



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

Thursday, 23 October 2014
6.00 pm

Membership	
Councillors:	Garth Barnes (Chair), Jacky Fletcher (Vice-Chair), Paul Baker, Andrew Chard, Matt Babbage, Diggory Seacome, Flo Clucas, Bernard Fisher, Colin Hay, Helena McCloskey, Andrew McKinlay, Klara Sudbury, Pat Thornton and Malcolm Stennett

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 1 - 14)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE-RELATED APPLICATIONS**
 - a) **14/01436/FUL 86 Cirencester Road** (Pages 15 - 272)
 - b) **14/01124/FUL 51 Leckhampton Road** (Pages 273 - 296)
 - c) **14/01281/FUL 7 St Michael's Close, Charlton Kings** (Pages 297 - 316)
 - d) **14/01398/FUL 282 London Road** (Pages 317 - 330)
 - e) **14/01448/FUL Cleeve, Church Court Cottages,
Prestbury** (Pages 331 - 340)

f) **14/01522/FUL 72 Moorend Park Road** (Pages 341 - 350)

g) **14/01649/COU Diamond Jubilee, Old Bath Road** (Pages 351 - 356)

**7. ANY OTHER ITEMS THE CHAIRMAN DETERMINES
URGENT AND REQUIRES A DECISION**

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
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Planning Committee**18th September 2014****Present:****Members (14)**

Councillors Barnes, Chair (GB); Baker (PB); Chard (AC); Clucas (FC); Fisher (BF); McCloskey (HM); McKinlay (AM); Seacome (DS); Stennett (MS); Sudbury (KS); Thornton (PT).

Substitutes: Councillor Rowena Hay (RH)
Councillor Chris Nelson (CN)
Councillor Chris Mason (CM)

Present as observers:

Councillor Adam Lillywhite (AL)
Councillor Chris Coleman (CC)

Officers

Tracey Crews, Head of Planning (TC)
Martin Chandler, Team Leader, Development Management (MC)
Emma Pickernell, Planning Officer (EP)
Cheryl Lester, Legal Officer (CL)

1. Apologies

Councillors Babbage, Fletcher and Colin Hay.

2. Declarations of interest**14/00505/FUL Avenue Lodge, Chargrove Lane**

Councillor Mason – is a member of Up Hatherley Parish Council, but is not a member of the development group and has had no input into any comments made regarding the proposal at Avenue Lodge. Has been advised by the Borough Solicitor that there is no conflict of interest here.

3. Declarations of independent site visits

- Councillor Baker has visited 21 The Avenue
- Councillor Sudbury was not on Planning View, but has visited both 21 The Avenue and Avenue Lodge on previous Planning Views when applications at those sites were being considered
- Councillor McCloskey was not on Planning View, but visited Avenue Lodge when the application was previously at committee.

Members present on Planning View: Councillors Barnes, Seacome, Stennett, Thornton, Lillywhite, Mason and Nelson.

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 21st August 2014 be approved and signed as a correct record without corrections

6. Planning applications

Application Number:	14/00505/FUL		
Location:	Avenue Lodge, Chargrove Lane, Up Hatherley		
Proposal:	Garden Landscaping		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Refuse		
Letters of Rep:	11	Update Report:	Additional representation

MJC introduced the application, which is back at Committee following deferral at the May meeting to allow for additional information to be presented to Members, essentially a hydrologist's report which would allow Members to fully understand how the pond functions and the potential impact of filling it in. Reminded Members this is an application for garden landscaping, and needs planning permission because infilling part of the pond is involved. The application was originally brought to Committee because of Parish Council objections. The recommendation remains to permit.

Public Speaking:

Mr Bacon, neighbour, in objection

Members will be aware of letters between the officer and the applicant, and that the officer's sound advice was ignored – the consultants engaged did not seek the views from any neighbouring properties. The applicant states that the hydrologist's report provides irrefutable information to prove that infilling 50% of the pond won't exacerbate the flood situation in the area, but is it irrefutable? The answer is emphatically no. There is no evidence of practical fieldwork at the pond site. At paragraph 1.7, the report makes clear that it has examined the situation from a theoretical point of view, and it has provided no real reason to go away from this approach. At paragraph 3.7, it is clear that practical work at the site has not been undertaken – the report states that core sampling would have been useful yet was not done, when it easily could have been. There are a number of contradictions in the report, where the hydrologist appears to be sitting on the fence. For example, paragraph 3.3 rules out springs, though also states that the geology of the site does not rule springs out but make them 'unlikely'; Page 1 of the report talks about infilling approximately 40% of the pond, while paragraph 5.2 refers to infilling *half* the existing pond area; this is a very significant difference in a pond with the capacity to hold 1.8 million litres. There are no recommendations on how the reduction can be achieved, how the impact can be effectively monitored, or the long-term effect of the work. The officer has laid out certain stipulations but the whole issue remains haunted with risk. Remains opposed to the application.

Mr Limbrick, applicant, in support

Reminds Members that the report states that there is no reason why this application should not be permitted. Its progress has been marred by uninformed speculation – comments which should be set aside. With all the facts at their disposal, Members should permit the application and allow the applicant to improve his garden without further delay.

Councillor Whyborn, local ward member

Like all councillors, wants to be fair to all his constituents – has been approached by the applicant and by objectors concerning this proposal. The Committee should ignore emotional comments and objections which are not made in planning terms, and also reminds Members that planning permission for landscaping of gardens is not normally needed – it is required in this case as the proposed work goes beyond normal gardening into the realms of hydrology. Neighbours have the right to be assured that the flood risk to their homes will not be increased, hence the requirement for the hydrologist's report. Neighbours have also expressed concern about the loss of amenity. Unlike the Parish Council and some residents of Up Hatherley, cannot see that this pond has high amenity value – it can't be seen from outside the garden, and was personally unaware of its existence for many years. However, we have to consider the Planning Inspector's comments in 2010, which described the site as 'highly-valued' locally, a 'tranquil green open space', a 'valuable oasis' in this suburban area, and a 'long-standing historical feature', adding that 'its essential character should be protected', and development would disturb and displace much of the wildlife (although it should be remembered that these statements were made in reference to a different application). Members have to decide whether an Inspector presented with this different proposal on the same site is likely to reach the same conclusions. A hydrologist's report has now been produced; the borough engineer's comments in the officer report are clear and have been endorsed by the hydrologist's report, although it includes an important caveat on the risk of flooding, particularly at Brambles. It states that the increase in frequency of flooding is unlikely to be significant, but provision of compensatory storage volume is recommended. Members should take the report on board but note that the compensatory storage volume is a lot less than the volume of the pond which is to be removed.

Member debate:

HM: welcomes the hydrologist's report, and is pleased that its findings suggest the Committee was right to ask for one to be done, but it has also opened a whole new set of questions. We need to know what the secondary storage solution would be and where it would be situated – a tank big enough to hold 83 cubic metres of water will be a significant feature and Members ought to have some views on where it will be sited. We know nothing about how water from the reduced pond would enter or leave the tank. It may be that a depressional tank could alter the number of trees included in the application – currently stated as 50 – but there is no further comment from the trees officer. Maybe he could suggest particular varieties of tree depending on which solution is chosen. This is a rather a vague application – like someone asking permission to build a dwelling on a site but not saying whether it will be a one-bedroomed house or a six-bedroomed executive dwelling. It is not acceptable to not know more details about the storage solution.

CN: like HM, has some nervousness about this application. On the one hand, it is clear that the applicant has made quite a few attempts to improve his property, which is to be commended. Having seen the pond, can see that what is suggested is a good idea and has something of merit to support it, but having read the hydrologist's report, with its qualitative not quantitative, theoretical not practical, approach, remains nervous about the flood risk. Notes the mitigation measures suggested in Condition 6, but how will we check the right amount of infill is installed? As mentioned in the Brambles letter, the physical size of the tank will need to be very large, and there is no indication about getting this into the ground, so how can we be sure we are getting it right? If it were a building, the building extension would be able to be seen, if not checked before it goes in – how is the size of the tank going

to be checked? Is this a practical solution or not? Has questions in his mind – can officers provide reassurance?

FC: finds paragraph 1.1 on the first page of the hydrologist's report interesting – the consultant was not asked to do an assessment of the pond as it is, but to demonstrate that partial infilling will not have a significant effect on flooding elsewhere. The report has therefore been designed to give a positive impression of what the change to the pond it likely to do. Secondly, if reading the objections correctly, the pond contains about 2 million litres of water, and would therefore wish to be completely satisfied, given what has been said, that the mitigation measures are going to do the job and not cause severe flooding of the area and the neighbours' gardens - is not convinced about this. We need a less biased report, as is obviously the current case.

PT: agrees with all the previous speakers. One of the letters of objection refers to building at Witley Lodge – a small development on the other side of Avenue Lodge – where the builders were hindered by flooding when laying the foundations, and came across a bell chamber in the ground, large enough for a man to stand up in. This should be easy enough to find, and if it is there, it shows that there must have been a problem with flooding in previous years; Witley Lodge (the original old house) was constructed in 1837. We are being told that the idea is to infill the pond with a clay soil mix. Clay holds water; it is used to line swimming pools. It fits in with the idea of holding water in a depression, but doesn't make sense to use it in this way. Last time, suggested a sunken tank to hold the excess water, but the bell chamber ought to be investigated before doing anything else at all.

MS: was concerned about this application last time and remains so. Councillor Whyborn mentioned that the Inspector's report was related to a different application which would have meant disturbing local wildlife by creating a new building. The current proposal will also disturb wildlife, so the Inspector's statements are still valid. He described the area as a 'valuable oasis', and to fill in more of the pond will disturb and displace much of the wildlife that uses it. The application should be refused on the basis of the Inspector's report, on paragraphs 109 and 123 of the NPPF, Local Policies GE2(c) with reference to paragraph 6.12, and CP4(a). The report accepts that the pond does in fact hold run-off water and surface water and that something has to be done with this at times of high rainfall. Is nervous for the bungalows at the bottom of the garden and the adverse effect the proposal would have on their amenity. There must be a way of re-landscaping the garden but keeping the pond as it is. Moves to refuse on the above grounds.

BF: last time this application was at Committee, at the suggestion of ex-Councillor Garnham, the applicant was requested to provide a hydrologist's report. He has now done this; whether Members accept it or not is up to them, but it would be foolish to ignore it altogether. A lot of objectors have complained about putting the storage tank in the ground, but there have been many applications at Committee where flood potential is mitigated by the installation of a tank to hold excess water and release it slowly – this is a SUDS scheme. The water won't be displaced; it will be held in the soil, and the percentage of water will vary with the time of year - the water from the pond won't instantly be flowing through the garden. The hydrologist's report has nailed the red herring that the pond is fed by a stream or spring – it is not. It has also suggested that there is an issue with another pond in someone else's garden; this is not the applicant's problem. Nowhere was safe from flooding in the extreme conditions of 2007 – in places there was even 4ft of water 800ft above sea level – and nothing can be completely failsafe. When the hydrologist's report was requested, Members asked who would pay for it? The applicant has paid for it, the report has been done, a tank to mitigate some of the water has been proposed as an effective way to do the job, and the pond will be filled in with absorbent material which will absorb some of the water. Does not see how we cannot approve the proposal, which only requires planning permission because of the significant amount of soil which will have to be brought onto the site. We have the hydrologist's report and cannot argue with it – Members are not hydrologists. On balance, what is proposed will do the job, but won't prevent

flooding in other gardens for other reasons. Lots of places flood for lots of reasons. It happens, and this proposal won't alter that fact. The applicant wants to landscape his garden. A significant amount of the pond will be left for wildlife. The proposal is OK to approve.

CM: has a major concern about how we get to the figure of 83 cubic metres for the loss of pond volume. Paragraph 4.3 of the hydrologist's report calculates this as half the surface area of the pond x 0.3m, but acknowledges at paragraph 3.14 that in a very heavy summer storm, the pond level could rise by 0.5m in an hour. The storage tank will have to have a capacity of 137.5 cubic metres – this is massive – where will it go? The Trees Officer's comments that tree roots cannot live in water must be taken into consideration here. Regarding the possible impact on wildlife, ponds are the natural habitat of many insects – this is where they start their life cycle – and a reduction in their habitat will have a knock-on effect on birds and other species of wildlife. Paragraph 7.1 of the officer report concludes that a reduced pond will continue to support wildlife albeit a different type of wildlife, but this could well be less than at present. Concerned about where the storage tank will go, damage to trees, and potential loss of wildlife. Wants to know how the loss of pond is will be mitigated – this should be before Members to decide, not simply included in a condition.

MJC, in response:

- the discussion so far has been very similar to the last time the application was at Committee;
- BF has summed a lot of the issues very well. Members should not lose sight of the reason for this planning application – fears that they are over-thinking the issues. The application is required essentially because of the amount of material being brought onto the site – it is an engineering operation - but ultimately the applicant is simply landscaping his garden, as we are all allowed to do; the Committee has to strike a balance;
- some Members consider that the introduction of clay soil to the site will increase the flood risk, but this is erring into the area of micro-management – a balance has to be struck, and we can only go so far with this application;
- to HM's point, officers also welcome the hydrologist's report which clarifies a number of issues and explains why the pond is there. It explores the possible consequences of the proposal with the suggestion of a storage tank or depression. This is a standard way of mitigating surface water run-off, used in SUDS schemes as mentioned by BF – developers are encouraged to introduce this kind of scheme to their sites;
- it has been established that the pond is fed by rainwater, and at times of peak rainfall, it acts as a balancing pond. A tank to mitigate the loss of capacity in the pond is an appropriate suggestion;
- the report is clear that the water table will not be affected long term, and that it will level out over time. Water will always be there; the soil which replaces the pond water will absorb it;
- to PT, clay soil does have absorbent qualities; the compacted clay used for swimming pools etc differs from the clay soil in the ground;
- the proposed storage solution is appropriate; it is not for Members to exert control over how it is done. The number of trees on the site is not relevant to the proposal and not part of the planning permission. It is the soil being brought into the site that needs planning permission;
- the suggested condition is evolved from a standard condition relating to drainage systems. The applicant is required to provide a scheme, and officers will consult with the team, building control officers, and the borough engineer to make sure it is fit for purpose;
- once it is agreed, the condition will need to be implemented as written, as with all conditions;
- to FC, it's true that the brief for a report can set the tone for what the report goes on to say, but this hydrologist's report does a good job in explaining the situation at the site, how the pond functions, and the impact of the proposed work at the site. This is what the Committee wanted. The applicant was not obliged to provide it and could have gone straight to appeal. It is helpful to have it, and it should carry a lot of weight;
- to PT on storage solutions, mitigation measures have been suggested via condition and we have to accept that this is what they are for. If the applicant wants to implement the work, he will have

to comply with the conditions; if he doesn't want to, he will either not do the work or go to appeal regarding the condition. The hydrologist's report suggests that he is happy to do the mitigation work required;

- to MS's move to refuse, some of the suggested policies were discussed at the last committee meeting and gave cause for concern;
- Policy GE2 refers to sites which make a significant environmental contribution to the town – this site does not. The policy is concerned with premier parks and gardens. When this policy has been used in relation to sites of this nature in the past, we have never had any joy at appeals; it is not relevant here;
- we talked the last time about policy CP4 – JF suggested it. If MS wants to move to refuse, CP3 would be better as it directly refers to flood risk; CP4 is about protecting the amenity of occupants;
- the two NPPF quotes are not entirely relevant; the chapter refers to the natural environment and this pond is man-made, with no public benefit;
- officers' advice to Members is that they deferred the application in May for a hydrologist's report; this has been provided and it clarifies various issues, and goes beyond regarding surface water run-off, providing a strong body of evidence to suggest that there will be no increased flood risk;
- neither the borough engineer nor the Environment Agency consider the flood risk will increase with the development. The agreement of these three professional bodies would put the council in a very difficult position at appeal;
- to CM's question about where the 83 cubic metres capacity comes from, the report at Paragraph 3.14 talks about a 500mm difference in water level, but it is important to bear in mind that this is referring to a 1/170 year flood event. National advice is to cater for a 1/100 year flood event; the hydrologist has described a worst case scenario and it would be unreasonable to expect the applicant to plan for that.

CN: without wishing to overthink things or concentrate on detail, still remains nervous. The calculations in the report show a formula which includes 300mm in the equation, yet the report elsewhere talks about the possibility of a 500mm rise in the level of the pond. Also, the photographs submitted with the Brambles letter demonstrate a difference greater than 300mm. Again, MJC has referred to a 1/100 year flood event, yet the Brambles letter suggests that it is far more frequent than this. Is nervous and concerned we should get it right. What is the correct size for the storage tank? In addition, have we talked to the enforcement team to ensure that when the tank gets into the ground, all will be as it should be?

DS: there is no mention of where the overflow tank will be situated; it would be nice to know.

MS: thanks to MJC for his comments on the suggested refusal reasons. Is prepared to add CP3, but would like to retain the other suggested refusal reasons – thinks these do have a chance at appeal, taking into account the previous Inspector's comments.

KS: regarding the risk of flooding, if the scheme is approved and flooding is worse, would CBC be liable for any type of account re. duty of care to residents, or would the professional body which produced the hydrology report be liable? It is important to know. Does not want to agree to something which could be harmful to peoples' homes; we are the guardians of the town and should not behave in a rash way. It should be remembered that three experts advised on Cox's Meadow improvements but this did not stop the town from flooding badly in 2007. Experts are not always right. Members are right to be cautious.

PB: what is Policy CP3 – has forgotten to bring his copy of the Local Plan. Can Members put in additional conditions? If so, there should perhaps be one concerning the significant amount of movement by lorries in and out of the site. Regarding the protection of wildlife and local amenity,

would suggest that the scheme could actually be used to enhance local wildlife rather than detract from it.

MJC, in response:

- to DS, where the storage depression/tank will go is not an issue at this point. In line with the suggested condition, if the proposal is permitted, this will be approved in consultation with building control and the council's drainage officer. This is standard practice with any kind of drainage condition. We would not expect to see details of where it would go, as long as it is fit for purpose and doesn't compromise protected trees;
- to MS, notes that he is happy to add CP3 to his refusal reasons, but points out that the Inspector in the previous case made no reference to GE2 and that policy was not included in the refusal reasons for the proposal to build a house over the pond. Consistency is important here; to use it now implies that the site is more important now than it was in 2010;

MS: appreciates this and is therefore prepared to withdraw GE2 as a refusal reason.

MJC, in response:

- would refer KS's comments about liability in the event of a future flood to CL;
- regarding Cox's Meadow, it didn't protect the town from flooding in 2007 – this was a 1/200 year event, and the requirement was for protection against a 1/100 year event – but it did rectify earlier failings and the 2007 floods would undoubtedly have been worse for Cheltenham without it.

CL, in response:

- KS's question came up at the last committee;
- the council is a statutory body making a decision, but this does not prevent it from being liable for a breach of duty of care;
- the claimant would have to demonstrate that the extra flooding was due to the new development, and CBC breached its duty of care, for example, if it acted against the advice of the expert consultees;
- regarding neighbour to neighbour liability, there could be a possible claim here, but again it would have to be proved that the additional flooding was caused by the new development.

MJC, in response:

- PB has now been provided with a copy of the Local Plan and understands CP3;
- his comment and suggestion about traffic movement in and out of the site is a good one, and Condition 4 regarding trees can be strengthened to include traffic to and from the site. This could be agreed through the Chair (the Vice-Chair is not present at the meeting);
- regarding biodiversity and how it can be enhanced, would suggest that this is straying beyond the Committee's remit – it is a decision for the applicant;
- Members need to concentrate on the impact of the introduction of the clay soil; the site is not being built on. Habitats will be lost, but different ones will be created. The site will remain a spacious, open and bio-diverse garden.

CN: MJC has not answered his point regarding the formula used to calculate the required size of the storage tank. He has said it needs to be fit for purpose; this must mean it has to be the right size. Is he dismissing the evidence provided in the Brambles letter, including the photographs which demonstrate a difference in the levels of the pond greater than 300mm?

MJC, in response:

- no, he isn't dismissing it. The photos show that the garden gets flooded, but experts have stated that if the proposal is approved, it won't make this situation worse. Both the hydrologist's report and the borough engineer say the water table will compensate for the loss of capacity – this is

what the water table does – and the storage tank is being introduced to mitigate for the loss of capacity in the pond in periods of very heavy rainfall. There is no reason to dispute the calculations of a professional hydrologist;

- the key thing to remember is that the proposal won't make the situation worse; the photographic evidence is not being dismissed, but officers are confident that the proposal will adequately mitigate the loss of pond capacity.

CN: MJC is misunderstanding his question. The Brambles letter of 18th September refers to more than the summer and winter levels of the lake and the difference of 300mm referred to by the hydrologist. The writer is not only concerned with flooding on his property. Are we to dismiss the evidence he has provided?

AM: MJC has stated that the reason the application has been made is due to the amount of soil and volume of groundwork needed to complete the landscaping work – nothing to do with hydrology – but there is nothing in the report about the volume of material expected to be used on the site, the number of vehicle movements required to bring it in, or the impact this might have on the traffic. Would have expected some comment from highways officers, even if simply to say there would not be a problem. Is worried about the argument around the previous deferral of the application pending a hydrologist's report to be provided by the applicant; the report cannot now be dismissed because it has been provided by the applicant. Members should either accept it or not. The lack of information was the reason why the application was deferred in the first place.

PT: following on from PB's comments, is there a wheel-washing condition?

MJC, in response:

- to CN, regarding the Brambles letter, this refers to periods of sustained wet weather. The hydrologist's report acknowledges the situation, accepts that Brambles has flooded on occasion, and talks about the reason why. The different ground levels are also a factor here, but the depression will act as a wet weather pond, a balancing pond when the existing pond spills its banks. We cannot get away from this happening, but the proposal seeks to ensure that the situation will not get any worse. The excess rainwater will be held in the tank/depression, as the pond holds it now – this is how the scheme is designed;
- the tank is necessary during periods of sustained wet weather, and will compensate for the loss of pond capacity at other times;
- to AM, it is a matter of judgement when engineering work crosses the line from being permitted development to requiring planning permission. There is no guidance based on X tons of soil; a judgement needs to be made, and the reason why it was felt planning permission should be required in this case was to do with the potential flood risk; if there was no pond on the site and the applicant wanted to bring large amounts of soil into his garden, it might not be required. Officers felt that in view of the large amounts of the soil being imported, it was right to consider the flood issue;
- regarding traffic to and from the site, it's agreed that the proposed works need permission but there was no need to consult with Highways officers on the matter – the amount of traffic resulting from the proposal will be no greater than from any other large household application. The current agreement is not to consult with Highways on applications such as this, as they do not have the resources to deal with them;
- to PT, if Members are concerned about wheel washing etc, we have in the past required a construction management scheme to be submitted, setting out how the site will be managed, where the vehicles will go in and out etc. If this would give Members comfort, it can be agreed with the Chair, but any more than this would be going beyond our remit;
- we don't have a figure for the actual amount of soil going into the site – we don't need it in order to understand the implications of the work – but Members do need to make a decision today.

GB: MS has moved to refuse, based on the Inspector’s report, NPPF paragraphs 109 and 123, and Local Plan policies CP4(a) and CP3. If this move is lost, the application will be approved with the additional conditions suggested by MJC.

Vote on MS’s move to refuse on the Inspector’s report, NPPF paragraphs 109 and 123, and Local Plan policies CP4(a) and CP3.

8 in support
6 in objection

REFUSE

Application Number:	14/01003/FUL
Location:	21 The Avenue, Charlton Kings, Cheltenham
Proposal:	Proposed two storey side extension, single storey side and rear extensions
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep: 7	Update Report: Officer comments; amended conditions; additional representation

EP introduced the application as above, which was deferred at the August meeting to allow for amendments to the single-storey side extension to be made – this was the only issue for consideration. The applicant has now removed the double gable and replaced it with a single pitch roof. Officer recommendation is to permit.

Public Speaking:

Mr Richardson, on behalf of neighbours, in objection

Represents the interests of the residents of No 20, who object to this proposal because of its impact on the character of the area and on their property. The proposal is not in keeping with SPD guidance, which states that the space between houses contributes to the character of the neighbourhood and highlights that a proposal which is too large for the site which may result in loss of light for neighbours, also stating that an extension shouldn’t dominate or detract from the original building. The proposal will reduce the space between Nos 20 and 21 at second storey level, compounded because the proposal will extend beyond No 20 to the rear. It is excessive, overbearing and will have a seriously detrimental impact on the residential amenity of No 20. In addition, the proposed windows will look directly into the garden and back door of No 20, representing an unacceptable intrusion and loss of privacy. All those who have responded have objected to the application: No 22 refers to the overbearing nature of the proposal, invading the privacy of the neighbouring property, reducing their sunlight, and removing the separation between the houses. Does not consider the proposal has an acceptable relationship to the neighbouring property, as stated in the officer report, and notes that the officer goes on to confirm that the proposal will be overbearing and result in loss of direct sunlight to No 20. The Building Research Establishment guidelines, on which the SPD is based, state that overshadowing of gardens and patios is a valid reason to refuse an application; the applicant hasn’t undertaken a BRE assessment, and the proposal should be refused, due to the overbearing nature of the two-storey extension and the resultant loss of sunlight to the neighbouring property. The SPD is only guidance and the decision rests on the facts of the case. As No 20 is over 20 years old, it has a legal Right to Light, which would be breached if this application is approved. The application should be refused, and any future applications should exclude two-storey extensions to the western side.

Mr Sperring, applicant, in support

Purchased 21 The Avenue earlier this year with the intention of making a home for his young family in the parish where he and his wife were married and where his wife grew up. The house was built in 1972 and has been little changed since then; it has three bedrooms and one bathroom, and needs an upgrade. Has revised his plans twice, following neighbour objections to the new garage on the east side of the property and on advice from planning officers who wanted the two-storey extension to be more subservient. These issues were addressed, and the case officer spoke with colleagues, and said she would recommend the new drawings for approval, as she has done. Has made major changes to the original plans to take account of concerns: removed new double garage, altered two-storey extension in a number of ways, set upstairs back from ground floor, set roofline down from the main house, removed the gable, and moved the extension back to make it subservient. Residents at Nos 20 and 22 have raised concerns about loss of light; No 22 is 20 metres away and will suffer no loss of light, and the proposal complies with the 45 degree light test with regard to No 20. The garden of No 20 is in its own shadow most of the day, and the proposed two-storey extension at No 21 will in fact cast a shadow over its own garden, not the neighbour's. Following the last planning meeting, the plans have been revised again, and the roofline which was concerning Members has been replaced with a simple hipped roofline with a small window in the side elevation. The Avenue is characterised by large individual houses, which have had the chance to develop over many years, while No 21 has remained unchanged for more than 40 years. The proposals have been redesigned in consideration of neighbours' objections, will use matching brick and materials to the front and sides, and will improve the appearance of the house in keeping with others in the road. Having compromised twice, and with the planning officer's acceptance, strongly hopes the proposal will be approved today.

Member debate:

GB: reminded Members that it was the side elevation and double room extension that caused them concern last month.

KS: feels caught between a rock and a hard place here. Appreciates that the applicant has made changes to the elevation which most concerned Members last time – the scheme looks better for it and it is not as jarring as it was before – but still feels that the two-storey extension will have an adverse impact on neighbours, and is worried that we cannot pursue this, as the applicant has done what he was asked to do to address Members' worries. There are no planning reasons to refuse the scheme, but is still concerned about its design. It is difficult for councillors – they want to give a balanced view and always hope that issues such as this can be resolved before applications come to Planning Committee. Welcomes the changes.

MS: was happy with the scheme last time, and it happy with it this time.

CN: like KS, has outstanding concerns about the west elevation. Sorting the east side was the main concern at the last meeting, but not the only concern. Both KS and PB commented on the scheme at the previous meeting, raising issues including concern about the elevations, loss of space, impact on the view, and the different impression it will give to that side of The Avenue. Several issues of concern at the last meeting have not been addressed at all. Appreciates that the applicant needs to make changes, but this house has considerable impact, as the first house in The Avenue. Remains concerned and would like to see another change: the removal of the two levels on the west side and retention of just a garage there.

PB: finds this increasingly difficult. Members consider a scheme for 650 houses one month, and this proposal the next, which will have just as much impact on the neighbour. Has sympathy with the applicant – he has worked hard with the planning officers and changed his plans – but remains concerned as last time about the design and the impact on the neighbouring property. Realises that

once the house is improved, two or three years down the line we may wonder what the fuss was about, and is not sure that there are any planning grounds on which to refuse the proposal. Would like an officer comment on the objector's reference to the 'right to light' in the SPD, but will struggle to refuse this application. However, notes that it is very close to the neighbouring property, and although it is only a comparatively small extension, the hours of operation in respect of building works could be critical here. The applicant will understandably want to get on with the work if permission is given, so would it be possible to condition the hours of building operations via a condition?

EP, in response:

- the point that must be remembered here is that the application was deferred for amendments to be made on the side extension, not because of concerns with the two-storey extension;
- to PB, the right to light is separate from planning legislation. The SPD has provision to assess the impact of a proposal on neighbouring property – this proposal complies with the light test and will have no significant impact. This can therefore not be used as a refusal reason;
- to PB's suggestion of a condition to regulate hours of work, this is not normally needed on household applications of this type, although an informative is sometimes included – usually setting out working hours as 7.30am-6.00pm Monday to Friday, 8.00am-1.00pm Saturdays, and no work at all on Sundays and Bank Holidays. An informative such as this can be included with this proposal if Members wish.

BF: the officer has made it clear that the proposal complies with the SPD regarding light. The scheme wouldn't win a painting competition, but neither would the 1970s house as it stands. It is no 'grand design', but will support the application.

PB: informatives are only advisory and are worthless. CBC has huge problems with enforcing, due to lack of resources, but if we can make hours of operation a condition, why not do it? Proposes that we do.

EP, in response:

- officer advice is that this proposal doesn't require such a condition, and that such requirements would be onerous to the scale of the development proposed.

PB: it will have a significant impact on the neighbours, and a condition would be minor compensation for the neighbours, allowing them to enjoy their gardens in peace on Saturday afternoons and Sundays.

GB: notes there have been no moves to refuse, so proposes that Members first vote on PB's move to include a condition regulating hours of operation, if the proposal is permitted.

Vote on PB's move to include a condition regulating hours of building operations, as hours detailed by EP (above)

12 in support

1 in objection

1 abstention

MOVE CARRIED

Vote on officer recommendation to permit with the additional condition regulating hours of building operations

12 in support

1 in objection

1 abstention

PERMIT with additional condition

Application Number:	14/01374/FUL
Location:	1 Folly Lane, Cheltenham
Proposal:	External works to existing dwelling frontages at numbers 1-13 and 15-52 Folly Lane and 121 St Paul's Road to include installation of bay windows, replacement windows, front garden and boundary wall alterations (varies across properties); installation of new concrete ball features, public art, tree planting and re-surfacing works at junction of Folly Lane and St Paul's Road
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	Officer comments; amendment to Condition 6

MJC told Members that this application will build on work which has already taken place in St Paul's at Hudson and Manser Streets and Crabtree Place, where the frontages were remodelled, with bay windows and porches added. This proposal will continue in the same vane, to the junction with St Paul's Road. The officer recommendation is for approval, and the application is at Committee because the land is owned by the council.

Public Speaking:

None.

Member debate:

PT: has a quick question – the condition on the blue update seems to say that the houses will have to have open-plan fronts – is that right? The new houses in the area have railings and bins outside the front, which look horrible.

KS: will the next phase of this work be at Margaret Road? Why has it not been included?

HM: The scheme includes 18 concrete balls which are totally the wrong idea. The original application had planters; there were objections to these, due to the amount of maintenance required, and it was suggested these be replaced with groups of trees to soften the landscape. Concrete balls have the opposite effect, and will invite graffiti.

PB: used to represent this area 20 years ago, and AM has also been its councillor, so welcomes the significant improvements now being implemented. If trees are introduced, these should be semi-mature specimens – young saplings will struggle. Would also like to know if the hardstanding is permeable?

BF: agrees with PB that this is a great improvement to St Paul's as part of its regeneration scheme. To HM, pointed out that the concrete balls have a rough surface which will not be suitable for graffiti, but agrees that semi-mature trees would be a good idea if they could be introduced. This proposal will be a great improvement to St Paul's – it is good to see it coming to fruition.

AM: as mentioned by PB, has knowledge of this area, and welcomes the proposal which will be a big improvement. Suggests semi-mature trees would improve the arboreal attrition rate.

MJC, in response:

- to PT, explained that the condition is not suggesting an open-plan layout, but trying to prevent incremental changes to the scene, and ensure that the integrity of the proposal is not diluted with

the addition of trellises, walls being replaced with railings etc, which would undo the good work the scheme seeks to achieve;

- to KS, doesn't know when or whether this scheme will extend to Margaret Road – that would be the logic, but that is up to CBH;
- to HM, the landscape architect certainly considered that groups of trees would be preferable, but trees and planters require maintenance, and trees in pavements can cause problems. The Highways Department would not support that option, hence the introduction of the balls;
- the concept of this scheme is to build a high-quality gateway, and although planting would be the preferred option, the County Council would remain resistant to this;
- the condition talks about understanding the size of the trees being planted; semi-mature trees cost a lot of money. Trees being used here would be comparable to Hudson and Manser Streets – not whips, but semi-mature, enough to have immediate impact. Beyond this is not necessary and wouldn't be imposed elsewhere. The cost would have an impact – the trees used on the ASDA site cost £20,000 each.

BF: has spoken to the County Council about trees in his ward and asked to use Highways local money to pay for their care and maintenance after new ones have been planted. Will use this scheme as a test case to see how it progresses.

PT: is in a similar position in her ward. Why can't the County Council allow CBC to include trees in this development? It is discriminatory – trees are put into private developments, but are needed even more in schemes such as this one.

MJC, in response:

- officers welcome the fact that trees are being proposed at all – the development should be commended for this. Feels we are getting bogged down on the tree issue, and should not lose sight of the overall improvement of the area;
- the County Council can influence what does or doesn't go into the scheme as it owns and maintains the road and will be required to maintain any trees or planting. In view of local government budget issues, it is not surprising that they want to keep their maintenance budget as low as possible;
- Members should remember that this scheme will be a significant improvement to the area, building on the award-winning work in Hudson and Manser Streets.

RH: asked how many trees are to be planted?

MJC, in response:

- confirmed that there will be five street trees.

Vote on officer recommendation to permit

14 in support – unanimous

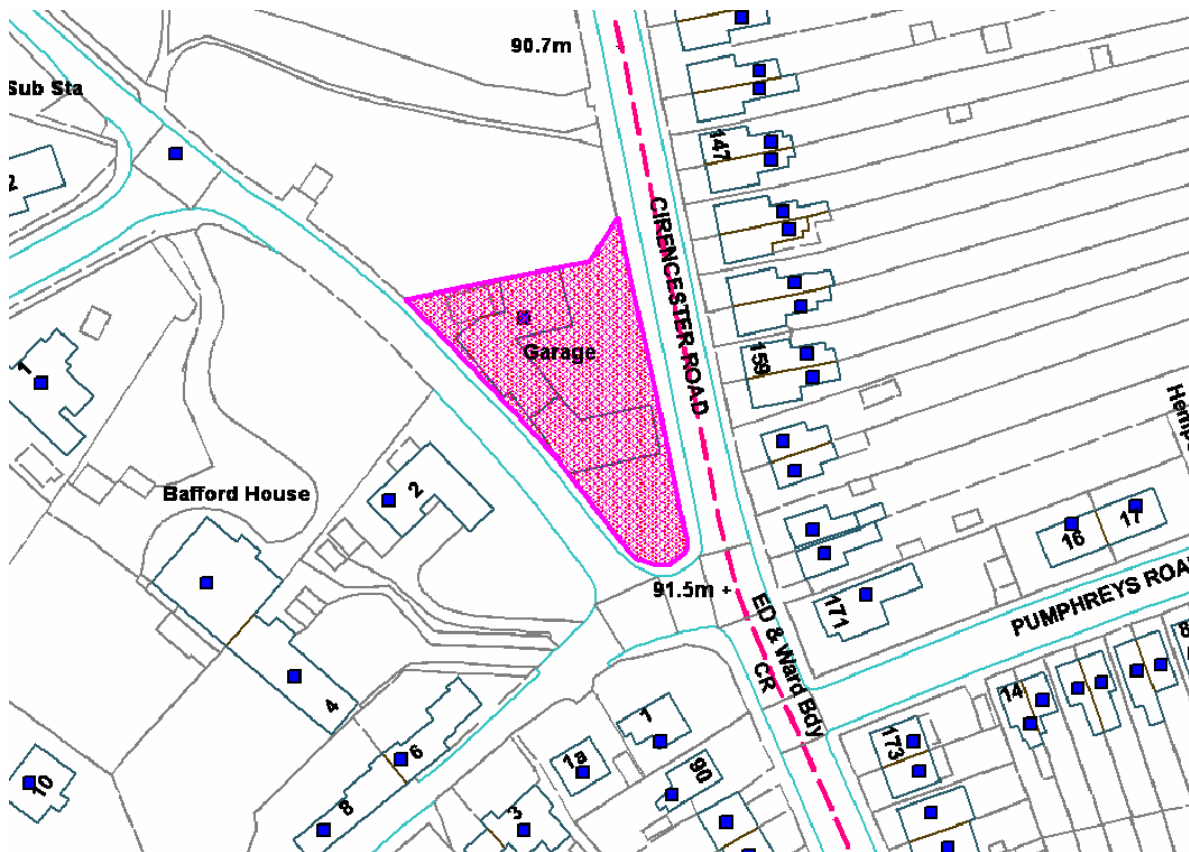
PERMIT

The meeting ended at 7.48pm.

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APPLICATION NO: 14/01436/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 19th August 2014	DATE OF EXPIRY: 14th October 2014
WARD: Charlton Park	PARISH: Charlton Kings
APPLICANT:	CTC (Gloucester) Ltd
AGENT:	Hunter Page Planning Ltd
LOCATION:	86 Cirencester Road, Charlton Kings, Cheltenham
PROPOSAL:	Erection of a new convenience store (A1) with associated parking following demolition of all existing buildings on the site (revised scheme following 13/02174/FUL)

RECOMMENDATION: Permit subject to s106 Obligation



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application is before Committee at the request of Councillor Paul Baker. The reason for referral given is the considerable amount of local interest and opposition to the proposed development.
- 1.2 This is a revised application following the submission of a similar scheme for an A1 retail unit on this site which was refused at the July 2014 Planning Committee meeting (ref 13/02174/FUL).
- 1.3 The applicant proposes the erection of a new convenience store (A1) with associated parking, following demolition of all existing buildings on the site. Landscaping, replacement boundary treatment and alterations to the existing access to the site are also proposed.
- 1.4 This report focuses on the extent to which the revised scheme addresses the three reasons for refusal relating to the previous application. In summary, the report considers impact on the Croft Road neighbourhood shopping centre, landscaping, design and any associated harm to local character, noise and disturbance and impact on local amenity.
- 1.5 This report should also be read in conjunction with the Officer report presented to the July Planning Committee; for ease of reference, this has been reproduced within the appendices to this report. Much of the detail contained in the previous Officer report is relevant to the determination of this application but not all will be repeated here.
- 1.6 As with the previous application, the current submission includes a number of detailed reports and statements covering design, transport and delivery/service management, environmental and noise impact, site contamination and retail impact. The majority of these documents have been revised in light of the amended scheme.
- 1.7 Attention is drawn to the Planning Statement accompanying the application which puts forward the applicant's case in respect of the extent to which the previous concerns of the Council have been addressed within the revised scheme. This statement has been supplemented by a further report by the applicant which outlines the key planning issues and the amendments to the scheme following the on-going discussions with the Council, the response from the Architects Panel and comments received from third party objectors during the course of this application.
- 1.8 Pursuant to the negotiation process and comments received, a further set of revised drawings was submitted on 29th September 2014, albeit the changes made to design and appearance are relatively minor and are largely in response to suggested improvements to the scheme put forward by the Architects Panel.
- 1.9 The previous application (13/02174/FUL) was refused for the following reasons:
 1. *The proposal to erect an A1 convenience store at 86 Cirencester Road, following the removal of all existing buildings and structures on the site, would result in the likely closure of an existing nearby A1 food store at the Cirencester Road/Croft Road Local Neighbourhood Centre which has been designated as such in the Cheltenham Borough Local Plan (2006). The Local Planning Authority therefore considers that the proposed development would result in significant and demonstrable harm to the long term vitality and viability of this neighbourhood centre leading to a loss of local facilities and services for the local community. The proposed development is therefore contrary to Policy RT7 of the Local Plan and paragraph 70 of the NPPF which seeks to guard against the unnecessary loss of local facilities and services to the community.*

- 2. The erection of a modern convenience store in the form, design and materials proposed and against the backdrop of the adjoining parkland and in contrast to existing surrounding residential development, would significantly alter and cause detrimental harm to the character and appearance of the locality. The proposed development sits awkwardly on the plot and is cranked to fit. The utilitarian and functional nature of the design, the excessive use of fenestration on the front elevation and the poor articulation of the eaves overhang detail and front entrance canopy add to a lack of robustness and quality in the design of the proposed building.*

Similarly, in order to accommodate the back of house services, a customer car park and a dedicated delivery bay at the front of the building, the footprint is extended to the rear of the plot which would result in the removal of all existing landscaping along the Newcourt Road boundary. This landscaped bank of trees and shrubs contributes to the character and rural feel of this part of Newcourt Road and its loss would significantly harm the overall distinctiveness and character of this part of Newcourt Road. The proposed replacement landscaping within a reduced width of land would not achieve the same affect in terms of maintaining this rural and distinctive character.

As such, the proposed development is considered contrary to Policy CP7 of the Local Plan and paragraph 58 of the NPPF which aims to ensure that developments add to the long-term quality of the area and respond to the local character, create attractive and comfortable places to live and are visually attractive with appropriate landscaping.

- 3. The proposed development would result in a significant increase in noise and disturbance to local residents living near the site by virtue of increased traffic on Cirencester Road, deliveries to the site, use of the customer car park, the opening hours of the proposed store extending late into the evening, an ATM located externally and in use 24 hours a day and the installation of plant and extraction equipment. As such, the proposed development is considered contrary to Policy CP4 of the Local Plan and paragraph 58 of the NPPF which both seek to ensure that proposed development maintains safe and sustainable living and creates comfortable places to live.*

1.10 Subsequent to the previously refused application, the revised scheme incorporates the following amendments to layout, design, landscaping and site management (in summary):-

- Building footprint and gross internal area reduced by 25 sq m and 23 sq m respectively to facilitate an increase in the proposed landscaped strip to the rear of the site fronting Newcourt Road
- A minimum 2m deep (extending to approximately 5 metres in places) landscaped strip with enhanced tree and shrub planting is provided along the Newcourt Road boundary. Landscaping enhanced on the end elevation and introduced to the front of the building and within the car park.
- Loss of one parking space to accommodate increased landscaping and tree planting to the rear
- Parking bays increased in size
- Alterations to overall design of the retail unit and use of materials
- Building form simplified with introduction of mono-pitched roof and height of proposed building reduced by 165mm

- Alterations to fenestration and roof overhang in response to Architects Panel comments. Customer entrance and canopy redesigned
- Tarmac replaced by block paving within the customer car park and delivery bay forecourt
- Reconfiguration of back of house area and re-location of plant and extraction equipment. Height of boundary walls to plant area increased to 1.8 metres in height.
- Alterations to materials and form of the boundary walls adjoining the car park and plant enclosure; introduction of brick piers and removal of timber fencing where appropriate
- ATM cash point facility relocated internally
- Reduction in store opening hours. Proposed hours now 7:00-22:00 Monday to Saturday and 7:30 to 21:30 on Sundays and Bank Holidays

1.11 All of the above revisions will be discussed in more detail within the body of the report.

1.12 The Council has again sought an independent view of the retail impact issues associated with the proposed development from retail planning specialists DPDS. Since there has been no material alteration to the size or character of the retail unit proposed, other than those for cosmetic reasons, the applicant has not undertaken a review of their previous retail impact assessment (Mango report). DPDS comments thus focus on the retail impact argument, examples of appeal decisions and existing stores trading side by side which are detailed within the applicant's Planning Statement. An addendum report prepared by DPDS is attached as an appendix.

1.13 A representative from DPDS will be attending the Committee meeting and available to answer questions from Members and provide clarity on any retail impact issue.

1.14 The site and its context

1.15 The application site is a corner plot fronting Cirencester Road, Newcourt Road and Bafford Road. The site is currently used as a hand car wash facility but its previous use was a petrol filling station. It has also more recently been used for car sales and car repairs/workshop. Despite its current use, it has retained the appearance of a service/petrol filling station with characteristic features remaining; a large hard standing covering virtually the entire site, canopy and other buildings and ancillary structures. The application site is therefore in existing commercial use and classified as a brownfield site (previously developed land).

1.16 The site and its context has generally, a suburban feel and lies adjacent to an open area of parkland to the north with the remainder of surrounding development being predominantly red brick and two storey. Newcourt Road abuts the rear boundary which is lined by a low overgrown wall and self-seeded trees and shrubs and has a distinctive country lane feel.

1.17 The Cirencester/Croft Road Local Neighbourhood Shopping Centre is located approximately 100 metres further south on Cirencester Road and consists of a Nisa convenience store, a butcher shop, beauty salon and hairdressers. Further east are the well established local centres of Charlton Kings offering a range of shopping and other local facilities.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

69/00088/PO 8th May 1969 PER

Charlton Kings Garage Cheltenham Gloucestershire - Demolition of Part Existing Garage/Showroom Removal of 3 Existing Pumps Closure of Vehicular Access Erection of New Station 6 Pumps, Office, Canopy, Toilets, Oil Store, Formation of Vehicular Access

69/00420/PF 10th February 1970 PER

Charlton Kings Garage Cheltenham Gloucestershire – Demolition of existing Petrol Filling Station and Erection of New One With Office and Toilets; Installation of 2 Underground Petrol Storage Tanks and Formation of 2 Vehicular Accesses And Planting Proposals

70/00032/PF 2nd April 1970 PER

Charlton Kings Garage Cheltenham Gloucestershire - Demolition of existing Petrol Filling Station and Erection of New One With Office and Toilet; Installation Of Underground Storage Tank; Conversion Of Part of the Existing Building To Car Wash Bay and Showroom With Workshop New Vehicular Access

70/00281/PF 13th October 1970 PER

Charlton Kings Garage Cheltenham Gloucestershire - As Cb08798/02 except Provision Of 3 Areas For Display Of Cars For Sale And Re-Siting 2 New Vehicular Accesses

74/00310/PF 30th September 1974 PER

Charlton Kings Garage Cheltenham Gloucestershire - Omission of Car Wash and Erection of Service Bay Attached to Existing Workshop for Maintenance of Cars

94/00215/PF 28th April 1994 REF

Redevelopment of Existing Car Sales and Service Station Premises to Provide Additional Service Bay and Administration Accommodation

96/00984/PC 16th January 1997 PER

Change of Use To Used Car Sales From Existing Used Car/ Fuel Sales

09/00407/FUL 5th May 2009 PER

Extension of opening hours of existing car wash to seven days a week 9am-7pm

13/02174/FUL 25th July 2014 REF

Erection of a new convenience store (A1) with associated parking (following demolition of existing buildings on the site)

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 2 Sequential approach to location of development
CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 7 Design
BE 12 Advertisements and signs
GE 1 Public green space

GE 5 Protection and replacement of trees
GE 6 Trees and development
NE 4 Contaminated land
EM 1 Employment uses
RT 1 Location of retail development
RT 4 Retail development in local shopping centres
RT 6 New local shopping centres
RT 7 Retail development in out of centre locations
RT 8 Individual convenience shops
UI 2 Development and flooding
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 3 Servicing of shopping facilities
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Flooding and sustainable drainage systems (2003)
Landscaping in new development (2004)
Planning obligations (2003)
Planning obligations: transport (2004)
Security and crime prevention (2003)
Shop front design guide SPD (2007)
Sustainable buildings (2003)
Sustainable developments (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Architects Panel

23rd September 2014

The panel has reviewed this scheme previously and feels that the current proposal is an improvement. The way the roof modulates between the rectilinear block and the curve is better resolved, but a little more overhang would perhaps be beneficial. The treatment of the service block to the rear is much more satisfactory; however, the panel felt that the shop elevation facing the street could benefit from a greater degree of modelling, perhaps by setting the windows back. The continuity of material from the car park to the loading bay creates a rather sombre and unwelcoming feel and a change of material for the loading bay would be preferable – grasscrete was one suggestion in this respect. Subject to consideration of the above, the panel would support this scheme.

Civic Society

25th September 2014

We think this is a well thought through proposal, with good quality materials. The principle of whether there should be a convenience store on this site is not for us

Urban Design Officer

9th October 2014

There has been some correspondence regarding Urban Design comments submitted on the previous planning application (13/02174/FUL). The urban designer's role in that application was to support the planning officer with a consideration primarily of the built form (initially in pre-application discussions the proposal was for a mixed use - retail and residential - over four floors). Over a period of months the considerable height was lost from the proposal and the built form that emerged is similar to that in the current proposal.

The building now proposed is acceptable on this site. There has been criticism of the flat (now mono-pitch) roof; however a dual-pitch roof over a building with this span would begin to add again to the height, whereas the mono-pitch maintains a comparatively low profile. There are improvements on the previously refused scheme – the curved south end softens the impact of the building on the corner and both the reduction in building footprint and loss of a parking space on the west side (Newcourt Road) has enabled the introduction of additional planting. In terms of built form, mass, block layout and landscape the proposal is satisfactory.

Urban design comments on 13/02174/FUL were critical of service arrangements. At the time negotiations were attempting to ensure that details of delivery arrangements were properly addressed. The urban design comments were part of that process; they preceded the submission of the delivery management plan, highway comments and environmental health comments. At the time, the previous proposal also included 2 additional retail units which may have complicated the delivery arrangements (these were excluded from the eventually refused scheme and are not part of this proposal). Following the submission of a satisfactory delivery management plan and subject to conditions, neither highways nor environmental health had substantive concerns regarding the impact of delivery arrangements on noise or disturbance and corresponding impact on local amenity. This gave no basis for sustaining an objection on these grounds. This element of the previous urban design comments should have been withdrawn and is not applicable to this application.

Highways Officer

10th October 2014

Proposal

Erection of a new convenience store (A1) with associated parking (following demolition of existing buildings on the site)

Introduction

This application is a similar application to 13/02174/FUL which was refused by Cheltenham Borough Council Planning committee on 17th July 2014. No highway safety refusal reasons or highway policies were given in the decision, therefore the view of the council is that from a highway safety perspective the application, with conditions and mitigation proposed, was acceptable. The previous Highways Development Management response is attached as Appendix A.

Planning History

It is the view of the highway authority, that the sites planning history is a material consideration.

The authorised use (and current use) is a car wash; however, the possible re-use of the site as a petrol filling station (PFS) should be afforded considerable weight. The canopy and tanks are still in-situ along with the associated ancillary buildings. Delivery vehicles for the PFS would likely to be able to park and deliver off road. Similarly, since the closure of the

PFS there have been planning consents for car sales and a workshop, all of which attracted vehicular movements and activity on the site, albeit more contained within the site. It is considered that all of above are 'fallback' considerations, given the precedent and relatively short time span.

A fall-back has been confirmed by the High Court (in a recent Zurich case in 2012):

"In truth, an applicant does not have to go too far in order to raise the spectre of a fall-back position. In his judgement, Mr Justice Hickinbottom commented that the prospect of a fall-back does not have to be probable, or even have a high chance of occurring. Rather, it has to be only more than a merely theoretical prospect. In reaching this conclusion, he referred to an earlier case involving the Samuel Smith brewer, which noted that where the possibility of a fall-back position happening is "very slight indeed", or merely "an outside chance", that would be sufficient to make the position a material consideration. How much weight this consideration should have would be a matter for the planning committee"

The previous application was refused by Cheltenham Borough Council on three reasons. No highway safety reasons or policies were quoted, although one of the reasons (3) did refer to traffic increase, in relation to noise and disturbance. Reason 3 is reproduced below for reference

Reason 3: The proposed development would result in a significant increase in noise and disturbance to local residents living near the site by virtue of increased traffic on Cirencester Road, deliveries to the site, use of the customer car park, the opening hours of the proposed store extending late into the evening, an ATM located externally and in use 24 hours a day and the installation of plant and extraction equipment. As such, the proposed development is considered contrary to Policy CP4 of the Local Plan and paragraph 58 of the NPPF which both seek to ensure that proposed development maintains safe and sustainable living and creates comfortable places to live.

Assessment

Gloucestershire County Council as the local highway authority has assessed this application in light of the National Planning Policy, and the saved policies in the Cheltenham Borough Council Local Plan.

In determining the type of recommendation, the highway authority primarily needs to assess if:

- the cumulative impact from the application is severe
- safe and suitable access for all can be achieved
- the opportunities for sustainable transport modes have been taken up
- the development will generate high turnover on-street parking.
- any adverse impacts do not significantly and demonstrably outweigh the benefits of allowing the proposal

The highway authority position is that the sites current use and previous uses are fallback positions/material considerations that attract significant weight. The assumption therefore is that using the fall back position as a Petrol Filling Station, the proposed use will generate less vehicle trips, in both the peak hour and inter peaks.

It is understood from the previous application, that local residents do not consider the previous use as a Petrol Filling Station is valid, however this is not the view of the highway authority, and I consider a planning inspector would form a similar view. Even if one were to discount the use as a fall back, it is fact that a Petrol Filling Station operated at this location in the past.

Trip generation

A key factor in determining these applications are the previous uses of the site, as described above, as material considerations. The current use is a hand car wash, which has permitted opening hours of 9am – 6pm Monday to Saturday, and 10am – 2pm Sundays and Bank Holidays. Previous to that use, it was a Car Sales and Workshop, and previous to that a Petrol Filling Station. The petrol filling station would have generated significant vehicle trips accessing the site from 2 access points, and had fuel servicing for the underground tanks. The ancillary shop would have generated some non-car trips also. The applicant has undertaken a vehicle trip analysis (**Table 6.3** of the Transport Statement), and compared a previous PFS of 0.126 hectares with the proposed use of 421 m² and determined that the proposed development will result in less vehicular traffic (-473 daily trips). It is worth noting that this figure has changed since the last application as the comparison then included 2 ancillary retail uses. It is a key factor in determining the degree of impact in use which will have a positive impact on highway safety and capacity.

The council in its refusal reasons on the previous application raised the issue of “increased traffic on Cirencester Road”, which would result in amenity issues for local residents. The applicant has demonstrated that there would be a net reduction in trip generation, when compared to a Petrol Filling Station. Furthermore the Transport Statement makes reference to Pass-by and diverted trips, which is the relationship between primary and non-primary trips generated by retail developments. Put simply users of retail uses, supermarkets, convenience stores etc, are generally already on the road network and not considered as generating new trips.

The Transport Statement makes reference to the TRICS Research Report 95/2 Pass-by & Diverted, which concludes in most circumstances, 10% or less of the total trips are completely new. Generally this analysis is used for more strategic modelling, but can be used in localised network comparison. This assessment is correct if we assume that the users are currently by-passing the existing retail uses on Cirencester Road, or already travelling along it, as Cirencester Road is an arterial road.

The TRICS report delves into extensive detail on the definitions and analysis of retail trips, and offers many options. Perhaps the most logical is that provided by the Institute of Highways and Transportation. The fundamental breakdown is between two trip types, **new** and **transferred** (sometimes called redistributed).

- **NEW** are trips that did not occur anywhere on the network before the development was provided. For many land uses this proportion of the trip attraction may be relatively small, although for residential uses it is conventional to assume that all trips are new.
- **TRANSFERRED** are trips that used to travel to one opportunity but now travel to the new site. These are normally the predominant element of the trip attraction. The guidelines also described a further categorisation between Primary and Non-Primary trip types.
- **PRIMARY** are defined as single purpose trip types e.g. home – development - home.
- **NON-PRIMARY** are defined to be multi-purpose trips which call into the development en-route to another destination. Frequently this is a work – shop - home trip. Non-primary can be further sub-divided into **diverted** and **pass-by** trips. Diverted trips are those non-primary trips that deviate off their normal route to visit the new development. Pass-by trips are those non-primary that visit the new development without having to make a significant diversion from their existing route.

Page 24

The difference between **diverted** and **pass-by** is a function of network configuration which varies from site to site, and for strategic analysis and junction assessment these are often considered as a single category.

Even if there were an element of transferred or re-distributed trips, when compared with the fall back position of a Petrol Filling Station, this would not represent an increase in traffic on Cirencester Road.

Comparison of Traffic Data

I have carried out a simple comparison of existing traffic flows, with daily development trip rates, and a comparison of likely new trips on the network from the development. GCC produces traffic flow data reports for the county and the A435 at this location is banded as 6000-10,000 daily two way flows. To validate this I interrogated the only fixed Automatic Traffic Counter, located on the A435 near Charlton Kings. The site however is located at the Severn Springs junction, but even with resultant redistribution it should give figures that are within tolerable variances. In 2014 the average weekday two way flows at the site were 7079. Using this figure, but ignoring the diverted flows to Bafford Approach and Charlton Kings village, when compared with TRICS derived daily two flows of 654 for the proposed development (Table 6.1 from the Transport Assessment) this is 9% of the daily flows. If we use the Figure obtained by the TRICS Research Report 95/2 Pass-by & Diverted, that new trips for retail are generally 10% of total trips, then this means the new traffic to the site is less than 1%.

Layout

The internal layout has slightly altered, to specifically address one of the reasons for refusal, with the addition of more landscaping fronting Newcourt Drive. One of the main reasons for the many versions of the previous layout was to achieve a good design, but also and probably not divisible, to ensure that the correct balance between, noise, safety, amenity, and visual impact.

This proposed layout is a single retail unit, with a customer access via the north east corner. Main servicing will be at the front of the store via a dedicated service delivery bay, controlled by bollards located on the end of the service delivery bay, and will be lowered to allow each delivery vehicle to exit the site. The ATM is now located inside the store, reducing conflict with pedestrians and vehicles, and cycle stands are located to corner of the car park. An existing street light will need to be relocated.

16 car parking spaces are proposed, including 2 disabled, with wider short stay spaces, better designed to accommodate the users of the store. There are no minimum standards on parking numbers in the CBC Local Plan for the land use proposed, and neither is this covered in the NPPF. Consideration should be given to how the adjacent retail uses operate, at the junction of Cirencester Road and Croft Road. These have very limited parking, and servicing takes place both on, and across, the highway, apparently without incident.

Service Delivery Bay

It is considered that balancing all aspects of planning and design, the safest service delivery bay layout is the one now proposed. All deliveries (with the exception of the earlier newspaper delivery) will take place between 07:00 and 19:00 Monday to Friday, 08:00 and 18:00 Saturday and 10:00 and 14:00 Sunday and Bank Holidays. Approximately 3-4 deliveries are anticipated each day of which 1/2 will be by rigid or articulated and the remainder by smaller vehicles. Therefore the incidents of conflict can be described as extremely low, and not severe.

All HGV deliveries will arrive from the south, turn left into the site via the southern access from Cirencester Road, and depart the site via the customer only access to the north.

Loading and unloading will take place within the dedicated delivery bay located off-street along the site frontage.

Bollards located on the end of the HGV delivery bay will be lowered after the delivery is complete, to allow each delivery vehicle to exit the site safely. A trained member of staff will then raise the bollards after the delivery vehicle has departed the site to prevent customers entering the delivery bay. Appropriate signage and linage indicating the Service Delivery Bay will ensure that the public, do not park in this area. As the store will be contacted in advance, providing ample warning of their impending arrival, staff can ensure the Service Delivery Bay is ready and clear to receive goods.

Concern has been raised that the exiting HGV vehicles drivers will be disadvantaged by the acute angle of the cab position. It should be recognised that food delivery drivers are professional drivers who carry out such manoeuvres on daily if not hourly basis. Furthermore as the Freight Transport Association states, the size and quality, of rear view mirrors for lorries, is controlled by legalisation, which lays down minimum angles of look, which coupled with good forward visibility, means that despite the driver of a rigid truck, having to turn their head through approximately 210 degrees of visibility, a safe a suitable access can be achieved.

The Transport Research Laboratory (TRL) evidence and research, that underpinned Manual for Streets, found that there was little correlation between the number of accidents and visibility, but forward visibility was important. What this means is the ability for drivers to see emerging traffic and be able to respond to it. This forward visibility in this location will be excellent and all users will see service vehicles exiting the service delivery bay.

Delivery Management Plan

As part of the application a Delivery Management Plan (DMP) has been submitted. This DMP will detail exactly how servicing will operate safely and efficiently, to ensure that all deliveries will be undertaken within the confines of the Service Delivery Bay and immediate area, no kerb side deliveries will be undertaken, therefore ensuring a safe operation and free traffic flow on Cirencester Road.

The DMP should be conditioned, so that if it is not complied with CBC can act on any breach.

Accessibility

The new retail unit will attract increased pedestrian footfall, and NPPF policy requires that safe and suitable access is made for all users. Consideration has been given to new pedestrian facilities taking into account the existing signal controlled crossing to the south of the site, the signal controlled junction at the Cirencester Road/Moorend Road/ junction, and the build out north of the site. GCC considers that pedestrian permeability can be improved by narrowing the junction width of Newcourt Road with Cirencester Road and another build out can be created on the southern radii of this junction

Car parking

16 spaces are shown of which 2 disabled have been provided at the entrance, this is 1 space less than the previous application, to accommodate the increased landscaping to the rear. The width of the spaces has been increased to 2.6m x 4.8m and this is suggested as good practice on "Design standards for multi-storey and underground car parks", for short stay parking.

Again car parking has been the subject of much discussion, but GCC now feel that with the single retail unit and the parking accumulation work that has been carried out, the spaces will accommodate for the majority of the users. It is impossible to stop all indiscriminate parking, but the layout should be attractive for the users, and more attractive than parking on street. Notwithstanding this GCC is seeking a contribution to control any future abuse,

which could be as simple as waiting restrictions along the site frontage or strategically placed street furniture to deter kerbside or part footway parking. CBC is not keen on an over proliferation of street furniture so this will be used as a reactive measure.

Highway Safety

I have consulted the GCC Road Safety Partnership, who have confirmed that the hotspot ranking has improved on this section of the A435, and is currently at 219 on the 'A' and 'B' road length list. To put this into perspective the Road Safety Partnership would usually investigate the top 50 or so sites for potential interventions.

Mitigation

1. Delivery Management Plan – Conditioned
2. Pedestrian crossing facility likely to be a build out, This should have the added benefit of reducing speeds discriminate parking – Contribution £14,252.53 (Mitigation 2 & 3 combined)
3. Reduce the junction width of Newcourt Road with Cirencester Road, to improve the pedestrian safety. This should have the added benefit of reducing speeds, discriminate parking – Contribution (see above)
4. Future waiting restrictions and kerbside street furniture to deter discriminate adjacent parking – Contribution - £15,000 (£10,000 TRO + £5000 Street furniture), please note TRO costs have increased with new GCC highway contract.

Contribution Total - £29,252.53

Conclusion

The car parking level is adequate but some drivers may park on the adjacent carriageway. Therefore we need to be able to implement future measures, to reduce any impact. The dedicated Service Delivery Bay will make the limited deliveries on site and safer, and therefore the cumulative transport impact from the application should not be severe, and with the new access and the mitigation recommended, then a safe and suitable access for all users can be achieved. Furthermore if the customers of the store use the adequate parking provision, then the development should not generate high turnover on-street parking. If indiscriminate parking is found to be causing a severe highway problem in the future, then the proposed parking mitigation will allow the highway authority to cost effectively mitigate any issues.

My view is that refusal to this application cannot not be sustained, due to;

- the material considerations of the previous uses,
- the insignificant number of deliveries by rigid vehicle
- the layout of the Service Delivery Bay
- the parking layout
- the Delivery Management Plan
- the highway improvements and waiting restrictions contributions secured

Therefore having regard to the previous uses of the site, and the decision from the previous application, the highway authority considers that as the cumulative impact from the application will not be severe, and safe and suitable access can be provided, it raises no highway objection to the proposal subject to the recommended contributions and conditions.

Conditions

- 1) No works shall commence on the development until full details of the layout and accesses, have be submitted to and approved in writing by the local planning authority. No beneficial occupation of development shall occur until the accesses have been completed, in accordance with the approved details.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

- 2) The parking layout shown on the approved plan for all vehicles shall be completed prior to any beneficial occupation of the development, and shall remain available for parking at all times

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a suitable level of off street parking.

- 3) No works shall commence on the development until a phasing programme of the development shall be submitted the local highway authority and the local planning authority, to ensure that the highway authority can implement highway works prior to the beneficial opening of the store.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

- 4) No phase(s) of the 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 for that phase. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-

- the parking of vehicles of site operatives and visitors;
- specify the type and number of vehicles;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- access routes to the specify the intended hours of construction operations;
- measures to control the emission of dust and dirt during construction

Reason: To provide safe access to site during the construction period

- 5) The approved Delivery Management Plan shall be adhered to in all respects during the approved opening hours of the store, unless amendments to the plan have first been agreed in writing by the local planning authority.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

Informative

The proposed development will require works to be carried out on the public highway to include the relocation of a street light and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the Local Highway Authority before commencing works on the development.

Environmental Health

11th September 2014

In relation to application 14/01436/FUL for the site 86 Cirencester Road, Charlton Kings, Cheltenham, Gloucestershire, GL53 8DA, please can I add the following conditions and advisory comments:

Demolition and general

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties,

including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

1. Condition: The developer shall provide a method statement detailing how they will control noise, dust, vibration and any other nuisances from works of construction and demolition at the site, as well as how the waste will be stored and removed from the site and/or recycled on site. The statement should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a statement is to be submitted to and approved by the Local Planning Authority before work commences on site.

Reason: To protect the amenity of the residents in nearby residential properties.

2 Condition: Prior to the commencement of any development at this site, the end user of the proposed A1 unit (and any subsequent user(s) of the units shall submit a waste management plan which will be reviewed and if deemed to be satisfactory approved by the Local Planning Authority. The plan shall indicate where the waste and recycling for all units will be stored and the proposed means of collection and how the waste collection contractor will reduce the impact from noise on near by residential premises. The approved plan shall be implemented upon first opening of the unit and continued for the duration of the use. Please note that part of this condition is that all waste and recycling collections can only take place between the hours of 08:00 - 18:00.

Informative: It has been confirmed to this department that for the A1 unit all waste made up of stock and packaging will be removed by the delivery vehicle once empty and therefore, the only waste receptacle necessary for this unit will be a bin to hold staff waste only. As this has now been confirmed by the applicant, this now needs to be set as a definite control for the site.

Reason: To protect the amenity of the residents in nearby residential properties.

3. Condition: The revised delivery management plan (dated August 2014) which has been submitted with this application will be adhered to by the end user of the A1 unit and all subsequent users.

Any required amendments must be submitted in writing to the Local Planning Authority and may only be implemented once approved by this authority.

The plan submitted details measures to minimise the possibility of noise nuisance being created by deliveries to the store. If the plan is approved all deliveries to all units at this site shall only take place in accordance with the plan submitted.

Informative: The scheme includes measures to control noise from all sources involved with the loading bay area including: vehicle movements, use of chiller units on vehicles, handling of cages, use of dock levellers and lifts, voices of staff, vehicle radios, audible reversing alarms from vehicles etc. The plan should be subject to regular review.

Reason: To protect residents of local property from loss of amenity due to noise from regular deliveries by HGV's, refrigerated vehicles running, loading equipment etc.

4. Condition: Deliveries to the A1 unit may only be made between:

07:00 - 19:00 Monday to Friday

08:00 - 18:00 Saturday

10:00 - 14:00 Sunday or a Bank Holiday

Page 29

On the current noise impact assessment it states that a single delivery will be made between 06:00 - 07:00 with other deliveries made between 07:00 - 23:00. These timings are not in keeping with the condition as set above and the condition will remain going forward with this application.

I would recommend that the developers have reference to the "quiet deliveries demonstration scheme" - more information is available at:

<http://www.dft.gov.uk/publications/quiet-deliveries-demonstration-scheme>

Reason: To protect residents of local property from loss of amenity due to noise from regular deliveries by HGV's, refrigerated vehicles running, loading equipment etc.

5. Condition: Newspaper deliveries and smaller milk/bread etc. deliveries to the A1 unit may only be made from 06:00 onwards. The delivery vehicle must pull in and park within the customer car park for the site and not on the highway - this is to increase the distance the delivery vehicle will be from the near by residential properties during the delivery time.

Reason: To protect the amenity of the residents in nearby residential properties.

6. Condition: The premises planned for this site may only be open to customers from 07:00 - 23:00 from Monday - Saturday and 07:30 - 22:30 on a Sunday and Bank Holiday.

Reason: To protect the amenity of the residents in nearby residential properties.

The times as detailed in the above conditions for deliveries and opening hours for all of the units as proposed for this site, have been decided by Environmental Health in conjunction with the Planning Officer using a number of factors. Research was undertaken into the opening and closing times for six other similar sites which are based in heavily populated residential areas in Cheltenham. These times were reviewed and found to vary by up to two hours later in the morning and hour earlier at night from the applicants proposed opening hours. This information was taken into consideration as well as the very close proximity of the residential houses to the front and rear of this site when the officer was compiling these comments and the times stated in them.

In the future (if this application is given permission) and the site is fully functioning and we in the Environmental Health department were to receive a noise complaint, we would assess the noise under the Environmental Protection Act 1990 to decide if it is a statutory nuisance or not. This assessment would be undertaken by a fully qualified and authorised EHO and they would subjectively decide through monitoring which can be completed by the complainant as well as the officer, if the noise generated by the source is severe enough that it would unreasonably interfere with the use or enjoyment of another property (i.e. the complainants home) and the officer must see evidence that the problem is occurring regularly and is continuing for a period of time that makes it unreasonable. If we judged that the noise was causing a statutory nuisance, we are legally obliged to serve an abatement notice which states that the nuisance described in the notice is to be abated. If the notice is not complied with or is breached we have the power to initiate prosecution proceedings.

When reviewing planning applications such as this time and deciding upon time limits for conditions we have to decide if in our professional judgement if the proposals are likely to give rise to a statutory nuisance, if we do, then we can compile comments/proposed conditions in order to change the activity or site in order to reduce this likelihood before it is built or the activity has begun. When reviewing the proposed opening, closing and delivery times for this site it was our judgement that the times put forward were too early and had the likelihood to potentially cause a statutory nuisance for the people living in the residential properties near to the site. Therefore, we have proposed times which we feel are in line with other similar sites in the town as well as being in line with other activities recommended times for work.

Plant and extraction equipment for the A1 use premises

7. Condition: The proposed unit on the site will require air conditioning plant, chiller units for the refrigeration systems as well as extraction systems. Details for all of the extraction and ventilation equipment for the unit shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved extraction and ventilation schemes for each of the units shall be implemented on site prior to the opening of any of the units and shall be maintained in accordance with the manufacturer's recommendations.

Reason: To protect the amenity of occupiers of nearby properties.

8. Condition: (If applicable) Prior to the first use of part of the A1 unit as a cook off area/catering unit, the schemes detailing the means of ventilation for the extraction and dispersal of cooking odours must be submitted to and approved in writing by the Local Planning Authority (part of which has been requested above).

The approved scheme shall be installed before the use hereby permitted commences and thereafter maintained in strict accordance with the manufacturers and installers instructions, details of which must be submitted as part of the scheme.

Reason: To protect the amenity of the residents in nearby residential properties.

Informative: The complete extraction system serving the area should be designed and commissioned by competent specialist engineers. The design of air pollution control equipment should be based on peak load conditions, i.e. the worst case scenario.

The scheme shall include the following:

- Full details of the system layout
- Housing of filters, motor and fan inside the building where possible
- Integrated grease baffle filters
- Suitable odour treatment plant to render the exhaust odourless at nearby residential property
- Specification of a motor and axial fan with variable speed controller
- An acoustic report detailing the predicted noise levels from the extraction equipment as they affect nearby residential properties.
- Circular section ducting preferred with a minimum of bends
- High level exhaust point fitted with a vertical discharge cowl that achieves maximum efflux velocity. This shall be at least 1 metre above roof ridge level of the host building

9. Condition: The total noise generated from all units and all items of plant and equipment associated with this application shall be controlled to the extent that the rating level (in accordance with BS 4142: 1997) as measured or calculated at 1m from the façade of the nearest noise sensitive premises shall not exceed a level of 5dB below the existing LA90 background level with no tonal element to the plant. This control shall be demonstrated by an assessment which shall be sent to this authority prior to the end users occupying the units at site. Should any changes be made to the building or the plant serving it by new occupants of the site in the future, these alterations will need to be forwarded to this authority prior to being made and may only be undertaken once the planned changes have been reviewed and approved.

Reason: To protect the amenity of occupiers of near by properties.

10. Condition: All lighting associated with signs and advertisements on the building and any external lighting (with the exception of security lighting) within the curtilage of the site shall be either switched off or reduced in luminance outside of the store opening hours.

Page 31

Details of a scheme for reduced lighting on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the proposed convenience store or the store first opening to customers (which ever is the sooner).

All signs, advertisements and external lighting equipment shall be operated strictly in accordance with the approved details and thereafter maintained as such.

(I understand that a separate condition relating to security lighting has already been made by the planning officer for this case and was submitted in the report which was presented to the planning committee previously.)

Reason: To protect the amenity of occupiers of nearby properties in accordance with Policy CP4 of the Local Plan.

Advisory:

1) Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.

Contaminated Land Officer

26th August 2014

Although a site investigation has been carried out, remediation and validation is still required. For this reason the standard contaminated land condition should be retained for this development as recommended for the previous application 13/02174/FUL

18th September 2014

In response to the issues of the tree/shrub growth along the western boundary of the above development site I have the following observations and comments;

- the tree/shrub boundary alongside Newcourt Road has been observed to contain a narrow band of low quality immature trees which are in relatively poor condition with limited potential to thrive in the longer term due to existing hardstanding and limited soil depths.
- there is some vent pipework from the old underground fuel tanks which extends to the site south-western boundary within the narrow band of trees and as such, removal of the vent pipework would only be realistically possible with the trees removed.
- there is a redundant oil tank to the north western boundary of the site which would need to be removed if the site is re-developed. This would be more straightforward and safer with the surrounding trees removed.
- demolition and site clearance, including removal of the underground fuel tanks, could damage some of the trees and their root systems to the extent that they may not survive or thrive in the longer term.
- residential development at the site is also likely to require some tree removal due to the site clearance and demolition issues mentioned above, together with possible foundation concerns should the trees be retained.

Tree Officer

12th September 2014

The Tree Section has no objection to this application.

The existing green screen facing Newcourt Rd works as a visual barrier during the months when in leaf, however on close inspection, this screen is composed of self sown sycamore, elm, bramble nettles etc and is not managed. There is no long term management possible to maintain this existing landscape and the proposed tree planting is preferable in the longer term. The chosen species from the Landscape proposal plan Drawing no 5 Revision B (field maple, birch and *Amelanchier*) and other landscape planting should compliment the scheme.

Landscape Architect

11th September 2014

I have reviewed the latest Landscape Proposals plan (Drg 483 Rev 05A) and the accompanying Ongoing Landscape Management schedule and both are acceptable

Parish Council

9th September 2014

COMMENTS BY CHARLTON KINGS PARISH COUNCIL ON LATEST PLANS, SEPTEMBER 2014

Objection: Charlton Kings Parish Council objects on the grounds of:

- (a) deleterious impact on the sustainability of local businesses in the near vicinity,
- (b) loss of amenity in terms of noise and extra traffic/congestion for nearby residents,
- (c) failure of the scheme to meet one of the strategic objectives of the Joint Core Strategy "to ensure that all new developments are valued by residents as they ... provide well-located infrastructure which meets the needs of residents",
- (d) failure of the plan to meet the NPPF test of improving the character and quality of an area and the way it functions,
- (e) considerable concern over hazard caused by likely parking on both sides of Cirencester Road near the proposed store's entrance where the road appreciably narrows,
- (f) concern over access arrangements for delivery lorries.

Detail:

1. A new supermarket would adversely impact on other similar retail units in the near vicinity. For the community, rather than the applicant in isolation, we believe that a development of this type on this site would be likely to reduce, rather than enhance the economic sustainability of the overall retail sector in Charlton Kings, and that any local jobs generated by the development would be offset by job losses elsewhere in the local economy.
2. Despite the applicant's contention that other similar shops could thrive alongside a new supermarket, it is our view that the NISA, Co-op foodstore, and Smith and Mann stores would suffer a significant drop in business, which could lead to store closures. The examples provided of coexistence are not pertinent as they do not provide direct like-for-like comparisons with the situation in Charlton Kings.
3. Of particular concern is the potential impact on the footfall in the family-run Smith and Mann store in Lyefield Road West, which has only recently taken on the village Post Office following the closure of the previous Post Office franchise. Should this application be approved, it would have the potential to jeopardise the viability of this

store and hence the survival of its integrated Post Office - the only one left in the village. This would be a serious loss to the community.

4. Given the current difficulties of the Co-op Group, it's possible that a drop in the profitability of its store in Church Piece would lead to closure and hence a big hole in the centre of the currently vibrant precinct which houses the library, coffee shop and take-away. In addition there would be negative impact on local specialist shops such as the butchers on Cirencester Road.
5. The proposal is contrary to both the Parish objective and policy of ensuring that we make best and most sustainable use of our resources and protect the areas and features that residents of Charlton Kings most value, and to the NPPF and JCS principle that "the purpose of planning is to help achieve sustainable development". In this respect an additional convenience store would work against a sustainable future for existing businesses, there being 3 existing convenience stores within a half mile radius and a further 3 within a 1 mile radius. The development site is neither large enough, nor in an appropriate location, to service and manage customer access to a supermarket that would, by its position, be of greatest benefit to passing trade.
6. The Parish Council remains convinced that this development will impact negatively on the amenity, and quality of life of residents living opposite and nearby. Factors here are extra traffic, multiple daily deliveries, long opening hours causing noise and exhaust pollution from cars coming and going, and light pollution from the site for many hours every day.
7. The proposal fails to meet Strategic Objective 5 of the Joint Core Strategy to ensure that "all new developments are valued by residents as they provide well-located infrastructure which meets the needs of residents". This proposal would generate an increase in vehicle movements along an already busy stretch of Cirencester Road, and there would be a considerable traffic hazard caused by vehicles entering and leaving the site which is close to a bend in the road. The development would create a potential hazard caused by vehicles parking on Cirencester Road itself, either side of the new building. Although some provision is made for on-site delivery vehicles we feel it would be unlikely to be effective in restricting all deliveries within the curtilage of the development and would cause significant hazard on the Cirencester Road.
8. It also fails the NPPF test of improving the character and quality of an area and the way it functions and the Joint Core Strategy Core Policy safety and security objective of contributing to safe communities by reducing conflicts between traffic and cyclists or pedestrians. Because this site is on the other side of the Cirencester Road to where most local customers are located, in the absence of yet another set of pedestrian-controlled traffic lights there would be considerable risks to pedestrians including the many schoolchildren who pass this way.
9. We also need to express our considerable concerns regarding highway issues at the proposed convenience retail entrance. Having measured the width of the Cirencester Road at several places from the junction with Croft Road, north to beyond the site due for development, it has come to light that a very serious reduction in road width occurs. Close to Croft Road (by house number 183) the width of the carriageway is 8.7metres (28'7"). Within 60 metres, at the proposed store entrance, this suddenly reduces to 7.2 metres (23'7"). Presently, residential parking happens only on the east side of the carriageway adjacent to houses. Previous submissions from "Highways" concede that should the store be in place, things will change and casual roadside parking will also be inevitable on the west side of the road, opposite to existing parking. Therefore, as motorists proceed north down Cirencester Road past Croft Road, highway conditions change dramatically. The carriageway narrows suddenly by 1.5 metres (5 feet). At this "pinch point" two cars approaching and overtaking parked cars on each side, no longer

Page 34

have the physical room to pass and a dangerous situation will have been created. We conclude that this proposed development will create a serious hazard and increase the likelihood of accidents and incidents on a road which otherwise has a reasonable safety record

10. We have concerns over the access arrangements for delivery lorries (rigid and articulated). Our interpretation of the plans is that the proposed arrangements look hazardous to other road users and potentially to users of the shop itself.
11. Should this application be approved we propose that there should be restrictions on the hours of operation and the periods when deliveries could be made, in order to reduce the impact of noise on residents in the immediate vicinity
12. Should this application be approved we urge that the developer should fund a traffic regulation order to introduce a "no waiting at any time" zone along the boundary of the site comprising A435 Cirencester Road and Newcourt Road in order to maintain safety for through traffic and pedestrians using the A road and to prevent obstruction and allow freedom of movement along Newcourt Road.
13. This Council notes the move of the ATM inside the building, which we think is beneficial. We also consider that the redesigned building is an improvement and fits better into its surroundings.

