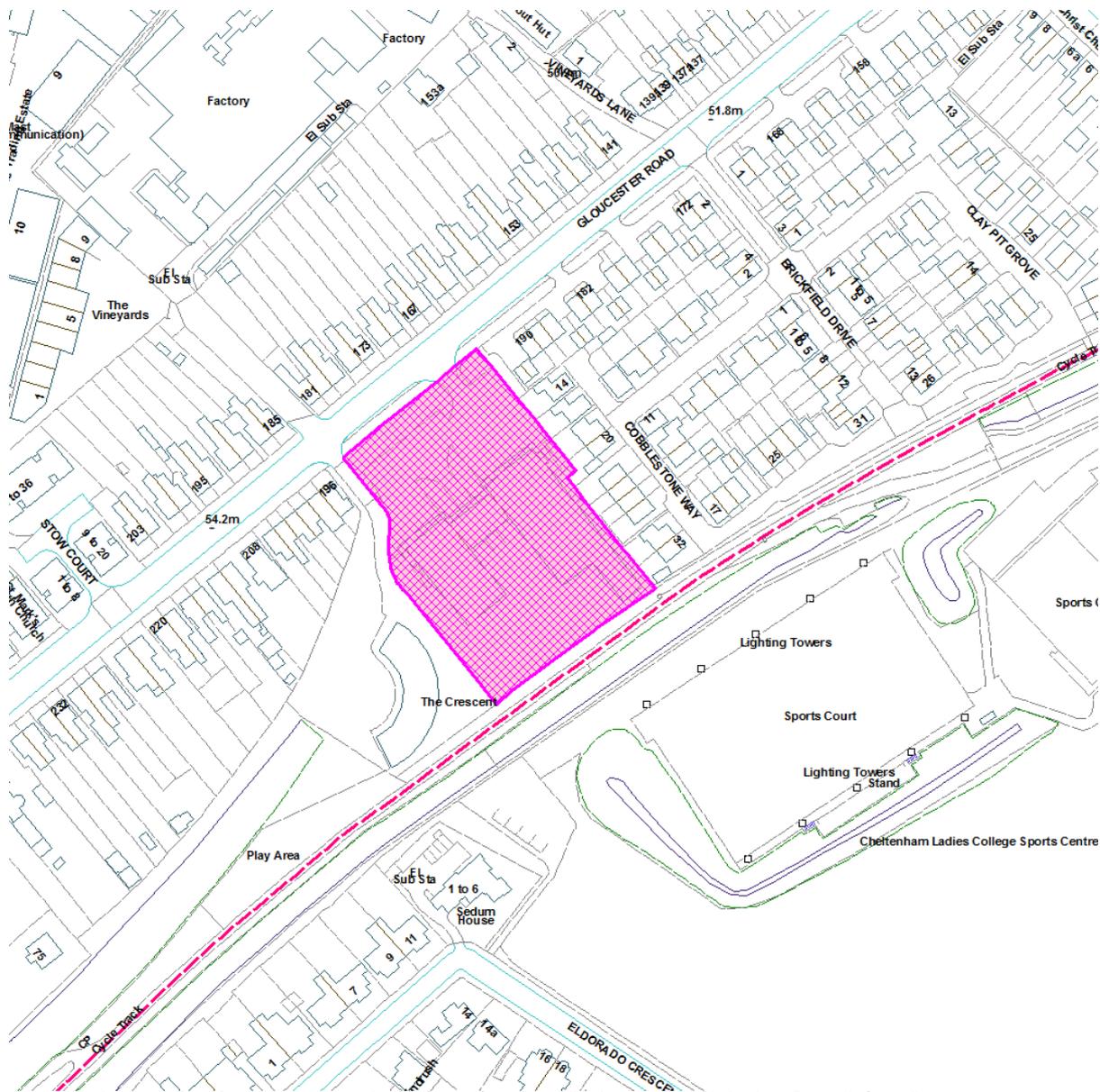


APPLICATION NO: 20/02249/FUL		OFFICER: Mr Daniel O Neill	
DATE REGISTERED: 17th December 2020		DATE OF EXPIRY: 11th February 2021	
DATE VALIDATED: 17th December 2020		DATE OF SITE VISIT:	
WARD: St Peters		PARISH:	
APPLICANT:	Mr Chris Adey		
AGENT:	Evans Jones Ltd		
LOCATION:	Adey Ltd, Gloucester Road, Cheltenham		
PROPOSAL:	Insertion of windows into the building		

