained with attention being given to the visibility and relationship with the Grade 11* listed buildings, this should include the placement of such things as roof terraces and services.

We are also aware that it is proposed to rearrange the internal divisions within Unit A. As the only building on the site to retain some of its original plan form we would suggest that a positive course of action would be to retain as much of this internal layout as possible. No information has been provided detailing the reverse elevations of this building, facing the rear of Lansdown Crescent. There is a possibility that this elevation incorporates simple architectural detailing due to the visibility from Lansdown Crescent. Due consideration should be given to the retention of any such detailing that may exist. There also seems to be some alterations to the front elevation of this building, including an addition to the string course and alterations to the window apertures. We would ask that consideration be given to the historic evidence for such alterations and whether they are an appropriate approach.

At the opposite end of the site, cornering Lansdown Place Lane, we are concerned to see the extent of historic fabric being demolished and replaced. The façade of the corner

building together with that of the two-storey pitched roofed building alongside, while much altered, retain substantial amounts of historic fabric and features which relate and reflect the architecture around the estate. It is felt that any scheme should consider the sympathetic incorporation of such fabric where possible.

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again on this application.

Heritage and Conservation

16th September 2013

1. It is noted that none of the buildings on the site are curtilage listed, and it is also noted that the application for the conservation area consent states - "the partial demolition of the dilapidated and fire damaged buildings at junction of Lansdown Place Lane and Lansdown Walk. Refurbishment and reconfiguration of retained building to form single dwelling...". Whilst this statement is welcomed, the precise extent of the retained building(s) and the extent of the proposed demolition has not been confirmed. In order to avoid any future misunderstandings, I suggest that the applicants submit a proposed demolition and retained building drawing as soon as possible.

2. However notwithstanding confirmation about the amount of demolition my detailed comments are as follows-

- a. The proposals are the result of full pre-application site meetings and discussions.
- b. Although the proposals are for a predominantly new build scheme, the new buildings do follow the footprints, building relationships and open space relationships of the historic 19th century buildings.
- c. With the exception of the building on the north corner of the site, all the other new buildings are flat roofed with a contemporary style of architecture.
- d. I am satisfied with the form, mass, proportions, materials and general design of the proposals, which are all acceptable.
- e. I recognise that the height of the development in some areas is 3 storeys and this is higher than the immediately surrounding area. However because the higher 3 storey areas are set back from the front edge of the site boundary and there are benefits which this scheme brings to the appearance of the conservation area; on balance I consider the proposed scheme is acceptable, subject to receiving a satisfactory drawing outlining the extent of the retained building.

Architects Panel

17th September 2013

1. Is the information sufficient to understand the application?

No. There appears to be no elevations to the West or North which are critical to assess the impact on the neighbouring listed buildings. We would also like to see some 3-dimensional analysis for a scheme of this nature, in a location as sensitive as this.

2. Context

The adjacent listed buildings appear to be very close but there is no way of assessing the impact of the scheme without proposed elevations and possibly some sections through the gardens?

3. Massing and Scale

It appears to present a 3-storey elevation to the rear of the listed terrace...if this is correct we would suggest the impact would be detrimental to the existing buildings?

4. External Appearance

Although attempts appear to have been made to break down the massing of the building we believe it is too large and the visual appearance is bland and uninspired.

5. Detailing and Materials

Unknown.....but the design leaves us with little confidence.

6. Environmental Design

No comments.

7. Summary

The submission appears to be lacking key elevations and as such we are uncertain how anyone can gauge the impact. This information needs to be provided before any final comments are made. However, we do agree it could be a development site but would need to be convinced that a scheme of this scale and appearance was acceptable. For this to happen the information needs to be complete and a much higher quality design provided. We also have questions over the buildability of the scheme as the internal planning appears convoluted and we question the principal access and fire escape through shared garage areas.

8. Recommendation

Refuse.

4. PUBLICITY AND REPRESENTATIONS

- 4.1 On receipt of the application, 102 letters of notification were sent out to neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. Further letters of notification were sent out on receipt of the revised plans giving an additional 14 days to comments on the revisions, and a new site notice was posted.
- 4.2 In response to the publicity, representations have been received from five local objectors which have been circulated in full to Members, together with a representation from the site owner's daughter.
- 4.3 The main objections relate to:
 - Visual impact / introduction of a third storey
 - Loss of the existing business units
 - Parking
 - Impact on neighbouring amenity
 - Setting of the adjacent grade II* listed buildings

5. OFFICER COMMENTS

5.1 Determining Issues

- 5.2 The main considerations when determining these applications relate to the principle of the redeveloping the site for residential use, design and layout, and potential impact on neighbouring amenity and the locality.