Gloucestershire Centre for Environmental Records

28th August 2014

This report is available to view in on line.

Cheltenham Cycle Campaign

10th September 2014

With regard to this revised application, we are pleased that cycle parking to an acceptable standard is to be provided for public use. However, we are concerned that the cycle parking for staff is described as "2 wall- mounted stands".

We ask Cheltenham Borough Council to ensure that the staff parking comprises stands similar to those intended for public use (i.e. 'Sheffield' stands) and, in particular, that they are not the type of stand that holds a cycle by its front wheel. The latter, now discredited, type of parking stand provides poor security, can damage bikes and may invalidate cycle insurance policies.

Feedback in due course from the Council about this would be appreciated.

Strategic Land Use Team

5th September 2014

We have no comment on this application; unless the case officer would specifically like us to supply one on a specific issue

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	175
Total comments received	116
Number of objections	113
Number of supporting	3
General comment	0

- 5.1** A total of 175 local residents were notified of the proposals and three site notices displayed within the vicinity of the site (front and rear of site and Croft Road junction)
- 5.2** As a result of the public notification exercise and at the time of writing, a total of 116 representations have been received by the Council from individuals/households (113 objecting and 3 in support). There have also been a number of repeat and additional objections received by some local residents in relation to the amended scheme.
- 5.3** A petition with 600 signatures was received by the Council on 15th September 2014. The petition header quotes Local Plan Policy CP4 (a and e) but also refers to Policies RT85 (d), RT86 (a and b) and RT88 (a and b). These three retail policies are old local plan policies and have been replaced respectively by Policies RT4 (retail development in local shopping centres), RT5 (non A1 uses in local shopping centres) and RT7 (retail development in out of centre locations). Policies RT4 and RT5 are of little or no relevance to the determination of this application.
- 5.4** The Charlton Kings Parish Council has also objected to the proposed development.
- 5.5** Due to the volume of comments received from local residents, a copy of all third party representations (including the petition) will be available to view in the Members' lounge and planning reception at the Council Offices.
- 5.6** The concerns raised by local residents are all very similar and can be summarised as follows:-
- Impact on existing neighbourhood shopping centres and potential closure of existing shops (in particular the Nisa store)
 - Residents do not want another store in the area. No evidence of demand or need in the area for another A1 convenience store. Existing centres provide an adequate range of services for the local community
 - Sustainability of proposed scheme questioned when majority of customers will arrive by car
 - Loss of existing business and jobs
 - Increase in traffic and street parking, indiscriminate parking on road, highway safety implication of road junctions with Cirencester Road/Bafford Lane and Newcourt Road and narrowing of width of Cirencester Road in proximity to application site.
 - Pedestrian conflict and highway safety issues associated with school children crossing Cirencester Road
 - Insufficient number of off-road parking spaces provided and lack of staff parking
 - Impact on amenity of local residents in terms of noise, disturbance, early morning deliveries, late night disturbance and antisocial behaviour, excessive lighting and litter
 - Site should be considered for residential use
 - The revised scheme fails to address previous issues of retail impact, need, increase in traffic on Cirencester Road and impact on amenity.

5.7 These comments will be addressed in the following sections.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 Since this is a revised application following refusal of a similar scheme, it should be determined on the basis of the extent to which the amended scheme overcomes the previous reasons for refusal (ref 13/02174/FUL). The following are the key considerations:-

- The impact of the proposed development upon the vitality and viability of the Croft Road neighbourhood shopping centre and loss of local facilities
- Design and appearance of the proposed development and impact on local character
- Loss of existing trees and shrubs to the rear of the site and impact on local character and distinctiveness
- Noise and disturbance and subsequent impact upon the amenity of local residents associated with an increase in traffic on Cirencester Road, deliveries to the site, use of the customer car park and ATM, the opening hours of the store extending into the evening and noise emission from plant and extraction equipment

6.1.2 The remainder of the report will look at each reason for refusal in turn and assess the extent to which the revised scheme addresses the concerns of Members and local residents.

6.2 Retail Impact on Existing Shopping Centres and Loss of Local Facilities

6.2.1 The first reason for refusal relates to the impact of the proposed development on the vitality and viability of an existing neighbourhood shopping centre and loss of local facilities and reads:

The proposal to erect an A1 convenience store at 86 Cirencester Road, following the removal of all existing buildings and structures on the site, would result in the likely closure of an existing nearby A1 food store at the Cirencester Road/Croft Road Local Neighbourhood Centre which has been designated as such in the Cheltenham Borough Local Plan (2006). The Local Planning Authority therefore considers that the proposed development would result in significant and demonstrable harm to the long term vitality and viability of this neighbourhood centre leading to a loss of local facilities and services for the local community. The proposed development is therefore contrary to Policy RT7 of the Local Plan and paragraph 70 of the NPPF which seeks to guard against the unnecessary loss of local facilities and services to the community.

6.2.2 Members will recall the full Officer assessment of the review undertaken by the Council's appointed retail planning expert (DPDS) of the applicant's original retail impact study (Mango report). For a more detailed explanation of the findings and conclusions reached in both, Members will need to refer back to the previous officer report, which is attached.

6.2.3 To assist Members, the following are extracts taken from the summary of the officer assessment of the previous DPDS review:

DPDS conclude that there is no 'qualitative need' for a new convenience store in the area which is already well served by existing facilities. The Policy considerations must focus on the sequential and impact tests recognising that Local Plan Policy is not wholly up to date in relation to 'need'. The issue of need therefore, should not be given significant weight. The sequential test is largely irrelevant since the aim of the proposal is to serve the local catchments. Town centre locations would be unsuitable for this purpose. Similarly, there are no other suitable sites in the three existing neighbourhood centres.

Although DPDS are not convinced by Mango's assessment of impact on existing centres, as detailed above, this is tempered by acknowledgment of the difficulties in assessing the trade patterns of independent retailers. However, DPDS conclude that food stores in Church Road and Lyefield Road West centres are unlikely to close as a result of the proposal and any impact on these stores would not warrant refusal of this application.

The impact on the Croft Road store would however be severe and there would be significant risk that the Nisa store would close. The proposed development is therefore contrary to Policy RT7 (and CP4). However, DPDS argue that the objective of this policy is protected in that if the Nisa store were to close, the public would still have access to local and arguably better shopping facilities. DPDS warn that refusing planning permission on impact grounds could be considered as protecting private interests and would place the Council at considerable risk at appeal.

Officers concur with the conclusions reached by DPDS in respect of the impact of the proposed development on existing neighbourhood shopping centres and do not consider that there is sufficient evidence to be able to put forward a refusal on retail impact grounds and one which Officers consider the Council could substantiate at appeal.

- 6.2.4** The applicant has not undertaken a further retail impact study; the original Mango report is reproduced as an appendix to the submitted application.
- 6.2.5** Irrespective of the above, the Council has again sought an independent view on retail impact and the extent to which the revised scheme addresses the issues raised in relation to impact on neighbourhood centres and loss of local facilities. DPDS have looked specifically at the retail impact arguments associated with this application and the weight which should be attached to Policy RT7 in light of government advice set out in the NPPF and NPPG. The appeal decisions and examples of co-existing convenience stores identified in the applicant's Planning Statement are also considered. A copy of the latest DPDS review is attached as an appendix.
- 6.2.6** DPDS conclude that there is nothing in the re-submission which leads to a change in their view on the likely impact of the proposed development on the Croft Road neighbourhood centre and the subsequent likely closure of the Nisa store. On the evidence submitted in the original Mango report, they again conclude that there is not sufficient expenditure to support both the Nisa store and the proposed. Even given the "worst case scenario" of turnover and sales density put forward by Mango, DPDS consider the sales densities too low for the retailers referred to in paragraph 6.13 of the Mango report. DPDS also disagree with the estimates for trade draw, which Mango suggested would be predominantly drawn from the larger food stores in Cheltenham and not the Nisa store. DPDS conclude that, in terms of turnover and trade draw the impact on the Nisa store would be considerably higher. Given that independent stores are regarded as being vulnerable to relatively small losses of trade and on the basis of the applicant's figures, the Nisa store is likely to suffer trade loss and close.
- 6.2.7** In respect of the revised application the applicant's retail argument is again based on the assumption that the Nisa store will continue trading alongside the proposed store. The applicant suggests that "*the retail offer proposed in this case would not mirror exactly what is currently on offer locally and would not therefore directly conflict with the neighbourhood*

centre but complement it". Officers and DPDS do not share this view and consider the proposed store would essentially be providing the same retail offer of top-up convenience goods shopping for local residents. On that basis, there would be direct competition between the two stores.

6.2.8 Notwithstanding the above, DPDS have undertaken a detailed assessment of the weight which should be afforded to Policy RT7 of the Local Plan and the need for a retail impact assessment in this case, two issues which are similarly addressed by the applicant. Reference is also made to the more recent advice on retail impact assessment contained within the National Planning Policy Guidance (NPPG) introduced in March of this year which differs slightly in emphasis from that contained within the NPPF.

6.2.9 Policy RT7 reads:-

Subject to policy RT1, retail development (note 2) outside defined shopping areas will be permitted only where:

(a) *a need for the additional floorspace has been demonstrated (note 3), and the proposals:*

(b) *individually or in conjunction with other completed and permitted retail development, would not harm the vitality and viability of the town centre as a whole or of a district or neighbourhood centre:*

6.2.10 The applicant argues fundamentally that retail impact in this case is not a material consideration because the proposed development is below 2,500 sq m in floorspace and there is no other locally appropriate threshold set by the local planning authority (as stated in paragraph 26 of the NPPF).

6.2.11 Essentially, Policy RT7 provides protection to the town centre, district centres and neighbourhood centres and is therefore generally consistent with the NPPF in relation to impact. However, in response to the applicant's argument above, DPDS consider that Policy RT7 cannot be regarded as fully up-to-date with national policy in terms of retail impact. The same applies to the requirement of Policy RT7 to demonstrate need for proposed retail development. The definition of town centres in the glossary of the NPPF includes district and local centres but specifically excludes "*small parades of shops of purely neighbourhood significance*". The Croft Road neighbourhood centre can only be classed as a small parade of shops and Policy RT7 cannot therefore be regarded as up-to-date or consistent with the NPPF where neighbourhood centres are concerned.

6.2.12 Members will be aware of paragraph 215 of the NPPF which states that due weight should be given to the relevant policies in existing plans according to their degree of consistency with the Framework. In light of this, DPDS advise the Council that the Planning Inspectorate is likely to give considerable weight to the NPPF and NPPG at any appeal and limited weight to Policy RT7.

6.2.13 The reason for refusal also refers to the proposed development leading to a loss of local facilities and therefore contrary to Policy RT7 and paragraph 70 of the NPPF. With this in mind, DPDS do reinforce the fact that the provision of local facilities is the underlying objective of Policy RT7 with regard to neighbourhood centres.

6.2.14 In addressing this issue and on the assumption that the Nisa store will remain trading, the applicant claims that the proposed store would be complementary to the existing offer and would "*not reduce the community's ability to meet its day to day needs*" in terms of top-up shopping. The applicant also argues that given the proximity of the Croft Road centre, the proposed development would enhance what is on offer locally making the neighbourhood centre more attractive and thereby increase its vitality and viability. It is certainly reasonable to assume that, whether the Nisa store remains open or not, the proposed

store would attract retail customers to the area and given the close proximity of the Croft Road shops would likely increase footfall to the Croft Road outlets and thereby maintain the vitality and viability of this centre. Officers also agree that the proposed store would maintain the local community's ability to meet its needs in terms of top-up convenience shopping. The application site is within easy walking distance of the Croft Road centre and local residents would not be disadvantaged in any way in terms of accessibility to local services.

- 6.2.15** Further to the above, the supporting text (although not 'saved' text) to Policy RT7 at paragraph 11.55 of the Local Plan reinforces what should be carefully considered when assessing the implications of a proposed out of centre retail scheme for the vitality and viability of the town centre and on local shopping facilities. It states, "*The issue is whether, when considered in this way, the proposal would result in a significant increase in the number of vacant properties, or a marked reduction in the range of services available, which could result in a centre's physical, commercial and social demise*". In this instance, Officers conclude that there would not be a significant increase in vacant properties or a reduction in the range of local services available.
- 6.2.16** In the absence of any information to the contrary, should the Nisa store close, there is no reason why this property could not be occupied by any other retail use falling within Class A; it is a sizeable unit, well located adjacent to the A435 and serves a wide catchment area.
- 6.2.17** Members should also be mindful that commercial competition is not a land use consideration and equally it is not the role of the planning system to restrict competition or preserve existing private commercial interests. Whilst the closure of the Nisa store would be regrettable, refusing this application in order to protect this private interest would be unreasonable.

6.3 Summary

- 6.3.1** DPDS claim that, even if the Nisa store closes, "*it could not be said that the community would be left without local shopping facilities for its day-to-day needs – the proposed store would meet these*". In essence, given the nature of the retail store proposed and its proximity to the existing centre there would be no loss of local facilities. DPDS conclude that a reason for refusal based on the loss of local facilities would be unsustainable at appeal.
- 6.3.2** DPDS point out the shift in national guidance since the previous application and consider that the Council would have to provide explanation as to why it was giving overriding weight to Policy RT7 in the context of the NPPF and NPPG if this application was refused on the basis of it being contrary to Policy RT7. DPDS consider that the Planning Inspectorate would give greater weight to the NPPF and NPPG because the Local Plan is out of date in relation to retail impact. In essence, a small parade of shops does not fall within the NPPF definition of town centres, the applicant is not required to demonstrate need and the proposed store is so far below the threshold for requiring a retail impact assessment.
- 6.3.3** The proposed development would not result in loss of local facilities and the objectives of Policy RT7 and paragraph 70 of the NPPF would be met regardless of whether the Nisa store ceases to trade.
- 6.3.4** The proposed development would have no significant impact on town centres as defined by the NPPF and as such, DPDS conclude that an appeal on retail impact grounds in this case is likely to be upheld.

6.4 Design, Landscaping and Local Character

- 6.4.1** The second reason for refusal relates to the form, design and materials proposed which would significantly alter and harm the character and appearance of the locality and would be in contrast to existing surrounding development. Similarly, the proposed removal of all existing landscaping along the Newcourt Road boundary would harm the distinctiveness and character of this part of Newcourt Road and the proposed replacement planting would not achieve the same effect in terms of maintaining the character of the area. In full, the second reason for refusal states:

The erection of a modern convenience store in the form, design and materials proposed and against the backdrop of the adjoining parkland and in contrast to existing surrounding residential development, would significantly alter and cause detrimental harm to the character and appearance of the locality. The proposed development sits awkwardly on the plot and is cranked to fit. The utilitarian and functional nature of the design, the excessive use of fenestration on the front elevation and the poor articulation of the eaves overhang detail and front entrance canopy add to a lack of robustness and quality in the design of the proposed building.

Similarly, in order to accommodate the back of house services, a customer car park and a dedicated delivery bay at the front of the building, the footprint is extended to the rear of the plot which would result in the removal of all existing landscaping along the Newcourt Road boundary. This landscaped bank of trees and shrubs contributes to the character and rural feel of this part of Newcourt Road and its loss would significantly harm the overall distinctiveness and character of this part of Newcourt Road. The proposed replacement landscaping within a reduced width of land would not achieve the same affect in terms of maintaining this rural and distinctive character.

As such, the proposed development is considered contrary to Policy CP7 of the Local Plan and paragraph 58 of the NPPF which aims to ensure that developments add to the long-term quality of the area and respond to the local character, create attractive and comfortable places to live and are visually attractive with appropriate landscaping.

6.4.2 Design, layout and materials

- 6.4.3** The overall design and appearance of the scheme has been significantly altered in response to comments made by the Architects Panel, Members and Officers in relation to the previous application.
- 6.4.4** Whilst the general form, scale, mass and layout of the proposed development have not altered significantly, the building footprint and gross internal area have been reduced by 25sq metres and 23 sq metres respectively with a trading area of 264 sq metres (gross internal area of 390 sq metres).
- 6.4.5** A 16 space car park is located to the north of the proposed store with access from a drop curb crossover. One parking space has been lost since the previous scheme to accommodate increased planting and landscaping to the rear of the site. The width of the parking spaces has also been increased in line with good practice for short stay parking. A dedicated delivery bay is provided at the front of the store with vehicular access restricted to this forecourt area from the north by automated bollards located at the end of the delivery bay which would be lowered only when deliveries exit the site. All deliveries and servicing are again proposed to access the site from the southern crossover (i.e. vehicles approaching from the south) and egress from the northern crossover, travelling north into Cheltenham along the A435. A Delivery Management Plan (DMP) accompanies the application which should ensure the efficient management of deliveries to the site, minimising pedestrian and vehicular conflict and potential noise and disturbance to local residents.

- 6.4.6** Although Officers considered the previous scheme acceptable in design terms it was criticised for being somewhat utilitarian and uninspiring in its appearance. In comparison, the revised scheme, although still functional in appearance, is contemporary and through the use of more traditional materials responds more successfully to local character. In this respect, the applicant comments in the accompanying Planning Statement:

“the building will be functional, it will add to the overall quality of the area removing the detritus from the site and creating a modern building that is reflective of its use but responds to the local character through the use of materials that are found immediately adjoining the site such as brick and render, reinforcing the distinctiveness of this part of Cirencester Road”

- 6.4.7** The building reads as one single storey structure but has a curved end elevation which both softens and adds interest to this prominent corner. This ‘drum-like’ concept had been applauded by the Architects Panel when considering a set of revised drawings associated with the previous application. These drawings were submitted for discussion only at that time and were not subsequently taken forward by the applicant.
- 6.4.8** In contrast to the previous duo-pitched roof, the current scheme incorporates a mono-pitch, standing seam zinc roof and is achieved by decreasing the overall height and bulk of the building by 165mm. The roof sits at approximately 5.5 metres at its highest point dropping to 3.5 metres at eaves height. The flat roof element at the rear steps down in height at the rear facing Newcourt Road (4 metres when measured from the car park). A standing seam zinc roof is commonly used in commercial buildings and mimics the traditional slate roofs of neighbouring development. Further, the height and mass of this single storey building should not dominate the predominantly 2 and 2 1/2 storey domestic scale of surrounding residential properties.
- 6.4.9** The building consists of predominantly brick facing walls with saw-cut natural stone detailing on the south, west and east elevations with part rendered side and rear elevations. Stone mullions and horizontal cast stone surrounds have again been introduced on the front elevation to add interest and relief and reflect the proportions of the bay windows of the houses opposite. A textured brick work finish to the recessed panels within the stone surrounds is also incorporated. This would consist of protruding bricks-on-end in a hit and miss pattern and will add further interest and relief to the front and end elevations, enhance the overall aesthetic of the building and discourage the use of the brick panels for advertising. These architectural features are continued around the curved end elevation and part length of the rear elevation.
- 6.4.10** The front elevation is otherwise fully glazed beneath a fascia fronting Cirencester Road but the level of fenestration to the shop front is considered appropriate and provides an active shop front enabling views into the store. In response to comments from the Architects Panel, the glazing panels have been recessed 80mm from the stone surrounds to add relief and interest in architectural detailing. Similarly the brick fascia panel which wraps around the front and end elevations is proportionate in size and is successfully delineated by the horizontal cast stone band.
- 6.4.11** A 300mm course of engineering brick runs along the bottom of the entire building below DPC level and continues at the rear of the site to form a higher retaining wall. The previous use of blue engineering brick has been reconsidered and a more appropriate red engineering brick is now proposed which is more in keeping with local materials.
- 6.4.12** Although the extent of built form along the west boundary will increase, the building height here is single storey and the sunken lane characteristics of Newcourt Road should be protected. A replacement Cotswold stone wall is again proposed along the Newcourt Road boundary which wraps around the corner of the site at the junction with Bafford

Lane. A low Cotswold stone wall would also replace the damaged stone wall along the northern boundary of the proposed car park where the site adjoins the park.

- 6.4.13** The revised scheme has received the support of both the Civic Society and Architects Panel.
- 6.4.14** The Civic Society *“think this is a well thought through proposal, with good quality materials”*.
- 6.4.15** The Architects Panel considers *“that the current proposal is an improvement. The way the roof modulates between the rectilinear block and the curve is better resolved, but a little more overhang would perhaps be beneficial. The treatment of the service block to the rear is much more satisfactory; however, the panel felt that the shop elevation facing the street could benefit from a greater degree of modelling, perhaps by setting the windows back. The continuity of material from the car park to the loading bay creates a rather sombre and unwelcoming and feel and a change of material for the loading bay would be preferable*”
- 6.4.16** In light of the Architects Panel comments the store entrance has been redesigned to give more prominence and interest to what should be the focal point of the building. The entrance now sits under an over-sailing canopy with an interesting angled column support feature. Additional glazing has also been added to the front elevation within the entrance area and as detailed above, the shopfront windows are recessed by 80mm. The tarmac surface within the car park and delivery bay has been replaced by block paving with variation in colour to delineate the delivery bay from the car park and discourage customer vehicles from inadvertently entering this area.
- 6.4.17** Similarly, the extent of timber fencing enclosing the back of house and plant area has been reduced and replaced with rendered walls with brick pier additions to add interest to the car park elevation. The remaining timber fencing is proposed at the rear of the car park but should, in time, be softened in appearance by the proposed tree and shrub planting which should overhang the fence line.
- 6.4.18** At paragraph 60 of the NPPF the guidance is clear in that *“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”*.
- 6.4.19** With the above in guidance mind, all of the above amendments are welcomed and, in Officers’ opinion, offer positive and well thought through additions to the building enhancing its overall appearance within the street scene. The proposed building with its attractive curved end elevation should sit comfortably on what is an awkward shaped site which tapers to the south and provide an active frontage to Cirencester Road. The revised scheme offers improvements in its articulated fenestration and stone detailing, roof form and entrance detail alongside contextually appropriate materials.
- 6.4.20** In summary, Officers consider the revisions to layout, design and choice of materials, accompanied by enhanced landscaping across the site, an improvement on the previous scheme and which respond well to local character. The proposed development achieves a high standard in architectural design and is therefore considered to be entirely in accordance with Policy CP7 of the Local Plan and worthy of support.
- 6.4.21** Landscaping and Local Character
- 6.4.22** Members have stressed the importance of the retention of the existing trees and vegetation along the Newcourt Road boundary which contribute to the ‘rural’ feel and distinctiveness of this part of Newcourt Road and to the character and appearance of the

locality in general. In this respect Officers do not disagree; this landscaped strip certainly provides a visual barrier between the dilapidated buildings and structures on the site and Newcourt Road and one which adds a 'green' and rural feel to the locality.

- 6.4.23** The existing area of landscaping between the buildings and tarmac area of the site and Newcourt Road consists of predominantly self-seeded, semi-mature trees and shrubs within a relatively narrow strip of non-surfaced material with none of the stems exceeding 75mm in diameter. The trees consist of Elm (60%), Sycamore (30%) and Ash (10%) and given their self grown origin are of little intrinsic value. Since the majority of the trees are Elm they may also eventually be affected by Dutch Elm disease and therefore the future of this landscaped belt and its contribution to the 'rural' feel of Newcourt Road is very uncertain.
- 6.4.24** Further to its long term contribution, the value of the existing landscaping and green buffer is limited to the months when the trees are in leaf. In the Autumn and Winter months and the early part of Spring when the trees are not in leaf this strip of landscaping has a more open feel with views into the site from Newcourt Road. The trees and shrubs are unmanaged and are not protected in any way (i.e. not located within a Conservation Area or worthy of a blanket Tree Preservation Order). Further, the landscaped strip reduces in depth significantly towards the junction with Bafford Lane where it is only 600mm in depth and therefore in the Autumn and Winter months a large section of this landscaped area has limited value and opportunity to provide a visual barrier and 'green' feel to Newcourt Road.
- 6.4.25** In comparison, the trees and landscaping on the west side of Newcourt Road have significantly more value in terms of providing a constant green feel to the locality with overhanging tree canopies and more established trees within residents' gardens. This is complemented by the much larger belt of trees located within the adjoining park which are protected by virtue of being located on Council owned land. These trees run along the boundary with the proposed customer car park and extend to Newcourt Road adding greatly to the landscaped feel of the locality. Both these trees and the trees/shrubs on the west side of Newcourt Road are unaffected by the proposed development.
- 6.4.26** The above observations are endorsed by the Council's Tree officer who concludes that there is no long term management possible to maintain the existing landscaping and the proposed tree planting is preferable in the longer term. The chosen species shown on the applicant's landscaping scheme (field maple, birch and Amelanchier) and other landscape planting should complement the scheme and the immediate locality.
- 6.4.27** The Council's Land Contamination Officer has carried out a site inspection to assess the need to remove all the existing trees and shrubs to accommodate the proposed development. He similarly concludes that the existing trees are in relatively poor condition with limited potential to thrive in the longer term due to existing hardstanding and limited soil depths. He identifies some vent pipe work from the old underground fuel tanks which extends to the south-west boundary within the narrow band of trees and as such, removal of the vent pipe work would only be realistically possible with the trees removed. There is also a redundant oil tank close to the north west boundary of the site which would need to be removed if the site is re-developed; this would be more straightforward and safer with the surrounding trees removed. He concludes that demolition and site clearance, including the removal of the underground fuel tanks, could damage some of the trees and their root systems to the extent that they may not survive or thrive in the longer term. Equally, he considers that residential or other commercial development at the site is also likely to require some tree removal due to the site clearance and demolition issues mentioned above, together with possible foundation concerns should the trees be retained.

- 6.4.28** In light of the above, Officers consider that, in order to redevelop this site and make efficient use of a previously developed brownfield site, all the existing trees would, in all probability, have to be removed. Notwithstanding their limited growth and survival potential, the retention of the existing trees would require the site, with its existing hardstanding, ageing buildings and structures, to remain largely in its current state. There are obvious contamination issues associated with this site which are insurmountable in terms of its future redevelopment.
- 6.4.29** In response to the concerns of the Planning Committee, the applicant has modified the footprint of the proposed development and increased the area of proposed landscaping at the rear of the site fronting Newcourt Road, on the corner bend and elsewhere on site. A minimum 2m deep strip of landscaping is now proposed along the Newcourt Road boundary which extends to some 5-6 metres in depth behind the customer car park. This is similar in layout and coverage to the existing landscaping. One car parking space has been lost and the boundary wall/fence alongside the car park moved back into the site to accommodate the additional planting.
- 6.4.30** Officers consider that the benefits and opportunity to replicate and arguably enhance the existing landscaping outweighs the loss of one parking space at the back end of the car park (and which the County Highway Officer has no objection to). The increase in depth will allow more extensive and appropriate tree and shrub planting which will have more capacity to grow and thrive in the long term; a holly hedge, a native mixed shrub mix interspersed with Birch, Field Maple and Amalanchier are proposed. This planting is considered appropriate for the locality and site conditions and alongside opportunities to manage the landscaping, would ensure the green and rural feel of Newcourt Road is maintained.
- 6.4.31** The tree and shrub planting has also been increased on the corner of the site at the junction with Bafford Lane and Cirencester Road which will soften the corner and end elevation. This planting is now extended and wraps around the front of the building. Smaller areas of incidental planting within the car park are also proposed.
- 6.4.32** The submitted landscaping scheme with accompanying Landscape Management Plan is comprehensive and comprises the completed landscaping scheme for the proposed development. Both the Council's Tree Officer and Landscape Architect consider the proposed landscaping scheme and management plan acceptable and appropriate for the locality. A condition specifying that planting should take place in the first planting season following completion of development and be managed in accordance with the submitted management scheme is all that would be needed in respect of proposed landscaping.
- 6.4.33** Summary
- 6.4.34** Officers consider that the revised scheme responds well to the character of the surrounding area in terms of improved landscaping, scale, design and use of contextually appropriate materials and the applicant has tried hard to address the concerns of Committee Members and local residents.
- 6.4.35** It is worth noting that the car wash business has made use of the existing buildings associated with the previous petrol filling station and car sales activities at this site. These buildings and structures have not been modernised or refurbished to any great extent and it cannot be denied that the site, in general, with its ageing buildings and remnants of a petrol filling station, detracts from the character and appearance of the area and adds very little, if nothing, to local character and distinctiveness.
- 6.4.36** In light of all the above design, landscaping and layout considerations and with regard to how the site currently contributes to the character and appearance of the area, it is the view of Officers that the proposed development offers clear and positive enhancements to the overall character and appearance of the locality. As such the proposed development

adheres to Policy CP7 of the Local Plan and paragraph 58 of the NPPF and is worthy of support.

6.5 Noise, disturbance and impact on local amenity

- 6.5.1** The third reason for refusal relates to the potential for an unacceptable increase in noise and disturbance generated by the proposed development and reads as follows:

The proposed development would result in a significant increase in noise and disturbance to local residents living near the site by virtue of increased traffic on Cirencester Road, deliveries to the site, use of the customer car park, the opening hours of the proposed store extending late into the evening, an ATM located externally and in use 24 hours a day and the installation of plant and extraction equipment. As such, the proposed development is considered contrary to Policy CP4 of the Local Plan and paragraph 58 of the NPPF which both seek to ensure that proposed development maintains safe and sustainable living and creates comfortable places to live.

- 6.5.2** There are two key issues in relation to noise and disturbance; firstly, that caused by an increase in traffic on Cirencester Road, deliveries to the site and use of the customer car park and secondly, noise emission from plant and extraction equipment and the ATM.
- 6.5.3** The revised scheme shows the ATM relocated internally within the store and therefore this facility will only be available for customer or passer-by use when the store is open thereby removing any potential for noise and disturbance from the ATM particularly during the evenings and night time. This was something actively encouraged at the previous Committee meeting.
- 6.5.4** The plant enclosure and back of house area have been reconfigured with the effect that the building now wraps around the plant enclosure which is located behind the external wall of the building which has also been increased in height. In addition, a condition has been suggested which ensures that the total noise generated from all units and all items of plant and equipment associated with this application shall be controlled to the extent that it shall not exceed a level of 5dB below the existing LA90 background level (i.e. noise currently associated with the traffic using Cirencester Road).
- 6.5.5** The plant area is likely to consist of one floor mounted condenser unit, two air conditioning units for the refrigeration equipment and one smaller air conditioning unit for the staff office (which will not be in full time use). The masonry walls which enclose the plant have also been increased to 1.8 metres in height to further mitigate against noise emission.
- 6.5.6** The Environmental Noise Survey report has been reviewed by the applicant in light of the revised layout with no change to the findings and conclusions of the original noise survey. Similarly, the Environmental Health team has raised no objection to the revised scheme subject to conditions relating to demolition works, delivery and opening times, plant and lighting details. These matters are discussed further later in the report.
- 6.5.7** A number of comments have been received from local residents about the potential for excessive light glare/pollution from advertising panels and other lighting equipment installed within the curtilage of the site. Any illuminated advertisements and signs installed on the building would be considered under the Advertisement Regulations. To minimise harm to amenity a condition would be added to any subsequent advertisement consent for the submission and written approval of a scheme of reduced lighting outside of the store opening times. Security lights are covered by separate condition but would be subject to the same consideration.

6.5.8 Traffic Issues

- 6.5.9** Local residents and Members have concerns about noise and disturbance associated with the potential for an increase in traffic on Cirencester Road and the affect on the amenities of occupiers of nearby dwellings. The concerns are that the proposed store would attract customers arriving by car resulting in an increase in daily vehicular trips to and from the site over and above the current activity on the site. It is suggested that the resultant increase in noise and disturbance on Cirencester Road and from the customer car park would harm the amenities of the occupiers of nearby dwellings.
- 6.5.10** Officers have considered the many comments received from local residents concerning traffic increase, parking and congestion, dangers associated with stationary and passing vehicles on Cirencester Road, inadequate and dangerous junctions, reduced road widths, and pedestrian safety. However, Members should note that the Highways Officer had no concerns in relation to highway safety in his consideration of the previous scheme and all such issues were discussed at the July meeting. The means of access, delivery arrangements, cumulative parking and number of off-road parking spaces provided for staff and customers, congestion on neighbouring streets and increase in traffic on the local road network (from a highway safety perspective) were all considered acceptable subject to conditions and the applicant entering into a legal agreement to secure necessary works for highway and junction improvements.
- 6.5.11** Members resolved to determine the previous application on that basis and highway safety issues and transport policies do not form part of the reasons for refusal. The reasons for refusal relate only to noise and disturbance caused by a potential increase in traffic on Cirencester Road and vehicles using the car park and the subsequent impact on the amenities of occupiers of neighbouring properties. This application should be considered with regard to these matters only.
- 6.5.12** The applicant has submitted a detailed Transport Statement which includes a vehicle trip analysis (Table 6.3 of the Transport Statement) which determines that the proposed development would result in less vehicular traffic (-473 daily trips) when compared to the previous use of this site as a petrol filling station (PFS). As with the previous application, the Highways Officer considers this a key factor in determining the degree of impact in use, which he concludes would have a positive impact on highway safety and capacity. In essence, when compared to a PFS the proposed use would generate a net reduction in trip generation in both the peak hour and inter peaks. This analysis is fully endorsed by your Officers.
- 6.5.13** The above conclusion is reached on the basis that, in addition to the current use, the previous uses of the site (PFS, car sales/workshop) are material considerations that attract significant weight. As indicated, a petrol filling station would have generated significant vehicular trips, accessing the site from two access points with fuel deliveries. The ancillary shop would also have generated some pedestrian and vehicular trips.
- 6.5.14** For completeness, the applicant's traffic consultant has also carried out an analysis of TRICS data for petrol filling stations between 1993 and 1996. A comparison between the previous PFS (1996) and the proposed retail use detailed within the Transport Statement, suggests that, in summary, the proposed retail use would generate the same number of movements in a typical am peak time, slightly increased numbers in the proposed development identified peak (12:00 to 13:00), and less within the pm peak hour when compared to 1996 PFS traffic levels.
- 6.5.15** This additional comparison indicates that daily trips generated by the proposed retail use are still significantly less than the PFS would have generated in 1996. The proposed two-

way daily trips is estimated at 654, whilst the PFS (1996 flows) were 988; a difference of 334.

6.5.16 However, it is important to note that comparisons between the previous use of the site as a PFS and the proposed retail use should be made on the basis of current traffic levels, in other words, a like for like comparison only should be made.

6.5.17 The Transport Statement also refers to the TRICS Research Report 95/2 Pass-by & Diverted. This report assesses the relationship between primary and non-primary trips (single purpose and linked trips) generated by retail development. It is also considered normal practice to combine diverted and pass-by trips into the non-primary definition, put simply as meaning trips made to shops, supermarkets and convenience stores by vehicles already on the road network.

6.5.18 Paragraphs 4.2 of the above TRICS report conclude that:

“very little new traffic is generated by new store developments. Figures compiled in this document suggest that in most circumstances 10% or less of the total trips are completely new and in practice the value is so small it can be discounted”

6.5.19 The Highways Officer considers the above assessment correct since users of the proposed store are most likely to be by-passing the site and existing retail uses on Cirencester Road and already travelling along it, particularly given that Cirencester Road is an arterial road. There would inevitably be a proportion of transferred trips (trips that used to travel to one opportunity but now travel to the new site) but the conclusion reached by the Highways Officer is that even if there was an element of transferred or re-distributed trips, when compared with the fall back position of a petrol filling station, the total figures would not represent an increase in traffic on Cirencester Road.

6.5.20 Clearly, the above values will depend on size of store and local context but in essence what this data indicates is that the vast majority of vehicles accessing the site are likely to be already using the local road network i.e. diverted trips and pass-by traffic and therefore an actual increase in traffic will be negligible. Using the same argument, the closure of the Nisa store would also result in a proportion of diverted trips to the proposed store.

6.5.21 The volume of diverted and pass-by traffic is also expected to be lower at the weekend and after 7pm since this is a main arterial road into Cheltenham and carries a significant volume of commuter traffic during peak flow periods.

6.5.22 To add more perspective, the Highways Officer has investigated existing traffic flows on Cirencester Road and estimated the likely increase in traffic on this stretch of Cirencester Road based on trip rates associated with the proposed development. The TRICS derived daily two way trips of 654 for the proposed development would represent 9% of the daily two way flows along this stretch of Cirencester Road. Using the TRICS Research Report analysis that new trips associated with retail development are generally 10% of total trips, this equates to less than 1% of the total volume of traffic using Cirencester Road. In essence, any increase in volume of traffic on Cirencester Road would be inconsequential and there would be no justification for refusing this application on these grounds.

6.5.23 A Delivery Management Plan (DMP) has again been submitted and this document would form part of any planning approval for this site. The DMP seeks to control and manage all retail and service deliveries to the site in a manner which should prevent the parking or waiting of delivery vehicles on the public highway and deliveries taking place directly from Cirencester Road, Newcourt Road or Bafford Lane and includes other measures to ensure the efficient day to day management of the site. It also provides a list of ‘best practice’ informatives which should help to minimise noise and disturbance to local residents.

- 6.5.24** Officers are mindful of the concerns of Members with regard to the extent to which the DMP is enforceable. The principal aim of the DMP is to ensure the safety and direction of deliveries to and from the site, reduce pedestrian and vehicular conflict and prevent delivery vehicles from parking on Cirencester Road. The DMP also includes the approved delivery hours which are also covered by separate planning condition. The list of 'best practice' informatives is included to ensure that the site is managed as efficiently as possible with minimum disturbance to local residents. Officers acknowledge that these informatives are likely to be unenforceable; they are informatives only but offer the end user a guide to 'good practice' in store management and have been used elsewhere on similar proposals.
- 6.5.25** Any failure to adhere to the principal requirements of the DMP would potentially result in a breach of condition notice being served on the user of the site and appropriate enforcement action being taken. The DMP would apply to the end user of this site and any subsequent A1 user of the site, in perpetuity.
- 6.5.26** Since the principal requirements of the DMP would have highway safety implications, should they not be implemented in a satisfactory manner, the Council would consider any breach a serious and urgent matter. Should discussions with the end user fail to resolve the issues then appropriate enforcement action could be taken. There is no right of appeal against a breach of condition notice.
- 6.5.27** The proposed development also has the clear advantage of providing a dedicated, off road delivery bay ensuring safe deliveries with minimal vehicular/pedestrian conflict. There are many examples of convenience stores across Cheltenham where this facility is not available (e.g. Morrisons - Prestbury Road and Winchcombe Street, Tesco – Hewlett Road, Co-Op -Leckhampton Road and Nisa - Croft Road) and delivery vehicles are forced to park on the adjoining highway or use the customer car park.
- 6.5.28** In addition, a condition has been suggested to restrict deliveries within certain hours (07:00 – 19:00 hrs Monday to Friday, 08:00 – 18:00 Saturday and 10:00 – 14:00 Sundays and Bank Holidays). A smaller early morning newspaper delivery is permissible from 06:00 hrs but vehicles associated with this type of delivery must park in the customer car park and not on Cirencester Road or in the delivery bay.
- 6.5.29** Deliveries are expected to consist of three to four deliveries per day of which one to two will be by rigid or articulated lorries with the remainder by smaller vehicles. Delivery vehicles would also enter and leave the site in a forward gear (no reversing beeps) and would carry out deliveries off road and away from the houses opposite.
- 6.5.30** The Environmental Noise Survey and Noise Impact Assessment carried out on behalf of the applicant, includes an analysis of potential noise from deliveries and vehicle movements based on calculated changes in ambient noise levels at the nearest noise sensitive receptors. Operational data has been used for a similar sized convenience store and the assessment has assumed a worst case scenario in terms of early morning deliveries and peak flows in traffic. The Noise Survey also provides cumulative plant noise emission criteria to be achieved at 1m from the proposed plant area.
- 6.5.31** The findings of the above Survey conclude that coupled with revisions to the design and layout of the proposed plant enclosure and the relocation of the ATM, the proposed delivery and customer vehicle movement noise levels are likely to have an insignificant affect on the existing ambient noise levels at adjacent residential properties. Both day time and night time assessments indicate very small changes in ambient noise levels (<1.5db and <1db respectively), which the acoustic consultants consider would result in an imperceptible change in loudness.
- 6.5.32** The Council's Environmental Health Officer has reviewed the findings of the above survey and has no concerns in relation to noise generated by vehicular movements or plant

subject to a number of conditions. These conditions relate principally to delivery and store opening times, approval of all plant and equipment, noise emission criteria and lighting.

- 6.5.33** All of the above measures, coupled with the very small number of daily deliveries anticipated for a store of this size should not result in any significant harm to the occupiers of neighbouring dwellings in terms of noise and disturbance. The likelihood of one early morning main delivery is not considered excessive and would not in itself warrant refusal of the proposed development.
- 6.5.34** In addition, the applicant has proposed a further reduction in the opening hours for the store. The store would be open to customers between 07:00 – 10:00 Monday to Saturday and 07:30 – 21:30 Sundays and Bank Holidays. This reduces the opening times in the evening by one hour each day thereby minimising the potential for noise and disturbance to local residents. A condition is suggested to control the proposed opening hours.
- 6.5.35** Any noise and disturbance associated with the proposed development should also be measured against the noise generated by the current (and previous) use of the site. The application site is currently occupied by a hand car wash facility which uses a jet washing operating system. The car wash operates seven days a week although opening hours are restricted (09:00 to 18:00 hours Monday to Saturday and 10:00 to 14:00 hours on Sundays and Bank Holidays). It must be acknowledged that this use generates considerable noise which is audible above the noise associated with traffic on Cirencester Road and also very noticeable from Newcourt Road.
- 6.5.36** The previous uses of the site as a petrol filling station, car sales and workshop would also have generated a certain level of daily vehicular movement, customer activity and noise and disturbance to local residents. Fundamentally, this is a brownfield site, on a busy arterial road into Cheltenham which is currently in commercial use and therefore a certain level of noise from activity on the site is inevitable. Officers also feel that, irrespective of any increase in traffic associated with the proposed use, noise from cars visiting the site and using the car park would be barely noticeable above the background traffic noise on Cirencester Road. Officers do accept that, although Cirencester Road is busy throughout the day, traffic volume decreases in the evening, noticeably after 7pm. However, this pattern would coincide with the off peak in terms of customer numbers visiting the proposed store and therefore impact on neighbours would, in any event, be reduced at these times.
- 6.5.37** Summary
- 6.5.38** The advice set out at Paragraph 32 of the NPPF states clearly that plan and decision making should take account of opportunities for sustainable transport modes, safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of developments are severe”*.
- 6.5.39** The proposed development is accessible by alternative sustainable transport modes and has a safe and suitable pedestrian and vehicular access. The Environmental Noise Survey and Impact Assessment and the Council’s Environmental Health Officer conclude that changes in ambient noise levels generated by deliveries, customer vehicular movement and plant would be insignificant and are therefore acceptable.
- 6.5.40** The Highway Authority has raised no objection to the proposed development on highway safety grounds and similarly, highway safety issues do not form part of the reasons for refusal. Funding would be secured via a legal agreement for necessary highway and junction improvements and mitigation measures deemed necessary by the Highway Authority.

6.5.41 Having regard to the previous and current uses of the site, comparisons in trip generation and the estimated negligible increase in traffic on the local road network associated with new retail development, the highway authority considers that the cumulative impact from the proposed development will not be severe and a reason for refusal on traffic grounds cannot be sustained.

6.6 Other considerations

6.6.1 The Parish Council has raised objection to the proposed development. Where they are relevant to the revised application, their principal concerns relating to retail impact, sustainability, amenity and highway safety are covered in the body of this report,

6.6.2 They also comment on the failure of the scheme to meet one of the strategic objectives of the Joint Core Strategy "*to ensure that all new developments are valued by residents as they ... provide well-located infrastructure which meets the needs of residents*". This is not a formal policy of the JCS but rather a statement on what the Councils consider to be some of the attributes of sustainable development. The strategic objectives in the plan should be read as a whole including "*Providing the right conditions and sufficient land in appropriate locations to support existing businesses and attract new ones*" and "*supporting a diverse retail offer*". They are to be met through the application of policy, in this case retail and transport policies, both through the saved policies in the Local Plan and the emerging policies in the JCS.

6.6.3 That said, the JCS is at an advanced stage its adoption process. Publication of the re-submission version took place during August/September 2014 and will be formally submitted to the Secretary of State for Examination on 20th November 2014. However, given that the JCS has not yet been formally examined it currently holds limited weight in decision making.

7. CONCLUSION AND RECOMMENDATION

7.1.1 The application site is a former petrol filling station and currently used as a hand car wash facility. The site serves a useful function and provides a beneficial service to the local community but as a brownfield site within an urban area it is underutilised and generally detracts from the character and appearance of the locality.

7.1.2 This is a revised application which seeks to address the three reasons for refusal associated with a previous scheme. Officers consider that the significant revisions to design, appearance and layout and the retail arguments put forward by both the applicant and retail consultants DPDS have addressed the concerns of Members and local residents and the amended scheme offers considerable benefits.

7.1.3 The proposed development would enhance the overall character and appearance of the locality; the scheme is well designed using contextually appropriate materials and provides opportunities for enhanced and long term landscaping maintaining the 'rural' feel of Newcourt Road. The proposed development makes efficient use of a brownfield site in a sustainable location which, by virtue of the nature and condition of existing built form, currently detracts from the character and appearance of the area. Overall, the revised scheme offers clear and positive enhancements to the overall character and appearance of the locality and maintains local distinctiveness.

7.1.4 The retail impact issue focuses on the weight which should be attached to Policy RT7. DPDS consider that the Planning Inspectorate would give greater weight to the NPPF and NPPG because the Local Plan is out of date in respect of Policy RT7. DPDS consider that the Council would have to provide explanation as to why it was giving overriding

weight to Policy RT7 in the context of the NPPF and NPPG if this application was refused on the basis of it being contrary to Policy RT7.

- 7.1.5** Similarly, even if the Nisa store is forced to close, Officers argue that the community would not be left without local shopping facilities since the proposed store would meet these. In essence, given the nature of the retail store proposed and its proximity to the existing centre there would be no loss of local facilities. The proposed development would have no significant impact on town centres as defined by the NPPF and as such, DPDS conclude that a reason for refusal based on loss of local facilities and on retail impact grounds in this case would be unsustainable at appeal.
- 7.1.6** An A1 unit on this site would generate activity and noise associated with deliveries and customers visiting the site. However, consideration of loss of amenity to the occupiers of neighbouring properties must focus on whether the harm caused would be demonstrable, significant and severe enough to warrant refusal of the proposed development.
- 7.1.7** The existing car wash facility generates noise and vehicular movements to and from the site on a daily basis. Cirencester Road is a busy arterial road and its traffic flow generates considerable noise. Officers argue that any noise and disturbance generated by a convenience store on this site would not be any worse than the current scenario and, at most times of the day would not be audible above the noise of the road. Store opening and deliveries hours would be restricted to minimise disturbance and the proposed opening hours have been further reduced by one hour each day to minimise noise and disturbance in the evenings. The ATM has been relocated inside the store and the plant enclosure reconfigured to limit noise emission.
- 7.1.8** With regard to the previous uses of the site, the highway authority considers that an increase in traffic on the local road network would be negligible, the cumulative impact of the proposed development would not be severe and safe and suitable access and adequate parking can be provided. The DMP should ensure that all servicing and deliveries to the site would operate safely and not from the adjacent highway. No highway objection is raised subject to conditions and the applicant entering into a legal agreement to ensure the provision of necessary highway works. The proposed customer car park is well contained within the site, shielded on one side by the store itself and set back from the houses opposite. Therefore, over and above the noise from the road, there should be no significant harm to the amenities of the occupiers of neighbouring properties associated with the use of the car park.
- 7.1.9** As Members are aware, at paragraph 14, the presumption in favour of sustainable development is at the heart of the NPPF and for decision-taking this means that where the relevant policies are out of date, planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*.
- 7.1.10** For the purposes of whether the proposed development is considered sustainable development, the NPPF identifies three core components to sustainable development; economic, social and environmental and the mutual roles that these play.
- 7.1.11** In terms of the economic and social benefits, Officers consider that in addition to employment opportunities, the proposed development makes efficient use of an underutilised and contaminated brownfield site which currently detracts from the character and appearance of the locality. It will add to the local facilities providing top-up shopping for the catchment. Equally, the proposed store is located in a sustainable location, on a major arterial road into Cheltenham and is accessible by various modes of transport. In terms of the environmental benefits, the proposed development would again enhance the character and appearance of the site and locality and maintain local distinctiveness through good design and appropriate landscaping. The proposed development would not

generate a significant increase in traffic on Cirencester Road and the operational management of the site should not result in excessive noise and disturbance and harm to the amenities of occupiers of neighbouring dwellings.

- 7.1.12** After careful consideration of all the issues, including the strength of local opposition to the proposed development, Officers consider that the revised scheme addresses the previous reasons for refusal, offers clear benefits to the overall character and appearance of the locality and is worthy of support. As such, there are no objections or concerns in relation to design and layout, loss of amenity to neighbouring properties, impact on the Croft Road neighbourhood centre and loss of local facilities.
- 7.1.13** It is therefore recommended that planning permission be granted subject to the following conditions and the applicant entering into a legal agreement with the County Council to ensure the provision of necessary highway works.

8. CONDITIONS / INFORMATIVES

- 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 numbers 655 11 Rev C, 655 24 Rev B, 655 27, 655 12 Rev P, 655 13 Rev N, 655 28, 655 26, 655 25 Rev A, 655 17 Rev D, 655 27, 655 28, 483 05c received 11th September 2014, 18th August 2014 and 29th September 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The development hereby approved and all deliveries and servicing of the development hereby permitted shall be carried out in strict accordance with the 'Delivery Management Plan 13-00234/DMP/01/Rev H August 2014' received by the Council on 18th August 2014, unless otherwise agreed in writing by the Local Planning Authority. Should any variation of the Delivery Management Plan (DMP) be deemed necessary, then the applicant or current occupier of the development hereby approved shall submit a revised DMP to be approved in writing by the Local Planning Authority. The development hereby permitted and all deliveries and servicing of the development hereby permitted shall thereafter be carried out in strict accordance with the approved DMP.
Reason: To ensure the development and all deliveries and servicing of the site are carried out in strict accordance with the approved Delivery Management Plan in the interests of highway safety and to protect local amenity, in accordance with Policies TP1 and CP4 of the Local Plan.
- 4 The development hereby approved shall not commence on site until the following condition has been complied with and satisfactorily agreed, in writing, by the Local Planning Authority.

i) Site characterisation

A site investigation and risk assessment should 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 should be produced and will be subject to the approval, in writing, by 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, in writing, by the Local Planning Authority.

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.

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 in accordance with Local Plan Policy NE4 relating to development on contaminated land.

- 5 Prior to commencement of development full details of the proposed vehicular accesses and layout of the proposed delivery bay shall be submitted to and approved by the Local Planning Authority and prior to the first beneficial occupation of the development they shall be completed in all respects in accordance with details approved under this condition and shall be retained as such thereafter.

Reason: To minimize hazards and ensure a safe and suitable means of access for all users of the development hereby approved in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 6 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.

- 7 Prior to the commencement of development a phasing programme for the development hereby approved shall be submitted to and approved in writing by the local planning authority and the local highway authority. This phasing programme will need to ensure that the highway authority can implement the necessary highway works prior to the first opening of the retail unit to customers hereby approved.

Reason: To minimize hazards and ensure a safe and suitable means of access for all users of the development hereby approved in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 8 Prior to the commencement of any development on the site, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall provide for and include the following information:-

- a) the parking of site operatives' and visitor's vehicles
- b) the type and number of vehicles expected to occupy the site during the development phases (including demolition)
- c) the means of loading and unloading plant and materials
- d) the areas on site to be used for the storage of plant and materials used in construction and any resultant materials from demolition works
- e) wheel washing facilities
- f) access routes into and out of the site of all construction operations and vehicles
- g) measures to control the emission of dust and dirt during construction and demolition

The provisions of the approved statement shall be adhered to throughout the construction and demolition phases of the development.

Reason: To provide safe access to site during the construction period in accordance with Policy TP1 of the Local Plan.

- 9 The cycle parking provision shown on the approved plans shall be completed prior to the first occupation of the development 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.

- 10 Notwithstanding the submitted details, prior to the commencement of development, the design and details (including materials, finishes and samples where requested) of the following shall be submitted to and approved in writing by the Local Planning Authority:

1. the main shop entrance, canopy and supporting post(s), fascia detail
2. eaves and soffit detail
3. windows and shopfront glazing panels (including reveals, cills and detail of obscure glass)

4. stone panelling to glazing surrounds, stone banding and cast stone coping detail
5. rainwater goods
6. vents, flues and any other pipework
7. bollards and any other street furniture
8. security lighting and all external light fittings installed within the curtilage of the application site
9. cycle stands (staff and customer)
10. timber gate and fencing panels

The design and details shall be accompanied by elevations and section drawings where considered necessary by the Local Planning Authority. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policies CP3, CP4 and CP7 relating to sustainable environment, safe and sustainable living and design, and national guidance set out within the National Planning Policy Framework. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

11. Prior to the commencement of development, a detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the boundary walls, fences or other means of enclosure shall be erected before the development hereby permitted is first occupied.
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 Policy CP7 relating to design.
12. Prior to the commencement of development, samples of the proposed facing and roofing materials and boundary and retaining wall materials, including a sample panel of the proposed textured brickwork on the east and south elevations, shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
13. Prior to the commencement of development, plans detailing the specification and location of all hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. All new hard surfacing areas shall be formed from permeable materials or provision shall be made to direct run-off from the hard surface to a permeable or porous area (soakaway) within the site.
Reason: To maximise the absorption of rainfall on site in accordance with Local Plan Policy CP1 relating to sustainable development.
14. The landscaping proposals hereby approved shall be carried out no later than the first planting season following the date when the development is ready for occupation unless otherwise agreed in writing by the Local Planning Authority. All planting and subsequent management of the approved landscaping shall be carried out in accordance with the 'Ongoing Landscape Management' plan received on 11th September 2014. After planting should any trees or plants be removed, die, or become severely damaged or seriously diseased they shall be replaced with others of similar size and species to those originally required to be planted.
Reason: To ensure that the planting becomes established and thereby achieves the objectives of Local Plan Policies CP1 and CP7 relating to sustainable development and design.
15. Prior to the commencement of any works of demolition or construction a Method Statement detailing the control of noise, dust, vibration and any other nuisances arising

from works of construction and demolition (including the methods for storage, removal and/or recycling of waste/salvaged materials) shall be submitted to and approved in writing by the Local Planning Authority. The statement should also include controls on noise and nuisance from construction and delivery vehicles operating at and accessing the site from the public highway.

Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.

- 16 All works relating to the development hereby approved, including works of demolition or site preparation prior to operations, shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.

- 17 Prior to the commencement of development, the end user of the proposed A1 unit (and any subsequent user(s)) of the unit shall submit a waste management plan which shall be approved in writing by the Local Planning Authority. The plan shall provide details of where and how the waste and recycling for all units will be stored, the proposed means of collection and the methods the waste collection contractor will adopt in reducing the impact from noise on nearby residential premises. The provisions of the approved waste management plan shall be implemented upon the proposed retail unit being first open to customers and thereafter implemented for the duration of the use.

Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.

- 18 All deliveries to the site (including the collection of waste) shall only take place between the hours of 07:00 and 19:00 Monday to Friday, 08:00 and 18:00 Saturdays, 10:00 and 14:00 Sundays and Bank Holidays. Newspaper deliveries can be made to the site between 06:00 and 19:00 only. When newspaper deliveries are made before 07:00 hours all newspaper delivery vehicles shall park and unload in the customer car park and not in the delivery bay at the front of the store.

Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.

- 19 The use hereby permitted shall only be open to customers between the hours of 07:00 to 22:00 Monday to Saturday, 07:30 to 21:30 on Sundays and Bank Holidays.

Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.

- 20 Prior to the commencement of the use hereby permitted, details of the means of ventilation and extraction from air conditioning plant, chiller and refrigeration systems and the dispersal of cooking smells/fumes, including details of the method of installation, odour control measures, noise levels, appearance and finish shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use hereby permitted commences and the store is open to customers and maintained in strict accordance with the manufacturer's and installer's instructions thereafter.

Reason: These details need careful consideration and formal approval to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 21 The total noise generated from all items of plant and extraction and ventilation equipment associated with the use hereby permitted shall be controlled to the extent that the rating level (in accordance with BS 4142: 1997) as measured or calculated at 1m from the façade of the nearest noise sensitive premises shall not exceed a level of 5dB below the existing LA90 background level with no tonal element to the plant. This

control shall be demonstrated by a noise assessment which shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any plant or extraction/ventilation equipment. Should any changes be made to the building or the plant and equipment serving it, the detail of these alterations shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The plant and extraction/ventilation equipment shall be installed and thereafter operated strictly in accordance with the approved details.

Reason: These details need careful consideration and formal approval to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 22 Prior to the commencement of development, the surface water drainage system shall be designed in accordance with the principles of Sustainable Drainage Systems (SUDS). This shall include a maintenance strategy and full details (including calculations) shall be submitted to and approved by the Local Planning Authority. Prior to the first occupation of any part of the development, the surface water drainage system shall be completed in all respects in accordance with the details approved and shall be retained as such thereafter.

Reason: To ensure the surface water drainage system does not contribute to flooding or pollution of the watercourse in accordance with Local Plan Policy UI3 relating to sustainable drainage systems.

- 23 Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm shall be severed without the advice of a qualified arboriculturalist or without the written consent of the Local Planning Authority'.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 24 Tree protective fencing shall be installed in accordance with the specifications set out within the Arboricultural Report dated December 2013 and Drawing Number CC TP1. The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 25 All sequencing and detail of works taking place on site (including demolition and site clearance) shall take place in accordance with the Method Statement within the Arboricultural Report dated December 2013.

Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

INFORMATIVES

- 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 minor revisions to the landscaping scheme, fenestration and roof detail and hard surfacing materials.

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

- 2 The complete extraction system serving the unit should be designed and commissioned by competent specialist engineers. The design of air pollution control equipment should be based on peak load conditions, i.e. the worst case scenario.

The scheme shall include the following:

- Full details of the system layout
- Housing of filters, motor and fan inside the building where possible
- Integrated grease baffle filters
- Suitable odour treatment plant to render the exhaust odourless at nearby residential property
- Specification of a motor and axial fan with variable speed controller
- An acoustic report detailing the predicted noise levels from the extraction equipment as they affect nearby residential properties.
- Circular section ducting preferred with a minimum of bends
- High level exhaust point fitted with a vertical discharge cowl that achieves maximum efflux velocity. This shall be at least 1 metre above roof ridge level of the host building

- 3 Given the proximity of neighbouring residential development, the number and size of fascia signs, and other signage, graphics and advertisements and the amount and level of illuminated signage on the two shop frontages should be kept to a minimum.
- 4 Should a survey of the existing building (prior to the commencement of any works on site) indicate the presence of asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.
- 5 The proposed development will require works to be carried out on the public highway to include the relocation of a street light and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the Local Highway Authority before commencing works on the development.

APPENDICES

1. Officer report - July Committee Meeting 2014
2. Mango Retail Impact Assessment - January 2014
3. DPDS Retail Impact Review Report - February 2014
4. DPDS Review Report - September 2014

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APPLICATION NO: 14/01436/FUL		OFFICER: Mrs Lucy White	
DATE REGISTERED: 19th August 2014		DATE OF EXPIRY : 14th October 2014	
WARD: Charlton Park		PARISH: CHARLK	
APPLICANT:	CTC (Gloucester) Ltd		
LOCATION:	86 Cirencester Road, Charlton Kings, Cheltenham		
PROPOSAL:	Erection of a new convenience store (A1) with associated parking following demolition of all existing buildings on the site (revised scheme following 13/02174/FUL)		

REPRESENTATIONS

Number of contributors	116
Number of objections	113
Number of representations	0
Number of supporting	3

Please note, a 600-signature petition objecting to the proposal was also submitted and can be found at the end of the representations.

Tall Trees
Newcourt Road
Cheltenham
Gloucestershire
GL53 9AZ

Comments: 7th September 2014

Amendments to the original application have not addressed the following:-

- Traffic congestion and control of traffic
- Parking problems including traffic of all kinds stopping on the main Cirencester road to 'pop in'
- Road safety for children and local residents
- Noise disturbance
- Threat to very adequate local shops and amenities

21 Charlton Close
Cheltenham
Gloucestershire
GL53 8DH

Comments: 8th September 2014

I understand that the first application for this development was refused and that another has been submitted. I would like to say how strongly I object to this going ahead.

Small alterations have been made to try to make this more acceptable to the objectors but I wonder what it takes to make the Town Planners understand that the nearby occupants of the area have never wanted such a development. We are not saying no to everything but a supermarket is definitely not wanted. All previous reasons are still very relevant:-

Traffic congestion will still be relevant - it is bad enough already. Cars parked on both sides of Cirencester Road make extremely hazardous driving as well as crossing it. School children as well as any other pedestrians make crossing the Cirencester Road dangerous without the

Page 62

addition of another store. Road safety should surely be considered apart from children and the elderly there is an old people's home in the very near vicinity.

We have, in Charlton Kings, a Budgens as well as a Co-op and of course a Nisa. So there will be quite a threat to those already employed there should another supermarket appear. We also have a supermarket at Hatherley and the independent shops in Bath Road are a delight and we would like to show our appreciation of them. If we wanted more shops we should move into town.

We have been very happy with the car wash as traffic comes and goes with ease, a service is delivered and most people are happy with that. I also know that some drivers come from afar to use this service finding it very helpful indeed.

If this goes ahead I for one will feel that the Council is just aiming to find another space for Tesco having asked them to abandon their Lower High Street premises whether the locals want it or not and we DO NOT WANT A SUPERMARKET ON THAT SITE. I do not think the Council is listening to us.

2 Lawson Glade
Cheltenham
Gloucestershire
GL53 9HL

Comments: 8th September 2014

I am emailing to object strongly to the planning application to build a supermarket at 86 Cirencester Road, Charlton Kings. I am utterly dismayed that this application can appear again so quickly having already been rejected. This just seems like a cynical attempt by the proposers to trample all over the planning process and local opinion. Despite the minor changes to the application the grounds for complaint remain as before:

There simply isn't space for a supermarket on this site.

There are two perfectly good convenience stores within easy walking distance (Nisa and Co-op). Their trade will be decimated yet their size is far more appropriate to the size of the community.

Parking and increased traffic on the Cirencester Road will have a negative effect on Road Safety in this predominantly residential area.

The existing car wash is clearly not very pretty but a supermarket is not what it should be replaced with. It will look even worse as it will completely dominate the site and the surrounding area.

Local residents want local amenities (like a proper post office!) not some great multinational supermarket chain.

I trust the planning department will through this out once and for all.

April Cottage
33 Bafford Lane
Cheltenham
Gloucestershire
GL53 8DN

Comments: 8th September 2014

Page 63

As a resident of Bafford Lane, I unreservedly oppose the planning proposal 14/01436/FUL on the grounds it has the potential to increase traffic congestion on an already busy road, and further add to the parking of more cars on the highway which causes road safety issues. I both use the T junction at Newcourt Rd with a vehicle and cross the Cirencester Rd on foot with my two year old child, and currently find it very challenging exercise, what with the amount of parked cars on the Cirencester Rd, the amount of traffic using the road, the lack of a pedestrian crossing and there being a blind bend just past the Nisa store. A new supermarket as proposed in the planning application will potentially increase both the traffic and the amount of parked cars on the surrounding roads, and thus increase the potential for a serious accident to be caused. I strongly urge the Council to reject this application and support planning applications for developments that will increase road safety for local family's not decrease it.

12 Croft Avenue
Charlton Kings
Cheltenham
Gloucestershire
GL53 8LF

Comments: 8th September 2014

My views on this development have been submitted via a previous application and I'm fully in favour of it going ahead. I've had a letter today from a resident who clearly is not and frankly it's not the first where somebody has tried to push negativity to the forefront reference this development. The points listed below are my response to the negative letters i have received thus far:

Increased traffic congestion - not at all, it's a car wash at the moment which has a very steady flow of traffic in and out so a shop would actually slow this down.

Parking problems - this development would actually ease the dangerous parking around Nisa that exists at the moment by adding off road parking.

Road safety - see above.

Noise disturbance - again it's a car wash at the moment so by less cars going in and out then there will be less noise.

Threat to local business - I don't see ho its going to affect the post office at all and the butchers have already said its no threat to them so all I can really see is a threat to Nisa ... I call that healthy competition and maybe it will stop the over pricing that goes on in Nisa.

Loss of employment - how when its a new development that is going to need to employ people to work there.

Also the ATM being moved inside is a bad thing as the one at Nisa is nearly always empty so having another would have been handy. All in all I see this as a very big positive as it will mean the eyesore that is there at the moment will be no more. Please feel free to contact me if you would like any more feedback.

28A Bafford Lane
Cheltenham
Gloucestershire
GL53 8DL

Comments: 8th September 2014

Page 64

We would just like to air our views on the proposed planning application for a convenience store on Cirencester Road in lieu of the car wash presently on the site:

- 1) We live in Bafford Lane and have continual parking and traffic congestion problems without any further additions to add to the present difficulties of getting in and out of the lane
- 2) Many children use Bafford Lane en route to local schools and would be at risk with additional traffic in the area.
- 3) Newcourt Road needs to become a one-way system to provide safety as drivers use it as a "short cut"
- 4) Leaving Bafford Lane to enter Cirencester Road is very difficult at all times because of cars parked right at the end of the lane causing visibility problems. Double yellow lines are required here.
- 5) There are already many good shops in Charlton Kings and these would obviously suffer if another outlet is built. We also have other ATMs nearby and a cash machine at the Post Office.
- 6) There are no other car wash facilities within miles of Charlton Kings and this one is very popular and extremely busy at all times.

30 Branch Hill Rise
Charlton Kings
Cheltenham
Gloucestershire
GL53 9HW

Comments: 8th September 2014

We wish to object to the proposal to build a supermarket at 86 Cirencester Road on the following grounds ...this part of Cirencester Road is dangerous enough with parking as it is now. More clutter of advertising boards would add to this problem late evening lighting to the local homes would be terrible. The car wash is very good, and does not hinder traffic. (delivery lorries would also add to the now road congestion.....30 Branch Hill Rise...apologies for any mistakes but one figure typing an advanced years don't help in this age of computing)

Hill View House
29A Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DF

Comments: 8th September 2014

There is absolutely no need for another convenience store in Charlton Kings, we are already well served. The site would be far better used for lost -cost housing, of which there is a shortage in the area.

Cirencester Road is already very busy at peak times and the extra congestion caused by trying to enter or leave the site would be severe, and close to a bend and junction the accident risk would be high.

42 Bafford Lane
Cheltenham
Gloucestershire
GL53 8DP

Comments: 7th September 2014

In general I agree with the council's previous conclusion that that 'the proposed development would result in significant and demonstrable harm to the long-term vitality and viability of this neighbourhood centre leading to a loss of local facilities and services for the local community'. I oppose the application.

I have a particular concern about the impact of traffic and parking on Bafford Lane and New Court Road. Bafford Lane has no spare parking capacity, and the section of the lane nearest to the proposed new development is too narrow for any parking at all - one parked car can obstruct access to the whole lane. New Court Road is also too narrow and any parking in the area close to the back of the proposed shop makes the approach to the Cirencester Road/Bafford Lane junction very dangerous. Residents currently park cars on the south side of the short section of New Court Road between the Cirencester Road and the Bafford Lane junction; presumably this would no longer be possible if the Cirencester Road junction is made narrower - so where would the displaced cars go?

The suggestion that the staff of the new shop should not park on site is difficult to understand (and is a marked change from the current car wash where the staff do park on site). The idea that they should use the Church Piece car park is not realistic - the car park is already often very full, quite apart from the distance; this proposal does, of course, move the problem of staff parking away from the proposed shop to fill up instead the Church Piece parking spaces used by customers of the competitor shops nearby. The planning proposal claims that the car parking for the shop will be well in excess of what is needed; in that case, if the planning proposal is to pass, please require that staff cars are parked in some of the "excess" parking spaces on site.

39 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8EX

Comments: 11th September 2014

I would like to register my strong objection to the revised proposal on the following grounds:-

Traffic congestion - This part of Cirencester Road is narrow and already congested, with poor visibility in parts due to existing parking and nearby junctions.

Access to the proposed site is dangerous with sharp left turn off a busy fast road into a very small car parking area which will have cars trying to exit the same space.

A development of this type here would increase congestion and therefore increase risk to pedestrians including children going to and from school.

Overdevelopment of a small site to provide a service which is already exists in the village, there are numerous supermarkets nearby!

Visual impact - the proposed development, a bland commercial building, is not in keeping with the surrounding parkland and residential housing and would impact negatively on the area.

Page 66

Noise pollution due to long opening hours, delivery lorries arriving early in the morning and air conditioning units of the store.

Lack of privacy for the houses facing the store with light pollution from bright store lighting until late at night.

299 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8ED

Comments: 9th September 2014

Hello. Given the title of this email I suspect you have an idea of its contents. In addition, I have been given a letter informing me of the planning proposals for a Supermarket on the above site - currently a Car Wash Site. I held a brief conversation with the gentlemen who handed me your email address and he gave me a very persuasive case for not building such a store. As a Charlton Kings resident I feel the traffic would be one of the outstanding issues not least because the narrow Cirencester Road sees much traffic head through the village already. In addition I am led to believe the existent Nisa store would not survive were a new store to be located opposite. Whilst mine is only one of countless opinions, I felt it was the right thing to do to email to register my support for the 'no' campaign.

8 Bafford Approach
Cheltenham
Gloucestershire
GL53 9HJ

Comments: 9th September 2014

Our concerns regarding the application for Planning on the Car Wash Site are:

- The increase in Traffic which will cause more congestion than we have now
- Parking problems as many houses on the Cirencester Road do not have drives and, therefore
- need to park on the road/ pavements
- The road safety issue with the children crossing the roads to go to school and people using the Green Area
- The extra noise disturbance as the supermarket will, I am sure, be open early and late in the day.
- Loss of jobs at existing stores and car wash.
- We already have an ATM at the Nisa store so why do we need another! Either inside the store or out!

1 Croft Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8LD

Comments: 9th September 2014

I write to comment regarding the latest planning application of 86 Cirencester Road to record my approval of this application.

I would like to address some subjects that local residents and councillors have raised:

Increased traffic congestion

As a local resident I can not see that this application would cause any more traffic in the area than we already experience considering we already have 5 local businesses operating in the area?

Parking problems

As parking will be available as part of the application there will not be a problem. As a resident of Croft Road I already experience severe parking problems with locals parking irresponsibly to visit the local shops and businesses. The new retail development may even help alleviate irresponsible parking.

Road safety

I cannot foresee any decrease in road safety due to this development?

Noise disturbance

Again I currently suffer from noticeable noise disturbance from people visiting the local shops on Croft Road so for me there would be no increase and residents of Cirencester Road I would imagine already suffer from noise disturbance from the road anyway?

Threat to local shops

The good shops in the local area should not be affected as customers are loyal, however I would greatly appreciate it if the local Nisa store closes as they do not offer a good service and they cause environmental harm with the amount of rubbish and the way in which they store their waste outside the store, so a responsible national retailer would be appreciated.

Employment concerns

I am sure that any reliable, valued and employable person would find other employment either at the new development or elsewhere and the amount of new staff needed to operate in this type of business would create more local jobs than currently available?

All that I do ask is the opening times are considered carefully taking local residents into consideration and that the installation of a crossing is considered to help with road safety concerns.

I hope that all views of local residents will be fairly represented at the upcoming meeting.

Willow Lawn
9 Charlton Close
Cheltenham
Gloucestershire
GL53 8DH

Comments: 11th September 2014

I object to this proposal in principle - the wrong development in the wrong place.

The same negative comments are being made again and again whilst positive comments are few and far between.

I agree with all the negative comments made but am particularly concerned on traffic issues and the impact on the Newcourt Road/Cirencester Road junction which I fear could become an accident hotspot.

Approval of this development would be to the detriment of local residents and also the wider community of Charlton Kings.

48 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DA

Comments: 11th September 2014

I wanted to raise concern over the planning application to put a supermarket on the car wash site at 86 Cirencester Road. As a resident of 48 Cirencester Road, I strongly object on the following grounds:

- I drive from Cirencester Road down Croft Road daily - this is a heavily congested part of the road and a new supermarket in this area would add to traffic and I have no doubt cause more accidents.
- Parking in this part of the road is already oversubscribed and again, more traffic and parking in this area would cause more problems.
- It seems the developers have failed to see that there is already a supermarket, right across the road. Residents of Charlton Kings are well served by a number of supermarkets and we do not need anymore.
- Cirencester Road is already a very busy road, cars turning into and pulling out of the Nisa car park greatly add to the hazards of the road and a supermarket opposite as well would double the congestion.

I don't believe that more landscaping, moving the ATM inside and a mono-pitch roof would resolve any of these concerns!

Rede House
23 Charlton Close
Cheltenham
Gloucestershire
GL53 8DH

Comments: 11th September 2014

I wish to register my objection to the proposed development at 86 Cirencester Road of a convenience store.

We have no need for yet another local store, indeed this will put local businesses under significant pressure. The location is far from ideal being placed between a narrow 'lane' and busy feed road on a blind T junction. Traffic would be excessive and insufficient parking is proposed for staff and customers.

We need housing not more opportunities to line the pockets of the corporates!

11 Newcourt Park
Cheltenham
Gloucestershire
GL53 9AY

Comments: 11th September 2014

I am writing to object to the revised application for a supermarket on this site. I do not think that the changes sufficiently address the traffic and parking problems which would arise if permission was granted. Newcourt Road is already used too much for a narrow road with a difficult access onto Cirencester Road. Cirencester Road is already congested with parked cars and road safety

would be a considerable issue if there were significantly more traffic using this site. The existing car wash also performs a very useful function.

Appleton
15 Charlton Close
Cheltenham
Gloucestershire
GL53 8DH

Comments: 8th September 2014

I have tried unsuccessfully to register on your website, it tells me I am logged in then will not let me comment on a planning application, please add this comment to the other objections.

I am very strongly opposed to the new application for a convenience store on this site for many valid reasons

1. There are many young children who cross Cirencester Road in the morning and afternoon to get to the local schools, the increased traffic this store will create will cause many hazardous situations for these local children and could easily end up causing a fatality.
2. We are more than amply serviced with several choices of small supermarket in the local area of a high standard including cash point facilities and do not need another supermarket on this site. The existing stores will suffer with lost revenue and may have to close.
3. Smith and Mann houses the only post office service we have locally and if they close we will lose this valuable resource that is used by so many people.
4. There are a large number of elderly residents in the local area who use all the local shops and the post office, their safety will be compromised by the extra traffic this proposed store will bring and again if these plans go ahead there could easily be a fatality due to the increased traffic. There has already been an elderly lady killed on the main road outside the Churchdown Tesco on the old Hurrans site.
5. This is a residential area which is well catered for and the extended opening hours of this store will cause noise and light pollution to many local residents. This store will be used predominantly by passing traffic and not local residents.
6. There may well be a detrimental effect on the local house prices in the area, this seems very unfair considering there are no local residents who want this scheme to go ahead.
7. Newcourt Road is a very difficult road for access and cars parking down it will be very hazardous. Cars already park dangerously on the double yellow lines outside the Nisa shop, this road is not suitable for parking.

I have been unable to log my comment on your website, please add my comments here to the other objections.

36 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DA

Comments: 10th September 2014

I write to raise objection to the planning application for a new supermarket at the Car Wash site of 86 Cirencester Road.

Despite the amendments that have been made to the plans I feel strongly that it should be rejected on the grounds that

Page 70

- a) it would significantly increase the volume of traffic to the area as a result of deliveries and customers which would have a negative impact on the area which is largely residential
- b) it would cause parking problems in what is already a busy street with limited parking
- c) it would negatively impact on the park on which the land is located
- d) it would cause additional concerns over road safety - there are a large number of children crossing the Cirencester Road on route to school who would be affected by this increase in traffic volume
- e) the increase in traffic and the act of delivering supplies would make the area noisier causing further disturbances to local residents
- f) we are already well served with local supermarkets having one directly opposite, one in the village, a Budgens nearby and then another at 6 ways. Such a development would inevitably mean the closure of at least one or two of these well established and well liked stores

I sincerely hope that sense will be seen and the application refused.

36 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DA

Comments: 10th September 2014

I am writing to express my objection to the planning application for 86 Cirencester Road (supermarket).

Firstly, we do not need another food outlet. We are served extremely well by the Nisa shop and its ATM, the butchers, the Co-Op, Budgens, the post office (within Budgens) which also serves as an ATM, the pharmacy, the florist and two coffee shops.

Secondly, the increase in traffic noise would be unbearable. Already some neighbours resort to sleeping in the back bedrooms to avoid sleep disturbances from lorries and coaches throughout the night.

Thirdly, traffic congestion down to the Lyefield Road and Moorend Road crossroads would increase and stationary cars with engines running increase noise and pollution for houses along the Cirencester Road.

Fourthly, children crossing to schools within Charlton Kings village would be in increased danger from traffic and blind spots, since there would be an increase in parked cars from customers and staff, in the roads adjacent to the store.

In addition, light pollution from the all night lighting in the store would cause a disturbance to residents in close proximity to the building.

Finally, the park land is a meeting place for my children and dog walkers. Its size and number of established trees allow a decent blockage from the road noise. It must not be reduced to make way for concrete, adding to further flood risk from the regular heavy rainwater which flows down the road towards town.

We need a community in which we support local business. We know the people who run these businesses and we talk daily to the people who use them. We exchange news of events locally

Page 71

and express concern to the shopkeepers if there are customers we haven't seen for a while. The residential homes have residents who use the local store, enjoying the small and familiar service received.

133 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 11th September 2014

CBC Planning Reference 14/01436/FUL

Erection of a new convenience store (A1) with associated parking following demolition of all existing buildings on the site (revised scheme following 13/02174/FUL) | 86 Cirencester Road Charlton Kings Cheltenham Gloucestershire GL53 8DA

I object to the above proposed development on the grounds that it will increase traffic volumes over the long period of opening and with that the inherent problems that go with it: congestion, parking, noise and light pollution etc and also on the grounds of sustainability.

