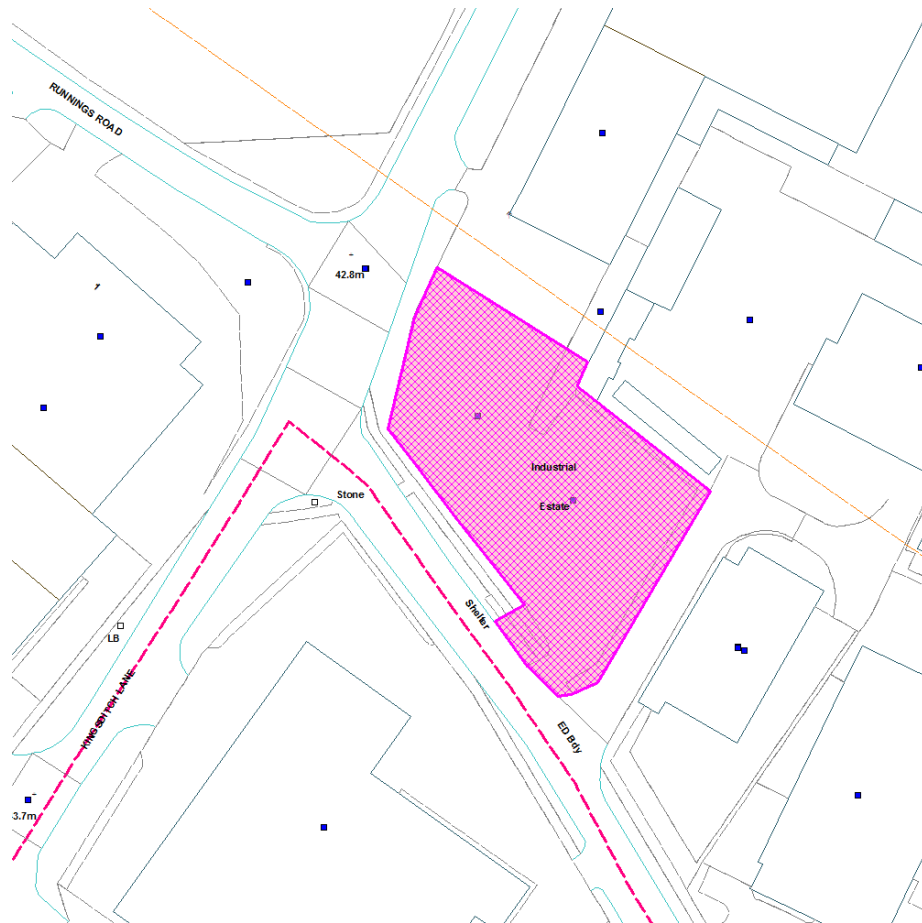


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| APPLICATION NO: 16/00454/FUL | OFFICER: Mrs Emma Pickernell |
| DATE REGISTERED: 17th March 2016 | DATE OF EXPIRY: 12th May 2016 |
| WARD: Swindon Village | PARISH: Swindon |
| APPLICANT: | Rex Developments (Cheltenham Ltd) |
| AGENT: | The Harris Partnership |
| LOCATION: | Land At Corner Of Swindon Road, Kingsditch Lane, Cheltenham |
| PROPOSAL: | <p>Erection of new, single-storey building with associated service yard, car parking, landscaping and improvements to the existing access for Class B2 (general industry) and/or B8 (storage and distribution) (to include ancillary trade and retail counter, ancillary showroom, ancillary offices) and/or the following specific sui generis uses:</p> <ul style="list-style-type: none"> - storage, distribution and sale of ceramic wall and floor tiles, hard floor and wall finishes, tiling equipment and associated products - bathroom and kitchen furniture and fittings and other building materials - machinery, tool and plant hire - auto centres involving motor vehicle servicing, mechanical repairs plus the fitting and associated sale of tyres and car parts and MOT testing - plumbers and builders merchant |

