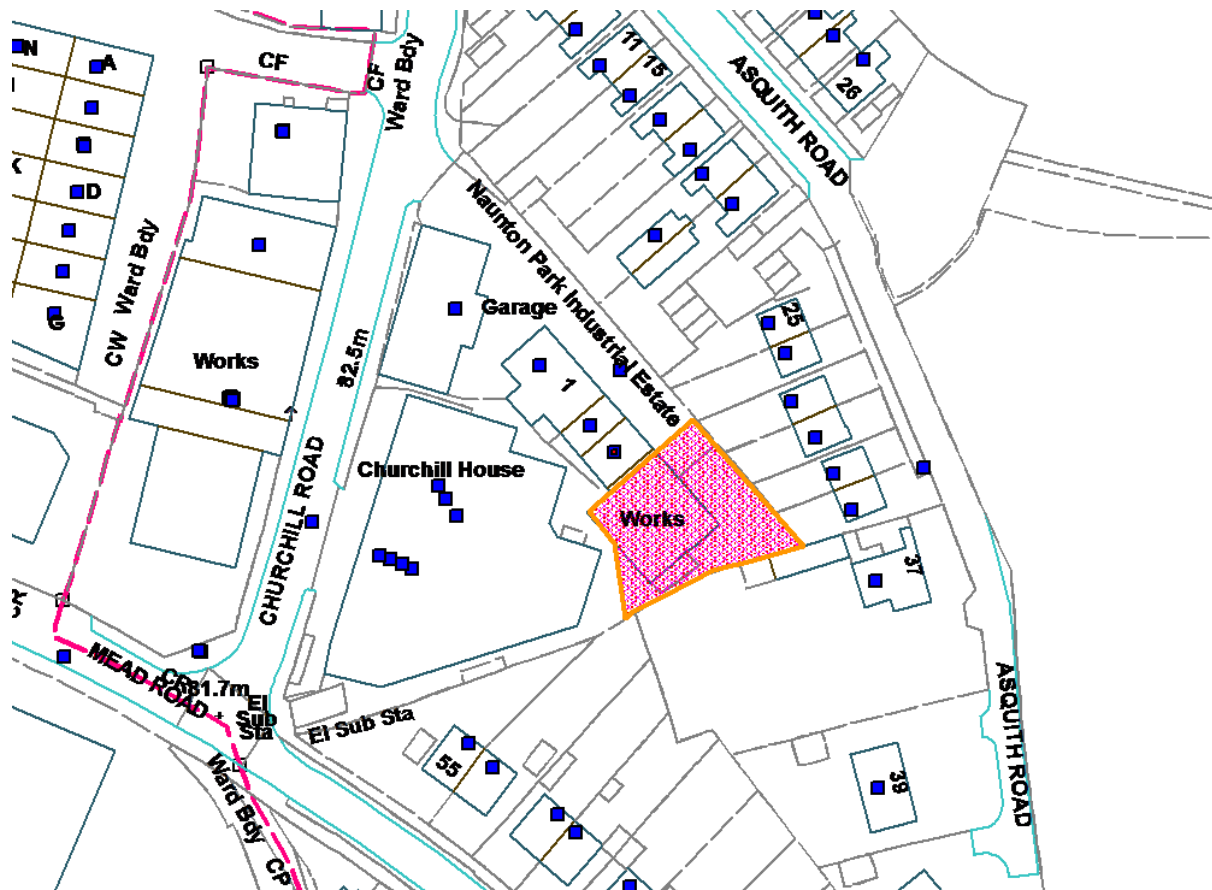


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|---|---|
| APPLICATION NO: 14/02003/FUL | OFFICER: Miss Michelle Payne |
| DATE REGISTERED: 7th November 2014 | DATE OF EXPIRY: 2nd January 2015 |
| WARD: College | PARISH: None |
| APPLICANT: | Bushurst Properties |
| AGENT: | Clive Petch Architects |
| LOCATION: | Unit 3 Naunton Park Industrial Estate, Churchill Road |
| PROPOSAL: | Construction of 2no. B1 light industrial units following demolition of existing light industrial building (revised proposal following withdrawal of planning application ref. 14/00566/FUL) |

