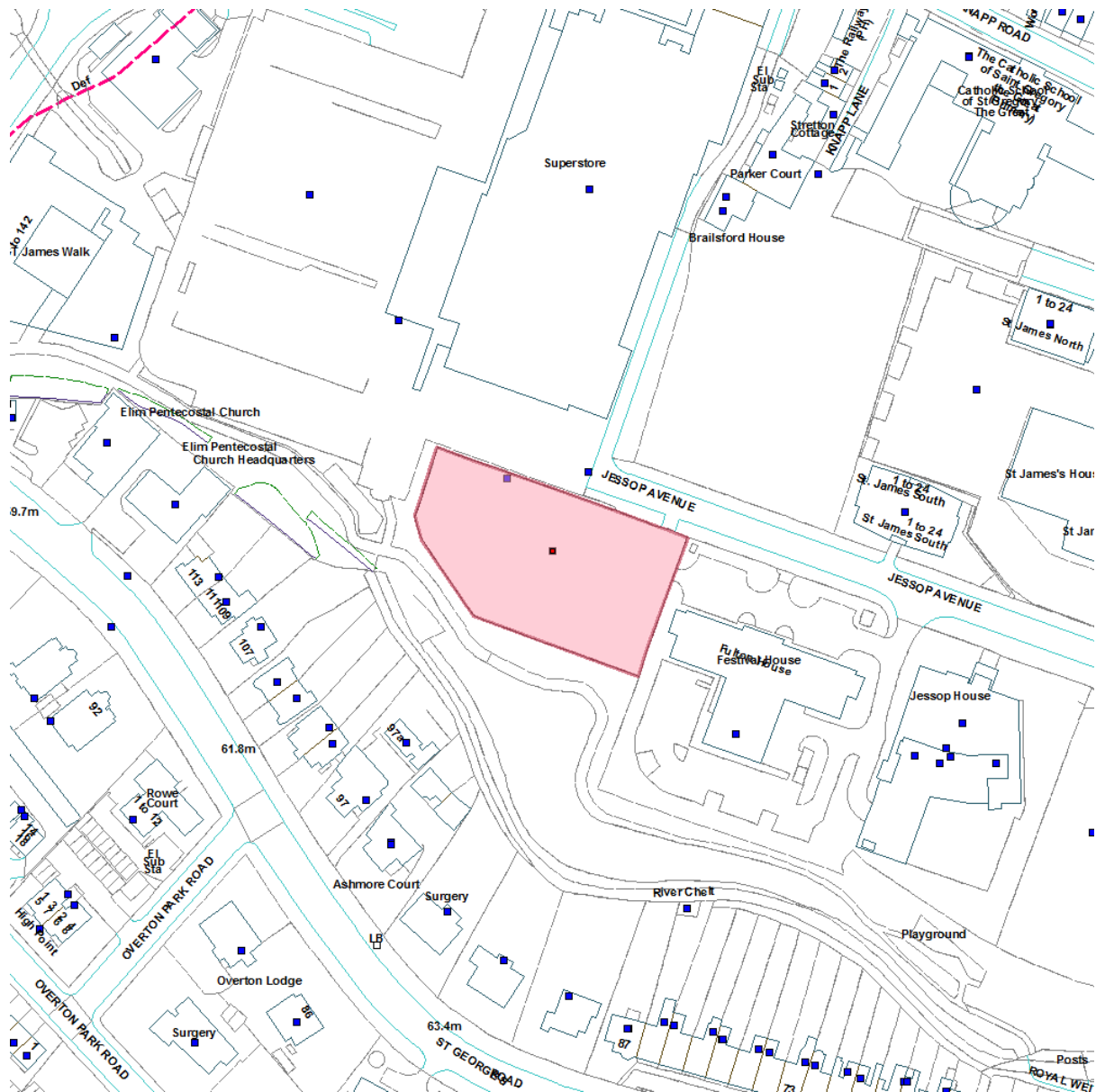


# Delegated Officer Report

<b>APPLICATION NO:</b> 16/01417/FUL		<b>OFFICER:</b> Mrs Lucy White
<b>DATE REGISTERED:</b> 6th August 2016		<b>DATE OF EXPIRY:</b> 5th November 2016
<b>WARD:</b> Lansdown		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Nick King	
<b>AGENT:</b>	Roberts Limbrick Architects	
<b>LOCATION:</b>	Land On South Side Of Jessop Avenue Cheltenham	
<b>PROPOSAL:</b>	Erection of six storey B1 office development with A2/A3 use at ground floor together with roof plant, external cycle and bin stores, on-site parking and parking canopy structures	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a flat, cleared parcel of land located on the southern side of Jessop Avenue and currently used as a private car park accommodating approximately 130 cars for nearby office units. Jessop Avenue is a cul-de-sac terminating just to the north of the application site at which point the route leads onto a pedestrian square fronting the Waitrose store, which is located opposite the application site. The large, split level, Waitrose car park lies adjacent to the north-west boundary of the site, the tree lined Honeybourne Line cycle/pedestrian route and River Chelt run alongside the southern boundary. To the east of the site is Festival House, a substantial six storey, office building. The surrounding area comprises a mix of uses including residential blocks of flats, individual dwellings, retail and restaurants, large detached office blocks, surface public car parks and a primary school.
- 1.2 The site is located within the Core Commercial Area and Central Conservation Area; however it is within that part identified in the Conservation appraisals as suitable for exclusion from the Conservation Area. There are a number of grade II and grade II\* listed buildings within the vicinity of the site but not in direct view of the application site.
- 1.3 The applicant proposes the erection of six storey office development (B1) with A2/A3 use at ground floor together with roof plant, external cycle and bin stores, on-site parking, parking canopy structures and associated soft and hard landscaping across the site.
- 1.4 This application follows a pre-application submission; the advice and suggested improvements to the scheme incorporated broadly into the current proposals.
