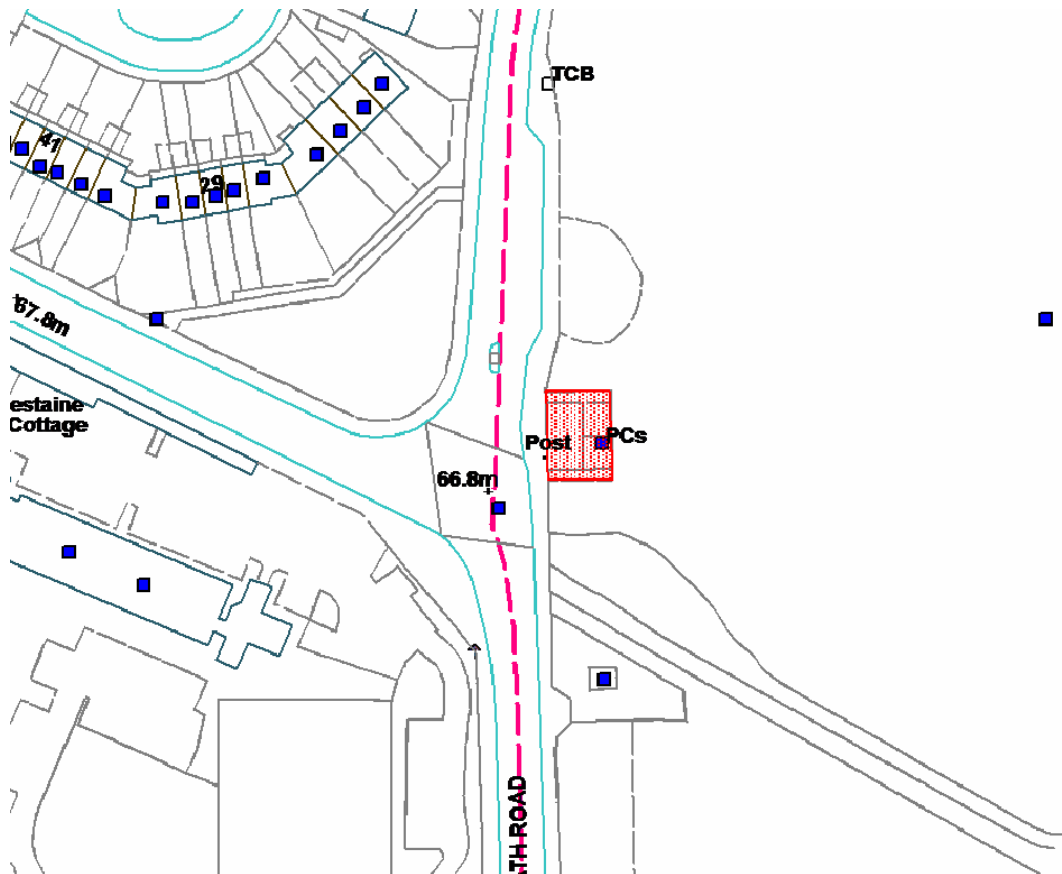


APPLICATION NO: 14/01649/COU		OFFICER: Mr Ian Crohill	
DATE REGISTERED: 16th September 2014		DATE OF EXPIRY: 11th November 2014	
WARD: Charlton Park		PARISH:	
APPLICANT:	Mr Thomas Deacon		
AGENT:	Steve Mitchell Building Design		
LOCATION:	Diamond Jubilee, Old Bath Road, Cheltenham		
PROPOSAL:	Change 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.