



CHELTENHAM

BOROUGH COUNCIL

Eastnor Property Holdings Ltd	APPLICATION NO	11/00545/FUL
C/o D K Planning And Development Ltd	DATE REGISTERED	20th April 2011
FAO Mr David Keyte	DECISION DATE	13th July 2012
Regal House		
61 Rodney Road		
Cheltenham		
Glos		
GL50 1HX		

PERMISSION FOR DEVELOPMENT

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

In pursuance of its powers under the above mentioned Act and Order Cheltenham Borough Council, as the Local Planning Authority, hereby **PERMITS** the following development:-

Mixed use development comprising office, retail, residential and ancillary use

AT : Land On South Side Of Jessop Avenue Cheltenham

in accordance with the conditions specified hereunder:-

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
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 development hereby permitted shall be carried out in accordance with drawing numbers 5919/01A, 5919/03E, 5919/04E, 5919/05E, 5919/06E, 5919/07E, 5919/09E, 5919/10B, 5919/11A, 5919/12A, 5919/13, 01D, 02B, 07A and C20194/110, received 19 April 2011 and 18 January 2012
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, the design and details including materials and finishes of the following shall be submitted to and approved in writing by the Local Planning Authority:
eaves, verges, soffits, parapets, rainwater goods, window frame treatments including any reveals, glazing and cladding systems, balconies and hand rail treatments, any extract vents and flues.
The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with full size cross section profiles. The scheme shall be implemented strictly in accordance with the approved details.
Reason: In the light of Cheltenham Adopted Local plan policy CP7 and national guidance set out in PPS5, it is important to protect and maintain the character and appearance of the area in which this development is located.

- 4 Prior to the commencement of development an annotated elevation together with samples of all external facing materials and a schedule finishes shall be submitted to and agreed in writing by the Local Planning Authority. The proposed development shall thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.
Reason: In the light of Cheltenham Adopted Local plan policy CP7 and national guidance set out at PPS1 & PPS5, it is important to protect and maintain the character and appearance of the area in which this development is located. Careful consideration has been given to the detailed design of this building and its relationship with neighbouring properties
- 5 Prior to the commencement of development a sample panel of the new natural stone to be used of at least one square metre shall be constructed on site to illustrate the proposed colour, texture and finish of the stone. The sample panel shall be approved in writing by the Local Planning Authority and thereafter retained on site until the completion of the scheme to provide consistency.
Reason: To ensure that the new render work is sympathetic to the existing render work on adjacent properties. In the light of Cheltenham Adopted Local plan policy CP7 and national guidance set out at PPS1 & PPS5, it is important to protect and maintain the character and appearance of the area in which this development is located. Careful consideration has been given to the detailed design and finishes of this development
- 6 Prior to the commencement of development, details of the maintenance regime for the green roofs shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the green roof shall be retained as such and maintained in accordance with the maintenance regime so approved.
Reason: To ensure that the external appearance of the dwelling is maintained as proposed in accordance with Local Plan Policy CP7 regarding design.
- 7 The landscaping proposals submitted with the application and hereby approved shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for 5 years after planting and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within this period shall be replaced with others of similar size and species to those originally required to be planted.
Reason: To ensure that the planting becomes established and thereby achieves the objectives of Local Plan Policies CP1 and CP7 relating to sustainable development and design.
- 8 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2005. Also in accordance with Drawing Number 01 Rev D dated 14.01.2011 and Tree Survey and Method Statement dated March 2011. The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and shall remain in place until the completion of the construction process.
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 9 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.

Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 10 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance with The National Joint Utilities Group; Volume 4 (2007).
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 11 All paths, parking areas and other forms of hard landscaping that fall within the Root Protection Area(s) shall be constructed using a no-dig method in accordance with the Tree Survey and Method Statement dated March 2011 submitted with the application. Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the details so approved.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 12 Prior to the commencement of any works on site, a timetable of arboricultural site inspections shall be submitted to and approved in writing by the Local Planning Authority. These site inspections shall be carried out by a qualified arboriculturalist and all findings reported in writing to the Local Planning Authority. The approved timetable shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 13 Prior to beneficial occupation of the proposed development hereby authorised the access facilities necessary to serve the site shall be laid out and constructed in accordance with the submitted details with any gates hung so as to open inwards and the area within at least 10.0m. of the carriageway edge surfaced in bituminous macadam or other approved material and thereafter similarly maintained.
Reason: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety.
- 14 Prior to beneficial occupation of the proposed development hereby authorised the car parking and manoeuvring facilities and cycle storage shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.
Reason: In the interests of highway safety.
- 15 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 provide for:
 - a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials used in constructing the development the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - d) wheel washing facilities
 - e) measures to control the emission of dust and dirt during construction
 - f) a scheme for recycling/disposing of waste resulting from demolition and construction works
Reason: In the interests of highway safety.

