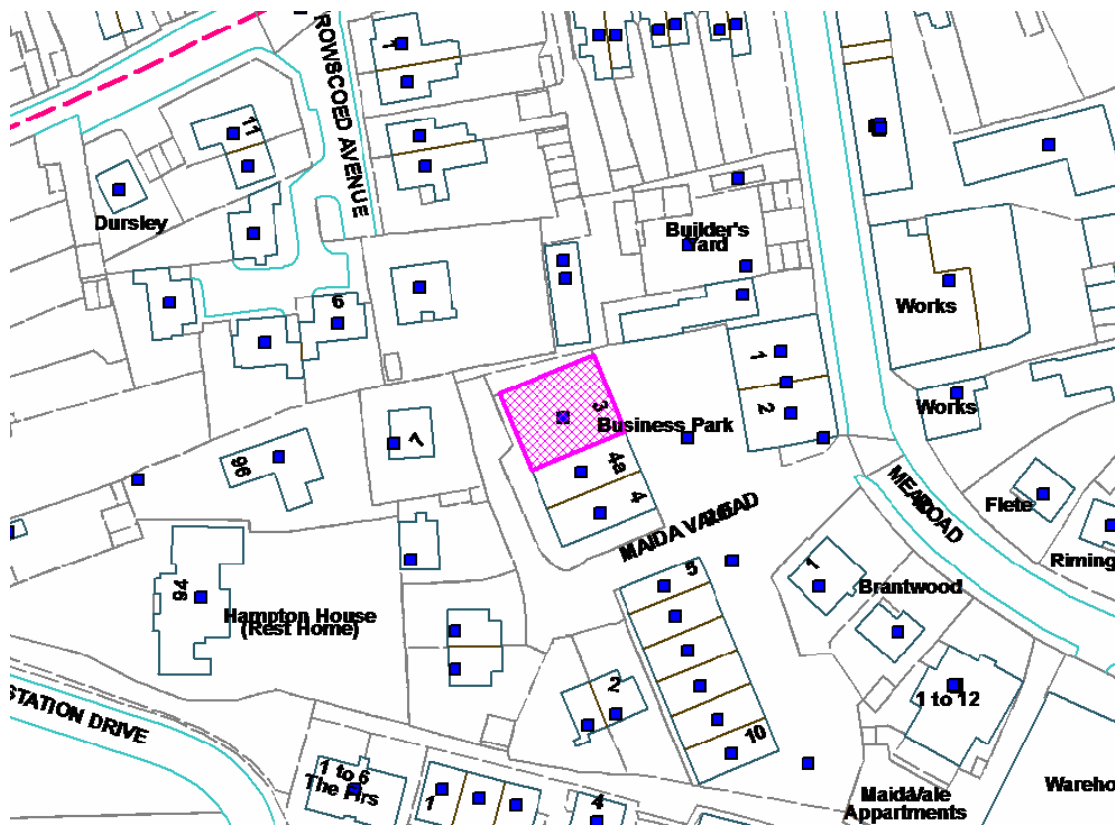


<b>APPLICATION NO:</b> 14/01270/CONDIT	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 15th July 2014	<b>DATE OF EXPIRY:</b> 9th September 2014
<b>WARD:</b> Leckhampton	<b>PARISH:</b> None
<b>APPLICANT:</b>	Mr Umesh Korant
<b>AGENT:</b>	None
<b>LOCATION:</b>	Unit 3, Maida Vale Business Centre, Maida Vale Road
<b>PROPOSAL:</b>	Variation of condition 2 (hours of business) and condition 3 (hours of loading/unloading) on planning permission ref. 02/00813/CONDIT granted 25th July 2002 to allow the premises to be used between the hours of 7.00am and 7.00pm Monday to Friday, and 7.00am and 3.00pm on Saturday, Sunday and Bank Holidays

**RECOMMENDATION:** Recommendation at Committee



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to Unit 3 within the Maida Vale Business Park at Maida Vale Road in Leckhampton; Unit 3 has been occupied by Cotswold Linen Care, a commercial laundry business, for a number of years.
- 1.2 Planning permission ref. CB19293/07 was granted in 1999 for the erection of ten industrial starter units; planning permission having previously been granted for 9 units in 1991 and subsequently renewed in 1996.
- 1.3 Condition 5 of the implemented planning permission relates to hours of operation and reads:

*The premises shall be used for the purpose specified only between the hours of 8.00am and 6.00pm on Mondays to Fridays inclusive 8.00am to 1.00pm on Saturdays and at no time on Sundays or Bank Holidays.*

*Reason: To safeguard the amenities of the occupiers of the adjoining residential properties.*

- 1.4 Condition 6 of the planning permission relates to loading and unloading and reads:

*No loading or unloading shall take place between the hours of 6.00pm and 8.00am Mondays to Fridays, between noon on Saturday and 8.00am Mondays, nor at any time on Bank Holidays.*

*Reason: To safeguard the amenities of the occupiers of the adjoining residential properties.*

- 1.5 The planning history sets out that such relatively tight controls were imposed on the original planning permission because of the nature of the development and its proximity to adjoining residential development, particularly where the end user of the industrial units was not known.
- 1.6 Since the original grant of planning permission, a number of applications have been made on various units within the business centre to extend their hours of operation.
- 1.7 With specific regard to Unit 3, Cotswold Linen Care first applied to extend their hours of operation and loading and unloading in March 2002. This application sought permission to use the premises from 7.00am to 8.00pm Monday to Friday, 7.00am to 3.00pm on Saturdays and 9.00am to 2.00pm on Bank Holidays. The application was refused by the Planning Committee in May 2002 as it was considered at that time that such "a relaxation of controls imposed in respect of hours of operations and deliveries to and from the premises would...give rise to an intensification of activity within this industrial/business centre which would have a harmful effect on the amenities at present enjoyed by the occupiers of adjoining and nearby residential premises".
- 1.8 Subsequently a revised application, ref. 02/00813/CONDIT, was submitted in May 2002 – this application was approved by the Planning committee in July 2002 subject to the following conditions:

