

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	21 September 2021
<b>Site Location:</b>	Unit 1412 Charlton Court Gloucester Business Park Brockworth
<b>Application No:</b>	21/00594/FUL
<b>Ward:</b>	Churchdown Brookfield With Hucclecote
<b>Parish:</b>	Hucclecote
<b>Proposal:</b>	Proposed alterations to include the provision of external condenser units, additional louvres and CCTV cameras to the external elevations of the building.
<b>Report by:</b>	Sarah Barnes
<b>Appendices:</b>	Site location plan Survey plan Propose site layout plan Proposed floor plans Proposed elevations Street elevation Proposed garage plan and elevations
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This site relates to Unit 1412 in Charlton Court, Gloucester Business Park (site location plan attached).
- 1.2 The proposal is for the provision of external condenser units, additional louvres and CCTV cameras (plans attached).
- 1.3 A committee decision is required as the neighbouring parish council, Brockworth Parish Council, are concerned about issues regarding noise, air pollutants and odours coming from business and industrial premises in the area and the impact on local residents and the wider environment.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
03/00542/APP	Roundabout, access roads, foul and service water sewers. Culvert and channel for future diversion and re-opening of existing culverted Wotton Brook	APPROV	10.03.2004

## 3.0 RELEVANT POLICY

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

### 3.1 National guidance

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

### 3.2 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017

- Policy SD1 (Employment)
- Policy SD4 (Design Requirements)
- Policy SD 6 (Landscape)
- Policy SD14 (Health and Environment Quality)
- Policy INF1 (Transport)

### 3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

BR2: Gloucester Business Park

EMP1: Major Employment Sites

### 3.4 Tewkesbury Borough Plan 2011-2031 Pre-submission Version (October 2019)

### 3.5 Other relevant policy

## 4.0 CONSULTATIONS

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

**4.1 Hucclecote Parish Council** – no objections

**4.2 Brockworth Parish Council** – object. Concerns about issues regarding noise, air pollutants and odours coming from business and industrial premises in the area and the impact on local residents and the wider environment.

**4.3 Environmental Health** - WRS have reviewed the documents for potential air quality issues of which none have been identified, therefore WRS have no adverse comments to make with regards to air quality. The submitted noise assessment predicts that noise from the proposed external condensing units should not adversely impact the nearest sensitive receptors. Therefore, no objections to the proposal in terms of noise nuisance.

## **5.0 PUBLICITY AND REPRESENTATIONS**

Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

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

**5.2** No letters of support nor objection have been received from local residents.

## **6.0 POLICY CONTEXT**

**6.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that 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 material considerations.

**6.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.

**6.3** The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16 June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

**6.4** The relevant policies are set out in the appropriate sections of this report.

**6.5** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

## 7.0 ANALYSIS

### *Design and Visual Amenity*

- 7.1 JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design.
- 7.2 The proposed external condenser units, additional louvres and CCTV cameras would be of an appropriate size and design in keeping with the character and appearance of the existing Business Park. Therefore, the proposal would have an acceptable impact on the character of the surrounding area and complies with the requirements Policies SD4 and SD6 of the JCS.

### *Effect on the Living Conditions of nearby dwellings*

- 7.3 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 7.4 The Parish Council have raised concerns about issues regarding noise, air pollutants and odours coming from business and industrial premises in the area and the impact on local residents and the wider environment.
- 7.5 The Parish Council's concerns have been noted, however, the nearest residential dwellings (to the west in Ashbrittle Road) are over 100 metres from this site. In respect of noise, the agent submitted a noise assessment report to assess the impact of the noise of the proposed air handling units at the nearest residential properties. The respective noise assessment report concluded that the calculations carried out show that the design criteria would be met and there would be no adverse impact on the nearest residential properties as a result from the operation of the air handling units and associated equipment. In addition to this, the Council's Environmental Health Officer has responded to each application to state: *"The submitted noise assessment appears satisfactory and predicts that noise from the external plant / equipment / ventilation louvres should not adversely impact the nearest noise sensitive receptor(s). Therefore, no objections to the proposal in terms of noise nuisance."*
- 7.6 In respect of air quality, the development proposals would not give rise to any air quality issues. Furthermore, the Council's Environmental Health Officer has responded to state: *"We have reviewed this planning application for potential air quality issues of which none have been identified, therefore we have no adverse comments to make with regards to air quality."*
- 7.7 Overall, the Environmental Health Officer has no objections to the impact of the air conditioning condenser units on neighbouring receptors in terms of noise nuisance and air quality. The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy SD14 of the JCS.

## 8.0 CONCLUSION AND RECOMMENDATION

- 8.1 Overall, it is considered that the proposal would accord with relevant policies as outlined above. Therefore, it is recommended the application be **permitted**.

## **CONDITIONS:**

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 documents:

Site plan, proposed site plan, proposed elevations, proposed floor plans and acoustic report dated 10<sup>th</sup> May 2021 except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. A watching brief should be maintained during the course of development in case any unexpected contamination is identified during site works. Should contamination be identified, then the developer shall suspend development on that part of the site affected until such time as additional measures for the remediation of this source of contamination have been submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

## **INFORMATIVES:**

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 the 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.