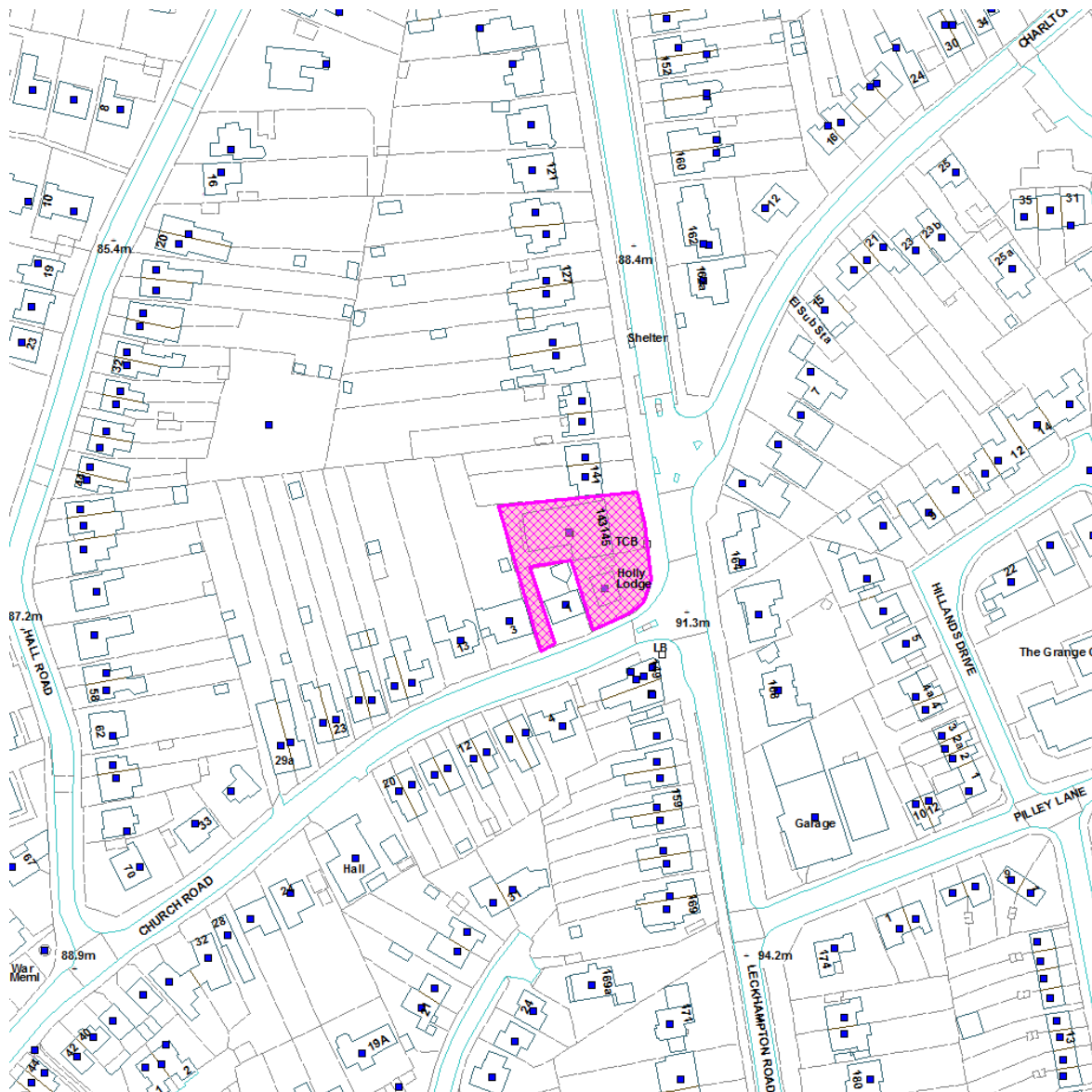


APPLICATION NO: 21/00279/FUL		OFFICER: Mrs Victoria Harris	
DATE REGISTERED: 24th February 2021		DATE OF EXPIRY: 21st April 2021	
DATE VALIDATED: 24th February 2021		DATE OF SITE VISIT: 10/03/21	
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill	
APPLICANT:	Midcounties Co-Operative		
AGENT:	Gould Singleton Architects		
LOCATION:	Co Operative Retail Services, Leckhampton Road, Cheltenham		
PROPOSAL:	Proposed demolition of existing bungalow to create additional car parking for adjacent foodstore, new external cladding and signage to Foodstore		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to an existing retail unit currently occupied by Co-op and a detached bungalow (Holly Lodge) also owned by Co-op & positioned on the corner of Church Road and Leckhampton Road.
- 1.2 The applicant is proposing to demolish the existing bungalow and extend the existing car park forecourt into this land. The existing access on Leckhampton Road will be widened on the left-hand side approach, landscaping is proposed within the new extended car park and a 2.1m high acoustic fence is proposed along the side boundary between the application site and No.1 Church Road. The dropped kerb connection for the driveway to the existing bungalow would be widened slightly to assist turning movements to and from 1 Church Road.
- 1.3 3 existing parking spaces would be lost to provide a connection between the existing car park and new parking area. The new car park will create a net increase of 8 additional parking spaces which will see the overall parking provision increased to 15 spaces, an accessible parking space and cycle storage is proposed and a pedestrian route through the car park will be provided.
- 1.4 The external appearance of the existing retail unit will be updated with grey cladding to the front and side of the building.
- 1.5 The application is at committee at the request of Councillor Martin Horwood on the grounds of loss of amenity (use of the pavement), highway safety and design in contravention of local policies encouraging walking and public safety. The Parish Council have also objected to the revised plans.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Neighbourhood Shopping Area
Smoke Control Order

Relevant Planning History:

16/01003/FUL 26th July 2016 PER
New shop front and decoration, plus internal fit

17/01794/FUL 9th January 2018 WDN

Proposed demolition of existing bungalow to create additional car parking for adjacent Foodstore.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 6 Building a strong, competitive economy
