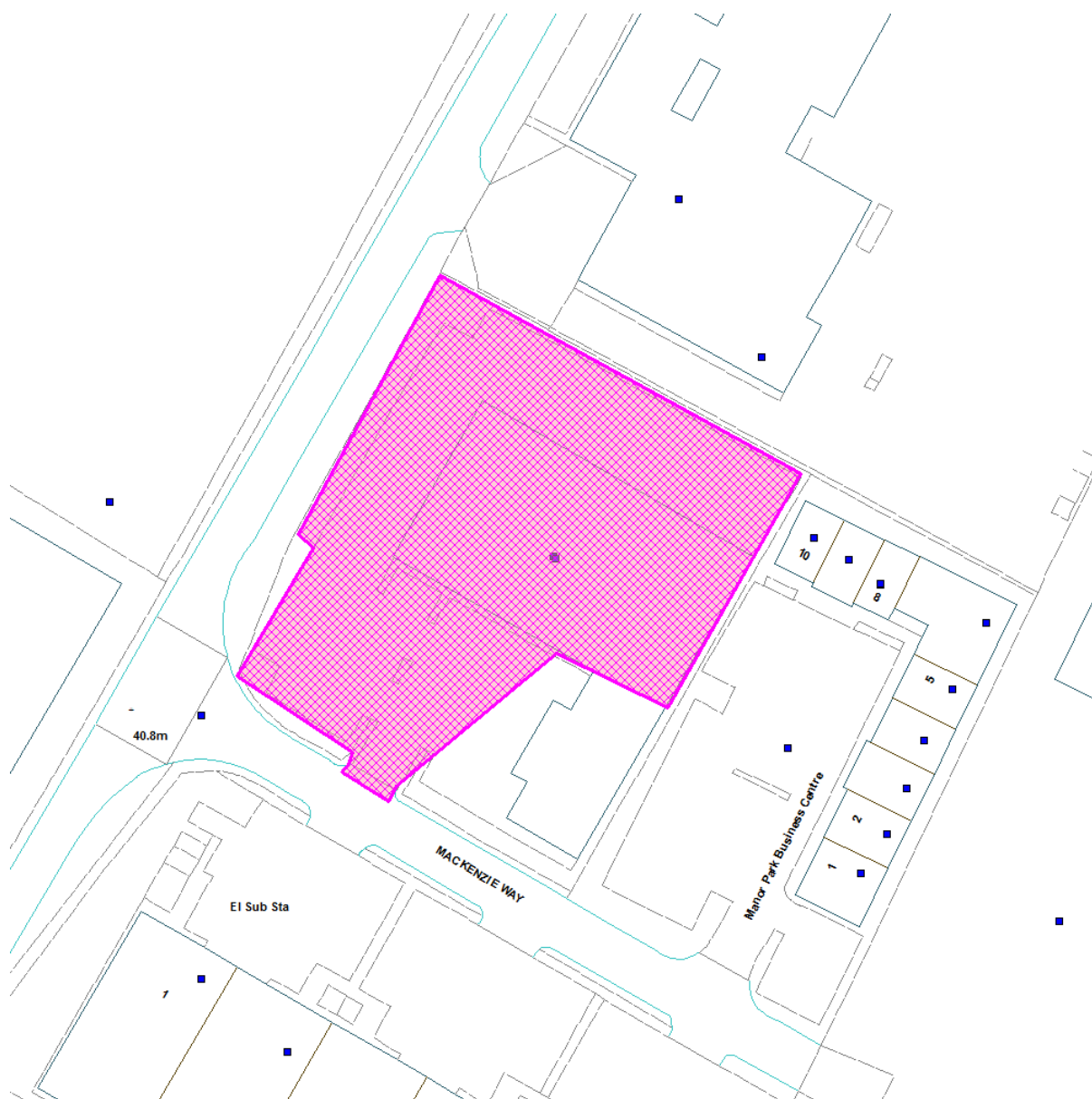


<b>APPLICATION NO:</b> 18/01332/COU	<b>OFFICER:</b> Mrs Victoria Harris
<b>DATE REGISTERED:</b> 5th July 2018	<b>DATE OF EXPIRY:</b> 30th August 2018
<b>WARD:</b> Swindon Village	<b>PARISH:</b> Swindon
<b>APPLICANT:</b>	George Bence And Sons Ltd
<b>AGENT:</b>	SF Planning Limited
<b>LOCATION:</b>	Renault, Mackenzie Way, Cheltenham
<b>PROPOSAL:</b>	Change of use to builders/roofers merchant and installation of steel palisade fencing and gates and external storage racking