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a vacant plot located on the corner of Swindon Road and Wymans Lane. Topps Tiles adjoins the site to the north, Booker wholesalers to the south and Evans Cycles to the west. The site has been used as informal car parking for the Gym to the north until relatively recently however now the site is fenced off. Access into the site exists from Swindon Road.
- 1.2 Planning permission is sought for the erection of a new building which would be located in the north eastern corner of the site. The building would be 7.5m high with a low pitched roof. The walls would be clad in grey profiled material with four roller shutter doors and glazing to the corner of the building. Car parking would be laid out to the north and south of the building a total of 18 parking spaces and 8 cycle parking spaces would be provided.
- 1.3 The proposed use of the building is B2 (general industry) and/or B8 (wholesale warehouse/distribution). These uses could include trade and retail counter, show room and offices which would be ancillary to the main use. The applicant is also requesting permission to use the unit for any of the following purposes:
- Storage, distribution and sale of ceramic wall and floor tiles, hard floor and wall finishes, tiling equipment and associated products
 - Bathroom and kitchen furniture and fittings and other building materials
 - Machinery, tool and plant hire
 - Auto centres involving motor vehicle servicing, mechanical repairs plus the fitting and associated sale of tyres and car parts and MOT testing
 - Plumbers and builders merchant
- 1.4 The application is to be determined by planning committee due to the objection from the Parish Council and at the request of Cllr Fisher.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

83/00201/ZHIST 19th August 1983 PER

Change Of Use Of Part Premises From Class X Warehouse To Texas Home Improvement Centre (Class 1) With Demolition Of Offices To Provide Additional Car Parking

83/00397/ZHIST 24th November 1983 PER

Retail Warehouse And Offices (Class 1 Non Retail) Alteration To Existing Elevations And Formation Of Additional Car Parking

00/01771/FUL 30th June 2004 PER

Part demolition and rebuild, part refurbishment of existing premises for trade centre B1, B2, B8 uses

77/00455/ZHIST 9th February 1978 PER

Kingsditch Lane Cheltenham Gloucestershire - Infilling Of Open Landing Bay Entrance And Relaying Of Concrete Entrance Apron

04/01519/COU 1st December 2004 PER

Use of unit for classes B1, B2 and B8 including wholesale cash and carry use, external alterations and car parking

04/01520/ADV 27th October 2004 GRANT

Two externally illuminated HUB signs located on Swindon Road and Kingsditch Lane elevations

08/00619/FUL 19th June 2008 WDN

Land adjoining Unit 3, Topps Tiles. Erection of a single detached unit for use of storage and distribution (with ancillary display and sales) within Class B8 in the schedule to the Town and Country Planning (Use Classes) Order 1987

08/01141/FUL 23rd October 2008 PER

Erection of a single detached unit for use for storage and distribution with associated display and sales within Class B8 in the schedule to the Town and Country Planning (Use Classes) Order 1987

14/00928/OUT 21st August 2014 REF

Outline application for the erection of industrial unit(s) for use within classes B1(b and/or c) and/or B2 and/or B8

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

EM 1 Employment uses

EM 2 Safeguarding of employment land

RT 1 Location of retail development

RT 7 Retail development in out of centre locations

TP 1 Development and highway safety

TP 6 Parking provision in development

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

13th April 2016

Swindon Parish Council objects to the proposed development for the following reasons:

Loss of longstanding pedestrian footway:

Over the years that this has been a car park it has provided the missing footpath link between Kingsditch Lane and Swindon Road. This is a period in excess of 40 years. Although there is no designated area for the footpath it has become an important link. To remove the car park without providing an alternative permanent footpath would be to force pedestrians wishing to gain access from Swindon Village to have to walk on a muddy verge that is uneven and unsuitable. This application should include the provision of a footpath and the removal of the pedestrian barrier adjacent the bus stop in Swindon Road. The footpath should preferably be provided at the edge of the road but if this is not possible a

marked and safe route should be provided through the new car park with a requirement that it is maintained and left open for public access.

Waste Management:

There is no provision on this site for waste management. Provision should be built in to the layout for the storage of waste materials outside of the buildings themselves. Some of the use types listed may require storage skips, storage containers or storage tanks. Nearly all will require some form of waste storage for paper and cardboard. A waste management strategy should be provided which all tenants would be required to acknowledge.

Inadequate Disabled Parking Provision:

As the intention is that there could be multiple tenancies we believe that one disabled parking space is inadequate and that there should be the provision of one space per potential unit.

Height Comparison Required

A drawing comparing the height of the proposed building with the existing buildings should be provided. This should include the ground levels as well as the eaves and ridge heights.