The recent re-submission by Hunter Page does nothing to resolve these objections and their argument to suppress these objections are flawed and close analysis shows them to be contradictory.

Here is an example: The Mango Retail Statement, which they use to try and neutralise the sustainability argument, states that 80% of the proposed store's turnover will come from customers changing from supermarkets from further afield and they go on to name some: Sainsbury's, Waitrose, Morrison's. Those customers take a specific decision to make a journey to a supermarket but now it is assumed they will make that journey to the new store on the Cirencester Road. They will come from Bafford, the Beeches, Pilley, East End, London Road etc and they will come in their cars. Hunter Page's claim that 90% of the total vehicular trips will come from pass-by and diverted trips is quite simply nonsense. In reality the top up shoppers will make their usual journey in their cars and fill the car parking and the passing trade, the newspaper/cigarette/sandwich purchases and ATM users, will use the roads and pavements.

The developers actually say that the store is intended to serve the 'immediate and wider community' and will help 'the neighbourhood centre become a retail destination'. That to me suggests more traffic, but of course they use these terms to convince us on the sustainability argument.

There are many more examples of contradiction depending on the argument they are trying to suppress and it irks me that our paid professional planning and highways officers dismiss the traffic and sustainability arguments. Anybody with an ounce of common sense will know that the proposed store

- will increase traffic
- will have an adverse affect on our existing, local stores

I also wish you to consider this:-

From the Mango Retail Statement, RT6 states 'Proposals for new local shopping centres will only be permitted in an area of identified deficiency'. In Charlton Kings there is no deficiency of convenience stores.

And Hunter Page reminds us of the core planning principles:

Page 72

'Every effort should be made objectively to identify and then meet the housing, business and other development needs of the area ... taking account of the needs of the residential and business communities.'

The residents of Charlton Kings need affordable housing. The residents and business community of Charlton Kings do not need another convenience store.

And so it is to our hard working, badgered councillors we turn to again. Thank you for your support last time. The objections are still valid and the amended proposals by Hunter Page have not addressed all the issues by a long way. Stay strong, ignore the veiled threats (case study appeal decisions) and represent the people who elected you. They may be able to blunt your teeth but they cannot remove your backbone.

68 Copt Elm Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8AW

Comments: 10th September 2014

I wish to object to the planning permission of the above ref. No. Which is another supermarket in Cirencester Road, Charlton Kings.

As a village we do not need anymore shops I would suggest he builds more housing which would be much more beneficial.

1 Lee Close
Cheltenham
Gloucestershire
GL51 7JH

Comments: 12th September 2014

I would like to register my strong objection to the revised proposal due to the fact this road is heavily congested and placing a Tesco here would be adding fuel to the fire. This will put even more strain on the already limited parking in the area. All the local business' will be affected and may have to close which will damage the local economy. There has been a new post office in the area, which offers extended opening times, so is convenient and helpful to the elderly and other members of the local community and if we lose this service due to the approval of this application it will cause great disruption to everyone in the area. There will be more noise pollution due to long opening hours, delivery lorries arriving early in the morning and air conditioning units of the store. Also there will be a lack of privacy for the houses facing the store with light pollution from bright store lighting until late at night will cause great concern for all families with young children who have routines.

9 Pumphreys Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DD

Comments: 9th September 2014

Whilst I appreciate some of the concerns residents may have regarding the proposed supermarket on the above site, I fail to see that these minor issues, out way the benefits of having a well needed new supermarket to serve Charlton Kings, it being a large residential area.

I live virtually opposite the site in Pumphreys Road and the supermarket would possibly impact on me and my neighbours should customers of the shop were to try and park in Pumphreys Road as there is literally just room for each resident to park one car outside their house. So if this was the case and me and my neighbours experienced difficulties with our own parking outside our own houses, then this would greatly impact on us. I myself have disabilities and have a blue badge, so it would be a real problem for me if I were not able to park outside my house. However, I believe in finding solutions to problems and if it turned out that parking in the Road did turn out to be problematic, then I think that the Company should pay to have the Road made into a 'Permit holders only' and compensate the residents of Pumphreys Road accordingly, or pay the Council directly to cover the cost of the permits. I also believe Pumphreys Road should have a sign saying either 20 miles an hour (or 30), to stop people driving fast up to the flats situated at the top of the Road- Little pheasants. (My cat has already been seriously injured through being hit by a car) and it worries me every time I see a car accelerating past my house up to the top of the road, probably reaching speeds at times of 40/50 miles per hour. And in the summer, a number of lads congregate at the top of the road and ride motorbikes up and down extremely fast as well, as well as being dangerous it is also very noisy.

I think that on the Cirencester Road, there should be 30 mile an hour signs put up about 200 yards or so before Pumphreys Road and also at least one Zebra crossing or Pelican lights installed so that customers will be able to cross the road safely. This would also serve to slow traffic down and make them stop altogether periodically, allowing people to pull out of the supermarket and onto the busy Cirencester Road. I also think that the yellow lines recently placed either side of Pumphreys Road exit do not go far enough around the bend, so it still remains difficult to pull safely out of Pumphreys Road into fast traffic. So the lines need to be extended further round the bend and also, at the weekends, people just ignore the double yellow lines and just park there anyway it seems, so getting out of Pumphreys Road is still a real issue and needs to be resolved as well as cars leaving opposite from the proposed supermarket site.

In terms of landscaping, there is a large gap in a stone wall which encloses a green area where people walk their dogs and kids play, and this means that dogs can easily run out onto the road through the large opening and potentially cause an accident. I had to once swerve and break hard to avoid a dog in the road, so I would be in favour of this being resolved by having a large gate fitted over the gap, to stop dogs having the opportunity in the first place to cause an accident.

In terms of employment, to my knowledge there is only 2/3 people working at the car wash, so there would bound to be an increase in employment if a supermarket were to open there.

I for one, think everything that can be done to calm traffic along the stretch of the Cirencester Road should be done, there should be a large gate erected to make things safer, and that overall, more choice for food shopping is definitely needed in Charlton Kings, and for me a Tesco or Lidl would be my preference, and a supermarket will be of far greater use to the population than a carwash and I hope that the plans are ultimately agreed to and go ahead.

12 Pumphreys Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DD

Comments: 9th September 2014

I feel that I must object to the proposed application of a supermarket at the above address. I live in Pumphreys road and have done for the last 4 years.

Page 74

The traffic coming from both directions on Cirencester Road junction to Pumphreys Road is very busy most days, vans and lorries just park haphazardly right in the eyeline of trying to pull out of my road. You are literally having to guess if traffic is coming and then on top of that, hoping the traffic are sticking to the 30 mile an hour speed limit otherwise it could be totally lethal pulling out of that junction.

To now build a supermarket right next to that junction of Pumphreys Road (almost next to it) is going to cause a lot of grief for the people who live on that road and around that area. It is already too congested as it is and far too dangerous. This means there will be 4 junctions almost next to each other with cars pulling in and out. And now a supermarket with even more cars pulling in and out, this is asking for trouble

I myself have had a few close shaves with cars speeding up that road. It is only a matter of time before someone is seriously injured or even killed.

The car wash is perfect for this area as the nearest car wash is at the other end of town. The staff are always friendly and helpful and they do a brilliant job come rain or shine. I propose to keep the car wash.

We do not need another supermarket, we have the corner shop and a supermarket in Charlton Kings in Church Street just round the corner.

50 Copt Elm Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8AL

Comments: 9th September 2014

I wish to comment on the above application for a proposed supermarket on the site of 86 Cirencester Road, Charlton Kings.

I do not feel that the developers have sufficiently addressed concerns about increased traffic congestion, road safety and noise. The site is on a busy and fairly narrow stretch of road which would not allow safe entry and exit for vehicles onto the site, particularly large lorries. The additional cars entering and exiting the site would also increase the possibility of accidents and congestion particularly if drivers sought to cross the carriageway. The increase in traffic would also create a greater noise disturbance, which additional landscaping and altered roof design would not address.

Charlton Kings is already well served by local shops - a NISA store almost opposite the proposed site, Budgens on Lyefield Road and the Co-operative in the precinct. We do not need further competition. Any new supermarket, regardless of size, would have an impact on these businesses, especially the NISA store, and therefore potentially endanger their livelihoods and custom.

I object to the application and hope that my views are considered in this matter. The local area would be far better served if the site were to be designated for housing, which would help to alleviate the shortage we currently face and pose no threat to the existing businesses in the area.

Avening
8 Charlton Close
Cheltenham
Gloucestershire
GL53 8DJ

Comments: 9th September 2014
Letter attached.

Norlands
Garden Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8LH

Comments: 9th September 2014
Letter attached.

8 Bafford Grove
Cheltenham
Gloucestershire
GL53 9JE

Comments: 9th September 2014
Letter attached.

130 Horsefair Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8JT

Comments: 15th September 2014

I would like to again register my strongest objection to the proposed convenience store on Cirencester Road/ Newcourt Road.

The Planning Statement submitted suggests that the Members of the Planning Committee were wrong to refuse the original planning application from July. I strongly disagree with this and believe the Committee decision was the right one for the community.

As others have stated, a store opening for very long hours, from 7am until 10:30/11pm seven days a week will have a considerable impact on the local area in terms of noise and traffic, and the new proposals do not change this. The implication in the proposal at paragraph 2.2 that the noise of a jet wash and the traffic using the car wash should be considered comparable to that of the proposed new store doesn't seem to hold true as for one thing, the car wash opening hours are under half those proposed of the new store. The proposed parking for 16 cars is also much less than that provided for in Horsefair Street, so once staff parking is taken into account I believe there is a realistic concern that at busy times, customers' cars will exacerbate the parking problems on the Cirencester Road.

It is also worth pointing out that the statements in the Transport Statement para 8.1.5 that the store will generate approximately 473 fewer daily vehicular trips than the previous petrol filling

Page 76

station is rather disingenuous given that as the Planning Statement points out in its summary, it has not operated as a petrol filling station since the mid-1990s, some 20 years ago!

And essentially, the application still does not address the key objections from local residents that we do not need another convenience store in such close vicinity of three others (Nisa, Cooperative and Budgens), and that the loss of the existing businesses due to unwanted competition will adversely affect Charlton Kings as a community: loss of Budgens means we lose the local Post Office and may adversely affect the viability of other local key businesses (including the local chemist); loss of the Cooperative may adversely affect the sustainability of the library and the other smaller businesses in that precinct.

The assertions to the contrary in paragraphs 6.6 and 6.7 of the Planning Statement that convenience stores operate successfully operate in close proximity around Cheltenham appear misleading: they compare convenience stores with petrol stations, grocery stores and off licences. They only really compare stores providing the same customer offering in high street locations like Bath Road, which is a very different environment to the one in which the stores in Charlton Kings operate.

I know of nobody in the local community that supports this application and I hope that given this complete lack of support, and the strong concerns and objections that the community have raised and the planning statement has failed to address, this proposal will again be rejected by the planning committee.

11 Branch Hill Rise
Charlton Kings
Cheltenham
Gloucestershire
GL53 9HN

Comments: 11th September 2014

The minor alterations to the Application do not make a significant change to the objections to this development, namely

1. The increase in traffic entering and leaving the development will make this already narrow part of the Cirencester Road an accident blackspot. The delivery schedules will just add to the danger. If the small car park is full, many will just park on the Cirencester Road causing even more congestion and danger on this main arterial road in and out of Cheltenham.
2. There is a lovely mix of local shops in Charlton Kings and this development will almost certainly cause closure of many, including the vital Post Office in Budgens.
3. Late night opening and the sale of alcohol in a site adjacent to an open area will lead to noise disturbance and an increase in vandalism in one of the town's best areas

Pippins
Newcourt Road
Cheltenham
Gloucestershire
GL53 9AZ

Comments: 9th September 2014

Letter attached.

4 Newcourt Park
Cheltenham
Gloucestershire
GL53 9AY

Comments: 8th September 2014
Letter attached.

11 Newcourt Road
Cheltenham
Gloucestershire
GL53 9AZ

Comments: 5th September 2014

With reference to the above revised planning application, the proposed access for deliveries does not address the fundamental objections for the development. The proposal remains unacceptable for the following reasons:

Noise: despite alterations from the original and earlier revised resubmission, there is still likely to be new and excessive noise disturbance because of this effective change of use. The operating hours are still scheduled to be 06.00 to 23.00, exceeding current use on the site by at least 5 hours, and while it is anticipated in the resubmission that deliveries will not occur in the evening, night time or early morning, this is not, nor could it be guaranteed.

It is noted that the site will be close to a residential care home for the elderly, and this application will increase noise and general disturbance to residents. The resubmission asserts that the ambient noise will be within acceptable levels. This is judgemental and not attested by evidence from those likely to be affected. Besides, ambient noise is less of an issue than specific noise intrusion at normally quiet times of the day for residents, eg starting heavy duty engines, 'revving up' from stationary, reversing (especially if, as is likely, to be accompanied by a warning signal), loading, and the transmission of verbal communications between operatives.

Traffic: the projections used for the forecast use in the original Appendix D are based on national projections and have no specific relevance to Cirencester Road, Charlton Kings, and have not, apparently, been revised. Currently the road is frequently congested. The number of parking spaces is inadequate, thereby causing likely overspill onto the main Cirencester Road or nearby residential roads, which are already at saturation point. Comparisons with the existing and previous use of the site are irrelevant as the site currently has copious parking space based on short duration and high through-put.

The observations concerning the availability of public transport are misleading. The bus service is hourly and it is unlikely that potential customers for this site's provision will be drawn to it because of the bus service.

Visual impact: while the current site does not enhance the visual impact of the area, and there has been some improvement to the original and initial resubmitted design, the current resubmission will continue to have a negative impact, because of low quality building material. The basic design remains unimaginative, providing a highly disappointing entrance to Cheltenham on one of its major arterial approaches. All of the designs create a monolithic blockhouse effect.

It is noted that the resubmission includes highly judgemental and subjective observations concerning the ambient deciduous greenery, which are for residents and those who use the area as an open space amenity to determine, not those with a vested interest in the commercial development of the site for unsuitable purposes.

Privacy: Parking will almost certainly overspill into nearby residential roads as a result of the inadequate on-site parking provision, thereby reducing privacy in a predominantly residential area. A principal source of overspill parking is likely to be from staff, who will be unable to use even the limited parking space available. This overspill would inhibit parking for visitors, especially dog walkers, to the local green area, contrary to Local Plan Policy CP4(a).

Amenity: the area is currently well-provided for in terms of small local convenience stores and supermarkets and has no need of enhanced provision. There is already a convenience store on the opposite side of the road. Besides the proposal is in reality for a local supermarket incorporating convenience store elements, which is unnecessary in the area because of existing provision.

The application itself demonstrates evidence of existing saturation, providing as it does examples of supermarkets and convenience stores within a short distance from the proposed site. There is no demonstrable need for an additional supermarket in the area, there being two local supermarkets within walking distance of the proposed site, plus, as noted several convenience stores.

That the area is saturated with similar retail outlets negates the argument that new jobs will be generated. It remains likely that jobs will be lost at existing sites. The application therefore contravenes Local Planning Policy CP4(e).

It is noted that in the planning refusal letter of 17 July the borough council gave as its reasons that the proposed development would result in significant and demonstrable harm to the long-term vitality and viability of this neighbourhood centre leading to a loss of local facilities and services for the local community. The resubmission, while addressing some superficial matters of appearance and design, does not fundamentally address the issues of demonstrable harm to the long-term vitality and viability of the neighbourhood centre. Consequently, the fundamental reason for refusing the original planning application has not been addressed or altered in the resubmission, and should similarly be declined.

An alternative, more suitable use should be found if there is to be a redevelopment on the site.

165 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 1st September 2014

Well here we go again. I have waded through the latest attempt of the developer to force through the proposed supermarket on the Car Wash Site against the needs and wishes of all the surrounding residents and many others in the local vicinity.

I can safely say that despite the reams of paper I cannot see how this development will not still result in a loss of amenity to local residents. I defy anyone of the developers, their many consultants, the planning department and any of the Councillors to tell me that:

- a) Shoppers will not be pulling up on the main road outside
- b) A delivery before 7 o'clock in the morning will not make any additional noise
- c) A business operating 100 hours a week instead of 49 will not increase noise disturbance

(To clarify, we get NO noise disruption from the Car Wash after 6pm through to 9am the next morning and nothing on Sunday afternoons and Bank Hols.)

Meanwhile from a road safety point of view the DMP claims:

Page 79

'School drop off (8.15-9.15) and pick up times (3-3.45) will be avoided during term-time to avoid potential conflict between delivery vehicles and school children travelling to or from school'

However as identified in the Noise Survey the car traffic to the store has a Weekday Peak Time between 8am-9am with 24 arrivals and 21 departures expected i.e. school drop off time.

I have to say at this point that I find it ironic that the Noise Survey now congratulates the developer for reducing the noise levels by moving the ATM inside the shop when in the initial Noise Survey they failed to even mention the ATM (yet another example of the quality of that report).

DMP- yep still laughable, these are just smoke and mirror 'claims' that are not based in reality.

All HGV deliveries will arrive from the south

Each delivery driver will contact the store in advance

Vehicle engines will be switched off

Tail lifts will be operated with care

Cabin doors will be closed gently

School drop off and pick up times will be avoided

All deliveries will be allocated a time slot

And while I'm identifying the farcical elements ' what on earth is CTC's Transport Statement doing identifying the railway station as part of the sustainability argument? They are not really suggesting that people will be catching a train to Cheltenham, then a bus into town, then another bus out to Charlton Kings in order to shop on the Cirencester Road?

And to re-use some of the quotes as used by the developer:

NPPF

Every effort should be made objectively to identify and the meet the housing, business and other development needs of an area'

e.g. What Charlton Kings needs is affordable housing, it does not need another supermarket.

Cheltenham Borough Local Plan:

[Development should] not cause unacceptable harm to the amenity of adjoining land users and the locality

If I hear one more time about the comparisons with a Petrol Station being some sort of justification, my god has no one got any common sense, when deciding if the proposal will affect our amenity i.e. Make things worse for the people living on the Cirencester Road at this time in history, then it makes no difference whatsoever if the site was a petrol station or a brick works in the past, or what it may be in the future (having of course satisfied the relevant planning permission etc.)

As an aside I would also be interested to know on which years the Petrol Station Traffic data is based? It looks like 2005-2013 whilst the real Former Petrol Station that actually existed was only in operation up to the mid 1990's. So all this traffic data which provides the main foundation for the developer and highways report is a mishmash of what suits the developer instead of an accurate representation of the REAL difference this development will make to the residents.

And when it comes to 'fall back' considerations there are numerous cases that can be quoted to argue that the fall back should concentrate on the most current Planning Consent and any previous uses should be judged against the likelihood of being re-established as such.

On a personal note I would like it to be recognised by all involved just how much stress has been inflicted on us and our families. It is not just living with the threat of what might be allowed to happen, it is also the huge demands that have been made on our time when being forced to repeatedly defend ourselves.

At the end of the day this issue is about:

- a) A developer seeking to make the most profit he can without regard to others
- b) Consultants paid for by the developer to help justify his case
- c) A Planning Department prepared to rely on those consultants flawed documents
- d) Leaving local residents trying to protect their amenity and sustainability of their community

Comments: 30th September 2014

I am writing to you directly as I just keep thinking back to your attitude in the planning committee meeting when discussing the previous application for the Car Wash Site.

You repeatedly expressed how you could not understand what the residents were worried about when it came to loss of amenity.

You commented how loud the existing Car Wash operation is, (and yes obviously the site would be more suited to a residential development though that seems to be an unobtainable dream), however the noise from the Car Wash does not start until after 9am or later in the morning and stops at 6pm (and Sunday midday).

i.e. When we put our children to bed there is NO noise from the site and very little from the road, when we go to bed ourselves, there is NO noise from the site and very little from the road, when we are still asleep in the morning, there is still NO noise from the site and very little from the road.

Logically, therefore, you cannot deny that there WILL be an increase in noise disturbance at time periods when it most matters to the residents.

Of course I have no idea where you live (and don't wish to) but if you had multiple cars coming and parking outside your house late at night or early in the morning and slamming doors and occasionally shouting would that bother you, if a lorry repeatedly pulled up opposite your house in the early hours to make a delivery would that disturb you? Would you find it a problem if you could not park on your own driveway because yet another person had 'just popped in' to the shop?

The latest revised application does not resolve any the above issues.

I apologise if I sound angry but I am deeply frustrated by the sense that there are people who are more than happy to wish something on my family and neighbours that will affect our everyday quality of life, perhaps if you took a moment to imagine it on your own doorstep then the many objections of local residents might ring louder in your ears.

1 Regis Close
Charlton Kings
Cheltenham
Gloucestershire
GL53 8EQ

Comments: 12th September 2014

This new planning application seems very similar to the previously refused attempt, (13/02714/FUL). The applicants have done some cosmetic tinkering e.g. there is more planting, the roof has been lowered by 6.5 inches and now is mono-pitch in ribbed zinc. Beauty is in the eye of the beholder, of course, and what may appear to one person to be a building of charm and merit may well be thought of by someone else as looking like a lean-to with a corrugated iron roof.

Page 81

A 'convenience store' should be just that, for the convenience of the local community, and this proposed store will certainly not be that, for all the reasons already put forward by previous objectors' letters. Since this is a new application, these objections must be reiterated, tedious as this might be:-

- 1) The increased traffic, (delivery vehicles and customers), will mean greatly increased danger to the drivers, adult pedestrians and dozens of schoolchildren who have to negotiate the very busy Cirencester Road. There are no pedestrian refuges or crossings in the vicinity.
- 2) The proposed parking is quite inadequate for staff and customers, and no doubt many passing drivers will stop on Cirencester and Newcourt Roads while they 'just pop-in' for a purchase. Newcourt Road is already a rat-run for drivers wishing to avoid the Moorend Road traffic lights, and if it attracts further parked customers' cars and delivery lorries trying to get southbound again on A435 after making a delivery the result will be chaos! The width of Newcourt Road, excluding the pavement, is only 15 ft. where it is adjacent to the site, and includes a sharp blind corner as it meets with Bafford Lane and Cirencester Road. (See views 3 & 4 in the Design and Access Statement).
- 3) Deliveries will still begin with the papers at 6am. The entry and exit swept areas for both sizes of delivery vehicle still encroach onto both sides of A435, and I do not think it is possible for tail-lift design lorries to operate quietly. Neither will drivers close doors quietly, (can't be done with a lorry), nor will they switch off when stationary, or avoid 'revving-up' when leaving, (how else will they accelerate out into A435 traffic?).
- 4) The lack of need for another store in the area has been stressed many times by objectors. The existing three general stores locally serve us very well, and do not require augmenting or replacing. This new application therefore surely runs counter to Policy RT7 of the Local Plan and paragraph 70 of the NPPF, as it will lead to the loss of local community services and facilities. One of the shops likely to be affected, Budgens, contains the only Post Office in Charlton Kings.
- 5) More jobs will be lost with the loss of the carwash, (6 full-time), and the NISA store than will be created by a new store.
- 6) There will be increased local ground litter, as purchased snacks will be eaten nearby, including on The Green, and their packaging dropped.
- 7) The building will look incongruous against the nearby Green and neighbouring houses.

There are some derogatory remarks in paras 2.8, 2.10 and 8.2 of the Design and Access Statement which are incorrect and should be challenged. The carwash is used intensively because its employees provide a courteous, useful and value-for-money amenity. As a regular customer, I can state that the noise from the jetwash is not excessive, even when sat inside the car, and is very short-lived, (about 3 - 4 minutes per car). The hoovering and employees' conversation is quite inaudible. There are NO piles of waste lying around. Washed-off vehicles only remain parked whilst they are leathered dry. The whole carwash takes about 15 minutes, most of it silent. Admittedly the site is not attractive, it never has been, but it has never been cleaner! The floor is continually being washed by the clean water used on the cars. The boundary hedge is criticised for being self-seeded and not a formal planting. It is all the better for that, containing as it does a variety of mature native trees which add to the rural nature of the area, next to The Green.

In essence this application is the same as its predecessor. My wife and I objected strongly to that, and we object again to this attempt. We hope that the Planning Committee will refuse this, for the same reasons as before.

Page 82

PS. Today there was an accident on Crickley Hill, and also a broken-down lorry on the A417. This gridlocked Charlton Kings, the A435, A436 and A417 from 10.00am until now (3.30pm). Should we really consider adding to this disruption in the future?

5 Charlton Close
Cheltenham
Gloucestershire
GL53 8DH

Comments: 8th September 2014
Letter attached.

7 Charlton Close
Cheltenham
Gloucestershire
GL53 8DH

Comments: 11th September 2014
Letter attached.

34 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DA

Comments: 9th September 2014
Letter attached.

Comments: 9th September 2014
Letter attached.

Fairway
Newcourt Road
Cheltenham
Gloucestershire
GL53 9AZ

Comments: 8th September 2014

I am writing to object to the above revised planning application because I believe that - despite a few minor changes to the original application (13/02174) - it continues to be a significant threat to the health and wellbeing of local residents and the livelihoods of local traders.

This application would cause unacceptable harm to the amenity of adjoining land users and the locality. The developer proposes to erect a retail development which would be open for a substantial period on every day of the week. This would generate considerable footfall and serious nuisance - in the form of car engines, doors slamming, people congregating outside, and regular visits by delivery lorries and supply vehicles - at all times.

The traffic generated by this development would, in my view, be unacceptable despite attempts to calm this aspect. My local councillor has estimated that in the space of one hour this could amount to well over 100 exits from and entries to the busy adjoining Cirencester Road. I have no reason to disagree with this estimate. The prospect of so many vehicles manoeuvring in and out

of a tight car park onto a busy main road is a matter of great concern. Living in Newcourt Road, I fear that the proposed development will generate significant additional traffic in what is a relatively quiet residential street which was never intended to accommodate high volume vehicle movements. There are many elderly residents in the street (and those surrounding) and approval of this application will make it harder for us to cross the road and negotiate junctions easily. I also fear that employees working at the new development might park their cars in our street, causing unnecessary obstacles, noise and other disturbances.

The new retail development will also have a seriously negative impact on the vitality and viability of existing similar convenience stores in the locality such as NISA, Budgens (Smith and Mann) and the Co-op. Potential job gains arising from the new development will probably be offset by job losses in those existing establishments (plus the existing car wash), and ultimately introduce restrictions on consumer choice.

I can already walk to all of the stores listed above. The developers at the car wash site seem to think that only their new store will offer this kind of sustainable access option. They are mistaken.

While the design of the proposed development is subject to individual taste, I personally think that the revised plans will still result in the construction of an eyesore which detracts from the overall appearance and feel of the street.

I would have no objections to any proposals to develop this site for residential purposes. Surely this is a much better use for the site - especially since there is a shortage of housing around the town.

However, if members of the Planning Committee feel that they have to give in to the demands of this much loathed applicant (given the draconian pro-developer planning appeal system operated by the government) could I make a plea that a generous Section 106 agreement is negotiated which would result in substantial traffic calming measures being constructed in Newcourt Road to deter the additional traffic which would be generated? Better still would be a proposal to erect bollards blocking vehicular access to the lower part of the road.

Let common sense prevail - this development is not wanted nor needed and I hope that planning committee members will have the courage to heed popular opinion in line with the government's Big Society principles.

209 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DF

Comments: 11th September 2014

As most of the previous objections (including mine) were to the proposal as a whole for a convenience store on the site, amending the plans slightly will not override these objections.

The majority of local residents do not want or need another 'convenience store'. 3 within a half mile radius is more than adequate.

The new store will cause a loss of business to these other stores (particularly the Nisa which is an independently run franchise) and will probably lead to staff losing their jobs and possibly closure.

The increase in traffic and cars parking in the vicinity will cause congestion and increase the danger to pedestrians.

Page 84

The shop will be a noise and light pollution nuisance to neighbouring houses for an extended period of the day (longer opening hours than the car wash or Nisa).

In short it is an INconvenience for the residents of Charlton Kings so please do not foist it on us

15 Croft Gardens
Cheltenham
Gloucestershire
GL53 8LQ

Comments: 9th September 2014

Please find below my objections to the planning application:

- Increased traffic congestion along Cirencester Road which is already a very busy main road.
- Parking problems - parking is already difficult in Cirencester Road and with cars parked either side of the road it is impossible to keep the traffic flowing.
- Road safety - this is a main pedestrian route to Charlton Kings Infant School, Charlton Kings Junior School, St Edwards & Balcarras School for local children. Another pedestrian crossing would need to be considered.
- Threat to local shops - Charlton Kings has an abundance of good supermarkets including Nisa, Co-Op & Budgens all within a quarter of a mile from the proposed site. Another supermarket is not necessary. Pedestrian footfall through Charlton Kings is high meaning that areas such as Church Piece, Lyefield Road Shops & Sixways are frequently visited and are very popular. Building another supermarket would see these areas decline, affecting new local businesses who rely on passing trade. To take trade away from these areas would result in empty shops.

25 Lyefield Road East
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BA

Comments: 9th September 2014

I would like to object to the planning proposal for retail development on the grounds of:

Increased traffic congestion:

The Cirencester Road is a busy major road and the proposal will not only increase traffic visiting the store but increase the risk of accidents from traffic entering and exiting the site. Increased noise for local residents

Parking problems:

Similar to the above, traffic stopping on the busy road increasing the risk of accidents.

Road safety:

All of the above

Noise disturbance:

See above.

Threat to local shops:

There is a thriving community using local shops and these may become at risk. It also seems ridiculous to build a shop opposite a long-standing local shop. The proposer shows no regard for the local community in making this application.

On a personal note I would rather see the land used for new housing.

27 Branch Hill Rise
Charlton Kings
Cheltenham
Gloucestershire
GL53 9HN

Comments: 10th September 2014

With regard to this planning application which has minor 'modifications' to the earlier one, our objection to the proposal remains the same with the general opinion among residents being that there is no requirement whatsoever for a further retail development on the site and never will be. Reasons for the objection remain unchanged:

- (1) Increased traffic congestion
- (2) Parking issues
- (3) Road safety (only last Friday a resident's pet cat was sadly killed on Cirencester Road near to the proposed site)
- (4) Noise disturbance at all hours
- (5) Threat to local shops and existing employment

The question which needs to be asked is who stands to benefit from a proposal so strongly opposed by local residents and the only answer can be the development company who are trying to force through the application on behalf of a large retail organisation who care nothing about public opinion. Were this (re)application to be granted, it would demonstrate nothing more than contempt by the council for the opinions of local residents.

15 Lyefield Road West
Charlton Kings
Cheltenham
Gloucestershire
GL53 8EZ

Comments: 24th August 2014

This proposal should be rejected (again).

It will generate unwanted noise, disturbance and traffic. The visual impact is dreadful and is not in keeping with the area.

The neighbours' privacy will be compromised by the additional traffic.

It is an unnecessary and unwanted amenity as the area is already well served by three shops. The site will not create 20 new jobs it will merely result in the loss in the equivalent number of jobs in the other three outlets in the area.

Retail outlets are not required in the area, residential houses are. Find a developer to put some affordable red brick houses on the site.

There are no benefits to this development and the community does not want it.

The council has been elected to protect and uphold the needs and wishes of the community.

The community does not want this development.

The council should reject this proposal. (again)

82B Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LT

Comments: 10th September 2014

The proposed plans should be rejected for the following reasons:

The plans are not in keeping with the surrounding area which is predominantly Victorian housing. The development would therefore be an eyesore, especially given its proximity to the adjacent green space and to an area of outstanding natural beauty.

The development would be problematic for users of Newcourt Road. I regularly go for a run down this road towards the parks, and the increased traffic and decreased visibility will make this more dangerous for me and for others users, especially children that play in our green spaces.

The noise pollution from the shop will be problematic to nearby residents (my mother lives a few doors down and I regularly stay with her), especially the potential for later opening hours, which I note have been refused in the past. The noise pollution from additional traffic and deliveries will also make the Newcourt Road junction less safe for pedestrians in terms of hearing the approach of cars from a junction that already has poor visibility. People already regularly park across my mother's drive to do some shopping in the Nisa store, and this traffic chaos will only worsen with additional shops in the vicinity.

The light pollution from the site will also have a negative impact on local residents at night, and is a waste of finite resources and thus further problematic to the environment.

It is also out-of-keeping with the local area. There are already a number of chain stores in the locality and no more are required.

The use of the local green space will be adversely affected by this, which is problematic in a time that we wish to encourage more use of open spaces for health reasons. Plus there's the fact that we don't need a Tesco, we do need a car wash, and there's no reason to put a successful and needed service out of business, and to hit the other local shops hard, resulting in more unemployment than the Tesco can possibly mitigate for.

Please reject this proposal

17 Croft Parade
Charlton Kings
Cheltenham
Gloucestershire
GL53 8LE

Comments: 5th September 2014

Once again I am writing to state my absolute and complete objection to this application which, despite being presented as a new planning application, is a fundamental clone of the earlier application (13/02174/FUL) that was comprehensively and correctly rejected in July 2014.

On a personal note, I feel it is a cynical attempt by the applicant to subvert and bypass the planning process in order to get the desired result. There are no fundamental changes to the original application. At a time of government austerity that is having a major impact on the public

sector finances, it is disgraceful that the Council have permitted this duplicate application, and even assigned the same case officer, when there is no material change. It is a gross waste of time, effort and resources and one must question the competence of senior decision makers in this organisation to permit this to proceed. I will go so far as to say I have no confidence in this organisation's ability to represent Council Tax payers like myself to manage such applications dutifully and appropriately. This application should not be presented to committee for review.

With regard to this attempt:-

1. The Delivery Management Plan (DMP) is still a series of ridiculous, subjective and vague statements that are meant to try and appease a non-observant audience. Enforcement of the plan is not feasible or possible. This is accepted by the Council. Statements such as fitting tail lifts with buffers, using rubber wheels on trolleys and shutting cabin doors quietly are ludicrous.
2. The impact on traffic will be enormous. This is already a very busy road, and the introduction of a retail outlet of this type will add substantially to the problems. The resulting danger to other road users (car, bike and pedestrians) is obvious.
3. There will be a substantial loss of amenity to the residents that live in the locality from sources such as increased noise and traffic.
4. There is absolutely no need for an additional retail outlet - the locality is already well served. The very large number of opponents to this application have constantly stated that they are NOT opposed to development of the site, but that this TYPE of site is not wanted or needed. Many people have suggested much needed housing (something that has occurred very successfully on similar sites across Cheltenham and that is totally in alignment with central and local government strategic aims), but the developer has chosen not to pursue this choice presumably as it hits the profit margin.

As stated previously, due to the trivial differences between this application and the previous one upon which it is based, my comments that were recorded against the original are all still valid and I reproduce them below to form part of the record for this "new" application:-

COMMENTS RELATING TO 13/02174/FUL:

In common with almost 98% of local residents who have commented on this case I am, once again, stating my absolute objection to this application.

I will not re-iterate my previous documented concerns (significant traffic impact, no need for more retail outlets, adherence to sustainability etc), although they are still valid and represent reasons enough not to proceed, but simply wish to comment on the revised application.

In short: what's changed? Apart from drawing "corrections" that (somehow) were erroneously included in the initial application. A major component of the latest update from the developer is a revised Delivery Management Plan (DMP).

THIS IS UNWORKABLE AND UNENFORCEABLE. I WOULD LIKE TO SEE DETAILS OF HOW SUCH A PLAN WILL BE FUNDED, ENFORCED, REVIEWED AND KEPT RELEVANT.

In my opinion, I feel this is simply a theoretical exercise to placate people and to try and see the application over the line. Examining the DMP (ref: 13-00324/DMP/01/REV G JUNE 2014), can you please respond to these points :-

General Delivery Management

1. "All HGV deliveries will arrive from the south, turn left into the site via the southern access from Cirencester Road, and depart the site via the customer only access to the north. Loading and unloading will take place within the dedicated delivery bay located off street along the site frontage."

QUESTION: HOW WILL THIS BE ENFORCED? WILL OFFICERS FROM THE COUNCIL BE PRESENT TO MAKE SURE THIS COMMITMENT ("All deliveries ...", "depart the site via the customer only access to the north") IS UPHELD? DOES ANYONE REALLY BELIEVE THIS??

2. "Each delivery vehicle driver, or his/her assistant, will contact the store in advance, providing ample warning of their impending arrival."

QUESTION: HOW IS THIS POLICED? DO PEOPLE REALLY THINK THIS POLICY WILL HAPPEN? WHAT HAPPENS IF (AS LIKELY) THEY ARRIVE WITHOUT NOTIFICATION (e.g. it only takes a delay due to traffic congestion en-route) - THE ANSWER IS THEY WILL PARK UP ON THE CARRIAGEWAY UNTIL ACCESS IS AVAILABLE OR SIMPLY UNLOAD WHILST PARKED ON THE CARRIAGEWAY/PAVEMENT. THIS PRACTICE CAN BE SEEN EVERYDAY IN SIMILAR DEVELOPMENTS.

3. "All deliveries will be undertaken within the confines of the site; no kerb side deliveries will be undertaken, therefore ensuring free traffic flow on Cirencester Road."

QUESTION: AGAIN, THIS IS AN EMPTY STATEMENT. HOW WILL IT BE ENFORCED? WHAT HAPPENS IF IT IS NOT (answer - probably nothing, because this application will be history)?

4. "Any cages used to transfer goods into each unit will be fitted with rubber wheels to reduce noise disturbance to surrounding residential properties."

QUESTION: IS THIS A REAL POINT? IT IS RIDICULOUS TO SUGGEST THIS TYPE OF "ENHANCEMENT" WILL REALLY MAKE A TANGIBLE POSITIVE DIFFERENCE TO THE OVERALL EXPERIENCE FOR LOCAL RESIDENTS AND SMACKS OF DESPERATION TO FILL COPY. QUITE SIMPLY, THIS SHOULD BE TREATED WITH THE CONTEMPT IT DESERVES.

Best Practice Informatives

Firstly, "best practice" is just that: a recommended (but not enforceable) way of doing things. There is nothing to suggest (looking at similar developments) to suggest any of these will be followed. Taking some of the initiatives:-

1. "Delivery vehicle engines and chiller units will be switched off during deliveries to ensure vehicle noise is kept to a minimum."

COMMENT: THIS IS NONSENSE AND WILL NOT BE FOLLOWED. AS AN EXAMPLE, I LIVE NEAR THE CO-OP IN CHURCH PIECE, CHARLTON KINGS AND EACH MORNING CYCLE PAST THE REAR OF THE STORE (TYPICALLY 07:15-07:30). FREQUENTLY, THERE IS A LORRY DELIVERING FOR THAT DAY - THE ENGINE IS FULLY ON AND VERY AUDIBLE EVEN THOUGH THE VEHICLE IS STATIONARY AND BEING UNLOADED. THIS IS ESPECIALLY TRUE IN WINTER OR COLD WEATHER.

2. "Delivery vehicles fitted with tail lifts will be operated with care to avoid excessive noise. Where possible tail lifts will be fitted with buffers to avoid excessive noise when lowered into position."

"Cabin doors will be closed gently; engines will be started without excessive acceleration."

COMMENT: AGAIN, AS PER (4) ABOVE, THESE DO NOT EVEN DESERVE A RESPONSE. WHAT IS "with care"! WHAT IS "closed gently"! I ASSUME THE DRIVER WILL BE TIP-TOEING AROUND IN PADDED BOOTS!!

ANYONE WHO HAS OBSERVED A RETAIL DELIVERY, ESPECIALLY WHERE THE DRIVER AND STORE STAFF ARE UNDER TIME PRESSURE TO COMPLETE THE DELIVERY AND MAINTAIN THEIR DAILY SCHEDULES, WILL BE ABLE TO CONFIRM THESE INITIATIVES ARE COMPLETE FANTASY.

I WONDER WHAT RESPONSE A MEMBER OF THE PUBLIC, STANDING NEXT TO THE VEHICLE AND STORE, WOULD RECEIVE IF THEY POINTED OUT THAT THE DELIVERY WAS NOT FOLLOWING THE GENERAL DELIVERY MANAGEMENT AND BEST PRACTICE INITIATIVES? I THINK WE ALL KNOW WHAT THE REPLY WOULD BE...

I am concerned that I feel the Council, who are meant to represent the residents of communities in Cheltenham, are not listening to the majority view from local residents, most of whom have set out well-reasoned, articulate objections and who are not against development of the site.
Comment submitted date: Tue 10 Jun 2014

I do not see how the revised application changes in any way the fundamental objections that I made initially. Namely:-

1. The traffic considerations are undiminished. This development will see significant additional car and delivery lorry traffic in the Cirencester Road/Newcourt Road/Croft Road locality with the associated danger to pedestrians, cyclists and residents.
2. The village does not need more retail outlets, and the introduction of another will be at the detriment of the existing shops. This development will damage the feel of the village.

I am not against the development of land per se. If the developer wants to provide something of real value for the village, why not build residential housing? It's true that, because of the previous usage of the land, there would be considerable cleanup costs incurred that would diminish the overall profit margin of the project.

This will not happen though, as the only motivation for a developer is short term profit maximisation with little or no real concern for the longer term impact on a community.
Comment submitted date: Sat 01 Feb 2014

I object to this application on the following grounds:-

1. Impact on traffic:

This development will, by common consensus, result in significantly increased traffic on the A435 that goes past the site as well as on surrounding approach roads (e.g. Newcourt Road). The A435 is already an extremely busy road, The stores that result from these type of developments tend to open for long hours (e.g. the Tesco Express on Queens Road [opposite the railway station] opens from 06:00 - 23:00 7 DAYS A WEEK). It is obvious that the amount of traffic (delivery lorries, daily refuse collections, customers) would cause noise and environmental pollution and a greater risk of accidents.

2. There is no need for more retail outlets in the area.

There is no need for another supermarket in this area. The area is well served by the Co-op, Budgens, Nisa and other local shops (newsagent, butchers, pharmacists etc). Within a 4.5 mile radius of the proposal, there are ELEVEN major supermarkets. There is no demand for more stores of this type.

3. Impact on the community

Charlton Kings has a village feel and community. This proposal will damage that. Studies have shown (e.g. <http://www.manchesterfoe.org.uk/local-traders-strangled-as-tesco-makes-a-killing/>) that local traders will be hugely impacted by such a development - typically leading to closures. A large multi-national retailer has no interest in supporting local communities.

4. Local Feeling

The reaction to this proposal has been very negative (e.g. <http://www.change.org/en-GB/petitions/say-no-to-tesco-in-charlton-kings>). The Council need to listen to the people that voted for them and to whom they are accountable.

17 Okus Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DU

Comments: 21st August 2014

I still object. I cannot see any need for a further supermarket and think that the site should go for social housing or affordable housing instead. We have excellent schools in Charlton Kings but few families can afford to live here.

We are extremely well served with supermarkets and do not need an already busy road further clogged up with delivery lorries. I do not want New Court Road to become a busy road as it is a prime safer cycle route into town from Charlton Kings at present.

I wanted to object further before but this site was impossible to log into. If you really and truly canvassed this area, I'm sure you would find masses of people object. They just don't realise how they can object.

17 Lyefield Road East
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BA

Comments: 23rd August 2014

The applicant gets full marks for persistence! However, there is little or no change to the reason for objection from me and the several hundred who signed the original petition of objection. What the applicant seems not to be able to understand is that there is NO NEED for yet another convenience store in the area. In addition to the existing one across the road, there are a Budgen and three Co-ops within less than a mile, i.e. five in total. What would be the point of another? It merely dissipates an already quite small pool of putative customers.

This application should be rejected out of hand, with the suggestion that affordable homes be built on the site, thus providing more customers for the existing convenience stores.

20 Croft Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8LA

Comments: 4th September 2014

The new application introduces some changes in design and attempts to mitigate amenity and traffic impacts.

However, I still fundamentally believe that the proposal will not bring longer term and sustainable benefits to the local community and is the wrong site for this type of development. Despite minor changes to the application the proposal will still negatively impact on the local environment and local residents and will not contribute to the vitality of Charlton Kings. Please also cross-reference my letter submitted in January 2013 relating to the previous application in the report to planning committee, as the comments are still relevant. I note that the previous application (and links to associated consultation comments) are not included in the 'Related Cases' tab, but probably should be for consistency and case history.

15 Newcourt Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 9AZ

Comments: 10th September 2014

Having reviewed the latest planning application, with the exception of some cosmetic changes to the building and a change to the landscaping, it remained essentially the same proposal and therefore fails to satisfy most of the objections which led to the last submission being turned down by the Planning Committee.

My main concerns remain:-

1. The commercial impact on nearby businesses. As there is no significant additional population, demand must necessarily be spread across the existing customer base which will inevitably lead to job losses to balance any job gains from the new store.
2. The traffic impact is in no way diminished by the new submission and in practice it will be impossible to ensure deliveries from the south will be maintained (who will police this?). Even if this was enforceable it is likely it would lead to deliveries being made via suburban roads within Charlton Kings i.e. Moorend Road, Sandy Lane & Bafford Approach.
3. Whilst the new submission refers to additional space for staff bike parking it makes no reference to staff car parking. With a 3-shift system operating over 17 hours this would either mean a reduction in available customer parking and/or an overspill of parking into areas such as Bafford Lane and Newcourt Road. The latter would potentially impact on the availability of an important and highly used green-space to the local community as well as the traffic hazard associated with parking in what are already very narrow roads.

31 Bafford Lane
Cheltenham
Gloucestershire
GL53 8DN

Comments: 9th September 2014

I strongly object to this scheme. Despite changes made to the proposal since the previous application this scheme remains totally inappropriate for this site.

1. The site abuts an area of high quality and valued residential green space. This is also a valuable 'gateway' feature providing visitors with a positive image of Cheltenham as they

enter along this important route into the town. A mini-supermarket / convenience store would significantly alter and degrade the quality of this public green space thereby greatly reducing its community/amenity value and eroding the overall environmental quality of the area. The site could accommodate well designed housing which would protect and even complement the residential role of the green space.

2. The junction of Newcourt Road and Bafford Lane onto the Cirencester Road is already a difficult one for vehicles trying to turn out onto the main road. Placing a convenience store very close (essentially right next) to that junction would make the situation very much worse if not very dangerous. I'm also very aware that pedestrians, including school children and parents taking small children to nursery, also have great difficulty trying to cross the Cirencester Road at this point.
3. This store is simply not needed. Charlton Kings is already adequately served by shops and the proposed store would not provide anything different. It appears to be located to draw in passing trade on the Cirencester Road rather than provide a service to the residents of Charlton Kings.

28 Bafford Lane
Cheltenham
Gloucestershire
GL53 8DL

Comments: 11th September 2014

I would like to lodge my objections to the revised proposal, which has been rewritten with the clear intention of bullying the planning committee into accepting the proposal by asserting that the committee's decision was not consistent with planning policies and therefore hinting that an appeal is likely if the application in its current form is refused.

The committee will no doubt seek advice on that issue, but I would like to point out a number of inconsistencies in the application that must cast some doubt upon the weight of the opinions expressed by the various experts in support of the scheme, some of which have already been highlighted by other objectors.

First, although it is argued that no retail impact assessment is required, the applicant has provided one and therefore it would be perverse if the committee were unable to consider it.

Mango's report is riddled with unsubstantiated supposition and muddled thinking.

In paragraph 38 it makes an assertion that most of the trade will be local and will result in more people walking to the new store, which is entirely at odds with the assertion in the main planning statement (6.34) that 90% of the trade will be from passing cars. Which is it to be?

If 90% of the trade will be driving there and will be passing trade, then there will be minimal enhancement to the local retail offering at all. It seems that for transport purposes, so as to argue that there will be no increase in traffic, the applicant wants to portray the trade one way, but for the purposes of alleging to enhance the local offering it suits him through another expert to assert something different.

The applicant also argues that our local experience will be enhanced by a national retailer taking over the site - although none is apparently on board as yet- because they could offer a fuller top-up shopping experience than the nearby Nisa, and suggests that will reduce by 80% the need for Charlton Kings residents to travel by car to larger outlets. Yet the applicant defines the proposed store as a convenience store and largely ignores the combined local offering which is already enhanced by Budgens and the Co-Op because they are more than 600 metres away. Perhaps

Page 93

the idea that 90% of trade will come by car is because the applicant doesn't believe the residents of Charlton Kings can walk 600m!

Then Mango make some predictions that the store will make up to £1.51m a year and that 80% of the trade will come from residents not travelling to larger stores, and only 20% will come from the other local stores. How can they possibly know the trading patterns of the residents of Charlton Kings? Will they be selling 80% of the goods obtainable at the larger stores? But they are only planning a convenience store so how will that be? It is patent nonsense and not evidence of any sustainable model.

The applicant cannot have it both ways.

Either the bulk of the trade will be passing - in which case it will contribute nothing to the locality- or they will be in direct competition with the existing three local stores and the likely impact on those stores will be significant.

The illogical approach is mirrored in the noise report which admits to an increase in ambient noise over 24 hours due to external machinery, but then says that it will be of no effect. Either noise increases or it does not. It also fails to properly address the effect of the extra seven hours a day working time when noise will occur.

Finally the transport report is based upon an assumption of a decrease in car numbers to the site of 391 as against the use when the site was a filling station. It has not been a filling station for about 12 years. The comparison made is entirely spurious.

This application overlooks the planning policy which directs that the development should be sustainable, but the evidence put forward fails to convince on that front for the reasons stated above. It also goes against the almost unanimous local opinion against this development.

Comments: 24th September 2014
Letter attached.

6 Croft Court
Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DG

Comments: 28th August 2014

I object most strongly to the application. I cannot see any good reason to have another convenience store in Charlton Kings? This site is perfect for a small, sympathetic residential development not a noisy, busy, litter producing ugly store. Cirencester Road is already too busy with parking all along and another store would just increase traffic, traffic noise and accidents. Pedestrians will not stand a chance to cross the road! We already have three small but good stores within 5minutes walk why would we want any more? I feel this is purely a money making plan with absolutely NO concern for the residents of the area. This plan must never get planning permission.

2 Regis Close
Charlton Kings
Cheltenham
Gloucestershire
GL53 8EQ

Comments: 9th September 2014
Letter attached.

9 Bafford Lane
Cheltenham
Gloucestershire
GL53 8DN

Comments: 7th September 2014

Having studied the revised application I regret that I am unable to find anything which addresses the principal objections which I detailed in my previous correspondence.

I reiterate below these objections:

- a) There is no need for a further convenience store in this area. We are already well served by three stores within comfortable walking distance. Another store would be superfluous. The proposed opening hours also appear to be excessive.
- b) The potential for noise pollution has not been addressed to any degree of satisfaction. The proposals put forward rely too much on the goodwill of the delivery drivers. The penalties for infringement of the standards laid down are unworkable.
- c) The potential for light pollution seems not to have even been considered.

57 Bafford Lane
Cheltenham
Gloucestershire
GL53 8DN

Comments: 5th September 2014

We wish to continue to press our opposition to the proposed development of the site at 86 Cirencester Road on the basis that this site is either in, or bordering, a conservation area that is much valued by us residents. Any convenience store is, by its very nature, a visual blight on the surrounding environment.

The current parking situation is dire in the area of Bafford Lane where cars are often parked partially on the pavement, thus restricting access for pedestrians and making driving quite hazardous. We know that the proposed development offers some parking, but are also aware that convenience stores attract those wishing to make quick purchases & people in a hurry tend to "park" cars where they can.

The area is already well-served with small retail outlets and Charlton Kings manages to keep its village-feel & individuality. Tesco has no place in the local community & will inevitably damage local commerce.

Currently litter is a problem, as it is everywhere, and another convenience store is likely to exacerbate the problem in an area where most locals do their best to maintain the beautiful area around Newcourt Road green.

Page 95

We ask that the council continues to reject the proposal and considers a more appropriate development of the site.

High Ridge
33 Charlton Close
Cheltenham
Gloucestershire
GL53 8DH

Comments: 1st September 2014

This is nothing but a cynical attempt to subvert the processes of local government. The first application was kicked out by the planning committee, for multiple reasons which have already been copiously stated elsewhere. I see nothing substantially new here, just a few minor tweaks & adjustments to building design, landscaping, and the moving of the ATM inside the store.

To my mind, this is not a new application - it is the old application, dressed up to look new, and therefore should be kicked-out for the same reasons the last one was. Nothing has materially changed.

I presume the strategy of the developer is one of attrition: if he keeps up the pressure to build the thing he wants, then eventually we (the planning officers, the councillors & the community) will all be worn down & we'll give up.

Outraged & disgusted don't even begin to sum up the way I feel about this proposal.

Councillors & officers of CBC: please don't be made fools of. Stand up for yourselves & this community & reject this proposal now.

70 Little Herberts Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8LN

Comments: 8th September 2014

I remain opposed to the development mainly on the grounds of traffic issues. I understand that the deliver lorries (presumably large articulated) will arrive from the south and exit to the north. On exiting the site they will inevitably cause further congestion in an already congested road at the times stated for delivery. I cannot see where they will travel once off the site as all the options seem to involve traversing very busy, congested routes.

I also object on amenity grounds as it will likely cause the closure of the current convenience store with the result that there will be an empty unit deteriorating which will look unsightly and might attract vandalism.

77 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 24th August 2014

Attempts to make amendments to previous applications continue to ignore the consensus of local opinion.

This proposal will cause considerable noise and disturbance to local residents.

It will be a traffic hazard and cause congestion at a road junction.

There are sufficient amenities in the immediate vicinity.

The application should be rejected.

133 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 7th September 2014

Once again I am writing to object to the revised planning application (Reference Number 14/01426/FUL) on the grounds that there will be an unacceptable increase in traffic which will be harmful to the community and my amenity, a loss of existing businesses which is not sustainable, increased noise pollution resulting from a 100% increase in the business hours of the proposed convenience store coupled with deliveries/customers and staff arriving and leaving the site during these increased opening hours, an increase in litter and an increase in the dangers of crossing the road particularly for school children.

I have looked at the revised plans and note that, with the exception of the moving of the ATM to an interior location, the overall design is much the same as before with only minor changes, none of which make the building more appealing.

I have also taken the time to read the Delivery Management Plan and find that the proposals are ludicrous and wholly unenforceable, or perhaps I am wrong in thinking that the Council will not have an officer available to check that all the recommendations are always adhered to. A visit to any sites such as these in any part of the county at any time of the day will illustrate just how much delivery vehicles, and indeed customers, abide by the local parking restrictions and any DMP which is in place. It is insulting for the developers to think that their DMP could sway Councillors to approve their application.

Having attended the planning meeting where the previous proposal was discussed I was very impressed that our elected Councillors chose to support the feelings of the local community. I am aware that the 'bullying' tactics and the limitless funds available to the developers make it difficult for the Planning Committee but hope that the Councillors will hold firm and continue to reject this proposal.

After the meeting I did attempt to engage the Developer in a conversation about the proposals and asked him why they are ignoring the wishes of the community which is for additional, affordable housing for either pensioners or young people and insisting that a convenience store is what we need. Far from taking an opportunity to have a discussion, he turned tail and ran off to his car!

One can only hope that the continued objections of so many people may have some effect on the arrogance of the developer! Unfortunately it is likely that the only consideration he will take into account is that of maximising his profits and not the long term affect on a thriving community.

The Firs
1 Newcourt Park
Cheltenham
Gloucestershire
GL53 9AY

Comments: 11th September 2014

I'd like to object strongly to this development on the following grounds:

1. Traffic Congestion and Road Safety.

- Cirencester Road is already congested and there are existing issues with resident's cars parked on the main road and more vehicles stopping outside the Nisa shop and other shops at the junction of Croft Road.
- the proposed new development will cause more cars to stop on the Cirencester Road, particularly near the junction with Newcourt Road, causing congestion and creating dangerous situations
- please take the time to visit the site at the regular busy times of day when office workers are travelling to and from work + when school children walk along the busy Cirencester Road; you'll see cars, lorries and National Express coaches swerving in and out of the chicane created by existing parked cars, then think how much more dangerous it will be by adding this development.

2. Noise

- delivery vehicles will arrive early in the morning and late in the evening; they will unload as quickly as possible and ignore the suggestions to minimise noise - the drivers simply want to unload and get going, they won't care about additional noise; this is totally unfair on local residents

3. Proposed development not required

- Please be realistic about this development. There is no need for another shop in this location. There is a Nisa nearby, plus a Co-op plus Smith & Mann and other local shops. Those retail outlets will suffer as a result.

147 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 7th September 2014

I absolutely object to this planning application. It is farcical to suggest we need another shop in the area. All the neighbours support the carwash and the employees who work there - these are all very hardworking men and the loss of employment for them would be a travesty. The existing retail establishments in the vicinity would suffer greatly as well as our post office which is essential in this community.

In addition, Cirencester Road is busy enough as it is and we already have major problems with speeding cars - yet another animal was killed on the road on Friday morning by an errant driver. There are huge numbers of people with young children as well as many elderly residents living on the road and more cars will just make it more hazardous.

The noise disturbance would also greatly affect all residents - we do not want delivery trucks arriving in the early hours of the morning and then the noise of unloading and probably errant parking on site.

Please do NOT let this application go through.

159 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 11th September 2014
Letter attached.

141 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 10th September 2014
I wish to object to the planning based on the following comments:

- 1) This proposed development does NOT add anything new to the area, we already have three local convenience stores in the area we as a community do not need a fourth!
- 2) Increase in traffic, road safety will become a serious issue, residents parking would be affected
- 3) Noise, stopping and starting of engines late at night, car doors, music from car stereos, deliveries late at night or early in the morning, anti social behaviour from people hanging around
- 4) Light pollution, this will affect residents living directly opposite the site
- 5) No guarantees have been made about opening hours, (ie. the site can never be open past 8pm)

98 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DG

Comments: 6th September 2014

I am a local resident living on the busy Cirencester Road. This new application does nothing to address the traffic concerns raised earlier. The application to provide yet another convenience store in the area is not listening to the concerns of the community. A new store will only increase traffic in the area - particularly with the unnecessary long opening hours. The arrival of trucks will cause disruption to the immediate surrounding area - I know as I live opposite the Nisa store and already have experienced this - albeit on a smaller scale. We do not require another store - we have sufficient in the area and this will only serve to increase traffic, put pressure on parking in the surrounding roads and provide competition to the surrounding businesses which is not desirable. I hope that the Planning committee do not agree to this application - it is not wanted and will be detrimental to the community.

Comments: 7th September 2014

As an incorrect application number was given initially via the post - I believe I have posted by objections under this old application number. Given the small amount of postings on this new application number I fear others may have done likewise - perhaps any objections dated after the last application should be added to this site.

As before, I object to the proposal due the high level of traffic on Cirencester Road which will only increase with an additional store. I live opposite the Nisa store and already experience difficulties when reversing off my drive into Cirencester Road - avoiding deliveries, rush hour traffic and school children. This is a particularly busy part of Cirencester Road and to increase the traffic is irresponsible. The community does not want to have another convenience store in the area - we have sufficient and another one will be detrimental to the other small businesses in the area. Equally why are is the proposal for late night opening til 11pm in a residential area - at least the Nisa shop is closed at 9pm - this will only increase noise/disruption and traffic to the families living in Cirencester Road.

171 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 11th September 2014

Letter attached.

167 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 4th September 2014

Here we go again did the developer not get why we objected the first time round Charlton kings do not want another store it will cause major problems the road is busy enough without adding to it people will not use the car park they will use the road for convenience , also children have enough trouble crossing the road to get to nearby schools if they want to develop the site why not social housing or first time buyers they can put new plans in but the argument is still the same we do not want this store

163 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 8th September 2014

It seems these people who have now reapplied for planning permission to build an unwanted supermarket on this site lack any form of respect for the wishes of the local community who, for very sound, common sense reasons have made it abundantly clear it is unwanted proposal.

Although a small number of changes to the original plans have now been made the core issues for my objection (along with most of the local residents) still remain as listed below.

I have lived directly opposite this proposed development site for the last 30 years and therefore have first hand experience of the traffic congestion, dangers of the road and parking problems in the area, which have increased dramatically over the years. The A435 is a very busy and over burdened trunk road, especially at peak times, the addition of a convenience store plus two retail units crammed on to this unsuitable site will do nothing more than exasperate the current traffic and parking problems in the area.

1. Damage to local Business

There is little or no need for the addition of another convenience store in this area, we already have ample to serve the local community (Nisa, Co op, Budgens etc) another will only damage our established local small businesses who serve us well.

Also the carwash provides a great service for the local community and will be sadly missed by many, not to mention the employees losing their jobs.

2. Traffic & parking problems

More unwanted traffic will be attracted into the area, delivery lorries obstructing the highway and vehicles pulling out will also increase the risk of accidents to both pedestrians and drivers.

Parking is already a big problem here and the proposed development provides insufficient parking for both staff and customers, this will lead to more street parking leaving residents with even less or no parking.

3. Better use of the site

There is a shortage of housing in the area, the site would better lend itself to residential housing which would not significantly increase traffic problems or damage local shops or the environment.

161 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 11th September 2014

I wish to register my objection to the proposed development of a mini-supermarket on the car wash site at 86 Cirencester Road for the following reasons:

1. The development will cause an increase in local traffic, in particular Newcourt Road which is very narrow especially at the blind bend. This is a hazardous stretch, well-used by cyclists and school children, who often walk in the road because the pavement is narrow and uneven at this point. This stretch of Cirencester Road is illegally fast and any increase in traffic, parking and turning will increase the chance of an accident occurring.

2. The revised plans make little improvements, if any, to the previous application. The proposed metal roof is ugly, inappropriate and most definitely not in keeping with the surrounding area. Why not emulate the extensive Victorian housing? If local residents wish to alter the appearance of their properties they are very constrained in what they can do.

3. The proposed mitigation for the inadequate delivery HGV parking relies on a staff member to remove bollards in advance of a vehicle arriving. All local supermarkets receive multiple deliveries each day. It is highly unlikely that the bollard procedure will be adhered to for every delivery, ad infinitum. Will staff be available at busy times? Will delivery drivers remember that they have to make a phone call in advance? (they will have to park-up somewhere to do that legally!). What if customers block the delivery bay with their cars? Planners and Councillors may be aware of the chaos that occurs at the Leckhampton Road Co-Op supermarket when delivery

vehicles are present. How will the bollard procedure be enforced? Let's face it, it is not going to work.

4. It is proposed that delivery vehicles will only approach from the south. How is this going to be achieved for all suppliers? Are we going to see HGVs making 3-point turns, or reversing into side roads to turn around? The nearest small supermarket in this direction is in Cirencester.

5. There are two bus stops in the immediate vicinity of the proposed development: one directly opposite the vehicle entry/exit, the other just 20 metres away on the same side of the road. When buses are waiting at the stops it will severely reduce visibility on this fast road and increase likelihood of a collision from vehicles overtaking buses and vehicles exiting the supermarket. I have seen several near-misses at the Tesco store opposite Cheltenham Railway Station due to the adjacent bus stop.

6. The proposed late opening time of 2300hrs is totally inappropriate. It is much later than other supermarkets on this side of Cheltenham and will no doubt bring about many late night dashes for beer, wine and junk food from high-spirited, inevitably noisy party-goers in cars with megawatt stereos.

Properties in the immediate vicinity are typically family homes, most with young children who will be adversely affected by late night opening.

7. Being next to a large recreational greenspace, this proposed mini-supermarket is highly likely to attract groups of people who will drink alcohol and leave litter, cans and broken bottles. My children and many others may be playing ball there the next day.

8. Supporters of a supermarket on this site ignorantly state that traffic will be no worse, or better than the current car wash custom. This is not the case. On weekdays the car wash can be quiet for significant periods. At weekends it always looks very busy, but the time taken per customer is much longer than the average service rate at a small supermarket.

9. Where are the employees of the new development going to park? The Church Piece car-park has been suggested, but that is already well over-subscribed and I don't imagine the employees will want to walk that far (400m) twice a day, before dawn and after dusk, in all weathers. I believe there is a time limit there too. There is absolutely no room for their cars on surrounding streets. Especially at 7am before residents leave for work. The current car wash employees deserve the green award. They all commute in one car. They arrive after 9am and park on site. (Sorry, I think one rides a push-bike).

10. The previous application from CountyToCounty included a report that wrongly described the local shops as mere newsagents. The hard working owners and employees of Nisa etc. are offended by that statement. We buy a wide range of groceries and household products from Nisa and are happy with the quality and value for money that often betters some of the big supermarket chains.

Many hundreds of local people have already made it quite clear that they do not need, or want another supermarket in the vicinity. Perhaps CountyToCounty could consider how much profit they would make selling or leasing parking bays or garages on the site for locals who currently park on the road. This would be welcomed and would solve an existing road safety problem. Much needed housing has already been suggested.

This application is full of compromises, exaggerations and work-arounds to build a supermarket in an unsuitable location that is not wanted by those who it is claimed would use it.

You only have to look at the massive amount of objections to this and the previous attempts, to understand that this is wrong. These objections come from intelligent and informed people who care about our community. Not NIMBYs, just people who care about doing what is best.

155 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 21st August 2014

This site has been known to "time out" postings and previous objectors have had long detailed comments lost. Write your comments in a Word document, cut and copy then paste in here when you have finished. May save you re-typing all your good work.

Comments: 11th September 2014

The previous iteration of this Planning Application was commented on by the Urban Design team. That team states that it does the following

"About urban design

Urban design is concerned with making places work better for people; it is as much concerned with how a place functions, as it is with how it looks.

It addresses the relationships between people, places, movement, buildings and the natural environment; protecting their past and creating a future which gives people pleasant and sustainable places in which to live and work.

The role of urban design is recognised in the government's main planning policy document which states that "...good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people" (National Planning Policy Framework 2012).

Urban design in Cheltenham

The urban design group has landscape architects and urban designers and is located in the townscape team - a multi-disciplinary team which also consists of specialists in heritage and conservation, trees, engineering and business and economic development."

This team was HIGHLY critical of the previous application and yet we note that on this occasion the Urban Design team are not listed as a Consultee. This seems highly irregular and very suspect.

Comments: 13th September 2014

We live directly opposite this application site and remain disappointed that no principles of the Localism Act nor the National Planning Policy Framework guidance (NPPF) have been adhered to by any parties in the formulation of this application. My family's opposition to this planning application remains as strong as before. I have thoroughly read the minutes of the committee meeting held on 17 July, and have contrasted this application with the one that was sensibly, and rightly, rejected by councillors then, and they are the same. There is no material difference between the two applications and all I can see are cosmetic, minor changes seeking to influence the votes of certain councillors, merely an air brushed version of the original application. I feel confident that any Planning Inspector will feel the same, perhaps an indication of why this was not appealed after the July meeting.

The main reasons for refusal have not been mitigated against at all and remain extant, local shops will close and we who live opposite will lose amenity by light and noise pollution. We will also see an vast increase in traffic well after the Cirencester homebound traffic has dissipated

between 6-7pm. We would endure traffic going to and from the shop till after 11pm, 5 hours later than the car wash operates to.

This planning application does not accord with the CBC Local Plan 2006, the NPPF nor even the JCS. Charlton Kings Parish Council, which is the minor Authority representing the over 6000 residents in this area is, strongly opposed to the development on the grounds that local businesses will close, residents will suffer loss of amenity due to noise and increased traffic and they also cite that the JCS clearly states that one of the strategic objectives of the JCS is 'to ensure that all new developments are valued by residents'. With a petition of 959 signatures and over 150 letters of objection clearly the residents and neighbours of Charlton Kings have the support of their Parish Council and the JCS. Factors which I strongly feel will influence any Planning Inspector.

The CBC commissioned Donaldson's report, which is cited in our Local Plan, was an analysis of future retail capacity, covered convenience stores and stated very clearly that for convenience goods there is no need for further floor space. Yet here we are. The NPPF on page 70 clearly sets out what residents in Charlton Kings have been imploring officers and the developer to understand in that development must guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs and ensure that established shops, facilities and services (e.g. the Car Wash business) are able to develop. The retail assessment commissioned by CBC and undertaken by DPDS for this application site clearly stated that should a major retailer move here then the NISA would close.

The NISA is identified as being one element in the CBC Local Plan Neighbourhood shopping centres for Cirencester Road/Croft Road and appears on page A23 of the Local Plan. If this has no relevance, no protection, then why bother to identify it? Government has stated that the planning system is not there to restrict competition but surely neither is it there to brutalise existing businesses and make them fold to serve one planning applicant. The various retail assessments and protections exist to do just that protect, protect retail but what about the 8 staff who are the car wash business and workers. They are the first casualties in this proposed planning application, they pay rent, they procure environmental disposal operatives and they provide a recognised and applauded valued local service. They also pay business rates to Cheltenham Borough Council, unlike the developer.

Given that the supporting evidence for the non enforceable Delivery Management Plan. A fact which CBC conceded in answer to a specific FOI request about this application, comes from Tesco, and we hardly think that Tesco would permit anyone to use their literature without their permission or acquiescence [breach of Copyright and Trademark], then the closure of the NISA is inevitable. Sustainable development is about a change for the better. It really is not for the Officers of the Council to defend this argument by stating that the new application would be a better shop (yet they insist no end user has been identified so exactly how will they know it will be better) than the existing one. I'm fairly certain that's not what the drafters of the NPPF had in mind when they wrote it. A change for the better should be just that, not losing a business man his livelihood and not putting 5 of his staff out of work. The Smith and Mann (Budgens) houses our last remaining Post Office counter and its owner has already given evidence that Sainsburys at Oakley took trade away from him, a major retailer on this site will spell the death knell for his business, his staff and our post office. How will all that be a change for the better?

This brings me to the 8 workers in the car wash. They will all lose their jobs. They live in Gloucester so could not get employment (even if they wanted it) in the new shop, so 8 jobs gone to add to the five above. That is hardly a change for the better. They work hard, they provide a unique local business which is well used by this community, and they shut on time at 6.00pm Mon-Sat and 2.00pm on a Sunday. They do create noise, we have actually complained in the past, despite the officer comments in the minutes of 17 July, but we were told the noise did not constitute a Statutory Noise under the Environment Protection Act of 1990, and therefore no action would be taken. But they close at 6.00pm. Going home traffic dies down between 6-

Page 104

7.00pm. Developers want this shop to be open 7 days a week till 11.00pm, 5 hours past the closing time of the car wash team Mon-Sat and 9 hours beyond they closing on a Sunday/PH. How does this NOT affect our amenity? Government has stated that it is not the role of the planning system to restrict competition nor preserve existing commercial interests but surely neither is it to put workers from another discipline out of a job to satisfy some misinterpretation of national policy guidance. How is that fair, how does that create a stronger community or society?

It was simply wrong for the officers to state at the meeting on 17 July that the road is busy all evening so how can we neighbours living over the road complain about the noise associated with the shop opening till 11.00pm. For the reasons above. Traffic returning to Cirencester peters out between 6-7.00pm and then the road is basically no more busy AFTER THAT PERIOD than roads elsewhere. The car wash team shut up at 6, we enjoy our evenings without the sounds from across the road, our children study for their GCSEs and A Levels in peace and yet this developer wants there to be activity, noise, disturbance for another 5 hours till 11.00pm. How can anyone not judge that this will have an adverse affect on our amenity? I accept that the ATM being moved inside is a benefit, but that was only a small consideration. What about the increase in traffic, the associated noises, the doors slamming, the extra, unscheduled lorry visit because they didn't order this or ran out of that, because these things happen in life and are not covered in planning books. We see it with the NISA along the street. Car pulls up, driver jumps out, radio still blaring, engine still running, and he runs into the shop because he will be 'just a minute'. It happens now, we have all seen and heard it, but it is not considered a statutory noise by the CBC Environmental Noise Protection team so nothing is done about it. Nor will it do anything about car doors slamming, engines running, radios blaring because these are not enforceable violations of the Environment Protection Act of 1990, any assertion by officers that they will enforce our amenity is baseless and not backed by statute. Nor their own admission. People being people it already happens at the Tesco's on Queens Road and Hewlett Road. It will happen here and as CBC have already admitted in response to an FOI request that they cannot enforce miscreant drivers here then we will suffer, we will be either blocked onto our frontages, denied access to our frontages or suffer the 'I will be just a minute' brigade, how is that not a loss of amenity. And we have seen absolutely no report on the affects of the light pollution on our amenity. Ambient street light glow will be augmented but shop lights till closing at 11.00pm and thereafter

The Developer has sought to give retail examples of where two stores exist within a small area. We currently enjoy no less than 4 convenience stores, not 2, so the examples given are red herrings.

Design is still an issue and merely tinkering with bricks and fascia will not diminish the fact that circa 1904 Edwardian red brick bay frontaged homes, our homes, lie across the road, an area of green public open space runs along another side and a Grade II Listed Nursing Home, who no entity has given iota of consideration or thought to, lies behind the site in Newcourt Road.

I firmly believe any Planning Inspector when reading the multitude of well argued, articulate and informed Planning Policy based reasons for refusal will agree with us.

Please Councillors, stand by your previous reasons to refuse and many of us will join you at the Planning Inquiry if necessary and where I think we will prevail

LOCAL PLAN POLICY RT7 AND PAGE 70 OF THE NPPF

LOCAL PLAN POLICY CP7, ESPECIALLY (C) WHICH CBC UNDERLINES -COMPLEMENTS AND RESPECTS NEIGHBOURING DEVELOPMENT AND THE CHARACTER OF THE LOCALITY AND/OR LANDSCAPE. AND PAGE 58 OF THE NPPF

LOCAL PLAN POLICY CP4 (A) AND (B) FOR THE HOMES AROUND THE SITE, (E) FOR THE CAR WASH BUSINESS, THE NISA AND OTHER LOCAL FACILITIES WHO WILL ULTIMATELY SUFFER

Comments: 6th October 2014

The Car Wash team have told us that they wrote to the Mayor about this application. Why isn't that letter included here?

124 Horsefair Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8JT

Comments: 12th September 2014

I oppose this application because it will cause an increase of traffic and movements off and onto an already busy residential street with many parked cars; because it is not necessary or desired by residents who already have access to a convenience store on the corner of Croft road, which will almost certainly be put out of business as a result; and because in contrast the existing car wash business provides a useful service not available locally elsewhere.

33 Copt Elm Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8AG

Comments: 15th September 2014

I have serious concerns about the Planning Application for a supermarket at the above address.

1. Where's the point? Charlton Kings has a good number of supermarkets already: Nisa, Budgens Smith and Mann, and two Co-ops.
2. There is more of a need for affordable housing.
3. Loss of employment at the existing stores and Car Wash
4. There is obviously a very serious threat to our local shops - one of which has the Post Office on its premises. The loss of the Charlton Kings Post Office would mean more traffic on the roads as people drive into town to the PO counter in WH Smith. It would also create havoc in town and in WH Smith at busy times. We have a very fine PO service here in a very fine shop - please do not do anything to jeopardise this.

98 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DG

Comments: 10th September 2014

I would like to report my complete opposition re the planning application for a store at this site. It is not necessary as there are already adequate shops nearby which serve the community well. These stores would be put at risk from the new store and so could close down or cause redundancies. Thus the argument for providing extra jobs is negated.

The times of opening are excessive putting massive inconvenience and noise to local residents. I do not want the shops open so early or late. I do not want to associated people hanging around the store until late. I do not want the parking nightmare and noise from cars and doors slamming

and petrol fumes. I do not want people to park over my drive way and block me in or stop me parking on my won drive.

The shop design is not in keeping with the local surroundings and I do not want to country feel of Harcourt road spoilt.

It is hard to cross the road as it is and extra traffic and road parking will only make this worse. It will increase the traffic at this area which will not be welcome, especially close to a park land where children play.

The small compromises made this time round do nothing to appease local residents who simply do not want this store to go ahead. I think it is typical of big developers to ignore local residents and drag the process on so long that many people give up complaining. I did not know that original feedback would not be heard this time around. I doubt many people have the energy to keep writing in saying the same things and therefore the developers wear people down until resistance fades away.

This would be a great shame for Charlton Kings and would spoil this area.

Please reject this proposal completely

145 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 12th September 2014
Letter attached.

157 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 8th September 2014

The resubmission neglects to address the issues of negative impact on local businesses, the increased traffic on a busy road where speeding is the norm. There is also no need for another food store with ATM, as there are already these facilities less than 50 yards from the proposed site. The antisocial opening hours and noisy deliveries alongside the lack of space for delivery trucks are still a cause for concern in a residential area highly populated with young families.

1 Bafford Lane
Cheltenham
Gloucestershire
GL53 8DN

Comments: 11th September 2014
I wish to object to the planning.

A new convenience store is simply not required. The local area is well served for stores within walking distance of the site.

Page 107

A new store is therefore going to mean a loss of trade and likely jobs for existing stores.

There will be a loss of jobs for those currently working at the car wash.

If the new store is not taking significant trade from existing local shops it can only mean they are expecting shoppers to drive to the site. This will lead to traffic congestion and parking problems at what is already a busy site.

Parking is a particular concern for me. Current double yellow lines are already abused and, being out of town, there is no enforcing of the rules. This reduces visibility from nearby junctions. This development can only increase pressure on parking and therefore the risk of an accident.

Noise disturbance is also a concern, particularly in relation to air conditioning units, long opening hours and deliveries.

The development is also completely out of keeping with the local area. This particularly concerns me as it sits right alongside the Bafford Lane conservation area.

I can see no benefits at all that the proposed development would bring.

92 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DG

Comments: 11th September 2014

I strongly object to this development. Will make objection short as I was timed out of last session.

Reasons: traffic increase, road safety (dangerous junction with lots of children crossing en route to schools), noise - especially early morning and late at night in a residential area.

32 Charlton Close
Cheltenham
Gloucestershire
GL53 8DJ

Comments: 11th September 2014

I acknowledge that some amendments have been made to the original proposal however this does not change the fundamental point and the reason for my objection which is that a convenience store in that location is unnecessary and compromised.

I still feel very strongly that the development will cause dangerous traffic congestion due to people parking inappropriately and an enhanced risk to the many children who cross Cirencester Road on their way to and from school. Given the opening hours, I also believe there will be significant noise disturbance to the local residents. We are well served with many retail establishments in Charlton Kings, we do not need another shop and if it were to be introduced surely there is a strong chance of job losses elsewhere.

Finally, with the desire to build additional residential accommodation in Cheltenham, surely this is a prime site.

257 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8EB

Comments: 27th August 2014

This development will totally ruin the village of Charlton Kings & will only take business away from exciting businesses. Faringdon in Oxfordshire is a classic case. The independents have suffered & the centre of the town has also suffered.

Once the "damage" is done it can't be reversed.

I feel a low level residential development would be in keeping with the area. Probably flats would be the answer adding value to the area.

Be strong & don't cave in. The residents of Charlton Kings DO NOT WANT A SUPERMARKET

7 Bafford Lane
Cheltenham
Gloucestershire
GL53 8DN

Comments: 26th August 2014

Again we write with regards to the proposed planning at the above site.

We are totally against the proposed convenience store being built on the above site.

Charlton Kings DOES NOT need another supermarket, there is adequate shops including supermarkets, post office, chemists and corner shops, another supermarket would have a detrimental affect on these businesses.

Also the main reason for being against the plans is the dire affect to the road users and people living in the vicinity. We live in Bafford Lane and it is a very dangerous junction with Cirencester Rd and Newcourt Rd at the best of times.....added parked vehicles will cause more danger. It has been noted at other convenience stores that customers park on the road rather than in the car park if they are just popping in to buy a newspaper or loaf of bread etc. The road is busy enough without added parked vehicles.

