

<b>APPLICATION NO:</b> 18/01004/FUL	<b>OFFICER:</b> Mr Joe Seymour
<b>DATE REGISTERED:</b> 23rd May 2018	<b>DATE OF EXPIRY:</b> 22nd August 2018 (extension of time agreed until 31st October 2018)
<b>WARD:</b> Benhall/The Reddings	<b>PARISH:</b> N/A
<b>APPLICANT:</b>	Hinton Properties (Grovefield Way) Ltd
<b>AGENT:</b>	Hunter Page Planning
<b>LOCATION:</b>	Land At North Road West And Grovefield Way Cheltenham
<b>PROPOSAL:</b>	Hybrid application seeking detailed planning permission for 5,914 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m food retail unit (Use Class A1), with associate parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved - except access (resubmission).

## Update to Officer Report – 18 October 2018

### 1. LATE REPRESENTATIONS

- 1.1 Since the committee schedule and the case officer's report were published on 10 October 2018, in addition to the Officer update dated 16 October 2018, the local planning authority has received late representations. These representations have been attached in full but are summarised below.
- 1.2 Asda have objected to the proposal on the grounds of the loss of B1 office space and retail impact. Both of these issues have been addressed in the case officer's report.
- 1.3 Two letters of objection have been received from local residents which raise concerns with regard to issues that have already been addressed in the case officer's report.
- 1.4 A letter of support has been received from the Gloucestershire First Local Enterprise Partnership (GFirst LEP) highlighting the shortage of employment land within Cheltenham.
- 1.5 The agent has written to Members explaining the justification in favour of the development. A further submission from the agent highlights the lack of B1 office space within Cheltenham.
- 1.6 The agent has submitted a phasing plan (drawing number 178-100 Rev E) to demonstrate that the B1 office buildings would be occupied prior to the other A1 (Aldi) and D1 (nursery) uses that are proposed as part of the full application.

### 2. CHANGE TO THE OFFICER RECOMMENDATION

- 2.1 The original Officer recommendation was to permit the application, subject to a section 106 agreement, which would have been used to secure the phasing of the development prioritising the occupation of the B1 office buildings before the occupation of the other uses on the site.
- 2.2 However, after receiving further legal advice on this matter, and the receipt of the phasing plan, a section 106 agreement is now considered to be unnecessary as the prioritisation of the B1 office uses can be controlled via a planning suitably worded planning condition.
- 2.3 **Therefore the revised Officer recommendation is to permit the application, subject to the list of revised conditions below (including a phasing condition, number 32).**

### 3. 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 outline planning permission hereby granted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 Application(s) for approval of the reserved matters must be made not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 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.

- 5 The non-B1 uses hereby permitted shall not operate outside of the following hours:

- A1 retail store - Monday to Saturday - 08:00 - 22:00 / Sundays and Bank Holidays - 10:00 - 18:00  
- D1 Nursery - Monday - Friday - 07:00 - 19:00

Reason: To avoid undue disturbance to neighbouring properties, in accordance with policy CP4 of the Local Plan.

- 6 No more than 20% of the total net sales area of 1,742 sqm shall be used for the sale of comparison goods within the discount food store hereby permitted.

Reason: To control the mix of convenience and comparison goods sold within the retail space thereby managing the impact on the town centre in accordance with the advice set out within the NPPF.

- 7 The food store hereby permitted shall only be used by a discount food supermarket operator and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). The following service shall not be operated from the discount food supermarket:

1. Banking Facilities (excluding ATM),
2. Dispensing Pharmacy,
3. Dry cleaning or Post Office Service,

4. Photographic shop or booth,
5. Café / restaurant,
6. Sales of cigarettes or tobacco.

Reason: To ensure that safe and suitable access to the site can be achieved for all people and that a safe and secure layout which minimises conflict between traffic and cyclists or pedestrians can be provided in accordance with Section 4 of the NPPF.