- 1.5 Planning permission was granted in 2012 for the erection of a similar, mixed use scheme of offices, retail and residential (ref 11/00545/FUL). There are obvious similarities between the two schemes in terms of layout, footprint, architectural treatment, glazing, stone cladding detail, bulk, mass and overall appearance.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

250 Metre Land Fill Boundary  
Conservation Area  
Core Commercial Area  
Flood Zone 2  
Residents Associations  
Smoke Control Order

### Relevant Planning History:

**10/00424/PREAPP CLO**

Development of New Mixed Use Scheme

**16/01177/PREAPP ALLOC**

Commercial office development

**00/00469/OUT 6th March 2008 UNDET**

5 storey office development with roof plant, central atrium and undercroft parking. Total car park spaces 59. (Outline)

**99/50620/FUL 4th September 2000 PER**

New 5 storey commercial headquarters

**11/00545/FUL 13th July 2012 PER**

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

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 2 Sequential approach to location of development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 5 Sustainable transport  
CP 6 Mixed use development  
CP 7 Design  
BE 1 Open space in conservation areas  
BE 20 Archaeological remains of local importance  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
NE 4 Contaminated land  
EM 1 Employment uses  
EM 2 Safeguarding of employment land  
RT 2 Retail development in the core commercial area  
RT 7 Retail development in out of centre locations  
UI 1 Development in flood zones  
UI 2 Development and flooding  
UI 3 Sustainable Drainage Systems  
UI 4 Maintenance strips for watercourses  
TP 1 Development and highway safety  
TP 6 Parking provision in development

### **Supplementary Planning Guidance/Documents**

Flooding and sustainable drainage systems (2003)  
Landscaping in new development (2004)  
Planning obligations (2003)  
Planning obligations: transport (2004)  
Public art (2004)  
Security and crime prevention (2003)  
Sustainable buildings (2003)  
Sustainable developments (2003)  
Travel plans (2003)  
Central conservation area: Lower High Street Character Area and Management Plan (July 2008)

### **National Guidance**

National Planning Policy Framework

## **4. CONSULTATIONS**

### **Cheltenham Civic Society**

*16th September 2016* - We welcome the contemporary approach. We think this is an appropriate design that will sit comfortably with the neighbouring buildings on Jessop Avenue.

