

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	19 March 2020
<b>Site Location:</b>	The Traffic Group Limited, White Lion House, Gloucester Road, Cheltenham, Gloucestershire, GL51 0TF
<b>Application No:</b>	19/01225/FUL
<b>Ward:</b>	Badgeworth
<b>Parish:</b>	Staverton
<b>Proposal:</b>	Two-storey extension to existing production building (Use Class B1 (c)) and reconfiguration to and extension of existing car park
<b>Report by:</b>	Paul Instone
<b>Appendices:</b>	Site location and layout plan Floor Plans and Elevations as Existing Floor Plans and Elevations as Proposed
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to an existing light production building known as Unicorn House and its associated car park which is currently in use by the Traffic Group Limited. The building is a rendered, two storey pitched roof structure located in a prominent position near the junction of the B4063 Gloucester Road and Bamfurlong Lane.
- 1.2 To the east of building which is subject to this application is building known as White Lion House, which is situated on the corner of B4063 Gloucester Road and Bamfurlong Lane. White Lion House is also occupied by the Traffic Group Limited. To the front and sides of both buildings on the application site is an area of hardstanding car parking which provide a total of 25 car parking spaces. To the west of the area of car parking is an area of cleared ground which formerly contained a number of trees, which were cleared prior to the submission of the application.
- 1.3 To the south of the application site is the Bamfurlong Industrial Estate, and to the north of the site is the B4063, beyond which are a number of dwellings including properties within Cotwold Court Park Mobile Home Park. To the east of the site beyond Bamfurlong Lane are dwellings within Staverton Mobile Home Park. Access and egress to the site is via the B4063.
- 1.4 The application site is located within a Major Employment Site as defined on the Local Plan Proposal Maps and is in Flood Zone 1.

- 1.5 The planning application is submitted in full and seeks a two storey extension to the west of Unicorn House to provide an additional storage and production area, as well as the reconfiguration and extension of the car park to the west of Unicorn House into the area formerly covered by trees to provide a total of 38 on-site spaces. The application also proposes the planting of a new hedgerow and trees to the front of car park adjacent to the B4063.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
93/00384/FUL	Change of use of former public house to Class B1 use.	PER	26.06.1993
96/00325/FUL	Erection of two storey side extension	PER	25.06.1996
97/00145/FUL	Erection of two storey side extension to White Lion House (revised scheme)	PER	06.05.1997
98/00057/FUL	Demolition, reconstruction and enlargement of lean-to structure	PER	23.02.1998
98/00616/FUL	Demolition, reconstruction and enlargement of lean-to structure to rear incorporating new entrance lobby, disabled toilet and minor alterations to front elevation	PER	15.07.1998
98/01104/FUL	Erection of a single storey building and an extension to the existing car park	PER	06.01.1999
99/01301/FUL	Demolition of single storey prefabricated building and erection of two storey production building	PER	23.05.2000
03/00794/FUL	Demolition of single storey prefabricated building and erection of two storey production building	PER	06.08.2003
08/01589/FUL	Two storey extension to rear to provide office and research and development space.	APPEAL DISMISSED	11.03.2009
09/00995/FUL	Two storey extension to rear to provide offices and research and development space (revised scheme)	PER	01.12.2009
19/01225/FUL	Two-storey extension to existing production building (Use Class B1 (c)) and reconfiguration to and extension of existing car park		

## 3.0 RELEVANT POLICY

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

### National guidance

National Planning Policy Framework 2019 (NPPF)  
Planning Practice Guidance

### **The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017**

SD1 – Employment – except retail development

SD3 – Sustainable Design and Construction

SD4 – Design Requirements

SD6 – Landscape

SD8 – Historic Environment

SD9 – Biodiversity and Geodiversity

SD14 – Health and Environmental Quality

INF1 – Transport Network

INF2 – Flood Risk Management

INF3 – Green Infrastructure

### **Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)**

EMP1 – Major Employment Sites

### **Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018):**

EMP1 – Major Employment Sites

EMP5 – New Employment Development (General)