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design

HM3 Loss of residential accommodation

SL1 Safe and Sustainable Living

GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD9 Biodiversity and Geodiversity

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

4. CONSULTATIONS

Publica Drainage And Flooding

21st April 2021

Site Geology and Source of Information

Lime-rich loamy and clayey soils with impeded drainage

<https://www.landis.org.uk/soilscapes/>

Flooding History / EA Flood Zone

According to EA Flood Maps, the site is wholly within Flood Zone 1, in an area at low risk from fluvial flooding. <https://flood-map-for-planning.service.gov.uk/>

1. There is no evidence to suggest that the site is susceptible to surface water flooding.
2. There is no apparent surface water flow route through the site.
3. There is no documented history of flooding of the site.
4. The application site is not within 20m of an ordinary watercourse or main river.
5. Susceptibility to groundwater flooding $\geq 25\%$ $< 50\%$

Surface Water Drainage Proposal

Main sewer

Other Relevant Information (such as contours and levels of neighbouring plots)

Site area - 0.1ha

Comments Surface Water Drainage:

In accordance with the SuDS hierarchy infiltration must be considered in the first instance. Soakaways may or may not be viable on site, given the geology of the postcode. However, this must first be proven by soakage tests in accordance with BRE 365. If there is evidence of good infiltration and acceptable groundwater levels, soakaways must be designed in accordance with the guidance below:

Soakaway Guidance Notes:

- Soakaways must be $>5\text{m}$ from any structure and $>2\text{m}$ from the boundary.
- If soakaways are viable it is important that they are positioned at a lower elevation to the property or neighbouring property, in case of exceedance. If this is not possible due to site restrictions, it is vital that they are located at a depth whereby the invert level of the inlet pipe is lower than the threshold level of the property. Landscaping must then be considered to route water away from any vulnerable property in an exceedance event.

- Individual, geocellular soakaways are recommended for ease of maintenance and reduced footprint, and are particularly effective if the groundwater level is found to be within 1m of the soakaway inlet pipe.
- If soakaways are located beneath a carparking/turning area, they will need to have adequate clearance and the design will need to be suitable for the additional loading.
- During the construction phase it is important not to compact ground where soakaways are proposed.

