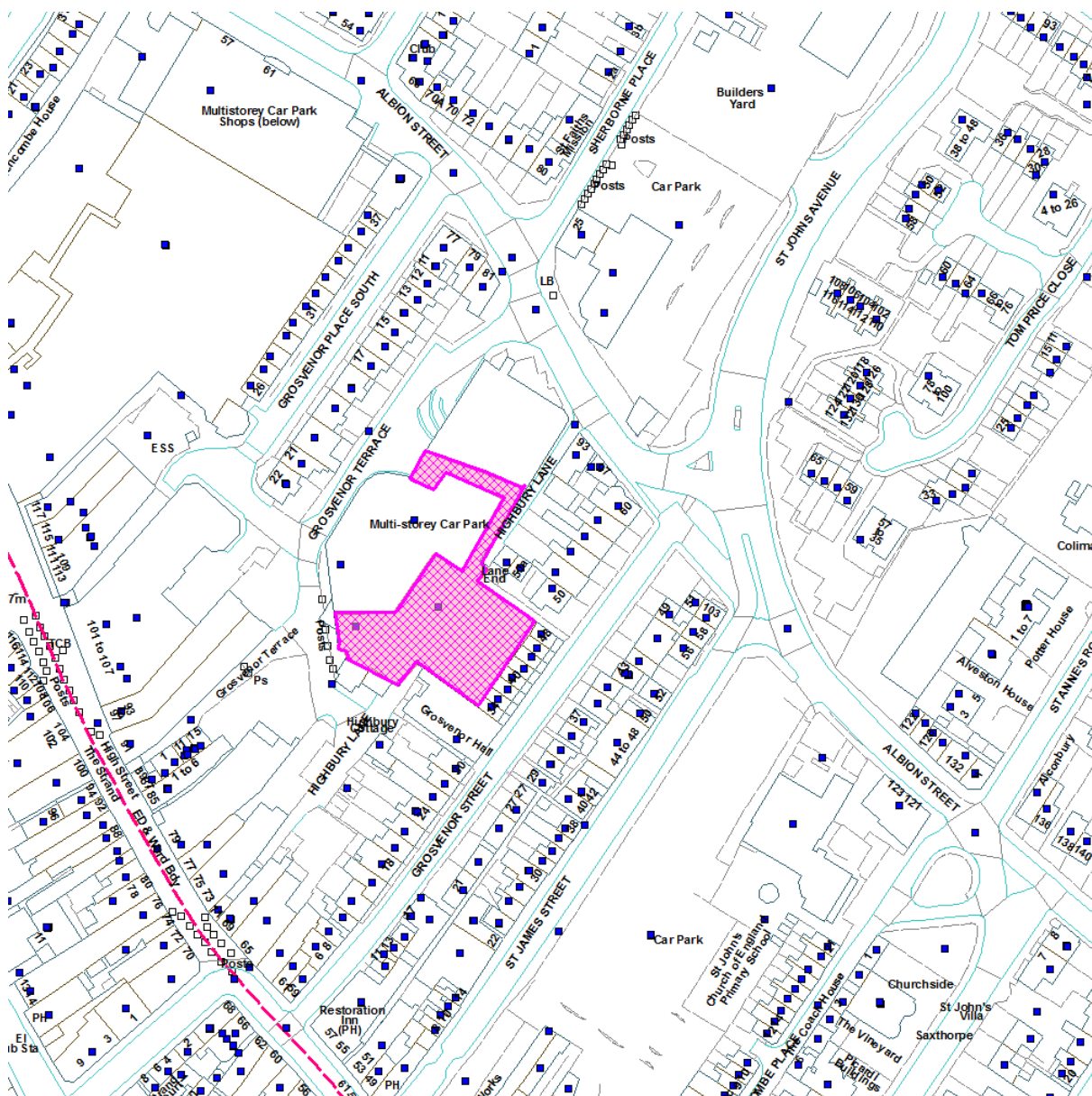


<b>APPLICATION NO:</b> 21/01815/FUL		<b>OFFICER:</b> Mrs Victoria Harris	
<b>DATE REGISTERED:</b> 12th August 2021		<b>DATE OF EXPIRY:</b> 11th November 2021	
<b>DATE VALIDATED:</b> 12th August 2021		<b>DATE OF SITE VISIT:</b>	
<b>WARD:</b> All Saints		<b>PARISH:</b>	
<b>APPLICANT:</b>	Away Cheltenham Ltd		
<b>AGENT:</b>	Mcbethdesign Ltd		
<b>LOCATION:</b>	Lidl Food Store, Grosvenor Terrace, Cheltenham		
<b>PROPOSAL:</b>	Change of use of existing supermarket (Use class E(a)) to a self storage business use (class B8) and new shipping container office		