NAT1 – Biodiversity, Geodiversity and Important Natural Features

ENV2 – Flood Risk and Water Management

TRAC1 – Pedestrian Accessibility

TRAC9 – Parking Provision

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property)

## **4.0 CONSULTATIONS**

### **4.1 Staverton Parish Council – Object for the following reasons:**

- At roof height the building will have an impact on the residents opposite whose dwellings are on a lower level .
- The new buildings will dominate the surrounding area.
- The new buildings will be built nearer the road if they follow the existing building line, and the homes and gardens opposite lose complete privacy.
- There are inconsistencies in these plans. The position of the existing building in the drawings provided is inconsistent with the actual Ordnance Survey-derived building position. As such, the position of the proposed structure, as drawn in 21824/O3 will also be incorrect (as these buildings will be adjoining).
- The site plan does not show the several mobile homes opposite the site
- The increased traffic will have an impact on this road (noise included) plus the fact that the only entrance/exit to this site is at a busy junction and bus stop. Currently traffic can drive down the side of the building and unload at the storage area doors passing parked cars along that area, in future there will only be just enough room for a single line of traffic.
- The proposed extension will dominate the landscape.
- Anyone on the upper floors will almost look straight into a neighbouring property
- Clarification should be sought about whether the applicant had the right to cut down the mature trees
- Access on and off the main road adjacent to a bus stop and traffic lights is a serious issue surrounding safety of road users and pedestrians
- The security lighting is causing a concern to residents as it should shine down and not directly across the road
- New good trees should be planted to benefit the wildlife which has been effected by

- the felling of the mature trees
- The existing fencing around the proposed car park is in a poor state of repair and needs to be replaced

**Gloucestershire County Council Highways** – No objections subject to conditions

**Lead Local Flood Authority** – No comments to make as this is not a major application

**Land Drainage Advice** – No comments received

**Gloucestershire Airport Ltd** – No comments received

**Environmental Health Officer** – No objection in terms of any noise/nuisance issues

## **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of a site notice for a period of 21 days.

4 objections have been received (summarised)

- The existing building and proposed extension is shown to be in an incorrect location and the mobile homes/new permanent dwellings are not shown on the plans so the impact of the proposal cannot be accurately assessed. (Officer note: The dwellings opposite have subsequently been added to the plans and the topographical survey confirms the building is in the correct position).
- The upper floor windows and fire escape to the west will allow people to overlook ground and first floor windows and the private amenity space of the dwellings to the north of the proposed extension.
- The application does not propose any obscure glazing to prevent overlooking of nearby dwellings.
- The extension to the building would dominate the streetscene and affect outlook from residential properties and have an overbearing impact.
- The proposal would increase traffic on an already busy junction.
- The proposal would give rise to additional noise, artificial light and air pollution.
- The proposal will block natural light to nearby residential dwellings.
- The building should not be allowed external fans as ones which are already present in the vicinity impact on residential amenity.
- The form of the building would deflect noise pollution from the B4063 towards the dwellings to the north cause a detrimental impact on residential amenity
- The additional stationary traffic would give rise to increased air pollution
- The trees may have been cut down without the relevant permissions and the application should be determined on the basis that trees are in situ.
- The loss of the trees has impacted on the visual amenity of the area and exposed areas of fencing which are visually poor.
- The loss of the trees has got rid of natural screening which reduced noise, artificial light and air pollution from the industrial estate and airport to the south.
- The construction process will result in more detrimental impact on the residential amenity of residents through additional noise and vibrations.
- Existing floodlights on Uniform House already impact on adjacent properties and these have had to adjusted further to intervention by Environmental Health. An extension to the building will mean further floodlights which will impact on residential amenity and cause sleepless nights.
- The proposal will impact on house prices and leave residents trapped in their homes.
- There is already too much industry within the area which is impacting on residential

amenity. This is also a residential area and the further growth of industry should be restricted to protect residential amenity.