- 8 Prior to the installation of any lighting scheme, full details shall be submitted to and approved in writing by the Local Planning Authority to provide that

- Light into neighbouring residential windows generated from the floodlights shall not exceed 5 Ev (lux) (vertical illuminance in lux).
- Each lighting unit must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
- The lighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5%.

The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. The approved scheme shall be implemented prior to first use of the lighting and be permanently maintained in that state thereafter.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with policy CP4 of the Local Plan.

- 9 No development shall take place, including any works of demolition, until a construction method statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. Provide for the parking of vehicles of site operatives and visitors;
- iii. Provide for the loading and unloading of plant and materials;
- iv. Provide for the storage of plant and material used in constructing the development;
- v. provide for wheel washing facilities to control the emission of dirt or dust;
- vi. Provide the intended hours of operations;
- vii. Provide a plan of the site compound.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with paragraph 110 of the NPPF.

- 10 Prior to beneficial occupation of the proposed development, the car parking, turning, loading and unloading facilities shall be provided in accordance with the approved plan and shall be maintained available for that purpose thereafter.

Reason: To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to paragraph 110 of the NPPF.

- 11 Upon beneficial occupation of the development, the submitted supermarket Delivery Management Plan shall be adhered to in all respects unless amendments to the plan have first been agreed in writing by the Local Planning Authority.

Reason: To minimise hazards and inconvenience for users of the development by ensuring a safe and secure layout that minimises conflict between traffic, cyclists and pedestrians in accordance with paragraph 110 of the NPPF.

- 12 Upon beneficial occupation of the development, the submitted Happy Days Nursery Delivery Management Plan shall be adhered to in all respects unless amendments to the plan have first been agreed in writing by the Local Planning Authority.

Reason: To minimise hazards and inconvenience for users of the development by ensuring a safe and secure layout that minimises conflict between traffic, cyclists and pedestrians in accordance with paragraph 110 of the NPPF.

- 13 Prior to beneficial occupation of the proposed development, the cycle parking/storage facilities shall be provided in accordance with the approved plan and shall be maintained available for that purpose thereafter.

Reason: To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to paragraph 108 of the NPPF.

- 14 Details of a car parking management scheme to limit office employment parking occurring within the retail element of the development during Office opening hours shall be submitted to and approved in writing by the Local Planning Authority. The approved plans shall then be implemented on first occupation of any B1 Office block and adhered to in all respects unless amendments to the plan have first been agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate parking provision is provided in order to minimise any potential highway safety implications of displaced parking and to minimise conflict between traffic, cyclists or pedestrians in accordance with paragraph 110 of the NPPF.

- 15 Prior to works commencing on the development hereby permitted, details of pedestrian dropped kerb tactile crossing points across Grovefield Way in the proximity of the bus stops south of the development site shall be submitted to and agreed in writing by the Local Planning Authority, the works shall then be constructed in accordance with the approved plan and made available for public use prior to first occupation of the buildings hereby permitted.

Reason: To ensure that the priority is given to pedestrian and cycle movements and that a safe and secure layout that minimises conflict can be created in accordance with paragraph 110 of the NPPF.

- 16 No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that building(s) have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 110 of the NPPF.

- 17 Details of the layout and access, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans. No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 110 of the NPPF.

- 18 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by section 12 of the NPPF.

- 19 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 43m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Section 9 of the NPPF.

- 20 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning and loading/unloading facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Section 9 of the NPPF.

- 21 No development shall commence on site until a scheme has been submitted to, and agreed in writing by the council, for the provision of fire hydrants (served by mains water) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the council.

Reason: To ensure adequate water infrastructure is made on site for the local fire service to tackle any property fire in accordance with section 9 of the National Planning Policy Framework.

- 22 No works shall commence on the development hereby permitted until a Travel Plan has been submitted to and agreed in writing by the Local Planning Authority, setting out;

i. objectives and targets for promoting sustainable travel,

- ii. appointment and funding of a travel plan coordinator,
- iii. details of an annual monitoring and review process,
- iv. means of funding of the travel plan, and;
- v. an implementation timetable including the responsible body for each action.