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a large commercial building occupied as a B1 office with light industry use located on the north eastern side of Gloucester Road. The site is located between the new housing estate at the former Travis Perkins site and a four storey block of flats known as the Crescent.
- 1.2 The applicant is seeking planning permission for the insertions of windows, at both ground floor and first floor of the building.
- 1.3 Revised plans have been submitted throughout the course of this application following discussions with the agent and the case officer.
- 1.4 The application has been called to committee at the request of Cllr Willingham due to the impact upon the privacy of the surrounding neighbours.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Airport Safeguarding over 45m
Honeybourne Line
Principal Urban Area
Residents Associations
Smoke Control Order

Relevant Planning History:

00/00887/FUL 12th September 2000 PER

Erection of car showroom (Amethyst Seat) and proposed valet area extension (Amethyst Honda)

01/01127/ADV 19th October 2001 GRANT

Display of fascia panels, entrance panels, directional sign and pylon sign (retrospective)

96/00972/PF 20th February 1997 PER

Construction Of Two Car Showrooms/Dealerships

97/00420/AI 26th June 1997 PER

Illuminated Fascia, Pylon, Welcome And Directional Signs

98/00467/PF 30th July 1998 PER

Erection Of Car Showrooms and Workshop (Incorporating Minor Amendments To Those Previously Approved Under CB10689/17) Together With The Provision Of Ancillary Par

04/02169/FUL 24th February 2005 PER

Extensions to existing showrooms (located under existing covered way)

05/00475/ADV 13th May 2005 GRANT

Display of 3 x fascia signs, 1 x pylon, 1 x directional, 1 x welcome sign.

09/01612/COU 7th April 2010 PER

Change of use to B1 (light industrial)

13/00052/COU 28th February 2013 PER

Change of use of former Seat Amethyst car showroom to B1 (light industrial) use - to be used in association with adjoining premises Adey Ltd

13/01337/DISCON 11th October 2013 DISCHA

Discharge of conditions for planning permission ref: 13/00052/COU - Conditions: 5) Detailed scheme for landscaping, 6) Detailed scheme for boundary walls

15/00935/FUL 30th June 2015 PER

Installation of new window to office (retrospective)

15/01693/FUL 28th October 2015 PER

Installation of two new windows to office

16/00081/CLPUD 28th January 2016 CERTPU

Installation of a new window at ground level of the office

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD14 Health and Environmental Quality

4. CONSULTATIONS

Ward Councillors

11th January 2021

I've been contacted by several residents about this planning application, and would like to request a committee call-in.

The reasons are public interest, and overlooking / privacy concerns.

I would be keen to encourage the council to perform a HRA (Human Rights Act) assessment to ensure that any decision can be shown to consider their rights such privacy and peaceful enjoyment of property.

I also wonder whether a possible compromise that could allow this to progress is to require frosted glass on all windows that overlook residential properties, and what the best way to suggest this to the applicant would be.

Building Control

7th January 2021

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	48
Total comments received	13
Number of objections	13
Number of supporting	0
General comment	0

5.1 Letters of notification have been sent to 48 neighbouring properties twice following submission of revised plans. 13 comments in objection following the two counts of neighbour letters sent and they have been summarised but not limited to the following points;

- Loss of privacy
- Overlooking
- Disturbance from building works
- Incorrect use of the site

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations when determining this application are design, impact on neighbouring amenity and impact on the wider locality.

6.3 The site and its context

6.4 Adey Ltd is the occupant of a large detached commercial building that was given permission for B1 office use with light industry in 2009 and expanded by occupying the adjacent building with interlink in 2013.

6.5 The front of the site with vehicle access is located facing Gloucester Road. Adjacent to the side facing north-west is the rear of a number of properties at Cobblestone Way, part of the new housing estate built at the former Travis Perkins site in 2016. To the side of application site facing south-east is four storey block of residential flats known as the Crescent, of which the rear of the property overlooks the Adey building.

6.6 At the rear of the application site is the Honeybourne Line, a public open space with views of the site and the surrounding area.

6.7 Design and layout

6.8 The application proposes various casement windows made from PPC aluminium to match the existing windows installed within the building.

6.9 No alterations are proposed to the front and principal elevation of the site. The proposed windows will not look out of character and will have limited views within the public realm.

6.10 Officers therefore consider that the design of the windows are acceptable and will not impact the appearance of the wider locality. The use of PPC aluminium is a welcome choice given their durability and sustainability.