### **Architects Panel**

*14<sup>th</sup> September 2016*

The panel had already commented on this scheme at a Pre-App presentation when the design was supported in principle. Comments and suggested refinements to the elevations were recommended. This new submission has picked up on the comments made and the panel felt the design was much improved.

#### Design Detail

The panel were shown a 1:200 scale model of the building which helped to explain the design very well. One aspect of the model that the panel liked but noted was not shown on the plans or elevations was the deep window reveals on the north elevation. The elevations do not show any shadow lines which gives the composition an unrealistically flat appearance. The strip window rhythm on the north elevation creates an interesting composition which would be enhanced if deeper reveals, similar to the main entrance screen, were provided. The entrance canopy looks too high.

Recommendation Support subject to minor detail amendments.

#### **Wales and West Utilities**

*26th August 2016* - Comments available to view in documents tab

#### **Gloucestershire Centre for Environmental Records**

*19th August 2016* - Report available to view in documents tab

#### **County Archaeology**

*15th August 2016* - Thank you for consulting me concerning the above planning application. I wish to make the following observations regarding the archaeological implications of this scheme.

I note that this planning application is supported by an archaeological desk-based assessment compiled by CgMs Consulting. This study confirms that there is some archaeological interest in the locality of the application site since prehistoric, Roman and medieval finds are known in the wider locality.

However, the assessment also identifies the presence on the application site of 2.5m - 3.5m of modern ground make-up, which would mask any archaeological remains which might be present. In addition, the assessment notes that the new building required for this development will be supported by piled foundations which would affect only a very small proportion of the site.

While the character of any archaeology present on this site is uncertain I agree with CgMs's view that the ground disturbances required for development on this site are unlikely to have a significant impact on any remains which may be present. Therefore, I recommend that no archaeological investigation or recording should be undertaken in connection with this planning application, and I have no further observations regarding this scheme.

#### **GCC Local Flood Authority (LLFA)**

*1st September 2016* - A flood risk assessment document has been referred to in the design and access statement for the above planning application, however I am unable to uncover/find it within the documents on the planning portal. Are you or anyone in your team able to assist? They have also alluded to modelling being carried out on the chosen drainage option, and potentially a drainage strategy, but I could not find these either.

At this moment in time, the application does not have sufficient information for me to determine the adequacy of the surface water management, and so given it is a full application I won't be recommending approval. The applicant has also failed to abide to Building Regulation H by proposing to discharge to the local sewer when a watercourse is located within meters of the development site. It could be the sewer discharges to the local watercourse, however such information has not been provided. Furthermore, I could not

uncover evidence to suggest the developer has permission to connect to the sewer they are proposing to discharge to.

*2nd September 2016* - I refer to the notice received by the Lead Local Flood Authority on the 11th August 2016 request a statutory consultee comment on the above proposal. The LLFA is a statutory consultee for surface water flood risk and surface water management. The LLFA's comments are as follows.

#### Surface water flood risk

The applicant has identified and appropriately addressed surface water flood risk posed to the site, and conforms to the requirements of the NPPF for risk posed to the site. Furthermore, the LLFA has no formal records of the site flooding due to surface water. The LLFA therefore considers the proposal to be at low risk from external sources of surface water.