The approved Travel Plan and any associated site/use specific Travel Plans shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the NPPF.

- 23 The development shall be carried out in strict accordance with the recommendations and requirements of the ecological survey report dated March 2018 (ref: 4087.EcoAss.vf2) submitted with the planning application.

Reason: To safeguard ecological species, having regard to Policies NE1 and NE3 of the Cheltenham Borough Local Plan (2006).

- 24 Prior to its installation, full details of all fixed plant on the site and details of its noise emissions shall be submitted to and approved in writing.

Reason: To safeguard the amenity of adjoining properties and the general locality, having regard to Policy CP4 of the Cheltenham Borough Local Plan (2006).

- 25 Prior to the commencement of development, other than that necessary to comply with the requirements of this condition, the approved remediation scheme necessary to bring the site to a condition suitable for the intended use shall be implemented in full. In addition this shall provide for the following:

1) Provide gas protection to CS2 of CIRIA C665. The type of building proposed is commercial and for this Table 8.6 of CIRIA 665 indicates that the following special protection measures are required in the new buildings.

' Reinforced cast in-situ floor slab with at least 1200 gauge DPM

' Beam block or precast concrete slab and at least 2000 gauge DPM/reinforced gas membrane

' Underfloor venting

' All joints and penetrations sealed

Underfloor venting is not required in large spaces such as warehouse but it is required where smaller rooms such as offices are present.

2) TP12 at 0.15 m showed elevated lead in the made ground. Therefore the made ground (0.3m thick) should be replaced in the vicinity of TP12 if soft landscaping is proposed in this area. Following the completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.

- 26 All trees and hedging within the site shall be retained unless shown on the approved drawings as being removed. Any trees or planting indicated on the approved drawings which, within a period of five years from the date of planting, die, are removed or

become seriously damaged, diseased or dying shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority. Any pruning works within the five year period shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).

Reason: In the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

- 27 Following the removal of the trees as permitted by this decision, each tree shall be replaced by one of the same species in the same vicinity unless first agreed otherwise by the Local Planning Authority. The replacement trees shall be planted during the planting season current at the time of felling (end October - end March) or during the next immediately available planting season. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992 (or any standard that reproduces or replaces this standard). The trees shall be maintained for 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted by this condition.

Reason: In the interests of visual amenity, having regard to Policy GE5 of the Cheltenham Borough Local Plan (2006).

- 28 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 29 No development approved by the permission shall be commenced until a detailed drainage strategy based upon the approved drainage strategy submitted for Phase 2 and 3, Coirinthian Park, Cheltenham, Reference 16-6953 has been submitted to and approved in writing by the Local Planning Authority. If an alternative strategy or amendments are required, it must be submitted to and approved by the LPA. The drainage scheme shall be carried out in accordance with the approved details.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage and water quality in the locality.

- 30 The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and 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 prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 31 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) the five buildings proposed for office use as shown on drawings 178 - 96 F and DLA.1755.L.09 E shall only be used for office use as defined by Use Classes B1a and B1b of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure the local planning authority has control over the type of employment uses at the site which has been allocated as an employment site in policy EM3 of the emerging Cheltenham Plan. The reason for this condition also has regard for saved Cheltenham Borough Local Plan policies EM1 and EM2, and policy SD1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031.

- 32 The full planning permission hereby permitted shall be constructed in accordance with the approved phasing plan (drawing number: 178-100 Rev E) whereby the blue-coloured B1 office units labelled 'office 1', 'office 2' and 'office 5' shall be constructed and capable of occupation prior to the occupation of the other buildings on site.

Reason: The site has been allocated in Policy EM3 of the emerging Cheltenham Plan for B-class employment uses (or sui generis uses that exhibit similar characteristics). The purpose of this condition is to prioritise the delivery of the B1 office uses, for which this site has been allocated, over the other A1 and D1 uses permitted.