6.11 Impact on neighbouring property

- 6.12** The most significant issue with respect to the proposed development is the impact upon the privacy of the surrounding residential neighbouring properties.
- 6.13** Policy SL1 of the Cheltenham Plan emphasises that the decisions will have regard to matters including loss of privacy and a development should not cause harm to the amenity of the adjoining land users. This is reinforced in Policy SD14 of the Joint Core Strategy protecting the amenity of neighbouring occupants.
- 6.14** On initial receipt of the application, the proposed development included first floor windows to the side elevations of the site that faced the boundary to properties along Cobblestone Way and the block of flats known as the Crescent. It was considered that this could cause a detrimental impact of overlooking and a loss of privacy to the occupants of these residential properties. Revised plans were received, completely omitting these first floor windows from the proposed development.
- 6.15** Following on from the submission of revised plans, the application still intends to propose first floor windows that face the inner service yard of the site respectfully indicated on the drawings as *south-east elevation on cut through*. Officers consider that these windows are acceptable given that they are in excess of 44m to the south-eastern boundary, complying with the minimum 21m window to window distance as indicated within Policy SL1 of the Cheltenham Plan. As such, it is considered that these new windows will not cause a loss of privacy to the neighbouring occupants at the Crescent.
- 6.16** With regard to the ground floor windows proposed, including those facing the boundary with properties at Cobblestone Way and the Crescent, these new windows can be achieved under permitted development.
- 6.17** Article 3, Part 7, Class A & F of the Town & Country Planning (General Permitted Development) Order 2015 permits the installation of a window to a building provided:
- The development is not within the curtilage of a listed building
 - Any alteration is not within article 2(3) land (i.e conservation area)
 - The alterations does not include the provision of a veranda, balcony or raised platform
 - The alteration is at ground floor only
- 6.18** This element of the proposal meets all of the above criteria and therefore this can be achieved without the benefit of planning permission.
- 6.19** Nevertheless, officers have made some observations with regard to these proposed windows given the level of representations made from the surrounding neighbours. The windows proposed at both side elevations are screened by high boundary enclosures. The boundary with properties at Cobblestone Way includes a 1.8m high timber fence, whilst the boundary to the site known as the Crescent includes an approximate 2m rendered wall. Both of these boundary treatments will act as a privacy screen while any views from the proposed windows to neighbouring first floor windows will be at an oblique angle.
- 6.20** Additionally, the ground floor windows facing the boundary adjoining the property known as Crescent would be in excess of 9m to the boundary and are in such a juxtaposition that the boundary together with the distance prevents any perception of a loss of privacy and overlooking.

6.21 Officers have noticed that 5 windows at the north-west side elevation, facing the rear gardens and elevations at Cobblestone Way were set higher in line in comparison to the other windows further along. This is due to a slight variation in floor level and views from the windows could overlook the 1.8m high boundary fence.

6.22 Despite these windows still permissible under permitted development, revised plans will be submitted omitting these windows from its entirety. This is a welcome addition at the courtesy of the applicant and the agent.

6.23 In light of the above, it is considered that no unacceptable loss of privacy will be caused to the surrounding residential properties. There are no other significant amenity concerns as a result of the proposed development.

6.24 Other considerations

6.25 Several comments from the surrounding neighbours have raised concerns over the exact use of the site and disturbance in respect to noise, smell and light pollution. This is not pertinent to the application and cannot form part of officer's consideration.

6.26 A concern was raised regarding potential disturbance from noise and dust if the application is permitted. This is not material planning consider in respect to this type of development and alteration. Potential harmful effects from building works are covered by Building Regulations and separate legislation independent from planning matters.

6.27 Human Rights

6.28 As referred to within the local ward member representations it is therefore appropriate to consider the Human Rights implications of the proposal.

6.29 The Human Rights Act of 1998 protect rights and fundamental freedoms, while promote the ideals and values of a democratic society. It sets out basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.

6.30 The specifics of the act relevant to planning are Article 6 (Right to a fair hearing), Article 8 (Right to respect for private and family life), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Protection of property).

6.31 These rights have been taken into account in coming to this recommendation and efforts have been made to ensure the privacy of the surrounding neighbours have been maintained to acceptable amount.

6.32 Public Sector Equalities Duty

6.33 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of

this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties this proposal complies with the 3 main aims set out.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Taking the above into consideration, the proposal complies with the relevant Local Plan policies, JCS policies and NPPF.
- 7.2 Officer recommendation is permit this application subject to the conditions set out below;

8. CONDITIONS

- 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.

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.