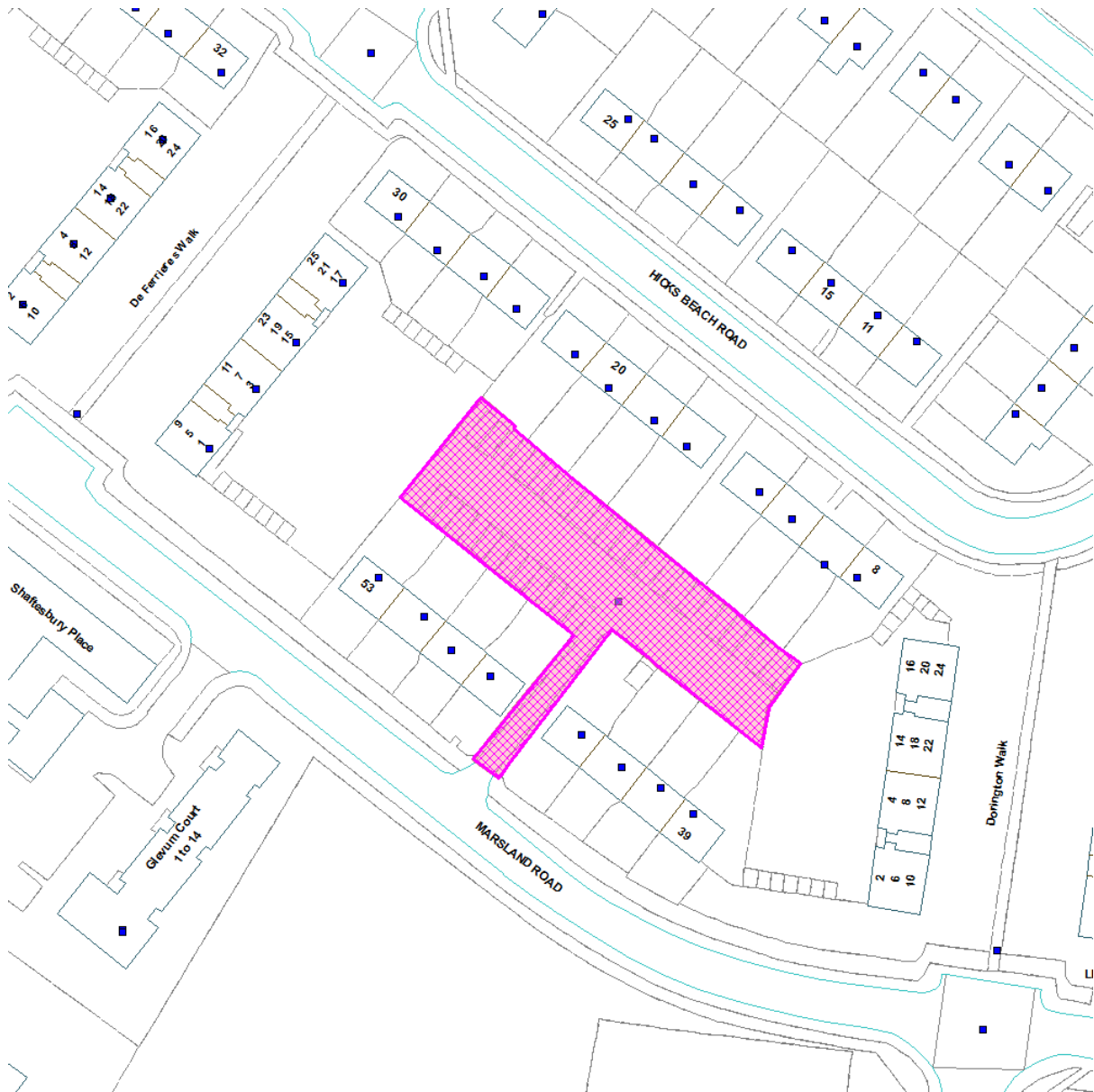


APPLICATION NO: 15/01628/FUL	OFFICER: Mr Ben Hawkes
DATE REGISTERED: 23rd September 2015	DATE OF EXPIRY: 18th November 2015
WARD: Hesters Way	PARISH:
APPLICANT:	Cheltenham Borough Council
AGENT:	Cheltenham Borough Homes Ltd
LOCATION:	Garage Site 03, Marsland Road, Cheltenham
PROPOSAL:	Installation of height restriction barrier to former garage site entrance, access gates to car park adjoining flats, solar powered street lighting at access points