**RECOMMENDATION:** Permit



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## **1. DESCRIPTION OF SITE AND PROPOSAL**

- 1.1** The application site is a vacant motor car dealership located within Kingsditch industrial estate on the junction between Manor Road and MacKenzie Way. The site is within the Swindon Village Conservation Area.
- 1.2** Planning permission is sought for the change of use from a motor car dealership to a builders/roofers merchant (sui generis). The installation of steel palisade fencing, gates and external storage racking is also proposed.
- 1.3** The application is at committee as an objection has been received from the Parish Council

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

### **Constraints:**

Airport Safeguarding over 45m  
Conservation Area

### **Relevant Planning History:**

**17/01310/FUL 15th November 2017 PER**  
To construct 20 space car park and access ramp

**10/00896/PREAPP CLO**  
Flying an advertising Blimp

**91/00332/PF 25th April 1991 PER**  
Erection Of Car Showroom And Extension To Existing Building

**92/00454/AI 25th June 1992 PER**  
Erection Of Internally Illuminated Pylon Sign (Formally Known As Mazda Arlington)

**93/00014/AI 25th February 1993 PER**  
Display Of Fascia Signs, Directional Sign And Pylon. Sign In Accordance With The Revised Plans Received On 13 Jan 93 (Formally Arlington Garage)

**93/00231/PF 29th April 1993 PER**  
Installation Of Satellite Dish Aerial (Formally Arlington Motor Co. Ltd)

**93/00981/AI 18th November 1993 PER**  
Two Illuminated Projecting Signs Mounted On 4.5 Metre Steel Pole (Formally Lex)

**93/01068/AI 28th April 1994 PER**  
Illuminated Logo Sign

**96/00049/PF 22nd February 1996 PER**  
Erection Of Pre-Fabricated Double Garage

**97/00378/AI 26th June 1997 PER**  
Illuminated Pylon Sign

**05/00325/ADV 21st April 2005 SPLIT**  
Fascia, direction signs, entrance and wall signs. Pylon sign and flags

**09/01087/ADV 18th September 2009 GRANT**

Installation of fascia signage to front elevation which consists of louvre back panel with 3 no. applied internally illuminated signs, freestanding entrance panel, 3no. 8 metre high flagpoles on Southern boundary, monument sign to Southern entrance and 5no. non-illuminated freestanding internal site locational signs

**80/00652/PF    31st December 1980    PER**

Outline application for erection of warehouse units on approx 6.54ha of land and construction of vehicular access. Allowed on appeal

**82/00586/PF    10th August 1982    PER**

Erection 10 light industrial units with associated offices. Construction of new vehicular access.

**11/01660/ADV    4th January 2012    GRANT**

Display of a new 4.8m high Nissan pylon sign (in the position currently held by a Renault pylon) and relocate the Renault pylon sign

**12/01170/ADV    25th September 2012    GRANT**

Erection of various illuminated and non illuminated signs

**87/01693/PF    13th May 1987    PER**

Erection of a light industrial unit for use as car repair workshop and showroom for the sale of private vehicles. Provision for parking spaces

### **3. POLICIES AND GUIDANCE**

Saved Local Plan Policies

CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 5 Sustainable transport  
CP 7 Design

Adopted Joint Core Strategy Policies

SD1 Employment - Except Retail Development  
SD4 Design Requirements  
SD8 Historic Environment

Supplementary Planning Guidance/Documents

Swindon Village Conservation Area Character Appraisal & Management Plan (February 2007)

National Guidance

National Planning Policy Framework

### **4. CONSULTATIONS**

**Parish Council**

*3rd August 2018*

Swindon Parish Council objects to the proposals for the following reasons.

(1) The OS map provided as the Site Layout Plan is too small scale and lacks sufficient detail to be able to determine if it is possible for the vehicles to access and manoeuvre within the curtilage of the site or to be satisfied that adequate parking will be available for both the Roofing Merchant (applicant) and the retained car sales facility.

(2) The Planning Statement states that the existing site has 100 parking spaces available although it does not provide a layout plan to show them and the statement also fails to mention that a large percentage of these will be lost beneath their proposed racking system.

As parking will be extremely important to both organisations occupying the site and the way in which they operate a plan should be provided illustrating the number and the allocation of spaces to prove that the on-site parking will be adequate.

