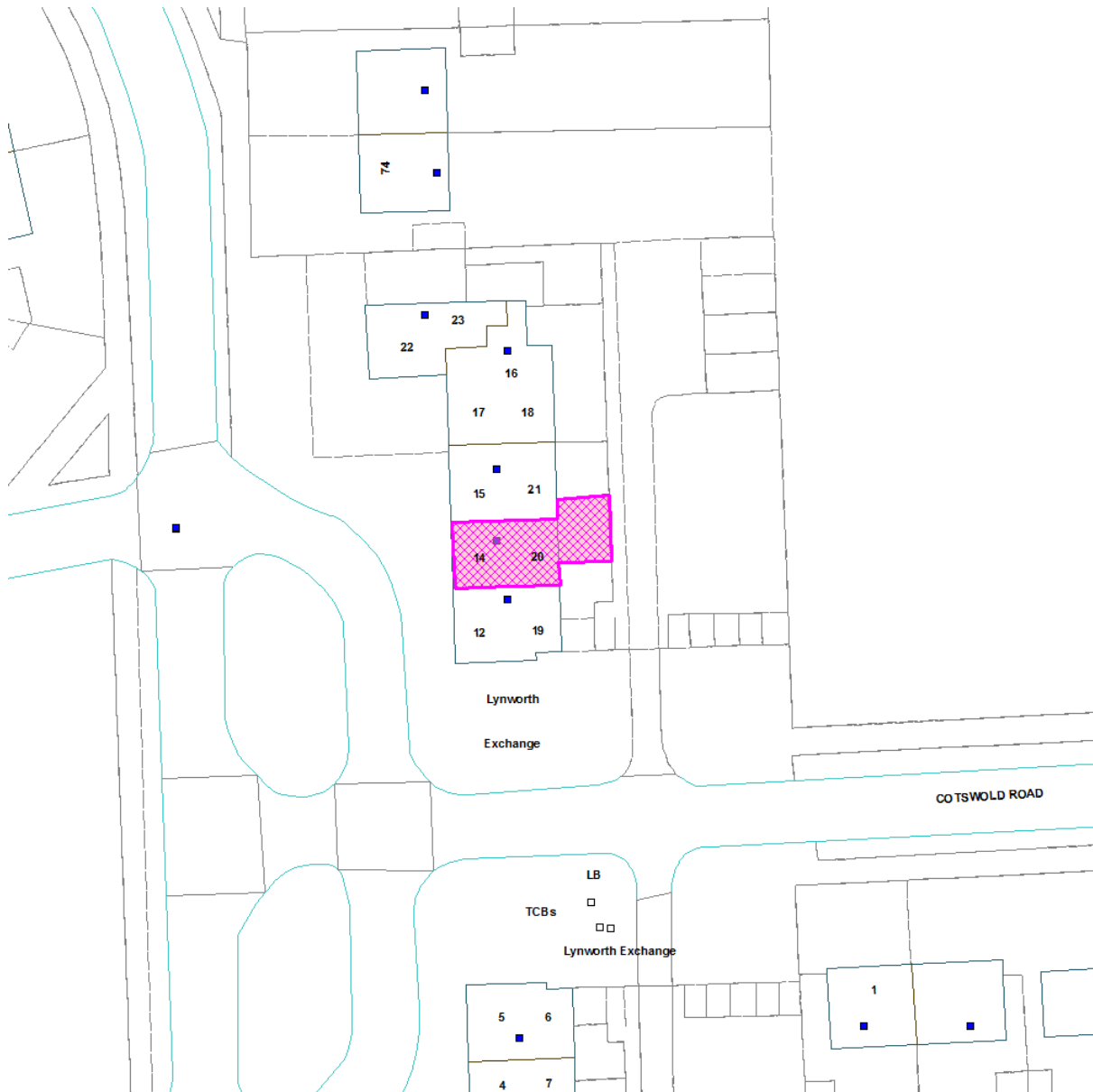


APPLICATION NO: 15/01692/FUL	OFFICER: Mrs Gillian McDermott
DATE REGISTERED: 24th September 2015	DATE OF EXPIRY:
WARD: Oakley Ward	PARISH:
APPLICANT:	Cheltenham Borough Council
AGENT:	Brodie Manning Limited
LOCATION:	20 Lynworth Exchange, Mendip Road, Cheltenham
PROPOSAL:	Installation of replacement extraction ducting