If development is permitted the following additional conditions should be imposed:

Remove Option For Possible Use As A Car Showroom:

The location of this site and the possibility that this could be under multiple tenancy would make it an unsuitable location for a Car showroom or salesroom. We would seek to have this specific use removed from the list of options.

No unapproved or temporary signage:

The location of the site has over the years been subjected to the erection and placement of temporary and poorly constructed signs. We note that there are no signs indicated on the drawings and should the scheme be consented we believe that it should contain the requirement that all signs must be applied for.

No External PA Systems

Due to the close proximity of this site to the residential area there should be a restriction on the use of external PA systems. The reason for this request is that there is an establishment that has started to use one and which they operate before 7.00am and it is very loud. Considering the close proximity of the commercial premises to the residential area they should be more aware of the impact on residents that the equipment that they install should have.

External Lighting:

No external lighting should be allowed on the buildings or on the site unless planning consent is sought. We would wish to be consulted.

No signage on the verges

No Signage of any type should be permitted on the verges.

GCC Highways Planning Liaison Officer

12th May 2016

Amended information has been submitted demonstrating the parking provision for each use at the site.

This site has been subject to a relatively short, but complex planning history.

Planning permission was granted for a D2 use (bowling centre). The plans associated with the D2 planning permission demonstrate that there were no restrictions for visitors to

the bowling centre using the current application site and areas to the side and rear of the building for parking. The bowling centre has been converted to a gym and nursery under PD rights. GCC objected to a previous application on the application site due to the loss of parking for the D2 use. A subsequent application removed buildings to the rear of the gym and rationalised the parking arrangements. GCC raised concerns about this current application on the basis of the loss of the large unmarked parking area, the application site, which is currently primarily used by gym customers. The site has been visited on numerous occasions and this area was nearing capacity during the gym peak times. The spaces to the rear and side of the gym have been marked out, a new pedestrian walkway has been installed, together with a one way system. The application site has also been fenced off. It has therefore been possible to visit the site to determine the impact of the loss of this parking area. The site has been visited twice during the gym peak periods, and although the area to the rear of the gym is nearing capacity at peak periods, it appears that due to people regularly leaving and arriving that spaces are generally available. Once the parking signage for SuperGroup have been removed, this will free up additional spaces for gym customers. Any overspill parking could be accommodated on the road to the rear of the gym, which is unrestricted. In addition, this overspill parking may only be required after 5.30-6pm, where the businesses have closed for the day and parking on street is available. Furthermore, a TRICS analysis demonstrates that the provision as shown on the amended plans is suitable for a D2 use of this size.

The proposed autocentre will use the access which has been used by the majority of gym customers. Visibility from this access is suitable in both directions, whilst there are no history of collisions at this access. Turning for a large vehicle has been demonstrated on plan, whilst the parking provision is considered acceptable for the proposed use. Given that the access to the site will now be subject to less vehicle and pedestrian trips, it is not considered necessary or reasonable to request improvements to the access such as dropped kerb and tactile paving or a footway extension into the site.

I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:

1. Within one month of the date of this permission, the 'SuperGroup' parking signage to the rear of the D2 use shall be removed, with replacement signage erected stating that those spaces are available for gym customers, with such signage maintained as such thereafter.
Reason: To ensure there is adequate parking available for the existing D2 use, in the interests of highway safety and in accordance with paragraph 32 of the NPPF.
2. Prior to beneficial occupation of the proposed autocentre, the vehicular parking, turning area and loading/unloading facilities shall be provided in accordance with the submitted plan, and those facilities shall be maintained available for those purposes thereafter.
Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development. It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual

orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Additional Highways comments

26th May 2016

I am aware of the comments made by the Parish in relation to the footpath. As discussed, this is not a public footpath, no legal public access was allowed across the car park and the landowner could have blocked off this route at any time. On the basis that this is a not a legal public footpath, it cannot be considered as part of this planning application. It would not meet the tests of a planning condition or obligation to request the developer to construct a footway along the verge. The existing verge has a number of services in it and I believe that the service companies would object to a footway. Furthermore, there is a safe route with crossing facilities on the opposite side of road, although this may not be on the desire line, a safe route does already exist. The barrier at the footway is in place to prevent people walking along the verge and using these route, given that a safe route is available around the junction on the opposite side of the road.

Environmental Health

30th March 2016

No objections or recommendations for conditions.