If infiltration is proven not to be viable due to poor permeability, onsite attenuation (storage) will be required prior to controlled discharge, not exceeding the (Qbar) greenfield runoff rate.

The onsite surface water drainage system must be designed to accommodate up to and including, either a:

- 1 in 100 year storm event plus 40% climate change (C.C); or
- 1 in 30 year event plus 40% C.C. but any volume above this must be kept on site for all return periods up to and including the 1 in 100 year event + 40% C.C. and must not cause a risk to any existing property or land beyond the site.

General Comments:

The site must contain surface water for all return periods up to and including the 1 in 100 year event + 40% climate change.

It is important to note that development must not increase flood risk to any existing property or land beyond the site boundary and the landscaping of the site should route water away from any vulnerable property and avoid creating hazards to access and egress routes. As such, an exceedance route plan for flows above the 1 in 100 +40% CC event must be submitted with the proposal, identifying the surface water flow routes though the site should the capacity of the drainage system be exceeded.

We would welcome the use of permeable construction on access routes and hardstandings.

We would also welcome water butts or rainwater harvesting being incorporated into the proposed surface water drainage system.

RECOMMENDATION

No Objection subject to conditions

SUMMARY REASON FOR RECOMMENDATION (including details of required conditions/revisions where applicable)

We highly recommend that infiltration tests are undertaken at the earliest opportunity in order to determine the most appropriate surface water drainage system. However, in this instance, we are happy for this information to be conditioned.

However, if insufficient surface water drainage information is provided, please notify the applicant that a pre-commencement condition will be required.

CONDITION TO BE ATTACHED:

That, prior to commencement of the development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in

accordance with the approved details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cheltenham Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

In these cases the following notes should also be added to the decision notice:

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015

Gloucestershire Centre For Environmental Records

9th March 2021

Report available to view on line.

Architects Panel

5th March 2021

Design Concept;

The panel had no objection to the principle of demolishing the bungalow on this site to provide improved parking and access to this prominent Foodstore. Existing traffic movement around the store is known to be problematic due to its restricted access and position adjacent to busy road junctions. However, the panel was not convinced that the proposed layout of the extended car park worked. Car movement through the site is tortuous and likely to be problematic due to poor positioning of certain spaces and inadequate space for turning. A more efficient and safer parking layout could be designed here, with the potential of providing even more parking spaces and safer traffic and pedestrian access.

Design Detail;

The recladding of the store is supported but this scheme will not transform the building into a building of any architectural merit. The landscape proposals are welcome but only a token gesture - a better layout could result in less tarmac and more substantial planting which could positively enhance the road junction.

Recommendation;

Not supported.

Parish Council

4th March 2021

The Parish Council has a site visit organised with Co-op Head Office personnel on 5th March so will be able to comment further, after that visit.

We understand that the application has already been called in to go to a planning Committee meeting.

The overall plan to increase parking capacity by expanding the car park must be welcome but its a real shame agreement wasn't reached with the owners of 1 Church Road, leaving their house enclosed by Co-op parking and driveways on all sides. Their objections to the resulting application are quite serious including two-way access onto a shared drive the Co-op plan to use as one-way, potential noise, light intrusion and pollution and surface water flows from the much increased tarmac area. While the loss of 'Holly Lodge' and the risk of 'youths' hanging out in the car park are inevitable if we are to have this improved community amenity, the applicants should be asked to show how screening, flood risk measures such as SUDS and limitation of noise, light and pollution for 1 Church Road can be achieved.