We are amazed at the proposed opening hours.....how can a supermarket be granted early morning to late evening opening when the existing car wash company are restricted to operate weekdays 9-00am to 6-00pm and Sundays and Bank Holidays 10-00am to 2-00pm.A supermarket with deliveries from early morning to evening and customers all day will cause much more disruption than cars being washed.

Please consider the plight of the locals and the problems it will cause if planning is granted.

Thanking you in advance.

Comments: 15th September 2014

Having emailed my comments on this planning matter, I am not sure whether I was informed of the correct planning number so I wish to reiterate my comment regarding the proposal.

We as residents of Bafford Lane are totally against the proposal for the following reasons.

The junction of Cirencester Rd, Bafford Lane and Newcourt Rd is a very dangerous junction at the best of times.....added vehicles parking to 'POP' into the store will cause addition problems

and make the junction even more dangerous. I know they say there will be customer parking but it has been observed at other convenience stores customers will park on the road when just buying a paper, cigarettes, bread etc and this will happen here also.

The noise factor with lorries delivering at all times of day and night will be very disruptive plus the hindrance they will cause.

We have enough shops, chemists, post office etc in Charlton Kings without another shop. What will happen to those businesses?

Finally how can a convenience store be allowed to open such long hours when the existing Car Wash business be limited to weekdays 9-00am to 6.00pm and Sundays and Bank Holidays 10-00am to 2-00pm. I am sure there will be a lot more noise and inconvenience from a supermarket rather than a car wash.

Please consider the local residents on this matter.

8 Ham Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NP

Comments: 28th August 2014
Letter attached.

64 Little Herberts Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8LN

Comments: 24th August 2014

We still object to the application for a new convenience store on the site of the old car wash. As stated before there is no need for another convenience store in the Charlton Kings area and the premises would be better put to use by turning it to residential development. The issue of increased traffic on an already busy road which would be drawn in by a convenience store remains of major concern, particularly as it is a road which is heavily used by school children every day. Once again we reiterate that the site should be put to residential development which would be far more in keeping with the immediate vicinity.

24 Croft Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8LA

Comments: 5th September 2014
Letter attached.

Box Cottage
47 Bafford Lane
Cheltenham
Gloucestershire
GL53 8DN

Comments: 10th September 2014

I wish to object to the proposed development on the following grounds:-

1. There is no need for a further convenience store in Charlton Kings. The area is already well served by existing amenities, and the viability of the established stores would be threatened by a new store. The number and strength of objections from local residents bears out the lack of need for another supermarket.
2. A large store opening until 11pm is inappropriate in a residential area and would cause disturbance for residents on the Cirencester Road well outside normal working and retail opening hours through increased noise and traffic levels.
3. The development would cause traffic congestion on the Cirencester Road, and an increased risk of accidents for pedestrians attempting to cross the road (particularly children on their ways to and from local schools), and motorists seeking to exit Newcourt Road and Croft Road

The store is likely to attract passing trade (more than local residents) and particularly at times when the volume of traffic on the Cirencester Road is at its heaviest. The busiest time will be the evening rush hour as motorists head out of Cheltenham southbound. They will have to turn right (across the northbound traffic) both to access the car park, and then again to exit it and resume their journey. This will increase the risk both of congestion and of accidents.

4. There is likely to be an adverse impact on residents in the side streets off the Cirencester Road, due to overspill parking. Bafford Land and Croft Road are already difficult to negotiate as a result of road side parking by residents, and this situation will be exacerbated if the car park proves inadequate to accommodate shoppers at busy times.
5. The design of the proposed building is wholly out of keeping with the neighbourhood and the surrounding buildings.
6. There is a far greater need for affordable housing in Charlton Kings than for a further supermarket (whose main users are likely to be motorists passing through the locality rather than local residents). Allowing this application would deny the opportunity in the future to meet that genuine need.

Longmead
4 Charlton Close
Cheltenham
Gloucestershire
GL53 8DJ

Comments: 10th September 2014

Having sat through the Planning Committee meeting when the previous application for this site was refused, I find it hard to believe that we are looking at a very similar application again.

During this meeting everyone present agreed that the local Nisa supermarket would close. This was because there wouldn't be enough business for two very similar businesses in such close proximity. For this reason alone, I find it hard to understand why we are again being asked to comment on an application for something that it was agreed is un-needed due to us already having a great selection of wanted shops in Charlton Kings.

This is not sustainable development for Charlton Kings. We are simply going to be swapping the car wash site for an empty shop on the corner of Cirencester Road and Croft Road, where the nicely refurbished Nisa now stands. The only people who seem to support this application are those being paid to do so. Those of us who live in the village and pay our council tax to do so, feel as though our views are unimportant. However we are the ones who will be left to live with the consequences.

Great details were gone into at the meeting about the delivery trucks and how they were going to manoeuvre through the village due to the lack of space on the site and surrounding area. Nothing has been made of this in the new application. The traffic congestion will therefore have a knock on effect through out the village, not just in the close proximity to the site.

Having previously been involved in Safer Routes to schools in the village, I find it hard to understand how this area with added traffic isn't a cause for concern with local children and pedestrians. It is already difficult to cross Cirencester Road near the junction with Bafford Lane due to parked cars. This is only going to become worse.

The new application makes a lot of comparisons with noise caused by the car wash and a supermarket. This may be a fair comparison if the proposed supermarket was only going to be open for the same hours as the car wash. Unfortunately this isn't the case, the supermarket will be open for more than double the hours, which is a great cause for concern.

I feel if the developer was less greedy and applied to build affordable houses or flats; which has happened on other petrol garage sites in the village. The application would receive far less objections and much more support.

46 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DA

Comments: 5th September 2014
Letter attached.

Comments: 9th September 2014
Letter attached.

155 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 6th September 2014

I strongly object to this new Tesco supermarket.

Our community is already well served by 2 Co-ops, one about 300 m away from this site, the excellent Smith and Mann (Budgens) which also houses our remaining Post Office and the NISA about 100m away.

Page 112

Colm the owner of Budgens has already said that he lost trade to the Sainsburys on the Oakley site and estimates he will lose more trade if this Tesco gets the go ahead. How is that sustainable?

If as a consequence we lost Smith and Mann we would lose our last remaining Post Office. How is that sustainable?

The Borough Council's own Independent Retail Advice from DPDS stated very clearly that the NISA would close if Tesco came here. How is that sustainable?

The Car Wash team would lose their business and their livelihood because they will be evicted, as has already been threatened, that's 8 men out of work. They wouldn't get work in the new shop because they do not live here. How is that sustainable?

This so called new application is a tweaked disengenuous version of the first application that the Committee rightly rejected and has only cosmetic changes to succour votes from certain Councillors.

Dear Councillors, please see the wider picture. There has been nothing done to mitigate the effect on our community shops, there has been nothing altered to reduce the speed of traffic on this busy road and even your own Officers have accepted in an FOI request, yes, we asked politely but were declined so we went for the statutory request, that they could NOT enforce the Delivery Management Plan, which we note is for a Tesco store and this Developer inflicted the Tesco on that community in Tuffley where from another FOI request we KNOW that that DMP is abused on a daily basis.

How does this not affect our Amenity, in contravention of the CBC Local Plan, the Localism Act and the National planning Policy Framework guidance.

This application is materially the same as the last one and the planning reasons to refuse remain extant.

We are confident as a community that any Planning Inspector on reading the well argued, articulate and intelligent letters that have been received now and for the previous application will agree with us and that's why we believe this Developer did not go down that path, he would lose at Appeal. An Appeal where we all could be heard and in longer than 3 minutes, hardly any time to protect our way of life. Where the Inspector would see that we are not a bunch of inarticulate NIMBYS but a Community who have read the plainly written NPPF and have thrown it back at your officers and the Developer. Please Councillors, hear our voices and reject this application.

115 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 4th September 2014

All previous grounds for objection STILL apply based on noise, traffic, visual impact, privacy and amenity. I refer you to my original objections. This development is NOT wanted/needed by the local community. Why oh why are we not building much needed HOUSING!?

18 Newcourt Park
Cheltenham
Gloucestershire
GL53 9AY

Comments: 31st August 2014

All the previous grounds for objection still apply, detrimental effect on already established and adequate local businesses, increased traffic noise and road danger, and overall disruption to a residential area. This proposal, like the previous one, brings nothing positive to the area, and is not wanted by the local residents.

10 Bafford Lane
Cheltenham
Gloucestershire
GL53 8DL

Comments: 11th September 2014

Letter attached.

High Tor
29 Charlton Close
Cheltenham
Gloucestershire
GL53 8DH

Comments: 3rd September 2014

Letter attached.

193 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DF

Comments: 11th September 2014

Letter attached.

Endcroft
111 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 9th September 2014

Letter attached.

Goodwood
Newcourt Road
Cheltenham
Gloucestershire
GL53 9AZ

Comments: 10th September 2014

I wish to object to this development on the following grounds:

Loss of amenity and noise disturbance for the neighbourhood.

The opening hours proposed for this convenience store are significantly longer (16 hours a day) than the hours currently operated by the car wash., causing disturbance to neighbours in the early morning and in the late evening.

Deliveries from HGVs (currently there are none) will also increase disturbance, no matter how quietly doors are shut.

Other deliveries throughout the day and increased refuse collections (not currently an issue with the car wash) from the store will cause additional loss of amenity in this neighbourhood.

Traffic and parking problems causing dangers

The location of this proposed store on the corner of a busy road will inevitably lead to increased danger for pedestrians trying to cross Cirencester Road, especially the many school children who cross at this point.

Dangerous short term parking by people leaving their cars for just a minute will undoubtedly result, especially during the time (up to an hour) when HGV deliveries take place.

Loss of jobs in a thriving neighbourhood

The opening of a new convenience store will undoubtedly lead to the closure of small independent traders and it would seem more than likely that more jobs will be lost than gained. The recently relocated Post Office in Budgens will be under threat.

Type of development

This is an inappropriate development of this site. Cheltenham apparently needs new houses to fulfil government requirements. Charlton Kings does not need a new convenience store and the site would be put to much better use with an appropriate housing development. Office space is also at a premium in this area and the site would lend itself very well to a development of this nature. A supermarket development of this nature belongs in the town, not in a village.

Havana
Newcourt Road
Cheltenham
Gloucestershire
GL53 9AZ

Comments: 10th September 2014

Whilst we do not have any problems with a redevelopment of this site, we do object to the proposed scheme for the following reasons:

Charlton Kings is already well served by the existing convenience stores and independent businesses, which adequately provide for the needs of the community as well as providing local

Page 115

employment. The scheme is basically the same as the previous application, therefore the views of the local residents, as evidenced by the earlier petition, should be taken into account.

Another convenience store is not needed, whereas quality office facilities to enhance employment opportunities within the area or affordable housing would better serve the community.

The scheme will lead to a significant increase in traffic close to busy and difficult road junctions. This stretch of the Cirencester Road is fast and already difficult to cross, with the speed limit regularly not adhered to. The park entrance adjacent to the site entrance is where a number of people, particularly children cross, at what is already busy times to get to & from school. Additional traffic will compound this problem. The road is particularly dangerous in winter, with the morning rush hour traffic leaving Cheltenham driving into direct low sunlight, with drivers visibility severely affected.

The proposed development will lead to an increase in traffic, noise and potentially anti-social behaviour at unsociable times for the adjacent residents. The proposed opening hours will particularly affect the residents and despite the unworkable ascertainment of the applicants, the sound of 'beep beep this vehicle is reversing' will not be a pleasant sound at 7.00am.

Newcourt Road is already used as a cut through, for people trying to avoid the traffic lights on Moorend Road, with traffic driving too fast on a very dangerous narrow blind bend. Vehicles regularly mount the pavement to avoid collisions and it is only a matter of time before a serious accident occurs. Increased traffic will only compound this problem.

Parking is already problematic on Cirencester Road. The scheme does not provide for any employee parking and this will have a serious impact on local residents and adjacent roads.

The visibility on exiting Newcourt Road/Bafford Lane will be restricted by a solid structure replacing the existing open forecourt. This is already a difficult junction to exit at busy times.

Locals currently have no need to drive to the existing local stores, however the proposed scheme will attract people from outside the area and increase traffic, contrary to Policy CP5.

The assertions relating to deliveries are laughable to anyone living in the real world. Who is going to monitor and enforce this?

This proposed development could cause serious damage to the fact that Charlton Kings has a village community feel. If smaller independent businesses have to close, the whole village way of life could be ruined.

11 Branch Hill Rise
Charlton Kings
Cheltenham
Gloucestershire
GL53 9HN

Comments: 12th September 2014
Letter attached.

62 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DA

Comments: 9th September 2014
Letter attached.

130 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DS

Comments: 11th September 2014

We OBJECT to the revised application as it contravenes local planning statements CP 4(a), (b) and (e) and CP5 and CP8 as set out below.

We understand planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the local planning statement. Although the revised planning application (the 3rd) has resulted in some improvements, not in our view sufficient to deal with the adverse impacts of the development.

Specific Objections

1. CP 4 - Safe & Sustainable Living

CP 4(a) 'not cause unacceptable harm to the amenity of adjoining land users and the locality'

Noise Pollution

Based on the commercial use proposed for the site (A1 convenience store, most likely supermarket chain) with extended opening hours, leading to more cars and delivery vehicles, particularly outside of normal hours (8am to 6pm), will lead to increased noise.

It is noted that the that the main delivery will take place between 6am and 7am, with three other small deliveries at any time. The noise evaluation study at 5.4 refers to residential properties already being subject to noise of this nature (delivery & staff movements). This is not the case as no major deliveries take place at the site and the current occupants don't use the site (staff movement or customer) for the hours the application is requesting.

The current car wash business applied for planning in 2009, restrictions were placed on its opening times due to the noise pollution its operations would cause and the impact on the local area. The operating hours of the proposed development, (06.00hrs to 23.00hrs) will exceed the current site limitations.

The local area already has convenience supermarkets (CO-OP) in a larger purpose built commercial area, Church Piece, which is away from residential housing and with adequate Council provided parking.

Light Pollution

Based on the revised plan, further measures (reduction in size of unit etc) have been taken to limit glass frontages, however there will still be the forecourt parking lighting in the early morning and early evening to late at night.

This excessive light will impact the local residents who live opposite and behind the site.

Litter

The type of commercial site being proposed will increase the litter in the area. In particular, with the green space immediately behind the site, it could become an area for young people to 'hang out' following purchases from the site and who have a tendency (not all) to leave litter, causing a nuisance to other park users.

This is and has already been a problem in other green spaces in Charlton Kings.

The litter position could be resolved with daily Council litter clearing controls or measures placed (and enforced) on the retailers to litter clear the surrounding area.

CP 4 (b) 'result in levels of traffic to and from the site attaining an environmentally unacceptable'

Parking & Traffic

The Cirencester Road is already a major route (A435) to the centre of Cheltenham for those approaching from The Cotswolds, Cirencester and Charlton Kings, in particular at commute times. The traffic using the route can increase when the A417 Air Balloon roundabout has problems.

The road is a central point to the access of Charlton Kings and its schools.

The area already has parking issues with local residents using the roadside.

A development of the site proposed is only going to lead to further traffic and parking problems. The revised site plan proposes parking for users, but the spaces being provided are limited and have only increased by what appears to be one space and the loading bay. Staff parking also has to be considered, to which at the planning meeting nearby streets could be used, therefore impacting local residents

The delivery plan states that one major delivery will take place between 06.00am and 07.00am, with three minor deliveries at any time. (Deliveries during school arrival and pick up times to be avoided). The main delivery arriving from the North i.e. from the town centre direction. Although it is a positive step in attempting to resolve the traffic problems caused by deliveries, the following issues still arise:

- The delivery bay can only hold one vehicle at a time
- The delivery lorry will need to cross on-coming traffic to enter the site

If the lorry is late, it will impact school and commute traffic. If the store is able to manage the late arrival, by a delayed delivery, then the lorry will be negotiating its entry to the site when Cirencester Road traffic levels are high, albeit not as high as at school time, in addition to consumers using the site and possibly the minor deliveries.

Who will 'police' the approach route of the delivery lorry, prevent use of side roads etc

In addition to the deliveries, the users of the site will also create increased traffic congestion, with anyone approaching from the town centre direction having to cross oncoming traffic. According to Betterretail.com an independent retail website, Tesco Express are achieving weekly sales of £53,000, which is the minimum amount to make the site economically viable. (It must be assumed that this is similar for all major supermarket chains). This means a significant amount of footfall required at the site, some would be pedestrians, but the majority vehicle users.

The revised application refers to public transport and there is stop outside the site; however, it is misleading to state that customers will use the bus to travel to the site. The bus route outside the site is the 51 that is the Swindon/Cirencester/Cheltenham, providing a commuter service between these towns, not a local service. The stop is in the main used by people going in to and returning from central Cheltenham.

The site will therefore lead to increase traffic congestion on an already busy road, particularly when deliveries are being made which will lead to cars, or alternatively delivery lorries, parking on the main Cirencester Road, adding to congestion.

The site is on a junction of two other minor roads (Pumphreys Road and Bafford Lane/Newcourt Road), which already find it difficult to gain safe access on to the main road due to the current residential parking situation.

It is already a known problem at similar sites, for example Queens Road near to the Railway Station, where delivery lorries can't gain access forecourt area to unload, thereby parking on the Queens Road causing traffic congestion and access problems to the railway station. This issues at the Tesco site at Hewlett Road where raised at the planning meeting).

4 (e) maintain the vitality and viability of the town centre and district and local shopping facilities

Requirement for a large Convenience Store

The revised application is supported with a report from Mango which shows a number of areas in Cheltenham which are supported by two or three retail units, to provide evidence that the development will maintain vitality and viability of the district shopping facilities

It is difficult to see how a development of this type will not impact other local shopping facilities. It is highly likely that the unit will be taken by a 'big four' supermarket chain who are increasing their profile in this end of the market.

Charlton Kings is already serviced by two established CO-OPs with ¼ mile of the site, one of which is in a district retail area with Council parking facilities and the other in the Sixways shopping area, which has parking nearby. A Budgens is also within ¼ mile of the site.

There is also a NISA store 50 metres from the site, which is not much smaller than the proposed A1 development and provides a wide range of goods, as well as an ATM. The area also has a number of other smaller retail businesses such as florists, chemists, butcher etc in the surrounding area. The Bath Road Leckhampton shopping facilities are also only a short distance away, as well as the large Sainsburys at Oakley.

It is therefore difficult to see how a new development will not impact other local sites, for example CO-OP shutting a unit, leading to an empty unit in a local retail area which is likely to be difficult to let in the future, with the presence of a 'big player'. Currently the three commercial areas in Charlton Kings, Sixways, Church Piece and around Lyefield Road are busy and the units fully occupied, based around a major shop such as the CO-OP and have designated parking.

Recent examples of the impact of this type of retail unit impacting local traders, is the closure of Daly's Deli, which did adjoin the Tesco's Queen's Road site and the former NISA at Hewlett Road, changing to a Bargain Booze, (which I understand is a different business model) when the Tesco Express opened.

The Mango report examples have to be questioned, as three examples are comparing a retail unit to a garage site that has a minor convenience store element, where fuel would be the main item.

It is accepted that Bath Road, has three sites in close proximity but these serve all of Leckhampton in a much larger district shopping area that Charlton Kings has. In addition, the Natural Grocery Store has a total different offering that the other two supermarkets in Bath Road. Currently, Charlton Kings has four units, which adequately serve its residents split between the north, the centre and south of the area.

At the planning meeting the Council Officer seem to feel that local residents were protecting the NISA store and that the new development would offer a better choice. It is not the case of protecting the NISA store, but if the development forces other retail units to close, then how will these be used in the future. For example, if CO-OP decided to shut their store on Church Piece who would occupy a large unit, with another retailer close by and what would be the impact on the surrounding units on Church Piece. This unit could not be converted to residential use, so we have given up a site which could currently be used for residential, which could impact areas which are highly difficult to change to residential.

Unless the developer has a tenant already lined up for the site who have advised on the number of employees, we would have to question the employment number of 21. Most new retail units of this type are fitted with self-scan units, as per both Sainsbury's sites on Bath Road and the CO-OP site that has recently been refitted. The self-scan unit reduce the numbers of employees required thereby lowering the overhead of the unit, which the retailer is keen to achieve to increase the profit margin. If 21 position are to recruited, this will need to be weighed up against those businesses that will close resulting in a loss of jobs.

2. CP5 - Sustainable Transport

The points raised above regarding CP 4(b) regarding traffic, parking and pedestrian's safety are also relevant to CP5.

The local planning statements states that development will be permitted only where it is located and designed so as to:

- (a) minimise the need to travel; and
- (b) provide adequate accessibility to the site for vehicles, including public transport, pedestrians, cyclists and people with disabilities (note 1); and
- (c) meet travel demands in safe and energy efficient ways (note 2); and
- (d) provide a level of parking space that will encourage walking, cycling and public transport and discourage use of the private car (note 3); and
- (e) meet Local Transport Plan targets for the proportion of trips to the site by each mode of transport (note 4).

In addition to the points raised for CP 4(b), it is difficult to see how the proposed planning is looking to minimise the need to travel, as it appears to be aiming to encourage a drive, park and shop facility.

As explained above, the public transport point is a 'red herring', although it is noted that cycle parking facilities are being installed and due to the location, it will have a level of pedestrian trade.

CP 8 Provision of Necessary Infrastructure & Facilities

3. (a) the infrastructure necessary for the development to proceed;

For the development to be safe for it users, traffic measures, such as delivery routes have been proposed. However as set above who will 'police' these, what measure will put in place to stop the use of minor roads, such as Bafford.

Other Uses

It is agreed that the site does require development as it has been allowed to become run down. The current car-wash business that operates from the site appears to do very well, it is always busy and employees a number of people. It is understood that they are only leaving the site as their lease is not being renewed. If they were provided with a more secure lease arrangement, then they may take steps to tidy the area up and make it more attractive and possible offer other services, such as car sales.

The alternative to a commercial site is residential with the build being of a design that is complementary to the surrounding area.

Conclusion

The application states that its benefit is improvement to the environment as a whole through the use of a brown site, with a positive economic impact for the area with job creation.

On the grounds set out above, we do not believe that the proposed planning application should be granted as although it will improve the current environment at that location, it is likely to impact the surrounding area and in particular the other local district shopping areas, with other store closures and the positive economic impact is being over played. We therefore wish the amended application to be refused for the following reasons:

- Cause traffic and parking issues on an already busy main road
- Increase danger for road users and pedestrians (subject to the safety measures)
- Introduce a convenience store to the local district providing goods & services, which are already adequately provided for, which will have a detrimental impact on other local stores and retail in the area, which is likely to result in closures and job losses.
- Closure of local business will mean empty units, which will be difficult to fill and lead to 'eyesores' which will be unlikely to be converted to residential.
- Increased noise and light pollution for local residents
- Increased litter

On the grounds detailed here and therefore certain proposals within the application not complying with the Cheltenham Local Plan Objectives and Policies we trust that the application will be refused.

The Hendre
33 Brookway Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HF

Comments: 28th August 2014
Letter attached.

17 Charlton Close
Cheltenham
Gloucestershire
GL53 8DH

Comments: 11th September 2014

We wish to object again to the proposed development and will continue to oppose any further development of a convenience store.

We are concerned with road safety here with local children crossing the road here to get to school, there would be increased traffic including large delivery lorries constantly in the vicinity. People often park very badly when they are just "popping into the shop " and this would be a particular problem in Newcourt Road which is narrow and often dangerous now.

There will be increased people in the area which always bring litter.

We simply do not need another store in this area, there is already 3 supermarket stores and a butcher.

Please vote against the development

24 Okus Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DU

Comments: 6th September 2014

In the local area we have enough conveniences stores and a butcher's, we have no need of another store which will add to traffic congestion and road safety concerns. The risk of job losses will affect people ability to support their families. Leave the car wash as it provides a service not already in the area.

31 Charlton Close
Cheltenham
Gloucestershire
GL53 8DH

Comments: 5th September 2014

Letter attached.

1 Shrublands
Cheltenham
Gloucestershire
GL53 0ND

Comments: 23rd August 2014

This application remains not in the interest of the local community.. The following grounds are of extreme concern to me:

1. The increase in traffic, which is obviously the objective of the retailer or else they would not be applying, will increase noise, congestion and reduce safety. Noise will result from the cars and delivery vehicles over a longer period of time than the current road usage. Congestion is, to be frank, already a problem. I regularly use the area and find I am having to wait for cars to pass, there are local residents who park on the main road and the junction is difficult already with a main road and the two side roads converging at this point. A fifth access with cars coming and going can only make this more congested. Finally on safety, this clearly becomes a larger issue with the increased traffic. This alone would be a concern, but even more concerning is the fact that this is a major thoroughfare through to Balcarras school. Regardless of available pedestrian crossings, children do not consistently use these and the added incentive to cross the road to go to the shops make this matter worse.
2. Thank god I do not have a house on the Cirencester Road - I pity people living there who are planned to have the view of a 18-car car park and all the consequent movements and noise.
3. Visually, shops on either side of the road turn it into a suburban London High Street - not very appealing.
4. So finally do we need it? This is so obvious that I cannot believe this proposal has got this far. Charlton Kings remains one of the few areas I know that have this sort of village shopping feel. It has been thriving with the traditional locations being added to with the flower and coffee shops on Lyefield Road. There has also been upgrading of the shops at Smith and Mann and at Nisa providing the community with a good range of options and a competitive market. So what does a new convenience store do for us? It will not add to choice - we have that. It could drive down prices but let's think about that. Driving down prices, drives down profits - there is after all a finite market here for local demand. An international multiple retailer

Page 122

will not be concerned about this in the short/medium term as it will not be significant so they can sit it out whilst other retailers would suffer. The eventual outcome would be one or more of the others dropping out of the market and reducing the choice and convenience to the local community of having a shop within walking distance. This would reduce both choice and convenience and eventually would lead to higher prices through less competition.

41 Lyefield Road West
Charlton Kings
Cheltenham
Gloucestershire
GL53 8EZ

Comments: 12th September 2014
Letter attached.

Comments: 9th October 2014

I am writing as I has some further points that I would like taken into account in regards to the proposed development of 86 Cirencester Road.

Firstly, I would like to ask how can the fall back position be that of a petrol filling station when it's use as this was abandoned in 1996 and planning permission was gained for it to be a used car sales site.

In regards to the worst case scenario in terms of the stores' turnover, in the Mango report the figure is stated as being £1.51 million, however the DPDS report says that this is grossly underestimated and that the actual turnover will be in the region of £2.35 million. The DPDS report still uses Mango's figures to compile its own report. How can this be accurate?

Also, in the DPDS report it is stated that the proposed development would not have significant impact on Lyefield Road West neighbour centre, which I believe to be completely wrong for the following reasons. When the Sainsburys store opened in Priors Park several years ago, which is one mile away from my store, we experienced a 15% drop in business. When the Nisa store converted from a Premier store 3 years ago and had a total refit and expanded, we lost an additional 10% off our business. How can it be that if a national retailer opens up less than 500 metres away my store will not be significantly affected?

I'd like to reiterate what I mentioned in my first letter which is that should we experience a drop of 15% in our business we will close. In my view, this would cause a lose of facilities to the local community and is therefore contrary to policy RT7 and paragraph 70 of the NPPF.

12 Croft Avenue
Charlton Kings
Cheltenham
Gloucestershire
GL53 8LF

Comments: 6th September 2014

Increased traffic congestion - not at all its a car wash at the moment which has a very steady flow of traffic in and out so a shop would actually slow this down.

Parking problems - this development would actually ease the dangerous parking around Nisa that exists at the moment by adding off road parking.

Road safety - See above.

Page 123

Noise disturbance - again its a car wash at the moment so by less cars going in and out then there will be less noise.

Threat to local business - I don't see how its going to affect the post office at all and the butchers well its no threat to them so all I can really see is a threat to Nisa ... I call that healthy competition.

Loss of employment - how when its a new development that is going to need to employ people to work there.

Also the ATM being moved inside is a bad thing as the one at Nisa is Quite often empty so having another would have been handy. All in all I see this as a very big positive as it will mean the eyesore that is there at the moment will be no more.

10 Pumphreys Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DD

Comments: 11th September 2014

Letter attached.

Garden Lodge
Garden Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8LH

Comments: 24th August 2014

As I am forced to write, yet again, to object to, yet again, another application, yet again, by the same company(ies) for the same site...yet again!

To use a well known John McEnroe phrase...." I just cannot believe it..! "

Who do these people think they are trying to kid..??

The same site, for the same purpose, just slightly amended, is still going to cause immense social and financial problems to surrounding residents and businesses, let alone the traffic aspects of this, so called, amended planning submission.

I have added my previous objection letter to the previous application below, which expands on my reasoning.

Why don't the same firms, who've done nothing for Charlton Kings in the past, come up with plans for a really useful alternative enterprise that would benefit the whole community...not just a multi-national conglomerate????

The answer.....because there wouldn't be any profit in it..!!

PREVIOUS COMMENTS:

I am writing to add my support to the many objectors to the above planning application for a Convenience Store on Cirencester Road in Charlton Kings. I find it incomprehensible that a major supermarket chain would be allowed to basically destroy a local community in the area. You may consider this to be a rather severe comment but consider my reasoning behind it:

- 1) What happens to all the increased traffic that will try to use the store....? It will certainly not be accommodated in the few parking spaces to the side of the store. It will, therefore, spill out onto an already congested Cirencester Road, which has no yellow lines on either side to the North side of the development, causing cars to park either side of the road, resulting in single file traffic.....on a major trunk road into Cheltenham.....!!.....and then piling into the other congested roads nearby, like Newcourt, Croft etc...
- 2) What about the other THREE convenient stores in a 400 metre radius?? One of whom is a mere 30 metres from this proposed development and has only recently been acquired by a new owner. Another, long established store, has again only recently acquired the Post Office service and is now, unlike previously, open all hours for the local community. Jeopardising their turnover would put this service, the only one for miles, at risk.....and a third is very Co-operative.
- 3) And last, but not least, what effect would another large retail outlet, that sells just about everything, have on the other small retailers like the Butchers, Newsagents, Chemists and even Florists, in the same area.

The Coach House
6 Bafford Lane
Cheltenham
Gloucestershire
GL53 8DL

Comments: 10th September 2014

It is disappointing that we are yet again in the position of having to respond to an application from a determined developer choosing to totally disregard the concerns, views and total opposition to the scheme of the local community in which it wishes to operate its business. It is equally disappointing that the Council seems powerless to reject the application and make it stick. We object to the 'new scheme' in the strongest possible terms.

The applicant has not altered the scheme - it has tinkered around with the look of the store itself. The improved planting scheme on Newcourt Road, once grown and established, might screen the back of the store, but who is going to water the plants daily while the planting establishes itself and maintain it thereafter, replanting as required. Certainly it will take a decade for the current view to the Common to be anywhere near comparable to the current natural 'country lane' feel in Newcourt Road and for the site to be effectively screened.

The look of the building is secondary to the other elements which are the main reasons the scheme should be rejected:

- 1 The early to late opening hours are completely inappropriate in such close proximity to dense residential housing. After hours, the car park could easily become an attractive meeting place for boy racers. Cirencester Road is extremely quiet in the evening and the increased activity on the site will be both noticeable and disruptive to residents in the area. Security lighting will be an all night light nuisance to nearby properties. The early to late hours of opening proposed are significantly anti-social compared the car wash opening hours of 9 to 6pm daily except only 10 to 2pm on Sundays and bank holidays.
- 2 The junction of Newcourt Road, Bafford Lane, Cirencester Road, Pumphreys Road, is dangerous even during the day. During the rush hour and school run periods it becomes even more so as schoolchildren and young mothers with buggy's and little ones on scooters become part of the mix. Add in the fact that cars coming away from Cheltenham have to move on to the other side of the road to avoid parked cars at this point, and that there are bus stops on both sides of the road, the convenience store entrance/exit is right there with cars turning in both directions, and that cars will just pull in on both sides of the road to run in to

the store because they can't be bothered to park and you have a recipe for accidents and regular long tailbacks in both directions.

- 3 The idea of a convenience store on this site is not welcomed, because it is not needed. We have a convenience store already less than sixty metres away, so the idea that this would be adding something valuable to the community is ludicrous. It is more likely to prove to be to the detriment of the community as the Nisa store would be under threat, as would other outlets in the wider village area - currently each outlet has it's place and as residents stroll from one to the other, that brings business to the cafés and pubs. Surely, it cannot be sustainable development to bring in a new retail outlet which destroys the livelihood of another and puts several others at risk, creating a potentially derelict site just 60 metres away? What is that adding to this community?

There were nine hundred signatures on the original petitions for this scheme - not one in support. Letters to the planning committee were in the hundreds if I remember, and only one in support. I am sure that some objectors are being worn down by the process, but hopefully the message from the community is loud and strong - we do not want this scheme here and do not see why it should be foisted upon us.

1 Inglecote Close
Cheltenham
Gloucestershire
GL52 6UR

Comments: 11th September 2014

I have lived in this community for over 24 years and enjoy the great services provided by the local stores. Having lost banks we are now lucky to have a local post office sited in the Smith & Mann store.

As now confirmed that this development will be a Tesco store I beg you to visit the other Tesco stores and observe the traffic mayhem created at each and also the loss of their precious local stores as a result.

We cannot compromise the wonderful service provided by the post office, the pharmacy, the coffee shop, the flower shop and all the other local stores.

As Smith & Mann are the anchor store on Lyefield Road West I am certain that all the other stores within proximity would close.

I certainly feel that this development will be detrimental to the area combined with the extra volume of traffic on the already congested Cirencester Road.

WE DO NOT NEED THIS.

Overley Villa
26B Bafford Lane
Cheltenham
Gloucestershire
GL53 8DL

Comments: 10th September 2014

I would like to express my strong opposition to the building of a mini supermarket on the above site. I have three principal reasons:

Page 126

1) The detrimental, possibly even fatal, effect on other local retailers. The existing shops on Lyefield Road, (Smith and Mann, a coffee shop, a chemist and a florist), the Co-op in the village centre, as well as the butcher and the Nisa store on the Cirencester Road, not to mention other outlets on Sixways, all provide employment, a service and a focal point to the community here. Cheltenham is already quite densely populated with large supermarkets, so I feel that any new 'metro style' store by one of the giants would be a 'zero-sum game', played out for a finite local "purse"

- a. There will be almost zero change or gain in net retail sales (as all surrounding communities have their own Co-ops and other stores, and Cirencester Rd is simply a 'Way In' or 'Way out' of Cheltenham). It is difficult to see any net new traffic being generated, in spite of the long opening hours.
- b. For the same reason it is difficult to see any net gain in employment.
- c. But the staying and purchasing power of a Morrisons or Tesco will almost certainly put other stores out of business, ultimately reducing choice, amenity and amenity.

2) The detrimental effect on the character of the village of Charlton Kings. We've seen the boarding up of the High Street. But we we've made our homes and our lives in Charlton Kings, and we certainly don't want to see this desolation happening in our community.

3) The parking issue. I live in Bafford Lane and even now it can be difficult to pull out onto the Cirencester Road as there are often parked cars obscuring the view of on-coming traffic. Bafford Lane is already almost impassable at times because of thoughtless parking. Newcourt Road, too, is dark and narrow at the top end, and it only takes one parked car there to make the junction with Bafford Lane and Cirencester Road fraught with difficulty. Many school children cross at this point too, so any loss of visibility due to parked cars or increased traffic could be very dangerous

Comments: 10th September 2014

I submitted a comment at 10:30 p.m. this evening; unfortunately, whilst drafting my observations, my stance somehow became switched, in error, from "Object" to "Support".

Please note that I am a passionate OBJECTOR of the proposal (NOT a supporter). I trust that this stance emerges clearly from my comments

11 Newcourt Road
Cheltenham
Gloucestershire
GL53 9AZ

Comments: 8th September 2014

Letter attached.

70 Little Herberts Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8LN

Comments: 9th September 2014

I strongly object to the revised proposals on the following grounds.

1. Loss of amenity; the existing car wash is a successful local business providing a service not available anywhere else in the area redeveloping this site will remove this.

2. Loss of amenity; existing shops in the area, one very close indeed already well supply the needs of the community. Allowing a further retail outlet will adversely affect their trade and almost certainly result in one or more closure.
3. Increased traffic on an already busy road, suggested parking will do nothing to alleviate this.
4. Disruption to movement both pedestrian and vehicular during deliveries. There is insufficient room for large delivery vehicles on the site without disruption and associated danger to pedestrians.
5. Inappropriate development. Additional retail development is not necessary, housing would be more appropriate.

5 Okus Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DU

Comments: 11th September 2014

I strongly object to the planning application to put a supermarket on the car wash site at 86 Cirencester Road. As a resident of 48 Cirencester Road, on the following grounds:

This part of the Cirencester Road and adjoining roads, especially Croft Road are heavily congested and a new supermarket in this area would add to traffic and I have no doubt would cause more accidents.

Parking in this part of the road is already oversubscribed and again, more traffic and parking in this area would cause more problems.

It seems the developers have failed to see that there is already a supermarket, right across the road. Residents of Charlton Kings are well served by a number of supermarkets and we do not need anymore. With yet another supermarket there is a threat that the other shops would suffer and we would lose our Post office that is located in one of them (Budgens).

Cirencester Road is already a very busy road, cars turning into and pulling out of the Nisa car park greatly add to the hazards of the road and a supermarket opposite as well would double the congestion.

There would undoubtedly be more noise pollution than the existing carwash. This is only open for a certain number of hours a day, whereas a convenience store would be open for much longer periods, and even when it would be shut to consumers there would be delivery lorry disturbance and permanent 24 hour noise from the air conditioning units.

I don't believe that more landscaping, moving the ATM inside and a mono-pitch roof would resolve any of these concerns

13 Copt Elm Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8AG

Comments: 11th September 2014

I wish to object to the proposed development at 86 Cirencester Road on the following grounds:

1. The proposed development, albeit amended, is totally inappropriate given the surroundings. This is not the place to build a supermarket, or any form of retail development. Cheltenham

is already served by numerous supermarkets and other various retail outlets. What is needed is more housing built in a sympathetic design to meld with existing properties in the area. In particular what is required on this site, if it is to be built on at all, are smaller good quality homes affordable by first time buyers including those with small children.

2. I have lived in Charlton Kings for almost 30 years and during this time many local shops have closed because of the proximity of larger chain stores and supermarkets. This trend has been to the dis-benefit of locals, in particular the elderly, and those who are not able to travel easily or far. The current depleted array of small and very valuable local businesses is very likely to be forced out of business if the present development is allowed. This will result in the loss of valuable local amenities.
3. Cirencester Road at this point is a busy thoroughfare especially at rush hour. The proposed new development will cause traffic congestion and parking problems.
4. There will inevitably be noise disturbance caused by deliveries to the planned supermarket. This is totally inappropriate in a residential area as currently exists.

4 Lawson Glade
Cheltenham
Gloucestershire
GL53 9HL

Comments: 11th September 2014

With reference to the latest planning application to convert the Car Wash to a Supermarket on the Cirencester Rd. we would like to register some of our concerns,

- Increased traffic congestion (The Cirencester Rd is a busy road already)
- Parking problems
- Road Safety
- The threat to local shops
- Loss of jobs in the local stores and Car Wash.

Ref.
14/01436/FUL

8 CHANDLER CLOSE
Page 129
CHADWICK TILES
GL53 5D5.

7th Sept.

Dear Mrs White & Planning Dept
Please turn down again, once
for all, the Planning for a
Super Market Cirencester Rd.
its not needed I would hate
to live opposite with lights
on all night shining into my
bedroom windows, & bories
delivery, its had enough
on the corner of Mrsq very
dangerous when bories are
delivering, especially when
meat deliveries are taking
place at the Butchers also
no more hazards please, !!
cars park, as it is on the

2

corner getting to ^{Page 130} ~~Page~~ ^{Buffered Lane}
Newcourt Rd.

Bungalow's or 2 storey houses
~~what~~ would be enough for
that bad corner.

Hoping you will agree
with these comments.



BUILT
SEP 9 2014
ENVIRONMENT

Planning Ref: 14/01436/FUL Page 131

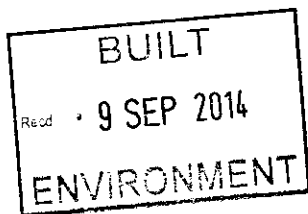
Norlands, Garden Road,
Charlton Kings.
GL53 8LH.

7th Sept. 2014.

Dear Sir/Madam,
I object to the proposed building chiefly on the grounds of traffic congestion on an already very busy road into the town centre.

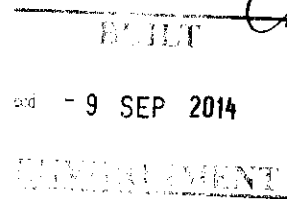
The new supermarket is surplus to requirements, and will damage local shops — NISA, and the Post Office.

yours faithfully,



86 CIRENCESTER ROAD.

8 Bafford Grove
off Bafford Lane.
Charlton Kings
Cheltenham
GL53 9SE



09-09-14

To whom it may concern,

I object in the strongest terms to any application by Tesco on this site for the following reasons:-

1) Local businesses will be affected & may close. I am in my 80's and have a well established relationship with local shops who take a phone order & deliver my food. I have no computer to order "on line" and I am not about to start now.

2) I am concerned about loss of employment in the area - hard-working people will lose their jobs & tesco will not ~~guarantee~~ guarantee them jobs.

3) my Grandson who is 10 & about to ^{start to} walk to School lives on the Cirencester r'd. It is busy enough already. We don't need any more delivery lorries on this road.

4) Tesco may have delivery time restrictions but will they adhere to them - also the restrictions appear to be operational during school times.

5) The building of a Tesco ^{Page 133} will detract from the "Village feel" and sense of identity of the people. We can now get local produce from local businesses. Tesco will change the feel of the village for good.

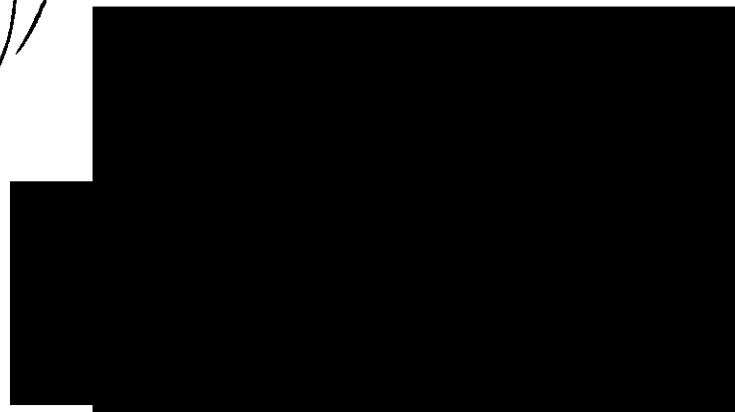
6) If the post office closes where will pensioners get their money. & don't say online!!

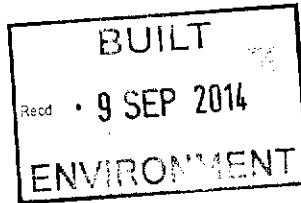
7) The road gets very congested at peak times already. ^{& noisy} making it unsafe for the young & elderly to cross roads. This road is used by children going to and from school & elderly people walking their dogs on the green. The green on New Court road will no longer be a dog walkers haven - due to noise disturbance & an ugly building.

The safety aspect is paramount you cannot cross safely at the Junction of New Court r'd & Bedford Lane now let alone with lorries delivering.

Also - noise pollution, traffic pollution & parking problems - no staff parking

Yours Sincerely,





"Pippins"
Newcourt Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 9AZ

The Planning Officer
Municipal Offices
Promenade
Cheltenham

[REDACTED]
31st September 2014

Dear Sir,

Planning ref. 14/01436/FUL

I find it utterly amazing that the same applicant should consider that small alterations to construction of buildings and a few plants, shrubs etc could alter the strong objection to a food outlet being approved by the majority of local residents and businesses.

one aspect. nuisance

- 1) By remaining open till 11pm. People will buy drink, food etc late evening and consume it in groups in the nearby grassed area - (litter a result possibly)
- 2) Delivery lorries arriving in early hours a nuisance to Cirencester Road residents.
- 3) Parking in Newcourt Road would cause more traffic problems there

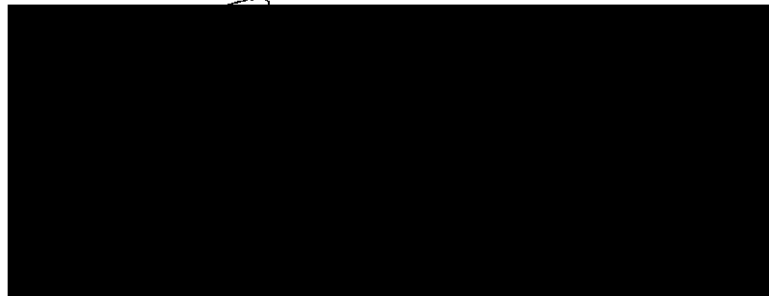
4) Newcourt Road is already over trafficed so should this application be approved it is likely to make this problem worse. The wall at the Moorend Road end is a listed building so there would be danger if lorries were to routinely use the road.

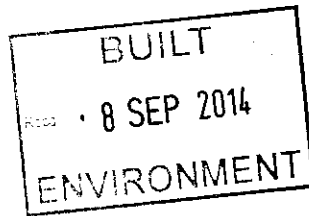
Page 135

Your letter asked that objections should be under one heading only. This I have done.

I trust that strong objections and the need to consider the local shops will weigh heavily.

Yours faithfully
Pully





4 Newcourt Park
Charlton Kings
Cheltenham
Glos
GL53 9AY

5 September 2014

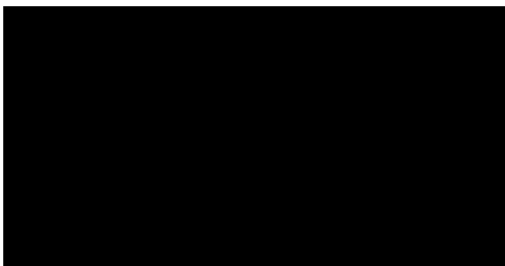
Dear Madam,

Ref No: 14/01436/FUL 86 Cirencester Road – Planning Application

None of these most recent revisions make any difference to the basic objection expressed in our previous letters which is that the very long opening hours 7-days a week, will be a gross intrusion on the lives of the people who live nearby.

It will also have a detrimental impact on road safety. It is already difficult to cross the road in the vicinity of the Car Wash because of the volume and speed of the traffic and because of the bend in the road which limits visibility. Vehicles already park routinely on the pavement further limiting visibility and making it difficult and sometimes impossible to pass with a pushchair or disability vehicle. I have today (1415 on 5 September) counted 6 vehicles parked on the pavement, on both sides of the road, in the very short distance between the Car Wash and the Nisa shop. Most visitors to a new convenience store will not bother to negotiate parking in the very limited on-site provision and will park on the road or pavement, which together with the delivery vehicles will create traffic mayhem and make it even more difficult to cross the road.

In summary, this is not a suitable site for a new convenience store. It will seriously inconvenience people who live nearby, have a detrimental impact on road safety and threaten the business of the existing stores who have served us well for many years.

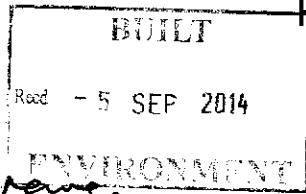


5. Charlton Close

Page 137 Charlton Kings

GL53 8DH.

4.9.14.



Ms. Crows
Head of Planning
CBC.

re Planning Application 14/10436/FUL
for 86. Cirencester Road.


I am writing, again, to express my
objection to this development.

I am concerned about traffic. The
increased volume in an already difficult
area will be hazardous, particularly for
children. The promise to ensure all
delivery vehicles approach from the South
Sands good — but who will ensure
these come from the south rather than

Page 138
from Cheltenham via Sandy Lane
and Bafford Approach? Not want
any one wants, certainly not local
residents.

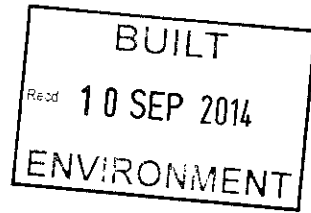
I also fear for the viability of
local shops, which serve us well.
We do not want to lose them.
(to again a supermarket we do not want)

I also think it is planning
madness if we are forced to accept
a Supermarket no one wants when
everyone knows we need brown sites
to build houses, and the Council has
already identified that Cheltenham
has too many supermarkets.

Yours sincerely,


Chaulton Close
Charlton Kings
Cheltenham.

Planning Dept,
Cheltenham Borough Council
Municipal Offices
Cheltenham.



Dear Sirs,

re Application No 13/02174/FUL

I write regarding above application for the
erection of a "convenience store" in Greenwater
Road, Charlton Kings

Plans have been changed yet again, but the
basis of this is that the vast majority of people
do not want or need another supermarket of
any size in this area - we already have
ample shops to supply our needs.

We keep reading that the council

needs to build more houses - so surely a far better plan is to build houses on this plot - a far more agreeable idea.

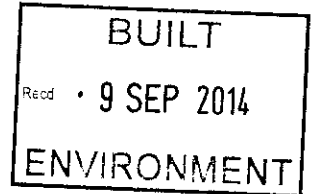
I am still strongly opposed to the building of a "convenience store" on the site.

Yours sincerely

A large black rectangular redaction box covering the signature of the sender.

Planning Officer
Cheltenham Borough Council,
P.O. Box 10.
Municipal Offices,
The Promenade,
Cheltenham
GL501PP

34, Cirencester Road,
Charlton Kings,
Cheltenham.
GL53 8DA
9th. September 2014



Dear Sir or Madam,

Planning application No. 14/01436/FUL
86, Cirencester Rd. Charlton Kings.

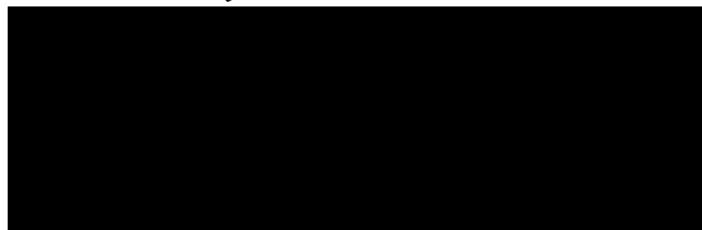
The application is essentially a repeat of the previous one and the grounds for the council's refusal of planning permission remain entirely valid. It would seem that the developer has simply made a few cosmetic changes to the proposal for it to be considered a new application in the hope of wearing down local community opposition by a process of attrition.

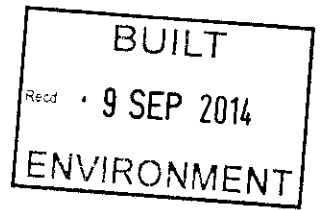
- Truly sustainable development would be the use of the site for low cost housing, urgently needed for the younger generation of Charlton Kings residents.
- The area is already very well supplied with supermarkets/ convenience stores. The recently refurbished Budgens and the Co-op are within easy walking distance, the Nisa and the butchers are on the doorstep of this site. The Budgens now contains the Charlton Kings Post Office, any inevitable loss of trade there could threaten the viability of this essential community resource. With 3 thriving retail outlets which offer choice, variety and competition this proposed convenience store is superfluous.
- Any retail development on this site will add to problems with traffic flow, parking and pedestrian hazards.
- The noise and light pollution from the proposed store would reduce the quality of life for residents in the immediate vicinity, especially with the extremely long opening hours proposed.
- The delivery management plan is unenforceable to judge from the gap between proposal and practice elsewhere.
- Parking for customers and delivery lorries is inadequate and does not allow for staff parking on this restricted site. The frequent problems observable at the Co-op on Leckhampton Road should be an object lesson- traffic halted while delivery lorries and customers manoeuvre.
- The claimed net growth in employment offered by this development is highly questionable. Retail jobs are often part-time; these would be offset by the loss of jobs at the car wash and the reduction in employment at the existing convenience stores when their turnover is adversely affected.

With the last application the council stated: 'the proposed development would result in significant and demonstrable harm to the long-term vitality and viability of this neighbourhood centre, leading to a loss of local facilities and services for the local community.'

We trust that the planning committee will again reflect the overwhelming opposition to this proposal in the local community and reject the application.

Yours faithfully,





Re Planning Application

Planning application No. 14/01436/FUL
86, Cirencester Rd. Charlton Kings.

To my mind all the changes in traffic and design of the building are minor. The main objection is to the change in the nature of Charlton Kings' small businesses that this application would cause by excess and unnecessary competition. A small supermarket will stock, meat, newspapers, cards, over the counter medicines, flowers and all groceries leading to losses to businesses as set out below.

Losses


- Nisa shop- would lose business therefore may close or at least cut back on staff.
- Butchers- would lose business therefore may close or at least cut back on staff
- Co-op - would lose business therefore may close or at least cut back on staff
- Forge Newsagents- would lose business therefore may close or at least cut back on staff
- The Florists- would lose business therefore may close or at least cut back on staff
- Budgens- would lose business therefore may close or at least cut back on staff and that would impact on the future of the last post office in C.K.
- Chemists would lose business therefore may close or at least cut back on staff
- The car wash would not be there and this is an example of enterprise and is always busy.

Total loss would be to the nature of the village with its small businesses.

Gains

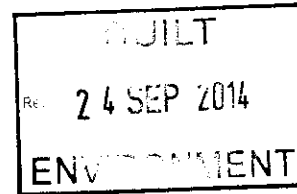
The applicant His estimate of employment doesn't equal all the losses in employment and profit of existing shops.

This also doesn't take into account that all the businesses at Six Ways are also within walking distance for many of the villagers.

 4 Cirencester Rd.

'Little Bafford', 28 Bafford Lane, Charlton Kings, Cheltenham, GL53 8DL

Ms T Crews
Head of Planning
Built Environment
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
Glos GL50 1PP



23rd September 2014

Dear Madam

Re: Erection of New convenience store at 86 Cirencester Road, Charlton Kings
Planning Reference: 14/01436/FUL

Despite sending comments via the Planning Office website (twice) with regard to the above proposal by the deadline of 11th September and receiving acknowledgements on both occasions, for some reason, my comments have not been registered on the council website. I therefore attach below my comments, as I understand the deadline has been extended.

I would like to lodge my objections to the revised proposal, which has been rewritten with the clear intention of bullying the planning committee into accepting the proposal by asserting that the committee's decision was not consistent with planning policies and therefore hinting that an appeal is likely if the application in its current form is refused. The committee will no doubt seek advice on that issue, but I would like to point out a number of inconsistencies in the application that must cast some doubt upon the weight of the opinions expressed by the various experts in support of the scheme, some of which have already been highlighted by other objectors.

Although it is argued that no retail impact assessment is required, the applicant has provided one and therefore it would be perverse if the committee were unable to consider it. Mango's report is riddled with unsubstantiated supposition and muddled thinking. In paragraph 38 it makes an assertion that most of the trade will be local and will result in more people walking to the new store, which is entirely at odds with the assertion in the main planning statement (6.34) that 90% of the trade will be from passing cars. Which is it to be? If 90% of the trade will be driving there and will be passing trade, then there will be minimal enhancement to the local retail offering at all. It seems that for transport purposes, so as to argue that there will be no increase in traffic, the applicant wants to portray the trade one way, but for the purposes of alleging to enhance the local offering it suits him through another expert to assert something different. The applicant also argues that our local experience will be enhanced by a national retailer taking over the site - although none is apparently on board as yet - because they could offer a fuller top-up shopping experience than the nearby Nisa, and suggests that will reduce by 80% the need for Charlton Kings residents to travel by car to larger outlets. Yet the applicant defines the proposed store as a convenience store and largely ignores the combined local offering, which is already enhanced by Budgens and the Co-Op because they are more than 600 metres away. Perhaps the idea that 90% of trade will come by car is because the applicant doesn't believe the residents of Charlton Kings can walk 600m! Then Mango

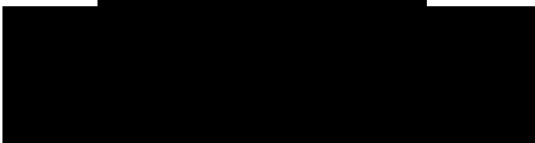
make some predictions that the store will make up to £1.51m a year and that 80% of the trade will come from residents not travelling to larger stores, and only 20% will come from the other local stores. How can they possibly know the trading patterns of the residents of Charlton Kings? Will they be selling 80% of the goods obtainable at the larger stores? But they are only planning a convenience store so how will that be? It is patent nonsense and not evidence of any sustainable model. The applicant cannot have it both ways. Either the bulk of the trade will be passing - in which case it will contribute nothing to the locality - or they will be in direct competition with the existing three local stores and the likely impact on those stores will be significant.

The illogical approach is mirrored in the noise report, which admits to an increase in ambient noise over 24 hours due to external machinery, but then says that it will be of no effect. Either noise increases or it does not. It also fails to properly address the effect of the extra seven hours a day working time when noise will occur. Finally the transport report is based upon an assumption of a decrease in car numbers to the site of 391 as against the use when the site was a filling station. It has not been a filling station for about 12 years. The comparison made is entirely spurious.


This application overlooks the planning policy which directs that the development should be sustainable, but the evidence put forward fails to convince on that front for the reasons stated above. It also goes against the almost unanimous local opinion against this development.

We urge you to refuse this application.

Yours faithfully

A large black rectangular redaction box covering the signature and name of the sender.

Planning Department
Cheltenham Borough Council
Promenade
Cheltenham
GL50 9SA.
08 Sept 2014


2 Regis Close
Charlton Kings
Cheltenham

GL53 8EQ

Dear Sir/Madam

Planning Application No.14/01436/FUL Cirencester Road Development

I oppose to the application of the Cirencester Road Development for the following reasons:

1. Transport

- Newcourt Road has five blind corners: two as you come into Newcourt Road from Cirencester Road from the North and South; coming from Moorend Road into Newcorut Road there a further two blind corners; as you come out of Charton Close, on the right you again have another blind corner. With only 16 parking bays shown, there will be cars using Newcourt Road and Cirencester Road as overflow parking areas.
- Delivery trucks: these will somehow need to get in and out onto Cirencester Road to turn around.
- Congestion: The overflow of cars parked on the road will narrow the available space on the road for passing traffic.

2. Bus Services

The Applicants are being economical with the truth, stating that the 813 bus to Moreton will serve the new business. This bus only goes to Moreton one day a week and then for Moreton Market, people are unlikely to go to the convenience store. Other two busses no 51 and P/Q are unlikely to bring shoppers to Cirencester Road as they will be heading for the town centre in Cirencester. No bus services are planned for the two large estates Beaches and Bafford.

3. Safety

There will be increased foot traffic with people visiting the store, and then needing to cross what is already a busy road.

4. Necessity

We do not need another convenience store in this locality. We already have three in the area: The Co Operative, Smith & Mann and Nisa. This will just push customers away from local businesses unnecessarily. It is illegal to put other operations of a similar type out of business.

5. If the Cheltenham Council needs more houses the proposed site would be the correct place, with no need to build on green, sits houses would blending in with this location, not Supermarkets.

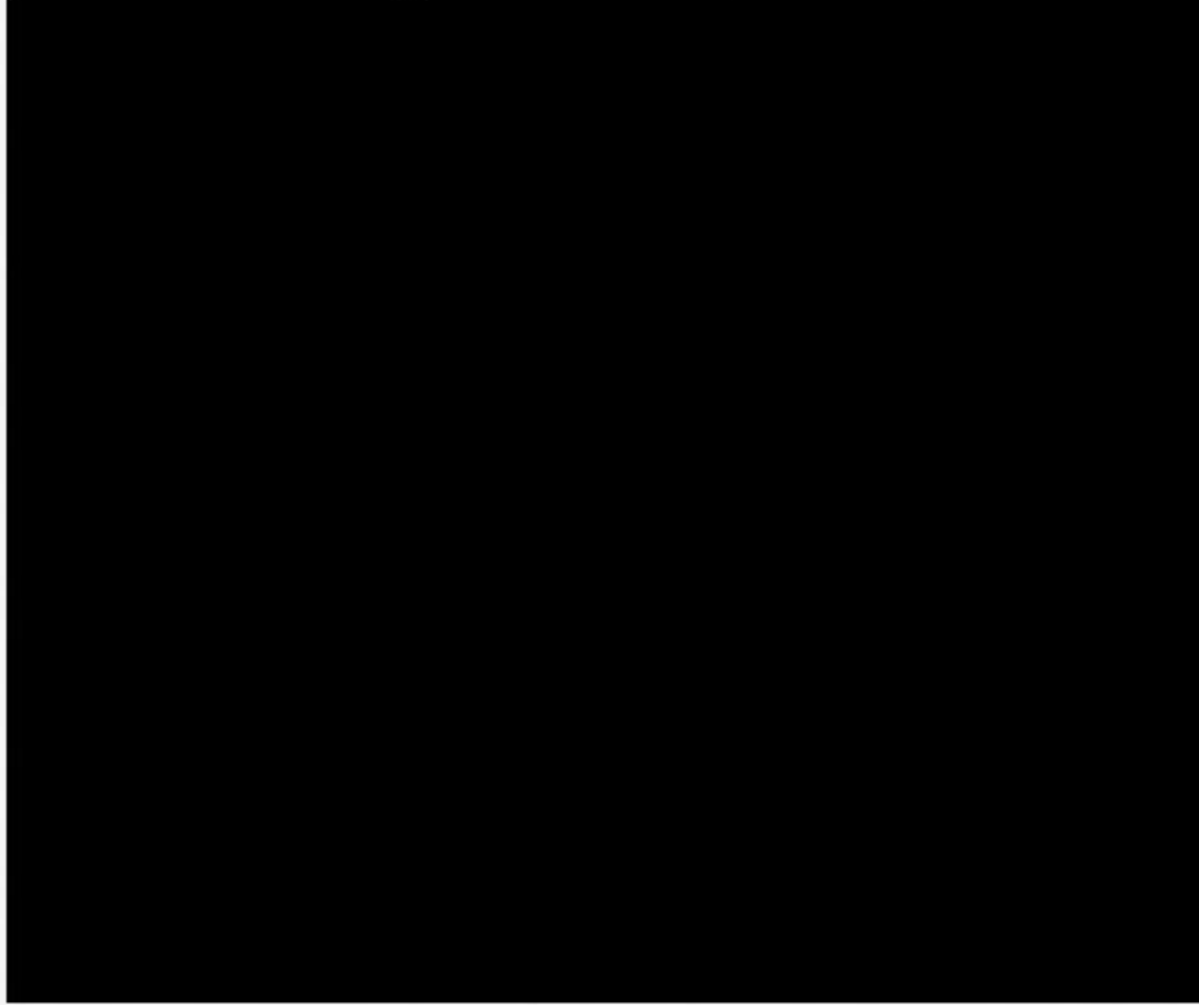
6. Landscaping is not going to enhance this Supermarket.

7. Reducing the footprint by 25sqm and height by 165mm is gusts stupid.

8. Changing the shape of the roof is not going to enhance the building.

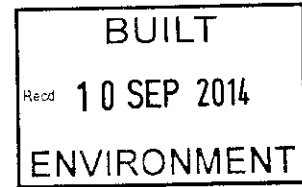
9. Parking is going to be a big problem, with people parking in Newcourt Road, this is a road being used as a short cut to miss the traffic lights.

10. What will happen to the only Post Office in Charlton Kings ? If the Supermarket get the OK.



Built Environment
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
Glos
GL501PP
10th September 2014

159 Cirencester Road
Charlton Kings
Cheltenham
Glos
GL53 8DB



Dear Mrs White

We are writing to object yet again to the proposed development at 86 Cirencester Road, Charlton Kings ref: 13/02174/FUL

This development will still result in light pollution and decreased privacy as the majority of the glazing is to the front of the proposed A1 unit. The glazed area is directly opposite our living room windows. As the opening hours have now been confirmed as 7am to 11pm Monday to Saturday which is 16 hours per day for 6 days a week, and 7.30am to 10.30pm on Sundays which is 15 hours a day there will be little respite from light pollution.

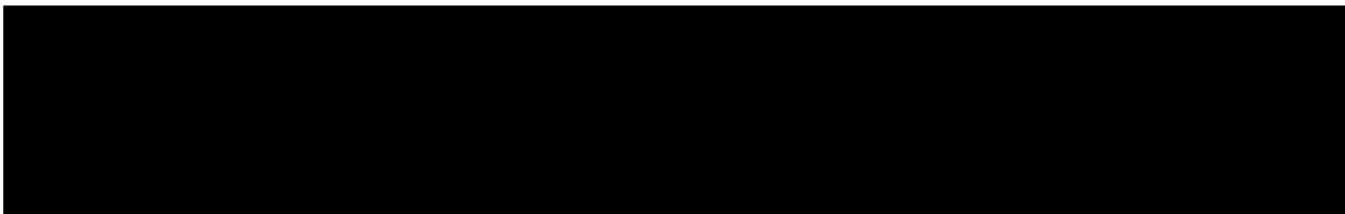
This development will condemn the residents to noise pollution for 16 hours a day, 6 days a week, and for 15 hours on Sunday. It has now been confirmed that the residents will be subject to early morning deliveries at 7am and deliveries could then also be at 7pm at night, which due to the time of day will be particularly disturbing for the residents. The proposed hours of operation compare unfavourable with the operational hours of the car wash, which are limited to normal office hours. In fact the proposed hours of operation of this site will massively exceed the operation times when this site was operated as a filling station.

There has been little change to the delivery bay since the last application. The delivery bay for the A1 unit will not be used as this appears still to involve a difficult driving manoeuvre. We therefore expect that this will not be used and deliveries will therefore take place on the highway. This will clearly produce a dangerous obstruction to traffic on the highway and in particular to traffic exiting the car park. We are also concerned that the exit from the delivery bay will cause conflict with the ingress and egress of customers.

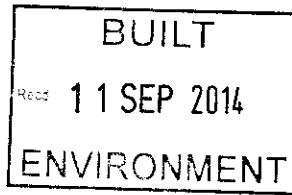
The location of the entrance to the A1 unit at the side of the site adjacent to the Cirencester Road will still actively encourage parking on Cirencester Road rather than use of the parking area. Vehicles parked on Cirencester Road by drivers shopping will make this section of the road even more dangerous than it is at present. This will be especially true as there will be traffic entering and exiting this site for 16 hours a day 6 days a week and for 15 hours on Sunday.

There is no requirement for this development in this part of Charlton Kings as we are well served by the NISA, Budgens, and by a Co-op supermarket. The proposed re-development of 86 Cirencester Road will adversely affect the existing NISA, Budgens and the Co-op supermarket thus destroying the viability of existing businesses. If the proposed re-development of this site goes ahead it will lead to the destruction of the smaller local shops which will in turn lead to more unsustainable transport rather than less. It should be noted that the examples selected by the developer of businesses being able to trade successfully in close proximity are misleading. A prime example of this is the Co-op supermarket at six ways and the adjacent petrol station. The petrol station is only able to offer a fraction of the goods in the supermarket and indeed most of the revenue is generated by business relating to the sale of petrol and diesel. Examination of the other examples presented by the developer will also identify a similar lack of competition.

In summary the proposed re-development of 86 Cirencester Road will adversely affect the viability of local businesses; will increase traffic on the road and make it a more dangerous place to live; and will massively increase noise and light pollution and will lead to a reduction in privacy for the residents.



Pumphreys House
171 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB



Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

10th September 2014

For the attention of Mrs White
Ref:- 14/01436/FUL
Dear Madam,

Re Proposal For The Erection of a New Convenience Store at 86 Cirencester Rd, Charlton Kings

I have the following comments.

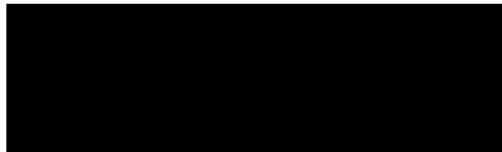
1) Noise or disturbance from use

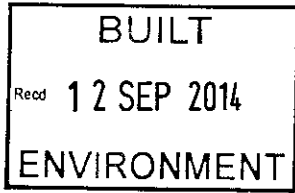
This proposal is for a very marked change of use of this site, from a small petrol station to a retail outlet. This will adversely affect this residential area with regard to noise and disturbance.

2) Traffic

This site is on a junction of 5-way complexity, and visibility when turning on to the main Cirencester Rd (A435) is already extremely poor due to road curvature and parked vehicles. The A435 at this location is an S-bend. Emergency vehicles passing this spot frequently sound their sirens. Deliveries to the site (large turning vehicles) will also present an additional hazard.

Yours sincerely





Inglewood
145, Cirencester Road
Charlton Kings
Cheltenham
Glos - GL53 8D13
9th September 2014

2
Shop here in Charlton Kings -
Our area needs housing -

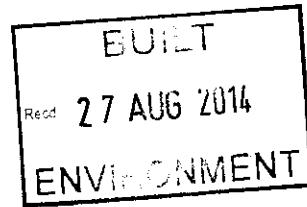


Planning Application 14/01436/Ful Car Wash

Dear Councillors,

I have lived near this site for 49 years - there has always been a business there but I do have a very strong objection to this planning application, which looks very similar to the previous one 13/02/74 Ful - I feel this is no place for a Shop - It gets congested, its a 30mph when we all know Average is 50mph, already I see frustrated drivers, due to delays, subsequent's they get on the path from the garage - drive along the foot path, past entrance to park, drive off at the bungalow - no thought to children or pets - any thing or any one.

We just do not need another



8 Ham Close
Cheltenham
Glos. GL52 6NP

23 August 2014

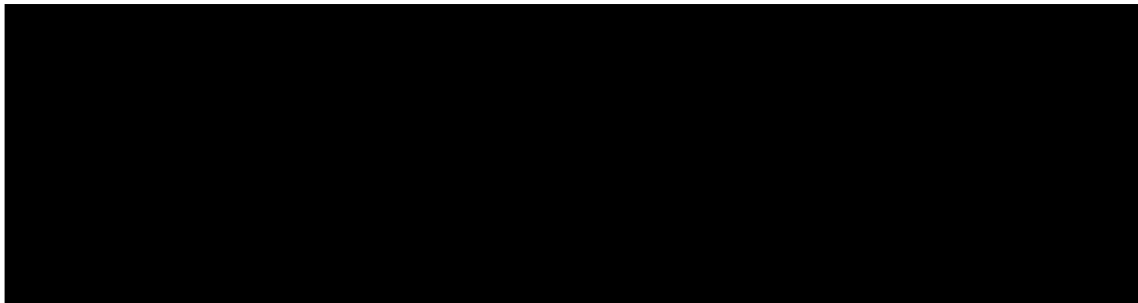
Ms Tracy Crews
Built Environment
Cheltenham Borough Council
PO. Box 12, Municipal Offices
The Promenade
Cheltenham GL50 1PP

Dear Ms Crews,

Thank you for your letter of the 21st August.

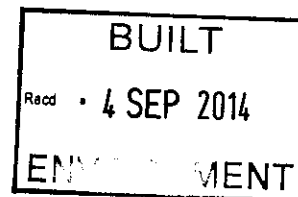
As we have said before, we do not agree with the proposal to build a new convenience store in the Cirencester Road. In any case, there are more than enough supermarkets in Cheltenham already.

Yours sincerely,



2nd September, 2014.

Planning Department,
Cheltenham Borough Council,
Municipal Offices,
Promenade,
Cheltenham,
GL50 9SA.



Dear Sirs,

Planning Application No. 13/02174/FUL - Cirencester Road Development

I have looked at the revised plan for this development and do not find that my previous concerns have been addressed as regards potential traffic problems on the Cirencester Road. To reiterate these are:

- What steps, if any, will be taken to prevent lorry drivers ignoring the requirement to continue in the northerly direction should they wish to return to the direction from whence they came, e.g. a barrier in the middle of the road?
- If they do follow the specified direction, which side roads will be designated for use to enable them to return to the direction from when they came? Presumably this will be the local roads which cannot take large lorries.
- What prevention measures will be taken to prevent drivers, including lorry drivers, stopping on the road for the quick purchase of a snack, etc.; double yellow lines will not deter many motorists.
- the difficulty of drivers trying to exit from Newcourt Road, Bafford Lane, and Pumphreys Roads.
- Pedestrians trying to cross the road especially children in the morning and afternoon during term time.

Be realistic for heavens sake and realise that human nature being what it is, these events will occur and can only be prevented by the permanent stationing of a traffic warden.

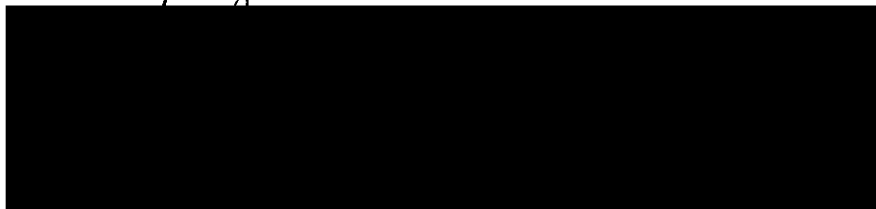
Regarding the developers derogatory comments concerning the present car wash are somewhat economical with the truth and exaggerated as regards noise and large piles of car wash waste.

I agree the site probably does need redeveloping, but housing is what is needed and not another convenience store.

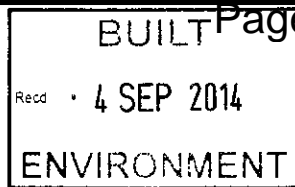
Why, why are the developers not prepared to heed the overwhelming wish of the neighbourhood in not wanting this development?

I strongly object to this development.

Yours faithfully,



From :



46 Cirencester Road
Cheltenham Kings.
GL53 8DA.

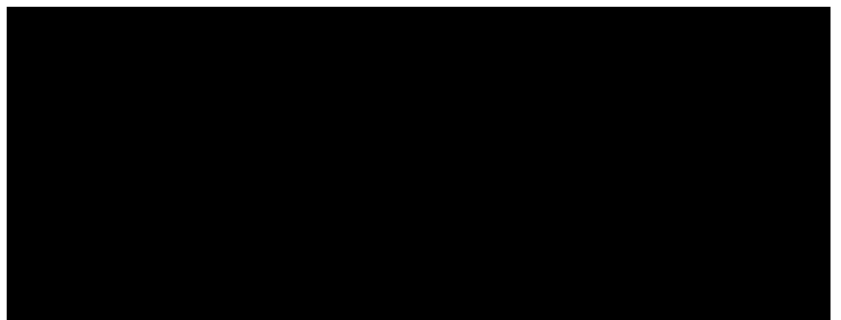
To: The Planning Dept
Cheltenham Borough Council.

1st Sept 2014.

REVISED SCHEME FOR CONVENIENCE STORE
ON CIRENCESTER ROAD (13/02174/FUL)

We oppose the scheme on the following grounds:

1. The community is already adequately served by existing shops.
2. There will be increased noise levels which will continue well into the evening.
3. There will be more traffic congestion in an already congested area.
4. It would be better to build houses on the site instead of on green fields.



From

46 Cirencester Road,
Charlton Kings.

To: Planning Dept
Cheltenham Borough Council.

GL53 8DA

6 Sept 2014

re Revised scheme for Convenience Store
on Car Wash site, Cirencester Road.
Application Reference 14/01436/FUL

We oppose the proposed scheme on the
following grounds:

1. The community is already adequately served by existing shops. There is no need for a new one.
2. There will be increased noise levels which will continue well into the evening.
3. There will be more traffic congestion in an already congested area, with an adverse effect on road safety.

REC - 9 SEP 2014

ENVIRONMENT

Recd 10 SEP 2014

ENVIRONMENT

10 Barford Lane
Chalfon Kings
CHELTENHAM
Ches. CP8 9LQ
Supporting
BritishRedCross



8th September 2014

Dear Sir,

PLANNING REF 14/01436/FUL

I wish to reiterate my strong objection to the development which the new proposals do not answer.

My objections are on the grounds of

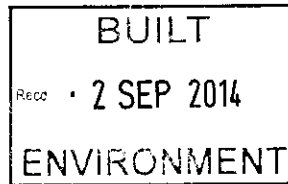
- (a) Will 3 stores with easy access already we do not need another. The site is much more suitable for some form of leisure.
- (b) Traffic congestion
- (c) Parking problem in an already difficult area
- (d) Road safety
- (e) Noise

I am sure a poll of Council Tax payers in the area would show a large majority against. Please put ourselves in their shoes.

Yours faithfully

[Redacted signature]

29 Charlton Close
Charlton Kings
Cheltenham
Glos GL53 8DH



F/o Mrs L. White or M/s Tracey Crews
Planning Office
Cheltenham Borough Council
PO Box 12
Municipal Offices Promenade,
Cheltenham
GL50 1PP

1st September 2014

Dear Mrs White or M/s Crews

Re Planning Application no: 14/01436/FUL
Convenience Store with associated parking Cirencester Road

Referring to this revised application:-

We oppose most strongly these revised proposals.

The definition of **convenience** is **advantage**.

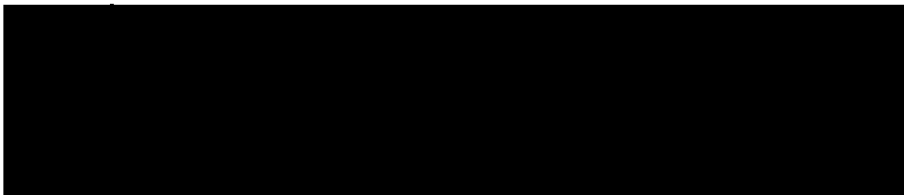
This proposed development will not be an **advantage** or **amenity** to the local community and will be detrimental for the following reasons:-

- 1 We are well supplied with local, privately owned businesses, the nearest being 100 yards from the site. Thus we do not require this amenity
- 2 The livelihood of these businesses will be seriously affected, only to line the pockets of one of the Multiples. How can the Committee condone this?
- 3 No amount of "controlled" access and (TBC!!) pedestrian crossings will alleviate the extra burden and volume of traffic on this already dangerous spot on the Cirencester Road. Accompanied of course by the cars "just left for a minute" on the Cirencester Road and in Newcourt Road. Can the Committee condone this?
- 4 The noise pollution and environmental pollution will be detrimental to this residential area and seriously affect the surrounding properties.
- 5 The revised plans show ugly elevations on a crowded site.
- 6 The ambitious and unrealistic planting as proposed will do nothing to alleviate the afore mentioned issues.

The Committee need to address the fact that this development will not be an amenity or benefit to the local community. The only beneficiaries will be the avaricious owners of the land and whoever else stands to benefit.

Is the Planning Committee concerned about local issues? Here is the opportunity for them to show that they are and reject these proposals

Yours sincerely

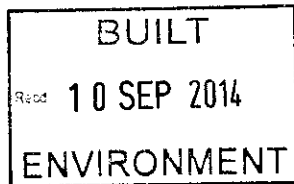


Cc. Councillor Paul Baker; Councillor Duncan Smith

Ref No 14/01436/FUH

Page 156

193 Gloucester Road
Chaulton Kings
Cheltenham
Glos.
GL53 8DF.



LUCK WHITE
TRACEY CREWS
MIKE REDMAN.

I wish to put on record my strong objection to the application, for demolition and construction of a new convenience store on Gloucester Road.

The site is on a bend, and the road is narrow, with traffic restrictions just a few metres to the west.