- Increased vehicle movements adjacent to the bus stop may impede the safety of those using the bus stop.
- The character and charm of the original pub premises on this site has been eroded by unsympathetic additions to the built form on the site. The site is now overdeveloped and further development should be resisted
- The proposal shows no provision for the turning and access of large goods vehicles although a delivery entrance is shown on the plan. The lack of adequate provision will impede traffic flow.

## **6.0 POLICY CONTEXT**

- 6.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other materials considerations."
- 6.2 The development plan comprises the Joint Core Strategy (JCS) (2017) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).
- 6.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.
- 6.4 The relevant policies are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

### **Principle**

- 7.1 Paragraph 80 of the NPPF states that planning decisions should create the conditions in which businesses can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity.
- 7.2 The application site is located within a defined Major Employment Site and Policy EMP1 of the Local Plan states that within existing Major Employment Sites as defined on the Proposal Map, the Borough Council will support proposals for B1, B2 and B8 uses. Policy EMP1 of the PSTBP echoes these requirements.
- 7.3 The broad principle of the proposal is therefore considered to be acceptable and there are clear economic benefits arising from the proposal which would support an existing local business. Given the policy context the presumption is therefore that permission should be granted subject to an overall assessment against other planning considerations, which are set out in the remaining sections of this report.

## **Effect on the Living Conditions of Neighbouring Dwellings**

- 7.4 Paragraph 180 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 7.5 There are a number of mobile and permanent dwellings located to the north of the application site beyond the B4063. The closest of the dwellings is located approximately 30 metres from Unicorn House and the proposed extension. There have been a number of objections to the application from residents raising concerns about the impact of the application on residential amenity including by reason of overbearing/over-dominating impact, loss of light, impact on visual amenity, noise, artificial light and air pollution. These objections have been carefully considered by officers.
- 7.6 The application seeks the extension of Unicorn House to be used for B1c Use Class. The Town and Country Planning (Use Classes) Order 1987 (as amended) defines a B1c Use as any industrial process, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 7.7 The application therefore seeks to extend the use of Unicorn House for a commercial operation, which by definition is in a Use Class which is appropriate within a residential area, and therefore the use would not give rise to a detrimental impact on residential amenity through impacts arising from light industrial activities.
- 7.8 The Environmental Health Officer has been consulted on the application and raises no objection in terms of noise/nuisance issues.
- 7.9 Therefore by virtue of the Use Class which is being sought in the application it is considered that the application would not give rise to an unacceptable impact on residential amenity by reason of noise, vibration, smells or any other emissions arising from industrial processes. If, once operational, any complaints arise from operations in terms of emissions and the operator is not operating as B1c Use, then complaints would be dealt with under the provisions of the Environmental Protection Act 1990, Statutory Nuisance.
- 7.10 In regard to the concerns about overlooking and over-dominating impact arising from the proposed extension to Unicorn House, as set out above the existing building and proposed extension is located approximately 30 metres from the dwellings located to the north of the B4063. Officers have visited the site and carefully considered any impact on amenity that would arise from the proposed application. There are a number of habitable room windows in single and two storey dwellings, as well as amenity space which would be in the line of sight to an extent from windows within the proposed extension. However, Unicorn House is already situated on the site and there are already a number of windows which face northwards towards the dwellings which give rise to some potential overlooking. Whilst the extension to Unicorn House would create additional windows and some new aspects, it is not considered that the proposed extension would give rise to an unacceptable detrimental impact on residential amenity by reason of overlooking or overbearing impact, given the separation distance between the dwellings and the Unicorn House and due to the fact that B4063 is located between the buildings.

- 7.11 The concerns about external lighting from objectors are noted. It is recommended that a condition is imposed on the planning permission requiring details of any external lighting on the building and within the proposed car park to be agreed by the planning authority prior to installation.
- 7.12 Taking account all of the above, it is considered that the proposed development will cause no unacceptable harm to local amenity including the living conditions of neighbouring occupants and the proposal is acceptable in this regard.

