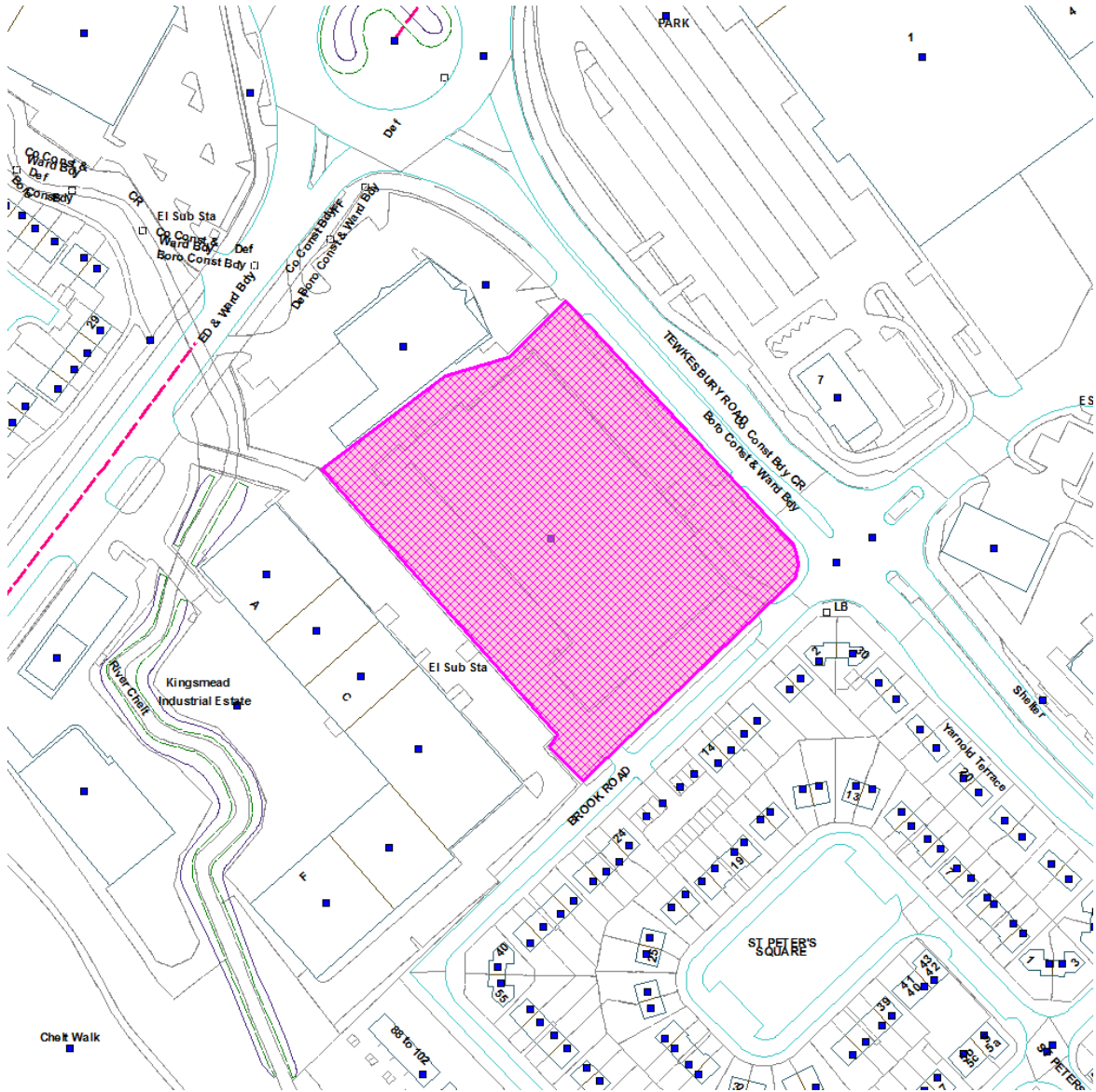


<b>APPLICATION NO:</b> 16/01756/CONDIT	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 7th October 2016	<b>DATE OF EXPIRY:</b> 2nd December 2016
<b>WARD:</b> St Peters	<b>PARISH:</b>
<b>APPLICANT:</b>	Travis Perkins (Properties) Limited
<b>AGENT:</b>	Quod
<b>LOCATION:</b>	Travis Perkins, Brook Road, Cheltenham
<b>PROPOSAL:</b>	Variation of Conditions 11 (Servicing Hours) and 13 (Trading Hours) of 16/01446/CONDIT to allow extended opening hours (revised hours proposed - see revised covering letter)

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

1.1 The application site is a recently opened Travis Perkins Builders Merchants located on the junction of Tewkesbury Road and Brook Road.

1.2 Planning permission is sought to vary conditions 11 and 13 of the existing consent which currently read:

- Deliveries of materials to the builders merchants hereby approved shall only take place on weekdays (Mondays to Fridays inclusive) and shall not take place at any time at the weekend.

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

- The builders merchants use hereby permitted shall not be open to customers outside the hours of 0700 to 1730 on Mondays to Fridays inclusive; 0800 to 1200 midday on Saturdays and at no time on Sundays.