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a large ground floor vacant supermarket with a large loading dock to the side. There is an occupied gym to the side and multi-storey car park above the site. The site is located within the Central Conservation Area and Core Commercial Area.
- 1.2 The applicant is proposing the change of use of the existing supermarket (Use class E(a)) to a self storage business use (class B8). A new shipping container office is also proposed within the existing loading bay area.
- 1.3 The application is at committee at the request of Councillor Barbara Clark for the following reason:

*The local residents are fearful that the noise and disruption caused by continuous deliveries and unloading will result in loss of amenity. They have suggested that a more suitable use should be found for a building in the centre of town, especially as storage facilities can be easily accommodated in the outskirts of town where residents will not be disturbed.*

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Business Improvement District  
Conservation Area  
Core Commercial Area  
Principal Urban Area  
Central Shopping Area  
Smoke Control Order

### Relevant Planning History:

**21/01320/PREAPP 7th July 2021 CLO**

Change of use of ground and first floors from Class E(a) and E(d) to Class E(g)(i) and Class B8 (self-storage) uses and associated external alterations

**01/01157/COU 18th October 2001 PER**

Change of use to health and fitness club, external and internal alterations including provision of mezzanine floor

**79/00632/PO 13th February 1980 WDN**

Land At Grosvenor Terrace Cheltenham Gloucestershire - Development Of A 500 Space Multi Storey Car Park Over A Retail Shop Unit.

**80/00109/PO 12th May 1980 PER**

Land At Grosvenor Terrace Cheltenham Gloucestershire – Erection of 9 Level Multi Storey Car Park And Ground Floor Retail Unit

**80/00171/PF 18th April 1980 PER**

Land At Grosvenor Terrace Cheltenham Gloucestershire - Erection Of Multi Storey Car Park, Retail Unit And Residential Accommodation.

**80/00343/PF 27th August 1980 PER**

Land At Grosvenor Terrace Cheltenham Gloucestershire - Formation Of Temporary Access Yard.

**80/00363/PF 5th March 1981 PER**

Land At Grosvenor Terrace Cheltenham Gloucestershire - Demolition Of Existing Buildings And Erection of A Multi Storey Car Park, Ground Floor Retail Unit And 8 Units Of Residential Accommodation.

**80/00537/PF 14th January 1981 REF**

Land At Grosvenor Terrace Cheltenham Gloucestershire - Alteration To Fire Escape And Access Route From Multi-Storey Car Park To Highbury Lane And Not Grosvenor Street As Previously Approved.

**81/00195/PF 28th May 1981 PER**

Land At Grosvenor Terrace Cheltenham Gloucestershire - Revision To Front Car Park Elevation.

**81/00376/PF 24th September 1981 PER**

Land At Grosvenor Terrace Cheltenham Gloucestershire - Proposed Shop Front To Retail Unit.

**82/00130/PF 29th April 1982 PER**

Repositioning Entrance To Yard Including Demolition Of Existing Garages To Form Lorry Turning Space.

**84/00743/PF 22nd November 1984 PER**

Presto Foodmarket Cheltenham Gloucestershire - Installation Of Security Gates To Unloading Area

**94/00848/PF 20th October 1994 PER**

Installation Of A 1.2m Wall Mounted Satellite Antenna For The Purposes Of Two Way Data Communications (Formally Known As Safeway Store)

**99/50131/ADV 4th October 1999 SPLIT**

1 Illuminated fascia sign  
1 Illuminated wall mounted sign  
1 Illuminated single sided sign  
1 Non-illuminated double sided projecting sign  
1 Single sided parking directional sign  
(Revised plans received 10.09.99 (part retrospective))

**99/50498/ADV 26th April 2000 GRANT**

Display of non-illuminated advertisement sign

**19/01200/CONDIT 18th October 2019 PER**

Temporary consent to vary condition 9 of planning permission 80/00363/PF- to extend the delivery hours

**20/00590/CONDIT 30th April 2020 PER**

Variation of condition 9 on planning permission ref. 80/00363/PF - permanent extension of delivery hours

### **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 7 Ensuring the vitality of town centres

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  
Section 16 Conserving and enhancing the historic environment

**Adopted Cheltenham Plan Policies**

EM1 Employment Land and Buildings

D1 Design

HE1 Buildings of Local Importance and Non-Designated Heritage Assets

SL1 Safe and Sustainable Living

**Adopted Joint Core Strategy Policies**

SD1 Employment - Except Retail Development

SD2 Retail and City / Town Centres

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

**Supplementary Planning Guidance/Documents**

Central conservation area: Old Town Character Area and Management Plan (Feb 2007)

## **4. CONSULTATIONS**

**GCC Highways Planning Liaison Officer**

*7th September 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.

The justification for this decision is provided below.