- 1 *The variation in hours of operations and deliveries hereby permitted shall be carried on only by Cotswold Linen Care Ltd.*

*Reason: The development proposed is only acceptable because of the special circumstances of the applicants business and business practices (as noted in the letter from the applicant/agent accompanying the application), and the Local Planning Authority wishes to have the opportunity of exercising control over any subsequent use or user in the event of the applicant ceasing the use hereby permitted.*

- 2 *The premises shall be used only between the hours of 7.00am and 6.00pm on Mondays to Fridays inclusive and 7.00am and 1.00pm on Saturdays and at no time on Sundays or Bank Holidays.*  
*Reason: To safeguard the amenities of the occupiers of residential properties in the locality.*
- 3 *No vehicles may arrive or depart, be loaded or unloaded at or from the site outside the hours of 7.00am and 6.00pm on Mondays to Fridays and outside the hours of 7.00am and 1.00pm on Saturdays, and at any time on Sundays and Bank Holidays.*  
*Reason: To safeguard the amenities of the occupiers of residential properties in the locality.*
- 1.9 Cotswold Linen Care serve a high number of local businesses throughout Gloucestershire, and as a direct result of changes in trading practices, the volume of laundry needing to be processed has greatly increased, and the company is struggling to comply with the restricted hours of use.
- 1.10 This application is therefore seeking to vary conditions 2 and condition 3 on planning permission ref. 02/00813/CONDIT to allow the premises to be used between the hours of 7.00am and 7.00pm Monday to Friday, and 7.00am and 3.00pm on Saturday, Sunday and Bank Holidays.
- 1.11 The application is before planning committee at the request of Cllr Sudbury with particular regard to the impact on the amenity of neighbouring properties in respect of noise.
- 1.12 Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Smoke Control Order

### **Relevant Planning History:**

**CB19293/02** **PERMIT**

22nd August 1991

Demolition of existing joinery and timber works and erection of industrial units

**CB19293/04** **PERMIT**

27th June 1996

Renewal of planning permission CB19293/02 dated 22nd August 1991 for the demolition of existing joinery and timber works and erection of industrial units

**CB19293/07** **PERMIT**

29th July 1999

Erection of ten industrial starter units

**02/00453/CONDIT** **REFUSE**

22nd May 2002

Variation of condition 5 (relating to hours of operations) and condition 6 (relating to times of loading and unloading) imposed on planning permission ref. CB19293/07 dated 29th July 1999 -

**02/00813/CONDIT** **PERMIT**

25th July 2002

Variation of condition 5 (relating to hours of operations) and condition 6 (relating to times of loading and unloading) imposed on planning permission ref. CB19293/07 dated 29th July 1999 (revised application)

### **3. POLICIES AND GUIDANCE**

#### Adopted Local Plan Policies

CP 4 Safe and sustainable living

#### National Guidance

National Planning Policy Framework

### **4. CONSULTATION RESPONSES**

#### **Environmental Health**

*25th July 2014*

I think the hours of use requested on Sundays and Bank Holidays are likely to lead to loss of amenity for residents of nearby properties. I would therefore recommend the following as suitable hours of operation:

Monday - Friday 7:00AM - 7:00PM

Saturdays 7:00AM - 3:00PM

Sundays and Bank Holidays 9:00AM - 3:00PM

### **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters of notification were sent out to 14 neighbouring properties. In response to the publicity, six representations have been received; three in objection, and three in support, one of which is from the applicant in response to the objections. The comments have been circulated to Members in full but, in summary, the objections relate to noise and disturbance largely in respect of operations within the building.

### **6. OFFICER COMMENTS**

#### 6.1 Determining Issues

6.1.1 The main consideration when determining this application relates to the amenity of the adjoining neighbours in respect of noise and disturbance.

#### 6.2 The site and its context

6.2.1 The Maida Vale Business Park is located on the eastern side of Mead Road and is bounded by a number of residential properties; the area has long since been an established mix of residential and industrial uses.

6.2.2 The industrial units were constructed in 2000 on the site of a former joinery and timber yard.

6.2.3 Some of the surrounding houses to the rear of the business park are accessed through the business park.

### 6.3 Impact on neighbouring amenity

6.3.1 Local plan policy CP4 (safe and sustainable living) seeks to prevent unacceptable harm to the amenity of adjoining land users or the locality.

6.3.2 To date, in response to the application, the specialist advice from the Senior Environmental Health Officer has suggested that subject to a 9.00am start on Sundays and Bank Holidays, to which the applicant has agreed, the proposed hours are acceptable and unlikely to lead to a loss of amenity for local residents.

6.3.3 However following a meeting with the principal objector, the owner of no.6 Maida Vale Road, an assessment of the noise generated by Cotswold Linen Care is to be undertaken. This assessment is scheduled to take place on Wednesday 13th August to allow the results to be available prior to the committee meeting.

6.3.4 The results of the noise assessment and any further comments from the Environmental Health team will be forwarded to members.

### 6.4 Conclusion and recommendation

Recommendation to follow