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

1.3 It is proposed to vary these conditions to the following wording:

- *Deliveries of materials to the builders merchants hereby approved shall only take place on weekdays (Mondays to Fridays inclusive) and between 09:00 and 17:00 on Saturdays and Sundays.*

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

- *The builders merchants use hereby permitted shall not be open to customers outside the hours of 07:00 to 17:30 on Mondays to Fridays inclusive, 08:00 to 17:30 on Saturdays and 10:00 to 18:00 on Sundays and Bank Holidays.*

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

1.4 The application has been amended during its consideration in order to reduce the additional hours proposed for deliveries and trading. The hours originally sought were:

Deliveries – Mondays to Fridays inclusive and 07:00 to 17:30 on Saturdays and Sundays.

Trading – 07:00 to 17:30 Mondays to Sunday (i.e. all week).

1.5 The application is being determined by planning committee at the request of Cllr Willingham who states:

*“Having looked at the site, the issue would seem to predominantly be the loss of amenity suffered by residents of Brook Road due to the increase in traffic on Saturday afternoons, Sundays and Bank Holidays.*

*Given the residential nature of the area, it is common for children to be seen playing in the street during the weekend. The road safety implications of permitting HGV deliveries during weekends does not seem to have been adequately considered, and*

*notwithstanding the noise report, HGVs are inherently noisy both in themselves and due to the vibration they cause, and residents deserve relief from this during the weekend.”*

## **2. CONSTRAINTS AND RELEVANT PLANNING HISTORY**

### **Constraints:**

None

### **Relevant Planning History:**

**11/01487/DEMCON 12th January 2012 NPRIOR**

Existing building to be demolished

**13/00111/FUL 4th July 2013 PER**

Erection of builders' merchant's premises (sui generis) for the display, sales and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage, with associated servicing arrangements, car parking, landscaping and associated works

**15/02197/DISCON 26th February 2016 DISCHA**

Discharge of conditions 7 (full engineering details of vehicular accesses), 16 (surface water drainage system) on planning permission ref: 13/00111/FUL

**16/00143/DISCON 24th February 2016 DISCHA**

Discharge of Conditions 4, 8, 9, 10, 13 of Planning Permission 13/00111/FUL, Erection of builders' merchant's (sui generis) for the display, sales and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage, with associated servicing arrangements, car parking, landscaping and associated works.

**16/00242/DISCON 13th April 2016 DISCHA**

Discharge of condition 15 (site investigation report) on planning permission ref: 13/00111/FUL

**16/00462/DISCON 13th April 2016 DISCHA**

Discharge of condition 3 of planning permission 13/00111/FUL - materials

**16/01261/ADV 25th August 2016 GRANT**

Various warehouse signs

**16/01375/DISCON 25th August 2016 DISCHA**

Discharge of condition 18 on planning permission 13/00111/FUL - on site signage details

**16/01446/CONDIT 5th October 2016 PER**

Variation of conditions 2 and 6 of planning permission 13/00111/FUL - changes to elevations including additional roller shutter doors and glazed doors, internal alterations and reconfiguration of parking areas and road layout

**16/01814/TPO 10th October 2016 PER**

T1 - Maple - fell due to condition replace with 3 No Ginkgo, T3 - Maple -canopy lift to 4m above footpath level, T4 - Maple - remove deadwood and reduce canopy height by 3.5m and monitor, T5 - Maple - lift canopy to 4.0m by the removal of the 4 lower branches and deadwood removal, T6 - Maple - lift canopy by the removal of the 3 lower branches and deadwood removal, T7 - Maple, remove deadwood

### 3. POLICIES AND GUIDANCE

#### Adopted Local Plan Policies

CP 4 Safe and sustainable living  
RT 7 Retail development in out of centre locations  
TP 3 Servicing of shopping facilities

#### National Guidance

National Planning Policy Framework

### 4. CONSULTATIONS

#### **Environmental Health**

*1st November 2016*

In the current form I must recommend refusal of this application to change the delivery hours and opening hours of Travis Perkins at Brook Road.

The hours currently granted in the existing consent were recommend to prevent nearby residents from being affected by noise from heavy vehicles delivering to and from the premises. I see no information in this application which suggests a way to mitigate the effect of these activities. I note from the application that the firm proposes to allow trading on Sunday morning from 7am, however it may be worth noting that the council currently recommends that building works are only carried out from 7:30 - 18:00 Monday - Friday and 8:00 -13:00 Saturdays, with no noisy work on Sundays or Bank Holidays.

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**NOTE:** Further to the receipt of the revised proposed hours as outlined above the Environmental Health Officer confirmed that there are no objections to the revised proposal.

### 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>20</b>
Total comments received	<b>6</b>
Number of objections	<b>6</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

The application was publicised by way of letters to 20 neighbours and a site notice. The neighbours were re-consulted upon the amendment to the proposal. Objections have been received from 6 addresses.