- The changes to the design of the main store seem unexceptional but the switch to black and dark grey panelling and signage from the current pale green and white are quite harsh and out of keeping with the surrounding red brick properties. If Co-op's corporate palette and house style offered any possible variations to soften this rather dark, brutalist style, that would be welcome.
- The current awkward two-way access point on Leckhampton Road is retained but widened for easier two-way access and this is where, of course, we have a persistent problems with pavement parking at the moment as well as regular issues when cars and sometimes delivery lorries try to exit one or other nearby mini-roundabout and then stop to turn into the car park. The detail of how this entrance would look and work in practice and whether it would improve the pavement parking situation and interact with the nearby mini-roundabouts is pretty sketchy in the Design & Access Statement. Much more detail would be welcome.
- The overall car park design is puzzlingly awkward and only increases the number of car parking spaces from the current 7 to 14. This is partly because of the complications with No 1 but even so there is far more space devoted to tarmac driveway and turning space than actual parking space in the design. Co-op could be encouraged to revisit this with some more expert geometry!
- The cycle security hoops are a welcome improvement.
- The established hedge around Holly Lodge 'may' be replaced with rather token and sporadic planting by the look of the site plan and D&A statement, with potential loss of biodiversity in contravention of stated objectives in the Cheltenham Local Plan. Especially given its ethical marketing position, Co-op should take and promise to follow expert advice before the planning decision is taken (not 'at a later date.. in keeping with the commercial operation') on how to ensure planting and final design provides useful habitats and connectivity to nearby gardens with a resulting net gain in biodiversity compared to the existing garden and hedge.

18th March 2021

The PC has now undertaken a site visit with Co-op managers and the architect and the following was agreed with them. Cllr Martin Horwood attended the site visit on behalf of the PC.

- They agreed to try one more time to approach the neighbour at 1 Church Road whose insistence on his dual access rights has caused them such a headache in design. They will explore negotiating to reorient his garage and switch his access rights to the opposite side of his property so that they apply to the two-way staff access road between 1 and 3 Church Road, allowing them much more flexibility on the main car park side. This could then mean repositioning the cycle parking and better pedestrian access.
- They also confirmed their intention to carry out the planting scheme which is only provisional in the application and agreed to look into extending the planned hedge all the way to the Leckhampton Road access point (beside the proposed disabled parking bay) making the pavement there more obviously for pedestrian use. They agreed to approach Highways to allow the use of a little more of the wide pavement at this point to increase the depth of the hedge which would both encourage its use as a habitat and further discourage pavement parking.
- They did agree to revisit the fascia design to look at a gentler palette more suitable to the neighbourhood than the black and grey urban design proposed.

23rd June 2021

This is in many ways a significant modification of the earlier submitted plans, with a pragmatic solution to the problems presented by the shared access space with No 1 Church Road, a consequent increase of one parking space overall, cycle parking closer to the store entrance and more details of - and more extensive - green planting, as well as the promise of a more sympathetic fascia to the store. The Parish Council welcomes these developments

We are however still obliged to object to the latest plan, albeit in the hope that the objections can be resolved, on grounds of pedestrian safety.

The revised plan almost exactly reverts to the current problematic single entrance design on Leckhampton Road, just with a wider dropped kerb. At present - and under these plans - pedestrians have to run the gauntlet of moving cars, including cars reversing out of the parking spaces on either side en route to the store. And there are persistent problems with cars parking on the pavement, despite huge lettering saying 'keep clear' on both sides, because there is no clear demarcation between the pavement and the car park.

In these plans, there is still no dedicated pedestrian access to the store from the pavement so requiring pedestrians to run the gauntlet of an even busier exit than at present and again having to walk past cars that may be reversing out of parking bays. At the exit across the pavement, a line is shown cutting across the pavement on the southern (hill) side, in front of the tree, which will at least discourage parking there although it is hard to tell from the submitted plan if this will be anything more than painted lines in practice. And on the northern (town) side there is only a wider dropped kerb leading to the same line of parking spaces unseparated from the pavement which seems very unlikely to change the current pavement parking habit on that side.

Our objection would be withdrawn if we see plans from the Co-Op which provide for the following, perhaps even with use of different surfaces, more planted boundaries and other relatively superficial measures that could nevertheless send clear messages to drivers in particular:

- a) a clearly demarcated route for pedestrians to use to access the store from Leckhampton Road without walking through a busy exit and between actively used parking bays;
- b) clear demarcation between the car park and the pavement, perhaps with an extended line of planting on the southern (hill) side and perhaps even a temporary barrier or bollards

on the northern (town) side which could be removed or opened for delivery vehicles but which provided a clear barrier between road and car park at all other times.