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application for the erection of 2no. B1 light industrial units at Unit 3 Naunton Park Industrial Park on Churchill Road to replace a former light industrial building which has recently been demolished; it is a revised application following the withdrawal of planning application ref. 14/00566/FUL in November 2014.
- 1.2 Naunton Park Industrial Estate is located on the eastern side of Churchill Road and is bounded by a number of residential properties; however the surrounding area has long since been in an established mix of residential and industrial uses. Indeed, the site was used for industrial purposes long before the construction of nos. 25 to 35 (odd) Asquith Road in the late 60's / early 70's.
- 1.3 As originally submitted, this application proposed the erection of 3no. B1 light industrial units within a large building, approximately 20.5m wide by 12.5 deep, with an eaves height of 5.2m and a ridge height of 6.9m.
- 1.4 The scheme has subsequently been reduced in scale during the course of the application and now proposes 2no. units within a building, 19.5m wide by 11.8 metres deep, with an eaves height of 4.3m and a ridge height of 5.8m.
- 1.5 The building which formerly occupied the site measured 16.8m wide by 14.3 metres deep, and had an eaves height of 2.3m and a ridge height of 4.8m.
- 1.6 The application is before planning committee at the request of Cllr Barnes due to the level of concern from local residents; Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

250 Metre Land Fill Boundary
Residents Association

Relevant Planning History:

| | | |
|---|------------------|--------------------------|
| 14/00566/FUL | WITHDRAWN | 4th November 2014 |
| Construction of 3no. B1 light industrial units following demolition of existing light industrial building | | |

| | | |
|---|---------------------------------|-------------------------|
| 14/01291/DEMCON | NO PRIOR APPROVAL NEEDED | 26th August 2014 |
| Application for prior notification of proposed demolition of single storey light industrial/workshop building | | |

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
GE 5 Protection and replacement of trees
GE 6 Trees and development
NE 4 Contaminated land
EM 1 Employment uses
EM 2 Safeguarding of employment land

TP 1 Development and highway safety

National Guidance

National Planning Policy Framework

4. CONSULTATION RESPONSES

Contaminated Land Officer

13th November 2014

Please can you add the small development contaminated land planning condition to this application please; text as follows:

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Gloucestershire Centre for Environmental Records

25th November 2014

Report available to view on line.

Environmental Health

1st December 2014

In relation to application 14/02003/FUL for Unit 3, Naunton Park Industrial Estate, Churchill Road, Cheltenham, Gloucestershire GL53 7EG please can I add the following conditions and advisory comment:

Condition:

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:

The developer shall have compiled a plan for the control of noise and dust from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway.

Reason: To protect local residents.

Condition:

The premises planned for this site may only accept deliveries to the sites and be operational from 08:00 - 18:00 from Monday - Friday and 08:00 - 13:00 on a Saturday with no working or deliveries on a Sunday or Bank Holiday.

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

Condition:

Should any of the final occupants for the units require an extraction system and a flue as part of their business, a scheme for the control of noise (and odour if necessary) for the system shall be submitted to the environmental health department of the Local Planning Authority and approved in writing before the commencement of the development. The approved scheme shall be implemented on site prior to the extraction system being brought into use and shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To prevent neighbouring properties from loss of amenity through noise or odour.

Advisory note:

Once the owner of the units has the tenants in mind with further detail on the type of industry (e.g. type of machinery to be used), we would ask that they advise this authority so that this team may review the times of operation and delivery to ensure they are still appropriate for the use.

GCC Highways Planning Liaison

3rd December 2014

I refer to the above application for construction of 3no. B1 industrial units following demolition of existing light industrial unit (revised proposal following withdrawal of planning application ref. 14/00566/FUL) together with the application and Drawing No. 03 (Proposed Site Plan & Block Plan).

The site is located off Churchill Road in Cheltenham which is a Class 4 road and subject to a 30mph speed restriction. The access to the site is a shared access that is used for the former Unit 3 and other industrial units located on the site. There are no reported road traffic collisions in the locality of the existing access.

