

<b>APPLICATION NO:</b> 14/01436/FUL		<b>OFFICER:</b> Mrs Lucy White
<b>DATE REGISTERED:</b> 19th August 2014		<b>DATE OF EXPIRY :</b> 14th October 2014
<b>WARD:</b> Charlton Park		<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	CTC (Gloucester) Ltd	
<b>LOCATION:</b>	86 Cirencester Road, Charlton Kings, Cheltenham	
<b>PROPOSAL:</b>	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.