We hope to see this objection taken into account and revised plans or greater details submitted that would enable us to support this application with enthusiasm.

GCC Highways Planning Liaison Officer

7th June 2021

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection subject to conditions.

The proposals create a net increase of 8 additional parking spaces which will see the overall parking provision increased to 15 spaces.

All traffic to and from the enlarged car park would use the existing access from Leckhampton Road.

Both the access points serving 1 Church Road and the food store will require widening as part of the proposals. The dropped kerb connection for the driveway to the bungalow would be widened slightly to assist turning movements to and from 1 Church Road, while the dropped kerb for Co-op on Leckhampton Road would be extended to facilitate left turn in vehicles too as the delivery vehicles use spaces 1-3 fronting the store and due to their size they significantly hangover on to the footway making it difficult for vehicles to enter the site without mounting and potentially damaging the full height kerbing.

Whilst it would be beneficial to swap the accessible parking space (15) with 1 affording the shorter distances to and from the food store it is acknowledged that spaces 1-3 aren't always available due to delivery vehicles utilising these spaces in the absence of the Church Road service yard being workable for the Co-op delivery vehicles, which has been accepted.

Although the siting of such development between two mini roundabouts is not ideal the principal of an access here has already been established and the additional parking spaces will not generate any additional demand in their own right and as the footprint of the building is not increasing any increase in trips will be negligible.

Therefore it is considered that the proposal will not cause any significant highway safety or network assurance issues.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

POC2 Extension of Vehicle crossovers

The development hereby permitted shall not be occupied until the extension to the vehicle crossovers has been installed at the carriageway edge and constructed across the footways fronting the sites.

Reason: In the interests of safety and accessibility.

POC6 Completion and Maintenance of Cycle Provision

The development hereby permitted shall not be occupied until the cycle storage facilities for a minimum of 6 no. cycles have been made available for use and those facilities shall be maintained for the duration of the development.

Reason: To ensure the provision and availability of adequate cycle parking.

POC21 On-site Parking and Loading/Unloading Facilities

The development hereby permitted shall not be occupied until vehicular parking, turning and loading/unloading facilities have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason: In the interest of highway and pedestrian safety.

Informatives

A2 Alterations to Vehicular Accesses

The proposals will require the extension of verge and/or footway crossings from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.

Environmental Health

1st March 2021

I have reviewed the documents provided for the above application, there is not enough information provided at this stage regarding noise and lighting, given the proximity of residential properties, I will require further details in order to assess the requirement for any conditions relating to this and request the following:

Lighting:

There is potential for light to affect nearby residential properties, therefore I would ask that the applicant provide a report detailing the proposed lighting scheme, predicted light levels and vertical light levels at neighbouring residential properties for approval.

Noise:

I have concerns regarding the location of the proposed entrance on Church Road and potential noise disturbance and disruption to nearby residents from access and associated one-way floor recessed vehicle flaps. The applicant has documented current delivery procedures, there are no details regarding future delivery procedures. I have concerns regarding noise disturbance and disruption from customer vehicles, staff vehicles and delivery vehicles, such as manoeuvring, loading / unloading activity and engine idling. I must therefore request that the applicant completes and submits an acoustic report to establish the levels of noise affecting the nearby residential properties, including noise generated by access and egress, delivery routes/times and the use of the one-way floor recessed vehicle flaps, this must include any necessary mitigation measures. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 - methods for rating and assessing industrial and commercial sound and aim to achieve levels of at least 5dB below the existing background noise level.

Should any permission be granted, I request that the following condition be attached:

Construction Management:

No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been

approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicle of site operatives and visitors
- Method of prevention of mud being carried onto highway
- Waste and material storage
- Control measures for dust and other air-borne pollutants
- Control measures for noise in regards to both demolition and construction
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To prevent a loss of amenity affecting surrounding occupiers due to noise and nuisance from construction works.

