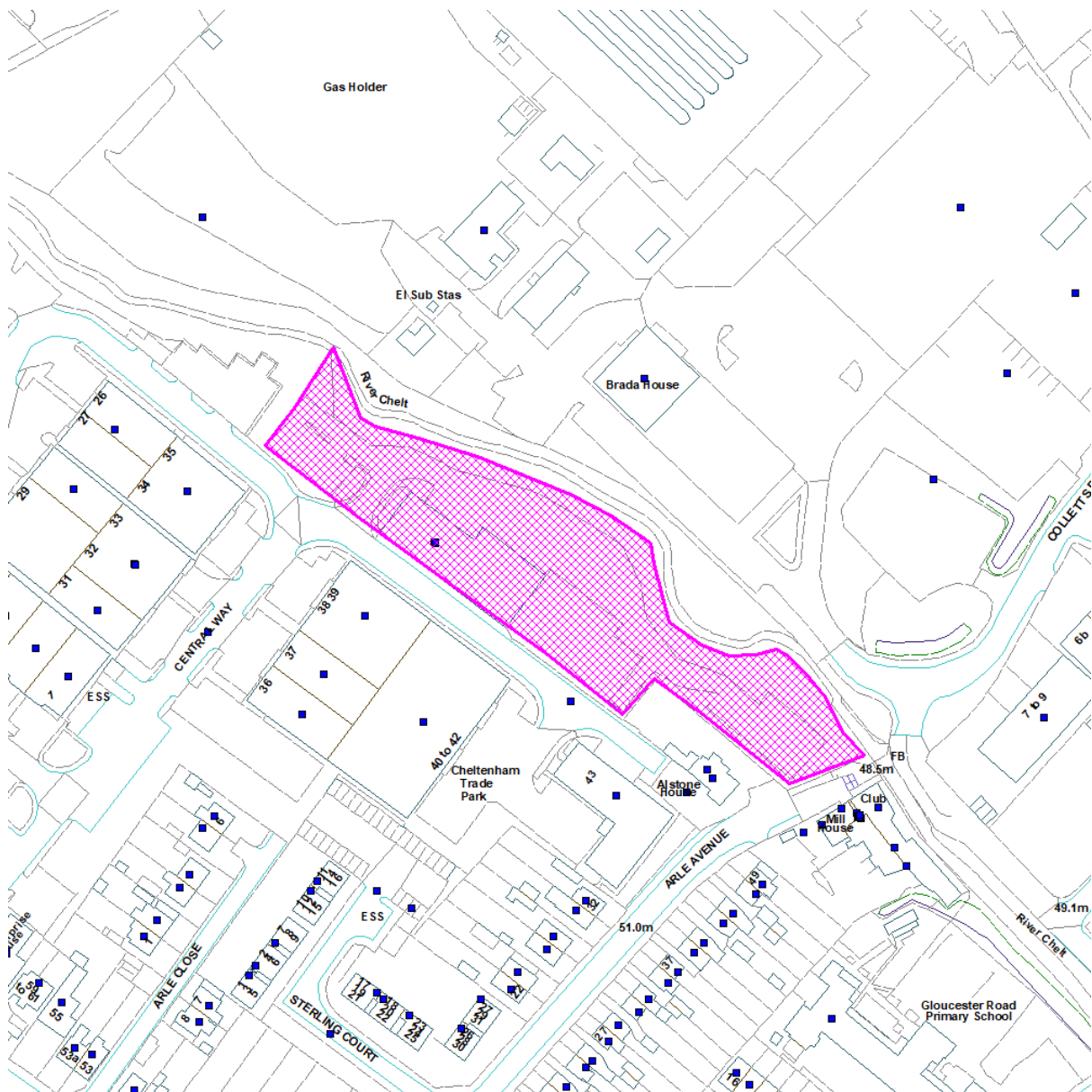


APPLICATION NO: 20/00327/CONDIT		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 21st February 2020		DATE OF EXPIRY:
DATE VALIDATED: 21st February 2020		DATE OF SITE VISIT:
WARD: St Peters		PARISH:
APPLICANT:	Cheltenham Borough Council	
AGENT:	Cheltenham Borough Council	
LOCATION:	Cheltenham Enterprise Centre, Central Way, Cheltenham	
PROPOSAL:	Variation of condition 13 of planning permission 02/01616/FUL to allow units 5, 6 and 7 to operate 24 hours a day	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a group of 3 units with consent to operate within classes B2 (general industry) and B8 (storage or distribution).
- 1.2 Planning permission was granted for the erection of 8 employment units on this site in 2003 (02/01616/FUL). This permission was subject to the following condition (condition 13):

There shall be no deliveries to or distribution from the units outside the hours of 0730 and 1800 hours unless otherwise agreed in writing by the Local Planning Authority.

Reason: Any proposal to extend the hours of deliveries/distribution need to be considered individually to ensure that the amenities of the occupiers of nearby residential property are protected.