The road is a main arterial road, and is under pressure not really built for the type of traffic currently using it.

Heavy goods vehicles use the road as an alternative route from the A40 to the west coming through this area to connect to Swindon and Oxford.

Commuter traffic block this road on a regular basis, and when there are problems at Birdlip this road is used to circumvent the problem.

A convenience store on this site would definitely cause massive problems.

Also vehicles manoeuvring in and out at a very dangerous junction will endanger and disrupt traffic using this road. Having lived on this road for more than twenty years I can vouch for how dangerous it is.

There is also village green recreational area adjoining this site (Chaulton Kings was once the biggest village in England) This is a jewel in the Crown, and much valued by the residents.

This maintains a village atmosphere, and once developed there would be no going back.

This part of Chateau Kings is well served by shops in the village, a convenience store is located less than one hundred metres away, and also a shopping centre in the centre of the village with designated off street parking. Major supermarket chains who open "small" stores take away the character from sensitive areas, and this is no exception.

No further amenities are needed in this area, particularly retail.

I would be concerned about this being the thin end of the wedge.

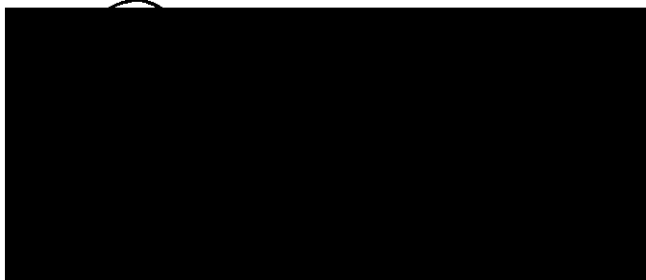
Some years ago, a small shop, and a large vehicle workshop were demolished and houses built in their place. Further up the road on the same side of the road to the east.

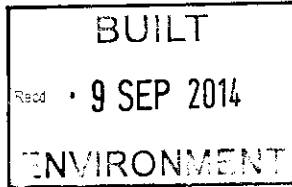
The proposed development site is currently being used as a car wash, catering mostly to local residents.

This has not caused any traffic problems because it does not have a huge turnover, with rapid coming and going.

I would like this area of Cheltenham to keep its character, it is irreplaceable.

I respectfully submit this letter to Planning Officers for consideration





"Enderoff"

111, Gloucester Road,
Charlton Kings,
Cheltenham, Glos.
GL53 8DB.

6th September 2014

The Head of Planning
Cheltenham Borough Council

Dear Madam,

86, Gloucester Road, Charlton Kings
Reference No. 14/01436/FUL

Thank you for your letter of 21st August, the contents of which I note.

I am very much against development of a convenience store on this site and would prefer this to be restricted to residential only.

Since the last meeting of the Planning Committee on the 17th July, I have had a visit from a lady with a Petition against development on the adjoining Parkland. I have lived at my address for over seventy years and have seen the various transformations of this land from sandpit with allotments to the present Parkland. It has always been known that this land is subject to a restriction which bars building (this probably came into being when Charlton Kings Urban District Council was in power) Unfortunately a Bungalow was built on the land which had to be demolished & rebuilt with flying some years ago due to sinking. I write to enquire if an Application has been


received by Sheltonham Planning Committee to develop this Parkland as an outcome of the Application for a convenience store, where I understand a parking issue was raised. I would also be very much against such an Application for a change of use, as the Parkland is an oasis in a very busy road & which is used by children playing + Residents walking their dogs.

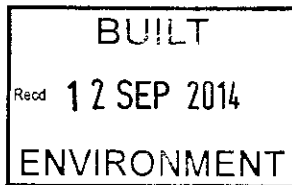
I look forward to hearing from you on this aspect of the matter.

You would have to live on this Road to appreciate the volume of traffic we have for local, race meetings & long distance. Also when there is an accident or hold-up near The Air Balloon Inn we have queues & stationary traffic both up & down the Road, which I am sure the Police can confirm. We can well do without a "convenience" store on the site of 86. Bicester Road!

Please add my views to the ones I am sure you have already received & disallow this Application.

Yours truly,





11 Branch Hill Rise,
Charlton Kings,
GL53 9HW.

re - 14/01436/FUL

10.09.14.

Dear Mrs. White

I do not consider that the changes to the original planning application will actually address my concerns.

Traffic turning in and out of a proposed Supermarket will be more frequent than that at the present car-wash. Cars will also be parked down the narrow residential roads such as Newcount Road, Bafford Lane and Pumpheys Close, while their owners visit the supermarket, if that car-park is full. The whole area will be more of a hazard to pedestrians and dog-walkers and more cars will be parked on the pavements too.

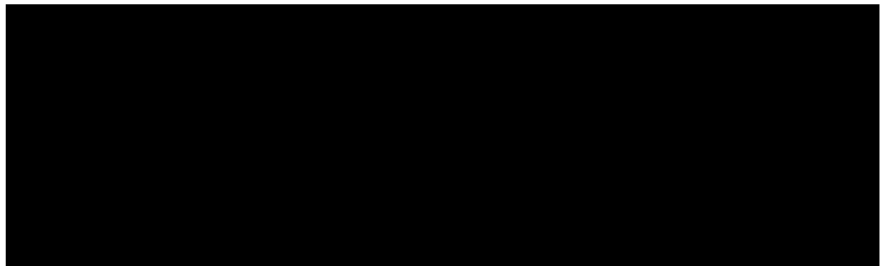
The late opening of the super-market (11pm) will cause a real noise nuisance to residents with cars zooming in and out when they are trying to sleep. There will be loitering of people who have bought cheap alcoholic drinks and will drink them up and down the road and drop their cans and bottles all over the place including Newcount Green.

I am also very concerned at the resulting

unemployment which ^{page 169} will occur when the individual shops in Charlton Kings are undermined by the supermarket. This will include the closing of the Nisa Shop, the Flower Shop, the high-quality butcher's and Smith and Haas's, which contains the Post Office. This is most important as there isn't another for over 2 miles so people will have to use their cars to get to one, which adds to pollution.

The car-wash is well-used, but if it has to close, it would be better to build houses there than allow a supermarket - It is simply not needed.

Yours sincerely,



86 CIRENCESTER ROAD.

BUILT

CHARLTON KINGS

- 9 SEP 2014

CHELTENHAM

PERMIT

GL538DA

09-09-14

To whom it may concern,

I object in the strongest terms to any application by Tesco on this site for the following reasons:-

1) Local businesses will be affected & may close. I am in my 80's and have a well established relationship with local shops who take a phone order & deliver my food. I have no computer to order "on line" and I am not about to start now.

2) I am concerned about loss of employment in the area - hard-working people will lose their jobs & tesco will not ~~guarantee~~ guarantee them jobs.

3) my Grandson who is 10 & about to ^{start to} walk to School lives on the Cirencester r' d. It is busy enough already. We don't need any more delivery lorries on this road.

4) Tesco may have delivery time restrictions but will they adhere to them - also the restrictions appear to be operational during school times.

5) The building of a Tesco ^{Page 163} will detract from the "Village feel" and sense of identity of the people. We can now get local produce from local businesses. Tesco will change the feel of the village for good.

6) If the post office closes where will pensioners get their money. & don't say online!!

7) The road gets very congested at peak times already. ^{& noisy} making it unsafe for the young & elderly to cross roads. This road is used by children going to and from school & elderly people walking their dogs on the green. The green on New Court road will no longer be a dog walkers haven - due to noise disturbance & an ugly building.

The safety aspect is paramount you cannot cross safely at the Junction of New Court rd & Bedford Lane now let alone with lorries delivering.

Also - noise pollution, traffic pollution & parking problems - no staff parking

Yours Sincerely,

BUILT
Recd 27 AUG 2014
ENVIRONMENT

Page 164

23 Brookway Road -

Charlton Kings

GL53 8HF.

Your Ref. 14/01436/FUL

Re 86 Cirencester Road

Again I must object on the grounds that we do not want or need another convenience store.

The existing Nisa store is only a few yards away & we have a Co-op by the library & Smith & Mann in Highfield Rd. Plenty of amenities! It would have a detrimental affect on all these good existing stores. Personally if Smith & Mann were to close I would no longer be able to do my own shopping I could be carry shopping from 86.

The second objection is to increased traffic - Cirencester Rd is already a very busy road as you would know if you had to cross it often.

Yours,



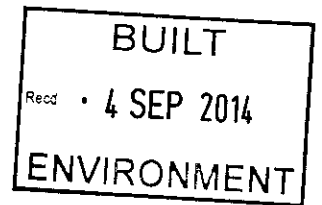
31 Charlton Close
Charlton Kings
Cheltenham
Glos GL53 8DH



Mrs L. White
Planning Office
Cheltenham Borough Council
PO Box 12
Municipal Offices Promenade,
Cheltenham
GL50 1PP

1st September 2014

Dear Mrs White



Re Planning Application no: 14/1436/FUL
Convenience Store with associated parking Cirencester Road

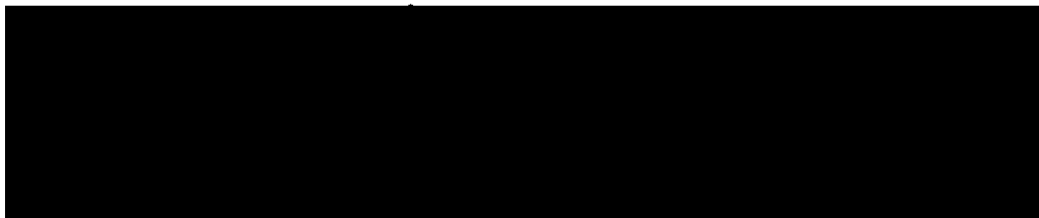
Further to the recent notification that the application has been revised I wish to make the following comments:-
The revised plans do not ameliorate the fundamental issues as to why this development should **not** proceed

- 1 We do not need or desire another convenience store in this area. Charlton Kings is well served with privately owned businesses, the nearest being some 100 yards from the site. Therefore it does **not** constitute an **amenity**. Inevitably these privately owned businesses would suffer from losing the passing trade if not from our supportive community. Is it a good policy for the Planning Committee to support the demise of local enterprises in favour of a large national business?
- 2 Whatever hypothetical traffic plans are being suggested, they will not detract from the extra heavy traffic slowing down on that already hazardous corner.
- 3 The noise and disturbance to the surrounding residential properties will be detrimental to their environment.
- 4 The suggested elaborate planting will not mitigate any of the above issue or the austere appearance of the proposed building on this very small site.

Should not the concerns of the Planning Committee be for the benefit of the local community and what best serves them? Surely not to satisfy the somewhat greedy desires of a landowner.

Why cannot a few nicely planned houses be considered on this site. Is this not a government policy?

Yours sincerely



RE: 14/01436/FUL - 86 Cirencester Road

I would like to resubmit my original objection letter, which I have included below, as I feel that all the same points still apply. The changes that have been made are merely small cosmetic changes. All of the real issues have not been addressed. Please can you notify me when my objection letter has been added to your website along with the pictures that I have emailed separately.

Letter of Objection in regards to 86 Cirencester Road Hi Lucy, Please find below a copy of my letter of objection to the proposed development of 86 Cirencester Road. I have emailed over some pictures separate to this email that I would like posted along with my letter. Please could you email back to confirm receipt of this email.

Dear Lucy White, I am writing to put forward my concerns in regards to the revised proposal for the development of 86 Cirencester Road. This is a matter that I feel very strongly about. I am the Sub-postmaster of Charlton Kings Post Office and the proprietor of Smith and Mann convenience store.

1) Firstly, I would like to address some of the comments made in the reports by Mango entitled 'Retail Statement'. Mango were employed by County to County Construction to put together this report as part of their planning applications. In this report a few key assertions are made that I would like to highlight as I do not feel that they are accurate nor do they reflect a clear representation of the impact of this proposed development. The first of these assertions is that the proposed convenience store would have an annual turnover of £1.51 million pounds (Paragraph 6, sub-section 19) as a worst case scenario. I believe this to be a gross underestimate based upon the research I have done. Looking at the average revenue generated by the national food retailers per square foot, a store of the proposed size would be much more likely to have a turnover of between £2.5-£3 millions. This is supported by the report submitted by the DPDS which suggests the turnover is more likely to be around £2.35 million. The report also states "There must be considerable uncertainty about the turnover that the proposal would achieve". As a result of the turnover figure provided by Mango, it is the report's conclusion that my store on the Lyefield Road West will only be marginally affected by the proposed development which I completely disagree with. There simply isn't enough business in the Charlton Kings area to keep the four existing convenience stores, plus a new store with a turnover of this size, in business. If I am to see between a 15-20% drop in my business as a result of this development I will not be able to keep my doors open. I will be forced to close my convenience store, which in my opinion, offers key facilities in the Charlton Kings community. My business' are family run and provide a personal and friendly service. These are the qualities that help to shape our community and if we were forced to close the very identity that our community prides itself on will be slowly chipped away at.

2) I'd also like to add that my business' currently employ approximately 20 members of staff, many of whom are residents of the Charlton Kings community. If we suffer a loss in business, or are forced to close, the people I employ would be directly affected. If both the Co-op stores and the Nisa store were affected in a similar way, the number of job losses and employees affected would rise beyond this.

3) Moving on, I would like to address Mango's letter dated the 12th May of stores co-existing together in similar scenarios across Cheltenham. The main example that I would like to draw on is in regards to the Tesco store on 214 Hewlett Road and the Bargain Booze at 216 and 218 Hewlett Road. Not too long ago 214 Hewlett Road was a furniture store and Bargain Booze was a family run Premier Convenience Store. Also located in this neighbourhood centre was a thriving butchery and a busy greengrocers. However, this centre now only comprises of the Tesco express, Bargain Booze and 3 takeaways. This is a classic demonstration of how difficult it is for independent retailers to survive when faced with the competition of national retailers. The landscape of this community centre is completely different, and it no longer has the same feel or identity that it did previously. Therefore, I do not see how this can be used as an example of stores co-existing. The area has been changed irreparable and I feel that it is a well justified fear of mine that this will happen in

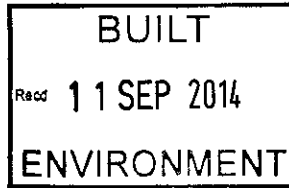
Charlton Kings. Another example given by Marks and Spencers regards to the recently opened Morrison's Local Store which has opened on 116 Prestbury Road. The BP garage and convenience store at 80-86 Prestbury Road was actually a Londis Convenience Store before Morrisons opened. As a Londis store, it experienced a huge reduction in turnover and sold out to BP. The new plan for this site, as far as we are aware, is for an M&S Simply food to open. This is what I have been informed by the staff working in the store as BP who have now partnered up with Marks and Spencers. This is not an example of store co-existing.

4) The next point I would like to discuss is about the idyllic pictures that have been submitted by the architectural firm Daniel Hurd Associates. Looking at the pictures and plans, all deliveries will be made through the front of the store as there is no back entrance. My understanding of why this is the case is because this is the only way the store can also accommodate a car park. The loading and unloading bay has been squeezed on to the front of the store. I would like to draw your attention to the photographs that I have attached of the Tesco Express located by Cheltenham train station. This store also has its deliveries brought through the front of the store. As you can see, a number of empty cages and cages full of waste are lined up outside the store and along the pedestrianised area within the car park. You'll also note that there are a number of cars parked on double yellow lines on the road outside, a car parked on the pedestrian walkway, and another car waiting in the entrance for a car parking space to become available. This is a terrible eyesore and potentially very dangerous situation as people try to make their way into the store and along the walk ways. Its an accident waiting to happen and there is no reason to believe it would be any different at the proposed site on the Cirencester Road. I would like to conclude by saying that to me these are the most prominent issues regarding this proposal, however there are a number of other valid concerns and potential problems which other members of the public have already raised. Charlton Kings is a strong community area and I can only hope that due consideration is given to how this development would drastically affect and change community life.



10 Pumphreys Road
Charlton Kings
GL53 9DD

Director, Built Environment
Cheltenham Borough Council
P.O. BOX 12
Municipal Offices
Cheltenham



9 September 2014

Dear Sir

Revised Scheme Ref. 14/01436/FUL – Proposed Erection of a new convenience store with associated parking at 86 Cirencester Road, Charlton Kings

I am writing once again, to express my opposition to the above scheme. My objections are similar to those I have previously expressed:


This scheme would be bound to increase the volume of traffic in the area. As a resident of Pumphreys Road, I already experience difficulty in exiting from the road. The yellow lines have made no difference whatsoever, as cars are always parked at the end of the lines, making it hazardous to drive out into Cirencester Road. More cars and delivery lorries would only make matters worse, not to mention the increase in pedestrians crossing Cirencester Road at that point. It would also be dangerous for the pedestrians themselves.

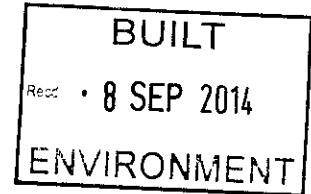
We are already supplied with all the convenience shops we need in our area. This proposed development would be bound to take business away from the established shops, the butcher, the coffee shops and the last remaining Post Office in Charlton Kings. The car wash currently on the site does not operate 24 hours a day, and is not therefore a nuisance to those living opposite, but a convenience store, with all the increased noise and traffic, would be a disturbance.

If the car wash is not to continue on the site (which would be a pity, as it does very good business and is a boon to the area), then the appropriate use of the site would be for housing, of which there is never enough. I would request your Council to refuse permission for scheme 14/01436/FUL or any other proposals for a convenience store on this site.

Yours faithfully,

A large black rectangular redaction box covering the signature and name of the sender.


'The Poplars'
11 Newcourt Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 9AZ



The Planning Department
Municipal Offices
Promenade
Cheltenham
Gloucestershire
GL50 9SA

R.E: THE ERECTION OF A NEW CONVENIENCE STORE (A1) WITH ASSOCIATED PARKING (FOLLOWING DEMOLITION OF EXISTING BUILDINGS ON THE SITE) AT 86 CIRENCESTER ROAD CHARLTON KINGS CHELTENHAM

REF: 14/01436/FUL

5 September 2014

To whom it may concern

Planning Application: 86 Cirencester Road, Charlton Kings - Resubmission

With reference to the above revised planning application, the proposed access for deliveries does not address the fundamental objections for the development. The proposal remains unacceptable for the following reasons:

Noise: despite alterations from the original and earlier revised resubmission, there is still likely to be new and excessive noise disturbance because of this effective change of use. The operating hours are still scheduled to be 06.00 to 23.00, exceeding current use on the site by at least 5 hours, and while it is anticipated in the resubmission that deliveries will not occur in the evening, nighttime or early morning, this is not, nor could it be guaranteed.

It is noted that the site will be close to a residential care home for the elderly, and this application will increase noise and general disturbance to residents. The resubmission asserts that the ambient noise will be within 'acceptable' levels. This is judgemental and not attested by evidence from those likely to be affected. Besides, ambient noise is less of an issue than specific noise intrusion at normally quiet times of the day for residents, eg starting heavy duty engines, 'revving up' from stationary, reversing (especially if, as is likely, to be accompanied by a warning signal), loading, and the transmission of verbal communications between operatives.

Traffic: the projections used for the forecast use in the original Appendix D are based on national projections and have no specific relevance to Cirencester Road, Charlton Kings, and have not, apparently, been revised. Currently the road is frequently congested. The number of parking spaces is inadequate, thereby causing likely overspill onto the main Cirencester Road or nearby residential roads, which are already at saturation point. Comparisons with the existing and previous use of the site are irrelevant as the site currently has copious parking space based on short duration and high through-put.

The observations concerning the availability of public transport are misleading. The bus service is hourly and it is unlikely that potential customers for this site's provision will be drawn to it because of the bus service.

Visual impact: while the current site does not enhance the visual impact of the area, and there has been some improvement to the original and initial resubmitted design, the current resubmission will continue to have a negative impact, because of low quality building material. The basic design remains unimaginative, providing a highly disappointing entrance to Cheltenham on one of its major arterial approaches. All of the designs create a monolithic 'blockhouse' effect.

It is noted that the resubmission includes highly judgemental and subjective observations concerning the ambient deciduous greenery, which are for residents and those who use the area as an open space amenity to determine, not those with a vested interest in the commercial development of the site for unsuitable purposes.

Privacy: Parking will almost certainly overspill into nearby residential roads as a result of the inadequate on-site parking provision, thereby reducing privacy in a predominantly residential area. A principal source of overspill parking is likely to be from staff, who will be unable to use even the limited parking space available. This overspill would inhibit parking for visitors, especially dog walkers, to the local green area, contrary to Local Plan Policy CP4(a).

Amenity: the area is currently well-provided for in terms of small local convenience stores and supermarkets and has no need of enhanced provision. There is already a convenience store on the opposite side of the road. Besides the proposal is in reality for a local supermarket incorporating convenience store elements, which is unnecessary in the area because of existing provision.

The application itself demonstrates evidence of existing saturation, providing as it does examples of supermarkets and convenience stores within a short distance from the proposed site. There is no demonstrable need for an additional supermarket in the area, there being two local supermarkets within walking distance of the proposed site, plus, as noted several convenience stores.

That the area is saturated with similar retail outlets negates the argument that new jobs will be generated. It remains likely that jobs will be lost at existing sites. The application therefore contravenes Local Planning Policy CP4(e).

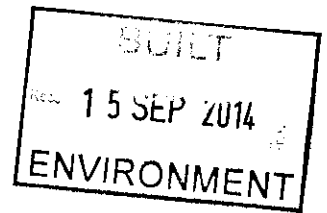
It is noted that in the planning refusal letter of 17 July the borough council gave as its reasons 'that the proposed development would result in significant and demonstrable

harm to the long-term vitality and viability of this neighbourhood centre leading to a loss of local facilities and services for the local community'. The resubmission, while addressing some superficial matters of appearance and design, does not fundamentally address the issues of demonstrable harm to the long-term vitality and viability of the neighbourhood centre. Consequently, the fundamental reason for refusing the original planning application has not been addressed or altered in the resubmission, and should similarly be declined.

An alternative, more suitable use should be found if there is to be a redevelopment on the site.

Yours faithfully





PLANNING APPLICATION 14/01436/FUL

86 CIRENCESTER ROAD CHARLTON KINGS GL53 8DA

THIS PETITION SIGNED BY 600 OPPOSES IN THE STRONGEST TERMS THE REVISED PLANNING APPLICATION LISTED ABOVE WHICH UPDATES THE PREVIOUSLY REJECTED APPLICATION 13/02174/FUL

WE DO NOT BELIEVE THAT THE REVISED APPLICATION IS MATERIALLY ANY DIFFERENT FROM THE ALREADY REJECTED APPLICATION, ALL WE CAN SEE ARE MINOR ALTERATIONS TO GARNER COUNCILLOR SUPPORT, THE APPLICATION HAS NOT MATERIALLY CHANGED THEN THIS APPLICATION SHOULD BE REJECTED ON THE SAME GROUNDS. OUR GROUNDS COVER

CBC LOCAL PLAN POLICY CP4 SAFE AND SUSTAINABLE LIVING IN THAT WE BELIEVE THE DEVELOPMENT WILL

SUBSECTION A - CAUSE UNACCEPTABLE HARM TO THE AMENITY OF ADJOINING LAND USERS AND THE LOCALITY (EG THE NISA OVER THE ROAD, LOSS OF BUSINESS, LOSS OF JOBS)

AND THEREFORE WILL NOT

SUBSECTION E - MAINTAIN THE VITALITY AND VIABILITY OF THE TOWN CENTRE AND DISTRICT AND LOCAL SHOPPING FACILITIES (EG OUR CORNER SHOP THE NISA)

CBCS OWN INDEPENDENT REPORT CONDUCTED BY DPDS STATES QUITE CLEARLY THAT THE NISA WILL CLOSE IF THIS SHOP DEVELOPMENT GOES AHEAD. HOW IS THAT SUSTAINABLE, A CHANGE FOR THE BETTER, WHEN 13 WORKERS IN TOTAL WILL LOSE THEIRS JOBS

DEAR COUNCILLORS, PLEASE REJECT BY VIRTUE OF CP4(A) AND (E), ALSO RT 85(D), RT86 (A) (B) AND (C), ALSO RT 88 (A) AND (B)

173 Green Road



NAME PLEASE PRINT	SIGNATURE	STREET I LIVE IN
		HAYWARDS ROAD
		Bafford Lane
		Little Herbert Road
		Little Herbert Rd
		Little H Rd
		Chariton road
		COBENEY
		CROFT GARDENS
		CROFT GARDENS
		Cirencester road
		197 CIRENCESTER RD
		102 CIRENCESTER ROAD
		Little Herbert Rd
		11 Pumpkins Road
		Cross
		72 Little Herbert Rd
		Bafford Lane
		BAFFORD LANE
		Cirencester Road
		(CROFT ROAD)

rod.

Cirencester Road

23

23

600 SIGNATORIES

69 BEECHES	RD
69 BEECHES	RD
86 London Rd	Chelt.
WELTON KINGS	CHERT
4 Greenfield Drive	Cheltenham Kings
4, GREATFIELD DR	Cheltenham Kings
6 LITTLEDOONS RD	CHERT.
40 LITTLE HOOKS RD	
9 HALES ROAD CHELTENHAM	GL52 6ST
CASTLEMEADS AVE,	GL52 64R
Little Herbers Rd.	
131 Cirencester.	GL53 8WB
MVREW HOUSE	
egglesworth.	
Thruslands, CK Cheltenham.	
E Glouc 14-12 Pumpheys Rd. CK Chert.	
Cirencester Rd.	
8 RIVERSIDE RD.	GL53 8NS
83 Beeches Road	GL53 89X
85 Beeches Rd	GL53 89X
Longfield Lane Goodhill A	GL53 8SP
Crest Rd	GL53 8CA
Beeches Estate	GL53 8PQ
4 BEECHES RD	" "
7 SAFFOLDS LANE	GL53 8DN
Windmill Farm Bampton	GL64 38Y
Whithorne. Cirencester	GL52 6UG
BECKETT CHURCH LANE	GL54 5SW
Cheltenham	GL51 9PW
CK, USC.	GL53 8PS
BAYFORD LANE	GL53 8DN
GL53 8AR	
" "	GL53 80A
12 Gladstone Rd	GL53 8JG
7 Gladstone Rd	GL53 8JG
122 Horsefair St	GL53 8JT
83 CIRENCESTER RD	GL53 8DG
245 Cirencester Rd	GL53 8EP
31 Bedford Rd	GL53 8JN




(41)

Handwritten notes and signatures at the bottom right corner.

15 NEWCASTLE LOTS

75	14. LIEFIELD RD WEST.
	33, Garden Road
	28 Horsefaw Street.
	17croft gardens.
	Hambrook St. Chalkhill
	28 Hom-Farm COURT
	42 SANDY LAKE
	" " " "
	322 Lonsdale Wy (13)
	50 Norlands Drive
	GOODWOOD Newcastle Rd.
	Beeches Rd. Chalk.
	C/King
	Bradley Road.
	BAFFORD APP.
	BAFFORD EST.
	BRADLEY RD
	1 HUGHESON Hill
	4 COPELTON Road
	22 KAVONSLEY
	26 (New Road)
	Cirencester Road
	Madison Road,
	SANDY LAKE
	Croft Road, C.K.
	71 BEECHES RD C/K
	Porcher House Timbcombe C.K.
	Leahurst Garden Rd
	25, Garden Rd C/K
	"
	13 Newcastle Park
	15 Balfour Dr.
	41 BAFFORD APPROACH
	4 Balfour Approach
	10 Balfour Approach
	Birch Close
	WELL HOUSE
	1a Beaumont RD
	Croft Gardens

43 

Int Name

Signature Page 176

Street I live in

11/11

[Redacted]	1 Regis Close	C/K
[Redacted]	" "	C/K
[Redacted]	41 Rawsyde Rd	O.K.
[Redacted]	P.J. Booth	C/K
[Redacted]	[Redacted]	C/K
[Redacted]	[Redacted]	C/K
[Redacted]	Cirencester Road	
[Redacted]	[Redacted]	- - -
[Redacted]	Thownton Kings	
[Redacted]	Lockhampton	
[Redacted]	C/Kings	
[Redacted]	1 Withyhall Park	
[Redacted]	[Redacted]	
[Redacted]	[Redacted]	
[Redacted]	BRADLET ROAD	
[Redacted]	St Michaels Close	
[Redacted]	Cobbe Lane	
[Redacted]	Churching Way	
[Redacted]	Cirencester Road	
[Redacted]	Cirencester Road	
[Redacted]	Willow Road	
[Redacted]	LITTLE EN RISE	
[Redacted]	14 PUMPHREYS RD	[Redacted]
[Redacted]	" "	[Redacted]
[Redacted]	11. Pumphrey Rd	[Redacted]
[Redacted]	29 Beeches Rd	[Redacted]
[Redacted]	" " "	[Redacted]
[Redacted]	31 ALEDMORE RD	C.K.
[Redacted]	Beeches Rd	Beeches Rd
[Redacted]	12 Sunk Lane	C/K
[Redacted]	[Redacted]	Cheltenham Rd
[Redacted]	28 Charter Close	Cheltenham
[Redacted]	12 Okus Road	Cheltenham
[Redacted]	Maple Drive	[Redacted]
[Redacted]	[Redacted]	Maple Drive
[Redacted]	[Redacted]	COCKLEFORD
[Redacted]	[Redacted]	Charter Kings
[Redacted]	[Redacted]	Charter Kings
[Redacted]	[Redacted]	OKUS Road

42 11/11

ends 20 from street, GLS2

6 DR

177 MORLANDS DRIVE
 12 OKUS Rd.
 7 Parkwood Grove.
 1 CROFT PARADE.
 9 Boxcottage WPIACOP
~~Chack~~ Chackton Kings
 17 Palmside Ave
 Inverton Kings
 R, MAPLE DRIVE Kings
 Back clon c.k
 Beeches R^d c.k
 Beeches R¹ c.k
 e-Kings
 C KINGS BAFFORD GROVE
 C KINGS BAFFORD "
 Greencaster Rd
 C KINGS GLS3 8BS
 Cling GLS3 9AW
 Cling GLS3 9AW
 Buckles Cl. Ch. Kings
 HAVESLIT St
 ESCAPE HEALTH & BEAUTY.
 BEECHES ROAD
 H. LAWSON GLAD6
 4 in...
 7. Buckle...
 Bafford...
 Little Herbert Rd GLS3 8LX
 239 Greencaster R 1
 " " "
 Bafford App
 PINEHILLS ROAD
 5 LARCH CLOSE
 20 Mad Lane Rd
 CROFT AVE
 BUCKLES ROW.
 2 ROOSEVELT AVENUE
 29. GLS3 7D4
 GL 52 SNX
 GLS3 8NL
 GLS3 7RU

43/1044



133 Citrus Ave

133 Cirences Terrace

Rudelas close

CIRENCESTER RD.

5 South (151047) MDRoad CI

80 Bafford approach

Gatwick Head, Arbour

76 Beeches Road

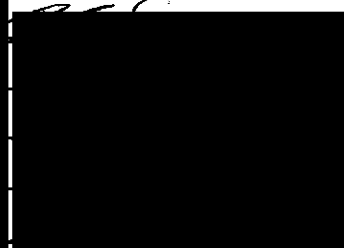
to craft parade

22. Garden Rd.

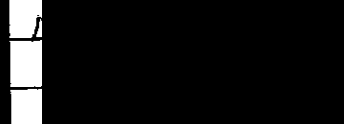
32. Priors Road

Wanborough ST

17. Bafford Lane



157 CIRENCESTER RD



East Court road

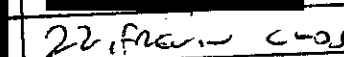
8. Kimberley Walk

2 Craft Parade

19. Browning Mews

5 Cherry Ave CK

7 Cherry Ave CK



22. From close.

Corvada Road

HIGHLAND RD

ASHGROVE SEEBCHES

4 Barta (129)

21 Hesters way Rd and

14 Branch Hill Rise

5 (Cherley) Road, Cheltenham

Changrove lane, Cheltenham

PLUS 2 OVERLEAF

9 cherry avenue

60 Cirencester Rd

20 Fairwood Lane

17 Southfield
Cirencester Rd.

BRANCH HILL Rise

168, Cirencester Rd

Sunny Lane

27 Bafford Lane

NISA

GLS2 3PY

85. GLS3 8NS.

GLS2 6XR

8 Dunkley

42 OAKLAND AVENUE

2 WALTON DRIVE

185 CAREN WATERLOO

144 DULE STREET.

117 Cirencester Rd

10 LITTLE PLEASANT

2nd YARD.

134 Cirencester Rd

3 CROSS COURT

257 Cirencester Rd

18 Bafford Avenue

12 Head Road.

Gravel Road

LAVENS CASE ROAD

BECKLEY RD. C. KING

30 Kyrsham Rd Chelt.

51 Bafford Lane Chelt.

Branch Hill Rise

Pumphreys Road

49 BAFFORD LANE, CHELT.

7, Branch Hill Rise

4/1/06

C. R. WILSON M.
 CROFT ROAD
 Garden Road
 Cien (Cien Rd)
 Croft Parade
 CIRENCESTER RD
 SRECHES ROAD
 CIRENCESTER RP
 BAFFORD LANE
 CIRENCESTER RD
 LONGWAY AND
 WONDON RD
 CHARLTON HILL
 CHARLTON KINGS
 CHARLTON PARK
 FEE CLOSE, CK
 COPPER RD. CK
 BECHOS ROAD
 CROFT GDN
 Buckle Lane
 Haywards Road
 Haywards Road.
 OKUS ROAD, CK
 SANDY LAKE
 RWE
 GLS3
 CIRENCESTER RD
 GLE 452
 20 COLESPARK
 4 Wesley Rd
 29 Littleton Rd
 76 Little Hill Rd
 68 Cirencester Road
 TAJUDEEN
 1 Maple Drive
 11 Haywards Rd.
 55 Ravensgate
 OLD BATH RD
 Bafford Approach

Ledmore Road.
 Charlton Close
 CRAFT RD
 1 LITTLE HERBERTS CLOSE
 133 CIRENCESTER RD.
 5 MTC COULES.
 HORSEFAIR ST.
 Branch Hill Road
 112 Cirencester Rd.
 21 SAFFORD LANE
 30 CRAFT ROAD.
 [REDACTED]
 East End Road
 1 CRAFT DRIVE
 92 Cirencester Rd.
 2 LARCH CLOSE

 Cirencester Road
 Cirencester Road
 Cobham's Village
 CH 39
 191 Pumphreys Rd.
 CIRENCESTER RD. 251.
 LITTLE HERBERTS RD
 A ROCKWORTH
 SANDY LANE
 Pumphreys.
 Newcourt Road (PTD)
 WANDA BRADY RD
 " " "
 165 Cirencester Rd.
 165 Cirencester Road
 1 CRAFT ROAD
 14 Longway AVE

 1167. Cirencester Rd.

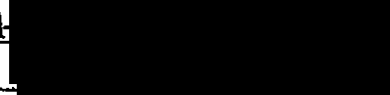
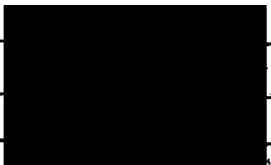
 BEZMUS ROAD,
 Gadsdell Rd. Cx.
 3 CRAFT PARADE

40 MS
 19 TC

1783
 62 CIRENCESTER RD CK
 Buffalo Grove Springs
 Hambrook St
 COTT PARADE
 79 Cirencester Rd
 62 Cirencester Road
 Charlton Close
 GRANGE WALK
 Beeches
 CROFT PARADE
 Andy Lane Rd. CK
 CLANDON DR
 Greatfield CRT
 Greatfield CRT
 44 CIRENCESTER RD.
 44 CIRENCESTER RD
 75 CIRENCESTER RD
 105 Presting RD. Chelms
 28 Highwood Rd
 CROFT ROAD
 00 CIRENCESTER Rd
 34 Willow rd
 5 CROFT Gardens
 3 Oaks Rd.
 3 Greatfield DR CLK.
 1 Stockton Close
 55 CIRENCESTER ROAD
 Derrington Daley
 Branch Hill Rise
 Branch Hill Rise
 EAST END ROAD.
 Cirencester Road
 15 Pine C/WIND
 165 CIRENCESTER ROAD, CHELSEA
 102 Cirencester Rd.
 Colham Road
 10 Calder Rd

401 Per
Pa.

Wainfield, Leitchampton
CIRENCESTER RD
HARVEY HITCHMALLON
KINGS
GILBERT WARD COURT



HAMLED, CHARLTON KINGS
CHARLTON KINGS

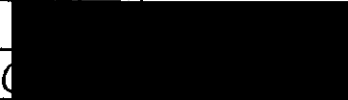
36 Bartlettbury Way GLOS 2 4 B

44 Borewood, GLOS 2 4 NA

7 Diddley Road
64 Dafford Approach

WESTERLEIGH ELSSTONE
WILLOW ROAD
COLES DOWN

17 King William Drive
24 Colbourn



ROSEHILL ST.

CREANES

CROFT DASH



CROFT GARDENS

1 CROFT PARADE

21 OWS RD

54 CIRENCESTER

54 CIRENCESTER RD

14 EVELYN

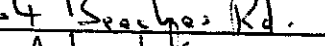
53 LITTLE HERBERT

54 LITTLE HERBERT

38 Gloucester Road

9 Roosevelt Ave

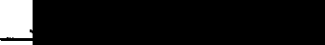
64 Beaches Rd.



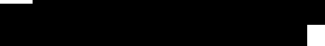
22 Little Herberts Rd



66 Little Herberts Rd



5 MAPPLE DRIVE

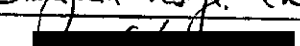


5 CHERRY AVE, C. KINGS

Cherry Ave

11 Bafford Lane, Chelt.

Glagfull Lodge, Chelt



4, Lower 41.

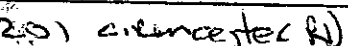
Chelt. Road

Charlton Close

Beecher Rd

191 CIRENCESTER RD

201 CIRENCESTER RD

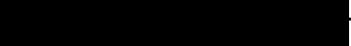


NEWCOMB ROAD,

Charlton Kings

Chelt. Kings

Wainfield

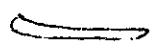


Wainfield

41 / 108
PA

Hillside Gk
 Popt ELM Close.
 Smithwood Grove
 Bafford Approach
 Bafford Lake
 Pumphreys Court
 Bradley Rd CK
 BRADLEY RD CK
 Chariton Kings
 Cobercy
 C/KINGS
 C/KING
 R/P
 ..
 Gloucester Road
 Bafford Approach
 O/S...
 C Kings
 C KINGS
 C KINGS
 C KINGS
 C KINGS
 C. Kings
 Lord John
 Cole
 Am Rd, Charlton Kings
 CHARLTON KINGS
 C Helt
 C. Kings
 D. OUNT.
 P/K
 P. King
 P. King
 P. King
 P. King
 P. King
 F. Birtles
 P. E. Bailey
 P. King
 P. King
 P. King
 P. King

41/11/22



The Schools, Glenall Way
 1 HETTON GONS
 35 CROFT ROAD
 BIFFARD LANE.
 Balford App.
 4 Bank Balknair Rd
 Cirencester Road
 CHALTON Close
 Charlton Close
 King Henry Close
 154 Bunnicker Rd.
 16 BUCKLEHAVEN
 16 BUCKLEHAVEN
 14 BUCKLEHAVEN
 145. Cirencester Rd
 23 Charlton Close
 22 B. L. P.
 37 Chase Ave
 5. Station Close
 15 CROFT AVE
 North Somerset
 PUMPERYS ROAD
 Lock Road
 Newcourt Park
 The Brick House
 Drive
 96 Beacon Rd
 Charlton Kings
 Chase Avenue.
 Charlton Kings
 C/Kings
 de
 C/Kings / 2nd
 41 MARLBOROUGH RD CHERT
 C/KING
 96 Cirencester Rd
 GILLS HALL FARM
 16 CROFT RD C/KING
 5 BILLAND BRIDGE
 4. COPTLEM GLOSE
 CROFT AVE, C/KINGS

41/1/131

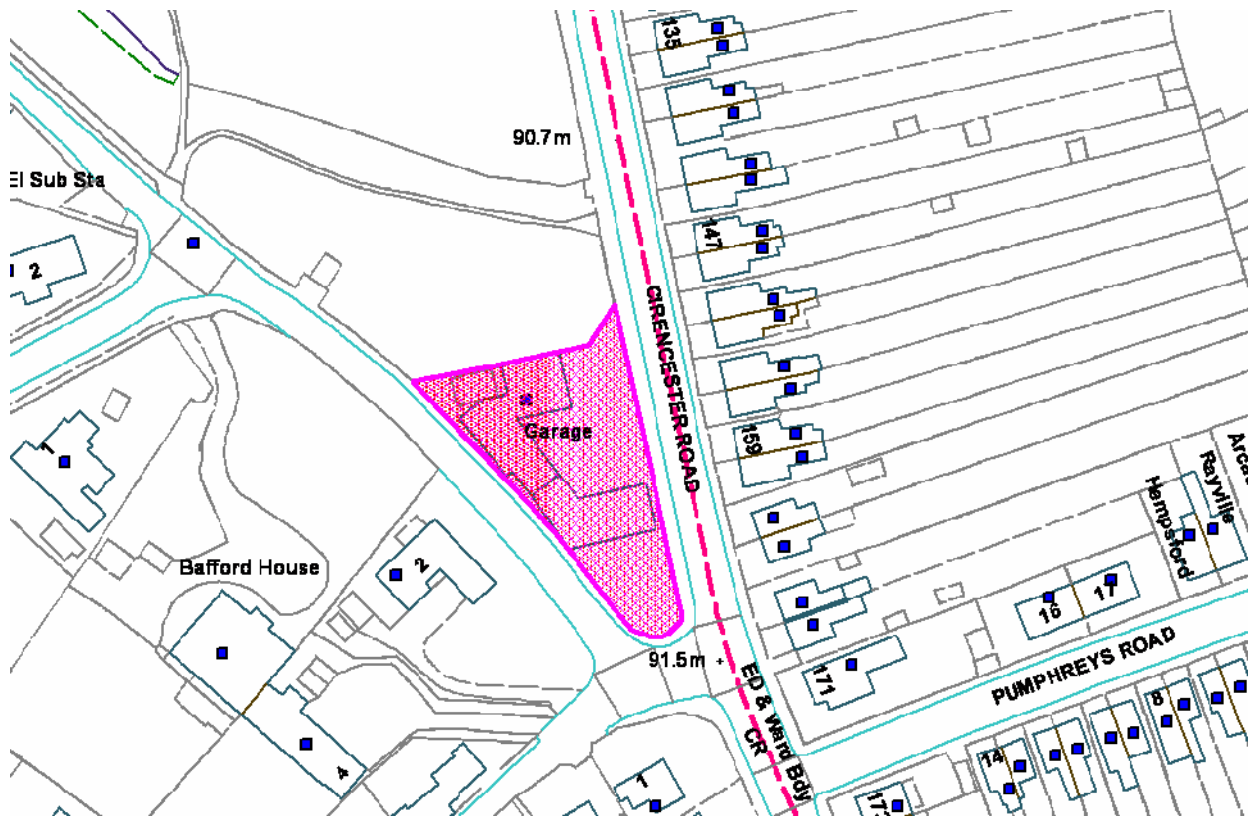
- 14 Sandy Lane
- 15 Craft Gdns Charlton Kings
- 4 LITTLE HERBERTS CLOSE
- 249 Cirencester Road
- 8 Charlton Court Road
- 11 Bafford Lane
- 35 Winstonian Rd
- 4 Guardian Ct. Park K.
- 155 CIRENCESTER RD.
- 18 Beeches
- Wentworth Cirencester Rd
- 5, Vineyard Rd C.K. - C
- 155 CIRENCESTER ROAD CLOSE
- 60 GLEBE AVE
- 1. WELBY RD
- 2 WELBY RD.
- 151 Cirencester Road.
- 65 CIRENCESTER
- 67A Cirencester Rd
- " "
- 11, Ewens Rd.
- " "
- Cromwell Road
- Cirencester Rd
- Presbiery
- 182 CIRENCESTER RD
- 2 Barton Ct.
- 5 Newcourt Park
- up the road.
- 111 CR.
- Craft Rd.
- Craft Rd
- CIRENCESTER RD.
- CIRENCESTER RD.
- 4, BEECHES RD.
- 64 Beeches Rd
- 91 Beeches Road
- Cirencester Rd.
- Smithwood.
- 32 Bafford Lane.

41/1000

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APPLICATION NO: 13/02174/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 8th January 2014	DATE OF EXPIRY: 5th March 2014
WARD: Charlton Park	PARISH: Charlton Kings
APPLICANT:	CTC (Gloucester) Ltd
AGENT:	Hunter Page Planning Ltd
LOCATION:	86 Cirencester Road, Charlton Kings, Cheltenham
PROPOSAL:	Erection of a new convenience store (A1) with associated parking (following demolition of existing buildings on the site)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application is before Committee at the request of Councillor Penny Hall. The reasons for referral are to allow debate on the proposal's potential to affect the amenities of local residents and the effect on traffic in surrounding roads with reference to Local Plan Policy CP4. There has also been considerable concern expressed by local residents about the proposed development both prior to and following submission of this planning application. A total of 114 letters of objection and a petition with 950 signatures have been received by the Council.
- 1.2 The applicant proposes the erection of a new convenience store (A1) with associated parking, following demolition of all existing buildings on the site. Landscaping, replacement boundary treatment and alterations to the existing access to the site are also proposed.
- 1.3 The scheme as originally submitted proposed an additional two A3 units with a total area of around 93 sq metres adjacent to and slightly forward of the main A1 store near the corner of the site and fronting Cirencester Road. The amended scheme, submitted in May 2014, removes the two A3 units. There are also changes to the design, materials and layout. The servicing/storage area has been relocated to the rear with access either through the store or via a side door fronting the car park. The car park is now slightly larger with one additional parking space and reconfigured spaces to allow better use of the car park. The delivery/loading bay remains at the front of the store but delivery vehicles would be required to access the site from the north and egress in a southerly direction only. There are additional alterations and enhancements to the landscaping and boundary treatment particularly along the Northcourt Road elevation and on the corner at the junction with Bafford Lane.
- 1.4 The scheme has been revised largely in response to the lengthy discussions that have taken place with Officers and County Highway Engineers and the issues raised during these negotiations.
- 1.5 In addition to those relating to design and planning policy, the application submission includes a number of detailed reports and statements covering transport, parking and highway safety issues, delivery/service management, environmental and noise impact, site contamination and a retail impact assessment. The majority of these documents have been revised during the course of negotiations and following receipt of the amended scheme. The only additional document is a Delivery Management Plan (DMP) submitted alongside the revised scheme. The DMP seeks to regulate deliveries to the site to prevent pedestrian/vehicular conflict and minimise disturbance to local residents.
- 1.6 Given the proximity of the proposed development to existing neighbourhood shopping centres and the potential harm to the vitality and viability of those centres the Council also sought an independent assessment of the applicant's Retail Impact Statement.
- 1.7 It is also worth noting that there has been extensive pre-application advice given in relation to this site over the past three years and various proposals have been put forward to the Council which have included mixed use development in the form of a retail unit on the ground floor with residential above.
- 1.8 During pre-application discussions the Council had concerns about the height and scale of development proposed for this suburban location where existing development is typically two storey and domestic in scale. Earlier proposals would have dominated not only this corner plot but the open parkland to the north and neighbouring dwellings, particularly those facing the site on Cirencester Road. The corner of the site at the junction with Bafford Road and Newcourt Road is narrow and not significant in townscape terms and sits in the streetscene fairly discreetly, however its shape and corner position make it

clearly visible when approaching from both the north and south with the open space to the north creating an important backdrop.

1.9 Site Context

- 1.10** The application site is a corner plot fronting Cirencester Road, Northcourt Road and Bafford Road. The site is accessed via Cirencester Road (B435) which is one of the main approaches into Cheltenham from the south. The site and its context has, generally, a suburban feel and lies adjacent to an open area of parkland to the north with the remainder of surrounding development being predominantly red brick and two storey with Victorian cottages immediately opposite the site and later mid 19th century residential development further south. Newcourt Road abuts the rear boundary of the site and research indicates that this is an ancient track, now sunken and tree lined. The boundary with Newcourt Road is lined by a low overgrown wall and self-seeded trees and shrubs and has a distinctive country lane feel. The property at the rear of the site is a single storey dwelling but separated from the site by Newcourt Road. Within the immediate locality, Bafford House further north on Newcourt Road is a grade II listed building (currently used as a nursing home) and 1 Bafford Road opposite the corner of the site is locally listed.
- 1.11** The Cirencester Road Local Neighbourhood Shopping Centre is located approximately 100 metres further south on Cirencester Road/Croft Road and consists of a Nisa convenience store, a butcher shop and hairdressers. Further east are the well established local centres of Charlton Kings offering a range of shopping and other local facilities.
- 1.12** The site is currently used as a hand car wash facility but its previous use was a petrol filling station. It has also more recently been used for car sales and car repairs/workshop. Despite its current use, it has retained the appearance of a service/petrol filling station with characteristic features remaining; a large hard standing covering virtually the entire site, a canopy and various buildings which once occupied a kiosk and car repair workshop. The pumps and some ancillary buildings have been removed from the site but the underground tanks are believed to be intact. The application site is therefore in existing commercial use and is classified as a brownfield site (previously developed land).

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

70/00281/PF 13th October 1970 PER

Charlton Kings Garage Cheltenham Gloucestershire - As Cb08798/02 except Provision of 3 Areas for Display of Cars For Sale and Re-Siting 2 New Vehicular Accesses (Amendments and Additions to Proposals Above Approved On 19.5.70)

74/00310/PF 30th September 1974 PER

Charlton Kings Garage Cheltenham Gloucestershire - Omission of Car Wash and Erection of Service Bay Attached To Existing Workshop for Maintenance Of Cars

91/00260/PC 25th April 1991 PER

Amendment to Previously Approved Area for the Display of Cars for Sale on Forecourt

94/00215/PF 28th April 1994 REF

Redevelopment of Existing Car Sales and Service Station Premises to Provide Additional Service Bay and Administration Accommodation

96/00984/PC 16th January 1997 PER

Change of Use to Used Car Sales from Existing Used Car/ Fuel Sales

09/00407/FUL 5th May 2009 PER

Extension of opening hours of existing car wash to seven days a week 9am-7pm

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 2 Sequential approach to location of development
CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 7 Design
BE 12 Advertisements and signs
GE 1 Public green space
GE 5 Protection and replacement of trees
GE 6 Trees and development
NE 4 Contaminated land
EM 1 Employment uses
RT 1 Location of retail development
RT 4 Retail development in local shopping centres
RT 6 New local shopping centres
RT 7 Retail development in out of centre locations
RT 8 Individual convenience shops
UI 2 Development and flooding
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 3 Servicing of shopping facilities
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Flooding and sustainable drainage systems (2003)
Landscaping in new development (2004)
Planning obligations (2003)
Planning obligations: transport (2004)
Security and crime prevention (2003)
Shop front design guide SPD (2007)
Sustainable buildings (2003)
Sustainable developments (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Architects Panel

5th February 2014

Comments on the Application

The development footprint is broken down into various single storey retail units which are set back from the main road frontage which would create unpleasant urban spaces as currently designed. The form and massing whilst perhaps echoing what is there currently, do not respond to the grain of the area; a more considered analysis and response to the grain would benefit the scheme and more vertical scale could benefit this corner site.

We believe a mixed use scheme with residential units over the retail could provide this scale and make better use of the site and also provide more visual interest and natural surveillance. Aesthetically the scheme is competent but below what we would like to see on a key site like this.

Summary

We could not support the scheme in its current form.

Comments on revised scheme

4th June 2014

The panel was disappointed to see that the scheme appears to have gone backwards from the pre-application proposal, with an apparent loss of confidence in how to handle the previous scheme. The drum that enabled the building to address the tapered end of the site has been lost and the building is now a very basic almost crude cranked, single storey brick shed with attached, flat roofed outbuildings. Apart from being an improvement over the existing semi abandoned forecourt the proposal itself will contribute little to this prominent location. The view from the north is now particularly disappointing.

The panel felt that the material palette was over fussy, particularly with the unnecessary introduction of rusticated Cotswold stone simpler render would probably work better. The large windows, but then covered with garish posters is unpleasant. In this domestic setting, views into the building would make it more inviting, from the car park, street and approaching from the north. The design has lost any robustness could the eaves be extended as a small canopy could the entrance be articulated more strongly, along with more careful handling of the bicycle parking, paving etc?

Regrettably the panel would not support the application in its current form.

Cheltenham Civic Society

10th February 2014

This is a reasonable and unexceptional design for a convenience store

Parish Council

28th January 2014

OBJECT EXCESS TRAFFIC COMING ONTO MAJOR ROAD. POTENTIAL PROBLEMS WITH DELIVERIES AND CROSSING OF THE MAIN ROAD BY CHILDREN. IMPACT ON NEIGHBOURS

DETRIMENTAL ENVIRONMENTALLY UNNECESSARY ADDITIONAL RETAIL UNITS

Comments on revised scheme

10th June 2014

The proposal is contrary to both the Parish objective and policy of ensuring that we make best and most sustainable use of our resources and protect the areas and features that residents of Charlton Kings most value, and to the NPPF and JCS principle that “ The purpose of planning is to help achieve sustainable development”. In this respect an additional convenience store would work against a sustainable future for existing businesses, there being 3 existing convenience stores within a half mile radius and a further 3 within a 1 mile radius. The development site is neither large enough, nor in an appropriate location, to service and manage customer access to a supermarket that would, by its position, be of greatest benefit to passing trade.

In more detail our objections are:

- A new supermarket would impact on other similar retail units in the near vicinity. Despite the applicant's contention that other similar shops could thrive alongside a new supermarket, it is our view that the NISA, Co-op foodstore, and Budgen's Smith and Mann stores would suffer a significant drop in business, which could lead to local job losses and possible store closures. Of particular concern is the potential impact on the footfall in Budgen's Smith and Mann in Lyefield Road West, which has only recently taken on the village Post Office following the failure of the previous Post Office franchise. Should this application be approved, it would have the potential to jeopardise the viability of Budgen's Smith and Mann and hence the survival of its integrated Post Office which is easily accessible and in the centre of the village. This would be a serious loss to the community. Given the current difficulties of the Co-op Group, it's possible that a drop in the profitability of its store in Church Piece would lead to closure and hence a big hole in the centre of the currently vibrant precinct. In addition there would be adverse impact on local specialist shops such as the butchers on Cirencester Road. For the community rather than the applicant in isolation, we believe that a development of this type on this site would be likely to reduce, rather than enhance the economic sustainability of the overall retail sector in Charlton Kings, and any local jobs generated by the development, would be offset by job losses elsewhere in the local economy.
- The proposal fails to meet Strategic Objective 5 of the Joint Core Strategy to ensure that “all new developments are valued by residents as theyprovide *well-located* (our italics) infrastructure which meets the needs of residents.” This proposal would generate an increase in vehicle movements along an already busy stretch of Cirencester Road, and there would be a considerable traffic hazard caused by vehicles entering and leaving the site which is close to a bend in the road. The development would create a potential hazard caused by vehicles parking on Cirencester Road itself, either side of the new building. Although some provision is made for on-site delivery vehicles we feel it would be unlikely to be effective in restricting all deliveries within the curtilage of the development and would cause significant hazard on the Cirencester Road.
- It also fails the NPPF test of “improving the character and quality of an area *and the way it functions* (our italics)” and the Joint Core Strategy Core Policy SD5 safety and security objective of contributing to safe communities by reducing conflicts between traffic and cyclists or pedestrians. Because this site is on the other side of the Cirencester Road to where most local customers are located, in the absence of yet another set of pedestrian-controlled traffic lights, there would be considerable risks to pedestrians including the many schoolchildren who pass this way.
- A development of this nature would impact negatively on those residents living opposite and near the proposed store in terms of their quality of life; extra traffic,

multiple daily deliveries, long opening hours causing noise and exhaust pollution from cars coming and going and light pollution from the site for many hours per day.

The Council is aware of the mix of feelings both for and against but in our view, there are valid planning-related reasons for refusal, as outlined above, including the longer-term impact on local businesses and employment.

Should the Borough Council be minded to approve this application, the Parish Council requests that the following conditions be attached:

- The developer should fund a traffic regulation order to introduce no waiting at any time along the boundary of the site comprising A435 Cirencester Rd and Newcourt Rd in order to maintain safety for through traffic and pedestrians using the A road and to prevent obstruction and allow freedom of movement along Newcourt Rd.
- There should be restrictions on the hours of operation and the periods when deliveries can be made, in order to reduce the impact on the quality of life of local residents, in particular noise levels for those residents in the immediate vicinity.

GCC Highway Development Management

10th June 2014

Proposal

Erection of a new convenience store (A1) with associated parking (following demolition of existing buildings on the site)

Introduction

This is a complicated site, with a use that often generates some high emotions with residents. The consultation process has been lengthy, and has involved much dialogue with the applicants transport consultants, and the highway authority. The key issues are servicing of the units, and car parking for customers. The original proposal has reduced from the A1 and 2 A3 units, to a single A1 unit.

The original servicing arrangement was an on plot service bay controlled by demountable bollards operated by staff through a Delivery Management Plan (DMP), which would be secured by a planning condition and enforced by CBC. Gloucestershire County Council as the local highway authority has assessed this application in light of the National Planning Policy, and the CBC Local Plan.

In determining the type of recommendation the highway authority primarily needs to assess if:-

- the cumulative impact from the application is severe
- safe and suitable access for all can be achieved
- the opportunities for sustainable transport modes have been taken up
- the development will generate high turnover on-street parking.
- any adverse impacts do not significantly and demonstrably outweigh the benefits of allowing the proposal

It is disappointing that at a very late stage in the application process, the applicant has changed the servicing arrangement from that negotiated during the last few months. The applicant is now proposing a servicing arrangement similar to a relatively new store in Tuffley, Gloucester. Whilst this arrangement is similar it does not currently operate as expected, partly due to the lack of a fully enforced DMP. Given that the likely occurrence of right turning HGV's into the site will be low, and certainly well below any requirement for right term measures, and the fact that fuel tankers could have made this manoeuvre, I do

not consider that this would not conflict with the severe criterion at paragraph 32 of the NPPF

Fall Back Position

A key factor in determining this application is the previous uses of the site. The current use is a hand car wash, which has permitted opening hours of 9am – 7pm seven days a week. Previous to that use, it was petrol filling station. The petrol station would have generated significant vehicle trips accessing the site from 2 access points, and had fuel servicing for the underground tanks. The ancillary shop would have generated some non-car trips also.

The applicant has undertaken a vehicle trip analysis (Table 6.3 of the Transport Statement), and determined that the proposed development will result in less vehicular traffic (-391 daily trips), when compared with the previous Petrol Filling Station. This is a key factor in determining the degree of impact in use which will have a positive impact on highway safety and capacity.

Layout

The internal layout has undergone many versions, during protracted negotiations with the applicant. This final version now proposes just a single retail unit, with access via the north east corner, car parking to the north and a service/refuse area to the rear. Main servicing will be at the front of the store via a dedicated lay bay, controlled by rising bollards on egress. An ATM is located next to the entrance along with cycle stands. An existing street light will need to be relocated.

Service Bay

As part of the application a Delivery Management Plan (DMP) has been submitted. This DMP will detail exactly how servicing will operate safely and efficiently, to ensure that the car park pedestrians are not affected and that servicing will not be carried out on the adjacent highway. The DMP should be conditioned so that if it is not complied with CBC can act on any breach.

Accessibility

The new retail unit will attract increased pedestrian footfall and NPPF policy requires that safe and suitable access is made for all users. Consideration has been given to new pedestrian facilities taking into account the existing signal controlled crossing to the south of the site, the signal controlled junction at the Cirencester Road/Moorend Road/ junction, and the build out north of the site. GCC considers that pedestrian permeability can be improved by narrowing the junction width of Newcourt Road with Cirencester Road and another build out can be created on the southern radii of this junction.

Car parking

17 spaces are shown of which 2 disabled have been provided at the entrance. Again car parking has been the subject of much discussion, but GCC now feel that with the single retail unit and the parking accumulation work that has been carried out, the spaces will accommodate for the majority of the users. It is impossible to stop all indiscriminate parking, but the layout should be attractive for the users, and as attractive as parking on street. Notwithstanding this GCC is seeking a contribution to control any future abuse, which could be as simple as waiting restrictions along the site frontage or strategically placed street furniture to deter kerbside or part footway parking. CBC is not keen on an over proliferation of street furniture so this will be used as a reactive measure.

Mitigation

1. Delivery Management Plan – Conditioned

2. Pedestrian crossing facility likely to be a build out. This should have the added benefit of reducing speeds discriminate parking – Contribution £14,252.53 (Mitigation 2 & 3 combined)

3. Reduce the junction width of Newcourt Road with Cirencester Road, to improve the pedestrian safety. This should have the added benefit of reducing speeds, discriminate parking – Contribution (see above)

4. Future waiting restrictions and kerbside street furniture to deter discriminate adjacent parking – Contribution - £10,000 (£5,000 TRO + £5000 Street furniture)

Contribution Total - £24,252.53

Conclusion

The servicing of the unit should operate safely if the DMP is adhered to, and this will mean strict monitoring and enforcement by CBC. The car parking level is adequate but some drivers will park on the carriageway. Therefore we need to be able to implement future measures, to reduce this impact. Therefore if the Delivery Management Plan is operated correctly, then the cumulative impact from the application should not be severe, and a safe and suitable access for all users can be achieved. Furthermore if the customers of the store use the adequate parking provision, then the development should not generate high turnover on-street parking. If indiscriminate parking is found to be causing a severe highway problem in the future, then the proposed parking mitigation will allow the highway authority to cost effectively mitigate any issues.

Therefore having regard to the previous uses of the site, the highway authority considers that as the cumulative impact from the application will not be severe, and safe and suitable access can be provided, it raises no highway objection to the proposal subject to the recommended contributions and conditions.

Cheltenham Cycle Campaign

21st January 2014

I wish to register an objection to this application on behalf of Cheltenham & Tewkesbury Cycling Campaign with regard to the provision of cycle parking. This organisation neither endorses nor opposes the scheme as a whole, which is a matter for the wider community.

According to the Transport Statement (para 5.3.7) the developer proposes to provide 6 cycle parking stands enabling parking for "at least 12 bicycles". Aside from the fact that 6 stands could not possibly provide for more than 12 cycles (each stand being suitable for only 2 cycles), the site layout provided with the Transport Statement (Appendix A) shows only 3 stands and these are located at the far end of the car park, in an inconvenient, unsuitable and potentially hazardous location. Moreover, the drawing suggests that two of the stands would be unusable due to the proximity of the boundary fence and adjacent car parking.

Six Sheffield/Universal stands for cycle parking should be provided close to the store entrance and where cyclists do not have to ride through the car park, where there would be potential conflict with cars manoeuvring and reversing. The stands need to have sufficient clearance on all sides (at least 1 metre) for access and not be liable to obstruction in any way. The most appropriate place for cycle parking in the proposed development would be in the area protected by bollards adjacent to the store entrance and Cirencester Road.

In addition, provision should be made of covered long-term cycle parking for store staff so that they may be encouraged to cycle to work.

I would be grateful to see revised plans for cycle parking and would be happy to liaise with the developer to ensure that this is achieved satisfactorily.

Environmental Health

Revised Comments

6th June 2014

In relation to application 13/02174/FUL for the site 86 Cirencester Road, Charlton Kings, Cheltenham, Gloucestershire, GL53 8DA please can I add the following conditions and advisory comments:

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. I must therefore recommend that if permission is granted conditions are attached along the following lines:

i. Condition:

The developer shall provide a method statement detailing how they will control noise, dust, vibration and any other nuisances from works of construction and demolition at the site, as well as how the waste will be stored and removed from the site and/or recycled on site. The statement should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a statement is to be submitted to and approved by the Local Planning Authority before work commences on site.

Reason: To protect the amenity of the residents in nearby residential properties.

ii. Condition:

Prior to the commencement of any development at this site, the end user of the proposed A1 unit (and any subsequent user(s)) of the units shall submit a waste management plan which will be reviewed and if deemed to be satisfactory approved by the Local Planning Authority. The plan shall indicate where the waste and recycling for all units will be stored and the proposed means of collection and how the waste collection contractor will reduce the impact from noise on near by residential premises. The approved plan shall be implemented upon first opening of the unit and continued for the duration of the use. Please note that part of this condition is that all waste and recycling collections can only take place between the hours of 08:00 - 18:00.

Informative: It has been confirmed to this department that for the A1 unit all waste made up of stock and packaging will be removed by the delivery vehicle once empty and therefore, the only waste receptacle necessary for this unit will be a bin to hold staff waste only. As this has now been confirmed by the applicant, this now needs to be set as a definite control for the site.

Reason: To protect the amenity of the residents in nearby residential properties.

iii. Condition:

The delivery management plan (dated May 2014) which has been submitted with this application will be adhered to by the end user of the A1 unit and all subsequent users.

Any required amendments must be submitted in writing to the Local Planning Authority and may only be implemented once approved by this authority.

The plan submitted details measures to minimise the possibility of noise nuisance being created by deliveries to the store. If the plan is approved all deliveries to all units at this site shall only take place in accordance with the plan submitted.

Informative: The scheme includes measures to control noise from all sources involved with the loading bay area including: vehicle movements, use of chiller units on vehicles,

handling of cages, use of dock levellers and lifts, voices of staff, vehicle radios, audible reversing alarms from vehicles etc. The plan should be subject to regular review.

Reason: To protect residents of local property from loss of amenity due to noise from regular deliveries by HGV's, refrigerated vehicles running, loading equipment etc.

iv. Condition:

Deliveries to the A1 unit may only be made between:

- 07:00 – 19:00 Monday to Friday
- 08:00 - 18:00 Saturday
- 10:00 - 14:00 Sunday or a Bank Holiday

On the current noise impact assessment it states that a single delivery will be made between 06:00 – 07:00 with other deliveries made between 07:00 – 23:00. These timings are not in keeping with the condition as set above and the condition will remain going forward with this application.

I would recommend that the developers have reference to the "quiet deliveries demonstration scheme" more information is available at:

<http://www.dft.gov.uk/publications/quiet-deliveries-demonstration-scheme/>

Reason: To protect residents of local property from loss of amenity due to noise from regular deliveries by HGV's, refrigerated vehicles running, loading equipment etc.

v. Condition:

Newspaper deliveries and smaller milk/bread etc. deliveries to the A1 unit may only be made from 06:00 onwards. The delivery vehicle must pull in and park within the customer car park for the site and not on the highway - this is to increase the distance the delivery vehicle will be from the near by residential properties during the delivery time.

Reason: To protect the amenity of the residents in nearby residential properties.

vi. Condition:

The premises planned for this site may only be open to customers from 07:00 – 23:00 from Monday - Saturday and 07:30 - 22:30 on a Sunday and Bank Holiday.

In the current noise impact assessment it states the opening hours to be 06:00 – 23:00 Monday to Sunday. These timings are not in keeping with the condition as set above and the condition will remain going forward with this application.

Reason: To protect the amenity of the residents in nearby residential properties.

The times as detailed in the above conditions for deliveries and opening hours for all of the units as proposed for this site, have been decided by Environmental Health in conjunction with the Planning Officer using a number of factors. Research was undertaken into the opening and closing times for six other similar sites which are based in heavily populated residential areas in Cheltenham. These times were reviewed and found to vary by up to two hours later in the morning and hour earlier at night from the applicants proposed opening hours. This information was taken into consideration as well as the very close proximity of the residential houses to the front and rear of this site when the officer was compiling these comments and the times stated in them.

In the future (if this application is given permission) and the site is fully functioning and we in the Environmental Health department were to receive a noise complaint, we would assess the noise under the Environmental Protection Act 1990 to decide if it is a statutory nuisance or not. This assessment would be undertaken by a fully qualified and authorised

EHO and they would subjectively decide through monitoring which can be completed by the complainant as well as the officer, if the noise generated by the source is severe enough that it would unreasonably interfere with the use or enjoyment of another property (i.e. the complainants home) and the officer must see evidence that the problem is occurring regularly and is continuing for a period of time that makes it unreasonable. If we judged that the noise was causing a statutory nuisance, we are legally obliged to serve an abatement notice which states that the nuisance described in the notice is to be abated. If the notice is not complied with or is breached we have the power to initiate prosecution proceedings.

When reviewing planning applications such as this time and deciding upon time limits for conditions we have to decide if in our professional judgement if the proposals are likely to give rise to a statutory nuisance, if we do, then we can compile comments/proposed conditions in order to change the activity or site in order to reduce this likelihood before it is built or the activity has begun. When reviewing the proposed opening, closing and delivery times for this site it was our judgement that the times put forward were too early and had the likelihood to potentially cause a statutory nuisance for the people living in the residential properties near to the site. Therefore, we have proposed times which we feel are in line with other similar sites in the town as well as being in line with other activities recommended times for work.

vii. Condition:

If any premises on the site will host an external cash point, it must be a silent operation pre 08:00 and post 22:00.

Reason: To protect the amenity of the residents in nearby residential properties.

Plant and extraction equipment for the A1 use premises

viii. Condition:

The proposed unit on the site will require air conditioning plant, chiller units for the refrigeration systems as well as extraction systems. Details for all of the extraction and ventilation equipment for the unit shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved extraction and ventilation schemes for each of the units shall be implemented on site prior to the opening of any of the units and shall be maintained in accordance with the manufacturer's recommendations.

Reason: To protect the amenity of occupiers of nearby properties.

ix. Condition:

(If applicable) Prior to the first use of part of the A1 unit as a cook off area/catering unit, the schemes detailing the means of ventilation for the extraction and dispersal of cooking odours must be submitted to and approved in writing by the Local Planning Authority (part of which has been requested above).

The approved scheme shall be installed before the use hereby permitted commences and thereafter maintained in strict accordance with the manufacturers and installers instructions, details of which must be submitted as part of the scheme.

Reason: To protect the amenity of the residents in nearby residential properties.

Informative: The complete extraction system serving the area should be designed and commissioned by competent specialist engineers. The design of air pollution control equipment should be based on peak load conditions, i.e. the worst case scenario.

The scheme shall include the following:

- Full details of the system layout
- Housing of filters, motor and fan inside the building where possible
- Integrated grease baffle filters
- Suitable odour treatment plant to render the exhaust odourless at nearby residential property
- Specification of a motor and axial fan with variable speed controller
- An acoustic report detailing the predicted noise levels from the extraction equipment as they affect nearby residential properties.
- Circular section ducting preferred with a minimum of bends
- High level exhaust point fitted with a vertical discharge cowl that achieves maximum efflux velocity. This shall be at least 1 metre above roof ridge level of the host building

Condition:

Notwithstanding the submitted details, fascia signs on each retail unit shop frontage hereby approved shall be limited to one small 'halo' lit or externally illuminated fascia sign.

Reason: To protect the amenity of the residents in nearby residential properties.

Conditions:

The total noise generated from all units and all items of plant and equipment associated with this application shall be controlled to the extent that the rating level (in accordance with BS 4142: 1997) as measured or calculated at 1m from the façade of the nearest noise sensitive premises shall not exceed a level of 5dB below the existing LA90 background level with no tonal element to the plant. This control shall be demonstrated by an assessment which shall be sent to this authority prior to the end users occupying the units at site. Should any changes be made to the building or the plant serving it by new occupants of the site in the future, these alterations will need to be forwarded to this authority prior to being made and may only be undertaken once the planned changes have been reviewed and approved.

Reason: To protect the amenity of occupiers of nearby properties.

Advisory:

1) Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.

2) It has been confirmed to this department that the totem pole as detailed in the application is to be removed from these proposals; the removal of this would be supported by this authority.

Contaminated Land Officer

14th January 2014

Please can you add the full standard contaminated land condition to this application due to previous use as a fuel filling station.

Urban Design

6th March 2014

The proposal is for a retail development on a former filling station, currently a hand car wash.

The site is within a well-established residential suburb on Cirencester Road - an arterial approach to the town centre. It is a constrained, triangular site opposite housing and adjacent to an open space. The neighbourhood is well provided with a range of facilities (schools, shops, open space, pubs etc) which make it a pleasant place to live.

There are two main areas of concern the character of the built form in relation to context and the impact of the proposal on the quality of life of those around it. Both are considered important determining factors within the NPPF.

Following negotiation, the built form is considered acceptable in terms of mass, layout, materials etc. Landscape discussions are moving positively.

In terms of the quality of life of neighbours and those who use the area, the proposal is unconvincing. It seems likely that the nature of the site and its locations will combine with the nature of the proposed use to have adverse impacts on the quality of life of those around it.

The site and its context

The site sits on the corner of Cirencester Road (a main approach to Cheltenham from the south east at this point passing through Edwardian suburban development), Bafford Road (a comparatively narrow old farm lane to the west) and Newcourt Road (which appears to be an ancient track, now a sunken tree-lined suburban road to the northwest). It is currently a car wash and was formally a petrol filling station and car sales site.

The site is adjacent to an open area of parkland which sits between the Newcourt and Cirencester Roads. Much of the surrounding development is early 20th Century, predominantly 2-storey; opposite on Cirencester Road buildings are red-brick under slate roofs; to the south, white render predominates in 2-storey Victorian cottages and later mid-20th century development. Nearby Bafford House on Newcourt Road is an earlier Grade II listed building and 1 Bafford Road (immediately opposite to the south) is locally listed. The neighbourhood is well-established and has a range of facilities locally, including shopping, schools, library, pubs etc.

The site itself is typical of a service station/garage with a large hard-standing, canopy and buildings which previously formed a kiosk and car sales display area. It is now used as a hand car wash. It is unattractive on its frontage to Cirencester Road (where its boundary is marked by a low post and chain fence) and the corner (where there is scrappy vegetation and a low stone wall). To the rear, Newcourt Road is sunken and the boundary is lined by a low overgrown stone wall, topped by self-seeded trees and shrubs, backed by a 2m fence and a breezeblock wall (to one of the out-buildings). To the open space, part of the site is open across the low stone wall through parkland trees; part is enclosed by the buildings.

The site serves a useful function currently, but as a brownfield site in a suburban area it is underutilised.

Considerations

Negotiations on the design of the proposal have centred on the sensitivity of the site and its context both in character and quality of life terms.

Character

Previous pre-application negotiations on design, over a number of months, have moved the proposal from high four storey block (residential over retail) on a steady building line, to the

current proposal - a single-storey block with a staggered building line. The basis for this approach has been:

1. The 4-storey height was uncharacteristic of this suburban setting, where there are few buildings greater than 2-storeys - none in the immediate area.
2. The presence of a 4-storey block was likely to dominate neighbouring properties and the open space in a manner which was over-bearing and would adversely affect residential amenity and the general character of the streetscene both in the area and on the approach to Cheltenham.
3. The applicant initially considered that the height could be used to mark the corner. However it was considered that that this is unnecessary because the junction is not significant in townscape terms and sits in the streetscene fairly anonymously but for the presence of the existing garage, which although unattractive lends to the sense of space here and is lost in a backdrop of trees on the approach from the south.

Some objectors to the scheme suggest that a flat roof is not contextually sensitive. Whilst most roofs in the neighbourhood are pitched, a flat roof on an acceptably designed building of this size and footprint is considered preferable. This is because, as outlined above, an important part of the design negotiations has been focussed on losing height from the original proposal. Additionally, the lowering of height sets the proposal better within the context of the adjacent park setting with its backdrop of trees on the southern approach. In order to span a building of this depth a pitched roof would dominate the building, would most likely be unacceptably high and would be prominent in the street scene.

The comments from the architects' panel appear to seek a solution akin to that which was originally put forward in pre-application (residential over retail). This is not considered appropriate on the site for the reasons discussed above.

Reflecting on comments submitted it is reasonable to say that a residential scheme could sit well on the site, and provide a more vernacular building style which fits well within its context. There would be an ability to break up the building mass and it might well work in 2-storeys with a pitched roof. However, the scheme under consideration is not residential and the built form design needs to reflect the requirements and function of the proposed use.

The visual impact of development on Newcourt Road, which is sunk below the level of the site, was a concern in negotiations. The small overgrown retaining wall and unkempt hedge give the street an almost rural character. However the site is not deep and tapers to the south, so it seems likely that any redevelopment would see the removal of this planting as part of the building works and, notwithstanding any replanting, this will alter the lane's character. Negotiations through the Council's Landscape Architect are seeking a reinstatement of planting in some form on this frontage.

The building and layout proposal is a consequence of the negotiations based on the proposed use. In terms of built form, mass, block layout and landscape. In these terms the proposal is satisfactory (subject to the Council's Landscape Architect's detailed negotiations, which are on-going at the time of writing). Since earlier negotiations, the height is significantly reduced, the staggered building line on the Cirencester Road breaks up the mass and reinstates some space (albeit for service requirements see comments below); the small landscape area on the south will soften the built form; the trees to the north continue to provide a useful screen and backdrop.

Quality of Life

The NPPF makes a number of statements which indicate that quality of life is important part of the planning system and in determining planning applications. These include:

- Paragraph 9 which states that sustainable development involves positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including improving the conditions in which people live
- Paragraph 56 good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people
- Paragraph 58 decisions should aim to ensure that developments will function well and add to the overall quality of the area (and) establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit

From these statements it is evident development proposals should benefit the daily lives of the people they affect and that, in this respect, the way which developments function is as important as the way they look. In terms of quality of life, a balance needs to be struck between local impacts and benefits to the wider community, and this may require a different weight in consideration of strategically important proposals and those with little strategic value.

Servicing for the site has been a concern throughout the discussions. The Highway Authority will comment on general access, parking and service arrangements. However, servicing, traffic and parking related to stores of this nature in suburban situations can create amenity issues and during negotiations on this site, on-going concerns on similar developments elsewhere in the town have been a concern.

It is proposed to access this site from the Cirencester Road which is the only realistic option. Using the space between the building and the open space for parking seems appropriate and use of a bespoke boundary treatment which allows indivisibility between the site and the open space would settle the site better in its context.

However, a desire to ensure that servicing is not direct from the busy highway has placed it within the site, on the most prominent frontage. The space available is tight and to ensure its availability for servicing, access controls are proposed and bollards will run along the boundary to Cirencester Road. Visually this is little better than current boundary arrangements (low posts and chain) and is not the betterment which might be expected from a bespoke design. Notwithstanding this, the main concern is the functioning of service arrangements and their impact on the quality of life of neighbours. The space available is tight. Servicing may function as intended in ideal circumstances but there is little margin for error before noise and disturbance from manoeuvring cars and delivery vehicles, reversing alarms, movement of cages etc. begin to affect the amenity of those living around it or using the open space.

Undoubtedly the uses on the site (both current and past) will have generated movement, traffic and noise but it seems unlikely that this will have been at the intensity of the use now proposed. The circumstances of the site (its constrained size; its situation on a busy arterial route into the town; its location within an established suburb) and the nature of the proposed use (retail with long opening hours, deliveries from large vehicles, frequent customer visits) suggest that it may not function in a manner which enhances the quality of life of those living near it, and it seems most likely it will have adverse impacts. It seems doubtful that these concerns can be addressed by conditions to control hours (avoiding busy traffic conditions, peak times for trading and quiet times for neighbours).

In terms of the quality of life of neighbours and those who use the area, the proposal is unconvincing.