If you would like to discuss further, or if you believe the recommendations are not suitable, please do not hesitate to contact me.

6th July 2021

The revised plans do deal with our concerns relating to noise from deliveries, one way flaps etc. A condition to approve a lighting plan before installation would suit me.

Tree Officer

1st March 2021

The CBC Tree Section does not object to this application but considers that the removal and replacement of existing large evergreen hedge with a 1.2 metre high beech hedge and a single hawthorn tree variety to be insufficient mitigation for the loss of the current screening offered.

Please could a second tree be planted along the boundary with Leckhampton Road/Church Road.

Whilst hawthorn species is welcome, it may be preferable to plant flowering pear (*Pyrus calleryana* Redspire or Chanticleer) which has a longer season in leaf and drops less litter than hawthorn. It may also be more tolerant of poor soil conditions.

7th June 2021

The CBC Tree Section does not object to this application but considers that the removal and replacement of existing large evergreen hedge with a 1.2 metre high beech hedge and a single hawthorn tree variety to be insufficient mitigation for the loss of the current screening offered.

Please could a second tree be planted along the boundary with Leckhampton Road/Church Road.

Whilst hawthorn species is welcome, it may be preferable to plant flowering pear (*Pyrus calleryana* Redspire or Chanticleer) which has a longer season in leaf and drops less litter than hawthorn. It may also be more tolerant of poor soil conditions.

Building Control

12th February 2021

No comment.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	15
Total comments received	10
Number of objections	8
Number of supporting	1
General comment	1

- 5.1** Letters of notification were sent out to 15 neighbouring properties. 9 representations have been received in response to the publicity. The comments are available to view on the Documents tab, but in brief, the comments relate to loss of the existing residential dwelling, impact on neighbouring amenity, traffic and highway safety concerns, antisocial behaviour, flooding and visual impact.
- 5.2** Following revised plans, revised letters of notification were sent out to 15 neighbouring properties. 1 representation has been received in response to the publicity. The comments are available to view on the Documents tab, but in brief, the comments relate to antisocial behaviour, proposed landscaping and highway safety.

6. OFFICER COMMENTS

6.1 Revised plans

6.2 The plans have been revised during the course of the application following concerns from officers relating to design and impact on neighbouring amenity. The original plans proposed a new access from Church Road located to the side of 1 Church Road, no buffer providing the defensible space between the neighbouring property and the car park was proposed. All resulted in an unacceptable impact on the amenity of 1 Church Road.

6.3 The revised plans show the access from Church Road omitted from the application, landscaping and an acoustic fence is now proposed between the car park and the existing retained driveway and neighbouring property, a new pedestrian route through the car park is proposed and the existing dropped kerb extended to allow for wider access along Leckhampton Road. The proposed dark grey cladding to the existing retail unit has also been amended to a lighter colour of grey.

6.4 Determining Issues

6.5 The main considerations in relation to this application are principle, design, neighbouring amenity and highway safety.

6.6 Principle

6.7 Policy HM3 of the Cheltenham Plan states that development involving the loss of residential accommodation through the change of use or demolition of existing housing will not be permitted, except where:

- a) continual residential use is undesirable because of environmental conditions; or
- b) there is evidence that the arrangement of the accommodation and its facilities are very poor and difficult to improve the residential use; or
- c) the change of use is necessary to ensure the retention or renovation of a building of architectural or historic interest; or

d) the proposed use would be beneficial to the wider economy and the local community (Note1) and cannot suitably be accommodated on alternative sites.

6.8 Note 1 states services and facilities which support the economy and the needs of local communities will be considered which include community facilities such as corner shops.

6.9 The agent, neighbours and the Parish Council have identified that there is significant difficulties with the existing car park in front of the shop with minimal car parking spaces resulting in customers parking on the pavement. The new car park will provide an additional 8 car parking spaces, an accessible parking space, cycle parking and a pedestrian route through the car park. All will result in the improvement of the service and facilities of the existing shop and should remove the demand from customers parking on the pavement.