#### Surface water management

The applicant has presented a comprehensive drainage strategy with all relevant and supporting documentation. The applicant has chosen to discharge the site's surface water at the maximum rate of the 1 in 100 year event, this is a significant improvement on the existing brownfield situation, and meets the local requirements. However, it is understood the rate has been increased by 1l/s to ensure blockages are avoided by using a 50mm orifice. While there are control structures that are capable of low flows without easily blocking, the higher rate is still a significant improvement on the current situation, and is therefore accepted by the LLFA. Nevertheless, during the detail design of the surface water drainage, it is advised the lower rate/low flow control devices are explored to prove additional betterment.

The applicant's drainage strategy meets the requirements of the NPPF, Non-statutory technical standards for sustainable drainage, and the Building Regulation H. Therefore, the LLFA considers the proposed drainage strategy acceptable.

#### LLFA Recommendation

Considering the above, the LLFA recommends **NO OBJECTION** to the proposal based on the Flood Risk Assessment (Document reference: CIV12459 FRA 01D) and subject to the following conditions:

Condition: No development approved by the permission shall be commenced until a Detailed Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy should be supported by modelling of the system to demonstrate it is technically feasible, along with a timetable for implementation and completion. If an alternative strategy or amendments are required, it must be submitted to and approved by the LPA. The Strategy 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 in the locality.

Condition: No development shall be put in to use/occupied until a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

NOTE 1: The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality; however pollution control is the responsibility of the Environment Agency

NOTE 2: Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

### **Land Drainage Officer**

*1st September 2016* - No objection in principle.

Subject to an appropriately designed SuDS scheme and account being taken of the conditions proposed by the Environment Agency and comments made by the Lead Local Flood Authority (GCC).

### **Heritage and Conservation**

*6th September 2016* - Further to: Site visit and application information.

Analysis of Site: The application site is situated between Festival House and the Waitrose Supermarket at the west end of Jessop Avenue. Planning permission was granted in 2012 for a new mixed use development on this site. This current application contains revised proposals for a commercial office development on the site, which whilst containing the same number of storeys and the same footprint, would allow a better use of the space. Comments: As was stated in the pre application comments the site at the end of Jessop Avenue is situated in the Lower High Street Character Area of the Central Conservation Area. It should be noted however that in this area there is little of apparent historic interest. In addition a map of Cheltenham's Central Conservation Area in 2007 states that the area around Jessop Avenue was proposed for removal from the conservation area; though this has not yet happened.

As such the proposed development at Jessop Avenue will have little impact on the historic environment.

Conservation and Heritage summary:

The proposed scheme will have a positive impact on this part of Cheltenham, whilst having a minimal impact on the historic environment.

Approval is recommended.

### **Tree Officer**

*31st August 2016* - The CBC Tree Section does not object to the overall thrust of this application. However there are a number of points which need clarification or addressing:

1) The 'car-port' to protect cars from honey dew and tree litter from CBC owned trees along Chelt Walk to the south: whilst such a car port will protect paint work etc., it is recommended that such a car port roof surface is made out of material which will not show up the dirt and is easily maintainable. During the months when such trees are in leaf, if this car port is not regularly cleaned of honey dew and falling leaves, flowers, seeds, twigs from the adjacent sycamore, it will develop a very messy appearance. Provision for maintenance and cleaning should be made.

2) Is any pruning of the overhanging branches of CBC trees along Chelt Walk to the south to be undertaken? Some pre-commencement pruning of such overhang to reduce such a perceived nuisance may be beneficial.

3) It is noted that there is a proposal to remove T18 shown on 'Tree retention, protection and removal plan' (drawing no 02) of July 2016. This is a street tree and as such is under the management/ownership of Gloucestershire Highways. Formal permission must be given by Glos Highway trees Officer prior to removal.

The proposal involves the removal of several trees-1-2 which are considered to be of reasonable quality. However, many of the trees and other vegetation to be removed (hedges, scrub etc.) are of limited quality or are not significant in this local environment. Provision is made for new tree planting which will improve the arboricultural fabric in a more formal manner-i.e. trees which will retain upright shape (and ultimately mirror other similar trees in adjacent buildings), have long flowering periods, autumn colour etc. are proposed as replacements (upright hornbeam and double flowering pear). These replacement trees are to be very large 4.5 metres + when they are to be planted. Provision must be made to ensure their establishment. Such large trees can take several years to successfully establish before they start to grow. To conclude, it is anticipated that there will be an overall net arboricultural canopy cover gain assuming all new planting is successful.