- 16 Development shall not begin until drainage details, incorporating sustainable principles and an assessment of the hydrological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied.
Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to maintain the risk of pollution.
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), there shall be no further areas of hardstanding (other than those forming part of the development hereby permitted) constructed without prior express grant of Planning Permission.
Reason: Any further area of surfacing requires detailed consideration to safeguard the restricted area of car parking, and issues in relation to surface water run off.
- 18 The development shall not be occupied until details of any external lighting proposed including that within the parking area has been submitted to and approved in writing by the Local Planning Authority,
Reason: To ensure adequate lighting in the interests of designing out crime and at the same time to ensure that any lighting does not have any adverse impact on the amenity of neighbours.
- 19 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the approved scheme has been implemented.
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.

INFORMATIVES :-

- 1 Town and Country Planning (General Development Procedure) (Amendment) Order 2003
The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:
- a) The proposal has been designed to positively enhance the character and appearance of the area taking account of materials, design, siting, height and scale of development (Local Plan Policy CP7)
 - b) The proposed development has taken full account of neighbouring residential amenities and particularly bearing in mind its town centre location, the proposals will not materially harm the amenities of occupiers of neighbouring apartments by reason of overlooking, traffic generation, noise and activity (Local Plan Policy CP4)
 - c) Secured by an Agreement under S106, the proposal makes a financial contribution towards sustainable transport measures and a travel plan. (Local Plan Policy TP1 and SPG Planning Obligations, Transport)
 - d) Furthermore, the proposed building by virtue of its high standard of design combined with additional street activity that will be generated by its existence will preserve and enhance the character and appearance of the conservation area. Accordingly, the proposals are in accordance with section 72(2) of the Planning (Listed Buildings & Conservation

This decision notice should be read in accordance with the Planning Officer's Report which details the material considerations relevant to the proposal and the reasons for the decision made. You can read a copy of this report online at www.cheltenham.gov.uk/publicaccess or in the Municipal Offices Promenade Cheltenham GL50 9SA (please contact Built Environment Reception to arrange this. Tel: 01242 264328)

A person who intends to carry out the development to which this planning permission relates is requested to give a minimum of 7 days notice to the planning authority as to the date on which it is proposed to initiate the development, and, in any event, before commencing the development. You are advised to contact the Compliance Officer at Built Environment 01242 264122.

Before starting work on site it is your responsibility to ascertain the position of any services such as sewers and drains, gas pipes, electricity lines, or water mains which may be affected by the works.

Important Information following your Planning Permission or Planning Permission Enquiry

Please note: most building works will require inspection by Building Control. For further information on Building Regulations and whether you will be required to make an application, please refer to our web site www.cheltenham.gov.uk/buildingcontrol or telephone 01242 264321.

Mike Redman: Director – Built Environment

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.



CHELTENHAM BOROUGH COUNCIL

START NOTICE

IMPORTANT INFORMATION - KEEP THIS WITH YOUR DECISION NOTICE

Please read carefully the decision notice and ensure that you understand and comply with the requirements of any conditions. Also, you must comply precisely with any approved drawings or documents.

It is your responsibility to comply. Failure to comply with the terms of an approval could mean that the work that you carry out is unauthorised and at risk of enforcement action, which could have serious consequences. We carry out a programme of site monitoring to check compliance.

If you do not understand any of these requirements please contact us quoting 11/00545/FUL. Contact details are below.

We can assist you by providing advice and dealing with details you send us to meet conditions. Please ensure that you give yourself time to meet the requirements of any conditions.

We recommend that you email the development and your contact details along with the intended start date to planningcompliance@cheltenham.gov.uk or complete the following and return it to the compliance officer at the address below.

Development Details

Planning application ref: 11/00545/FUL
Proposal: Mixed use development comprising office, retail, residential and ancillary use
Site Location: Land On South Side Of Jessop Avenue Cheltenham

Date when work is intended to start: _____

Your contact details (or attach letterhead/business card):

Name: _____
Address: _____

Telephone: _____ **Mobile:** _____
Email: _____