I have considered the size of the proposed units and note the development proposes an increase in vehicle parking spaces from 4 to 6 which supports a commitment to sustainable travel. Having consulted with the county's parking team I am advised that no significant on-street parking issues are reported in the surrounding area and therefore it is considered that the increase in vehicle trips from one unit to three will not have a significant impact on the local highway network.

Having considered the application and supporting documents submitted, I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:

Parking

None of the industrial units hereby permitted shall be occupied until the car parking associated with the industrial units has been provided in accordance with the submitted Drawing No. 03 (Proposed Site Plan & Block Plan) and shall be maintained available for that purpose thereafter.

Reason: To reduce potential highway impact by ensuring that vehicles do not have to park on the highway and in accordance with paragraph 39 of the NPPF.

Tree Officer

27th January 2015

The Tree Section has no objections to this application providing all work is as per the Arboricultural Method Statement TKC Ref: 33.12, as submitted.

Prior to the determination of this application please could a method statement of the construction of the foundations within the root protection area of the tree to be retained, shall be submitted to and approved in writing by the Local Planning Authority.

If the permission is to be granted please use condition:

No roots over 25mm to be severed

Any works taking place within the root protection area of trees or adjacent to the site, shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist 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.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of the application, letters of notification were sent out to 19 neighbouring properties, and in response to the publicity, 12 objections were received. Following the submission of the revised proposals, a further 24 letters of notification were sent out and in response, 11 additional objections have been received.
- 5.2 All of the comments have been circulated to Members in full but, in brief, the main objections relate to:
- Noise and disturbance / hours of operation
 - Height and scale of the building / design
 - Impact on light and privacy
 - Increase in traffic / parking concerns
 - Works to a tree adjacent to the site
 - Future users unknown

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application relate to the principle of development, design, impact on neighbouring amenity, and parking and highway safety.

6.2 Principle of development

6.2.1 Local plan policy EM1 (employment uses) states that the development of land for employment use will be permitted where the land involved is already in employment use.

6.2.2 In addition, the preamble to the policy advises that "opportunities may exist for additional B1 (business) uses, which by definition can co-exist with residential and other uses".

6.2.3 Officers are therefore satisfied that, in principle, the proposal can be supported.

6.3 Design and layout

6.3.1 Local plan policy CP7 (design) requires all new development to complement and respect neighbouring development and the character of the locality.

6.3.2 In its revised form, the proposed building would adopt a very similar footprint to that of the former structure but would be set a further 1.5 metres from the boundary with nos. 25 to 35 (odd) Asquith Road. Additionally, whilst the ridge of the building would be 1m higher than the ridge of the former building it would be some 1.5 metres further away from these properties.

6.3.3 As can reasonably be expected, the building is utilitarian in appearance however the amended scheme has incorporated revisions to the external elevations and now proposes a combination of grey horizontal profiled cladding and facing brickwork to the elevations, together with grey profiled metal roofing, grey powder coated aluminium windows and doors, and industrial 'slideover' doors. Such facing materials are common to a number of existing industrial buildings in the vicinity and, as such, the appearance of the building is considered to be entirely appropriate in this location and would not be at odds with its surroundings.

6.3.4 The proposal would therefore accord with the requirements of policy CP7.

6.4 Impact on neighbouring amenity

6.4.1 Local plan policy CP4 (safe and sustainable living) advises that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users or the locality.

6.4.2 Whilst, as previously mentioned, the ridge of the building would be 1m higher than the ridge of the former building, it would be some 1.5 metres further away from the properties in Asquith Road which look directly on to the site; a distance of 10 metres overall. As a result, whilst the proposed building would undoubtedly have a greater impact on these properties it is not considered that any such impact would be so significant as to warrant a refusal of planning permission.

6.4.3 Furthermore, whilst the building would extend 2.5 metres closer to the side boundary with no. 37 Asquith Road, this property benefits from a good sized plot and the part of the site immediately adjacent to the application site is used as hard standing for vehicular turning.