5.3 Principle of redevelopment

- 5.4 Local plan policy EM2 seeks to resist the loss of land or buildings in existing B1 – B8 employment uses with some exceptions.
- 5.5 The majority of the buildings on this site are vacant and have been for some considerable time despite the best efforts of the site owner to market the units. Whilst the site owner does not employ Commercial Agents to identify tenants, To Let boards were placed upon each of the vacant units but did not attract any interest. It is however acknowledged that one of the units is still operating within a B2 use class as a car mechanics. Therefore, strictly speaking, the application should fail on this policy unless material considerations indicate otherwise.
- 5.6 It should also be borne in mind that, as set out in the accompanying Planning Statement, the unit currently occupied by the car mechanic has an unrestricted B2 use and whilst the existing use has operated in a manner which does not cause disturbance to nearby residential occupiers, a number of uses which fall within a B2 use class would be wholly incompatible in such close proximity to neighbouring residential uses.
- 5.7 The jumbled mix and configuration of the existing buildings on site, which are largely dilapidated or fire damaged following an event last year, make the site extremely unlikely to attract future commercial users. This is compounded by the fact that following the fire damage, officers understand that the applicant is unable to secure building insurance on the site. Officers consider that the speculative redevelopment of the site for commercial purposes is also extremely doubtful.
- 5.8 Paragraph 22 of the NPPF advises 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...Where there is no reasonable prospect of a site being used for the allocated employment uses, applications for alternatives use of land or buildings should be treated on their merits”*.
- 5.9 As identified above, officers consider that the prospect of the site being redeveloped for employment purposes is remote; paragraph 22 from the NPPF is therefore particularly pertinent. Furthermore, officers are satisfied that the proposal complies with the spirit of local plan policy if not the full requirements of it; there is limited demand for the site, there is potential for environmental problems based on the unfettered B2 use that the site currently benefits from, and importantly, it would be difficult to satisfactorily redevelop the site without including the currently occupied garage.
- 5.10 Given the advice within the NPPF and the policy analysis set out above, officers consider that the principle of redeveloping the site for residential purposes is one that can be supported subject to the merits of the scheme proposed.
- 5.11 Local plan policy HS1 states that housing development will be permitted on land allocated for residential development and previously-developed land. Annex 2 of the NPPF defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land.
- 5.12 Paragraph 49 of the NPPF advises that when determining applications for housing they should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; the Council is currently unable to demonstrate a five year supply.
- 5.13 Where policies are not considered to be up-to-date, the NPPF advises that development proposals should be approved without delay unless any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework, taken as a whole.

5.14 To summarise, officers consider that on this occasion, given the poor condition of the existing buildings on site, and the lack of any realistic opportunities to redevelop the site for commercial purposes, the loss of this employment land is far outweighed by the benefits of providing new residential accommodation within this highly sustainable location, together with the benefits the proposed scheme would bring to the appearance of the conservation area. In principle, therefore, the redevelopment of the site for residential accommodation is considered to be acceptable subject to a suitable replacement building.

5.15 Design and layout

5.16 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 neighbouring development and the character of the locality.

5.17 The application proposes a contemporary design incorporating flats roofs but has been influenced by the existing built form. The buildings would have a white stucco finish to reflect the mews on the opposite side of Lansdown Walk with a stone coping detail which can be found on many of the existing mews buildings. The design has also sought to maintain a strong horizontal emphasis to the street facade, and would maintain a chamfer to the corner of Lansdown Walk and Lansdown Place Lane. The Conservation and Heritage Manager comments *“Although the proposals are for a predominantly new build scheme, the new buildings do follow the footprints, building relationships and open space relationships of the historic 19th century buildings...I am satisfied with the form, mass, proportions, materials and general design of the proposals, which are all acceptable.”*

5.18 The introduction of a third storey element has been raised as a concern by local residents, the Civic Society, the Architects’ Panel and English Heritage with the suggestion that it would be out of keeping with the subservient character of the mews block.

5.19 During the course of the application, the extent of the third storey has been reduced and is now supported by officers. Despite the introduction of a partial third storey, the proposal would maintain a subservient height and form to the grade II* listed terrace on Lansdown Crescent and this is clear from the submitted street elevations. On this point, the Conservation and Heritage Manager has commented *“I recognise that the height of the development in some areas is 3 storeys and this is higher than the immediately surrounding area. However because the higher 3 storey areas are set back from the front edge of the site boundary and there are benefits which this scheme brings to the appearance of the conservation area; on balance I consider the proposed scheme is acceptable.”*

5.20 In conclusion, the proposed redevelopment scheme is of a suitable scale, height, massing and footprint for this important corner site with the conservation area, and would maintain a subservient relationship to the grade II* listed terrace on Lansdown Crescent and sit comfortably within its context. The proposal is supported by the Conservation and Heritage Manager and it is therefore considered that the proposal is fully in accordance with the aims and objectives of policy CP7.

5.21 Impact on neighbouring amenity

5.22 Local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or locality.

5.23 The scheme has been carefully considered to ensure that the proposed building could be comfortably accommodated within the site without harm to neighbouring amenity in respect of privacy, daylight or outlook, and is it encouraging to note that despite the high

volume of neighbour notification letters sent out, objections have only been received from five local residents.

5.24 Outlook from the upper floors of the development is largely confined to the Lansdown Walk and Lansdown Place Lane. There are no windows in the north elevation facing the properties Lansdown Crescent and only limited openings in the east facing elevation. The first and second windows currently shown to the east facing elevation, together with the first floor terrace to Unit E could result in overlooking of the rear gardens serving the adjacent terrace; revised drawings are therefore anticipated to address this. It is expected that the party wall will be raised in height at first floor level, and the second floor window will be amended to have a 1.7 metre high cill. Members will be updated on receipt of the revised drawings.

5.25 Other considerations

5.26 Each of the proposed dwellings would have one off-street car parking space provided which is considered to be sufficient in this highly sustainable location with easy access to all town centre facilities and transport links.

5.27 As the application proposes new residential development, provision for play space would be required to meet the requirements of local plan policy RC6. As on-site play space provision is clearly 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.

5.28 Conclusion and recommendation

5.29 To follow in an update