The two areas of parking indicated on the Site Layout Plan do not appear to fulfil the required needs. Scaling the plans on the Borough Council website the single orange line is 23.5m long but as can be seen in the aerial photograph on the first page of the Planning Statement this also includes the access into the sales counter which will be retained. Therefore the maximum number of cars that can be parked in this length is the 6 that are shown in the aerial photograph.

The 'L' shape contains an unusable corner but the lengths of the two arms ignoring the corner are 10m and 15.4m. Therefore if the spaces are 2.4m wide (although this will be inadequate for some vehicles) this would provide a further 10 spaces. We however note that there appear to be 13 cars in the aerial photograph plus one in the corner. As a car sales space the one in the corner is feasible but as a customer space it is not. As the parking is unallocated we do not think that the corner space can be included. Therefore it appears that the total parking provision will be between 16 and 19 spaces.

The applicant will employ 12 people. A figure has not been given for the retained car sales showroom but there are unlikely to be more than 2 or 3.

We believe that the parking provision will be inadequate both in the numbers of spaces available and in the size of spaces required to accommodate the larger vehicles of building and roofing contractors visiting the site to pick up items.

The previous car sales frequently used the green highway verge to display vehicles for sale which the Parish Council have complained about on a number of occasions. Any new approval should state that any vehicles visiting or being retained on the site should be accommodated totally within the red boundary of ownership and within the curtilage of the site. No parking of vehicles should be permitted on verges or planting areas.

Mackenzie Way is frequently full of cars which also park around radii at the junction of Mackenzie Way with Manor Road. A lack of adequate on-site parking will result in an escalation of the problem particularly if the larger vehicles of roofing contractors are unable to access the site. It could also result in fork lift trucks loading roofing materials onto vehicles parked on the roads because they are unable to park on the site.

(3) We believe there is inadequate space for vehicles including articulated HGVs, contractors vehicles (customers), car transporters, etc. to visit and off-load within the curtilage of the site. The Planning Statement paragraph 3.20 ' states that 'access will be required for articulated HGVs to the site'. It then goes on to state 'This is not an uncommon occurrence across the industrial estate and the previous operations will have been serviced by articulated car transporters.'

As the planning office and Borough Councillors are aware that the Parish Council on a number of occasions over a number of years have complained that the car showrooms in the area have been guilty of parking their transporters in the roads and off-loading vehicles in the road and then driving them on to the site. Whilst this may have been a common occurrence it is certainly not an acceptable or safe operational practice. It results in traffic chaos as it blocks one of the two narrow lanes of the road, there has been damage to the

footpath and pedestrians including parents with buggies and elderly people with walking difficulties have had to walk in the road to pass by the transporters that are parked on the footpath. We should certainly wish to receive reassurance that this practice will cease.

We have concerns that there could be a number of occasions when roofing contractors will be forced to park in the road whilst they are loading materials. As stated above the scale and lack of detail contained within the OS plan provided as the Site Layout Plan is inadequate to determine if it is possible for the vehicles to access and manoeuvre within the curtilage of the site.

The level difference between Mackenzie Way and the site is not considerable but it is sufficient to create a difficulty for some larger vehicles.

Prior to the application being determined the applicant should provide tracking for vehicles in and out of the site and illustrate the method and area for loading and offloading vehicles within the site. This should take into account all sizes of vehicles for both facilities.

All loading and offloading of vehicles is to be managed completely within the curtilage of the site.

(4) The boundary should be screened and planted with shrubs and trees. This is quite an important route and we believe that this is necessary to screen what will otherwise be quite an ugly racking facility and fencing system. A similar treatment has been provided to the boundary of the George Bence and Son site in the centre of Cheltenham.

(5) No advertising is to be permitted on the verge area.

(6) We note that this application does not contain details of signage or lighting which we assume will be the subject of separate applications.

### **GCC Highways Planning Liaison Officer**

*3rd August 2018*

The proposed change of use would be considered to be less intensive according to a TRICS analysis and trips generated. Therefore the proposed change of use of the existing building is accepted and I recommend no highway objection.