6.4.4 Matters relating to overlooking and privacy have also been raised by local residents however in its revised form, the only openings above ground level would be roof lights and therefore existing levels of privacy would not be compromised.

6.4.5 In terms of use, it is important to remember that the established use of the site, and that now applied for, falls within a B1 use. The Town and Country Planning (Use Classes) Order 1987 sets out that in order to fall within a B1 Class, any such use must be capable of being "carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit". As such, undue noise and disturbance to nearby residential properties should not occur as a result of an increase in B1 floor space, and it is not considered necessary to know who the end users will be, or attach the informative suggested by Environmental Health.

6.4.6 Notwithstanding the above, the applicant has not applied for any specific hours of use and officers therefore consider it entirely appropriate to condition the hours of operation in line with the hours suggested by the Senior Environmental Health Officer, i.e. 08:00 - 18:00 Monday – Friday, and 08:00 - 13:00 on Saturdays, with no working or deliveries on Sundays or Bank Holidays.

6.4.7 The proposal is therefore in accordance with the aims and objectives of policy CP4.

6.5 Parking and highway safety

6.5.1 Local plan policy TP1 (development and highway safety) advises that development will not be permitted where it would endanger highway safety.

6.5.2 Six car parking spaces are proposed within the site. Whilst the Highways Officer has not commented on the revised scheme, given that no Highway objection was raised in response to 3no. units, it can be reasonably assumed that no objection would be raised in respect of the 2no. units now proposed.

6.5.3 As recommended by the Highways Officer, a condition is suggested to ensure that the parking spaces identified on the proposed site plan are marked out prior to the first occupation of the building and to ensure that the car parking spaces are kept available for such use in order to ensure that car parking continues to be available within the curtilage of the site.

6.5.4 The replacement of an existing B1 use in an established industrial estate should not result in an intensification of vehicles using the local highway network, and the proposal therefore accords with policy TP1.

6.6 Other matters

6.6.1 The concerns raised in respect of the large Ash tree at the south-western corner of the site have been noted however the Tree Officer has reviewed the application and raises no objection subject to the works to be carried out in accordance with the submitted Arboricultural Method Statement, and no roots over 25mm being severed; these matters can be adequately dealt with by way of conditions.

6.7 Recommendation

6.7.1 With all of the above in mind, the officer recommendation is to permit the application.

7. 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 Nos. 21410/05 and 21410/06 received by the Local Planning Authority on 5th February 2015.
Reason: To ensure the development is carried out in accordance with the revised drawings, where they differ from those originally submitted.
- 3 Prior to the commencement of development, a site investigation of the nature and extent of contamination shall be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority (LPA). The results of the site investigation shall be submitted to and approved in writing by the LPA before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the LPA. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the LPA. The remediation of the site shall incorporate the approved additional measures.

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.

- 4 The development hereby permitted shall be implemented strictly in accordance with the details set out within the submitted Arboricultural Method Statement TKC Ref: 33.12, dated November 2014.

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.

- 5 Any works taking place within the root protection area of T1 (Common Ash) as shown on Drawing No. 33.12.01 (Tree Constraints Plan) shall be carried out by hand and no roots over 25mm shall be severed without the prior advice of a qualified arboriculturalist or without the prior written permission of 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.

- 6 Prior to the first occupation of the development hereby permitted, the car parking spaces shown on Drawing No. 21410/05 shall be completed and marked out in accordance with the approved plan and shall thereafter be retained and kept available for use as car parking.

Reason: To reduce potential highway impact by ensuring adequate car parking is available within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 7 The B1 industrial units hereby permitted shall only accept deliveries to the site and be operational from 08:00 - 18:00 Monday - Friday and 08:00 - 13:00 on Saturdays with no working or deliveries on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining properties and the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 8 Prior to the installation of any extraction systems and/or flues, a scheme for the control of noise (and odour if necessary) for the system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to the extraction system being brought into use and shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To prevent neighbouring properties from loss of amenity through noise or odour in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

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.