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|----------|
| Number of letters sent | 9 |
| Total comments received | 0 |
| Number of objections | 0 |
| Number of supporting | 0 |
| General comment | 0 |

- 5.1** The application was publicised by way of letters to 9 neighbouring units and a site notice. No representations have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) the principle of the use, (ii) visual impact, (iii) access and highways issues.

6.2 The site and its context

The site is within a long standing commercial area and provides over 500m² of floorspace to be used for employment purposes. Policy EM1 states that the development of land for employment purposes will be permitted where the development involves land already in employment use, is on land safeguarded for employment purposes or forms part of a mixed use development. The NPPF asks Local Planning Authorities to support economic development and states that planning should operate to encourage and not act as an impediment to sustainable growth.

It is therefore considered that the proposal is in line with these general objectives. The range of uses listed in the application area appropriate for a building of this nature and this location. A small amount of retail may be included as ancillary to the main use, however

this is not of a type which would compete with the Town Centre and is appropriate for this out of centre location.

6.3 Design and layout

The building is utilitarian in design and materials, however this is appropriate for the location and the use and echoes the design and materials of surrounding buildings. The layout provides some opportunities for soft landscaping around the perimeter of the site which will help to soften its appearance.

The Parish Council have raised concerns that the drawings do not show the heights of neighbouring buildings, however it is clearly of an appropriate scale. For comparison purposes the ridge line of the nearby gym is 8.2m high and the proposed building is 7.5m high.

6.4 Access and highway issues

The proposal has been the subject of discussions with highways in order to ensure that sufficient parking remains for the other uses within the blue line i.e. simply Gym and Topps Tiles. During the course of the application the land has been fenced off and is now not available for parking purposes. This has allowed the highways officer to assess how these existing uses would operate without these spaces. He is content that there is sufficient parking available, subject to the suggested condition, and as such the proposal will not result in displaced parking causing a highway danger.

The parking provision for the proposed building is appropriate and it has been demonstrated on the drawings that there is space for larger vehicles to turn in the site.

Concerns have been raised regarding the impact on pedestrians who have previously relied on the open nature of the site to provide a short cut and a suggestion has been made that the applicant should be required to provide a footpath. This is considered to be unreasonable. There has never been a right to access across the site which is privately owned. There is a safe route for pedestrians to take, albeit it might require a more circuitous route. In any event the existing verge has services and signage on it and would therefore appear to be impractical even if it were required.

It is therefore considered that the proposal is acceptable in terms of access and highways.

6.5 Other considerations

The Parish Council have made reference to waste management; the applicant has explained that bins would be stored internally and wheeled out through service on collection day.

The Parish Council consider that there should be more disabled parking; were the unit to be subdivided this would trigger a planning application and more disabled parking could be sought at that time if necessary.

The Parish Council wish Car Showrooms to be removed from the list of possible uses in case the unit is subdivided; there is no minimum size for a car show room – this request is considered unreasonable.

The Parish Council request a condition that all signage is applied for; this is not necessary as separate consent would be required in any event.

The Parish Council request conditions restricting PA systems, external lighting and signage on verges. These conditions are not considered necessary given that there are

no immediate residential neighbours, environmental health legislation exists to prevent noise nuisance and that signage on the verges would require separate consent.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons outline above the proposal is considered to be in accordance with the relevant policies and as such the application is recommended for approval.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of three 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 the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Within one month of the date of this permission, the 'SuperGroup' parking signage to the rear of the D2 use shall be removed, with replacement signage erected stating that those spaces are available for gym customers, with such signage maintained as such thereafter.

Reason: To ensure there is adequate parking available for the existing D2 use, in the interests of highway safety and in accordance with paragraph 32 of the NPPF.

- 4 Prior to beneficial occupation of the building hereby approved, the vehicular parking, turning area and loading/unloading facilities shall be provided in accordance with the submitted plan, and those facilities shall be maintained available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

- 5 The development shall not be occupied until details of boundary walls, fences or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the boundaries have been implemented in accordance with the approved details and shall be permanently retained as such thereafter.

Reason: In the interests of the character and appearance of the area and residential amenity, having regard to Policies CP 4 and CP 7 of the Cheltenham Borough Local Plan (adopted 2006). Approval is required upfront because the boundary treatment is an integral part of the development and its acceptability.

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.