- 1.3 Planning permission is sought for the variation of this condition in order to allow a prospective tenant to carry out delivery and distribution activities 24 hours a day. It is understood that this is in connection with a company which rent out audio visual equipment for conferencing and live events.
- 1.4 The application is to be determined at planning committee as the Council is the applicant.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 6 Building a strong, competitive economy
Section 8 Promoting healthy and safe communities

Saved Local Plan Policies

CP 4 Safe and sustainable living
EM 2 Safeguarding of employment land

Adopted Joint Core Strategy Policies

SD1 Employment - Except Retail Development
SD14 Health and Environmental Quality

4. CONSULTATIONS

Detailed comments from Environmental Health are still awaited.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	10
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 10 neighbouring properties. No responses have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) the principle, and (ii) impact on neighbouring properties.

6.2 The site and its context

The site is part of an existing industrial building within a wider industrial estate, accessed off Arle Road.

6.3 Principle

Section 6 of the NPPF states that planning decision should recognise and address the specific locational requirements of different sectors including making provision for clusters of high tech industries and for storage and distribution operations at a variety of scales and in accessible locations.

Policy SD1 of the JCS is generally supportive of employment related development particularly on allocated sites, as is policy EM2 of the adopted Local Plan. The emerging Cheltenham Plan sees the site allocated as a key existing employment site in policy EM1 and seeks to safeguard the site for employment purposes.

The proposal would retain the use of the units within the approved B2 and B8 uses of the site. The variation to the condition would facilitate the use of these units by an audio visual equipment company. The Local Planning Authority should be flexible where possible to allow the economy to grow and to provide suitable accommodation for businesses looking for premises within the Borough. Therefore subject to the proposal being satisfactory in all other regards, the principle is supported.

6.4 Impact on neighbouring property

Policies CP4 of the Local Plan and HD14 of the JCS seek to ensure that development does not cause harm to the amenity of local occupants.

The variation to the condition which is hereby sought would result in the unit being capable of being accessed for deliveries and distribution at any time and as such it is important to consider whether this would have any adverse impact on neighbouring amenity. The nearest residential property is the listed Alstone House to the east of the site. The layout of the site is such that vehicles accessing the site would not drive near to this property; however, the noise of any activity associated with loading and unloading needs to be considered. To this end the Environmental Health Officer has been consulted on this application. They have requested further information from the applicant, which has been supplied. Their final comments are awaited.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The use of the unit by the prospective tenant does not require planning permission, however the requirement to access the site for deliveries etc. does, due to a restrictive condition on the original consent. This is supported in principle, however neighbour amenity is crucial and the views of the Environmental Health Officer are important in this final judgement and as such this matter will be updated at committee.
- 7.2 The issuing of a decision on a variation of condition application has the effect of issuing a new planning permission and as such all relevant conditions from the original consent must be restated. An updated list of conditions is provided below.

8. CONDITIONS / INFORMATIVES

- 1 Only the areas shown on the approved plans as car parking spaces shall be used for car parking.
Reason: In the interests of highway safety and sustainability
- 2 The car parking area, driveway, turning areas and cycle parking shall be retained in accordance with the approved plans and available for use as car parking and turning.
Reason: To ensure adequate car parking and turning within the curtilage of the site, in the interests of highway safety.
- 3 The service and turning area to the eastern end of the site shall be kept free of obstructions at all times and shall be used for servicing and turning only.
Reason: To ensure adequate facilities for servicing and turning in the interests of highway safety.
- 4 The car parking area on the approved plan shall only be used in connection with the scheme hereby approved and shall be kept available for such use at all times in perpetuity.
Reason: To ensure that car parking continues to be available within the curtilage of the site and therefore that parking on the public highway is reduced, in the interests of highway safety.
- 5 No buildings, structures, any proposed landscaping or other permanent obstruction shall be located within a strip of land 8 metres wide adjacent to the top of bank of the River Chelt (as altered in accordance with the scheme of works agreed as part of the previous condition) unless otherwise agreed in writing by the Local Planning Authority. Ground levels shall not be altered unless agreed with the Environment Agency as part of the works to the River Chelt.
Reason: To maintain access to the watercourse for maintenance or improvements.
- 6 There shall be no deliveries to or distribution from the units outside the hours of 0730 and 1800 hours unless otherwise agreed in writing by the Local Planning Authority, apart from units 5, 6 and 7 which may carry out deliveries/distribution at any time.
Reason: Any proposal to extend the hours of deliveries/distribution need to be considered individually to ensure that the amenities of the occupiers of nearby residential property are protected.
- 7 Noise from the operations carried out in any building, or otherwise on any part of the subject land, shall achieve a noise rating level that does not exceed the existing

background noise level. The measurements and assessment shall be made in accordance with the provisions of BS4142: 1997.

Reason: In the interests of the amenities of the occupiers of neighbouring residential property.