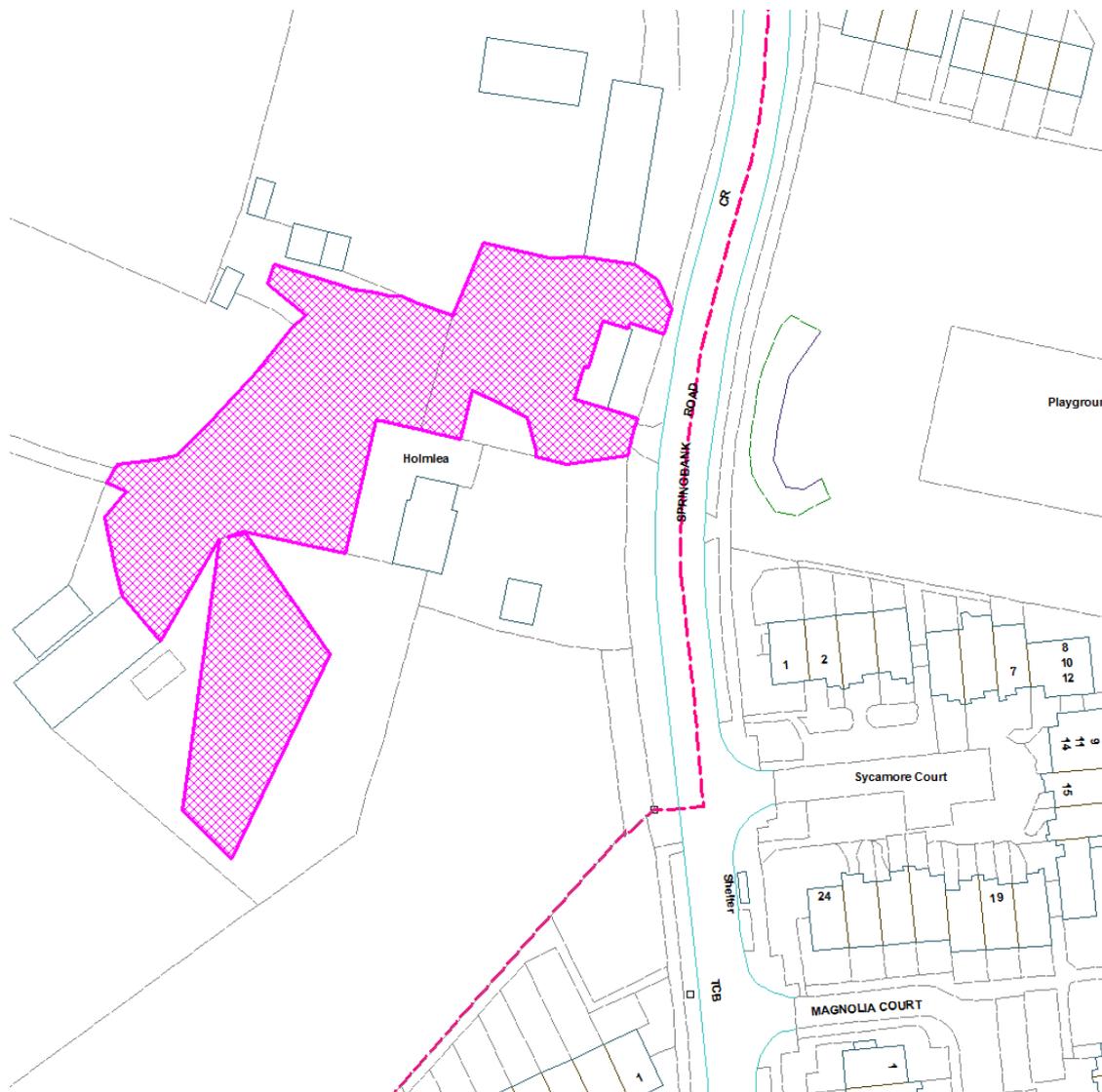


APPLICATION NO: 21/02102/CONDIT	OFFICER: Miss Claire Donnelly
DATE REGISTERED: 21st September 2021	DATE OF EXPIRY: 16th November 2021
DATE VALIDATED: 21st September 2021	DATE OF SITE VISIT:
WARD: Springbank	PARISH: n/a
APPLICANT:	Mr Paul Fairbank
AGENT:	n/a
LOCATION:	Holmlea Farm, Springbank Road, Cheltenham
PROPOSAL:	Variation of condition 1 (Temporary Permission) of planning permission 19/01587/FUL; seeking to extend temporary permission by 2 years