#### **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.

*10th September 2018*

I provide the following further response to the Parish Council comments;

I expand on my previous response a TRICS (Trip Rate Information Computer

System) analysis comparing the proposed site use as a Builders Merchant with the permitted use as Car Sales showroom. The analysis demonstrates that total daily vehicle trips for the proposed use as a Builders Merchant (which would not be restricted to the applicant without condition) of 171 daily two-way vehicle trips compared to 188 for a Car Sales showroom (which also would not be restricted to in terms of end user without condition). The AM two-way network peak hour (8am-9am) movements would be 15 trips and PM (5pm-6pm) would be 4 trips compared to 16 AM and 12 PM trips for the Car Sales showroom. Therefore on this basis it considered the potential estimated trip generation and highway impact for a builder's merchant use on the site compared to a car sales use would be less intensive during network peak hours and total daily trips.

Regarding parking provision on site the Parish Council's comments regarding existing parking spaces it is noted that initial plans submitted were not detailed in terms of parking and manoeuvring space dimensions as well as rear existing parking and turning space being illustrated to be partially covered by racking. However the peak parking demand for the proposed use as a builder's merchant has been calculated using arriving and departing trips per hour from the TRICS database surveys of other sites using the existing proposed floorspace of the application site builders/roofing merchant and found to be 14 spaces occupied at a time. This would be less than the calculated parking demand for a Car Showroom use of 21 spaces, which would obviously not include the additional space used for car sales which from the Parish Council comments and previous site use appears to have resulted in an overflow of showroom cars onto the highway verge. The Parish Council mentions the application planning statement describes 100 parking spaces of which the rear spaces will be lost by racking and some frontage areas not being accessible spaces, however the planning statement is actually describing the existing arrangement. The application form however states there are 20 proposed spaces which would be sufficient to accommodate maximum estimated parking demand of 14 spaces for a general Builders Merchant use based on a TRICS analysis. The latest site layout plan appears to illustrate only 17 parking spaces, however this would still be sufficient to meet the demand according to the TRICS analysis and it is noted there appears to be additional space available on site which could accommodate further spaces.

Servicing concerns raised by the Parish Council are noted, however as above based on the TRICS analysis it is expected the builder's merchant will result in a decrease in vehicles accessing the site. The Parish Council has provided no evidence to demonstrate the average peak number of vehicles and their dimensions could not be accommodated either within the existing car park fronting the site or within the rear yard alongside racking. The applicant has submitted a tracking plan (03751 002) demonstrating an articulated HGV can access and egress the site in forward gear. The tracking oversails the central parking spaces, however it is accepted as stated in the planning statement this can be managed by a servicing arrangement. The existing Car Showroom can and does have servicing by large car transporter expected to be similar in size to those serving a builders merchants. The Highway Authority would therefore not be able to sustain an objection to proposed servicing which would not be considered to be worse than can or does occur under the existing permitted site use.

In order to provide sufficient disabled parking based a minimum of 3 parking spaces should be provided for disabled users which can be provided adjacent to the building front entrance where it appears one space is already demarcated and would be sought by condition.

Following the recent release of the new DfT Inclusive Transport Strategy and National Planning Policy Framework (NPPF) a direct segregated pedestrian pathway

will be sought from the existing footway to the building front entrance. It is considered this can be provided within site and highways land and will be sought to be secured via condition.

Therefore in conclusion I maintain my recommendation of no objection, however in light of the new NPPF and Inclusive Transport Strategy released by the DfT I recommend the following conditions:

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in general accordance with the submitted plan 1321-05 except providing 3 disabled parking spaces 6m x 3.6m, 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework and the Joint Core Strategy policy INF1.

The building(s) hereby permitted shall not be occupied until the vehicular a segregated footway at least 1.2m in width is provided connecting from the existing footway to the front entrance and parking spaces 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework and the Joint Core Strategy policy INF1.

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.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>22</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1** 22 letters were sent to neighbouring properties, a site notice was displayed and an advert was published in the Gloucestershire Echo. No letters of representation have been received.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 The key considerations with this application are the principle of the loss of a B2 use, design, and any subsequent impact upon the amenity of occupiers of adjacent properties, parking and highway safety issues.