Landscape Architect

5th June 2014

Drawing Title: Landscape Proposals Drawingg. No. 02 Rev: C

There is information missing from this revision which was included on Rev B. Rev C should be amended as follows:

1. North boundary with Newcourt Park: The drawing should show the extended dry-stone wall as previously agreed and shown on Rev B. This should be labelled, 'Extended *dry-stone wall to match existing boundary wall*'.
2. Boundary with Newcourt Road: The new stone retaining wall should be drawn and labelled on the plan, so that it is consistent with the Proposed Rear (West) Elevation shown on Drawing 'Proposed Elevations Sh2' Drg. No. 13 Rev J. It should be labelled:

'Stone retaining wall. Materials to match the proposed rebuilt stone wall on the southern boundary of the site.'

3. Planting: There are changes to the planting proposals from Rev B to Rev C. Most are acceptable, but the following require consideration and clarification.

Rosa 'Meidland':

In Rev B there were 74 No. *Rosa 'Meidland'* in the planting bed at the top of the retaining wall along Newcourt Road. These have been omitted in Rev C. The drawing should be amended to include the *Rosa 'Meidland'* hedge. If it is no longer the intention to plant these roses, please submit alternative planting proposals.

Lavandula spica 'Hidcote'

74 No. *Lavandula spica 'Hidcote'* are shown planted at the back of the SE border. Lavender requires full sun in order to thrive. Although this border is SE facing, the lavender is planted behind 3 No. *Betula utilis jacquemontii*, which will cast dappled shade. Consider replacing the lavender with a more shade tolerant species.

Car park, Hebe 'Marjorie' and Lonicera pileata

There is a planting space next to the NW border with the car park. In Rev B this was planted with *Hebe 'Marjorie'* and *Lonicera pileata*. In Rev C the planting has been omitted. This planting should be reinstated.

Drawing Title 'Proposed Elevations Sh2' Drawing. No. 13 Rev J

Boundary with Newcourt Road:

A band of blue engineering brick is shown running along the base of the building and extending as a wall towards the NW corner of the site. The use of blue engineering brick along this boundary should be reconsidered. If engineering bricks are required below DPC, consider red bricks instead in order to limit the palette of colours and so create a less visually cluttered boundary.

Tree Officer

22nd January 2014

The Tree Section has no objections to this application providing the following conditions can be attached:

No roots over 25mm to be severed

Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

Protective Fencing

Tree protective fencing shall be installed in accordance with the specifications set out within the Arboriculture Report dated December 2013 and Drawing Number CC TP1.

The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

Protection of RPA's

All sequencing and detail of works taking place on site (including demolition and site clearance) to take place in accordance with the Method Statement within the Arboricultural Report dated December 2013.

Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

Overall, from the Tree Section's perspective, the proposed landscaping is acceptable and the 3 x *Betula utilis jacquemontii* will compliment this corner of the site well. However, I have some reservations about the suitability of the proposed *Prunus laurocerasus* 'Otto Luyken' to the south west of the site along Newcourt Road. This does not contribute much to wildlife, nor will it have much impact along this part of the lane where an existing (if informal) 'hedge' will have to be removed to facilitate this development. I have requested CBC's Landscape Architect to put forward some suitable alternatives for this area.

Strategic Land Use Team

25th March 2014

This is formal acknowledgement that the Strategic Land Use Team of Cheltenham Borough Council concurs with the policy assessment of the proposed development as outlined within the submitted DPDS report.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	95
Total comments received	114
Number of objections	112
Number of supporting	2
General comment	0

- 5.1** A total of 95 local residents were notified of the proposals and three site notices displayed within the vicinity of the site (Cirencester Road, at the junction with Croft Road and Newcourt Road). This exercise was repeated in respect of the revised scheme and a further three week period was allowed for local residents to submit further representation.

- 5.2** As a result of the two public notification exercises, a total of 112 representations have been received by the Council from individuals/households (110 objecting and 2 in support). There have also been a number of repeat and additional objections received by some local residents in relation to the amended scheme.
- 5.3** A petition with 950 signatures has also been submitted to the Council. The concerns raised by local residents are all very similar and can be summarised as follows:-
- Impact on existing neighbourhood shopping centres and potential closure of existing shops (in particular the Nisa store)
 - No evidence of demand or need in the area for another A1 convenience store. Existing centres provide adequate range of services for the local community
 - Flaws and inaccuracies in the applicants Retail Impact Statement produced by Mango
 - Sustainability of proposed scheme questioned when majority of customers will arrive by car
 - Increase in traffic and street parking, indiscriminate parking on road, highways safety implication of road junctions with Cirencester Road/Bafford Lane and Newcourt Road
 - Insufficient off-road parking spaces provided in car park
 - Impact of early morning deliveries on neighbouring residents
 - Impact on amenity of local residents in terms of noise, disturbance, late night disturbance and antisocial behaviour, excessive lighting and litter
 - Proposed development is contrary to Policy CP4 of the Local Plan
 - A3/A5 use likely to generate significant parking and noise nuisance/disturbance issues
 - Site is more suitable for residential purposes
 - The revised scheme fails to address previous issues of need, road congestion and highway safety and impact on amenity.
- 5.4** The two petitions of 600 and 350 signatures are headed “we oppose any proposed convenience shop at 86 Cirencester Road, the hand car wash centre, as it is contrary to the Local Plan Policy CP4, ‘it does not maintain the vitality and viability of the town centre and district and local shopping facilities’.”
- 5.5** The Charlton Kings Parish Council has also objected to the proposed development.
- 5.6** Due to the volume of comments received from local residents, a copy of all third party representations (including the petition) will be available to view in the Members’ lounge and planning reception at the Council Offices.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The key issues in the determination of this application are:-

- The principle of the redevelopment of this brownfield site for retail purposes
- The impact of the proposed development upon the vitality and viability of existing neighbourhood shopping centres
- Traffic, parking and highway safety issues associated with the three proposed retail units
- Delivery and service management of the site
- Impact on the amenity of local residents (particularly those living opposite the site and to the rear) in terms of noise, disturbance and light pollution

6.2 Principle of Retail Development

6.2.1 This site is currently in commercial use as a hand car wash and has previously been used as a petrol filling station and more recently for car sales and a vehicle workshop. The site serves a useful function and provides a local facility but as a brownfield site within an urban area it is underutilised. In principle therefore, the redevelopment of this site for retail use is acceptable.

6.2.2 Officers had suggested to the applicant at pre-application stage that a purely residential scheme would be preferable for this site and would provide opportunities for a more vernacular building style which would fit well within its context of neighbouring residential development and would potentially have less impact on the locality in terms of noise and disturbance. However, the applicant has submitted a proposal for retail development and the Council must consider this proposal on its merits. The fact that Officers and local residents consider a residential scheme preferable for this site is not a material consideration in the determination of this application.

6.3 Policy Considerations

6.3.1 The following paragraphs should be read in conjunction with both the applicant's retail impact statement (Mango report) and the Council's independent review of this assessment carried out by DPDS Consulting. Both documents are available to view on the Council's website.

6.3.2 Policy RT1 of the Local Plan states that retail development will be permitted subject to the availability of suitable sites or buildings which relate to their catchments and sets out the sequence of locations within the borough where retail development should be accommodated, with the order of preference being the Central Shopping Area, Montpellier and High Street West End, elsewhere in the Core Commercial Area, district and neighbourhood shopping centres and then out of centre sites which are accessible by a regular choice of means of transport. Policy CP2 also sets out a sequential approach to the location of all new development which generates a significant number of trips.

6.3.3 Policy RT4 states that proposals for retail development within defined boundaries of district and neighbourhood shopping centres will be permitted provided development is appropriate

in scale and function to the centre, would not harm the vitality or viability of the town centre as a whole and would not conflict with the movement of through traffic. Policy RT6 states that proposals for new local shopping centres will only be permitted in an area of identified deficiency.

- 6.3.4** Policy RT7 states that retail development will only be permitted outside of defined shopping areas where a need for the additional floorspace has been demonstrated and the proposals would not harm the vitality and viability of the town centre or a district or neighbourhood centre.
- 6.3.5** Policy RT8 relates to proposals for individual convenience stores which are permitted outside of any defined shopping areas subject to a size limitation of 100 sq metres.
- 6.3.6** The policy guidance of the NPPF in relation to retail development continues the long established sequential and impact tests and where proposals fail to comply with these tests the advice is that they should be refused. The threshold for requiring a retail impact assessment is 2,500 sq metres unless there is a locally set threshold in a development plan. The proposed development is well below this threshold and there is no Local Plan policy which sets a local threshold.
- 6.3.7** However, given the proximity of neighbourhood shopping centres to the site, it is reasonable to assume that retail impact will be a material consideration in the determination of this application. The applicant has therefore submitted an impact assessment in support of the application which is discussed in more detail in section 6.4 below.
- 6.3.8** The application site is not within any defined shopping centre and more than 100 sq metres of retail floor space are proposed. The proposed development thus falls to be considered under Policy RT7 of the Local Plan. However, as identified in the DPDS review of the applicant's retail impact assessment, Policy RT7 is not entirely up to date in its reference to 'need' for new retail floorspace. There is no reference to need in the NPPF and DPDS subsequently advise that the Council should not place any great weight on the demonstration of need. However, the remainder of Policy RT7 and consideration of harm to the vitality and viability of an existing centre are consistent with the NPPF and should be afforded due weight.

6.4 Retail Impact Assessment

- 6.4.1** Given the strength of local concern about the potential impact on existing neighbourhood shopping centres and the complexities of assessing this impact, the findings of the DPDS review of the applicant's retail impact statement are outlined in considerable detail in the following paragraphs. For ease, a highlighted summary is provided at the end of the section. Members should also be mindful that, for the purposes of determining this application, an assessment of retail impact upon the existing neighbourhood centres must be made on objective grounds only and emotive, non-material issues put aside.
- 6.4.2** A short addendum to the retail impact assessment was submitted in light of the amended scheme and the removal of the two A3 units. In summary, whilst the gross floor area of the A1 unit has increased from 373 sq metres to 423 sq metres, the proposed net tradeable floor area of the A1 unit has not and remains at 280 sq metres. As such, there is no requirement for further assessment by Mango of the retail impact issues associated with the proposals. Although the Mango report addresses the impact in terms of both the A3 and A1 units, one could argue that the overall trade draw and impact on existing neighbourhood centres will be less given that the A3 units have been removed.

- 6.4.3** As stated above, the main policy issues are the impact of the proposed development on the vitality and viability of identified shopping centres and the availability of sequentially preferable sites.
- 6.4.4** In terms of the sequential test, DPDS have identified that there are no opportunities to accommodate the proposed development in the three nearest neighbourhood centres to the application site; there are no available sites or properties suitable to accommodate a store of this type and size. It is also accepted that the purpose of the proposed development is to provide convenience shopping facilities for the local catchment and therefore any available town centre site could not be considered suitable for this purpose. On this basis, DPDS conclude that it would be unreasonable of the Council to sustain an argument that the proposed development failed to comply with the sequential test.
- 6.4.5** There are three neighbourhood centres within a reasonable travelling distance from the application site; Croft Road/Cirencester Road, Church Street and Lyefield Road West. The nearest, Croft Road, consists of 4 retail units, two of which sell food (Nisa and an independent butcher shop) the other two being a hairdressers and beauty salon. This centre has limited off road parking and street parking. DPDS conclude that the Nisa is a well stocked shop which offers a range and choice of goods which reflect its role within a neighbourhood centre.
- 6.4.6** Church Street centre is larger and offers more facilities, including a Co-op store and there is considerable overlap in catchment areas. Similarly, the Lyefield Road centre has a Budgens store and a range of other retail units, including a post office.
- 6.4.7** Overall, DPDS consider the area well served with local shopping with no significant shortage of shopping facilities for local residents.
- 6.4.8** DPDS has carried out an assessment of the expected turnover figures of the proposed convenience store suggested by Mango and in turn the expected trade draw from existing retail stores in the locality and beyond. Various sales densities have been put forward by Mango to estimate turnover. DPDS have commented on the basis of the higher sales density expected assuming the worst case scenario of a national multiple retail operator occupying this site.
- 6.4.9** Mango's figures for turnover and trade draw are based on the assumption that 80% of the trade of the proposed store would be drawn from Morrison's at Up Hatherley, Sainsbury's in Priory Road, Waitrose and other supermarkets further afield. DPDS has questioned that assumption on the basis that all the above stores are located a long distance from the site and it is unlikely that top-up shopping from this area is currently taking place from these stores to any great extent. DPDS point to the broad view that like competes with like and the impact of the proposed new store would be felt most by existing local top-up facilities.
- 6.4.10** DPDS do however point out that the proposed store is on a busy main road carrying not only local traffic but traffic from Cheltenham to Cirencester and beyond. DPDS consider that with off road parking also available, a significant proportion of the new store's trade could be expected to come from passer-by traffic. In contrast, the existing centres, given their location and lack of parking opportunities would be expected to generate little turnover from passing traffic. DPDS therefore state that, in comparison with existing local centres, the proposed store would be attractive to local residents travelling by car due to ease of parking and it is reasonable to expect a considerable proportion of the estimated £1.7 m turnover to come from the local centres as well as passer-by traffic.
- 6.4.11** DPDS take into account that not all top-up shopping will take place locally but question Mango's low estimate of top-up shopping expenditure in the local area generally and in particular the Nisa store. DPDS claim that the Mango analysis is not credible and that the impact on the Nisa store would be much greater. This is because Mango have underestimated the likely turnover of the proposal and made unrealistic assumptions about

trade draw. DPDS consider that if a national retailer was the end user the impact would be in excess of Mango's worst case 13-15% trade impact estimate. Despite this, Mango's calculations indicate a significant impact on the Nisa store and if you also take into account DPDS's criticisms in their analysis of turnover and trade draw estimates, DPDS consider the closure of the Nisa store likely.

- 6.4.12** The future of the butcher shop is less uncertain. Although some direct competition with the new store would be expected butchers do trade near to small supermarkets and can compete in price and quality. Whilst the butcher shop is likely to lose some turnover, the amount is difficult to estimate since little is known of its trading circumstances.
- 6.4.13** DPDS agree with Mango in that the impact on Budgens and the Co-op would be less and that the closure of these stores is significantly less likely and in the case of the Co-op unlikely.
- 6.4.14** In summary, DPDS conclude that the impact on Church Street and Lyefield Road West neighbourhood centres is unlikely to be sufficient to justify the refusal of planning permission on retail impact grounds. The impact on the Croft Road centre would be severe and the closure of the Nisa store is likely.
- 6.4.15** Whilst the proposed development would therefore be contrary to Policy RT7, DPDS considers that a refusal of planning permission on this basis would not be supported at appeal. DPDS state that the protection of local centres does not generally receive much support at appeal and points out that planning decisions have to be made in the public interest and should not be used to protect private interests. The Croft Road centre consists of 4 private businesses, two of which are unlikely to be affected by the proposed development. DPDS argue that the proposed wider and better range of local shopping facilities afforded by the potential replacement of an existing shop with a better store nearby could be considered to be in the public interest. Of particular relevance is the following comment from DPDS:

"If the public interest that lies behind the policy to protect neighbourhood centres is to ensure the widespread availability of local shopping facilities, that objective would not be harmed. On the contrary, the proposal could be seen as enabling the modernisation of local facilities and as a refusal as protecting what are essentially private interests"

- 6.4.16** DPDS conclude that there is no 'qualitative need' for a new convenience store in the area which is already well served by existing facilities. The Policy considerations must focus on the sequential and impact tests recognising that Local Plan Policy is not wholly up to date in relation to 'need'. The issue of need therefore, should not be given significant weight. The sequential test is largely irrelevant since the aim of the proposal is to serve the local catchments. Town centre locations would be unsuitable for this purpose. Similarly, there are no other suitable sites in the three existing neighbourhood centres.
- 6.4.17** Although DPDS are not convinced by Mango's assessment of impact on existing centres, as detailed above, this is tempered by acknowledgment of the difficulties in assessing the trade patterns of independent retailers. However, DPDS conclude that food stores in Church Road and Lyefield Road West centres are unlikely to close as a result of the proposal and any impact on these stores would not warrant refusal of this application.
- 6.4.18** The impact on the Croft Road store would however be severe and there would be significant risk that the Nisa store would close. The proposed development is therefore contrary to Policy RT7 (and CP4). However, DPDS argue that the objective of this policy is protected in that if the Nisa store were to close, the public would still have access to local and arguably better shopping facilities. DPDS warn that

refusing planning permission on impact grounds could be considered as protecting private interests and would place the Council at considerable risk at appeal.

- 6.4.19** Additional information was also requested from the applicant with regard to Mango's estimated turnover figures and an Addendum to both the Mango and DPDS statements has been submitted. The conclusions reached by DPDS remain unaltered despite Mango's suggestion that a Spar or Londis type of store would have less turnover and therefore less impact on existing local centres.
- 6.4.20** **Officers concur with the conclusions reached by DPDS in respect of the impact of the proposed development on existing neighbourhood shopping centres and do not consider that there is sufficient evidence to be able to put forward a refusal on retail impact grounds and one which Officers consider the Council could substantiate at appeal.**

6.5 Layout of Proposal

- 6.5.1** The proposed development consists of the demolition of all existing buildings and structures on the site and the erection of a single storey convenience store with a gross internal area of approximately 372 sq metres and a trading area of 280 sq metres. The applicant states that the trading area of the A1 unit may vary depending on the operator and their specific 'back of house' requirements but, in any case, would not exceed 280 sq metres due to Sunday trading restrictions. The Council is also informed that the amount of trading floorspace proposed is typical of a 'local' convenience store operated by one of the larger national supermarket chains.
- 6.5.2** To the side/rear of the main store is an enclosed service area with refuse store, cage store, cold store and freezer and staff facilities. External access to this area is provided through a door on the side elevation facing the customer car park. An ATM is also proposed to the left of the shop entrance on Cirencester Road.
- 6.5.3** A loading bay is provided at the front of the store with vehicular access from Cirencester Road. Lorries will enter the site from the northern crossover access from Cirencester Road and will exit from the southern access. Vehicular access is not restricted to this loading bay from the north but is restricted by automated bollards at the southern crossover which would be lowered only when deliveries to the site took place. A new, second access onto Cirencester Road (and the possible relocation of a street lamp) is also proposed to allow for servicing to the front of the store. A comprehensive Transport Statement and Delivery Management Plan have been submitted with the application and this is discussed in more detail later in the report.
- 6.5.4** A customer car park with 17 spaces (including 2 disabled) is located at the side of the proposed building adjacent to the parkland and cycle storage for up to six bicycles located outside the customer entrance. Landscaping and replacement walls and boundary treatment are proposed along the west and north boundaries and on the corner at the junction with Bafford Lane. A detailed landscaping scheme incorporating a landscape buffer along the Newcourt Road boundary has been submitted as part of the application.
- 6.5.5** The applicant proposes opening hours from 6:00 to 23:00 hours seven days a week. All operational considerations including delivery and servicing requirements are discussed later in the report.
- 6.5.6** Although there appears to have been much local speculation, the end user of the proposed convenience store has not been identified as part of the application details. Therefore, rumours about any particular store having an interest in this site should not form part of the decision making process and are not a material consideration.

6.6 Design and external appearance

- 6.6.1** The removal of the two A3 units has prompted the architect to re-evaluate the layout and design of the proposed store, notably the relocation of the shop entrance to the corner facing the car park and the back-of house servicing to the rear and less visible part of the site but now easily accessible from the car park. The proposed A1 unit reads as one single storey structure with the southern section articulated and set at a slight angle to the remainder of the building.
- 6.6.2** Whilst the building is fairly uniform in its appearance, the mix of materials proposed and increase in fenestration should add visual interest and break up an otherwise expanse of brickwork. The building incorporates a zinc, overlapping, duo-pitched roof with predominantly brick facing walls with rough faced natural stone detailing on the end south elevation and part rendered side and rear elevations. Stone mullions have been introduced on the front elevation to add interest and attempt to reflect the proportions of the bay windows of the houses opposite.
- 6.6.3** The main store is otherwise fully glazed beneath a fascia fronting Cirencester Road but with this increase in fenestration the shop front is considered generally more active with views into the store. A 300mm course of blue engineering brick runs along the bottom of the entire building below DPC level and continues at the rear of the site to form a higher retaining wall. A new Cotswold stone wall is proposed along the boundary with Newcourt Road which wraps around the corner of the site at the junction with Bafford Lane.
- 6.6.4** The building is approximately 5.5 metres in height when measured to the ridge (3.7 eaves height) but with a slight step down in height at the rear facing Newcourt Road (4 metres when measured from car park level). The buildings are described in the architect's Design Development Statement as "a more contemporary aesthetic, utilising high quality materials ...a contemporary appearance, but will look familiar in the context in terms of form, scale and materials'.
- 6.6.5** The staggered building line on the Cirencester Road breaks up the mass of the building. The corner of the site is exposed and allows for some landscaping which should soften the built form with the trees along the north boundary continuing to provide a beneficial green visual buffer between the proposed car park and store and open parkland beyond.
- 6.6.6** The scheme as originally submitted was not that dissimilar in design, basic form, position on the plot and use of materials but included a flat, concealed membrane roof over the entire building and timber cladding detail. Many of the local objectors commented that this flat roof was contextually inappropriate. Officers consider that a flat roof on an acceptably designed building of the size and footprint is appropriate. To span a building of this depth would normally necessitate a high pitched roof (or alternative contrived roof form), increasing the overall scale and bulk of the building and hence would dominate the building and appear prominent in the street scene. However, the proposed duo-pitched roof is considered both an improvement on the previous flat roof and is achieved without significantly increasing the overall height and bulk of the building. There have been no specific comments in relation to the proposed zinc roof following the second public consultation exercise.
- 6.6.7** Although the extent of built form along the west boundary will increase, the building height here is single storey and the sunken lane characteristics of Newcourt Road should be largely protected. A new retaining wall and planting is proposed along the west boundary and similarly a low stone wall along the north boundary with the park.
- 6.6.8** The Council's Landscape Architect has concerns about the use and extent of blue engineering brick along the Newcourt Road boundary. Engineering brick is normally used

for retaining wall structures but the colour of the brick could be easily amended and approved via planning condition. This would improve the visual amenities and rural feel of Newcourt Road.

- 6.6.9** The Architects' Panel has commented on the revised scheme and considers the proposed building *'a very basic – almost crude – cranked, single storey brick shed with attached, flat roofed outbuildings'*. The Panel also felt *'that the material palette was over fussy, particularly with the unnecessary introduction of rusticated Cotswold Stone – simpler render would probably work better'*. There was also concern about the windows being covered with garish posters.
- 6.6.10** Firstly, the 'pre-application' drawings to which the Architects' Panel refer to in their comments relate to an earlier set of revised drawings submitted for discussion only but were presented to the Panel for their thoughts on the overall design concept. This scheme incorporated a tilted 'drum' element on the southern end of the site set much higher than the remainder of the mono-pitch zinc roofed building. Although the comments of the Panel were complimentary on many aspects of the revised scheme and not overly negative, the applicant chose not to pursue the 'drum' concept but adopt a more familiar contemporary approach to the proposed design.
- 6.6.11** Officers consider the comments from the Architects Panel perhaps a little too harsh. The use of stone detailing and recessed and exposed panelling on the front, side and rear elevations breaks up an otherwise expanse of brick work and render. There is some use of Cotswold stone within the locality and at the rear of the site and the proposed new and replacement side and rear boundary walls are proposed as stone walls. The duo-pitch standing seam zinc roof is commonly used in commercial buildings and mimics the traditional slate roofs of neighbouring development. The pitched roof form is considered an improvement on the previous flat roof; it adds interest and reduces the impression of bulk.
- 6.6.12** The relocated store entrance under a canopy is welcomed and reduces the potential for pedestrian/vehicular conflict during deliveries. The content and number of advertising panels occupying the glazing on the front elevation will require advertisement consent and could be adequately controlled. Similarly, the amount of opaque glazing proposed could be reconsidered to enable clearer views through the shopfront into the sales area. The internal layout of the store, although not a material consideration of this application, could be easily configured to prevent unsightly racks being positioned against windows.
- 6.6.13** Although Officers consider the scheme acceptable in its current form, the Panel's comments in relation to the roof/eaves overhang, articulation of the entrance and location of cycle racks are valid considerations. These are design details which could improve the overall appearance of the scheme and would be subject to approval via a suitably worded planning condition.
- 6.6.14** Notwithstanding the above comments, with careful consideration of quality, durability and how the individual elements of the proposed materials would work together, the scheme should deliver a building of acceptable and good quality appearance. Similarly, the approval of the detail of the proposed materials and fenestration could be satisfactorily dealt with via planning condition.
- 6.6.15** Whilst the proposed building is modern, functional but not remarkable in its appearance, Officers consider the overall layout and design satisfactory and the proposed buildings should sit comfortably on what is an awkward shaped site which tapers to the south. In comparison with the original proposals, the revised scheme offers improvements in architectural detailing, choice of materials and the way the building addresses the street.
- 6.6.16** Whilst the site would be more developed in terms of built form than the existing scenario, the proposed development should not appear prominent in the street scene when

approaching from either direction. As such the proposed development adheres to Policy CP7 of the Local Plan.

6.7 Access and highway issues

- 6.7.1** The application site is located on Cirencester Road (B435) which is a classified road and one of main arterial routes into and out of Cheltenham. The proposed development would generate a significant number of vehicular movements to and from the site on a daily basis. There are 17 customer car parking spaces provided on site and include disabled parking facilities. Cycle parking is also provided outside the main shop entrance.
- 6.7.2** An off road loading bay is provided at the front of the store which will be accessed from Cirencester Road. This servicing and loading bay will be used only by delivery and service vehicles and not for customer parking. To prevent indiscriminate parking and reduce pedestrian/vehicular conflict during deliveries, this area would be controlled via bollards placed at its southern entrance and road markings on the northern entrance to the loading bay. The bollards would be lowered only when a delivery vehicle needed to leave the site.
- 6.7.3** The original scheme proposed a similar loading bay at the front of the shore but delivery vehicles were restricted to entering the site from the south on Cirencester Road and leaving from the north. The amended scheme proposes a switch in direction with delivery vehicles now proposed to enter the site from the northern access and leave the site from the south. Deliveries will then be made either via the main shop entrance or the side service door. A revised vehicular tracking diagram and amended Transport Statement have also been submitted to illustrate the feasibility of this approach.
- 6.7.4** There has been lengthy and detailed discussion between the County Highways Officer and the applicant's highway consultant in relation to the highway issues associated with the proposed development. A number of surveys and further analysis on pedestrian safety and accumulated parking estimates have also been undertaken.
- 6.7.5** In consultation with Officers and the County Council, the applicant has also submitted a Delivery Management Plan (DMP) which would form part of any planning approval for this site. This document seeks to control and manage all retail and service deliveries to the site in a manner which should prevent the parking or waiting of delivery vehicles on the public highway and deliveries taking place directly from Cirencester Road, Newcourt Road or Bafford Lane. Any breach of the requirements of the DMP would potentially result in a breach of condition notice being served on the user of the site and appropriate enforcement action being taken. The DMP would apply to the end user of this site and any subsequent A1 user of the site, in perpetuity.
- 6.7.6** The DMP also includes reference to delivery times (in accordance with the suggested conditions relating to opening hours and delivery times), a warning system alerting the store of the arrival of a delivery vehicle, restrictions on the size of vehicles delivering to the site, the need to switch engines off when deliveries take place, careful use of tail lifts to reduce noise disturbance and the use of rubber wheel cages. School drop off and pick up times would also be avoided.
- 6.7.7** To minimise HGV movements to the site, all waste products from the store will be removed in the returning delivery vehicle. General refuse will be collected from the store once a week. All cages and other storage units will be contained in the back of house area and will at no time be left in the delivery bay or customer car park. Importantly, third party suppliers will be informed in advance of the DMP.
- 6.7.8** The Noise Impact Assessment has also been reviewed in light of the DMP and amended layout. Tested against the worst case scenario of HGV vehicles arriving between 06.00 and

07.00 am, the assessment indicates that proposed delivery vehicle movement noise levels are likely to have an insignificant effect on the existing ambient noise levels at the adjacent residential properties.

- 6.7.9** Further information was also requested in relation to parking accumulation and the layout and usability of some of the parking spaces. These issues are now largely resolved following the removal of the A3 units and resultant increase in the customer car park and more efficient use of space. The relocation of the customer entrance to face the car park should also reduce the potential for pedestrian/vehicular conflict in the loading bay area. It should also encourage the use of the car park in line with customer parking habits. The width of the service door has also been widened to allow easy manoeuvre of refuse bins and cages to the back of the store.
- 6.7.10** The Highways Officer considers the revised layout of the building and the location of the loading bay acceptable. The revised positioning and removal of bollards is also acceptable and should ensure that a vehicle is never waiting on Cirencester Road for the bollards to be lowered due to operator error or malfunction. The minimal use of bollards at pavement edge is deemed necessary to prevent private cars using the loading bay.
- 6.7.11** There have been concerns however, about the switch in direction with delivery vehicles now proposed to enter the site from the northern access and leave the site from the south. This is a fundamental change from the discussions and general agreement that had taken place prior to the submission of the revised scheme in May. The Highways Officer has assessed the implications of delivery vehicles on Cirencester Road waiting to cross the north bound carriageway and pedestrian/vehicular conflict at the Northern Cross over into the site opposite the shop entrance. In conjunction with the DMP, he is satisfied that servicing will operate safely and efficiently to ensure that pedestrians using the site will be unaffected and deliveries will not take place from the adjacent highway.
- 6.7.12** There are also issues relating to existing pedestrian infrastructure (crossings/desire lines etc) within the vicinity of the site and its capabilities of accommodating the likely increase in pedestrian flows. The location of a suitable crossing point/build-out facility immediately outside the proposed store and reducing the junction width of Bafford Lane/Newcourt Road plus tactile provision have been explored by the County Highway Development Management Team. They consider that pedestrian permeability can be improved by narrowing the junction width of Newcourt Road with Cirencester Road and an additional build out facility can be created on the southern radii of this junction. The Highway Officer's full consultation response will be available as an update.
- 6.7.13** The layout and level of car parking on the site is considered to accommodate for the majority of users of the proposed development. Although impossible to prevent all indiscriminate parking on the highway, the proposed layout should be attractive to customers and as attractive as parking on the street (which is always difficult in this location). Notwithstanding these comments, GCC is seeking a financial contribution from the applicant to control future parking abuse (i.e. waiting restrictions, street furniture).
- 6.7.14** The Highways Officer has also considered the previous uses of the site (the fall back position). The petrol filling station would have generated significant vehicular trips accessing the site at two points with frequent serving and deliveries to the underground fuel stores. The ancillary shop would also likely have generated non-car trips. The applicant's vehicular trip analysis concluded that the proposed development would result in less daily vehicular traffic when compared with the previous petrol filling station. The Highways Officer considers this a key factor in determining the degree of impact of the propose use; the result being a positive impact on highway safety and capacity.
- 6.7.15** In conclusion and with regard to the previous uses of the site, the highway authority considers that the cumulative impact of the proposed development will not be severe and

safe and suitable access can be provided. No highway objection is raised subject to conditions and the applicant entering into a legal agreement to ensure the provision of necessary highway works.

6.8 Impact on neighbouring property

- 6.8.1** The site is currently used by a hand car wash facility which uses a jet washing operating system. The car wash operates seven days a week although opening hours are restricted to reduce noise and disturbance to local residents (9am-7pm seven days a week). One cannot argue that this use does not generate noise. The previous use of the site as a petrol filling station, a car workshop and for car sales would also have generated a certain level of daily vehicular movement, customer activity and noise and disturbance to local residents. Fundamentally, this is a brownfield site, on a busy road and currently in commercial use. Therefore, the proposed commercial use of the site must be considered acceptable in principle.
- 6.8.2** What does need to be assessed however, is the potential increase in noise and disturbance likely to be generated by the proposed convenience store and the impact of that increase upon the amenities of occupiers of neighbouring properties. The potential for noise would come from deliveries to the site, the use of the adjoining car park, the ATM, plant and ventilation equipment and the daily pedestrian activity on the site. There are also issues of light pollution to consider.
- 6.8.3** The majority of the concerns raised by local residents (in addition to the 'need' for this store) relate to noise and disturbance and the potential problems associated with delivery vehicles.
- 6.8.4** In consultation with the Council's Environmental Health Officer, Officers recommend that the opening hours are reduced slightly to that proposed by the applicant. To reduce the potential for noise and disturbance to local residents, particularly those living opposite the site, the suggested opening hours of the store are between 07:00 to 11:00 Monday to Saturday and 7:30 to 10:30 on Sundays and Bank holidays. These times are not dissimilar to those of other small local supermarkets and convenience stores across the County although many do open at 6:00. Given the proximity of residential properties and the site's out of town location, Officers consider this later opening restriction reasonable and appropriate.
- 6.8.5** Deliveries to the site would only be permitted to take place between 07:00 and 19:00 hours Monday to Friday, 08:00 and 18:00 Saturday and 08:00 and 10:00 and 14:00 on Sunday and Bank holidays. The applicant anticipates that there would be one, possibly two main deliveries each day. Smaller bread/milk and newspaper deliveries would be allowed outside of these hours but not before 06:00 hours.
- 6.8.6** The Delivery Management Plan has been amended to include specific reference to the opening and delivery times of the store. The remaining stipulations of the DMP should further reduce the potential for noise break out; there are controls, for example, relating to the cage stores and delivery vehicle engines.
- 6.8.7** The Environmental Health Officer has assessed the 'Environmental Noise Survey and Noise Assessment Report' submitted by the applicant. This report considers, inter alia, estimated plant noise emission, vehicular noise measurements (from both the car park and delivery vehicles) and an overall delivery and customer noise impact assessment. She has no concerns about impact on nearby residential properties, particularly those opposite the site and the bungalow at the rear, subject to a number of conditions being imposed which relate to opening and delivery hours and the approval of ventilation/refrigeration equipment.

- 6.8.8** The totem sign initially proposed at the entrance to the site nearest to the parkland has been removed from the scheme. A condition has also been added to ensure that future signage and illumination of signs and adverts is kept to a minimum to reduce the potential for light glare. There is also a condition relating to the approval of lighting within the car park and security lights across the site. Members should note that all advertisements and signage would be subject to a separate application for advertisement consent. Anything shown on the submitted drawings is indicative only.
- 6.8.9** With all the above restrictions in place and accompanied by the Delivery Management Plan, Officers consider that there should be no significant harm to the amenities of occupiers of nearby properties caused by deliveries and the use of all the store's facilities and car park. What is proposed is a convenience store/small supermarket which would not require the level of deliveries and servicing normally associated with the larger supermarkets. One main delivery each day should not cause significant harm to amenity. Similarly, the use of the customer car park throughout the day should not generate noise disturbance significantly above the level of noise of existing traffic on Cirencester Road.
- 6.8.10** As stated previously, the site is currently in commercial use and the existing car wash business generates noise on a daily basis alongside vehicular movements and general activity on the site. This site is located adjacent to a busy arterial road with a considerable and constant flow of traffic which also generates noise. One should also bear in mind the other fall back situation of this site again being used as a petrol filling station which could also include a retail element.
- 6.8.11** Particular regard has been paid to the effect of the proposed development upon the amenities and living conditions of those living directly opposite the site, especially in relation to the potential for early morning deliveries to the site. However, on balance Officers consider that any noise and disturbance and subsequent harm to amenity generated by the proposed convenience store should be no worse than that caused by the current use of the site as a car wash facility and the location adjacent to a busy road. Although the characteristics and activity on the site would differ with an A1 use, any harm caused would not be significant enough to warrant refusal of the proposed development. The proposed development therefore adheres to Policy CP4 of the Local Plan.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The application site is a former petrol filling station and currently used as a hand car wash facility. The site serves a useful function and provides a beneficial service to the local community but as a brownfield site within an urban area it is underutilised and generally detracts from the character and appearance of the locality.
- 7.2** Given that the site is currently in commercial use, the proposed redevelopment of the site for retail purposes is considered acceptable in principle. Any preference for residential development on this site should not be a material consideration.
- 7.3** Officers are aware of the extent of local opposition to this convenience store and the majority of comments focus on the lack of 'need' for another small supermarket within the Charlton Kings catchment and the impact that a new store would have on existing shops and services. Given the proximity of three Neighbourhood Shopping Centres the Council sought an independent review of the applicant's Retail Impact Assessment.
- 7.4** The appointed Consultants, DPDS, have assessed the proposed development in terms of both need and impact and with reference to the Development Plan and National Planning Policy Guidance. Although DPDS conclude that there is no 'qualitative need' for a new convenience store in the area which is already well served by existing facilities, they

clearly point out that Policy RT7 of the Local Plan is not up to date in its reference to 'need' for new retail floorspace. Importantly, there is no reference to 'need' in the NPPF and DPDS subsequently advise that the Council should not place any great weight on the demonstration of need. However, consideration of the sequential tests and harm to the vitality and viability of an existing centre are consistent with the NPPF and should be afforded due weight.

- 7.5** DPDS conclude that the impact on the Croft Road Nisa store would be severe and there would be significant risk that this shop would close. The proposed development is therefore contrary to Policy RT7. However, DPDS argue that the objective of this policy is protected in that if the Nisa store were to close, the public would still have access to local and arguably better shopping facilities. DPDS warn that refusing planning permission on impact grounds could be considered as protecting private interests and would place the Council at considerable risk at appeal.
- 7.5.1** With regard to the previous uses of the site, the highway authority considers that the cumulative impact of the proposed development will not be severe and safe and suitable access and adequate parking can be provided. The DMP should ensure that all servicing and deliveries to the site will operate safely and not from the adjacent highway. No highway objection is raised subject to conditions and the applicant entering into a legal agreement to ensure the provision of necessary highway works.
- 7.6** An A1 unit on this site would certainly generate noise and activity associated with customers visiting the site and deliveries. However, consideration of loss of amenity to the occupiers of neighbouring properties must focus on whether the harm caused would be significant and severe enough to warrant refusal of the proposed development.
- 7.7** The existing car wash facility generates noise and vehicular movements to and from the site on a daily basis. Cirencester Road is a busy road and traffic flow also generates considerable noise. Officers argue that any noise and disturbance generated by a convenience store should not be any worse than the current scenario. In consultation with the Council's Environmental Health Officer, opening hours and deliveries would be restricted to minimise early morning disturbance and the end user of the site would need to adhere to the Delivery Management Plan which would form part of any planning approval.
- 7.8** Following careful consideration of all the issues (particularly those relating to amenity) and with regard to the strength of local opposition to this scheme, Officers have no overriding objection to the proposed development in terms of the principle of a retail use on this site, loss of amenity to the locality, impact on existing neighbourhood centres, design and layout and highway safety.
- 7.9** It is therefore recommended that planning permission be granted subject to conditions and the applicant entering into a legal agreement with the County Council to ensure the provision of necessary highway works.
- 7.10** A full list of conditions will follow as an Update.

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**Former Charlton Kings Garage
86 Cirencester Road,
Charlton Kings**

Retail Statement
On behalf of CTC (Gloucester) Limited

Ref: AH/DB/130081/R0001v3
Date: November 2013

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Contents

1. Introduction
2. Site description and planning history
3. Application proposal
4. Planning policy context
5. Sequential test
6. Trading impact
7. Summary and conclusions

Appendices

- A. Site location plan
- B. Appeal decision, Bear Flat, Bath
- C. Appeal decision, Coggeshall
- D. Appeal decision, Barbourne Road, Worcester

1.0 Introduction

- 1.1 This Retail Statement is prepared by Mango Planning & Development Limited (“Mango”) on behalf of CTC (Gloucester) Limited (‘CTC’) in respect of two units comprising a 372 sq m (gross internal) Class A1 convenience store and two Class A3 units each measuring 46 sq m (gross internal) together with 16 car parking spaces at the site of the former Charlton Kings Garage, 86 Cirencester Road, Charlton Kings.
- 1.2 This Statement should be read in conjunction with the documentation submitted by Hunter Page Planning, the planning agents for the application.
- 1.3 It has been prepared in the context of the Joint Core Strategy Retail Study prepared by DPDS Limited in December 2011 (“The DPDS Study”).
- 1.4 This Statement will show that the redevelopment of the application site as proposed meets the requirements of national and relevant local planning policy in respect of the key retail policy tests of the sequential approach and retail impact.
- 1.5 Section 2 of this report describes the site and its planning history, whilst Section 3 provides a description of the application proposal. Section 4 reviews briefly the planning policy context of the proposal. Section 5 reviews the proposal against the sequential test. Section 6 assesses trading impact. Section 7 provides our summary and conclusions.

2.0 Site description and planning history

- 2.1 The application site is located on the western side of Cirencester Road, to the north of the junction where Cirencester Road, Newcourt Road and Bafford Lane converge.
- 2.2 It comprises of a former petrol filling station canopy, car sales showroom and forecourt, associated buildings (kiosk) and customer car park. The site is operated currently as a hand car wash and valet (on a short term lease). A copy of the site location plan is enclosed at **Appendix A**.
- 2.3 The site is bound to the north by open parkland. Cirencester Road provides the eastern boundary beyond which are semi-detached properties. To the south is Bafford Lane and to the west is Newcourt Road beyond which are further residential properties and a care home. The wider surrounding area includes the densely populated residential areas of Charlton Park to the north-west, Moor End to the south and west, Charlton Kings to the east and Little Herbert's to the south east. Cirencester Road provides a main arterial route through Charlton Kings and is well served by public transport.
- 2.4 The site lies approximately 90m to the north-west of Cirencester/Croft Road Neighbourhood Centre. Church Street Neighbourhood Centre is 600m to the east and Lyefield Road West Neighbourhood Centre is a 600m to the north-east.

Planning history

- 2.5 The LPA records confirm that planning permission for a petrol filling station and service station was approved in 1965 (Ref: P/504/65), in addition there are further applications for minor works associated with this use. More recently, in 2009, retrospective planning permission was approved for the change of use of part of the site for the display and sale of motor vehicles (Ref: 09/00064/FUL).

3.0 Application proposal

- 3.1 The application proposes the demolition of the former petrol filling station canopy, kiosk, associated buildings/structures and the erection of a new 372 sq m (GIA) (280 sq m net) Class A1 convenience unit together with two Class A3 units each measuring 46 sq m (GIA) with associated car parking for 16 vehicles and servicing arrangements.
- 3.2 The form of the proposal is described more fully elsewhere in this application. The key characteristics from a retail planning perspective are however that the proposal: will provide:
- A convenience store with a sales area of approximately 280 sq m, comprising predominantly convenience goods;
 - Two small Class A3 units;
 - 16 car parking spaces, including one disabled space; and
 - Servicing via an off street loading bay to the front forecourt.
- 3.3 No retailer is formally confirmed as the intended operator of the proposed convenience store. It has however been designed to meet the current requirements of the main convenience store multiple operators.
- 3.4 The proposed store will fall within the Institute of Grocery Distributors' definition of a 'convenience store' rather than a supermarket and as such will fulfil a dual function as a small convenience outlet primarily meeting the top up/basket shopping needs of local residents living within the surrounding walk-in catchment and providing for passing motorists.
- 3.5 A store of this size and character would typically offer a basic range of convenience goods such as groceries, sandwiches, snacks and confectionery. Non-food goods would comprise no more than 10% of the proposed floorspace and would typically be limited to toiletries, nappies and other 'essential' goods.

- 3.6 The proposed A3 units would be available to a wide range of potential occupiers for food and drink retail, such as coffee shops and restaurants.

Benefits of the proposal

- 3.7 The Cirencester/Croft Road Neighbourhood Centre has very limited mainstream convenience goods shopping provision, comprising a Nisa mini-market store and speciality butcher (which in addition to selling direct to the public supplies local restaurants and offers a wholesale service). The Nisa unit appears to cater more for small basket and occasional purchases rather than providing a full top-up shopping outlet. As a consequence, while it trades well, it is in our view not fulfilling its intended role as a focus for local shopping and local people are making trips to stores further afield (particularly larger supermarkets) to meet their needs. This is an unsustainable pattern of shopping activity that is inconsistent with the general principles of planning policy.
- 3.8 The proposed anchor convenience store will bring day-to-day convenience shopping closer to consumers, reducing the need to travel, reliance on the car and encouraging walking and alternative modes of travel for day-to-day activities. In addition, the proposed A3 uses will encourage people to stay longer in the vicinity, encouraging linked trips to other local stores and facilities. This sustainable proposal would therefore support the role and function of the local centre and contribute to the reduction in carbon emissions and the fight against climate change. These considerations weigh heavily in favour of the proposal.
- 3.9 The provision of a quality convenience store operated by a main brand retailer will also increase range and choice and meet better the needs of local residents, particularly those who do not have access to the car and are unable to use public transport.
- 3.10 The proposal will also create new local employment. We anticipate that a store such as proposed will offer between 20 and 30 full and part time positions for local people. The proposed A3 units will also offer local full and part time employment opportunities.

4.0 Planning policy context

- 4.1 In this section of the report we consider the proposal against the requirements of national and local planning policy in respect of new retail development.

National Planning Policy Framework

- 4.2 The National Planning Policy Framework (“NPPF”) was published in March 2012. It forms a key element of the Government’s plans to reform the planning system by making it less complex; more accessible; designed to protect the environment and to promote sustainable growth. The framework consolidates PPGs, PPSs and Circulars into a single planning document.
- 4.3 Paragraph 14 establishes the principle in favour of sustainable development and notes with particular regard to decision-taking that this means:

“Approving development proposals that accord with the development plan without delay; and

Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this framework indicated in this framework indicate development should be restricted.”*

- 4.4 Paragraph 17 sets out a number of key principles that should underpin decision-making. These include the need to proactively support sustainable economic development.
- 4.5 Paragraph 19 makes clear that planning decisions should operate to encourage sustainable growth and that significant weight should be placed on the need to support economic growth in the planning system.

- 4.6 Paragraph 20 states that significant weight should be placed upon the need to support economic growth through the planning system.
- 4.7 Paragraph 24 states local planning authorities (LPAs) should apply a sequential test to planning applications for main town centre uses that are not in an existing centre.
- 4.8 Paragraph 26 states applications for retail outside of town centres should be accompanied by an impact assessment if the development is over a proportionate, locally set threshold, otherwise the default threshold is 2,500 sq m.
- 4.9 Paragraph 27 confirms that if an application satisfies the sequential test and is unlikely to have significant adverse impact it should be approved.
- 4.10 Paragraphs 186 and 187 state LPAs should approach decision taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Decision-takers at every level should seek to approve applications for sustainable development wherever possible and LPAs should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
- 4.11 This is reinforced by a statement by the Minister for Decentralisation in March 2011 entitled "Planning for Growth". This Statement sets out a strong presumption in favour of sustainable economic development. It acknowledges and supports the need to encourage investment and job creation in order to secure a swift return for economic growth. It makes it clear that local authorities should support development unless an application would undermine key policies in national guidance.
- 4.12 In particular, Planning for Growth confirms that local authorities should take the following actions in order to support the economy:
- Wherever possible, answer "yes" to development and growth except where this would compromise the key "sustainable development principles set out in

national policy”.

- Should support enterprise and facilitate economic and other forms of sustainable development.
- Consider the likely economic, environmental and social benefits and proposals, which include increasing consumer choice and promoting robust local economies.
- Ensure that they do not impose unnecessary burdens on development. Local authorities should give appropriate weight to the need to support economic recovery. If applications are consistent with policy set out in PPS4, and secure sustainable economic growth, they should be treated favourably.

The Development Plan

- 4.13 The Development Plan to which the application falls to be assessed comprises the Cheltenham Borough Local Plan 2nd Review (adopted 2006) Saved Policies (2009). It should be recognised that weight to be afforded to “saved policies” is reduced as it is overtaken by new national policy.
- 4.14 The relevant retail policies are Policy RT1 and RT7. Policy RT1 directs retail development be assessed in accord with the sequential approach starting from the Core Shopping Area and ending in out of centre locations. Developers are encouraged to use flexibility and realism in format, design, scale and car parking. This policy accords with the sequential approach set out in the NPPF and therefore continues to carry material weight.
- 4.15 Policy RT7 indicates that retail development outside of defined shopping centres will only be permitted where a need for additional floorspace has been demonstrated and it will not impact upon the vitality and viability of defined centres. The need test was removed from national policy in 2009 and is not a test of the NPPF. As such, this policy can no longer be afforded any legitimate weight in the consideration of the application proposal.
- 4.16 In pre-application discussions the LPA has also raised Policy RT6 as of possible relevance to the application proposal. This policy states that:

“Proposals for new local shopping centres will only be permitted in an area of identified deficiency”

4.17 This policy is founded on the test of need, which as explained above, is no longer a test of national policy. Moreover, its tenor is inconsistent with presumption in favour of sustainable economic development set out in Para 14 of the NPPF and the sequential approach set out in that guidance. This policy cannot therefore be afforded any legitimate weight in the consideration of this proposal.

4.18 We would also note that Annex B to PPS4 (Now superseded, but still of relevance insofar as it reflected the definitions prevailing at the time that the Local Plan was drawn up) identifies that Local Centres:

“include a range of small shops of a local nature, serving a small catchment. Typically, local centres might include, amongst other shops, a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include a hot-food takeaway and launderette. In rural areas, large villages may perform the role of a local centre. Small parades of shops of purely neighbourhood significance are not regarded as centres for the purposes of this policy statement.” (Our emphasis)

4.19 It is readily apparent from the above definition therefore that local centres offer a wide range of shops, goods and services and that small parades, such as proposed, demonstrably do not meet the accepted definition of a local centre. As such, even were Policy RT6 to be material, this proposal could not be considered to be in conflict with it.

4.20 In terms of the emerging plan, work is underway currently on The Cheltenham Plan and the Joint Core Strategy (“LDF”), which, are both at very early stages of progress. The NPPF at paragraph 216 acknowledges the more advanced the emerging plan the more weight that can be attributed to it. In this instance, the emerging plan is at a very early stage and therefore little weight can be attributed to it.

Conclusions on retail planning policy

- 4.21 The proposal comprises the redevelopment of a brownfield site within an urban location, at the very edge of, and in close proximity to Cirencester Road Neighbourhood Centre.

- 4.22 As a proposal that is in an edge-of-centre location there is a requirement to demonstrate compliance with the sequential test.

- 4.23 In terms of impact, the proposal falls well below the threshold for an impact assessment ordinarily required by the NPPF. Absent of a locally set threshold an impact assessment is not required in this instance.

5.0 Sequential assessment

- 5.1 The application site is about 90 metres level walk from the existing local centre and therefore falls well within the definition of an ‘edge of centre’ site set out in the PPS4 Practice Guidance, which refers to distances of up to 300 metres.
- 5.2 As such, it is a requirement of national guidance that applicants demonstrate that there are no alternative sites in more central locations (i.e. within defined centres) that are suitable, available and available to accommodate the proposal.

Application of the test

- 5.3 The need for realism in the application of the sequential test is supported by recent case law. In the Supreme Court judgment in respect of Tesco Stores Limited v Dundee City Council [2012], it was held that in defining the term “suitable” reference should be made to the design of the developer’s proposal subject to the demonstration of flexibility and realism. It was held that the issue of suitability must be directed at the developer’s proposals and not to some alternative scheme, which might be suggested by the LPA.
- 5.4 This ruling has been supported further by the High Court in respect of Zurich Assurance Limited v North Lincolnshire Council [2012], where the Tesco v Dundee judgment was reiterated. As Lord Reed said in Tesco v Dundee, at (29):

“Provided the applicant has (given consideration to the scope for accommodating the development in a different form and to have thoroughly assessed sequentially preferable locations)... the question remains...whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site”.

- 5.5 In application of the sequential test, therefore, it is clear that provided the applicant has shown a reasonable degree of flexibility, the approach of the LPA must be guided by pragmatism and realism.

Flexibility

- 5.6 While it would be unrealistic to consider the disaggregation of the retail offer within the convenience store itself, it is reasonable to consider whether it, and the two A3 units proposed, may be sited at alternative premises or sites in sequentially preferred locations that continue to meet the identified commercial requirements.
- 5.7 Looking firstly at the convenience store element, we are advised by interested retail parties that the following parameters are the key criteria for any new convenience retail unit:
- A unit of no less than 250 to 280 sq m net;
 - A demised customer car park of an appropriate size directly adjacent to the retail unit to allow the safe and direct transfer of goods from store to customer vehicle; and
 - Simple, safe and efficient servicing arrangements allowing HGVs to arrive, unload and leave the site without any disruption, conflict with the wider highway network or any negative impact on residential amenity.
- 5.8 Against this background we have sought to identify new sites or stores in Cirencester/Croft Road Neighbourhood Centre capable of accommodating a 250 to 280 sq m surface level sales floor with appropriate servicing and surface level car parking.
- 5.9 While we have considered whether a smaller store would meet the identified need, we are advised that the proposal represents the minimum operational requirements of the target retailers. As such, a smaller basis of assessment would serve no practical purpose.
- 5.10 A store below this minimum unit threshold would simply be unable to stock the core product range, resulting in an unacceptably compromised retail offer. It is this minimum unit size that underpins the consideration of alternative possible sequentially preferable sites.

- 5.11 Within this absolute parameter of suitability, the target operator's are flexible as to whether its floorspace requirement is provided through the re-occupation of an existing unit or the redevelopment of an existing site. In both scenarios an operationally acceptable form of development would need to be achieved.
- 5.12 In terms of the A3 units, the commercial requirements are less onerous. Any alternative units would need to be a minimum of 46 sq m and offer road frontage with appropriate off road parking.

Search area

- 5.13 The proposal is intended to serve a localised catchment in this area of Charlton Kings, extending to no more than a 500m walk from the application site. Church Street and Lyefield Road West Neighbourhood Centres are in excess of 600m walking distance and, as such, serve an entirely different catchment. In practical terms therefore, the only centre that ought reasonably to be assessed against the sequential test is Cirencester/Croft Road.
- 5.14 This is a reasonable approach that reflects the views of the Inspector in respect of the appeal decision for a similarly sized store at Bear Flats in Bath (Ref 2124252) (**Appendix B**). Paragraph 18 of that decision notes:

"At the Inquiry the Council explained that it considered the sequential analysis undertaken for the appellant company to be inadequate as it did not refer to any other local centre or the City Centre. There would be some overlap between the PCA of the proposed store and centres other than Bear Flat. In particular there would be considerable overlap between the PCA of the proposed development and the catchment area of the Moorland Park local shopping centre (which is also known as Moorland Road). The availability of units within Moorland Park and other centres has not been fully assessed. However, Bear Flat is the only centre within easy walking distance of Poets Corner and Bloomfield. Additional convenience good retail space in other centres, including Moorland Park and the proposed store at Odd Down, would be inconvenient for residents of those areas, particularly for daily and top up shopping. Additional convenience retail space within those centres would therefore not promote more sustainable patterns of travel for a substantial proportion of the population of the PCA. For these reasons I consider that it would be inappropriate to give preference to other main or local centres."

Site assessment

- 5.15 In the context of the above, we have considered the potential of any vacant units and sites at the Cirencester/Croft Road local centre to accommodate the minimum requirements above
- 5.16 Our assessment, undertaken on 2nd October 2013, of Cirencester/Croft Road identified only four units, all of which were occupied. Moreover, our assessment confirmed that even undertaking a flexible assessment of the centre, unsurprisingly, given the scale of the centre, identified no sites that are suitable, available and viable alternatives to the application site. For completeness, Church Street and Lyefield Road West were also assessed and no vacant units or sites were identified. It is our view therefore that the application proposal satisfies the requirements of the sequential test.

Conclusion on the sequential test

- 5.17 The application site falls in an edge of centre location and as such it is incumbent on the applicant to demonstrate that there are no in-centre locations that are suitable, available and viable to accommodate the proposal. In undertaking and interpreting the sequential test, guidance and case law encourages a realistic and flexible approach that reflects factors such as the intended catchment of the proposal and commercial needs.
- 5.18 In this context we have undertaken a sequential assessment and identified no in-centre sites or premises that could accommodate this proposal, either as a whole or in its constituent parts. As such, it has been shown that the proposal is compliant with the sequential test to site selection.

6.0 Trading Impact

- 6.1 As a proposal well below the NPPF threshold of 2,500 sq m gross, planning policy does not require that impact be addressed by way of a detailed assessment unless there are lower thresholds set in an adopted Local Plan.
- 6.2 This point has been confirmed in an appeal in respect of a Co-op store in Coggeshall, Essex (Appeal ref. 2171723) (**Appendix C**) where, absent of a lower threshold than the 2,500 sq m in national guidance the Inspector concluded that a retail impact assessment for the 760 sq m store proposed in that case was not required.
- 6.3 The proposed convenience store is, at 372 sq m gross, well under the threshold set in the NPPF and only just over half the size of the store considered at the Coggeshall appeal. The proposed A3 units are, of course, significantly smaller still.
- 6.4 Notwithstanding this position, to assist officers' understanding of the proposal, we have undertaken a brief assessment of impact of the convenience store element of the scheme.
- 6.5 Insofar as the only defined centres in the vicinity of the application site are Cirencester/Croft Road, Church Street and Lyefield Road West Neighbourhood Centres, these are the focus of our impact assessment. Only Cirencester/Croft Road falls within the 500 metre walking catchment.
- 6.6 In the following paragraphs we consider the trading characteristics of the proposal to give an understanding of its direct effects on Charlton Kings.

Existing provision

- 6.7 Cirencester/Croft Road comprises a total of four units, of which, only two are in convenience use. These are a Nisa mini-market and a speciality butcher.

- 6.8 The butcher has a speciality offering that is very different to the mainstream pre-packaged offer that is proposed. As noted in the Barbourne Road appeal decision in Worcester (Appeal Ref. 2080539) (**Appendix D** - Para 22), such stores offer a “niche service” that is not in direct competition with mainstream convenience stores.
- 6.9 The Nisa is a small convenience unit that has recently been internally altered to turn storage space into sales area. As such, the VOA recorded sales area of 91 sq m underestimates the sales area in our view by about 40 sq m. Notwithstanding this change in sales space, the store continues to have a relatively limited offer, particularly in terms of fresh fruit and vegetables, fresh meat and other perishable goods. The new arrangements have also resulted in significant storage of produce within the sales area, reducing the overall quality of the shopping experience.
- 6.10 While this outlet fulfils an important role and function, it does not provide the range and choice of goods required to provide a genuine alternative for top-up shopping to the larger supermarkets further afield. This is evidenced within the household survey data contained within the DPDS study, which does not record any responses identifying this store as a principal top up location.
- 6.11 Approximately 600m to the east of the application site is Church Street Neighbourhood Centre, which serves a different catchment. The centre comprises nine units in total of which, the convenience provision comprises a Co-op (270 sq m net) and Forge News (30 sq m net).
- 6.12 To the north-east is Lyefield Road West Neighbourhood Centre approximately 600m from the application site, which again serves a different catchment. The centre comprises four units in total, of which two are convenience stores. These comprise Budgens (118 sq m net) and The Flower Room, a speciality florist (20 sq m).

Proposed store

- 6.13 There is no operator associated with the store at present, but it is anticipated that it will be occupied by one of the national retailers such as Waitrose, M&S, Tesco, Co-

op, Morrisons or Sainsbury's.

6.14 As outlined above, existing local top up provision in this area is limited and the majority of locally generated top up spending is directed to larger stores further afield. Accordingly, we consider that the proposed convenience store's trade draw will be orientated towards those mainstream food stores and larger top up stores operating beyond the local area.

6.15 Furthermore, some "distress" top-up purchases at the store will include goods which otherwise would normally be purchased as part of a main food shop beyond the local area. The location of the application site on the main road through Charlton Kings will ensure that it is well placed to intercept shopping trips currently being made to stores further afield.

Proposed Turnover

6.16 In order to quantify any potential impact of the application proposal, it is first necessary to estimate the likely turnover that the proposed retail unit would expect to achieve.

6.17 For the purposes of this assessment we have adopted a figure of £4,500 per square metre. This sales density is a representative average of that achieved by a mix of the kind of national multiple and franchise operators likely to be drawn to an outlet of this nature in this location.

6.18 This means that the total turnover of the proposed retail floorspace (280 sq m net) will be circa £1.26 million in 2013. On the basis that convenience goods will account for 90% of total net sales area, this equates to a convenience turnover of £1.13 million.

6.19 As a sensitivity test, and reflecting previous discussions with the LPA's retail consultants DPDS in respect of a similar proposal elsewhere, we have also considered the turnover at a higher sales density of £6,000 per sq m, which may be

considered a 'worst case' scenario. This would equate to a convenience goods turnover of £1.51 million.

- 6.20 The level of comparison goods diversion is so limited as not to justify detailed assessment.

Trade draw

- 6.21 In the absence of the provision of larger supermarkets within Charlton Kings and being located on a busy arterial road, we consider that trade drawn from Morrison's at Up Hatherley, Sainsbury's at Priors Road, Waitrose at Honeybourne Way and other supermarkets further afield will account for about 80% of the proposed store's turnover.
- 6.22 The household survey within the DPDS report confirms that none of the convenience stores within the adjoining Neighbourhood Centre were individually identified as providing a top-up shopping role.
- 6.23 We estimate that the remaining 20%, or £0.23 million, will be drawn from smaller, top-up orientated stores in the locality and along the Cirencester Road. Up to one third of this diversion, amounting to about £75,000, will be diverted from the Nisa store to the south of the application site. At the 'worst case' sensitivity test levels identified above, this would increase to just over £100,000.
- 6.24 This store appears to be trading at levels above average for this kind of outlet and is estimated to have a turnover at present of about £650,000 - £750,000 per annum. The proposed store would therefore generate an impact of approximately 10-12% on that store at the forecast levels, and between 13-15% at the 'worst case' sensitivity test levels. Given the trading performance of the store, this is not likely to materially undermine its future trading and cannot therefore be considered a 'significantly adverse' impact when assessed against the tests of the NPPF.
- 6.25 Other stores, including Co-op, Budgens and other local stores will experience lower

impacts with consequently lower levels of diversion.

6.26 We would note of course that the impact figures given above need to be considered in light of a number of factors.

6.27 Firstly, these represent only a sectoral impact on convenience goods outlets. Planning policy is concerned with impacts on centres as a whole. In reality, shoppers who switch to the proposed store will still visit the identified centres for services and goods, which would not be available at the store. Anyone needing to use the Post Office (Lyefield Road West), visit a pharmacy, hair salon, coffee shop and takeaway would continue to do so regardless of the proposed store.

6.28 Secondly, the figures above make no allowance for 'linked trips' arising from the clawback of expenditure. Some 80% of trade to the new store will be clawed back from outlets beyond Charlton Kings itself. The new store, in an edge of centre location, is well placed to generate linked trips from those new customers to other facilities, including the local butcher.

Conclusions on retail impact

6.29 Our assessment above has shown that, considered on its own, the proposal will result in only a moderately adverse impact on the existing Nisa store and no material impact on other stores and centres. When considered against the effect on the centres as a whole and taking account of spin off trade generated by the new store, the proposal will not have a significant adverse impact on the vitality and viability of any of the centres identified.

7.0 Conclusions

7.1 This Statement has considered the application proposal against the relevant tests of national and local planning policy. It has concluded that the proposal will deliver a number of benefits to the local area and will meet both national and local planning policy objectives, including:

- Supporting Charlton Kings in increasing local range and choice and encouraging sustainable transport choices; and
- Creating new local employment.

7.2 These benefits will be achieved in compliance with the requirements of the sequential test, and without significant adverse impact on existing defined centres.

7.3 In summary, we contend that the application proposal is fully compliant with key national and local planning policy objectives in respect of investment and will result in economic and sustainability benefits to the local area. Accordingly, the application should be supported and planning permission granted.

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14th February 2014

Mrs L White
Senior Planning Officer
Built Environment
Cheltenham Borough Council
Council Offices
The Promenade
Cheltenham
GL50 9SA

Dear Lucy

**Planning Application 13/02174/FUL Land at 86 Cirencester Rd
Cheltenham**

I refer to your instructions and write to set out our assessment of the Retail Impact Assessment submitted with this application. As background, we will first set out our understanding of the proposal as it is relevant to this and briefly the relevant retail planning policy. We are familiar with the area and have visited the shops in preparing this report. We are also aware of the public response to the application from the Council's website.

The Proposal

The proposal is for a convenience food shop with 371 sq m GIA and two A3 units with 46.5 sq m each. The food shop impact assessment is based on a sales floor of about 280 sq m. This is a reasonable sales to gross ratio for a unit of this size, but in practice it is likely to be a maximum of 278 sq m to comply with the Sunday Trading law maximum of 3000 sq ft. This corroborates the net sales area assessed, because it is unlikely that a new convenience store would be built which could not trade on Sundays.

The layout plan indicates 16 parking spaces and a service area along the street frontage and separated from it by bollards. The access to this servicing area would be from the south only and the egress to the north, and the access and egress to this area would be restricted by removable bollards. There is apparently no named user, but the store would be capable of accommodating a Tesco Express or similar, but nothing larger.

The site is on the west side of Cirencester Road just over 100m north of the Croft Rd/Cirencester Rd Neighbourhood Centre. Other centres in the area are some 600 m to the north on Lyefield Road West, and the Church St Neighbourhood Centre some 500 m to the east by road. I will consider the characteristics of these centres in relation to the likely impact.

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- Development
- Environment
- Architecture
- Urban Design
- Landscape Design
- Project Management

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Planning Policy

The requirements of the NPPF in relation to retail development are well known and continue the long established sequential and impact tests. Where proposals fail to comply with either of these they should be refused (para 27). The threshold for requiring impact assessments is given as 2,500 sq m unless otherwise stated in a development plan. The proposal is clearly substantially under this threshold, but that does not, in our view, make retail impact immaterial, although it does influence the level of detail that it is reasonable to expect. The applicant evidently agrees and has submitted an impact assessment.

The development plan for the area is the Cheltenham Borough Local Plan 2nd Review. The Core Policies are described at the heart of the Plan. Policy CP1 requires account to be taken of the principles of sustainable development. Policy CP2 sets out a sequential approach to the location of development for all development which generates a significant number of trips. The emphasis is on development in the Core Commercial Area, and district and neighbourhood centres are favoured over out-of-centre locations. Policy CP4 sets out the criteria by which development will be judged to achieve a safe and sustainable living. These are the impacts on the amenity of neighbours and the locality, the impact of the traffic generated on the environment, the impact on crime and disorder and maintaining the vitality and viability of the town centre and district and local shopping facilities. These principles, applicable to all development are, for retail development, echoed in the retail policies, and I shall examine these proposals in relation to the retail rather than the general policies.

Policy RT1 sets out the sequence of locations within the Borough where retail development should be accommodated, with the order of preference being the Central Shopping Area, Montpellier and High St West End, elsewhere in the Core Commercial Area, district or neighbourhood centres, and then out of centre sites which are accessible by a regular choice of means of transport.

Policy RT4 states that proposals for retail development will be permitted within the defined boundaries of district and neighbourhood centres, subject to being appropriate in scale and function to the centre, retail impact, traffic impact, and the impact on on-street parking. It is noted that the boundaries of district and neighbourhood centres are defined on the proposals map and amplified in Appendix 6 of the Plan.

Policy RT 6 states that proposals for new local shopping centres will only be permitted in an area of identified deficiency.

Cont/d....

Mrs L White
Cheltenham Borough Council



Policy RT7 states that retail development will only be permitted outside the defined shopping areas where the need for additional floorspace has been demonstrated and the proposal would not harm the vitality and viability of the town centre or any district or neighbourhood centre.

Policy RT8 permits proposals for new retail floorspace outside of the defined shopping centres subject to a size limitation of 100 sq m.

Neighbourhood centres are defined in the Plan's Glossary as

"A local shopping centre comprising a small group of shops, selling mainly convenience goods to a catchment drawn from adjacent residential areas."

The Plan identifies the three centres we identified nearby as neighbourhood centres.

Policy Appraisal

The application site is not within any identified centre and is for more than 100 sq m of floorspace. It therefore falls to be considered under Policy RT7. However, RT7 is not entirely up to date in its reference to need. This was expressly dropped in PPS4, and there is no reference to it in the NPPF. Mango states that the policy can therefore no longer be afforded any legitimate weight in the consideration of the application. I believe that this overstates the case considerably. The Council is statutorily obliged to have regard to the development plan policy but the NPPF remains a material consideration to which considerable weight should be given and which would be given by the Inspectorate. The Council should in my view not place any great weight on the demonstration of need. However the remainder of the policy is consistent with the NPPF and should be accorded due weight.

In relation to policy RT6, Mango claims that the proposal would not be a local centre and draws attention to the definition of a local centre in PPS4. However, this is of little assistance in understanding the policy. PPS4 was not operative when the plan was drawn up, or adopted in 2006. Nor is it operative now that PPS4 has been superseded by the NPPF. The NPPF contains no definition of local centres. There is little difference between the facilities offered in the development and those offered in the smaller neighbourhood centres around and I conclude that the proposal would be a new local centre in the context of the Local Plan.

However, the policy is based on the concept of an identified need and I must conclude that the policy would be unlikely to be found fully up-to-date or accorded much weight at an appeal.

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However, this is largely immaterial in this case. Para 11.51 of the explanatory text is clear that the purpose of the policy RT6 is to protect district and neighbourhood centres. These are also protected under policy RT7 and if the proposal would cause significant harm to any centre, planning permission can be refused under that policy regardless of the weight to be accorded to policy RT6.

Mango lays great stress on the presumption in favour of development set out in para 14 of the NPPF. However, the section quoted by Mango applies only where the development plan is absent or silent or out-of-date and that the specific policies of the Framework take precedence over the general presumption in favour of development. The specific policies for retail development are those contained in para 23- 27.

Mango also quotes at some length the Ministerial Statement, Planning for Growth, of March 2011. If there is conflict between this statement and the NPPF, greater weight must logically be given the NPPF as the more recent expression of Government policy. That is not to say that the Council should ignore any economic benefits of the development, but they need to be balanced against any harmful effects of the proposal – in effect the specific policies of the NPPF should be given more weight than Planning for Growth.

The benefits the additional retail facilities would provide for the public are material and I shall assess those in the context of the existing retail facilities when I consider the question of the likely impact on the centres.

I therefore conclude from this assessment of policy that the main policy issues are the impact of the proposal on recognised centres and the availability of sequentially preferable sites.

The Sequential Test

At the outset, there were no obvious opportunities to accommodate a development of this nature in the three neighbourhood centres and unless the Council is aware of any there is no need to consider the issue of flexibility within the test. The main issue is, therefore, in my mind, the area of search. Policy RT1 of the Local Plan sets out the sequence which, in short, starts with the town centre, then district and neighbourhood centres and only then out-of-centre sites which are accessible by a regular choice of means of transport. Mango accepts this policy is update (para 4.14).

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Mango has not considered sites in the town centre of which there are a number. However, it is arguable that since the purpose of the proposal is to increase the convenience shopping facilities locally, none of the sites in the town centre could be considered suitable. Planning policy should be applied with a view to the objectives of the policy rather than construed as statute. Within the context of the current proposal, I consider that the Council would have difficulty in sustaining an objection based on the failure to comply with the sequential test on this basis.

I therefore conclude that unless the Council can identify a suitable available site in the Charlton Kings area, it should not object to the proposal as failing to comply with the sequential test.

Retail Impact

The impact of the proposal on existing centres is a material consideration, and the Council must be aware of the likely impact if it is to determine the application according to planning policy. However, a full retail impact is not required because the proposal is substantially below the threshold for their requirement. I will approach Mango's assessment in that context.

It is also worth commenting at the outset that it is difficult to assess the impact of the proposal on local facilities because these are dominated by independent retailers. Not much is known about their trading performance and they generally do not have the reserves of capital to support trading at a loss for any length of time. The Portas Review, an independent review of the future of the high street prepared by Mary Portas in 2011 at the request of the Prime Minister, suggested that a 15% drop in margins could be sufficient to make an independent retail business unviable.

Existing Provision

Croft Rd/Cirencester Rd Neighbourhood Centre.

Mango starts by reviewing the existing centres. The Croft Road/Cirencester Road is identified as having 4 units, of which two are occupied by food shops, the Nisa and the butchers. The other units are used by a hairdresser and beauty salon. Mango claims that the butcher would be protected by its speciality role, and as the proposed store would only sell pre-packed meat, that they would not be in direct competition.

Cont/d....

Mrs L White
Cheltenham Borough Council

This is true only to a certain extent. People would not buy significantly more meat as a result of the proposal and the sales are going to be diverted from some retail outlet. I will return to that point in assessing the likely impact.

Mango describes the Nisa as having a relatively limited offer particularly with regard to fresh fruit and vegetables, meat and other perishable goods, and somewhat carpingly, that goods are stored in the sales area. My own view is that the Nisa is a well stocked shop for its size, recently refurbished and bright and modern inside.

The Centre does not have off-street car parking and Cirencester Road at this point inhibits parking on the main road. This would be a significant factor in the impact of the proposal on the centre.

Mango claim that the household survey carried out as part of a retail study for the Joint Core Strategy provides evidence that this centre

“does not provide the range and choice of goods required to provide a genuine alternative for top-up shopping to the larger supermarkets further afield.”

While it is self-evident that it does not provide the range and choice of goods available in larger supermarkets; that is a reflection of its role as a neighbourhood centre. No such inference can however, be drawn from the household survey. This was a survey of shopping behaviour at a strategic level, and neither the sample size nor the questions were designed to identify shopping patterns at this local level.

Church Street Neighbourhood Centre

Mango describes this centre as serving a different catchment area. I do not believe this to be true. Church St is a significantly larger centre, with a historic village centre and a modern precinct accommodating a Library, Youth and Community Centre, Council Offices and a playground, with a car park which serves the whole centre. As well as the Co-op and Forge News, there is a choice of take-aways, two hairdressers and a pub. It clearly serves as a hub for the local community at a higher level than Croft Road and there must be a considerable overlap in the catchment areas.

Lyefield Road West Neighbourhood Centre

This is a small centre at the junction of Lyefield Road West and Copt Elm Road. It contains a recently refurbished Budgens store with a good range

Cont/d....

Mrs L White
Cheltenham Borough Council

of fresh food as well as the usual convenience store goods. The centre also contains a pharmacy and café. The only post office serving the whole of the residential area in question is further along Lyefield Rd West outside the neighbourhood centre but I was given to understand that it was shortly to be moving to the Budgens store.

Overall, I consider that the area is quite well served with local shopping. While the proposed development would add to these, I do not believe that there is a dearth of shopping for local residents which would justify giving this great weight in determining the application.

Turnover of the Proposal

Mango state that there is no named occupier but that the proposal is aimed at leading food retail companies. Mango estimate the turnover of the proposal at £1.26m based on a sales of £4,500/sq m and the sales floorspace of 280 sq m. It goes on "test the sensitivity" of this sales density assumption by using a figure of £6,000/sq m which it describes as reflecting previous discussions with DPDS on a similar proposal. This was in Barton Street Gloucester and concerned the conversion of the India Public House to a foodstore (Application No 12/00459). In fact Mango used a sales density figure of £5839/sq m for the main proposal and £6,000 to assess a fall back position. We commented that a higher sales density could be expected assuming a national multiple operator.

That remains our view in respect of the current proposal and we note that at the Barbourne Road appeal, quoted by the applicant, the appellant's evidence indicated a turnover of £1.5m from a sales floorspace of 212 sq m (para 14 of decision letter). This equates to £7,075/sq m in prices at that time. Taking that to be in 2008 prices (the appeal decision was in 2009) it would equate to a figure of about £8,400/sq m in 2014 prices. There must be considerable uncertainty about the turnover that the proposal would achieve, but given that the proposal is intended to be occupied by a national multiple retailer, we conclude that the turnover is likely to be in excess of £2m. At £8,400/sq m, it would be £2.35m.

Trade Draw

Mango's figures are based on the assumption that 80% of the trade of the proposal would be drawn from Morrison's at Up Hatherley, Sainsbury's at Priors Road, Waitrose at Honeybourne Way and other supermarkets further afield. Mango made similar assumptions in relation to the India House proposal referred to above.

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Mrs L White
Cheltenham Borough Council

DPDS questioned that assumption on the basis that it conflicted with broad view that like competes with like (see Practice Guidance on Need, Impact and the Sequential Approach – DCLG 2009) and the impact would be experienced by other local top-up facilities. However, in that case the local convenience stores in the nearest centre were specialist retailers and there was an Asda in walking distance of the proposal. In this case all the foodstores mentioned are a long distance from the site and it is unlikely that top-up shopping from this area is taking place in those stores to any great extent. There is certainly no evidence to indicate that it is.

The proposal is however, on a busy main road carrying traffic from Cheltenham to Cirencester and beyond. Although not the primary route, it is well used by local traffic avoiding traffic queues at the Air Balloon junction at peak times. Given the car parking proposed it would be an attractive place to stop for top-up shopping and a significant proportion of its trade could be expected to arise from pass-by traffic. In contrast comparatively little of the turnover of the existing centres could be expected from these trips because of their location and, in the case of Croft Road, the lack of convenient parking. It would be reasonable to make an allowance for, in my judgement about one quarter of the turnover to come from passing traffic, leaving about £1.7m to come from elsewhere, including the local area.

The proposal would prove attractive to local residents making car borne trips elsewhere because of the convenient parking. The three local centres all suffer from poor parking facilities or poor access by car. It is reasonable to expect a considerable proportion of the £1.7m to come from the local centres.

In para 6.22 Mango state that the Retail Study household survey results indicate that none of the centres is performing a top-up shopping role. We have already commented on the use of the survey results in this way, but it is immediately apparent from the centres themselves that that is exactly the role they perform.

However, not all of the top-up shopping expenditure in the local area will be spent in the local centres. Allowing for about 50% would indicate about £850,000 would be diverted from the centres to the proposal. At 30% the figure would be about £500,000. Of course there is no real way of knowing but Mango's estimate of £230,000 (13.5% of the proposals turnover once the pass-by trade is deducted) appears implausibly low.

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Mango estimates that the trade draw from the Nisa would be £75,000 out of an estimated turnover of £650,000 - £750,000, giving a trade impact of 10-12%. No explanation of the turnover estimate of the Nisa is given. I note that the assumed sales density works out at between £4962/sq m and £5725/sq m. This might not be unreasonable.

After Mango's trade diversion of £75,000, the sales density would be £4893/sq m - £5153/sq m. This compares with Mango's estimated sales density for the proposal of £4,500/sq m based on the leading national multiple food retailers offering adjacent car parking and all the benefits claimed by Mango.

This is not credible. I must conclude from Mango's analysis that the impact on the Nisa would be much greater. This is because of the underestimation of the likely turnover of the proposal and the unrealistic assumptions about trade draw. Mango's "worst case scenario" based on a sales density for the proposal of £6,000 would increase the impact to 13-15%. At a sales density more comparable with national retailers the impact would be in excess of that. Mango's calculations indicate a significant impact that would leave the future of the Nisa store in doubt. Taking account of the conclusions on Mango's estimates on the proposal's turnover and trade draw, the closure of the Nisa must be regarded as likely.

Mango describes the butcher shop as a speciality offer which is very different from the mainstream pre-packaged offer and would therefore not be in direct competition with it. The butcher appears to sell the normal range of meat and I would not describe it as a speciality butcher. Both shops would sell meat and would be in competition with each other and some impact from the proposal would be expected. However, butchers do trade near to small supermarkets in many places and appear to be able to compete in price and exceed in quality. I would, however, expect the butcher to lose some turnover. It is extremely difficult to know how much or how much the business could lose while remaining viable because very little is known about its trading circumstances. However, I do not think there is enough evidence to suggest it would close as an immediate result of the proposal. It might be one factor in a decision to close. For instance if closure had been under consideration for some time, it might provide the stimulus to a firm decision, or not to renew a lease at some time in the future. It is these personal circumstances that make the impact on independent shops so difficult to judge.