### **Design, Visual Amenity and Landscape Impact**

- 7.13 The NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture. JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 7.14 Unicorn House is an attractive building in a prominent position on the B4063 which contributes to the character of the streetscene. It is considered by officers that the proposed extension is sensitive to the host building respecting the fenestration, scale and form. Whilst the building is designed to be functional to meet the needs of the operator, it is considered that the building would be visually attractive in this prominent position in the streetscene. A planning condition to control the fenestration details of the proposed extension is recommended to ensure the proposal assimilates successfully with the host building.
- 7.15 In terms of the wider site, a number of trees were felled prior to the submission of the application and the car park is now proposed to be extended into the area which was formerly occupied by trees. The loss of these trees has had a detrimental impact on the streetscene. The application as submitted does propose the planting of new trees and a hedgerow to the front of the site and officers consider that this planting should be of high quality with semi-mature specimens to in order to ensure that the proposed car parking area does not dominate the streetscene in this prominent location. It is therefore recommended that a condition is imposed to secure a suitable landscaping scheme for the site.
- 7.16 Overall subject to the imposition of conditions referred to above, it is considered that the design and visual impact of the proposal is acceptable.

### **Highway Safety**

- 7.17 Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. The NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.18 The development would be accessed from the existing access onto the B4063 and proposes an additional 13 spaces on the site meaning that there would be a total of 37 spaces on the site.

7.19 The County Highways Authority have been consulted on the application and raise no objection subject to the imposition of conditions to secure the provision of secure cycle parking and that the works are carried out in accordance with a Construction Management Plan.

7.20 On this basis, the proposal is considered to be acceptable in terms of JCS Policy INF1 and the NPPF in respect of highways safety.

## **8.0 CONCLUSION AND RECOMMENDATION**

8.1 The NPPF states that planning decisions should create the conditions in which businesses can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity. The application site is located within a defined Major Employment Site and the Local Plan states that the Borough Council will support proposals for B1, B2 and B8 uses in this location. These factors weight firmly in favour of the proposal.

8.2 Whilst the concerns of the Parish Council and local residents are noted, the proposal would result in an acceptable impact in terms of design, highway safety and residential amenity subject to the imposition of conditions.

8.3 For these reasons it is recommended that planning permission is **granted**

### **Conditions and reasons:**

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by 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 development hereby permitted shall be carried out in accordance with the following approved plans:

- 21924 / 03A Site Plan and Block Plan as Proposed
- 21924/04 Floor Plans and Elevations as Proposed

3. Notwithstanding the submitted details no development shall take place above DPC level until samples (to include the proposed colour and finish) of the external materials of the proposed extension have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: In the interests of visual amenity

4. No development shall take place above DPC level until details of existing and proposed ground levels and ground floor slab levels of the buildings hereby permitted, relative to Ordnance Datum Newlyn, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of visual and residential amenity



5. Prior to installation of the windows, details of the new windows including materials and recesses shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: In the interests of visual amenity

6. The building hereby permitted shall not be brought into use until a landscaping scheme setting out precise details of the position, size, species and mix of new planting to screen the development has been submitted to and approved in writing by the Local Planning Authority. The Landscaping shall be implemented in accordance with the approved details no later than the first planting season following the completion of the development. The landscaping shall thereafter be maintained for a minimum period of 10 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased these shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 10 year maintenance period.

Reason: In the interests of visual and residential amenity

7. The development hereby permitted shall not commence until drainage plans for the disposal of surface water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use

Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

8. No external lighting shall be installed on the proposed extension or within the car park unless it is in accordance with details which have previously been submitted to and agreed in writing by the Local Planning Authority. Such details shall include location, height, direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: In the interests of residential amenity

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

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

10. The development hereby permitted shall not be occupied until secure and covered cycle storage facilities have been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

## **Informative**

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.