### 6.3 Principle

- 6.4 Policy EM2 of the Local Plan seeks to retain land that is currently or was last in use for employment purposes unless there are exceptions. Policy EM2 of the Local Plan states, in part, that:-

*“A change of use of land and buildings in existing employment use, or if unoccupied to a use outside Use Classes B1, B2 or B8 inclusive will not be permitted, except where:*

- a) buildings on the land were constructed and first occupied for residential use; or...*
- b) the retention of the site for employment purposes has been fully explored without success; or*
- c) the proposed use is sui generic but exhibits characteristics of B1, B2 or B8 employment uses and which should appropriately be located on employment land (note 2); or*
- d) development of the site for appropriate uses other than B1, B2 or B8 and criteria (c) will facilitate the relocation of an existing firm to a more suitable site within the borough; or*
- e) employment use creates unacceptable environmental or traffic problems which cannot be satisfactorily resolved.”*

- 6.5 The applicant is relying on criterion (c) above. Note 2 attached to criterion (c) states that *‘Sui generis uses which may require an employment site location include; Car sales, builder’s yard; vehicle or tool hire business.’*

- 6.6 The application proposes the change of use from a vehicle dealership, under use class B2 to a builder’s merchant Sui Generis use. The proposed use as a builder’s merchant will provide employment to 12 full time employees, requires an employment site location and in is accordance with Policy EM2.

- 6.7 The site is located within the Principal Urban Area, forms part of an existing, large industrial estate and is well served by public transport and cycling routes to the town centre. The site is also within walking distance of many retail outlets and the local services of the Kingsditch retail park. The application site must therefore be considered a highly sustainable location.

- 6.8 In light of the above the proposed development is considered policy compliant and acceptable in principle.

### 6.9 Design and layout

- 6.10 No external alterations are proposed to the existing building.



**6.11** 3m high palisade fencing is proposed along the northern boundary and along a section of the western boundary fronting Manor Road. Steel palisade gates are proposed to the side of the existing building and all will provide a secure storage space. 4m high racking is proposed to the western boundary behind the fencing and 3m high racking is proposed along Manor Road.

**6.12** The fencing is not an uncommon feature within the Industrial estate and given the nature of the use and character of the locality, the fencing and racking is broadly acceptable.

**6.13** For the reasons outlined above, the proposed development is considered acceptable in design, and appearance. As such, the proposals adhere to the policy objectives of CP7 of the Local Plan.

#### **6.14 Impact on neighbouring property**

**6.15** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.

**6.16** The site is within the Kingsditch Trading Estate and there are no residential properties within close proximity of the site. There will be no unacceptable impact on neighbouring amenity.

#### **6.17 Access and highway issues**

**6.18** The National Planning Policy Framework states *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

**6.19** The application does not propose a change to the vehicular access but parking will be reduced to 17 spaces in front of the building.

**6.20** Due to the nature of the application, the County’s Highways Planning Liaison Officer has been consulted and has raised no objection from a highways perspective. The Parish Council have objected on the basis of inadequate parking arrangements. The County’s Highways Planning Liaison Officer has provided a further response to the Parish Council comments.

**6.21** The applicant has provided a more detailed site plan showing the location and number of parking spaces. A tracking plan has been submitted demonstrating that a HGV can access and egress the site in forward gear.

**6.22** The potential estimated trip generation and highway impact for a builder’s merchant use on the site compared to a car sales use would be less intensive during network peak hours and total daily trips. A HGV vehicle can access and egress the site in forward gear and adequate parking is proposed.

**6.23** The applicant has demonstrated that the proposal would not have an unacceptable impact on highway safety and the development would not be severe.

**6.24** As such the proposal complies with Policy INF1 of the adopted Joint Core Strategy and there are no sound highway reasons to withhold consent

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** The proposed development both retains and improves the employment use of this site, making efficient use of brownfield land.

- 7.2** The design and layout of the proposal is acceptable; the new fencing is appropriate in the context of surrounding development and the proposal would not have an unacceptable impact on highway safety.
- 7.3** In considering the planning balance with regard to economic, social and environmental matters, officers are of the view that the planning balance is firmly in favour of the proposal. As such it is recommended that planning permission be granted subject to the below conditions.

## **8. CONDITIONS/REFUSAL REASONS**

- 1** The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 planning permission hereby granted 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** The change of use hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in general accordance with the submitted plan 1321-05 except providing 3 disabled parking spaces 6m x 3.6m, 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework and the Joint Core Strategy policy INF1.

- 4** The change of use hereby permitted shall not be occupied until a segregated footway at least 1.2m in width is provided connecting from the existing footway to the front entrance and parking spaces 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework and the Joint Core Strategy policy INF1.

- 5** The racking along Manor Road should be no higher than 4 metres in accordance with DWG NO Fil1498/MM.

Reason: In the interests of the character and appearance of the area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

### **INFORMATIVES :-**

- 1** In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 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.