The issues raised can be briefly summarised as follows:

- Increased noise and disturbance
- Increased pollution
- Parking problems
- Increased rat-running
- TP were happy to build knowing the restrictions – they should stick to them
- Question accuracy of noise assessment
- Would be difficult to change back if there were an issue
- Why are longer opening hours required than TP had at the Gloucester Road site?

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

The key issues in determining this application are considered to be the impact on neighbouring property and any highway implications.

### **6.2 The site and its context**

The site is a recently constructed builders merchant on the site of a former factory, Bonella Works. It is surrounded by industrial development on all sides other than the south eastern edge of the site which is bound by Brook Road which is residential on its south eastern side.

The main access to the site is via Brook Road with a secondary HGV only access onto Tewkesbury Road.

### **6.3 Impact on neighbouring property**

The main issue here is the additional hours of deliveries and trading which are being proposed and the potential impact these may have on neighbouring properties.

The approved opening and servicing hours were those sought through the original application. It is understood that at that time the applicant sought to simply replicate those hours which were in place in the Gloucester Road site. There was no detailed discussion or negotiation upon the opening and servicing hours at the time of the original application. There has now been a review by Travis Perkins management as to how the new store will operate which has given rise to this request.

To repeat, the additional hours for deliveries requested are 09:00 – 17:00 Saturday and Sunday. The additional hours for trading requested are 12:00 – 17:30 on Saturdays (they already trade between 08:00 and 12:00) and 10:00 – 18:00 on Sundays. It must be pointed out that under Sunday trading laws Travis Perkins would only be permitted to trade for 6 hours within the 8 hour window sought on Sundays.

The proposed hours have been reduced in consultation with the Environmental Health Officer who confirms that there is no objection to the hours currently proposed.

Whilst the concerns of neighbours are understood it is considered that the hours now proposed are not unreasonable given the commercial use of the site and the wider context within the Tewkesbury Road. The areas of the site closest to Brook Road are used for parking and the entrance to the site is relatively close to the junction. As such it may be that neighbours of the site experience some noise of cars entering the site and car parking, however this is unlikely to be significantly harmful to their residential amenity within the hours proposed. The site has been laid out such that HGVs and deliveries take place within the building or on the north part of the site away from neighbouring properties. Signage is in place which encourages HGVs to exit via the Tewkesbury Road exit, rather than Brook Road.

The application was accompanied by a noise report which concludes the impact of plant (over 115m away from Brook Road properties), deliveries/collections and use of the car park will be of low or negligible impact.

In the light of this evidence and no objection from the Council's Environmental Health Officer it is not considered that a recommendation for refusal could be sustained.

Therefore it is concluded that the impact on neighbouring properties is acceptable and in accordance with policy CP 4 of the Local Plan which requires that development should not cause unacceptable harm to the amenity of adjoining land users and the locality.

#### **6.4 Access and highway issues**

Some concerns have been raised regarding the additional vehicular movements associated with the additional hours. It is not anticipated that this should give rise to any new highway issues that do not exist within the approved opening hours. Furthermore the reasons given for the conditions were not related to highway issues, rather the amenity of nearby residential properties. However Highways Officers have been consulted and their views will be reported.

#### **6.5 Other considerations**

Of relevance to the consideration of the application are the economic benefits arising from the potential additional employment and trading within the additional hours. The application is considered to be acceptable in any event, however this is considered to add weight to that conclusion. Paragraph 21 of the NPPF asks that Local Planning Authorities seek to support appropriate business sectors, adopting a flexible approach where necessary.

### **7. CONCLUSION AND RECOMMENDATION**

- 7.1** For the reasons outline above the revised proposal is considered to be acceptable and as such it is recommended that the stated conditions are revised. As an application to vary conditions, the approval of the application essentially results in the issuing of a new consent and as such it is necessary to repeat all relevant conditions from the original consent. In this case the site is now operational and therefore the conditions have been updated accordingly.

### **8. CONDITIONS / INFORMATIVES**

- 1 The cycle storage facilities approved on 2128/07 Rev F shall be retained for the duration of the development.  
  
Reason: To ensure that adequate cycle parking is provided on-site in line with the Government's declared aims at reducing the reliance on the private motor vehicle.
- 2 The vehicular parking and turning and loading/unloading facilities shall be maintained available for those purposes for the duration of the development.  
  
Reason: To reduce potential highway impact by ensuring that adequate parking and manoeuvring and loading/unloading facilities are available within the site.
- 3 The landscaping proposal shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. The scheme shall specify species, density, planting size, layout, protection, aftercare and maintenance. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992. The trees shall be maintained for 5 years after planting and should they be removed, die, be

severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.

Reason: To preserve the visual amenities of the locality in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 4 Deliveries of materials to the builders merchants hereby approved shall only take place on weekdays (Mondays to Fridays inclusive) and between 09:00 and 17:00 on Saturdays and Sundays.

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

- 5 The builders merchants use hereby permitted shall not be open to customers outside the hours of 07:00 to 17:30 on Mondays to Fridays inclusive, 08:00 to 17:30 on Saturdays and 10:00 to 18:00 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties 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, the authority sought amendments to the proposal in order to allow a recommendation of approval to be made.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.