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 This application relates to land at the rear of numbers 39 – 53 Marsland Road.
- 1.2 This application is seeking planning permission for the installation of a height restriction barrier at the entrance to the site, installation of pedestrian access gates and installation of solar powered lighting at the access points to the site.
- 1.3 The application is to be considered at planning committee as Cheltenham Borough Council is the applicant.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Smoke Control Order

Relevant Planning History:

None.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

TP 1 Development and highway safety

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Environmental Health

4th December 2015

I have now reviewed the updated information on this application including the vertical illuminance data. This shows that at the nearest properties, being the flats, there is a vertical illuminance of a maximum 4.3 lux which is over the post curfew, which is post 23.00, level of 2 lux (as detailed by the Institute of Lighting Professionals for the environmental area E3 - suburban). I am aware that the lights will not be on constantly, but will be on a sensor and so could be activated at any time of the night.

If the applicant can reduce the levels of lighting down to meet the criteria as set by the ILP this would then be satisfactory to this team.

Environmental Health

8th December 2015

Thanks for sending me the updated information on the lighting for this site. I have now reviewed the vertical illuminance document and the levels proposed now comply with the Institute of Lighting Professionals guidance levels.

If the proposed works are granted permission the developer would need to ensure that the contractors undertaking this work are aware of the lighting levels in the most recent plans and ensure that the lights installed to adhere to these plans (dated 5th November 2015).

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	16
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 16 letters were sent to neighbouring properties and a site notice was displayed. No letters of objection have been received.

6. OFFICER COMMENTS

6.1 History of the site

- 6.2 The site is a former garage site for use by the local residents, the garages have previously been demolished and the site is therefore currently an open tarmac area. Vehicle access to the site is from Marsland Road, there are currently no further access points to the site.

6.3 Determining Issues

- 6.4 The main considerations in relation to this application are the design and the impact of the proposal on neighbouring amenity.

6.5 Design

- 6.6 The proposal does not include any changes to the layout of the site and is not proposed to be marked out for allocated parking.

- 6.7 It is evident that a height restriction barrier has previously been in place at the entrance to the site; the principle of installing a replacement barrier is therefore considered to be acceptable. Officers did raise concerns about the proposed colour of the barrier and have recommended that a condition be added for the barrier to be painted in either black or dark green so as not to have a harmful or imposing impact on the surrounding area.

- 6.8 The proposal is considered to be compliant with the requirements of the local plan policy CP7.

6.9 Impact on neighbouring property

- 6.10 The proposal will have a minimal impact on neighbouring amenity in terms of noise and disturbance given that the site has previously been used for parking and garage use.

- 6.11 The proposal includes the introduction of two pedestrian access gates at either end of the site, this will allow local residents access into the parking area. Officers questioned the security of introducing these gates given that the access will be to the rear of the flats on Dorington Walk and De Ferrieres Walk which are already securely gated from the front of the buildings. Correspondence was received from the applicant confirming that the gates will be locked and only the residents of numbers 1-25 Deferriers Walk and 2-24 Dorington

Walk will be provided with a key. Officers consider this to be acceptable in ensuring the safety of the local residents.

6.12 Officers consider the introduction of lighting at the pedestrian access points to be acceptable and to improve the safety for the users of this area. Environmental Health were consulted regarding the introduction of this lighting to ensure that there is harmful impact on the surrounding properties as a result of this illumination. Their formal comments can be read in the consultation section above, however requested further information which was received on 1st December 2015, subsequently the Environmental Health officer has requested changes to the proposed lighting. Revised lighting information was received on 7th December 2015 which is considered to be acceptable. A condition has been added to ensure this lighting proposal is adhered to.

6.13 The proposal is therefore considered to be compliant with Local Plan policy CP4 which requires development to protect the existing amenity of neighbouring land users and the locality.

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons discussed above it is considered that the proposal is in accordance with policy CP7 in terms of achieving an acceptable standard of design and would not have an impact on neighbouring amenity.

7.2 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 01628:01, 01628:02 A and correspondence received 5th October received 9th September 2015 and 23rd September 2015.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The colour of the approved height restriction barrier shall be Black or Dark Green and maintained as such thereafter.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 The proposed lighting design hereby permitted, shall be installed in accordance with the information submitted in the Landscape lighting design information received on 7th December 2015.
Reason: to protect the amenity of the surrounding properties.

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.