6.10 The proposal accords with CP Policy HM3 for the reasons set out above.

6.11 Design and layout

6.12 Section 12 of the NPPF emphasises the importance of achieving well designed places that are visually attractive and sympathetic to local character and setting. In addition, policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that positively responds to and respects the site and its surroundings.

6.13 The existing building and landscaping will all be removed and replaced with a new car park finished in tarmac with new landscaping and a low level timber knee rail around the new site.

6.14 The loss of the existing landscaping is regrettable but new planting is proposed. Given the location of the site on a prominent corner, it is important that the replacement landscaping makes a positive contribution to the character of the locality. The Tree Officer has identified that the proposed landscaping is insufficient mitigation for the loss of the current screening. A landscaping condition is proposed which will allow for additional landscaping and should hopefully soften the impact of the car park within the street scene.

6.15 The appearance of the existing building will be updated with light grey cladding to the front and side of the retail unit. Dark grey cladding was originally proposed but following neighbours concerns the applicant has amended the colour to light grey.

6.16 It is acknowledged that grey cladding will give a more contemporary design approach to the building and grey cladding is not common within the street scene; however, that in itself is not reason to withhold planning permission. The lighter colour cladding should help the building be more in keeping with the street scene; for the avoidance of doubt, the colour can be secured by way of a suitably worded condition.

6.17 It is considered that the proposed development complies with the relevant policies and guidance in terms of achieving an acceptable design.

6.18 Impact on neighbouring property

6.19 Section 12 of the NPPF highlights that development should promote a high standard of amenity for existing and future users. This is further emphasised in policy SD14 of the JCS and Cheltenham Plan SL1 which set out the requirement for development not to cause unacceptable harm to the amenity of adjoining land users and the locality.

6.20 The Environmental Health Officer has assessed the revised plans and no longer has an objection to the proposal.

- 6.21** The neighbour most affected is No.1 Church Road. The new access road from Church Road has been removed, a new 2150mm boundary enclosure (dwarf wall and acoustic fence) is proposed between the car park and existing drive and No.1 Church Road. Access to the new car park would not be possible using the driveway between No.1 Church Road and the new boundary enclosure. Given the distance between the proposal and the neighbouring property and the proposed acoustic fence, the new car park should not cause unacceptable harm to the amenity of the adjoining land user.
- 6.22** The lighting plan for the new car park has not been submitted but the agent has suggested low lighting bollards and street lighting. Given the close relationship the new car park will have with the neighbouring properties a lighting plan condition is required.
- 6.23** Subject to the below conditions, the proposal is considered to comply with the relevant policies in terms of protecting neighbouring amenity.
- 6.24 Access and highway issues**
- 6.25** Adopted JCS policy INF1 advises that all development proposals should provide for safe and efficient access to the highway network for all transport needs. The policy identifies that planning permission should be granted where the highway impacts of the development would not be severe.
- 6.26** The Gloucestershire County Council (GCC) Highways Officer has been consulted and does not object to the application subject to a number of conditions.
- 6.27** The existing car park at the front of the retail unit has 7 spaces. A small service yard is provided at the rear of the building which is accessed via Church Road. The rear service yard is not a workable service yard for Co-op vehicles and is generally used for staff parking only. Co-op delivery vehicles therefore reverse from Leckhampton Road to the front of the building and deliveries are provided through the front door of the store. 3 parking spaces are coned off for the delivery lorry leaving 4 spaces for customers.
- 6.28** The Transport Statement states; *“The location of the store, within a residential area, suggests that many car trips would be pass-by or diverted trips from adjacent routes. The development itself is expected to generate only a limited number of specific home-store-home car trips. Traffic generation perhaps by work to home trips may divert to the store. However, the lack of parking and the possible presence of service vehicles is suppressing trade and the feedback from customers suggests that parking improvements are required. Some customers may park across the footway or alternatively would be customers may travel further for food shopping. Therefore, additional parking at the store can better serve the local pass-by drivers and avoid some problems caused by parking on-street near the store.”*
- 6.29** The new car park will provide 15 spaces overall, an accessible parking space, cycle storage and a pedestrian route through the car park. The existing access on Leckhampton Road will be used but widened on the left-hand side approach.
- 6.30** Given the limited space between the existing car park and pavement there is not enough room on site to provide a clear boundary between the highway and the site without the loss of the existing parking and therefore a barrier or bollards are not proposed to the entrance of the site.
- 6.31** GCC Highways Officer acknowledges that; *“Although the siting of such development between two mini roundabouts is not ideal the principal of an access here has already been established and the additional parking spaces will not generate any additional demand in their own right and as the footprint of the building is not increasing any increase in trips will be negligible.”*