The no-dig construction within the Root Protection Area of these along Chelt Walk trees is acceptable and long term damage to the tree's condition is not anticipated. Shade cast by these trees to the south of the proposed building will only reach the first floor as demonstrated on the 'Cross section through 'no-dig' construction car park' (drawing no 04) of August 2016. It should be noted that this council will not likely remove/prune trees under its management should such trees begin to cast shade over/onto the adjacent buildings. It is intended to also use Witch Hazel (*Hamamelis mollis*) as a part of landscaping plants. This is an acid loving plant and does not grow in alkaline Cheltenham. As such an alternative species should be nominated.

Assuming the above points can be addressed successfully, please could the following planning conditions be used as a part of any permission to be granted:

TRE01C-Existing Trees to be retained.

TRE03B-Protective fencing-pre-commencement site meeting.

TRE05cNo service runs within the Root Protection Area.

TRE11-Approved Tree Protection Plan.

### **GCC Highways Planning Liaison Officer**

*29th September 2016 - Nos: 5919/PL02 Rev B, Transport Statement dated August 2016 and Interim Travel Plan dated August 2016.*

### Development Proposal

The proposed development as described above has been supported by a transport statement and travel plan in accordance with Planning Practice Guidance. The applicant has undertaken pre-application discussions with the highway authority to agree the scope of the transport statement which support has been given. The site has previously received planning permission (11/00545/FUL) for a mixed use scheme of office, residential, retail and ancillary uses with access onto Jessop Avenue along with adequate servicing areas. The principle of a mixed use development has already been established for this site. A contribution towards the sustainable transport strategy based on the SPG has been received by Gloucestershire County Council for £63,416.56 and £30,745.47 for the Travel Plan along with a £5000.00 monitoring fee.

I have reviewed the development proposal and have taken into consideration the significant changes in planning policy such as the National Planning Policy Framework and CIL Regulations. I have reviewed the supporting transport statement and do not consider that the obligations previously secured would meet the tests of a planning obligation or would be compliant with the CIL Regulations.

### Accessibility

The site is considered to be in an accessible location by the highway authority and Section 2 of the submitted transport statement details the existing pedestrian and cyclist facilities available within a reasonable distance from the site along with adequate public transport infrastructure.

### Access

The access serving the site has adequate emerging and forward visibility and also includes additional footway and service lay-by along the site frontage. The access is of sufficient width to accommodate the expected vehicles accessing the development. I do have concern over the planted area adjacent to the tactile crossing on the eastern side and will recommending a planning condition that this does not exceed 600m in height to ensure that adequate pedestrian/vehicle inter visibility is provided.

### Site Layout

The proposed site layout has been the subject of pre-application discussions and I am aware that to accommodate the turning of a 3 axle refuse vehicle 4 of the visitor parking spaces would need to be removed. I consider that this could be managed on site by a car park management plan to ensure that these vehicles can be accommodated. A 7.5 tonne box van can access turn and exit the site in a forward gear within the existing parking aisles and turning area.

### Parking

A total of 71 parking spaces are proposed on the site with 4 of these being reserved for visitors, 4 for disabled users and 2 for pool cars. I note that the Local Plan parking standards are outdated and that based on these levels a maximum of 142 spaces could be provided. The level of proposed car parking has been based on existing census data that shows that 52.3% travel to work by car. I consider that this is acceptable due to the sustainable transport modes available.

### Impact on adjacent transport network

An updated parking survey for displaced temporary car parking from the site has been undertaken within a 500m radius of the car park and has demonstrated that there is sufficient spare capacity for this to be accommodated. The displaced parking from the temporary car park can be accommodated either on street or in public car parks.