Mango does not address the impacts on the Co-op in the Church St centre or Budgens on Lyefield Road West in any detail, simply

Cont/d....

Mrs L White
Cheltenham Borough Council



commenting (para 6.25) that the impacts on these stores would be less. I agree that the impact would be less and the closure of the Budgens would be significantly less likely. The Co-op is unlikely to close. The company has the financial resources to keep trading and this is usually the best option where property is leased and the company would remain responsible for the rent whether trading from the premises or not. Independent retailers, trading from a single store are not in the position to trade at an operating loss and more immediate closure is more likely.

In summary, I conclude that the impacts on Church Street and Lyefield West neighbourhood centres are unlikely to be sufficient to justify the refusal of planning permission on retail impact grounds. The impact on the Croft Road centre would be severe and common sense, let alone the impact assessment, suggests that the closure of the Nisa store is likely.

That would indicate that the proposal is contrary to policy RT7. However, I am concerned that such a decision would not find support at an appeal. The protection of local centres does not generally receive great support at appeal. Planning decisions have to be made in the public interest and should not be used to protect private interests. Although Croft Road is designated as a neighbourhood centre, it essentially consists of no more than four private businesses, two of which are unlikely to be affected by the proposal, and the public interest the centre serves is not entirely clear. While it is generally in the public interest to have a wide range of local shopping opportunities, in this case, the existing shop would, at worst be replaced by an arguably better facility nearby. If the public interest that lies behind the policy to protect neighbourhood centres is to ensure the widespread availability of local shopping facilities, that objective would not be harmed. On the contrary, the proposal could be seen as enabling the modernisation of local facilities and a refusal as protecting what are essentially private interests.

Overall Conclusions

The proposal would extend the range and quality of shops available in the local area, as would most retail developments, but there is no “qualitative need” in the area to which special attention should be paid.

The Local Plan policies for retail development are not wholly up-to-date and the Council should rely only on those parts of the main retail policies which are in accordance with the NPPF to determine the application. This overall policy context indicates that the main issues are the sequential and impact tests. The issue of the need for the proposal should not be given significant weight.

Cont/d....

Mrs L White
Cheltenham Borough Council



With regard to the sequential test the Local Plan policy RT1 sets out the order of preference to include the town centre ahead of local centres. Sites within the town centre can be ruled out as unsuitable because they would not serve the intended catchment area. There are, as far I can establish, no suitable opportunities within the neighbourhood centres, including vacant buildings and the sequential test is therefore met, unless the Council is aware of any less obvious opportunities.

The Mango Retail Impact Assessment does not give a convincing assessment of the likely impact on the three neighbourhood centres but there is considerable uncertainty about this. That is primarily because there is no clear evidence on the top-up food shopping patterns in the catchment area of the proposed store and even if there were, there would still be great uncertainty because most of the shops likely to be affected are independently run and their trading position is not known. This lack of information is not the result of deficiencies in the impact assessment and is not easily overcome.

I have aimed to give our best assessment on the likely retail impact based on an assessment of the applicant's impact study and my own knowledge. My conclusion is that main food shops in the Church Road and Lyefield Road West Neighbourhood Centres are unlikely to close and the impact on those centres is unlikely to be so great as to merit a refusal of planning permission on retail impact grounds.

I do however, conclude that the impact on the Croft Road/Cirencester Road Neighbourhood Centre would be severe and that there is a very significant risk that the main food shop there would close as a result of the impact of the proposal. This would be contrary to policy RT7. However, decisions have to be made in the public interest and a technical breach of policy should not be sufficient to refuse planning permission, if the proposal would not harm the objective of the policy. If the existing store were to close, the public would still have local, and arguably better, shopping provision. Furthermore this centre is so small that the decision could be seen as protecting private rather than public interests. I consider that there would be a very significant risk that a retail impact reason for refusal would not be upheld at appeal.

Yours sincerely

A handwritten signature in black ink that reads 'Duncan McCallum'. The signature is written in a cursive, flowing style.

Duncan McCallum
Consultant

Development Planning & Design Services Ltd

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Please Reply to: Swindon Page 255

Our Ref: DAM/jsb/C10225

Your Ref:

Date: 18th September 2014

Mrs L White
Senior Planning Officer
Built Environment
Cheltenham Borough Council
Council Offices
The Promenade
Cheltenham
Gloucestershire GL50 9SA



Dear Lucy

Planning Application 4/01436/FUL - Land at 86 Cirencester Rd Cheltenham

I refer to your email of 27th August 2014 requesting our comments on the application. This is a repeat of an application which was refused earlier this year. That application was refused for three reasons, but we are asked to comment only on retail planning matters. In relation to that earlier application, we concluded that the proposed foodstore would not have significant impact on Church Street or Lyefield Road West Neighbourhood Centres but, on the basis of the information submitted in the Retail Assessment, would be likely to lead to the closure of the Nisa Store in the Croft Road Neighbourhood Centre. We also advised that this impact was unlikely to be given much weight in an appeal decision.

Retail Impact

The applicant has resubmitted the same retail impact assessment together with some local examples of where convenience stores are trading in close proximity to each other. This is not good evidence of the likely impact of the proposal on the Nisa store on Cirencester Road because the circumstances of each centre and their catchment areas vary so much. For example, Bath Road is a large district centre with a wide variety of shops and services and clearly a much larger pool of expenditure to draw on. It is of little guidance in assessing the likely impact on the Cheltenham Road/Croft Road neighbourhood centre. I attach a short note on the examples. This draws attention to the main reason for our earlier conclusion on the impact on the Nisa store – that, on the evidence submitted, there is not sufficient expenditure to support both. The applicant had suggested a turnover of some £1.26m, based on a net sales floorspace of 280 sq m and a sales density of £4,500/sq m and had produced a “worst case scenario” of £1.51m based on a sales density of £6,000/sq m. We regarded the sales densities as too low for the retailers referred to in paragraph 6.13 of the impact assessment.

Nevertheless, the applicant estimated that 80% of the turnover would be drawn from the main large foodstores in Cheltenham and only £75,000 from the nearest direct competitor, the Croft Road Nisa. This is implausible, but even at this level the proposal was estimated as having an impact of between 10% and 15% on the Nisa store. It follows from our view of the turnover and trade draw that the impact would be significantly higher. Independent stores are regarded as being vulnerable to relatively small losses of trade and we concluded, on the basis of the applicant’s figures that the Nisa was likely to close.

Continued/.....

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Mrs L White, Senior Planning Officer, Built Environment, Cheltenham Borough Council
Land at 86 Cirencester Road, Cheltenham

The applicant argues in paragraph 6.7 of the Planning Statement that *“the retail offer proposed in this case would not mirror exactly what is currently offered locally and would not therefore directly conflict with the neighbourhood centre but complement what is on offer”*. It goes on, in paragraph 6.8, to state that it would provide a different offer from that currently available in the centre but does not explain in what way it is different. In the absence of any explanation of the statement, it appears to us that it would be essentially the same – providing for top-up convenience goods shopping for local residents.

There is nothing therefore in the resubmission which leads us to change our view on the likely impact.

The Weight to be given to Policy RT7

The Planning Statement (paragraphs 6.7 to 6.10), however, addresses two further matters raised by the first reason for refusal – the weight which should be accorded retail impact and to local plan policy RT7 and to the impact on the facilities available to the local community.

In relation to the first matter, the key question is whether the policy is up to date and in accordance with the National Planning Policy Framework and the National Planning Practice Guidance. The applicant argues that retail impact is not a material consideration because it is less than 2,500 sq m and there is no other, locally set threshold. The applicant has attached two appeal decisions to support this view. In the first, at Coggeshall, the Inspector concluded that there was no requirement to submit a retail impact assessment, but nevertheless went on to consider the likely impact on the centre. In the second appeal, the Inspector noted that both parties agreed, in the light of the Framework, that there was no need to consider impact in that case (paragraph 27 of the Decision Letter) but he nevertheless went on to consider impact before concluding that it would be *“insignificant in planning terms”*.

The National Planning Policy Guidance was issued in March this year. As noted by the applicant, it states that *“The impact test only applies to proposals exceeding 2,500 sq m gross of floorspace unless a different locally appropriate threshold is set by the local planning authority”*.

On the face of it, this goes against the wording of the Framework which states (paragraph 26) that *“in considering applications for retail, leisure and office development which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set, threshold”* (or the default threshold of 2,500 sq m). The Framework does not indicate that the impact on existing centres is not material for retail development under 2,500 sq m or locally set thresholds.

There is no clear indication from either appeal decisions or the Courts, how the Guidance in this respect should be interpreted vis-a-vis the Framework. It is however, clear from the Taylor Review (External Review of Government Planning Practice Guidance) that practice guidance is not intended to override Government planning policy but to clarify it. To give overriding weight to the statement in the Guidance would be to promote the status of the Practice Guidance over that of the Framework. In the absence of a local threshold, the national threshold of 2,500 sq m applies. The proposal is so far below that threshold that we consider that only limited weight should be given to the impact on centres in this case.

Mrs L White, Senior Planning Officer, Built Environment, Cheltenham Borough Council
Land at 86 Cirencester Road, Cheltenham

It appears to us that policy RT7 cannot be regarded as fully up-to-date with current Government Policy with regard to retail impact in this case (as well as with regard to the requirement to demonstrate need). Although generally consistent with the Framework in relation to impact, Policy RT7 provides protection to the town centre, district centres and neighbourhood centres. However, the definition of town centres in the glossary of the Framework includes district and local centres but specifically excludes "*small parades of shops of purely neighbourhood significance.*" This is exactly what the Cirencester Road/Croft Road centre is and policy RT7 cannot be regarded as up-to-date in respect.

Para 215 of the Framework indicates that due weight should now be given to relevant policies existing plans according to their degree of consistency with the Framework. In determining this application the Council is not obliged to follow Government Planning Policy and Guidance, but must have regard to it and be clear why it is not following the Government advice in any particular case.

The Council should also bear in mind that the Planning Inspectorate is likely to give considerable weight to the Framework and the Guidance at any appeal and limited weight to policy RT7.

The Loss of Local Facilities

In relation to the second point, the reason for refusal states that the proposal would lead to the loss of local facilities and is therefore contrary to policy RT7 and paragraph 70 of the NPPF. The provision of local facilities is the objective behind the policy with regard to neighbourhood centres and the substantive objection to the earlier application in the reason for refusal.

In paragraph 6.8 of the Planning Statement the applicant makes the claims that the proposal would be complementary to the existing offer and would "*not reduce the community's ability to meet its day to day needs*" The statement goes on to claim that the proposal would make the neighbourhood centre more attractive and thereby increase its vitality and viability.

This appears to be predicated on the assumption that the Nisa would continue trading and, the complementarity of the proposal and the centre has not, in our view, been established. However, even if the Nisa store did close, it could not be said that the community would be left without local shopping facilities for its day to day needs – the proposed store would meet these. There would be no loss of facilities to the community. We therefore conclude that there is significant weight in the applicant's claims in this respect and that a reason for refusal based on the loss of local facilities would be unsustainable at appeal.

Conclusions

In conclusion, we find no grounds to change our view on the risk of closure of the existing Nisa store in the new application. We also conclude that the proposed foodstore would not have an adverse impact on any of the other centres.

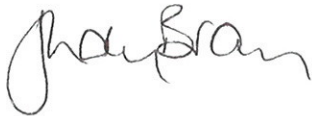
There has been a shift in the national guidance given to local planning authorities since the previous application was determined, and we consider that the Council would have to explain why it was giving overriding weight to Policy RT7 in relation to neighbourhood centres in the context of the National Planning Policy Framework and National Planning Practice Guidance if it were to refuse this application for the same reason as the previous one. We consider that the Planning Inspectorate would give greater weight to the Framework and Guidance in any appeal – both because the Local Plan policy cannot be regarded as up-to-date in ways which impact directly on the application proposal and because the proposed store is so far below the applicable threshold.

Mrs L White, Senior Planning Officer, Built Environment, Cheltenham Borough Council
Land at 86 Cirencester Road, Cheltenham

We also conclude that the applicant has demonstrated that there would be no loss of local facilities and that the objective of the policy and paragraph 70 of the Framework would still be met if the Nisa store did close.

In the absence of a significant adverse impact on town centres as defined in the National Planning Policy Framework, we therefore conclude that any appeal against a retail impact reason for refusal is likely to be upheld.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Duncan McCallum'.

PP

Duncan McCallum BA (Hons), MPhil, MRTPI
Consultant
DPDS Consulting Group

Annex - Examples of convenience stores trading in close proximity

In its letter of 12th May Mango (Appendix 1 to the Planning Statement) sets out examples of convenience stores trading near to each other. We consider each example in turn.

Queens Drive/Gloucester Road

The Tesco Express has only been trading for about 2-3 years and it is not clear what effect it will have on the Co-op outlet in the longer term. The Co-op is, in any case, supported by a wide network of shops and is capable of absorbing impacts on individual stores. It is likely to take long term decisions based on whether it owns or leases the unit and how long the lease has to run since it would be liable for rent whether trading or not. They are also unlike the Cheltenham Road/Croft Road neighbourhood centre, in that they are near the station and benefit from increased pedestrian footfall from a wide catchment area.

Spar and Martins Caernarvon Road

We have not visited these particular stores. Martins is owned by McColls, which does operate convenience stores, but Martins is operated as a newsagents and it seems from the applicants description of it as a newsagents that it operates as Martins. It therefore has a very different retail offer from a Spar.

Co-op and Premier Leckhampton Road

My impression is that the Co-op is considerably smaller than the proposed store and the Premier significantly smaller than the Nisa at Croft Rd. The ability of a location to support two shops or an amount of retail floorspace depends on its catchment and thus where the alternatives shops are. Little can really be concluded from this example.

Sainsbury Local/Co-op and Natural Grocery Store Bath Road

Bath Road is a large local centre with a wide range of shops and services and clearly attracts custom from a substantial area. It is clearly not comparable to the Croft Rd Neighbourhood Centre.

The Co-op and Esso PFS Six Ways, London Rd.

Six Ways is a significantly larger centre than Cirencester Road/Croft Road. Petrol sales obviously fundamentally alter the viability of a convenience store and it is not comparable to the Nisa at Croft Road. My impression from visiting the Esso store for petrol is that many of the other sales in the Esso store are ancillary to the petrol sales.

Mace/BP PFS and East End Store, London Road

These are not comparable to the Cirencester Road/Croft Road situation if the proposal were permitted – both stores are considerably smaller and petrol sales fundamentally alters the viability of the Mace store.

Hewlett Road

There is limited overlap between the retail offer of Bargain Booze and the Tesco Express. A greengrocers shop did close when Tesco opened.

Morrisons, BP Garage and Best One Stop Convenience Store Prestbury Road

Morrisons has only opened very recently and it is too early to tell what the impact will be. The BP garage sells petrol and is not comparable. My impression from using the BP garage is that some customers do not buy petrol at the same time but that the majority of the goods sales are linked to petrol sales.

Conclusion

We conclude that there are significant differences between the examples and situation as it would be if the proposed store were permitted. None of them therefore provides sound evidence of the likely impact of the proposal on the Nisa store. Convenience stores can trade in close proximity to each other, district centres indicate this clearly, but it depends on their size compared to their catchment area and the amount of competition within that.

APPLICATION NO: 14/01436/FUL		OFFICER: Mrs Lucy White
DATE REGISTERED: 19th August 2014		DATE OF EXPIRY : 14th October 2014
WARD: Charlton Park		PARISH: CHARLK
APPLICANT:	CTC (Gloucester) Ltd	
LOCATION:	86 Cirencester Road, Charlton Kings, Cheltenham	
PROPOSAL:	Erection of a new convenience store (A1) with associated parking following demolition of all existing buildings on the site (revised scheme following 13/02174/FUL)	

ADDITIONAL REPRESENTATION

165 Cirencester Road Charlton Kings Cheltenham Gloucestershire GL53 8DB	
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Comments: 17th October 2014

Firstly I would like to express my concern that though we were all officially notified in a letter from the Council that the Neighbour Consultation Expiry Date and deadline for comment on the Planning Portal was 11/09/14, the Developer and Consultants have continued to add new revisions and documents to the Planning Portal since that date. Add this to the fact that the Planning Portal kept crashing (including on the 2 days before the deadline) then I would question the fairness of this process.

When you 'let' the public comment on an application are you just looking for a basic 'yes I like the general concept' or are you giving us the opportunity to carefully weigh up the evidence? The 'general public' include many professionals with relevant knowledge and expertise and also many people who have common sense and a REAL working knowledge of the local area. We are not just interested in looking at the pictures and jumping to conclusions but want to be able to make a thorough analysis of the proposals. I would argue that this is yet another example of how poorly this whole planning application has been handled.

The latest documentation (published 29/09/14) includes a covering letter form Hunter Page in which they say:

'Furthermore, a lot of objections have been raised on the basis that the application is for a Tesco store'

I am not sure what point they are trying to win with this comment but I can safely say that none of the objections have been made simply because we particularly don't want a Tesco store, all of the objections have been raised because we don't want ANY 'Convenience' store on the site.

It is surely clear to anyone that all the objections re traffic congestion, road safety, parking problems, noise pollution, light pollution and the threat to the existing neighbourhood shopping centres including our Post Office apply equally to any supermarket.

There has been a small concession to the store opening hours making them 7am-10pm Mon-Sat and 7.30am-9.30pm Sundays and Bank Holidays, but with deliveries still starting from 6am. All previous planning permissions for this site have limited the site operations to much shorter hours to protect the amenity of the neighbours.

e.g. Planning Permission for opening hours of the existing Car Wash:

"The operation of car washing and valeting on the site shall take place only between 09.00 and 18.00 Monday to Saturday and between 10.00 and 14.00 on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring residents in accordance with Policy CP3 of the Cheltenham Borough Local Plan (2006)."

Mike Redman: Assistant Director - Built Environment 30th April 2009

Planning Permission for the change of use to car sales from used car and fuel sales:

The car sales were restricted to No servicing, valeting or preparation of cars after 6pm Monday to Friday and 1pm on Saturdays, Sundays or Bank Holidays, 'in the interests of the amenities of neighbouring residents.'

Grahame Lewis, Head of Development Services 26th March 1998

Can someone please explain to me why our amenity is now considered less important?

When considering the Delivery Management Plan I have discussed the realities of shop deliveries with existing shop owners i.e. the people who really know what actually happens in the world of supermarket deliveries I can add some clarity to the developer's Delivery Management Plan:

- All HGV deliveries will not arrive from the south
- Each delivery driver will not contact the store in advance
- Vehicle engines will not always be switched off
- Tail lifts will not always be operated with care
- Cabin doors will not always be closed gently
- School drop off and pick up times will not always be avoided
- All deliveries will not always be allocated a time slot

I still can find no way of reconciling the fact that the Developer agrees it is a good idea to avoid delivering at school pick up times 'to avoid potential conflict between delivery vehicles and school children' but still thinks it is a good idea to have a store which will generate a Weekday Peak Traffic Time between 8am-9am (as identified in their own Noise Survey documentation); i.e. they recognise that Deliveries could cause conflict with school children in the vicinity of the site but apparently all the cars won't?

"A key factor in determining this application is the previous use of the site"

GCC Highways Planning Liaison Officer

The fall-back position is what the site has current planning permission for, previous uses such as the petrol station can be considered but I am surprised that the Highways Officer has suggested that this should be 'afforded considerable weight' (with) the canopy and tanks still in situ'. Tanks cannot just be abandoned and their decommissioning is covered by regulations, they have to be rendered safe by either

being removed or filled with concrete or a hard foam. When the tanks of the Car Wash Site were permanently taken out of use they were filled with concrete so they are now completely redundant.

The current site is not a petrol station, it does not have planning permission to be a petrol station, and it is not likely to become a petrol station. With the spectre of petrol station dismissed then the Highways report completely falls apart and bang goes the argument that the proposed development will not be detrimental to our amenity.

Much of this process has been shoddy and in my opinion skewed in favour of the developer with the Planning Officer being prepared to base the previous recommend to permit on flawed documentation and questionable logic. I am just thankful that the Councillors were able to see the reality of the situation, defend the local residents and reject the previous application and I sincerely hope we can rely on their common sense again.

Case Studies:

Borough Green, Kent

February 2011 - a Government planning inspector backed Tonbridge and Malling Borough Council's original decision to refuse Esso permission to open a Tesco Express store in Brackenhill Service Station. The Inspector determined that "the main issues are the impact on the living conditions of the occupants of adjoining dwellings in terms of noise and disturbance and light pollution".

Camberley, Surrey

August 2014 - Appeal dismissed. The Planning Inspector said he had taken into account the "quite exceptional level" of opposition the proposal generated. Many local residents feel that there is no need for another store and are concerned that the proposal would lead to the loss of existing shops which are seen to have an important community role over and above their retail function, the centre does not give the impression that it is vibrant and of high quality. Mr Grainger also warned the building proposed by Tesco would represent a "backward step" for the area.

Areley Kings, Worcestershire

May 2014 - Councillors at Wyre Forest District Council's planning committee voted to refuse the application by Tesco to replace the village pub with a Tesco Express store. Committee members overturned planning officer Paul Round's recommendation for approval on the grounds of concerns about highways and quality of life.

New Haw, Surrey

April 2014 - Members of Runnymede Borough Council's planning committee voted to reject plans for an 'Express' store in Woodham Lane, at the corner with The Broadway. The Councillors deliberated for an hour-and-a-half before deciding the plans for the LA Motor Company site were not suitable due to the lack of turning space for large delivery lorries.

Wallesey, Wirral

March 2014 - Government inspectors dismissed Tesco's appeal against a council decision to refuse planning permission for the store on the former Classic Car Sales site, next to the Farmers Arms pub. The retailer's appeal was dismissed by the

Planning Inspectorate on grounds of 'the effect of the proposed development on the living conditions of neighbouring residents, with regard to outlook, overshadowing, noise and disturbance; and, whether adequate off-street parking and servicing provision would be made having regard to the living conditions of neighbouring residents.'

Camberley, Surrey

July 2013 - Councillors voted 12 to three in favour of overturning an officer recommendation to build a Tesco supermarket in Frimley Road. Its reasons for refusal were a loss of residential amenity and industrial use, potential for traffic generation and posing a threat to the vitality of the present area.

APPLICATION NO: 14/01436/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 19th August 2014	DATE OF EXPIRY: 14th October 2014
WARD: Charlton Park	PARISH: Charlton Kings
APPLICANT:	CTC (Gloucester) Ltd
AGENT:	Mr Giles Brockbank – Hunter Page Planning
LOCATION:	86 Cirencester Road, Charlton Kings, Cheltenham
PROPOSAL:	Erection of a new convenience store (A1) with associated parking following demolition of all existing buildings on the site (revised scheme following 13/02174/FUL)

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Members should be aware of recent correspondence from two local residents emailed directly to Members of the Planning Committee. These are attached for convenience.
- 1.2. The first email, sent on 17th October 2014, raises a number of issues which relate to perceived factual errors, and alleged incorrect and misleading information contained within both the Officer report and some of the reports and survey documents submitted by the applicant. The objector claims that these errors were raised with Officers during the course of the previous application and are also relevant to the current application. The areas of concern cover the 'fall back' position relating to the application site, the applicant's Transport Statement, Retail Impact Assessment and Environmental Assessment and Noise Survey.
- 1.3. The second email, received on 20th October 2014, refers to planning appeals and costs which can be awarded against the Council. The objector is concerned that the advice given by Officers regarding appeals and subsequent costs could result in Members being unwilling to refuse "*undesirable developments*". That said, the objector points out that Members should also be aware of the potential costs associated with a Judicial Review on the basis that he considers the current application to contain errors that he claims have been brought to Officers' attention but that Officers have consistently refused to address or acknowledge.
- 1.4. The two emails are attached to this report but Members should note that part of the summary of the email of 17th October 2014 has been redacted due to its content.
- 1.5. On the assumption that the content of the two emails is linked, Officers wish to provide the following comments

2. Fall-back position

- 2.1. The planning fall-back position/previous uses of the application site are referred to in both the Officer report and Highway Officer's comments. Clearly there is some disagreement between local residents and Officers as to what constitutes the fall back position, but the Officer report makes it clear that the previous uses of the site, which include a petrol filling station, are material considerations which both Officers and the Highway Authority consider should be afforded considerable weight in the determination of this and the previous application. Officers accept that local residents disagree with the interpretation

set out within the report to members - this is not uncommon. Having reflected on the content of the letter, there is nothing within it that should change the advice that members have been given within the main report.

3. Highway considerations

- 3.1. The objector refers to the 1996 application (ref: CB19745/02) which, through a S106 agreement, limited the size of car transporters visiting the site. This planning permission was issued in 1998. The representation goes on to ask why a similar restriction is no longer necessary.
- 3.2. In response to this, members are advised that both local plan and national planning policy guidance has shifted substantially since 1996 in terms of highway safety considerations. The application has been thoroughly assessed in terms of highway implications and members are reminded that the Highways Officer has raised no objections to the delivery arrangements and suitability of the access on this site, subject to conditions. The size of vehicles, suitability of the access, pedestrian conflict and amenity issues associated with deliveries to the site are covered in both the Highway Authority response and Officer report for the current and previous applications.
- 3.3. Members are also reminded that highway safety implications did not form part of the reasons for refusal given for the previous application.

4. Retail impact analysis

- 4.1. The concern here relates to how the Lyefield Road West and Church Piece centres have been assessed, with the Mango report suggesting that both are approximately 600m from the application site. This is of course the applicant's supporting statement and officers are quite aware that alternative routes on foot will measure a shorter distance.
- 4.2. Notwithstanding the above, members will be aware that DPDS has reviewed the applicant's submission and their response is consistently critical of the approach taken by Mango. It should be stressed, however, that the DPDS review *does* consider impact on the two centres referred to above but that this does not impact on their overall conclusion. Officers see no reason to question this; the response provided by DPDS is thorough and provides some very well thought through conclusions.

5. Noise impact assessment

- 5.1. The concerns raised by the objector again refer to specialist and detailed points relating to the submitted Noise Impact Assessment. In response to this point, members are again advised that this assessment has been thoroughly scrutinised by the Council's Environmental Health team. The original officer report sets out their thoughts on the scheme but subsequent to this recent correspondence, further discussions between officers have taken place. The outcome of these discussions is that the Environmental Health team remain satisfied with the assessment that has been submitted and there is no need to revisit its findings. The proposal is acceptable in terms of its impact on neighbouring amenity and is compliant with Local Plan policy CP4.

6. Summary

- 6.1. It is quite right for members of the public to question the validity of the information that is submitted to support a planning application; it is for this reason that public consultation

takes place. Members are advised, however, that officers remain entirely satisfied that the supporting information is valid and that every strand of the application has been thoroughly scrutinised. Whilst objectors to the scheme may disagree with the conclusions that support the recommendation and how they have been arrived at, they are all based on a sound understanding of the scheme and an objective analysis of the proposal.

- 6.2. The content of the representations is understood and has not been dismissed but it does not alter the officer recommendation that is before members. As such, the recommendation remains that members resolve to grant planning permission subject to the satisfactory completion of a Section 106 legal agreement.

Re: Revised Planning Application for Car Wash Site, 86 Cirencester Road, Charlton Kings.

Application No: 14/01436/FUL

Dear Councillors,

This Planning Application, just as its near identical predecessor, is based on incorrect and mis-leading information. It is disappointing that despite these points being repeatedly raised with officers during the previous application, there remain clear factual errors that directly relate to planning matters in this application.

These cover the following areas:

1. Planning "Fall-back Position"
2. Transport Statement
3. Retail Assessment
4. Acoustic Impact Assessment

1. Planning Fall-back Position

Please excuse the slightly facetious tone, but "the clue is in the name". A "fall-back position" is one that the developer could "fall-back to" without planning consent if the proposal they are applying for is refused. As the site has not had planning consent to operate as a Petrol Filling Station since 1996, it is not an alternative position that the developer could fall-back to if his proposal is rejected, ie a fall-back position.

I quote from an article explaining the subject by Trevor Ivory of Howes Percival LLP:

"One of the material considerations that a planning authority should take into account when deciding whether to grant planning permission for a development proposal is what the alternative is for the site in question. When the development is not welcomed or contrary to policy, the question of what can be done with the land without the need for planning permission can be particularly relevant. An existing planning permission, permitted development rights and the existing use of the site are all examples of possible fall back options that developers may ask a local planning authority to take into account when deciding whether or not to grant planning permission."

A previous use of the site, that it had a change of use from eighteen years ago, is not a fall-back position as it is not a use that could be entered into without a new planning consent.

The site in question's extant planning consent is for new & used car sales. This was changed from fuel and car sales in 1996.

It is clear from the above definitions of a fall-back position that Petrol Filling Station is not the fall-back position of this site.

However, despite the very clear (and readily accessible) evidence for definitions of a fall-back position, the Officer in question for this application has insisted that the fall-back position for this site is a Petrol Filling Station.

Her justification for this is that the tanks are buried in the ground. Anyone of an engineering background would recognise that fifty or sixty year old underground tanks, that were abandoned over 18 years ago, could not sensibly be pressed back into service. In reality, if this site was to re-open as a filling station, one of the most important operations to take place would be the replacement of the tanks and pipework. This would be necessary to eliminate pollution risks, the risk of groundwater contamination of the stored fuel, and to comply with current fuel vapour recovery standards that did not exist when the Filling Station last operated.

However, if one chooses to ignore this obvious technical rejection of the premise of just re-using the tanks, there is a further very real physical problem to the officer's stated position:

The tanks were actually filled with concrete in the early to mid '90's, after the filling station operation closed down. This is a standard procedure for management of abandoned fuel tanks as laid out in the Environment Agency Pollution Prevention Guidance (PPG) Note 27 and the Association for Petroleum and Explosives "Blue Book", covering the decommissioning of below ground fuel tanks. As well as being good practice, this would be commercially driven by the benefit of reduced insurance premiums resulting from decommissioning the tanks.

The officer's position is presumably based on four manhole covers to the tanks being visible in the forecourt area. However, a simple inspection, by lifting the covers would reveal that three of the chambers have been filled to the underside of the covers with concrete, with the valve gear left in the last chamber to allow air to escape as the concrete is poured into the tanks. Lest there be any doubt on this issue, I am more than happy (obviously subject to the tenant's consent) at any time and date of Councillors' and Officers' choosing, to arrange to lift the covers to expose the "concrete" evidence.

2. Transport Statement

The entire analysis of the transport flows and impact of the proposed development are based on comparisons with forecast data of a Petrol Filling Station. From item 1) above, it is clear that the fall-back position of this site is not a Filling Station and therefore it is similarly quite clear that these comparisons are erroneous and irrelevant and that the conclusions drawn from such comparisons, such as claiming that the proposal will generate a reduction in traffic flows are quite simply not valid.

When the current consent for the site was granted in 1996, part of the Section 106 Agreement was to restrict the size of the delivery car transporters to ones capable of carrying no more than two cars on two levels, ie a maximum length of two cars behind the lorry cab. This was to keep any traffic disruption by the transport activities to a reasonable level.

I am at a loss to understand why if occasional deliveries needed to be restricted to a relatively modest scale vehicle (10m long), that deliveries four times per day, every day, by full-size artics or rigid (12m long) should now be acceptable. This is further compounded by the very real risk of more than one delivery vehicle arriving at the same time (as witnessed at other similar stores such as at Queens Road, Hewlett Road and Church Piece).

3. Retail Assessment

Both the Mango and DPDS reports and Officers have failed to correctly assess the distance *on foot* from the proposed development to the Lyefield Road West Neighbourhood Centre and the Church Piece Neighbourhood Centre. While driving between the proposed site and either of the above

Centres would be a distance greater than 500m. Anyone with local knowledge will know that there are much shorter routes between the site and the two centres on foot.

The Lyefield Road West Centre is accessed on foot by walking north on Cirencester Road, turning right on the public footpath to Gladstone Road, turning left onto Horsefair Street and on to Copt Elm Road and Lyefield Road. This distance is 465m.

Similarly, the route on foot to the Church Piece Centre is to turn south on Cirencester Road, left into Pumphrey's Road, the public footpath through to Horsefair Close, left on Horsefair Street, right on the public footpath to Church Piece Neighbourhood Centre. This distance is 389m.

The Mango report specifically states that other retailers will be affected when within 500m walking distance, and therefore discounts any impact on the Lyefield Road West and Church Piece centres as they are greater than 500m away on foot. This is simply incorrect. These distances can easily be checked using the measurement tool in "Google Earth" or I am more than happy, at any time and date of Councillors' and Officers' choosing, to walk these routes with them with a measuring wheel to prove these distances.

It is both obvious to a lay person, and actually stated in the Mango report, that the distance between the existing Neighbourhood Centres and the proposed development will have a direct bearing on the level of impact on these Centres. Given both reports fail to correctly assess these distances, their subsequent conclusions are meaningless, their analysis being based on incorrect information.

4. Acoustic Impact Assessment

With reference to the Environmental Noise Survey & Noise Impact Assessment Report 19838/N1A1 Rev.3 by Hann Tucker Associates:

The report's author admits that the methodology used for this report *"is only intended to assess fixed sources of industrial noise such as plant, equipment and machinery. Using it to assess noise sources which are not static [i.e. vehicle movements] is widely considered to be stretching the use of the standard"*.

Section 5.4, "Subjective Evaluation", states that "in lieu of a more appropriate method, we have assessed potential noise from delivery and staff vehicle movements based on calculated changes in ambient (L_{eq}) noise levels at the nearest noise sensitive receptors". A far more appropriate measure for assessing the impact on neighbouring residents amenity would be peak noise values (L_{max}), as defined in Appendix A of the report as *"the maximum sound pressure level recorded... L_{max} is sometimes used in assessing environmental noise where occasional loud noises occur, which may have little effect on the L_{eq} noise level."*

I would strongly contend that assessing the noise impact on residents of noises such as car doors slamming late at night, or the roller-shutter door of the early morning newspaper delivery vehicle should be made on the basis of L_{max} . Such analysis would produce a very different conclusion, which is precisely why it has not been considered.

It is not appropriate, despite the report's statement to the contrary, to use the assessment intervals stipulated in BS4142, that by the authors own admission, is aimed at the assessment of continuously running plant, not at discrete loud noises such as vehicle doors being slammed or the operation of roller shutter doors.

In conclusion, this report is deeply flawed, and by use of just L_{eq} and ignoring of the impact on residents of L_{max} , been written to produce the conclusion that the Applicant requires, rather than an accurate assessment of the impact on residents.

The impact on residents should be assessed by a more appropriate methodology, such as the World Health Organisation's publication 'Guidelines for Community Noise' that provides guidance regarding suitable levels of noise that will protect vulnerable groups [ie surrounding residents] against sleep disturbance.

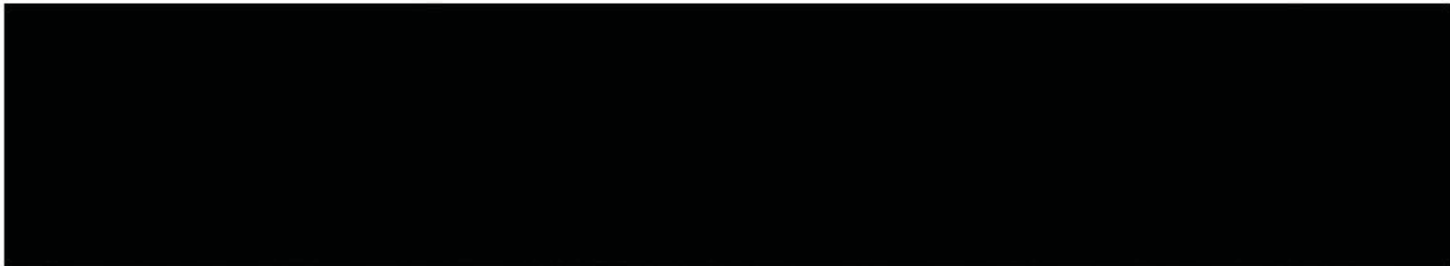
This use of this methodology would, I suggest, provide a very different conclusion regarding the loss of amenity (noise disturbance) to the surrounding residents.

Alternatively, a common sense approach could be adopted. The car wash operations were limited from 9am to 6pm to protect the amenity of the residents. The car sales site worked similar hours. Why should the same not apply to this (or any other) proposed use of the site?

In summary, there are clear unequivocal factual errors and omissions, on pertinent planning matters, in this application that have been repeatedly brought to Officers' attention.

Unfortunately, Officers have chosen to disregard these facts, as they have already agreed with the developer what they consider to be an acceptable proposal at the pre-application consultation.

The Public Consultation, in terms of an intelligent dialogue with Officers, is a sham, as they [the Officers] have already decided pre-application (and pre-public consultation) what constitutes an acceptable proposal.



While I cannot categorically comment on all Professional Associations and Institutions, I can confirm that neither the Institution of Civil Engineers nor the Institution of Structural Engineers carry out audits of their member's work and I do not believe for one moment that other similar Associations and Institutions covering the relevant areas do either.



Given the unwillingness of Officers to accept errors and omissions that conflict with their appraisal and agreement of what is acceptable with the developer's consultants, the public can only rely on the intelligence and common sense of the Councillors to reject this Application on the basis of the factual errors and omissions on Planning grounds as detailed above.

Thank you.



33 Charlton Close
Cheltenham
GL53 8DH

19th October 2014

Dear Councillors,

Re: 86 Cirencester Road, Application ref: 14/01436/FUL (Car Wash Site)

I am writing to address a concern that I, my neighbours and other members of the Cirencester Road Action Group have, regarding this Planning Application. Officers have repeatedly stated that this application should not be rejected as the Applicant will appeal such a decision and if the Borough lost the appeal there would be substantial costs. This view was repeated by some members at the previous Committee meeting.

I am confident the public would view such a position as morally bankrupt, and point out that it would give any developer a green light for any undesirable proposal, i.e. if developers believe CBC does not have the stomach to reject undesirable proposals, such proposals are more likely to be submitted.

There is, however, an alternative set of potential costs that Members should be aware of. This Planning Application and its supporting evidence contain fundamental errors that have been repeatedly brought to Officers attention, but that Officers have consistently refused to address, or even acknowledge. As such, any decision to permit will have been based on incorrect information.

The Cirencester Road Action Group has taken professional advice and been advised that the use of incorrect information to decide an Application amounts to a flawed planning process. A flawed process is open to challenge by seeking leave to appeal to the High Court for a Judicial Review of the process. Such a process would incur legal costs, and the Cirencester Road Action Group already has pledged for a legal "fighting fund" if required.

However, given that the errors have previously been brought to the Planning Authority's attention and have subsequently been ignored, thereby necessitating the application to the High Court, there would be little reasonable doubt as to where the court would award such costs.

We were very pleased that at the last committee meeting Members had the foresight and courage to see beyond the poor advice they were given. While we in no way wish to be seen as litigious or confrontational, and very much value the work the councillors have done to date, the intention of this letter is simply to counter the guidance of "give in or there will be large costs incurred", with the realistic advice that there are potentially large costs associated with making a decision to permit based on incorrect information.

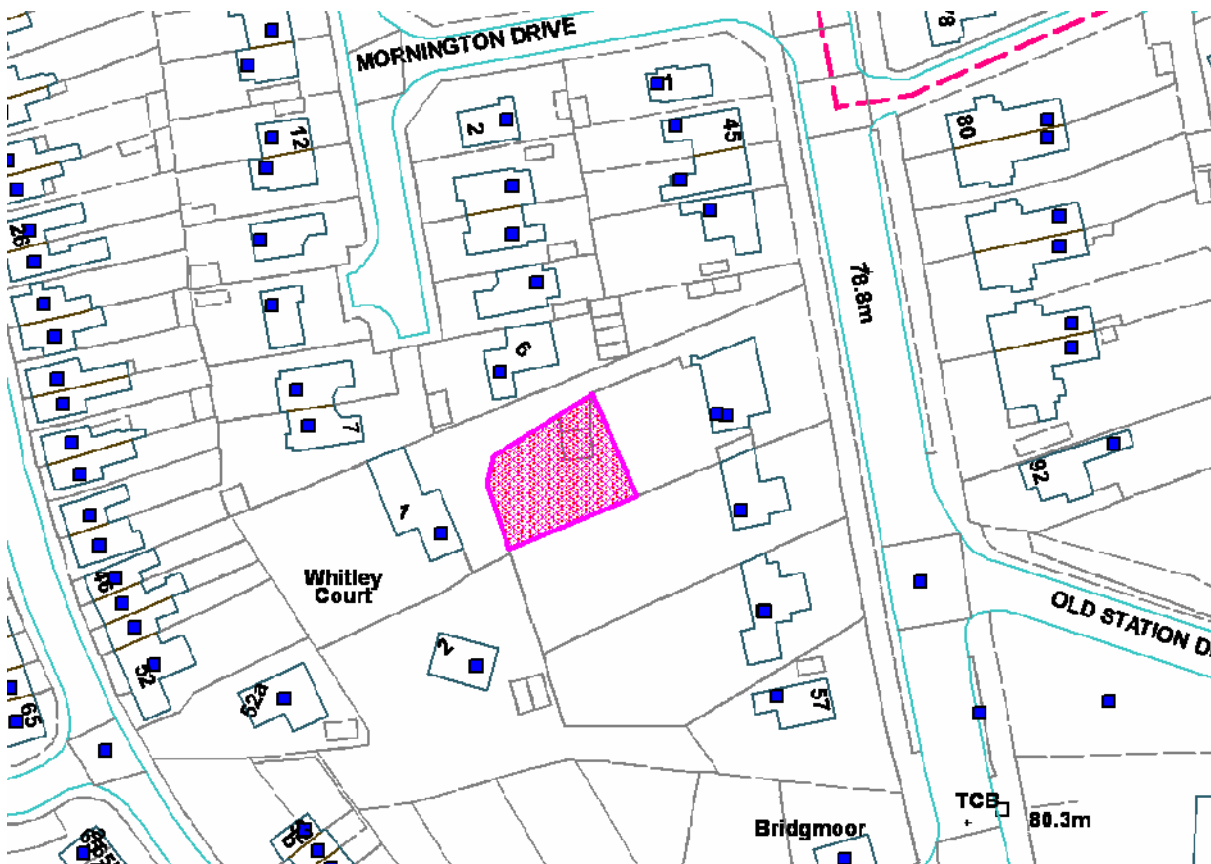
Yours faithfully



On behalf of Cirencester Road Action Group

APPLICATION NO: 14/01124/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 27th June 2014	DATE OF EXPIRY: 22nd August 2014
WARD: Leckhampton	PARISH: None
APPLICANT: Mr Nick Weatherall	
AGENT: Glazzard Architects	
LOCATION: 51 Leckhampton Road, Cheltenham	
PROPOSAL: Erection of detached dwelling on land to the rear	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application is seeking planning permission for the erection of a three bedroom dwelling to the rear of 51 Leckhampton Road.
- 1.2 The proposed dwelling is contemporary in design and the main body of the dwelling would be two storeys with single elements to the front and side. Adequate private amenity space, and parking and turning facilities for the dwelling would be provided within the site.
- 1.3 Revised/additional drawings have been submitted during the course of the application to address a number of officer and consultee concerns.
- 1.4 The application is before planning committee in response to concerns raised by the Architects' Panel. Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Landfill site boundary
Smoke Control Order

Relevant Planning History:

05/01691/FUL

Withdrawn

20th December 2005

New dwelling to rear

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
BE 1 Open space in conservation areas
BE 11 Buildings of local importance
GE 5 Protection and replacement of trees
GE 6 Trees and development
HS 1 Housing development
RC 6 Play space in residential development
UI 2 Development and flooding
UI 3 Sustainable drainage systems
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Play space in residential development (2003)
Index of Buildings of Local Interest (2007)
Leckhampton Character Area and Management Plan (July 2008)
Development on garden land and infill sites in Cheltenham (2009)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre for Environmental Records

2nd July 2014

The report is available to view on line.

Contaminated Land Officer

3rd July 2014

No comment.

Tree Officer

21st July 2014

The Tree Section objects to this application for the following reasons:

- lack of information with regard to trees on and adjacent to the site
- the proposed building is too close to the yew within the grounds of No. 51 and the trees within the neighbours property at No. 53.

Architects' Panel

30th July 2014

When viewed in isolation the panel felt the design was of good quality; however, given the location of this proposal, contextual information is essential. In this respect the panel felt that a long section from Leckhampton Road including the existing property, proposed property and the existing property to the rear was necessary before the application could be properly appraised. Based on current knowledge of the site, it was felt that the overall mass was too great with approximately 60% of the property being two storey – particularly in relation to the neighbouring bungalows. Given both points above, the proposal could not be supported in its current form.

GCC Highways Planning Liaison Officer

31st July 2014

The application site is situated on the class 3 county highway, Leckhampton Road that is subject to a speed limit of 30 MPH. The existing point of access is by way of a private drive in excess of 60 m in length and of single vehicle width with the only one apparent passing place. It currently provides pedestrian and vehicular access to numbers 1 & 2 Whitley Court and an off-street parking space for the existing dwelling. The proposal appears to remove that off-street parking space which could also double as an unofficial passing place. Without this provision, there is a risk of conflict occurring between opposing traffic and / or pedestrians.

The point of access onto Leckhampton Road provides visibility splays in both directions commensurate with the speed of the highway. A tree that is located at the carriageway edge to the left on exit is not felt to present a restriction to visibility. Parking restrictions are in force to both sides of the point of access, ending approximately 3 m to the south of the access along Leckhampton Road.

With regards to the above site; under our Highway's Standing advice criteria we do not need to be consulted on this application and this can be dealt with by yourselves with the aid of our guidance. However, to assist in your response I have reviewed the submitted

documentation and would recommend that this application be refused on highway grounds for the following reason:-

That insufficient evidence has been provided to indicate where any displaced parking will be accommodated either on the local highway network or by the provision of any off-street parking for the existing dwelling.

Cheltenham Civic Society

21st August 2014

This is a welcome design for this site, being discreet and not dominant from the road but with an interesting and appropriate design.

Architects' Panel – revised comments

10th September 2014

The section is ever so slightly misleading as the tree to the left of the proposed building is shown in front of the property whereas it would be behind - ditto the tree to the right of no.51. This alludes to screening which is, in fact, not going to be present in reality. Also, if you were to shade the single storey elements of the footprint dark grey the same as the two storey element it makes the footprint look large in its context particularly for an infill development. Our feeling is that the two storey element is quite large and could have a somewhat overbearing impact on the neighbouring garden. Given this and the bungalows on the other side of the access (is there an overlooking issue here?) we feel that the first floor should be reduced in size.

5. PUBLICITY AND REPRESENTATIONS

5.1 On receipt of the application, letters of notification were sent out to 16 neighbouring properties; in addition, a site notice was posted and an advert published in the Gloucestershire Echo. Further letters were sent on receipt of the revised/additional drawings. In response to the publicity, objections have been received from seven local residents. The comments have been circulated in full to Members but, in brief, the main concerns relate to:

- Overlooking and loss of privacy
- Access and parking
- Visual impact
- Retention of existing trees
- Overdevelopment

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application relate to the principle of the development, design and layout of the proposed dwelling, potential for impact on neighbouring amenity, and highway safety.

6.2 Principle of development

6.3.1 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 but excludes private residential gardens.

6.3.2 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; as it stands, the Council is currently unable to demonstrate such a five year supply.

6.3.3 Where housing policies are not considered to be up-to-date, the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework, taken as a whole.

6.3.4 Further to the above, paragraph 53 of the NPPF suggests that local planning authorities should consider setting out policies to resist inappropriate development of residential gardens and this is what the Council's adopted SPD relating to 'Development of Garden Land and Infill Sites in Cheltenham' seeks to achieve. The document is therefore a material consideration when determining this application.

6.3.5 It is however important to remember that the aim of the Garden Land SPD is not to prevent development on garden land but to ensure that development proposals are based upon a thorough understanding of the character of the neighbourhood, and in particular the street and block within which the site is located.

6.3.6 Therefore, in conclusion, there is no fundamental reason to suggest that the principle of developing this site for a single dwelling would be unacceptable.

6.3 The site and its surroundings

6.3.1 The application site is located on the western side of Leckhampton Road, to the rear of a large detached villa, c1860. The existing villa is one of a row of houses which are locally indexed. No.51 is listed for being a good example of a well designed 19th century detached house which includes details and building materials typical of Cheltenham's urban architecture; it makes a positive contribution to the varied townscape of the Borough.

6.3.2 The existing property currently benefits from a large rear garden which is approximately 38 metres long by 19 metres wide; and the land within the site slopes from east to west. At the rear of site, two detached properties, nos. 1 and 2 Whitley Court sit at a lower level and are accessed via a shared access driveway which runs alongside no.51 to the north. Elsewhere the site is bounded by residential properties in Leckhampton Road and Mornington Drive.

6.4 Design and layout

6.4.1 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 neighbouring development and the character of the locality.

6.4.2 Greater detail can be found in the Council's adopted SPD relating to Development on Garden Land and Infill Sites in Cheltenham which sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines. The document states at paragraph 3.3 that "*The aspects of a place that are visible or experienced from the public realm are generally understood to contribute most to the character of a place*" but does

also acknowledge that *“areas which are less visible, such as back gardens also have a role to play – the extent to which this is the case depends on the visibility of those gardens from the public realm”*. It goes on to state at paragraph 3.5 that *“Responding to character is not simply about copying or replicating what already exists in an area...Change itself is not to be considered a bad thing automatically”*.

6.4.3 The NPPF supports this view at paragraphs 59 and 60 where it states *“design policies should avoid unnecessary prescription or detail but should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings”* and *“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”*.

6.4.4 The proposed dwelling is modern in design with a flat roof and a painted render finish at ground floor, and zinc or similar cladding proposed to the first floor element. Such a contemporary approach on this site is considered acceptable provided its general scale, height, massing and footprint respects its context. The Civic Society also support the design approach stating *“This is a welcome design for this site, being discreet and not dominant from the road but with an interesting and appropriate design”*.

6.4.5 However the Architects' Panel, whilst considering the design to be of good quality when viewed in isolation, questioned the scale and mass of the building in this location and suggested that additional contextual information was required to fully assess the proposal.

6.4.6 In response, the applicant's agent has provided a longitudinal site section which illustrates that the height of the proposed building will be lower than that of both no.51 Leckhampton road to the front, and no.1 Whitley Court to the rear, thereby achieving an appropriate degree of subservience and hierarchy within the site. It was anticipated that this would successfully overcome the concerns raised by the Architects' Panel but they still felt *“that the two storey element is quite large and could have a somewhat overbearing impact on the neighbouring garden. Given this and the bungalows on the other side of the access (is there an overlooking issue here?) we feel that the first floor should be reduced in size”*.

6.4.7 In a further attempt to overcome their concerns, the accommodation at first floor level has been reduced by approximately 7 square metres; and the first floor element has been moved a further 1 metre from the boundary with no. 53. Whilst it has not been possible to re-consult with the Architects' Panel on these revisions, officers consider the dwelling now proposed is of a suitable scale, height, massing and footprint for the site, and would sit comfortably within its context. (Matters of amenity will be considered below).

6.4.8 Adequate levels of on-site car parking and private amenity space would be provided for both the existing and proposed dwelling.

6.4.9 The proposal is therefore considered to meet the aims and objectives of policy CP7 and the garden land SPD.

6.5 Impact on neighbouring property

6.5.1 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.

6.5.2 Whilst officers acknowledge that the proposed dwelling would undoubtedly have an impact on neighbouring properties, it is not considered that any such impact would result in significant harm to their amenity in respect of privacy, daylight or outlook.

6.5.3 The dwelling has been well considered to ensure that outlook from the first floor is proposed only from the front elevation looking towards the access driveway, and no.6 Mornington Drive, a bungalow, beyond. The distance from these first floor windows to the boundary with no.6 Mornington Drive is some 14 metres, well in excess of the normally accepted distance of 10.5 metres; furthermore, the revisions have sought to reduce the perception of overlooking by reducing the extent of glazing and removing the balconies originally proposed to this elevation.

6.5.4 In addition, where the proposed dwelling sits in close proximity to the boundary of the garden to no. 53 Leckhampton Road, in its revised form, the first floor element has been set further away, and is now 2.1 metres from this boundary. Having viewed the site from this neighbouring garden it is apparent that views of the proposed dwelling would be available however it should be noted that the boundary is reasonably well screened. Officers therefore do not consider that the dwelling would have an unacceptable overbearing or obtrusive impact on this neighbouring property, or result in any significant loss of outlook.

6.5.5 The existing trees along the western boundary are also to be retained and as such the dwelling would not significantly impact on the properties in Whitley Court.

6.5.6 Moreover, levels of daylight currently afforded to neighbouring properties should not be unduly affected.

6.5.7 On balance therefore, whilst all of the concerns of the local residents have been duly noted, in its revised form the proposal is considered to be in accordance with policy CP4.

6.6 Access and highway issues

6.6.1 Local plan policy TP1 states that development which would endanger highway safety by creating a new or altered access will not be permitted.

6.6.2 Given the small scale nature of the development, the Local Highway Authority would not normally comment on this proposal as it covered by their standing advice however given the concerns raised by local residents they have provided comments on this occasion which read, in part:

“The point of access onto Leckhampton Road provides visibility splays in both directions commensurate with the speed of the highway. A tree that is located at the carriageway edge to the left on exit is not felt to present a restriction to visibility. Parking restrictions are in force to both sides of the point of access, ending approximately 3 m to the south of the access along Leckhampton Road”.

6.6.3 The only concern raised relates to car parking provision for the existing villa however adequate parking for the existing dwelling has been provided to the front of the property under permitted development.

6.6.4 The proposal is therefore considered to be wholly acceptable on highway safety grounds.

6.7 Other considerations

6.7.1 As with all 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. The sum required in this case would be £368.

6.8 Conclusion and recommendation

6.8.1 A contemporary design approach in this location is considered to be acceptable; and, in its revised form, the proposed dwelling is considered to be of a suitable scale, height, massing and footprint for the site, and would sit comfortably within its context.

6.8.2 Whilst officers acknowledge that the proposed dwelling would undoubtedly have an impact on neighbouring properties, it is not considered that any such impact would result in significant harm to their amenity in respect of privacy, daylight or outlook.

6.8.3 The existing access point onto Leckhampton Road provides adequate visibility in both directions and sufficient parking provision would be available within the application site.

6.8.4 The recommendation therefore is to grant planning permission subject to conditions.

7. CONDITIONS/INFORMATIVES

To follow

APPLICATION NO: 14/01124/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 27th June 2014		DATE OF EXPIRY : 22nd August 2014	
WARD: Leckhampton		PARISH:	
APPLICANT:	Mr Nick Weatherall		
LOCATION:	51 Leckhampton Road, Cheltenham		
PROPOSAL:	Erection of detached dwelling on land to the rear		

REPRESENTATIONS

Number of contributors	7
Number of objections	7
Number of representations	0
Number of supporting	0

55 Leckhampton Road
Cheltenham
Gloucestershire
GL53 0BJ

Comments: 20th July 2014

A previous application had been made to build a single storey house on this plot which would not have had an adverse impact on the quintessentially Victorian nature of the gardens over which we look and enjoy every day.

We believe the planned two storey building using non traditional materials will have a significant negative and very visible impact on this beautiful area which we have enjoyed for many years.

5 Mornington Drive
Cheltenham
Gloucestershire
GL53 0BH

Comments: 7th July 2014

I wish to register my objections to the above application.

Firstly, access to the proposed building will be severely restricted via a small lane. Parking at the property either for garage or parking space will be similarly restricted.

When a previous application was made, I accompanied the planning officer to the site. As I remember, he didn't even take time to measure the space available. To him it was obvious that any dwelling, no matter how small, could not be fitted in the space. He said that nothing could be built and comply with the planning regulations. Even if the rules have changed, any building would impinge on the privacy of those people already living in the close vicinity. Being so close to other properties will have a visual and noise impact.

Planning permission has been refused in the past - with very good reason - there just isn't enough space.

1 Whitley Court
Leckhampton Road
Cheltenham
Gloucestershire
GL53 0BJ

Comments: 21st July 2014
Letter attached.

Comments: 14th August 2014
Letter attached.

7 Mornington Drive
Cheltenham
Gloucestershire
GL53 0BH

Comments: 8th July 2014
Letter attached.

6 Mornington Drive
Cheltenham
Gloucestershire
GL53 0BH

Comments: 2nd July 2014

The North West face of the proposed detached dwelling on land to the rear of 51 Leckhampton Road will directly overlook the kitchen, one of the bedrooms and the garden of the bungalow where we live (6 Mornington Drive).

I therefore object to the proposed application due to loss of privacy that will ensue (first floor windows will overlook our property).

About 7-8 years ago (to the best of my memory), when my mother-in-law was still alive and living at 6 Mornington Drive, a similar proposed application was made to build a detached dwelling on this plot of land and turned down following an objection from her.

Comments: 4th October 2014

I note the revised planning application is still for a dwelling on 2 floors. I will still be overlooked with this revised application as I was before. Therefore my original objection to the application remains the same.

53 Leckhampton Road
Cheltenham
Gloucestershire
GL53 0BJ

Comments: 21st July 2014

The proposed two storey building using non-traditional materials will have a significant negative and very visible impact on this beautiful conservation area and our established beautiful walled Victorian garden and adjacent gardens.

Page 283

The large footprint of the proposed building (larger than the neighbouring original Late Regency/Victorian houses) can be clearly seen from the diagram in the design and access statement (5.0 Layout) and would clearly have a negative visual impact on our property and the local environment.

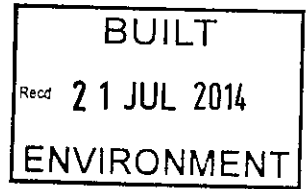
Noise would also have an impact as the proposed large building will be very close (approximately 1 metre) to our boundary.

The outlook from our house and garden which, unusually for a town dwelling, is entirely devoid of buildings when viewed from ground and first floor level, would be dominated by such a large building should this proposal be allowed.

5 Mornington Drive
Cheltenham
Gloucestershire
GL53 0BH

Comments: 6th October 2014

As far as I can see from the revised plans, the changes made are not substantial enough to satisfy me. The site is still the same size and the proposed dwelling within it, although minimally moved from the boundary, now affects the properties to the left. Planning applications for this site have been submitted in the past - and rejected. The reasons for refusal then still apply and this present application does not address the issues raised in the past. Essentially, the site isn't big enough upon which to build a dwelling without seriously compromising the properties adjacent to it.



1 Whitley Court,
Leckhampton Road,
Cheltenham.
GL53 0BJ

18th July 2014

Tracew Crews,
Head of Planning,
Cheltenham Borough Council,
PO Box 12,
Municipal Offices,
Promenade,
Cheltenham.
GL50 1PP.

Dear Madam

Re. Proposed New dwelling to the rear of 51 Leckhampton Road
Cheltenham.

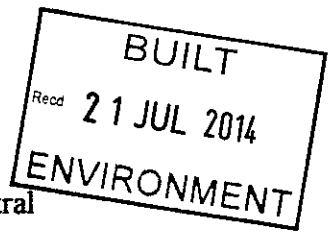
Your Ref. 14/01124/FUL

Thank for your letter of 30th June 2014 regarding the above application.

We are situated at the rear of 51 Leckhampton Road and share a common drive with both 51 Leckhampton in front and No. 2 Whitley Court to our East side. We also overlook the proposed development site. My wife and I are writing to you to set out our concerns regarding this proposed development and how you could mitigate them. While we have no great concerns regarding the actual proposed building provided the row of hazelnut trees is retained (see Par 3. below), we do have serious concerns regarding the simple, but necessary, right of access.

1. ACCESS

Under the proposal the width of the drive is reduced from its present 3.650m & 3.750m to 3.500m & 3.500m at the two pinch points. Not a lot but it is a critical issue



for us, as it would prevent access for the tankers which deliver oil for our central heating and indeed other such service vehicles as well. We have discussed this issue with the applicant and while he assured us he would look into this matter, the ownership of property changes and any planning consent (as you well know) goes with the property and verbal agreements are overlooked.

In this case, as the width of the access is so critical to both Nos 1 & 2 Whitley Court we would ask you to specify in any approval you may issue a definitive minimum width for clear vehicle access of 4.500m measured from the brick boundary wall to the West of the drive, as shown on the plan attached to the **Land Certificate GR237678** (copy enclosed). This would allow for a small garden verge as at present which is necessary for the drainage of the drive. See DRAINAGE below.

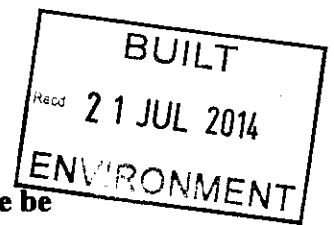
2. DRAINAGE

2.1. We think a large scale (say 1-200) plan is required for the whole entrance area and drive, to include the combined sewer and surface water drainage system. **We question the position shown on the plans** for the existing combined sewer and would propose that its position is verified and its level in relation to the proposed house Floor Level is also shown on the plans. The reason being that the disposal of surface water in this area is critical (on one occasion we were almost flooded), the one combined drain in our drive has only a 100mm Dia. outlet to the main sewer which is in the old railway cutting. It will not cope with additional storm water and is privately owned by Nos 1 & 2 Whitley Court.

2.2 Adequate drainage of the drive is necessary to prevent our house being flooded.

2.3 Most of the surface water run-off from the drive finds its way to the one gully (see above) and a lot finds its way into the border on the North side of the drive, which needs to be maintained. **The amount of surface water run-off will also be increased by the new car parking under construction in front of 51 Leckhampton Road.**

2.4 The surface water from the public footpath also finds its way down the drive. To alleviate this problem, the last time the drive was re-surfaced we had a "lip" formed in the macadam at the entrance.



Clear conditions need to be made that :-should the entrance to the drive be widened, as it is at present, the “lip” is extended for the full width of the entrance.

Some years ago we had a meeting with the Highways Department on this point when they agreed to maintain this “lip” when re-surfacing the public footpath. We understood this work was in their works programme for 2005 but nothing has been done to date.

2.5 Means need to be provided for the surface water to be intercepted part way along the drive and diverted into the combined sewer at the rear of 51 Leckhampton Road. This would reduce the flow in to the gulley near our front door..

A drainage grating across the drive would serve this purpose.

We have discussed this issue with the applicant and while he assured us he would construct a channel with grating to deal with this issue, the ownership of property often changes after Planning consent and before the works are carried out. Planning consent (as you well know) goes with the property and verbal agreements are often over looked in the change of ownership.

Can this issue be covered in any planning consent you may issue?

3. ROW OF HAZELNUT TREES

The row of Hazelnut Trees on our common boundary with the proposed development has always been retained by the owners of No. 51 Leckhampton Road with the object of giving both properties a degree of privacy. It is the only protection there is between the two houses. We note with some dismay that it is proposed to remove this Line of Trees which are mature at a HEIGHT of around 6.000m to 7.000m high.

Noting the Council’s policy on tree conservation, we feel well justified in asking; that you make the retention of these Trees a Planning Condition, should you decide to grant planning consent.

4. SUNDAY WORKING.

We would appreciate it if you would ensure that Sunday Working would not be permitted should you decide to approve this application.

5. PLANS

BUILT
Recd 21 JUL 2014
ENVIRONMENT

5. PLANS

We trust you will agree that (2.1 above) is necessary.

2.1. We think a large scale (say 1-200) plan is required for the whole entrance area and drive, to include the combined sewer and surface water drainage system.

We would like to meet you on site to discuss this application, we would be glad if you would call us on [REDACTED] to arrange a meeting

Please phone [REDACTED] to arrange a meeting. We are not available on Wednesday next July 23rd.

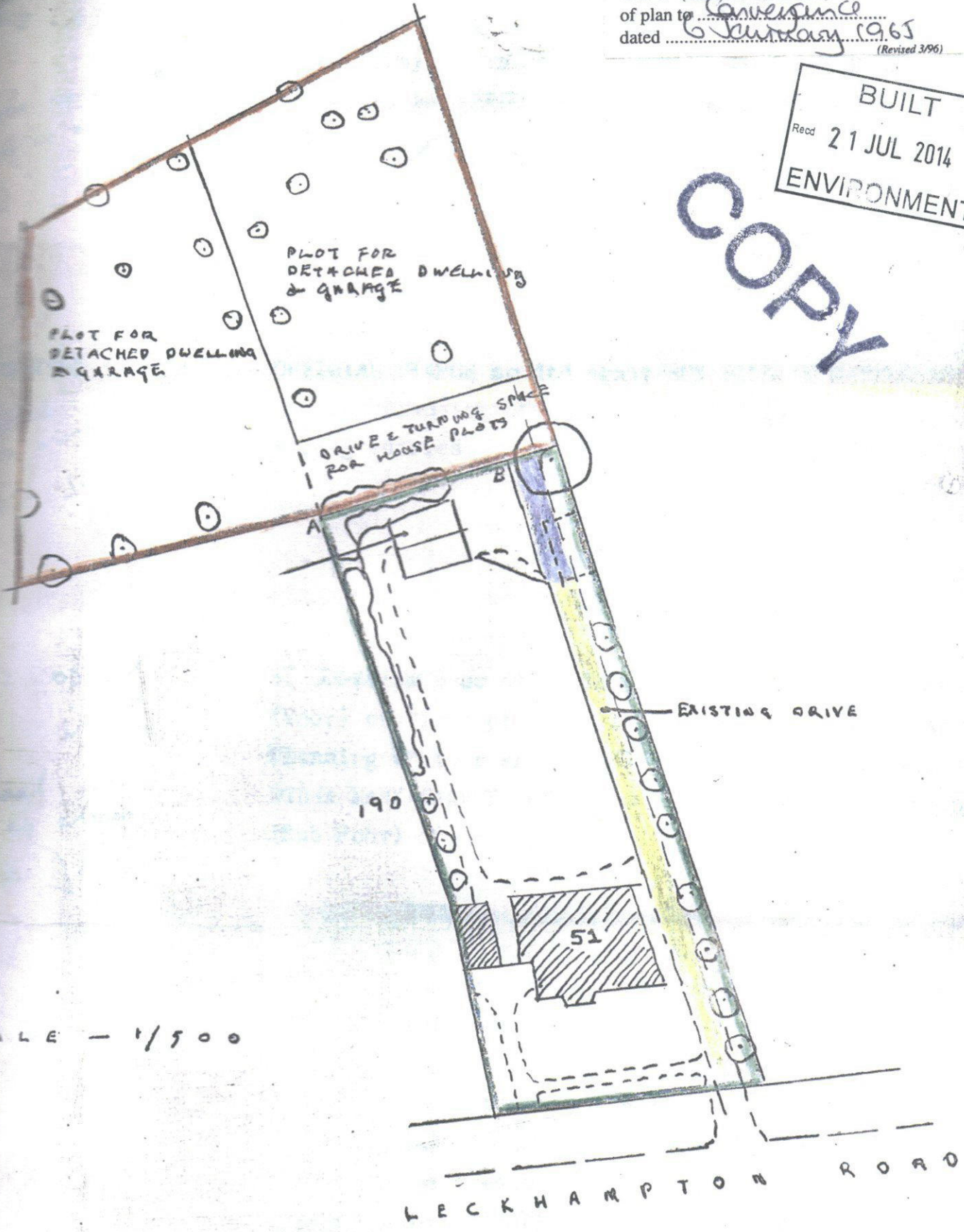
Yours faithfully

[REDACTED]

OFFICE COPY issued by
GLOUCESTER
DISTRICT LAND REGISTRY
Title No: 30237578
COPY (liable to distortion)
of plan to Gloucester
dated 6 January 1965
(Revised 3/96)

BUILT
Recd 21 JUL 2014
ENVIRONMENT

COPY



SCALE - 1/500

1 Whitley Court,
Leckhampton Road,
Cheltenham.
GL53 0BJ



13th August 2014

Tracew Crews,
Head of Planning,
Cheltenham Borough Council
PO Box 12,
Municipal Offices,
Promenade,
Cheltenham.
GL50 1PP.

BUILT
Recd 14 AUG 2014
ENVIRONMENT

Dear Madam

Re. Proposed New dwelling to the rear of 51 Leckhampton Road

Cheltenham.

Your Ref. 14/01124/FUL

ROW OF HAZELNUT TREES

Further to my letter of July 18th July regarding the above application, our meeting on site and a conversation I have had with Mr Chris Chavansse of the TREE Dep: it appears that to apply for a "Tree Prevision Order" in this case would not be appropriate.

Mr Chavansse's view expressed to me was that the most effective way of dealing with this issue is for you to protect the trees by placing a condition in the planning consent to prevent their removal.

Please note my original request below:-

Noting the Council's policy on tree conservation, we feel well justified in asking; that you make the retention of these Trees a Planning Condition, should you decide to grant planning consent.

Should you consider it would be of assistance I would be pleased to meet you on site to have a close look at this question.

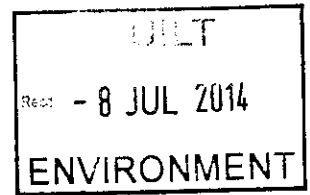
Yours faithfully



P.S. NO REPLY FROM
MR CHRIS RAYNHAM.
HIGHWAYS DEPT.
PLEASE CHECK THE NUMBER YOU
GAVE ME. 01242 425530

7 Morningside Dr.
Cheltenham GL53 0BN
5th July 2014

Planning Officer M. Payne
Cheltenham Borough Council
Promenade
Cheltenham GL50 1PP



Dear Miss Payne,

- 14/01124/FUL -

We have inspected the details of this application (51 Leckhampton Rd) and object on two grounds:-

1) Traffic: access to the proposed dwelling is via a narrow (a car's width), steep lane; there are already two dwellings on this narrow lane. The lane joins Leckhampton Road - a busy thoroughfare - almost opposite one on the other side, Naunton Lane, which is a difficult road for large vehicles proceeding to & from the Mead Road industrial estate. From the plan

it seems the applicant intends to slightly reduce the width of the access lane. There is, too, the consideration of emergency services' access to this and the two existing dwellings.

2) Visual impact: we believe the proposed site is unsuitable for a 2 storey dwelling; and if planning is allowed a precedent will have been set for future occupiers of the first existing dwelling in the lane to sell part of their garden & give access to it by demolishing their side garage.

Yours sincerely
[Redacted Signature]

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APPLICATION NO: 14/01124/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 27th June 2014		DATE OF EXPIRY: 22nd August 2014	
WARD: Leckhampton		PARISH:	
APPLICANT:	Mr Nick Weatherall		
AGENT:	Miss Rachel Hare		
LOCATION:	51 Leckhampton Road, Cheltenham		
PROPOSAL:	Erection of detached dwelling on land to the rear		

Update to Officer Report

1. 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. 1725 3100 A received by the Local Planning Authority on 29th September 2014, Drawing No. 1725 1100 A received 14th October 2014 and Drawing Nos. 1725 3101 B and 1725 3000X B received 15th October 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings, where they differ from those originally submitted.
- 3 Prior to the commencement of development, samples of the proposed facing materials shall be submitted to and approved in writing by the Local Planning Authority and the facing materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Prior to the commencement of any works on site, a timetable of arboricultural site inspections shall be submitted to and approved in writing by the Local Planning Authority. These site inspections shall be carried out by a qualified arboriculturalist and all findings reported in writing to the Local Planning Authority. The approved timetable shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 5 Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the submitted Tree Survey dated August 2014 and accompanying Drawing No. 51LKTRP-AUGL14 (Tree Retention and Protection Plan). The tree protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 6 All construction works within the root protection area of trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated August 2014 and Drawing No. 51LKTRP-AUG14 (Tree Retention and Protection Plan).

Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 7 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).

Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 8 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.

Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 9 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.

- 10 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.

- 11 Prior to the commencement of development (including any works of demolition), a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities; and
- e) measures to control the emission of dust and dirt during construction.

Reason: To ensure that the development is carried out in a considerate and sustainable manner in accordance with Local Plan Policy CP1 relating to sustainable 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 with or without modification), no additional openings shall be formed in the development without planning permission.

Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

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.

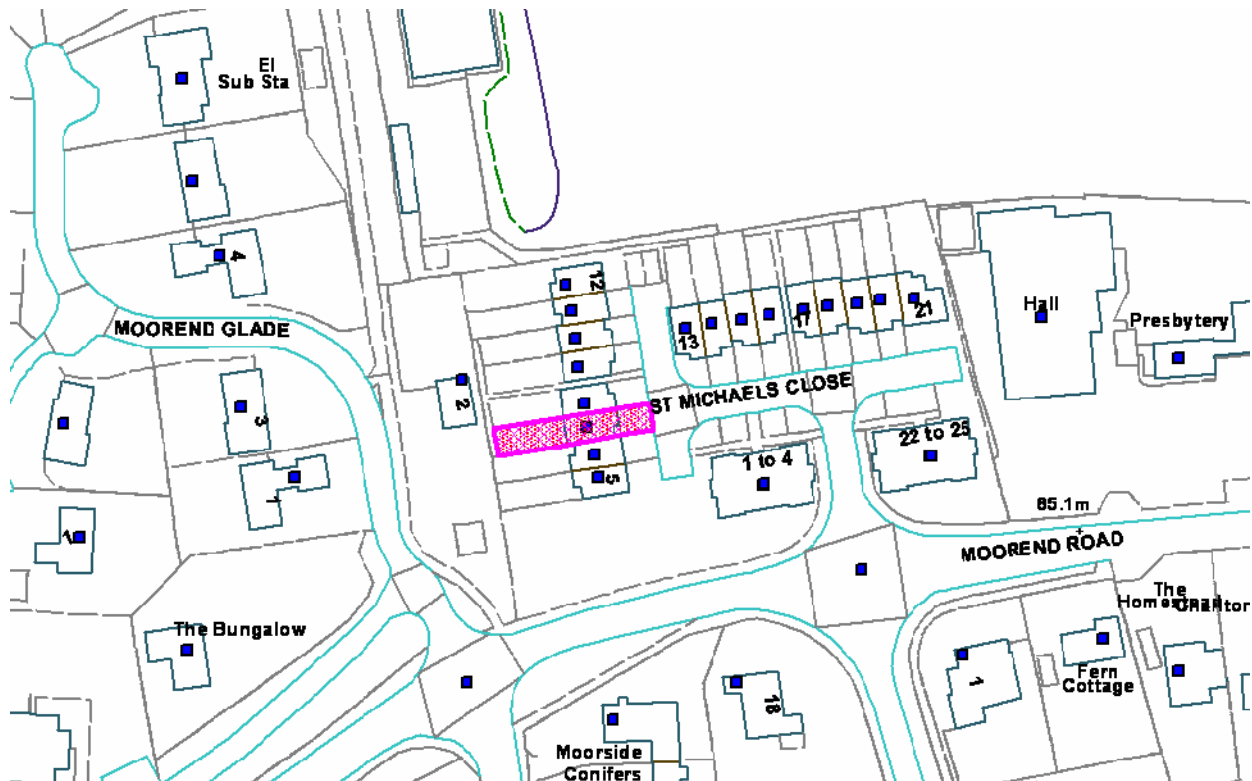
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in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

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

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APPLICATION NO: 14/01281/FUL	OFFICER: Miss Chloe Smart
DATE REGISTERED: 17th July 2014	DATE OF EXPIRY: 11th September 2014
WARD: Charlton Park	PARISH: Charlton Kings
APPLICANT: Ms L Hooker	
AGENT: DJ Planning	
LOCATION: 7 St Michaels Close, Charlton Kings, Cheltenham	
PROPOSAL: Proposed single storey rear extension and conversion of garage to living accommodation	

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a three storey, modern terraced dwelling within a residential area in the Charlton Park ward.
- 1.2 The applicant seeks planning permission for the conversion of the existing garage, including the insertion of a window, and the erection of a single storey rear extension.
- 1.3 The proposed rear extension would extend 3.6 metres from the rear wall of the original dwelling, with an eaves height of 2.7 metres and a parapet height of 2.75 metres.
- 1.4 The application is before committee due to an objection from the Parish Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

02/01969/OUT 26th November 2003 PER

Redevelopment of site for residential purposes (outline), following demolition of existing buildings

03/01919/CONDIT 26th January 2004 PER

Removal of condition 20 (The development hereby granted permission shall not exceed two storeys in height) imposed on outline planning permission 02/01969/OUT granted 26 November 2003

04/00594/REM 1st June 2004 REF

Proposed construction of 31 dwellings (Reserved matters application following the grant of outline planning permission on 26.11.03 under reference 02/01969/OUT)

04/01508/REM 22nd October 2004 APREM

Construction of 25 dwellings (reserved matters application following the grant of outline planning permission on 26.11.03 under reference 02/01969/OUT) - revised scheme

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Contaminated Land Officer

22nd July 2014

No comment

Parish Council

12th August 2014

OBJECTION

(a) We are concerned with the size of the extension. A structure of 3m would be more in line with the other approved development.

(b) The removal of the garage door would be to the detriment of the current cohesive and carefully planned street scene

16th September 2014

OBJECTION.

The revised plans have not changed the fact that the extension projects more than 3 metres from the rear, in excess of other approved developments in the vicinity, and we remain concerned with the consequent impact on neighbouring properties in terms of loss of amenity (due to its proximity) and daylight. We still have reservations about change to the garage window which our view will be to the detriment of the current cohesive design of the properties in the close.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	3
Total comments received	6
Number of objections	6
Number of supporting	0
General comment	0

5.1 Three letters have been sent to neighbouring properties and six letters have been received raising an objection to the proposal.

5.2 Summary of Comments Received

- Alteration to garage will substantially alter the appearance of entire block/symmetry of area
- Height of extension – obscure view
- Loss of light to adjoining occupiers
- The extension will dominate and be overbearing
- Precedent for similar development along the row to the rear of properties – could result in a courtyard.
- Consent of St Michaels (Cheltenham) Management Company Ltd must be sought before any such work, in which all residents are shareholders
- Permitted development rights removed and restrictive covenants exist
- Distance between the property and 2 Moorend Glade

All comments received by residents have been noted and where these are material planning considerations, they will be discussed in the following section of this report.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1** The main considerations in relation to this application are the design of the proposal and the impact it will have on neighbouring amenity.

6.2 Design

- 6.2.1** Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.
- 6.2.2** The Supplementary Planning Document: Residential Alterations and Extensions emphasises the importance of subservient extensions to existing dwellings, stating that extensions should play a supporting role to the parent dwelling rather than dominating it. As a single storey extension, the addition is clearly distinguishable from the original dwelling and therefore represents a subservient addition.
- 6.2.3** The flat roof responds to the character of the existing property given the presence of a flat roof projecting garage at the front with a balcony above. Furthermore, the materials proposed are to match the original dwelling thereby ensuring a complementary addition.
- 6.2.4** In terms of the proposed conversion of the garage and external works, a number of concerns have been raised by local residents as to the impact this would have on the appearance of the area and the symmetry of the properties. The proposal originally sought a bespoke mock garage door opening which officers considered was a contrived addition and that a more suitable option in design terms would be to replicate the windows on the existing property. The applicant has done this and officers consider the proposed window will now sit comfortably within the street scene and will not be a harmful addition.
- 6.2.5** For the reasons identified above, the proposals are considered appropriate additions to the original dwelling that will reflect the character of the original house. As such, the extensions accord with Local Plan Policy CP7 and the Supplementary Planning Document: Residential Alterations and Extensions.