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to Homelea Farm located off Springbank Road within the ward of Springbank. The site is located close to the western boundary of the Borough, and falls within land purchased by the Council in relation to the Cyber Central plan. The application site has been in use as car parking for a nearby Government Department.
- 1.2 The applicant is seeking a variation of condition 1 (temporary permission) of planning permission 19/01587/FUL. The applicant is seeking to extend the temporary permission for a further 2 years.
- 1.3 The application is at planning committee as the Borough Council are the land owners.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Development Exclusion Zone (UI 121)
Hayden Water Odour Monitoring Zone
Strategic Allocations Red Line Boundary
Principal Urban Area
Smoke Control Order
Strategic Allocations

Relevant Planning History:

09/00417/PREAPP CLO

Enquiry regarding enlargement and re-location of garage (approved under ref. 06/00604/FUL)

84/00246/PF 18th July 1984 WDN

Adj. To Holmlea Cheltenham Gloucestershire - Use Of Land To Store Caravans And Tourers

00/00915/COU NOTREQ

Toilet and shower room

02/00607/FUL 28th June 2002 PER

Conversion of outbuilding to holiday cottage (Revised Plan)

06/00604/FUL 15th June 2006 PER

Replacement farmhouse and garage

07/01375/CONDIT 29th November 2007 PER

Removal of condition 4 (agricultural occupancy) on planning permission ref. 06/00604/FUL for replacement farmhouse and garage

19/01587/FUL 18th October 2019 PER

Formalisation of car park to provide 45 car parking spaces at Holmlea Farm.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 3 Plan-making

Section 4 Decision-making

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality
INF1 Transport Network

Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

19th October 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 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

8th November 2021

No objection.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been advertised by way of a site notice placed near the to the application site; no responses have been received from the public as a result of this publicity.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The application is seeking to extend the temporary permission for the use of the application site as a car park for a further 2 years; the main considerations for this application are therefore the acceptability of the use of the land for a further 2 years and the subsequent impact on the highway network and neighbouring amenity.

6.3 The site and its context

- 6.4 Prior to the previous application, the land associated with the application property was in use, informally, as parking for 8 years. The previous application sought to regularise the use of the site as car parking for 2 years and now the applicant wishes to extend the use for a further 2 years.

- 6.5 The site provides approximately 45 car parking spaces for people who work at the local Government Department and eases the pressure of on-road parking in the area.

6.6 Temporary use and access and highway issues

6.7 Policy INF1 of the JCS requires development not to have a severe impact on the transport network, ensuring safe access to the highway network.

6.8 The Highway Authority have been consulted on this application and have raised no objection to the extension of the use of the site. It is therefore considered that the temporary use of the site as car parking is acceptable and would not result in harm to the users of the car park, as well as other highways users.

6.9 Impact on neighbouring property

6.10 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.

6.11 There have been no public representations received in response to the advertisement of the application. It is also noted that no complaints have been received during the use of the site whilst it was unauthorised and over the past 2 years. The Environmental Health Officer has been consulted and no objection has been raised.

6.12 It is therefore considered that the proposal would protect the amenity of adjoining land users and comply with the relevant planning policies.

6.13 Other considerations

6.14 Public Sector Equalities Duty (PSED)

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.

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 is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons set out above, there are no concerns that as a result of extending the temporary permission there would be any harm to highways users or neighbouring residents. There have been no issues/concerns raised during the past two years of the formal use of the land as a car park. It is therefore considered that the proposal is acceptable and the recommendation is to therefore permit this application subject to the conditions set out below.

8. SUGGESTED CONDITIONS / INFORMATIVES

- 1 The formal car parking hereby permitted shall be removed and the land restored to its former condition on or before two years from the date of this decision notice.

Reason: The permanent use of car parking on this site may detract from the amenities of the locality, having regard to policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 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.