6.32 The objections from neighbouring properties and the Parish Council has been noted; however the proposal will not cause any significant highway safety or network accessibility issues, also the proposal is likely to stop customers parking on the pavement.

6.33 Other considerations

6.34 Neighbouring properties have raised concerns relating to surface water flooding as a result of the new tarmac car park. The agent has confirmed the following; *“Prior to any commencement of works on site, excluding demolition, a detailed site investigation will be carried out, together with trial pits and storm water percolation tests. It is recognised that storm water attenuation may be required as part of the extended hard surface area and it is anticipated that storm water attenuation cells will be positioned beneath the proposed car park area with full details submitted and approved prior to any commencement of works on site. The outfall from this storm water attenuation system will be controlled through a hydro brake into the existing storm water system and will be approved by the Local Authority and/or Water Authority prior to any commencement of works on site.”* The Drainage Officer has been consulted and does not have an objection to the new car park but has recommended a full surface water drainage scheme to be submitted prior to commencement of development, which has been conditioned below.

6.35 Whilst records show that important species or habitats have been sighted near the application site in the past, it is not considered that the proposed development will have any impact on these species.

6.36 With regards to the site potentially attracting antisocial behaviour; the site benefits from natural surveillance from the surrounding neighbouring properties and roads, also a lighting plan has been conditioned to ensure the site is appropriately lit.

6.37 Public Sector Equalities Duty (PSED)

6.38 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three 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; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

6.39 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.

6.40 In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

7.1 Therefore, with all of the above in mind, the proposals are considered to be in accordance with relevant national and local planning policy and the recommendation is to grant planning permission subject to the following conditions.

8. CONDITIONS / INFORMATIVES

- 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 No external facing or roofing materials shall be applied unless in accordance with:
 - a) a written specification of the materials; and/or
 - b) physical sample(s) of the materials.The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 4 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 5 Prior to first occupation of the development, the acoustic fencing shall be provided in accordance with the approved plans and shall be retained as such thereafter.

Reason: To safeguard the amenities of adjacent properties and the locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 6 Prior to first occupation of the development, an external lighting plan to serve the new car park shall be submitted to, approved in writing by the Local Planning Authority and implemented in full.

Reason: To safeguard the amenities of adjacent properties and the locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 7 Prior to commencement of the development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 8 The development hereby permitted shall not be occupied until the extension to the vehicle crossovers has been installed at the carriageway edge and constructed across the footways fronting the sites.

Reason: In the interests of safety and accessibility having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 9 The development hereby permitted shall not be occupied until the cycle storage facilities for a minimum of 6 no. cycles have been made available for use and those facilities shall be maintained for the duration of the development.

Reason: To ensure the provision and availability of adequate cycle parking having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 10 The development hereby permitted shall not be occupied until vehicular parking, turning and loading/unloading facilities have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason: In the interest of highway and pedestrian safety having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 11 No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) Parking of vehicle of site operatives and visitors
- ii) Method of prevention of mud being carried onto highway
- iii) Waste and material storage
- iv) Control measures for dust and other air-borne pollutants
- v) Control measures for noise in regards to both demolition and construction
- vi) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To prevent a loss of amenity affecting surrounding occupiers due to noise and nuisance from construction works, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

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.

- 2 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 201
- 3 The proposals will require the extension of verge and/or footway crossings from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.