The proposal is not perceived to arise a detrimental impact on the operation and safety of the adjacent network, nor be conducive to a severe impact on the road network.

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.

The Highway Authority therefore submits a response of no objection.

**Environmental Health**

*24th September 2021*

The principle issues of concern with the proposed use would be noise to nearby residential property from:-

- vehicular movements at the site late in the evening and at night;
- potential activity associated with storage in external areas, which may be permitted under the general B8 use class.

Should external storage be prohibited by condition (bullet 2, above), I can advise that, as the applicant indicates in their Planning application Statement, both the operating times and times for deliveries and collections should be restricted to the times currently applicable to the site: 07:00 - 21:00hrs M-Sat; 08:00 and 20:00hrs on Sundays.

Thank you for the consultation. Please come back to me should further clarification or advice be required.

## **Heritage And Conservation**

*28th September 2021*

It is important to consider the policy context in which the proposal needs to be determined. The cornerstone of heritage legislation is the Planning (Listed buildings and Conservation Area) Act 1990, Section 16(2), which requires local planning authorities to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and their setting. A core principle of the National Planning Policy Framework 2019 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 199-208 set out how potential impacts on heritage assets shall be considered. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 197 of the NPPF, which requires the significance of heritage assets to be sustained and enhanced, with paragraph 199 requiring great weight be given to the asset's conservation.

The site is comprised of the former Lidl Food Store, Grosvenor Terrace, attached to a multi-storey car park. It is a modern, largely four storey brick and concrete structure occupying the whole of the street frontage. Grosvenor Terrace mainly functions as a service road for the site, the multi-storey car park, the rear vehicle parking areas and service yards to the rear of the High Street. Grosvenor Terrace accesses Highbury Lane, off which are the rear gardens and parking areas for the residential properties facing Grosvenor Street. Grosvenor Terrace connects to the southern end of Grosvenor Place South, a residential street the rear of which abuts Grosvenor Terrace with tall brick wall. The southernmost section of Grosvenor Terrace is a pedestrianised access to the High Street.

Concerning the heritage assets that need to be taken into consideration, it is noted the site is located within the Central Conservation Area and is adjacent to the rear of 12- 22 Grosvenor Place South, a terrace of 11 houses dated circa 1820-50, which are grade II listed. The site does not make a positive contribution to the conservation area and is visually separated from the setting of the rear of the listed buildings by a modern tall brick wall, which runs the length of the terrace, punctured by small setbacks and opening for pedestrian and garage doors accessing rear gardens.

The proposed works are for a change of use of existing supermarket (Use class E(a)) to a self-storage business use (class B8) and new shipping container office. No objection is raised to the principle of the change of use of the building from a supermarket to a self-storage business, which is considered more a planning matter. The following advice relates to the visual aspects of the proposal, which is comprised of the new shipping container office.

It is considered as a result of the existing buildings lack of positive contribution to the conservation area, its separation from the rear of the listed buildings located on Grosvenor Place South by a tall brick wall and the otherwise functional appearance of Grosvenor Street, the proposed works do not adversely affect the significance of the mentioned heritage assets. Furthermore, the proposed shipping container office is discreetly located in

an existing recessed loading bay, is under the projection floor levels above and is flush behind the established building line with the result the proposal is visually contained within by the existing building envelope, minimising its visual presence on Grosvenor Street and obscuring wider views of it from Albion Street.

The impact of the proposed works on the significance of the conservation area and the setting of the adjacent listed buildings is not considered out of keeping with the established form of development within the immediate and wider setting. The proposed works are considered to sustain the designated heritage assets and comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>83</b>
Total comments received	<b>6</b>
Number of objections	<b>6</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1** Letters of notification were sent out to 83 neighbouring properties, 3 site notices were displayed and an advert was published in the Gloucestershire Echo. The comments are available to view on the Documents tab, but in brief, the comments relate to; better uses for the overall site, vandalism & criminal activities within the carpark & surrounding area, high levels of vehicle use, noise, design and harm to conservation area.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2** The key issues in considering a scheme of this nature are (i) the principle, (ii) design and layout, (iii) neighbour amenity and (iv) highways and access.

### 6.3 Principle

- 6.4** The application site is located within the Town Centre wherein adopted JCS policy SD2 supports a range of uses, including office development and community facilities that contribute to the vitality and viability of the centre. Although the site is located within the Core Commercial Area and Central Shopping Centre, it is located outside of the defined Primary Shopping Frontages and as such the existing E(a) retail use class is not afforded any protection by retail policies within the existing Cheltenham Plan.

- 6.5** The preamble to the policy, at paragraph 4.2.2 of the JCS, highlights that the nature of town centres is changing and emphasizes the importance of policies that are flexible enough to allow the town centre to diversify and to support competitiveness. It goes on to address the significant weight that the NPPF places on the importance of designated town centres, and the recognition that centres need a range of complimentary uses to attract visitors, and to prosper.

