

APPLICATION NO: 16/00888/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 18th May 2016	DATE OF EXPIRY: 13th July 2016
WARD: College	PARISH: N/A
APPLICANT:	Bushurst Properties Ltd
AGENT:	Clive Petch Architects
LOCATION:	Don Waring, Unit 1, Naunton Park Industrial Estate
PROPOSAL:	Construction of 2no. B1 light industrial units following demolition of existing buildings (Units 1 & 2)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application for the construction of 2no. replacement B1 light industrial units at Units 1 & 2 Naunton Park Industrial Estate on Churchill Road. The former Unit 2 building has recently been demolished but Unit 1 currently remains in operation.
- 1.2 Members may recall that planning permission for a similar scheme for the erection of 2no. B1 light industrial units following the demolition of Unit 3 within the Industrial Estate was granted by the planning committee in April 2015. Whilst former Unit 3 has been demolished, to date, the planning permission has not been implemented but remains extant.
- 1.3 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.
- 1.4 The application is before planning committee at the request of Cllr Sudbury "due to concern from nearby residents to a previous application on a neighbouring site and for committee to consider the impact on traffic and neighbouring amenity". Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Smoke Control Order

Relevant Planning History:

14/01291/DEMCON NO PRIOR APPROVAL NEEDED 26th August 2014
Application for prior notification of proposed demolition of single storey light industrial/workshop building at Unit 3 Naunton Park Industrial Estate

14/02003/FUL PERMIT 23rd April 2015
Construction of 2no. B1 light industrial units following demolition of existing light industrial building at Unit 3 Naunton Park Industrial Estate (revised proposal following withdrawal of planning application ref. 14/00566/FUL)

16/00606/DEMCON NO PRIOR APPROVAL NEEDED 6th May 2016
Prior notification of demolition of single storey light industrial/workshop building comprising two units at Units 1 and 2 Naunton Park Industrial Estate

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
NE 4 Contaminated land
EM 1 Employment uses
EM 2 Safeguarding of employment land
TP 1 Development and highway safety

4. CONSULTATION RESPONSES

Gloucestershire Centre for Environmental Records

2nd June 2016

Report available to view on line.

Contaminated Land Officer

16th June 2016

With regard to this application I have no adverse comment to make.

Environmental Health

16th June 2016

In relation to application 16/00888/FUL for construction of 2no. B1 light industrial units following demolition of existing buildings at Unit 1, Naunton Park Industrial Estate, Churhill Road, Cheltenham, Gloucestershire, GL53 7EG please can I add the following conditions and advisory comment:

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.

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

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

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 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.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 15 neighbouring properties. In response to the publicity, a total of 8 representations have been received, 6 of which are in objection. 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 building
- Impact on light and privacy
- Increase in traffic / parking concerns

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application relate to the principle, design and layout, 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 The proposed buildings would adopt a very similar albeit slightly larger footprint to that of the existing buildings but would be set no closer to the boundary with nos. 21 to 27 (odd) Asquith Road; the additional footprint would be located to the rear of the building. The overall ridge height of the replacement buildings would be between 300mm and 600mm higher than that of the existing buildings but would be further away from these properties. The eaves height would be increased by 1.5m.

6.3.3 As can reasonably be expected, the building is utilitarian in appearance and would simply be a continuation of the building previously approved at Unit 3, comprising 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 and eaves of the building would be set higher than that of the former/existing building and would, as a result, have a greater impact on the adjacent properties in Asquith Road which look directly on to the site, it is not considered that any such impact would be so significant as to warrant a refusal of planning permission. The ridge line would be no higher than that previously approved for the replacement building at Unit 3.

6.4.3 Matters relating to overlooking and privacy have been raised by local residents but the only openings above ground level would be roof lights and therefore existing levels of privacy would not be compromised.

6.4.4 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 the proposal and it is not considered necessary to know who the end users will be, or to attach the advisory/informative suggested by Environmental Health.

6.4.5 Notwithstanding the above, it is entirely appropriate to condition the hours of operation in line with the hours previously approved for Units 3 & 4, 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. It is also appropriate to require, by way of a condition, a scheme for the control of noise (and odour if necessary) for any future extraction systems and/or flues.

6.4.6 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 The application proposes 4no. car parking spaces within the site to serve Unit 1, the larger unit, and 3no. spaces to serve Unit 2. The application form states that currently only 5no. car parking spaces are available for the existing units 1 & 2. The proposal would therefore provide for 2no. additional spaces; this is in addition to the 6no. spaces proposed to serve Units 3 & 4. This level of car parking has previously been deemed to be acceptable for the B1 units which replace Unit 3.

6.5.3 The provision of an additional gross internal floorspace of 21sqm would not result in a material increase in the volume or nature of traffic entering and exiting the site. There are no changes proposed to the existing access.

6.5.4 The County Highways Development Management Team has not commented on this application but in response to the application approved for Unit 3 commented:

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.

6.5.5 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.

6.5.6 The proposal therefore accords with the requirements of policy TP1.

6.6 Other matters

6.6.1 The condition suggested by Environmental Health in respect of a plan for the control of noise and dust from demolition at the site is not considered necessary. The applicant has previously applied for determination as to whether prior approval is required for the demolition of the buildings, and it was determined that prior approval was not required. The Environmental Health Officer commenting at the time: "*No objection or recommendations for conditions*". However, an informative is suggested that sets out the reasonable hours for construction works which would be audible beyond the site boundary; these are 07.30 – 18:00 Monday to Friday, and 08:00 – 13:00 on Saturdays, with no noisy working on Sundays or Bank Holidays.

6.6.2 Members will be aware that concerns relating to the loss of a distant view and a possible devaluation in property are not material planning considerations.

7. RECOMMENDATION

With all of the above in mind, the officer recommendation is to grant planning permission subject to the following conditions:

8. CONDITIONS

- 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 Prior to the first occupation of the development hereby permitted, the car parking spaces shown on Drawing No. 21661/03 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.

- 4 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.

- 5 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.

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/developer is advised that construction and building sites can cause problems to local residents. The recommended hours of work for noisy activities which would be audible beyond the site boundary are 07.30 - 18:00 Monday to Friday, and 08:00 - 13:00 on Saturdays, with no noisy working on Sundays or Bank Holidays.