The existing use of the site as a temporary car park has been surveyed and generates an average of 96 vehicle trips in the morning accumulating to a maximum occupation of 134 spaces that dissipate over the afternoon and evening. The estimated trip generation from the proposed development has been based on the TRICS database and results in 44 two way trips in the AM peak hour and 43 two way trips in the PM peak hour. The estimated vehicle trip generation from the development will be significantly lower in the morning period and higher in the afternoon evening although it is not considered to be significant to warrant further junction capacity assessment.

The proposed retail units equate to 492msq and are not considered to generate a significant volume of traffic that would require additional assessment given that the units are quite small and are likely to be occupied by a coffee shop etc. It is anticipated that the majority of trips to the retail units either by vehicle or sustainable transport mode would be pass-by from the existing commercial and residential developments.

### Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.



It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

### Recommendation

I am satisfied that the proposed development has demonstrated safe and suitable access and that the opportunities for sustainable transport modes have been taken up. I do not consider that the residual cumulative impact of the development is severe.

I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-.

1. Prior to occupation of the proposed development the access, lay-by and footway improvement works to the west of the access shall be completed in accordance with the approved drawing No. 5919/PL02 Rev B.

Reason: To ensure that safe and suitable access is provided to serve the proposed development in accordance with Paragraph 32 of the NPPF.

2. The building(s) hereby permitted shall not be occupied until the vehicular parking, turning loading/unloading facilities have been provided in accordance with the submitted plan 5919/PL02 Rev B, and those facilities shall be maintained available for those purposes thereafter.

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 the National Planning Policy Framework.

3. The approved Travel Plan 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 National Planning Policy Framework.

4. 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 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

Reason:- To reduce potential highway impact by ensuring that adequate pedestrian 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 the National Planning Policy Framework.

5. Prior to occupation of the development a car park management plan for the accommodation of service vehicles shall be submitted to and agreed in writing by the Local Planning Authority and once approved adhered to for the duration of use.

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 the National Planning Policy Framework.

### **Environmental Health**

*8th September 2016* - In relation to application 16/01417/FUL for the land to the south side of Jessop Avenue, Cheltenham, Gloucestershire, Environmental Health would request the following conditions:

Condition:

In the future should the ground floor of the premises be an A3 use, a scheme for the control of noise and odour from the kitchen air extraction system shall be submitted to the environmental health department of the Local Planning Authority and approved in writing before the commencement of the development. The approved odour and noise control scheme shall be implemented on site prior to the extraction system being brought into use and shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To prevent neighbouring properties from loss of amenity through noise or odour.

Advisory note: Such a system should be designed specifically for the purposes of this site, and have regard for the advice contained in the DEFRA guidance document: Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems. This document is available from Defra's website: <http://www.defra.gov.uk/publications/2011/03/25/odour-noise-kitchen-exhaust-pb10527/>

Advisory:

For the construction phase to be kept within the times of work as follows: 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays with no noisy work on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.

### **Environment Agency**

*30th August 2016* - Thank you for referring the above application which was received on 11 August 2016. The Environment Agency has no objections, in principle, to the proposed development but wishes to make the following comments and recommends that if planning permission is granted the following planning conditions are imposed:

The site is located within Flood Zone 2 (Medium Risk) as shown on our Flood Map for Planning and defined in Table 1 of sub-section 25 within the Flood and Coastal Change section of the National Planning Practice Guidance (NPPG).

The proposed use is defined as less vulnerable and is therefore deemed as appropriate at this location as defined in Table 3 of sub-section 25 within the Flood and Coastal Change section of NPPG.

It is noted that a Flood Risk Assessment (FRA) has not been submitted with this current application. However it is noted that a satisfactory FRA was submitted with the previous application (your ref 11/00545/FUL) and we can confirm that the information contained within this is still relevant from a flood risk perspective.