RECOMMENDATION: Grant



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a three storey building in a parade of units known as Lynworth Exchange and which have residential units above.
- 1.2 The application for planning permission is for the installation of replacement extraction ducting at No. 20 Lynworth Exchange. At ground floor level, the unit's current use is as a hot food takeaway.
- 1.3 The application is before committee because the application is made by the Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Neighbourhood Shopping Area

Relevant Planning History:

87/00465/PF 21st May 1987 PER
Provision Of Security Shutters To Shop

81/00971/PF 26th February 1981 PER

Change of use from retail fruit and vegetable to hot food take away (fish & chips)

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

4.1 Building Control

No comment.

4.2 Environmental Health

6th October 2015

4.3 Recommend informative:

MANAGEMENT OF ASBESTOS (The Control of Asbestos Regulations 2006 Regulation 5)

WHEN REFURBISHMENT OR OTHER WORK WHICH DISTURBS THE FABRIC OF THE BUILDING ARE PLANNED THEN IT WILL BE NECESSARY TO COMPLETE A REFURBISHMENT AND DEMOLITION SURVEY, IN AREAS WHERE THE MANAGEMENT SURVEY HAS NOT BEEN INTRUSIVE, BEFORE THE WORK IS CARRIED OUT.

This type of survey is used to locate and describe, as far as reasonably practicable, all asbestos containing materials in the area where the refurbishment work will take place or in the whole building if demolition is planned. The survey will be fully intrusive and involve destructive inspection, as necessary, to gain access to all areas, including those that may be difficult to reach.

A refurbishment and demolition survey may also be required in other circumstances, e.g. when more intrusive maintenance and repair work will be carried out.

The full guidance document (HSG 264) is available on line at: <http://www.hse.gov.uk/PUBNS/books/hsg264.htm>

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	1
Number of objections	0
Number of supporting	0
General comment	1

5.1 No neighbour representations have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The determining issues in this case are the design of the development and residential amenity.

6.3 Design

6.4 Policy CP7 of the Local Plan states that development will only be permitted where it complements and respects neighbouring development and the character of the locality.

6.5 The existing exterior ductwork measures 225 mm in circumference and is located to the rear of No. 20 Lynworth Exchange. The proposal is to replace this with ductwork measuring 500 mm in width and 225 mm in depth. The profile of the ductwork would not change from that of the existing and would project above the eaves height of the building by 1 metre. Galvanised steel would be utilised for the ductwork which would be the same as the existing. Overall, it is considered that the proposal would be acceptable in design terms and safeguard the character of the area

6.6 Impact on neighbouring properties

6.7 Policy CP 3 of the Local Plan states that development will only be permitted where it would “not give rise to harmful levels of pollution to land, air or water.” Further, Policy CP4 requires development to not cause unacceptable harm to the amenity of adjoining land users and to locality.

6.8 Above the existing ground floor units in this parade of three storey buildings are residential units. The proposed new ductwork would be wider than presently exists, however, its position on the building would not change. The Council’s Environmental Health team have commented on the management of asbestos but have not objected to the proposal with regard to the amenity of adjoining properties. It is therefore considered that the

development would safeguard the residential amenities of properties and accord with Policies CP 3 and CP 4.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The proposed development is considered to accord with the policies of the Development Plan and National Planning Policy Framework.
- 7.2 The recommendation is to grant planning permission 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 01692:01 and 14622 Rev A received on the 23rd September 2015.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

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.

- 2 The applicant is advised that when refurbishment or other work which disturbs the fabric of the building are planned then it will be necessary to complete a refurbishment and demolition survey, in areas where the management survey has not been intrusive before the work is carried out.

This type of survey is used to locate and describe, as far as reasonably practicable, all asbestos containing materials in the area where the refurbishment work will take place. The survey will be fully intrusive and involve destructive inspection, as necessary to gain access to all areas, including those that may be difficult to reach.

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