6.3 Impact on neighbouring property

- 6.3.1** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.3.2** There have been six letters of objection, with three properties raising a concern on amenity grounds. Following the submission of the application and concerns expressed by neighbours, a site visit was carried out to the site, no. 6 and no. 8 (the immediately adjoining neighbours). Following this site visit and in accordance with local plan policy, a light test was carried out to establish the degree of impact in terms of potential loss of light. The proposal passed the light test in terms of the impact on the kitchen window of no. 8, however there was a marginal fail to the patio doors of no. 6.
- 6.3.3** As a result, officers considered the extension should be reduced slightly in height to reduce the impact. The applicant has reduced the height by 250 mm and the proposal now passes the light test. Notwithstanding this, members will note on planning view that the two neighbouring properties also benefit from an additional window (in the case of no.6) and an additional patio door (no.8), providing further light to the affected rooms.
- 6.3.4** Following the submission of the amended drawings, the neighbours have been re-consulted and objections remain to the proposal.

- 6.3.5** The occupier of the property to the rear (2 Moorend Glade) has also made a comment as part of the re-consultation process, raising a concern regarding the distance between the rear of the site and this property, stating that no. 7 St Michaels was designed to be a distance of 16 metres from this property. Given the property at no. 7 is a three storey building, this sort of distance would be expected to prevent overlooking from the third storey of the building. The proposed extension is single storey and will therefore not cause any overlooking issues, so this distance is not relevant in this case.
- 6.3.6** Whilst there is a concern from objectors that the single storey rear extension will have an overbearing impact and cause a loss of light, officers are comfortable there will be no unacceptable adverse impact on the amenity of neighbouring occupiers. The proposal passes the light test and, as a single storey extension that is not overly deep, could not be construed as having an unacceptably overbearing impact on neighbouring properties.
- 6.3.7** As such, the proposal meets the criteria set out in Local Plan Policy CP4 in terms of protecting the amenity of adjoining land users.

6.4 Loss of parking

- 6.4.1** The loss of the garage parking space is not a concern in terms of parking. The property benefits from two designated parking spaces to the front of the property.

6.5 Other issues

- 6.5.1** A number of comments have been received relating to restrictive covenants which may exist on the property, including from the management company. This is not a planning consideration and is a separate legal issue and therefore does not form part of the consideration of this application.

7. CONCLUSION AND RECOMMENDATION

- 7.1** For the reasons discussed above, the proposals are in accordance with policy CP7 in terms of achieving an acceptable standard of design and will respect the character of the area.
- 7.2** Whilst the representations have been noted, there would be no unacceptable impact on neighbouring amenity.
- 7.3** As such, the recommendation is to permit this application subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 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 numbers 01667 01 A received 4th September 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

INFORMATIVES

- 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 requested amendments to the height of the rear extension to address amenity concerns and the design of the window proposed at the front of the property.

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

APPLICATION NO: 14/01281/FUL		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 17th July 2014		DATE OF EXPIRY : 11th September 2014	
WARD: Charlton Park		PARISH: CHARLK	
APPLICANT:	Ms L Hooker		
LOCATION:	7 St Michaels Close, Charlton Kings, Cheltenham		
PROPOSAL:	Proposed single storey rear extension and conversion of garage to living accommodation		

REPRESENTATIONS

Number of contributors	7
Number of objections	7
Number of representations	0
Number of supporting	0

11 St Michaels Close
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL53 9DW

Comments: 10th October 2014
 Letter attached.

13 St Michaels Close
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL53 9DW

Comments: 10th September 2014

I object strongly to the proposed alteration at number 7 St Michaels Close. Allowing the change of use from a garage to living accommodation with a window instead of a garage door will alter substantially the frontal appearance of the entire block. It could also be the start of the thin edge of a big wedge for future alteration to our very currently attractive dwellings.

8 St Michaels Close
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL53 9DW

Comments: 10th August 2014

We live at number 8 St Michaels Close; we are end of terrace and attached to number 7 St Michaels Close.

We object to the proposals on the following grounds:

1. The proposed removal of the garage door to convert the integral garage into living accommodation, with windows.

Our objection is that this conflicts with the existing architectural features in the St Michaels Close development.

Only properties originally built without garages have windows on the ground floor. Though the houses are in terraces, the developer took care to design the homes in 'pairs' to look consistent. As a result houses adjacent to each other look in keeping.

As our garage door is designed as a pair with number 7, we are adjacent to the proposed new windows. So our property will stand out markedly as a point of inconsistency and we will be particularly affected by the proposal.

2. The proposed single story extension, which is 3.6m long and 3.0 high, with a solid brick wall each side right up close to the boundary.

Our objection is that the proposed extension will dominate and be overbearing.

That is because it is directly on our boundary and just 0.6 meters from our window (of the only habitable room on our ground floor). And it will loom; protruding at least 1 meter above the current garden fence.

This will be overbearing and have an adverse impact, overshadowing the rear of our property for the entire morning. As such it will significantly alter the natural daylight in our kitchen/dining room, which is the only habitable room on our ground floor. It will also completely block our view to the left.

We are extremely concerned that it will damage the quality of the accommodation in our home.

The wall will also loom over our garden, putting our patio area into shadow. From our garden the proposed extension will look hugely out of proportion with the original design of the terraced row.

It could set a precedent for similar development along the row. This could leave some residents having a 'recess' between two solid walls, with light blocked from both sides. This would be akin to having a 'courtyard' rather than the garden patio area designed by the developer.

If the proposed wall were the same height as the current fence with a conventional sloping roof or a glass roof, we would not object so strongly, as it would be more in keeping with other conservatory style extensions in the Close.

Apart from our own objections, we believe that the Deeds of Transfer documents passed from the developer to residents in St Michaels Close prohibit developments like the one proposed.

Having looked at the planning guidelines, it appears that the proposed build contravenes the 45-degree rule.

Also we have been advised that the consent of St Michaels (Cheltenham) Management Company Ltd must be sought before any such work, in which all residents are shareholders.

Comments: 11th September 2014

We understand that residents may like to extend their homes but we object to the rear extension due to its height. As well as obscuring our view and the light, it is overbearing and will affect the quality of accommodation in our kitchen/dining room which is the only habitable room on our ground floor. We object in the strongest terms about its height. We object to the garage extension because our garage is designed as a pair with number 7 and changing the door to a window will

affect the symmetry of the original architectural design - not only for us, but for all the residents in the close. We believe that all residents should be consulted on this.

We moved to St Michaels Close because we felt it was a smart and well-managed development. We feel that if the garage extension goes ahead there could be a 'free for all' for residents to change the original ambiance of the close.

Comments: 17th September 2014

We live at No 8 St Michaels Close and adjoin No 7 St Michaels Close. We understand that residents may like to extend their homes but we object to the rear extension due to its height - though some concession has been made, it is still far too high. As well as completely obscuring our view and impacting on our light, the extension is overbearing and will have an unacceptable affect on the quality of accommodation in our kitchen/dining room - which is the only habitable room on our ground floor. We object in the strongest terms as it will change our quality of life considerably.

We object to the garage extension because our garage is designed as a pair with number 7 and changing the door to a window will affect the symmetry of the original architectural design - not only for us, but for all the residents in the close. We believe that all residents should be consulted on this.

We moved to St Michaels Close because we felt it was a smart and well-managed development. We feel that if the garage extension goes ahead there could be a 'free for all' for residents to change the original ambiance of the close.

6 St Michaels Close
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DW

Comments: 31st July 2014

I live at no. 6 St Michaels Close and I am the neighbour of No. 7 St Michaels Close. I have spoken to our neighbour at no. 7 about our objection to the proposed extension to the rear of the house.

Permitted development rights for the site have been removed for the erection of extensions, walls, fences, and structures of any kind to the front or rear of the properties in St Michaels Close and any change of use of the garages. Also a restricted covenant exists. Both of these conditions have been put in place to protect the site from unreasonable development and safeguard the amenities of the neighbours and surrounding area (see transfer of deeds GR 291134 2006 and 2010).

The proposed single story extension is 3.6m long x 3.0m high and nearly 5m wide (boundary to boundary) with a flat roof with additional lantern light. An extension this large, despite what the developer says, represents a large proportion of the total garden length. We are concerned about the 3.0m high by 3.6m long wall that will be built along our boundary adjoining our house immediately outside our back patio doors. Also please note that the patio doors are set back a further 1.2m from No.7's back wall making the distance from the patio doors to the end of the extension 4.8m. We consider this to be an unreasonable development and believe it will have a significant adverse impact on us as immediate neighbours. The position, design and scale of the extension will have a dominating presence on our garden and that of the kitchen/dining room.

The extension wall running along our boundary will become the prominent view from our kitchen/dining room through the main patio door windows into the garden and significantly reduce the amount of sunlight, daylight and view to this main living room.

Its size, design and proximity to our boundary will be very dominant over our garden and we do not believe it is respectful to the character and appearance of our property. It will significantly impact on our amenities.

I also believe it also does not comply with the design principals of the 45 degree rule, subservience to the original building in height and width and in my opinion will not blend in to the original character of the house in terms of roof design.

Planning permission for two conservatories have been approved at properties in St Michaels close, no. 10 and no.18, with one current application at no. 14.

The conservatory at No. 10 (06/01131/FUL) is of an Edwardian uPVC design with 1.7m base wall (i.e. the height of the fence) and above which is a 400mm glass panel to the eaves the full length of the conservatory. The width is 2.1m.

At No.18 (08/00009/FUL) again the conservatory design is of an Edwardian uPVC style again 1.65m high base wall (i.e. the height of the fence) with glass panels up to the eaves at 2.1m high. The width is 4m wide with a space of 500mm on each side to the boundary. An extension such as this would be entirely acceptable to us.

Prior to this application, planning permission in St Michaels Close has only been submitted or approved for conservatories which complements and respects the size and character of the neighbouring development.

We would request that a visit is arranged for you to come along and see the effect the proposed extension will have on us.

In conclusion I object to the proposed single story extension and oppose the planning application.

Comments: 11th September 2014

The changes proposed in the revised plans do not satisfy the concerns expressed in our original objections of the 31st July.

The room that this extension effects is the kitchen/dining room, the main and only living room on the ground floor where we spend most of our time.

The 2.8m high by 3.6m long wall of the extension outside our kitchen/dining room (4.8m long if you include the 1.2m the patio doors are set back), will result in a significant loss of daylight.

The size, design and proximity of the extension to our boundary (it actually sits on the boundary and is only 35cm away from our patio doors) will be very dominant over our garden. It is not respectful to the character and appearance of our property and will significantly impact on our amenities.

The length of the extension exceeds the 45 degree rule

The present view from the main window in our kitchen/dining room, of the sky and green trees, will be completely blocked out by the excessive length and height of the extension wall, significantly impacting on our quality of life.

Once planning permission is given for an extension such as this, a precedent will be set and neighbours could find themselves surrounded by large brick walls significantly reducing their sunlight and daylight turning their patio areas into shaded courtyards.

Page 307

The pleasant living conditions that we presently enjoy and was a strong reason why we purchased the house just over 3 years ago will be spoiled.

We object to the change of use of the garage into a study resulting the loss of a parking space in an already very congested area and the effect it will have on the external appearance in terms of the balanced design of the development as a whole.

The original planning conditions insisted upon by the council of the builders regarding the proximity of the houses to neighbouring properties at the bottom of the gardens have been completely ignored.

We therefore raise a strong objection to this proposed extension.

If the application should go to Committee, we would welcome a visit by the Councillors to see for themselves.

2 Moorend Glade
Cheltenham
Gloucestershire
GL53 9AT

Comments: 7th September 2014

This property at 7 St Michaels Close was, by design, to have a minimum boundary distance approx. 16m from my property in Moorend Glade. The proposal here will mean that this is no longer the case with a 3.6m extension built. I thereby object to the proposal.

4 Downham Court
Dursley
Gloucestershire
GL11 5GC

Comments: 24th July 2014

I am a Director of St Michaels (Cheltenham) Management Company, representing the owners in St Michaels Close, Charlton Kings.

The above planning application proposes conversion of the integral garage to living accommodation, and deletion of the garage door.

This is prohibited by the TP1 and its restrictive covenants. Moreover, it will damage the consistency of appearance of the Close. There is serious parking congestion in the Close and deletion of a garage can only exacerbate the problem, leading to bad feeling between neighbours, road congestion and problems of access by public-service vehicles.

I therefore raise an objection to the proposed change.

Comments: 1st August 2014

Further to my earlier comment concerning the garage, I also object to the extension at the back of the property, for the following reasons:

- there are restrictive covenants in the applicant's TP1 that preclude such modifications;
- the consent of St Michaels (Cheltenham) Management Company Ltd must be sought before any such work;

- the extension is of solid material (unlike the small conservatories on other plots), looms over adjacent plots and is of a size that is out of proportion to the small garden.

I write as Director of the Management Company and owner of No 10 St Michaels Close.

Comments: 11th September 2014

In the light of comments objecting to the amended design, notably the continuing problem with visual/light encroachment on both sides and to the neighbouring property in Moorend Glade, I have to support these objections. Approval of the proposal will set a precedent for untrammelled development, as well as ignoring the whole basis on which the development was authorised initially by the planning authority in 2005. The consistency and harmony of appearance will be upset. Constraints on building works, set by the planners in the original development vision, are enshrined in TP1 documents to which the Management Company refer, and to change the planning basis is to undermine the spirit of this document, which is to preserve a pleasant living environment for the majority. I am the owner of No. 10 St Michaels Close.



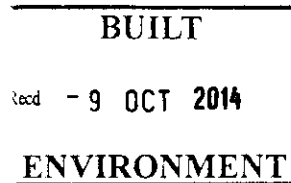
11 St Michaels Close

Charlton Kings

Cheltenham

Glos GL 53 9DW

7 October 2014



To whom it may concern

We own and live at number 11 St Michaels Close but first rented number 8 from the previous owner. We have 2 children aged 9 and 4 and have lived in the Close for 3 1/2 years.

We have read the objections to the application at number 7 and wish to make the following comments:

Our property and number 6 are identical in design. We also benefit from a detached garage but have no off road parking.

When we moved to number 11 the conservatory at number 10 had been built. It is an Edwardian style white frame and glass conservatory. It is built 12 cms from our boundary. Since our occupation number 12 has been extended at the back. This conservatory is brick based. There is brick and glass to the rear and right side of the property but the wall which runs down our boundary has no windows and is brick from floor to ceiling. The wall lies 40cms from our boundary and 128 cm from our kitchen window and measures 1metre above the fence. There is a lantern style glass roof.

We believe we are well placed to provide objective comment on the application from number 7. We have lived at number 8, which offers the same accommodation as number 7, and now live at 11 which has the same living accommodation to number 6. We have seen no loss of light due to the extensions either side of our property. We all benefit from west facing gardens and the sun comes directly overhead from about midday until sunset. We do not consider the height of the extension at number 12 to be overbearing nor has it created any shadow on our patio area. In fact we believe we have been provided more privacy as a result.

In our opinion the design of the extension at number 12 is more attractive and more in keeping with the original fabric of the houses. The Edwardian conservatory is now of some age and is beginning to show signs of wear. It has discoloured and attracted mould. It also reflects light into our garden after dark when occupied.

In terms of view both extensions have marginally changed our immediate view to the side but we are lucky to be surrounded by large trees in all directions and we do not consider there has been any major impact to our enjoyment of our garden and living accommodation.

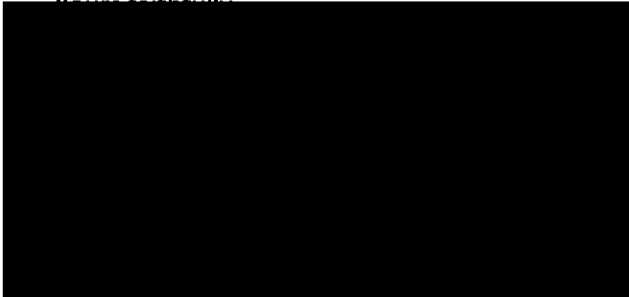
In relation to the proposed garage conversion we have no objection. The garages are barely large enough to accommodate a car and in consequence most residents use them for storage. The close can become congested at times but the removal of the garage at number 7 will have no impact on this problem as it benefits from 2 off road parking spaces and the owner has 1 car. This additional parking space has on occasions eased congestion for neighbours who have used it when guests have visited.

Whilst there is a design to the close we believe the proposed alterations from a garage door to formal living accommodation are far more pleasing on the eye. The brick and window design is sympathetic to the design at numbers 5 and 6 and our own property. We see change as inevitable at some time to accommodate resident's needs and have no objection provided it is sympathetic to the overall feel and design of the Close. We believe the proposals are respectful to neighbouring properties and the Close in general.

We would like to add that we have always felt there has been a real community and supportive spirit in the Close. We have always got on well with all residents. It would not be our preferred choice to involve ourselves but having read all objections, particularly those made more recently, we feel strongly that another view is portrayed. We consider for the reasons set out above that we can offer an objective opinion based on our knowledge and experience having lived both at numbers 8 and 11.

Should you require any further information please feel free to contact us.

Yours faithfully,



APPLICATION NO: 14/01281/FUL		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 17th July 2014		DATE OF EXPIRY : 11th September 2014	
WARD: Charlton Park		PARISH: CHARLK	
APPLICANT:	Ms L Hooker		
LOCATION:	7 St Michaels Close Charlton Kings Cheltenham		
PROPOSAL:	Proposed single storey rear extension and conversion of garage to living accommodation		

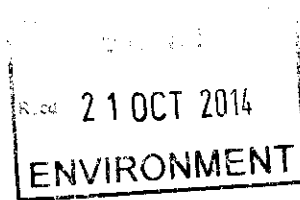
ADDITIONAL REPRESENTATIONS

6 St Michaels Close
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL53 9DW

Comments: 21st October 2014
 Letter attached.

10 St Michaels Close
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL53 9DW

Comments: 21st October 2014
 Letter attached.



6, St Michaels Close
Charlton Kings,
Cheltenham
Glos. GL53 9DW

19th October 2014

To whom it may concern

Re **14/01281/ful**

My wife and I are retired and we moved into no. 6 St Michaels Close 4 years ago. The kitchen/dining room is the only habitable room on the ground floor where we can sit and relax and look out into the garden. Despite the minor change in height to the original proposed extension at no. 7, we are still very worried about the impact this extension, directly outside the main window of this room, will have on our present living conditions. To look out of our main window at a solid expanse of brick wall will change what at present is a very pleasant light and airy outlook. At the back we have a patio area 3.6m long. To have such a wall, of the height and length proposed, extending the length of the patio, will dominate the area and in our opinion, be very overbearing and oppressive. The attached 'before and after' pictures give some idea as to the impact the proposed extension at no. 7 will have on our present amenity.

We would like to make the following points with respect to the Officer Comments in the Agenda in response to objections received:-

6.2 Design in accordance with Local Plan Policy CP7

6.2.2 We agree that the addition will be clearly distinguishable from the original dwelling and in which case cannot also represent a subservient addition.

6.2.3/6.2.5 We do not agree with the planning officer that the proposed flat roof extension reflects the character of the original house.

6.2.4 Our main concern to the change in use of the garage is the precedent it will set with the possible consequence to the present high standard of architectural design of the St Michaels Close development.

6.2.4 As already mentioned we do not agree that the proposal is an appropriate addition to the original dwelling.

6.3 Impact on neighbouring property in accordance with Local Plan CP4

6.3.2 / 6.3.3 The design principals, outlined on page 3 of the Cheltenham Borough Council's 'Local Development Guidelines', used to establish the height, length and width of an extension, state that if the extension lies within a 45 degree line, taken from the centre point of any window to a habitable room, it is likely to cause significant loss of light. Despite the minor change in height, using these guidelines, the revised design still infringes the limit of both height and length.

In addition, the fact that our window is already set back by 1.2m means the extension

wall will extend 4.8m from our window making the situation even worse.

6.3.7 We strongly disagree with the conclusion of the planning officer and believe that there will be an overbearing impact on our amenity and loss of light to our kitchen/dining room. If planning permission is given for an extension such as this, it will set a precedent that could find an occupier with large brick walls on either side of them significantly reducing their sunlight and daylight, casting a shadow over their property and turning their patios from sunny into permanently shaded areas.

6.4 Loss of parking

6.4.1 Again there is an issue of precedence. The original reason for the Council making a restrictive condition regarding the garage/parking space of each dwelling during the original development in 2004, was in the interest of highway safety. Whilst No. 7 has 2 off-road parking spaces in addition to the garage, others on the site do not.

6.5.1 When the planning application to build St Michaels Close was applied for, only 10 years ago, there were many objections to the development and the Council insisted on a number of conditions before permission was granted. Covenants were laid down restricting changes to the properties such as change of use of the garage, erection of any additional buildings or structures and the distance such building or structures should be away from the side boundary. Permitted Development Rights were then removed from the land, presumably to protect the covenants and prevent unreasonable building and changes to the design of the site.

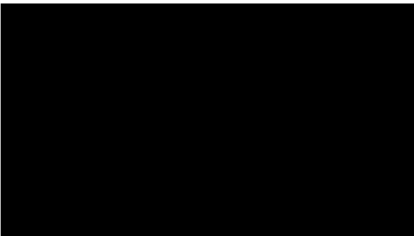
We are aware that covenants are a legal issue but since, in this case, they were put in place at the insistence of the Council, should the Council not have some responsibility to uphold them?

For instance, I understand that If Permitted Development Rights hadn't been removed an extension of up to 3m could be erected without planning permission. The removal of Permitted Development Rights therefore was to protect the development from all building up to 3m in length. In which case why would an extension 3.6m long be permitted!

We understand that No.7 wants an extension for the purpose of increasing her family living space and we would not object to an extension of reasonable size and sympathetic design similar to other granted application in St Michaels Close. We believe an extension shorter in length and a combination of brick and glass would be more suitable for the design and size of the houses and back gardens in the development and have less of an impact on us as immediate neighbours.

Cheltenham Borough Council together with Miller Homes did a good job designing the development in St Michaels Close. The development is only 10 years old and I believe the Council still has a responsibility to maintain the carefully designed rhythm and balance of the site.

Yours sincerely



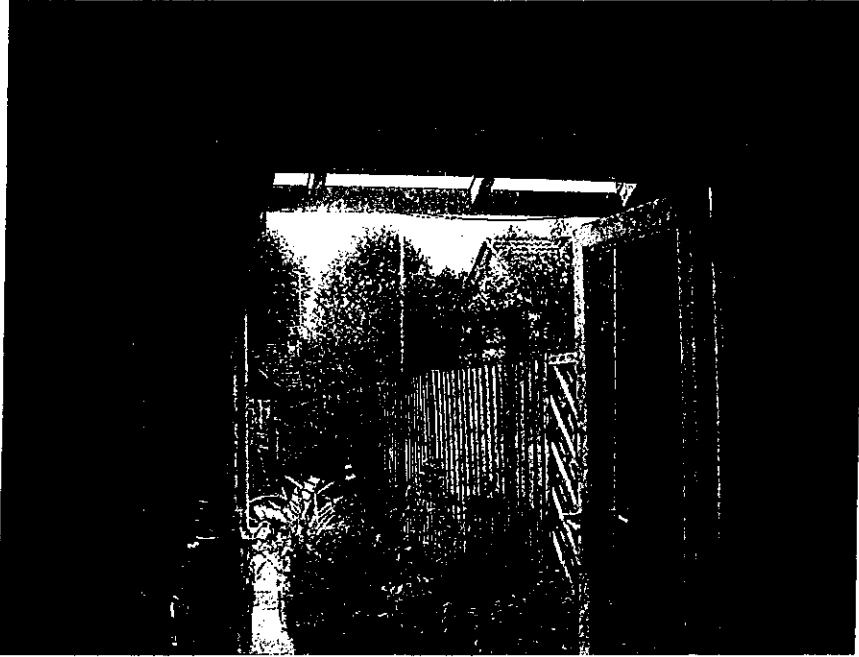
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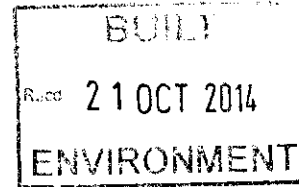
Before



After



From: [REDACTED]
Sent: 20 October 2014 15:22
To: Baker, Judith
Subject: Planning Application 14/01281/FUL



Ms Baker

I wish to make a statement against the above application prior to the Planning Committee meeting on 23 October. I own No. 10 St Michaels Close.

There are restrictive covenants on all owners in the Close, limiting the modifications to dwellings. They include the change of use of integral garages, and changes to the appearance of the front elevations. The objective is to maintain the satisfactory appearance of the buildings and preserve visual amenity. If this application is approved it creates a precedent for untrammelled changes to appearance and spoils the look of the Close.

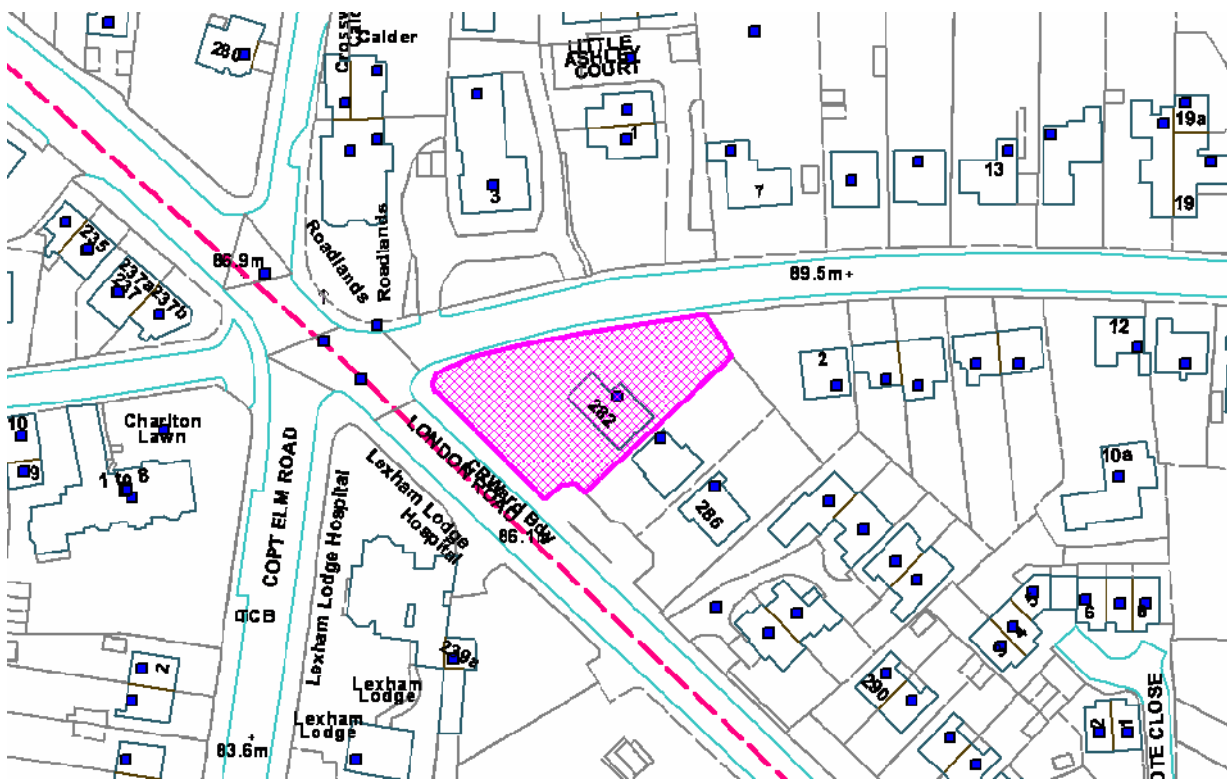
The covenants were presumably imposed by the Planning Authority on the original developer, Miller Homes, in 2005. To preserve the original design vision these covenants are enforced by the Management Company. Planning guidelines may change in time but the original requirements are enshrined in the TP1 document regarded as legally binding on the owners. If the Planning Body does not continue to support the design aims it undermines the authority of the controlling document.

Regards

[REDACTED]

APPLICATION NO: 14/01398/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 5th August 2014	DATE OF EXPIRY: 30th September 2014
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	The Trustees of the Estate of Mrs K Pillai
AGENT:	Ralph Guilor Architects
LOCATION:	282 London Road, Charlton Kings, Cheltenham
PROPOSAL:	Demolition of existing dwelling and erection of 2 no. new dwellings

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a roughly triangular plot currently accommodating a two storey pitched roof brick and tile dwelling with a large flat roof side extension. It is located at the 'sixways' junction in Charlton Kings and is bound to the south east by London Road and to the north by Ryeworth Road. The site is within the Cudnall Street (Charlton Kings) conservation area.
- 1.2 This application proposes the demolition of the existing dwelling and its replacement with two new detached dwellings 1.8m apart. The dwellings have hipped roofs with projecting front and rear wings and flat roof porch detail. The proposed materials comprise brick and render.
- 1.3 The accommodation provided by the scheme comprises 2 no. 4 bed dwellings each with living/dining/kitchen/utility and study rooms on the ground floor. Access would be via the existing access point and two parking spaces per dwelling and vehicular manoeuvring space would be available to the front.
- 1.4 The land levels rise by approximately 2m between the site and Ryeworth Road and the land banks up along the northern boundary of the site. House two is set into this bank and an area would be excavated to provide a level patio.
- 1.5 The site is well landscaped with a strong hedge along the Ryeworth Road frontage which would be retained. Five trees would be removed; three Lawson cypress, a Scots Pine and a Cherry.
- 1.6 The plans have been amended since their original submission. The changes involve alterations to the treatment of the front elevation in order to add more interest to the buildings.
- 1.7 This application comes to committee as a result of the objection received by the Architects Panel.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Smoke Control Order

Relevant Planning History:

13/01367/FUL 3rd October 2013 WDN
Demolition of existing dwelling and erection of two new dwellings

13/01367/CAC 3rd October 2013 WDN
Demolition of existing dwelling

13/02143/FUL 21st March 2014 REF APPEAL RECEIVED
Demolition of existing dwelling and erection of two new dwellings

14/00530/FUL 26th June 2014 REF APPEAL RECEIVED
Demolition of existing dwelling and erection of two new dwellings

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
BE 3 Demolition in conservation areas
BE 4 Timing of demolition in conservation areas
GE 5 Protection and replacement of trees
GE 6 Trees and development
HS 1 Housing development
RC 2 Youth and adult outdoor playing facilities
TP 1 Development and highway safety
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Landscaping in new development (2004)
Play space in residential development (2003)

Cudnall Street conservation area character appraisals and management plan (June 2009)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Architects Panel

23rd September 2014

The panel has reviewed this scheme twice before, and whereas the previous schemes were modern, the current proposal is traditional in form. In terms of the material presented, the alternative elevations were considered a slight improvement over those submitted. However, the panel felt that this was a step backwards and that the first scheme was still the best. Therefore the proposal could not be supported.

Gloucestershire Centre for Environmental Records

15th August 2014

Biodiversity report is available to view on line.

GCC Highways Planning Liaison Officer

6th August 2014

I refer to the above application received on 5th August 2014 for the Demolition of existing dwelling and erection of 2 no. new dwellings. There was an application 13/01367/FUL in August 2013 (which was withdrawn) to which the Highway Authority raised no highway objections. Application 13/02143/FUL in January 2014 which was refused but the highway authority raised no highway objection. A planning application in April 2014 14/00530/FUL which was refused but the highway authority raised no highway objections.

The proposal is adjacent to the classified A40 London Road and at this point is subject to a 30 MPH speed limit. The existing access is set back from the carriageway and there is a private access to the A40, which would minimize the likelihood of vehicles reversing onto

the A40. As the proposal is for use of the existing access, and there are no recorded incidents at the site of the proposed development and even though there will be a 50% increase in vehicular movements from the existing access. I have noted the comments made by the highway authority on the previous applications, I see no reason to make a different recommendation to those made on 29/08/13 09/01/2014 and 07/05/2014. Therefore I raise no highway objections to this application.

Parish Council

12th August 2014

NO OBJECTION

Tree Officer

11th August 2014

The Tree Section has two queries regarding this application.

1. The Design, Access and Sustainability statement states that all trees will be retained but drawing no 21 shows excavations right up to the trunk of several trees and their crown spread is hatched (whilst other Crown spreads are indicated as solid) thus intimating that such trees are to be removed. Clarification is required.

2. T15 Scots Pine is classed by the Arb consultant as a B2 tree and therefore should be retained (as per BS5837 (2012)) however the boundary wall is shown located against the trunk. As this part of the site is on a slope, a high proportion of the rooting area will therefore be removed. Thus the tree would have also to be removed. Whilst this tree was also earmarked for removal on planning application 14/00530/FUL several replacement trees were marked on drawing no 11. No such trees are marked for planting on this plan. This tree (T15) is arguably the best tree on the site and as such it is a shame to remove it. If the footprint of the more westerly dwelling was reduced or moved further away, this tree could be retained. However, as there was no previous Tree Section objection, it is not reasonable to object now. However replacement trees are required. I suggest replacement evergreen trees are also planted to replace this and other trees due for removal. Evergreen species tolerant of the sandy soil-eg Scots Pine are planted. Please could species, size, root type, location and tree pit details be submitted and agreed prior to determination.

Please could the following conditions be used following any permission granted:

TRE01B-Existing Trees to be retained

TRE02B-Tree Protection Plan

TRE03B-Protective Fencing

TRE04B-No Fires

TRE05B-No Service Runs within RPA

TRE07B-Retention of existing screen

TRE09B-Submission of Leaf guard details

Environmental Health

11th August 2014

In relation to application 14/01398/FUL for 282 London Road, Charlton Kings, Cheltenham, Gloucestershire, GL52 6YF please can I add the following condition and advisory point:

Condition: This proposal includes an amount of demolition of an existing building, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

"The developer shall provide a plan for the control of noise and dust from works of construction and demolition at the site. Such a plan is to be submitted to and approved by the Local Planning Authority before work commences on site."

Reason: to protect local residents

Advisory: For the construction phase to be kept within the times of work as follows: 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays with no noisy work on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	13
Total comments received	2
Number of objections	1
Number of supporting	1
General comment	0

The application was publicised by way of letters to 13 neighbouring properties, a site notice and a notice in The Echo. One response supports the proposal and one response objects to the proposal. The objection relates to the following issues:

- Restrictive covenants [members will be aware that covenants are not relevant to planning decisions]
- Increased highway danger

6. OFFICER COMMENTS

6.1 Background

6.1.1 Previous applications for two dwellings have been considered by members in March and June 2014. Both of these were recommended for approval by officers but refused by members for the following reasons:

6.1.2 13/02143/FUL – Flat roof scheme

The site is within the Cudnall Street Conservation Area. The area is generally characterised by traditional dwellings with pitched roofs and the existing building contributes towards this general character which makes a positive contribution to the Cudnall Street conservation area. The proposed houses by reason of their design and in particular the form of the roofs, would be an incongruous addition to the conservation area which would fail to preserve or enhance the character and appearance of the conservation area. As such the proposal does not justify the demolition of the existing building and is contrary to policies BE3 (Demolition in conservation areas) and CP7 (Design) of the Adopted Local Plan.

6.1.3 14/00530/FUL – Dual Pitched Roof Scheme

The proposed development by virtue of it's height, mass, form and design, in combination with it's location on this corner plot would be harmful to the character and appearance of the conservation area and to the setting of the adjacent listed building. Accordingly the

proposals are contrary to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF and PPS5 (Planning for the Historic Environment) Practice Guide and policy CP7 of the Adopted Cheltenham Borough Local Plan.

- 6.1.4 Members will recall that these two applications both attracted objections from the Parish Council but no objection from the Architect's Panel. The current application has attracted an objection from the Architects Panel, however the Parish Council have confirmed that they have no objections.
- 6.1.5 This revised scheme has been submitted in an attempt to overcome member's previous concerns. The refused plans will be displayed at the committee meeting.
- 6.1.6 Appeals have been submitted against these two refusals and they are currently going through the appeals process with the Planning Inspectorate.

6.2 Determining Issues

- 6.2.1 The key issues in determining this application are considered to be (i) principle, (ii) design, layout and impact on conservation area, (iii) neighbour amenity, (iv) trees and landscaping, (v) Highway safety.

6.3 The site and its context

- 6.3.1 The site is the eastern-most building within the Cudnall Street conservation area and is identified within the Character Appraisal as a 'significant neutral' building. The appraisal goes on to say *"No. 282 London Road forms part of the mid 20th century planned residential development along this section of London Road. It is constructed from brick and has a tile roof. The house is set away from historic buildings and public space but its inclusion within the Conservation Area is questionable."*
- 6.3.2 Officers consider that the current house does not make a positive contribution to the conservation area and its demolition is considered to be acceptable. It is in very poor condition structurally and has been poorly extended. Therefore it is considered that if the replacement buildings are acceptable that the principle of demolition is acceptable.

6.4 Design and layout

- 6.4.1 As mentioned above, two previous schemes for two dwellings have been refused on this site. Both reasons for refusal centred around the appropriateness of the modern design and the proposed roof forms within this conservation area.
- 6.4.2 The current proposal represents a more conventional building form with hipped roofs and an eaves and ridge line consistent with the neighbouring properties. There are projecting wings to the front and rear which pick up on the bay details of the neighbouring properties.
- 6.4.3 The scheme as originally submitted was considered by officers to be overly bland and as such the architect has sought to add some interest to the front elevation. Officers now consider the proposal to be an acceptable compromise; adding some interest to the street scene in a way which conforms to the prevailing conventional building form in the locality.
- 6.4.4 The footprints of the two buildings have changed and this allows plot 2, which is adjacent to Ryeworth Road, to be moved away from this boundary, reducing the prominence of the buildings when viewed from Ryeworth Road. The placement of the buildings on the site follows the grain and layout of the area.
- 6.4.5 As such it is considered that this revised scheme will sit relatively unobtrusively on the site and has an acceptable impact on the conservation area.

- 6.4.6 The proposal has been discussed with the conservation officer who is supportive of the current scheme, as amended.
- 6.4.7 The Architects Panel object to the proposal as they feel it is a backward step from the previous schemes, which they supported. Whilst officers have some sympathy with this view, each scheme has to be assessed on its own merits and in this instance no harm has been identified by the current proposal. As such, whilst the panel may have their preferred solution, it is not considered that a refusal could be sustained on design grounds.
- 6.4.8 For these reasons the proposal is considered to be in line with the aims of the NPPF including replacing poor design with better design (para 9), responding to local character (para 58) and not resulting in significant harm to the conservation area (para132). The proposal is also in line with local plan policies CP3 (sustainable environment) in that it would conserve the best of built environments and CP7 (Design) in that it would be of a high standard of architectural design. It also follows advice contained in the Development on garden land and infill sites in Cheltenham SPD.

6.5 Impact on neighbouring property

- 6.5.1 The relationship between the proposed properties and the immediate neighbour is largely unchanged. The building follows the front building line. There are two storey projections at the rear of the buildings beyond the rear of the neighbouring property however the distances involved are such that there would be no overbearing impact or loss of light. There are no sideways facing first floor windows.
- 6.5.2 Other surrounding properties may be able to see the proposed dwellings, but the distances between these buildings are such that there would be no adverse impact by way of overlooking or loss of light.
- 6.5.3 For these reasons, the proposal is considered to be in line with policy CP4 of the Adopted Local Plan in that it would not cause unacceptable harm to the amenity of adjoining land owners.

6.6 Access and highway issues

- 6.6.1 London Road is a classified road and as such Highways have provided a comment on the proposal. They have confirmed that they raise no objection to the proposal subject to the implementation of the parking and turning provision as indicated on the plans. As such this aspect of the scheme is considered to be acceptable and as such is in accordance with policy TP1 (Development and Highway Safety) of the Local Plan.

6.7 Trees and landscaping

- 6.7.1 The application drawings indicate that a number of trees are to be removed. This is as per the previous proposals. Revised plans have been received in response to the Tree Officers comments confirming which trees are to be removed and the planting of two new Scots Pines in their place.
- 6.7.2 Conditions are suggested which will ensure the trees which are to be retained are protected and new ones planted. They also require the retention of the hedge which forms the Ryeworth Road boundary of the site. These measures will assist in softening the appearance of the site and assimilating the development into its surroundings.
- 6.7.3 As such the application is considered to be in accordance with the NPPF which refers to good landscaping as an intrinsic element of good design in chapter 7, and policy GE5 (Protection and Replacement of Trees) which requires the replacement of felled trees.

6.8 Other considerations

- 6.8.1 The proposal results in the net increase of one dwelling on the plot, as such the proposal would be required to contribute towards playspace in the locality. In this instance a contribution towards youth/adult provision is appropriate and the required amount is £368.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The previous schemes were refused because they were considered to result in an unacceptable impact upon the conservation area. Officers consider the current design to be acceptable, resulting in no harm to the conservation area and being acceptable in all other respects. As such the proposal is recommended for approval.

8. CONDITIONS / INFORMATIVES

- 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 numbers 20 received 4/8/14 and 21 B received 09/10/14.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 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.
- 4 Prior to the commencement of the works hereby approved a plan for the control of noise and dust from works of construction and demolition at the site shall be submitted to and approved in writing by the Local Planning Authority. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. The development shall be carried out in strict accordance with the approved plan.

Reason: In the interests of amenity of neighbouring properties in accordance with policy CP4 of the adopted local plan
- 5 Prior to the commencement of any works on site (including demolition and site clearance) a Tree Protection Plan (TPP) to BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. The development shall be implemented strictly in accordance with the details so approved.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 6 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site

(including demolition and site clearance) and shall remain in place until the completion of the construction process.

Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 7 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 8 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 9 All paths, parking areas and other forms of hard landscaping that fall within the Root Protection Area(s) shall be constructed using a no-dig method. Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the details so approved.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 10 The landscaping proposal shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. The scheme shall specify species, density, planting size, layout, protection, aftercare and maintenance. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992. The trees shall be maintained for 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.
Reason: To preserve the visual amenities of the locality in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 11 Prior to the commencement of development, the design and details including materials and finishes of the following shall be submitted to and approved in writing by the Local Planning Authority:
- windows
 - doors
 - rainwater goods
 - eaves

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with full size cross section profiles. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

- 12 Prior to the construction of any part of the approved dwellings, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by

the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

- 13 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.

- 14 The existing hedge to the northern boundary of the site shall be retained and the development shall be carried out strictly in accordance with the approved scheme. In the event of this landscaping or any landscaping to replace it being removed or destroyed or dying at any time, it shall be replaced within the next planting season in the same location by semi-mature landscaping of the same species or a species to be approved in writing by the Local Planning Authority.

Reason: To preserve the visual and residential amenities of the locality in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

INFORMATIVES

- 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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

APPLICATION NO: 14/01398/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 5th August 2014		DATE OF EXPIRY : 30th September 2014	
WARD: Battledown		PARISH: CHARLK	
APPLICANT:	The Trustees of the Estate of Mrs K Pillai		
LOCATION:	282 London Road, Charlton Kings, Cheltenham		
PROPOSAL:	Demolition of existing dwelling and erection of 2 no. new dwellings		

REPRESENTATIONS

Number of contributors	2
Number of objections	1
Number of representations	0
Number of supporting	1

284 London Road
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL52 6YF

Comments: 7th August 2014

I am happy to support the current application.

286 London Road
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL52 6YF

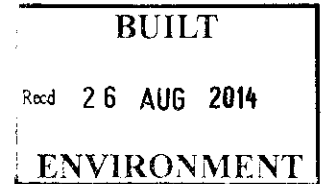
Comments: 27th August 2014

Letter attached.

286 London Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YF

26 August 2014

Mike Redman
Director
Build Environment
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1JP

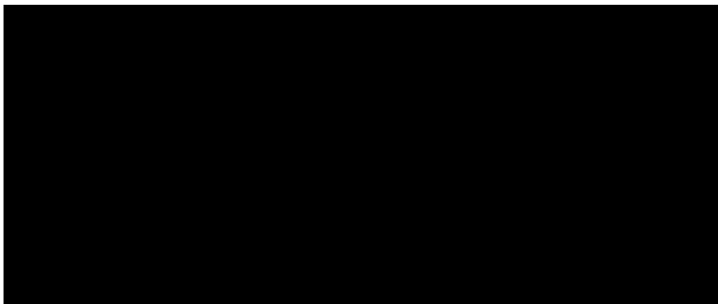


Dear Mr Redman

Planning Application 14/01398/FUL

Please find attached my comments concerning the above Planning Application.

Yours sincerely



PLANNING APPLICATION - REFERENCE 14/01398/FUL

MY COMMENTS.....

C1 RESTRICTIVE COVENANT

The conveyance between O E Cannell and E T H Stinchcombe of land now containing 282,284 and 286 London Road and 2,4,6,8 and 10 Ryeworth Road, made on 2nd April 1953 refers to the following:
"NOT more than eight messuages..... should be constructed on the property thereby conveyed."
"NOTHING should be done or permitted to be done or carried on upon the said property or any part thereof which should or might in any way be or become a nuisance or annoyance to the Vendor or his successors in title or the owners or occupiers of adjoining properties."

C2 Access to the site is **NOT** by a communal access road as stated in the Design, Access and Sustainability Statement, but by its own driveway and across **individually owned parcels of land** of 284 and 286 London Road respectively, which was subject to a deed of grant dated 19th July 1969 and which refers to the restrictive covenant referred to in C1.

IN MY OPINION....

Replacing the existing dwelling with two dwellings would be in breach of the restrictive covenant referred to in C1 and so jeopardize the deed of grant referred to in C2 and therefore the right of way of vehicles over the land of 284 and 286. Therefore the assumption that the two dwellings may use the existing access to London road, over the land of 284 and 286 is a fallacy.

Replacing the existing dwelling with two dwellings would increase the danger caused by vehicular traffic over the land shared with the occupiers of 284 and 286 and on to London Road. In particular, this land is continually used by young children walking, running and cycling on it, as it is on a level with and continuous with the pavement.

However, the danger to pedestrians could be mitigated by either gating each access or only allowing the access of 282 London Road to the main road by its own driveway and allowing 284 and 286 to share the other access, with a suitable fence or wall along the boundary of 282 and 284.

THIS APPLICATION SHOULD BE REFUSED ON THE GROUNDS OF DANGER TO PEDESTRIANS AND ROAD USERS OF INCREASED VEHICULAR TRAFFIC AND THE IMPACT ON NEIGHBOURS OF EXTRA VEHICLES, UNLESS THERE IS ADEQUATE ROOM TO MANOEUVRE VEHICLES ON THE SITE.

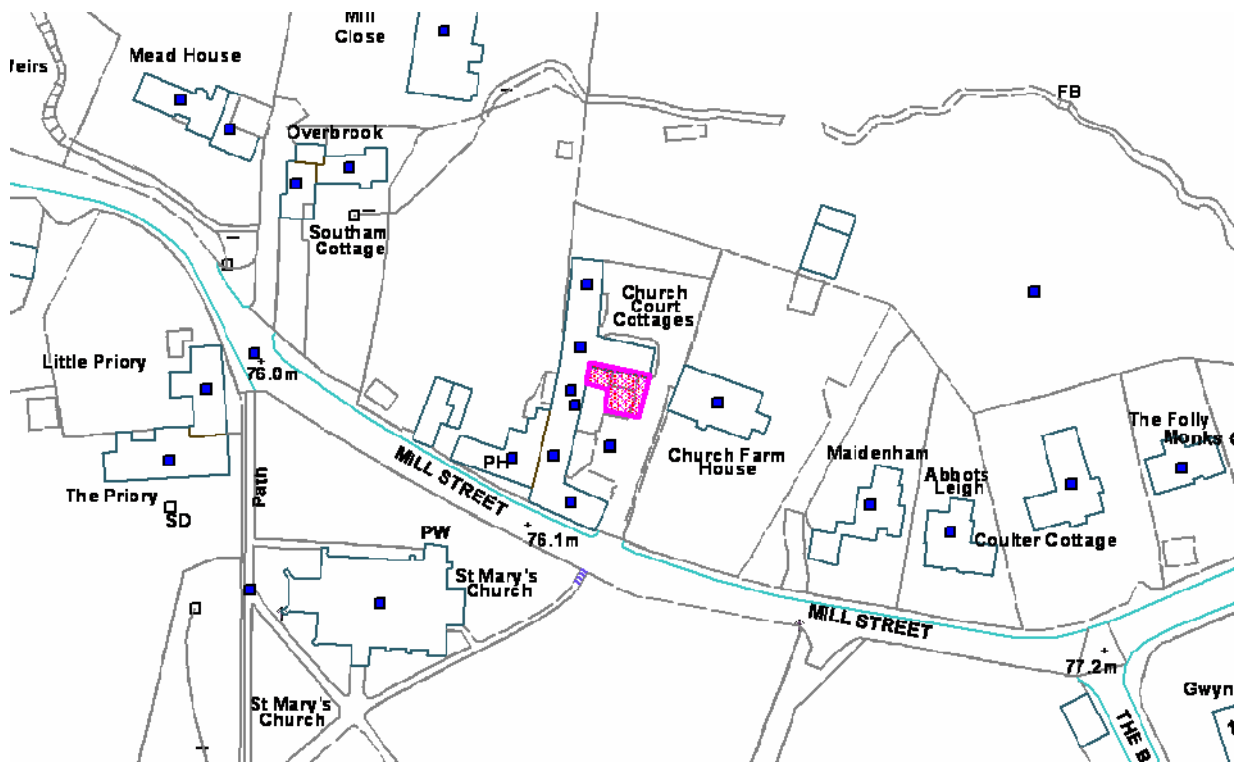

286 London Road
Charlton Kings
Cheltenham
GL52 6YF

26 August 2014

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APPLICATION NO: 14/01448/FUL	OFFICER: Miss Chloe Smart
DATE REGISTERED: 21st August 2014	DATE OF EXPIRY: 16th October 2014
WARD: Prestbury	PARISH: Prestbury
APPLICANT: Mr J Tenvig	
AGENT: Anthony Priddle Architects	
LOCATION: Cleeve, Church Court Cottages, Mill Street, Prestbury	
PROPOSAL: Erection of bin store to front of property.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to the erection of a bin store to serve a cluster of houses accessed from Mill Street, Prestbury. The bin store is proposed to be located off an existing driveway which serves the houses; the submitted drawings show that the store is to be faced in stone with a hipped roof. It will house four bins.
- 1.2 Members will note on planning view that the proposed store replaces an existing bin store.
- 1.3 The application also originally included the construction of stone boundary walls along the perimeter of the site but these have subsequently been removed from the application as they do not require planning permission given the proposed height of 1.8 metres.
- 1.4 The application site is located within the Prestbury Conservation Area and also within the greenbelt.
- 1.5 It is before planning committee at the request of Cllr Stennett but also in light of a Parish Council objection.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Greenbelt

Relevant Planning History:

83/00965/PF 29th November 1983 PER

Alterations to existing buildings to provide two residential units

84/01335/PF 24th January 1984 PER

Alterations and extensions to existing barn and farm buildings to provide 4 dwelling units for retired couples

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design
BE 5 Boundary enclosures in conservation areas
GE 5 Protection and replacement of trees
GE 6 Trees and development
CO 5 Definition of green belt
CO 6 Development in the green belt

Supplementary Planning Guidance/Documents

Prestbury conservation area character appraisals and management plan (June 2009)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council
26th August 2014

No objection.

Parish Council
10th October 2014

REVISED COMMENTS:

Prestbury Parish Council Planning Committee objects to this application on the grounds that the proposed structure is oversized and disproportionate to its intended use. Other bin stores within the area are much smaller and more discrete.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

5.1 Letters were sent to seven neighbouring properties following the submission of the application. In addition, the application was advertised by way of site notice and within the Gloucestershire Echo.

5.2 In response to this publication, three letters of objection were received. The concerns are summarised below;

- The flooding implications of the proposed wall and bin store;
- The height, size and location of the proposed bin store;
- Harm to the openness of the area;
- Impact on daylight to existing cottages

5.3 Members are reminded at this stage that the originally proposed boundary enclosure no longer forms part of the application. The following section of the report will therefore only consider the objections insofar as they relate to the proposed bin store.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The key considerations relating to this application are the design of the proposed bin store (and any potential impact it has on the conservation area and green belt) and any impact on neighbouring amenity. The concerns in relation to flooding will also be considered.

6.2 Design and layout

6.2.1 Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.

- 6.2.2** Members will note on the site that the proposed bin store replaces an existing store which does not provide full enclosure for the bins. The bin store is 0.4 metres wider than the existing structure and is located closer to the existing driveway.
- 6.2.3** Despite the marginal increase in width and the addition of a hipped roof, officers are satisfied that the structure is a suitable addition to this complex of buildings. The store building incorporates timber doors to screen the bins and in this respect, will read as a traditional outbuilding. It is a functional building but, in the view of officers, it is a building that is well considered. It provides a useful space to hide bins and allows sufficient height to be functional whilst also being respectful to its immediate surroundings.
- 6.2.4** In relation to the likely impact on the conservation area, officers consider this to be neutral. The proposal is well set back from Mill Street and will be read in the context of a complex of larger buildings. With this in mind, the proposal will have no impact on the openness of the green belt.
- 6.2.5** The concerns from the neighbouring properties in terms of the design and location of the building are understood. The proposal, however, is entirely compliant with provisions of local plan policy CP7 and policies relating to green belt restrictions. The proposal is essentially an alteration to the existing building and is subordinate in size and consistent in character with its wider context.

6.3 Impact on neighbouring property

- 6.3.1** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.3.2** The section above has already commented on the suitability of the structure but representations have also raised potential loss of daylight as a concern. In response to this, members are advised that the proposed development more than comfortably passes the relevant loss of daylight test referenced in local plan policy.
- 6.3.3** Further to the above, the proposal cannot be considered to be overbearing in any way when viewed from surrounding properties. It is a single storey building located over 4.5metres from the boundary with the neighbouring cottage; an entirely acceptable arrangement.
- 6.3.4** The proposal fully satisfies the requirements of local plan policy CP4.

6.4 Other considerations

- 6.4.1** Members will note that the objections to the application reference flooding as a concern, suggesting that the foundations could impact on drainage. Officers cannot share this view. The proposal is a small scale addition which replaces an existing store and any impact on surface water run off will negligible.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The proposal represents a small scale addition to a well established cluster of buildings. It is a well considered structure that responds well to its context and in this respect is compliant with local plan policy CP7.
- 7.2** The proposal will not compromise the openness of the green belt and will not harm neighbouring amenity.
- 7.3** It is recommended that planning permission be granted.

8. CONDITIONS / INFORMATIVES

- 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 2 The development hereby permitted shall be carried out in accordance with drawing numbers 99.014.402 A, 99.014.400 B and 99.014.401 B received 11th September 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

INFORMATIVES

- 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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The application shows the retention of a tree to the rear of the proposed bin store. To ensure works do not affect the integrity of this tree; the applicant should be made aware that no mechanical methods of excavation should be used within 3 metres of the centre of the trunk of the tree. In addition, no roots greater than 25mm should be severed.

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APPLICATION NO: 14/01448/FUL		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 21st August 2014		DATE OF EXPIRY : 16th October 2014	
WARD: Prestbury		PARISH: PREST	
APPLICANT:	Mr J Tenvig		
LOCATION:	Cleeve, Church Court Cottages, Mill Street		
PROPOSAL:	Erection of bin store to front of property.		

REPRESENTATIONS

Number of contributors	3
Number of objections	3
Number of representations	0
Number of supporting	0

Leckhampton
 Church Court Cottages
 Mill Street
 Cheltenham
 Gloucestershire
 GL52 3BG

Comments: 25th September 2014

I have received, and thank you, your letter of 22nd September concerning revised plans now registered with regard to erection of a bin store in conjunction with the original planning application previously submitted under the above planning reference.

As Miss Smart will know from our meeting on site, I am the long-term tenant of Leckhampton Cottage and Mr. David Miller is my freehold landlord.

I expressed my concerns and objections to the proposals in person at the site meeting with Miss Smart and her male colleague and subsequently emailed confirmation on 9th Sept.

To reiterate those concerns, I am still discontent at the overbearing height and nature of the proposed enclosing wall from the viewpoint of increased flood risk when the deep foundations are laid which will undoubtedly affect the current means of natural escape of surface water, the potential detrimental effect on current mature trees and shrubs of particular horticultural interest, the negative effect on the present natural cadence and symmetry of this very special, award-winning courtyard development and the serious loss of visual amenity to adjoining Birdlip Cottage in particular.

The bin store both as originally proposed and by reference to the proposed revisions is unnecessarily obtrusive and invasive in size, height, situation and design but my primary concern is once again the increased risk of surface water flooding and even more importantly the apparent reduced width to the driveway area which would result in its newly proposed siting potentially restricting access and ability to manoeuvre for emergency vehicles.

Bredon
Church Court Cottages
Mill Street
Cheltenham
Gloucestershire
GL52 3BG

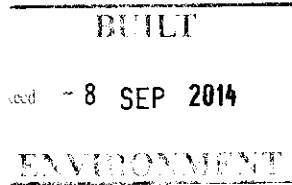
Comments: 8th September 2014
Letter attached.

Leckhampton
Church Court Cottages
Mill Street
Cheltenham
Gloucestershire
GL52 3BG

Comments: 30th September 2014

I am the owner of Leckhampton Cottage which is 2 cottages along from the application site. As the cottages are rather small, I will undoubtedly be affected by the proposed development. The key aspect of the Church Court Cottages site is its natural openness creating the feeling of rural space even in a relatively small area. All of the current boundaries are trees, bushes or low fences. The erection of a 1.80 metre stone wall will completely destroy this natural beauty. The proposed bin store at over 2 metres will be even worse. The wall and bin store will be over bearing and will reduce the natural light within the adjoining cottages. Its construction will undoubtedly damage some of the current mature trees and shrubs especially given the depth of the foundations. I am also concerned that these deep foundations could affect the drainage from the cottages as they are already below street level. They have indeed flooded in the past.

For these reasons I feel that this application to build this large stone wall and enormous bin store should be rejected. Once they have been built Church Court Cottages will never be the same open natural residential development.



Bredon Cottage
Church Court
Mill Street
Cheltenham
GL52 3PG

Built Environment
Cheltenham Borough Council
Promenade
Cheltenham
GL50 9SA

8th September 2014

Dear Sir,

Planning Application 14/01448/FUL Cleeve Cottage, Church Court, Mill Street

My name is [REDACTED] and I own and reside in Bredon Cottage which is immediately next door to Cleeve Cottage. The above Application has been submitted to build a stone wall and bin store and I would like to object to it for the following reasons

1. Due to its height and location the proposed wall will seriously affect the natural daylight into a living area. There is only one window in this room and I will be looking straight out at this wall greatly diminishing the amount of daylight I receive.
2. Again because of its height the proposed wall is totally overbearing and is not in keeping with the open space aspect of an old stable block style development.
3. As the wall is so high the foundation required to support it will need to be reinforced concrete a metre deep. My patio is already a sunken space and I am concerned that it could fill up with water if there is significant rainfall, as the natural drainage will have been compromised. These cottages have flooded in the past.
4. The proposed bin store is of concern as it is so high it is more like a garage and the height is totally unnecessary to house bins.

Could you please ensure my comments are considered before a decision to allow this Application is taken.

Thank you

Yours sincerely

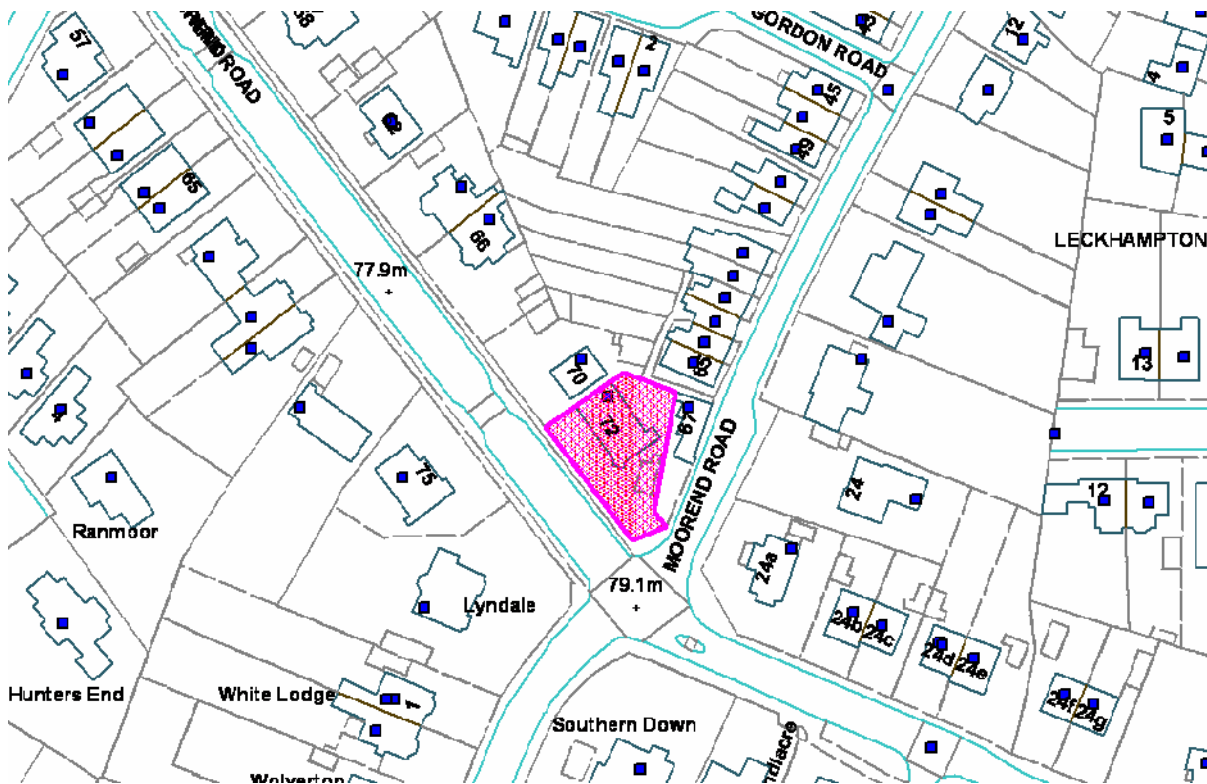
[REDACTED]

8.9.14.

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APPLICATION NO: 14/01522/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 23rd August 2014	DATE OF EXPIRY: 18th October 2014
WARD: Leckhampton	PARISH:
APPLICANT:	Mr Steve Williams
AGENT:	Plot Design Solutions
LOCATION:	72 Moorend Park Road, Cheltenham
PROPOSAL:	Loft conversion including dormers to front and rear roof slopes and rooflights to rear and side elevations

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a detached bungalow on the east side of Moorend Park Road, at the junction with Moorend Road. The eastern boundary of the site forms the boundary with the Leckhampton Character Area of the Central Conservation Area; the site is therefore just outside of the conservation area. The bungalow is rendered under a tiled roof and is a well-proportioned, attractive building located in a prominent location.
- 1.2 This application proposes 2 no. dormer windows, one on the front roof slope and one on the rear roof slope. The dormer on the rear would be 2m wide with rendered elevations and a hipped roof. The casement window within this dormer would be obscure glazed and fixed shut. The dormer on the front elevation is 2.2m wide with a hipped roof with large eaves. The face of this would be fully glazed with full height doors which are inset into the roof to provide a balcony area. The rear dormer accommodates a staircase to the roof space which would be utilised as an ensuite bedroom.
- 1.3 This is a revised application. The previous application (which was withdrawn following officer concern) was for a front dormer which was 0.5m wider, had a gabled roof form and was set further forward on the roof slope. The rear dormer was the same design, although it has now been confirmed that this would be obscure glazed.
- 1.4 This application is before committee at the request of Cllr Chard due to the existing variety in the street scene.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

02/00643/FUL 28th June 2002 PER

Loft conversion, necessitating alterations to roof (installation of two dormers to front roof slope)

73/00439/PF 22nd November 1973 PER

Erection of Interwoven 6'0" High Fence Around Front Boundary.

07/00663/FUL 9th July 2007 PER

Renewal of planning permission ref. 02/00643/FUL dated 27 June 2002 for a loft conversion, necessitating alterations to roof (installation of two dormers to front roof slope)

14/01086/FUL 8th August 2014 WDN

Loft conversion including dormers to front and rear roofslopes and rooflights to rear and side elevations

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

Central conservation area: Leckhampton Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre for Environmental Records

3rd September 2014

Report is available to view on line.

Contaminated Land Officer

27th August 2014

No comment

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	3
Total comments received	3
Number of objections	0
Number of supporting	2
General comment	1

5.1 The application was publicised by way of letters to three neighbouring properties, a site notice and a notice in the Echo. Three representations have been received which relate to the following issues:

- No objections
- In keeping with the existing property

6. OFFICER COMMENTS

6.1 Determining Issues

They key issues in determining this application are considered to be (i) visual impact and design and (ii) impact on neighbouring properties.

6.2 The site and its context

As mentioned above, the site is directly adjacent to the conservation area. The area is characterised by a variety of building types. Moorend Park Road is generally typified by two storey properties which are a mixture of render and brick; however there are a small number of bungalows on this street including one of a similar style to the application site on the junction with Osprey Road. Continuing down Moorend Road (within the conservation area) the adjacent property (67) is a stone-built detached cottage, but the majority of this street is characterised by traditional terraced houses and detached villas.

6.3 Design and layout

Both dormers are similar in width; however the rear dormer would not be widely visible from the street and is of a simpler design with a narrower casement window. The dormer to the frontage is the more prominent of the two being on the front elevation, is more heavily glazed, wider and includes full height windows and a cut-away balcony. As such whether this dormer is appropriate is the main consideration of this application.

Generic design advice can be found within the NPPF. This makes it clear that whilst Local Planning Authorities should not seek to impose unsubstantiated design requirements, it is proper to reinforce local distinctiveness and the visual appearance and architecture of individual buildings are important considerations.

Local Plan policy CP7 states that development will only be permitted where it is of a high standard of architectural design. It goes on to state that extensions should avoid causing harm to the architectural integrity of the building or group of buildings.

The Council's adopted SPD: *Residential Alterations and Extensions* provides further advice on extending in to the loft space. It makes it clear that over-wide dormers can harm the appearance of the house and stand out as a visually disruptive element in the street.

The front dormer proposed here does pick up on the glazing details from the windows below, but officers are concerned about the overall size and scale of the dormer. It has been reduced from that previously proposed, but it is still 0.7m wider than the window below. Dormer windows should be a secondary feature of a building and in accordance with the normal hierarchy of buildings, should be narrower than the windows below. Having a wider feature at roof level makes this more dominant in the roof slope, thereby detracting from the proportions of the original dwelling and resulting in a feature which is overly prominent in the street scene. The full-height windows are clearly taller than those below which also adds to the sense that the dormer is excessively scaled when compared to proportions of the original building.

It is for these reasons that the proposal cannot be supported. The dormer is not compliant with this Authority's adopted design guidance and fails to comply with the requirements of local plan policy CP7.

6.4 Impact on neighbouring property

The dormer on the rear roof slope has the potential to overlook the garden of 65 Moored Road which is to the side of this property and within approx 10m of the dormer. This dormer houses the staircase and therefore the applicant has agreed that this can be obscure glazed with a fixed window. This would ensure that no adverse overlooking occurred.

6.5 Other considerations

The report from GCER gives details of protected species sighted within 250m of the site. It is not considered that the proposal has any implications for these species.

7. CONCLUSION AND RECOMMENDATION

- 7.1 It must be considered whether there are any over-riding benefits of the proposal which outweigh the harm which has been identified. In this instance the proposal would clearly be beneficial to the applicant, but there are no public-benefits which tip the balance in favour of the proposal.

- 7.2 Whilst officers are not opposed to the principle of a dormer window on the front elevation and have offered advice as to how the scheme could be amended to achieve officer support, the current proposal is overly large and will unacceptably dominate the existing roof slope. The existing bungalow is prominent within the street scene and is a building of merit; the proposal will be harmful to the building and fails to comply with the requirements of local plan policy. It is therefore recommended for refusal.

8. INFORMATIVES / REFUSAL REASONS

- 1 The proposed dormer on the front elevation, by reason of its size and design would be harmful to appearance of the dwelling. Furthermore it would result in an overly prominent feature within the streetscene which would be harmful to the appearance of the area. As such the proposal is considered to be contrary to policy CP7 (design) of the local plan, advice contained in the Residential Alterations and Extensions SPD and advice contained in the NPPF.

INFORMATIVES

- 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, having had regard to all material considerations, the authority has suggested alternatives which would overcome the harm which has been identified, however the applicant wished to receive a determination on the current proposal.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.

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APPLICATION NO: 14/01522/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 23rd August 2014		DATE OF EXPIRY : 18th October 2014	
WARD: Leckhampton		PARISH:	
APPLICANT:	Mr Steve Williams		
LOCATION:	72 Moorend Park Road, Cheltenham		
PROPOSAL:	Loft conversion including dormers to front and rear roof slopes and rooflights to rear and side elevations		

REPRESENTATIONS

Number of contributors	3
Number of objections	0
Number of representations	1
Number of supporting	2

70 Moorend Park Road
Cheltenham
Gloucestershire
GL53 0JY

Comments: 2nd September 2014

I think the design is in keeping with the style of the property. The ground floor windows, on the right, are dramatic and unusual, adding much character. The proposed development gives thought and consideration to the impact of the upper front windows, and I feel that this is in keeping with the property both visually and historically.

We live in the house next door (our property can be seen in the application photo) and we have a 5 column window, as a feature of the property. I add my full support to an exciting and functional addition to this property.

Lyndale
Moorend Grove
Cheltenham
Gloucestershire
GL53 0EX

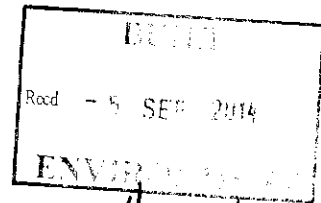
Comments: 3rd September 2014

I think the design is in keeping with the style of the property. The ground floor windows, on the right, are dramatic and unusual, adding much character. The proposed development gives thought and consideration to the impact of the upper front windows, and I feel that this is in keeping with the property both visually and historically.

We live in the house opposite and whilst the addition of a storey may appear to impact on our house, the new room will only be visible from our dining room and will have no affect on our day to day lives at all. I thoroughly support this application.

75 Moorend Park Road
Cheltenham
Gloucestershire
GL53 0LG

Comments: 8th September 2014
Letter attached.



4th Sept 2014

Planning Dept
Cheltenham Borough Council

Ref 14/01522/FUL

Dear Sirs.

With reference to the above planning application as the opposite neighbour I wish to record that I have no objection at all to the four window dormer window:

Yours faithfully

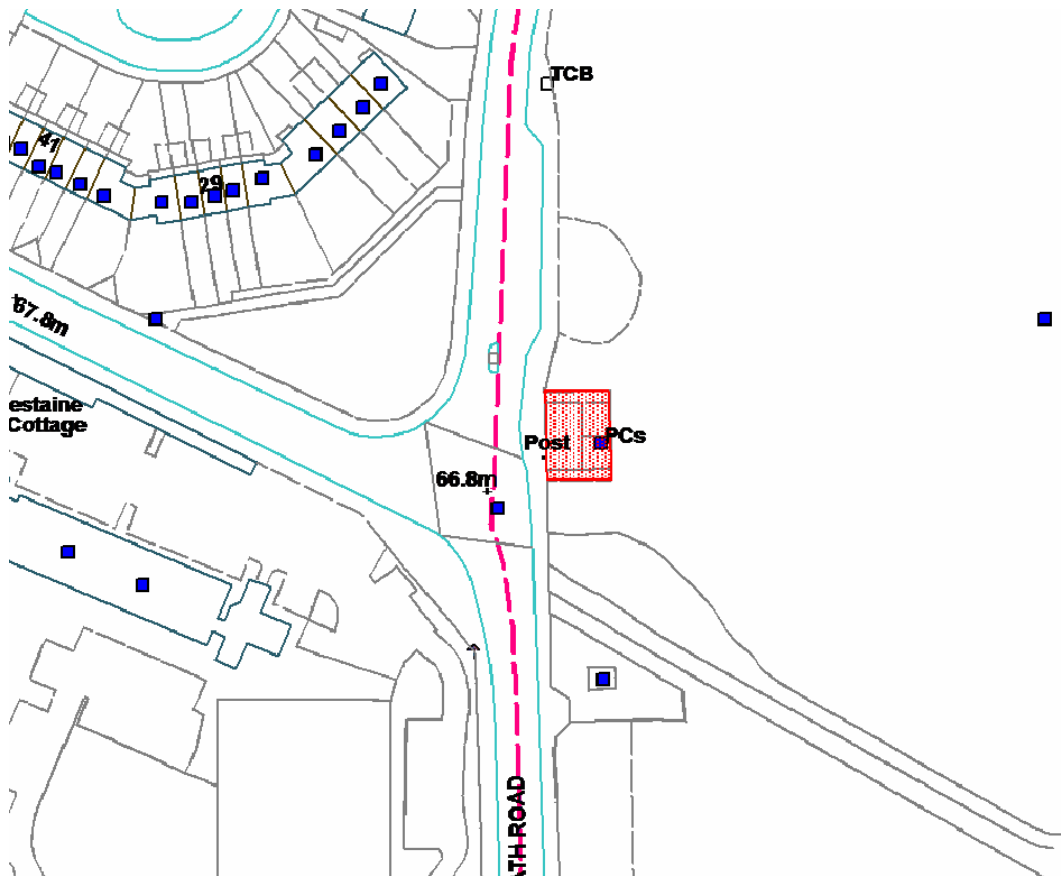


C.C. Andrew Chand.

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APPLICATION NO: 14/01649/COU	OFFICER: Mr Ian Crohill
DATE REGISTERED: 16th September 2014	DATE OF EXPIRY: 11th November 2014
WARD: Charlton Park	PARISH:
APPLICANT: Mr Thomas Deacon	
AGENT: Steve Mitchell Building Design	
LOCATION: Diamond Jubilee, Old Bath Road, Cheltenham	
PROPOSAL: Change of Use from Sui-Generis (former public conveniences, Cox's Meadow) to A1 (retail) including minor building works	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to the former public toilet block adjacent to Cox's Meadow. The building has been officially re-named by the new owner (the site was formerly in the ownership of the Borough Council) and is now known as 'Diamond Jubilee'.
- 1.2 The applicant is seeking permission to change the use of the building to retail (A1) and at the same time give the building a fairly major facelift. The existing building is not the most attractive of buildings and it is proposed to face the exterior of the building in render and timber cladding in combination with large new windows. Permission has already been granted earlier this year to use the building as Offices along with external alterations very similar to those now proposed. (14/00058/COU granted 7 April 2014).
- 1.3 This application has been brought to Committee at the request of Cllr Paul Baker who points out that this is a very prominent location adjacent to a popular open space much used by local people and others who arrive by car to walk and exercise their dogs. He is of the opinion that it is essential that any proposed use does not impact upon the current enjoyment of open space in terms of noise generation, waste and litter and vehicle movements. He points out that there is no parking on site and expresses the view that any use is likely to clog up the lay by with staff and visitor parking thereby displacing the current users to nearby residential streets. He states that without knowing the likely nature of the end user it is difficult to offer informed comment and he is concerned that giving an A1 use could open up all types of problems which may not be able to control subsequently e.g. hours of operation, traffic, noise, litter etc. For those reasons and especially that Cox's Meadow is a much used and important local open space on a very visual main road into the town he feels that the application should be referred to the Planning Committee,
- 1.4 The application site is located within the Central Conservation Area.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Flood Zone 2
Public Green Space (GE36)
Smoke Control Order

Relevant Planning History:

14/00058/COU 7th April 2014 PER
Change of Use Sui-Generis to A2, including Minor Building works

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Central conservation area: College Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

4.1 Wales and West Utilities (gas supply)

Wales & West Utilities have no objections to these proposals however their apparatus may be at risk during construction works and should the planning application be approved then they require the promoter of these works to contact them directly to discuss their requirements in detail. Should diversion works be required these will be fully chargeable.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 The receipt of the application was advertised. No representations have been received to date.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1 The main considerations relate to the details of the specific use proposed and possible impact that use may have in the immediate environment.
- 6.1.2 The prospective tenant intends to operate the A1 use as a sandwich bar. It should be noted that such a use does not fall within A3 café use but A1 as principally customers would purchase cold food and drink items for consumption off the premises. Details of a possible intended menu have been submitted indicating that the food available will, in the main, be sandwiches, baguettes, baked potatoes and toasties etc. along with a selection of hot and cold drinks.
- 6.1.3 The use (similar to many established sandwich bars in the town) is considered highly appropriate to its park location. It should provide a useful facility for the local community and users of Cox's Meadow and will give an appropriate beneficial use to a tired looking building.
- 6.1.4 The applicant has indicated that he would like to have some flexibility with regard to opening hours; however bearing in mind the relatively sensitive location at the edge of Cox's Meadow, it is considered that it would not be unreasonable to restrict the use to exclude early evening or night time use. It is suggested that at least in the first instance confining the opening hours to between 8.30 am to 5.00 pm would be appropriate. It is considered that such a restriction would be acceptable to the applicant.
- 6.1.5 At the time of writing this report no consultation response had been received from the Conservation Officer. However, in connection with the previous, change of use to offices application the Conservation Officer expressed reservations regarding the proposals to clad the building with timber, suggesting that it is an alien material in the locality. In response to this, the applicant suggested that given the buildings 'park' setting, the use of timber is appropriate in this instance. Having given those opposing views due consideration it was considered that bringing the building into beneficial use outweighed any possible perceived harm caused by the cladding. The current application, though for a different use still proposes an identical combination of render to the road frontage and timber cladding facing into Cox's Meadow. It is considered that there will be little or no perceived harm resulting from the materials proposed indeed they will give the building a significant lift and a simple rectangular structure clad in crisp clean materials would give the building a

contemporary appearance and should be welcomed and be visually appropriate in this 'parkland' setting.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Whilst the concerns expressed by Councillor Baker have been noted it is considered that the change of use proposed will provide a use well suited to its location and one that should prove to be a major asset within Cox's Meadow. It is recommended, therefore, that permission be granted.

8. CONDITIONS / INFORMATIVES

- 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 number 927.01 received 12 September 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The use hereby permitted shall not be open to customers outside the hours of 17.00 hrs to 08.30 hrs each day of the week.
Reason: To safeguard the amenities of adjoining properties and the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

INFORMATIVES

- 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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

APPLICATION NO: 14/01649/COU	OFFICER: Mr Ian Crohill
DATE REGISTERED: 16th September 2014	DATE OF EXPIRY: 11th November 2014
WARD: Charlton Park	PARISH:
APPLICANT:	Mr Thomas Deacon
AGENT:	Mr Stephen Mitchell
LOCATION:	Diamond Jubilee, Old Bath Road, Cheltenham
PROPOSAL:	Change of Use from Sui-Generis (former public conveniences, Cox's Meadow) to A1 (retail) including minor building works

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Members are advised that the Conservation Officer has now commented on the proposal and has provided the following thoughts;
- 1.2. *There are no conservation concerns regarding this proposed change of use: it is considered that an A1 use is an appropriate use for this redundant building in this location and will enhance the conservation area.*
- 1.3. The recommendation remains to permit.

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