

APPLICATION NO: 24/01344/FUL	OFFICER: Miss Claire Donnelly
DATE REGISTERED: 9th August 2024	DATE OF EXPIRY: 4th October 2024 Extension of time agreed until 18 th October 2024
DATE VALIDATED: 9th August 2024	DATE OF SITE VISIT:
WARD: St Pauls	PARISH:
APPLICANT:	Cheltenham Borough Homes
AGENT:	MHP Design Ltd
LOCATION:	122A Brunswick Street Cheltenham Gloucestershire
PROPOSAL:	Proposal for new secure bin store, incorporating new paths and associated fencing for 122A-126B Brunswick Street.

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to an area of amenity space to the rear of 122A to 126B Brunswick Street. The properties front Brunswick Street, however there is vehicular access to the properties from the rear via Dunalley Parade. The site is relatively prominent with Dunalley Parade running to the north of the site, and therefore the site is visible from the public realm.
- 1.2 The site falls within the St Paul's Character Area of the Central Conservation Area.
- 1.3 The application seeks planning permission for the installation of a secure bin store area, which includes the installation of 2m high fencing, and new paving to create access to the store, alterations to an existing rear picket fence and new fencing.
- 1.4 The application is at planning committee as the applicant is the Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Article 4 Directions
Conservation Area
Central Conservation Area
HMO Restricted Area
Principal Urban Area
Smoke Control Order

Relevant Planning History:

87/00135/PC 26th March 1987 PER

Junction Of Brunswick Street Cheltenham Gloucestershire - Erection Of 6 O.A.P. Flats, Formation Of New Access And Provision Of 2 Parking Spaces

97/00635/OZ 22nd September 1997

Replacement Of Existing Timber Sliding Sash Windows With Pvcu Double Glazed Top Hung Units

16/02320/CLPUD 18th January 2017 CERTPU

Replacement windows to the following properties, 1-6 Foster Court, 1-6 Hanna Boote House, 1-8 George Maisey House, 1-8 Norton House, 1-10 and 30 - 39 Lynworth Place, 1-21 Naseby House, 7-35 and 36-47 Popes Close, 110 (A to D) and 126 to 132 (even) Alstone Lane, 122 - 126 Brunswick Street

18/02632/CLPUD 18th January 2019 CERTPU

Proposed window replacement to 34 sites - see property schedule

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 8 Promoting healthy and safe communities
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD14 Health and Environmental Quality

Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Supplementary Planning Guidance/Documents

The Cheltenham Climate Change SPD (adopted June 2022)

Central conservation area: St. Paul's Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

16th August 2024

Comment available to view in documents tab.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	14
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 The application has been publicised by way of letters sent to fourteen neighbouring addresses, a site notice has been displayed and an advert has been placed in the Gloucestershire Echo. Following the statutory public consultation period, no responses have been received in response to the proposed development.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The application proposes a new bin store and associated works; the key considerations are design, impact on the conservation area, impact on neighbouring amenity, and sustainable development.

6.3 Design and impact on the conservation area

- 6.4 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 135 of the NPPF which seeks development to be visually attractive and sympathetic to local character.

- 6.5 The site falls within the conservation area and therefore policy SD8 of the Joint Core Strategy is relevant. Policy SD8 requires development to make a positive contribution to local character and distinctiveness, having regard to the valued elements of the historic environment. Section 16 of the NPPF seeks development to consider the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation.

- 6.6 The proposed bin store would be sited to the rear of no. 126B Brunswick Street, which is the most northern part of the site. The area for the bin store would have an area of approximately 2.3 metres by 3.2 metres, and would store 4no. 360L wheelie bins and 4no. recycling boxes. The area would be enclosed by a 2 metre high Paladin fence, and include a pedestrian entrance. A Paladin fence is a rigid mesh fence, and in this instance would be finished in a black colour. The area would be accessed via a key/fob to ensure no unauthorised access into the fenced area.

6.7 Officers acknowledge that the fencing at a height of 2 metres is relatively high and therefore could be relatively prominent, however the area is small, and would be sited back from the site boundary. Furthermore, whilst some vegetation would be removed, a large amount would remain on the boundary, and new planting is proposed, therefore providing a screen, and lessening the impact of the fencing on the street scene and wider area. The siting of the store area would extend beyond the built form of the application properties to the north, however the store is considerably set back from Brunswick Street and therefore would not impact upon the street scene. As such, it is considered that the proposed store and fencing is acceptable and would not result in an unacceptable impact on the character of the street scene or wider conservation area.

6.8 Associated works including new paved walkways to the store area and the installation of replacement picket fence on the west (rear) elevation including a new gate are proposed. These works are minor and would not result in a visual change to the character of the area; as such the proposed works are considered acceptable in terms of design.

6.9 Taking the above into consideration, it is considered the proposed development would achieve an acceptable standard of design, and protect the character of the conservation area; complying with the relevant design and heritage planning policies.

6.10 **Impact on neighbouring property**

6.11 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.

6.12 Following the public consultation period, no responses have been received. There are no concerns that there would be an unacceptable impact on the amenity of adjoining land users, in terms of a loss of light, loss of privacy or overbearing impact as a result of the proposed development. The Design and Access Statement sets out that the owners of the properties for which the bin store would serve have been consulted by the applicant.

6.13 The bin store would be sited within the rear amenity space of the properties, however it has been located to minimise the loss of amenity space as a result of the proposal. It is considered that an acceptable level of amenity space would remain, and therefore no concerns are raised with regards to a loss of amenity.

6.14 The proposal is therefore considered to comply with policy SD14 of the JCS and SL1 of the Cheltenham Plan.

6.15 **Sustainable development**

6.16 Cheltenham's Climate Change SPD sets out a requirement for development to include low carbon features and technologies. The proposal does include additional planting on site to replace removed vegetation. Given the nature of the proposal, there is little opportunity to include low carbon technologies and features.

6.17 **Other considerations**

6.18 Reasons for proposal

The submitted Design and Access Statement sets out the reasoning for the application; stating that the construction of the new store is in response to '*the requirements for recycling, building fire regulations and guidelines on the accessibility for refuse collection*'.

6.19 Protected Species

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

6.20 Public Sector Equality Duty (PSED)

As set out in the Equality 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 Taking the above into consideration, the proposed bin store, fencing and associated alterations are considered to be of an appropriate design that would not result in harm to the character of the property, street scene or wider area. Furthermore, there would be no impact on the amenity of the occupiers of the properties or neighbouring properties. It is therefore considered that the proposal would be in accordance with the relevant policies and guidance.

7.2 Officers recommendation is to therefore permit this application subject to the conditions set out below.

8. SUGGESTED 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.