- 6.6** As such, the principle of the change of use to self-storage (Class B8) is supported in policy terms.

### 6.7 Design and conservation area

- 6.8** 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.
- 6.9** No external alterations are proposed to the existing building and no signs are proposed at this stage.
- 6.10** A new shipping container office is proposed within the existing loading bay. The loading bay is located next to the entrance of the multi-storey car park and along Grosvenor Terrace. The shipping container is single storey, located within and to the side of the loading bay and will not extend beyond the building line. It will not be an overly prominent addition within the street scene, will not dominate the existing building and given the scale and design of the existing building will not necessarily look out of place within the context of the site.
- 6.11** The site is located within the conservation area and therefore the conservation officer has been consulted. The Officer does not object to the proposal and considers *“as a result of the existing buildings lack of positive contribution to the conservation area, its separation from the rear of the listed buildings located on Grosvenor Place South by a tall brick wall and the otherwise functional appearance of Grosvenor Street, the proposed works do not adversely affect the significance of the mentioned heritage assets. Furthermore, the proposed shipping container office is discreetly located in an existing recessed loading bay, is under the projection floor levels above and is flush behind the established building line with the result the proposal is visually contained within by the existing building envelope, minimising its visual presence on Grosvenor Street and obscuring wider views of it from Albion Street.”*
- 6.12** It is considered that the proposed development complies with the relevant policies and guidance, it achieves an acceptable design and the impact of the proposed works on the significance of the conservation area and the setting of the adjacent listed buildings is not considered out of keeping with the established form of development within the immediate and wider setting.
- 6.13 Impact on neighbouring property**
- 6.14** Section 12 of the NPPF highlights that development should promote a high standard of amenity for existing and future users.
- 6.15** Cheltenham Plan policy SL1 set out the requirement for development not to cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality. Paragraph 14.4 to this policy sets out that in assessing impact, consideration will be given to matters including, but not limited to, disturbance from noise, hours of operation and traffic. The policy is consistent with adopted JCS policy SD14.
- 6.16** As previously noted, the site is located within the Core Commercial Area and Central Shopping Centre; however, it is also acknowledged that there are residential properties in the locality. The existing delivery bay is located in Grosvenor Terrace, in close proximity to the rear boundaries of neighbouring properties along Grosvenor Place South.
- 6.17** The existing retail units on/off loading is currently conditioned, so deliveries can only be between the hours of 7am and 9pm Monday to Saturdays and 8am to 8pm on Sundays. The Planning Statement and application form confirms that the operating, deliveries and collection time will remain as existing.
- 6.18** The Planning Statement confirms that the proposed self storage will not entail a high frequency of vehicle movements with around 10-15 a day and most vehicles are either

cars or small vans not HGVs. A booking system will be in place to ensure the number and time of visits by vehicles are controlled, which will manage the number of vehicle movements along Grosvenor Terrace, but will also manage movements during busy periods.

**6.19** Objections have been raised by the occupiers of Grosvenor Place South. The objectors are concerned about potential noise and disturbance around the existing delivery bay.

**6.20** The Council's Environmental Health officer (EHO) has considered the application and raises no objection to the new self storage business use (class B8) subject to conditions safeguarding the amenities of the adjacent properties.

**6.21** The first condition proposed removes permitted development for external storage and therefore this removes the potential activity associated with storage in the external areas. The second condition proposed restricts the operating, deliveries and collection time so that it is in line with the existing retail unit, which will ensure that there is not vehicular movements at the site late in the evening and at night.

**6.22** Subject to the below conditions, the proposal is considered to comply with the relevant policies in terms of protecting neighbouring amenity.

### **6.23 Access and highway issues**

**6.24** 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.

**6.25** The site is sustainably located within the town centre, with good pedestrian and cycle links, public transport services and two public car parks within walking distance.

**6.26** The Gloucestershire County Council (GCC) Highways Officer has been consulted and does not object to the application.

**6.27** For these reasons, the proposal is considered to be in accordance with Joint Core Strategy policy INF1 Transport Network, and advice contained in the National Planning Policy Framework.

### **6.28 Other considerations**

**6.29** Residents have suggested that there are more suitable uses for the site as a whole and a more comprehensive plan would be more appropriate. This may be the case, however that in itself is not reason to withhold planning permission.

### **6.30 Public Sector Equalities Duty (PSED)**

**6.31** 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.



**6.32** 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.

**6.33** 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 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no external storage or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 4 The operating, deliveries and collections to the self storage unit shall only take place between the hours of 7am to 9pm Monday to Saturday and 8am to 8pm Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjacent properties, 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.