Within the aforementioned document proposed finished floor levels were proposed at 56.0m AOD(N) which is still considered appropriate and would also maintain sufficient freeboard in relation to the new climate change allowances published earlier in the year.

The majority of the site boundary lies outside of the 8 metre easement that we require for maintenance access to the River Chelt, a main river.

In conclusion we have no objections to the application subject to the following condition being attached to any permission granted:

### **CONDITION:**

There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of the River Chelt along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

## REASON:

To maintain access to the watercourse for maintenance or improvements to the existing Flood Alleviation Scheme and provide for overland flood flows.

I trust the above will assist in your determination of the application. Please do not hesitate to contact me if you have any queries. A copy of the subsequent decision notice would be appreciated.

## **Strategic Land Use Team**

*23rd August 2016 - The site*

The application site is a flat, cleared parcel of land located to the south of Jessop Avenue in Cheltenham Town Centre. Jessop Avenue is a cul-de-sac which terminates adjacent to the application site and then takes the form of a pedestrian square leading to the Waitrose store and its car park. Pedestrian links from the Waitrose store connect into the Honeybourne Line cycle and footway which passes to the south of the application site beyond the tree lined River Chelt. The application site itself occupies a cleared area and is currently used as a temporary private car park; it can therefore be considered as brownfield land.

## Planning History

During 2010-2011 proposals were submitted for a mixed-use development on the site including B1 office space, A2 and A3 retail with café and 7 residential penthouse apartments. Planning permission was granted in 2012 (ref 11/00545/FUL) but the development stalled and was never built.

The proposals submitted as part of this application appear to follow a similar character to the 2012 scheme in terms of position, height, massing, and design.

## Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. Therefore, in considering this application for office and retail development, the following must be considered:

- o The saved policies of the Cheltenham Borough Local Plan (CLP) Second Review 2006, which comprise the adopted development plan, and;
- o Relevant material considerations which include:
- o National Planning Policy Framework (NPPF)
- o National Planning Practice Guidance (nPPG)
- o The emerging Joint Core Strategy (JCS) and its evidence base.

The primary issues arising from this development proposal relate to the provision of new B1 /A2 office floorspace and new A3 retail floorspace within the Core Commercial Area of Cheltenham Town Centre. These are considered below within the context of sustainability.

## Sustainability credentials

### NPPF

The NPPF states that "at the heart of the national planning policy framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking"

The three dimensions stated for sustainable development are:

- o Economic - to support growth, investment and development

- o Social - supporting communities and providing housing with accessible local services
- o Environmental - protecting and enhancing our natural, built and historic environment
- o Paragraphs 17 & 111 state that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed.

### JCS

The following is relevant:-

#### Policy SD1: Presumption in Favour of Sustainable Development

The policy recognises that sustainable development is about positive growth and making economic, environmental and social progress for this and future generations. It helps provide a clear framework to guide development that creates positive, sustainable growth, thus enabling proposals that accord with the JCS strategy overall. The policy is considered to be at the heart of the decision-making process.

### CLP

The fundamental issue of sustainability is picked up by a number of core policies in the Cheltenham Borough Local Plan (2006), namely:-

- o CP1 Sustainable Development
- o CP2 Sequential Approach to location of development
- o CP3 Sustainable Environment
- o CP4 Safe and Sustainable Living
- o CP5: Sustainable Transport
- o CP6 Mixed use development
- o CP7 Design

All these policies recognise the importance of sustainable development and reflect the lead provided by national policy and guidance at the time, namely:-

- o Effective protection of the environment
- o Prudent use of natural resources
- o Social progress which meets the need of everyone
- o Maintenance of high and stable levels of economic growth and employment

Though national policy has moved on since these 4 key principles were established, CLP policy still offers consistency with the sustainability dimensions of the NPPF.

Economic Development through the provision of B1 /A2 office and A3 retail floorspace

The primary use within the proposed development is offices, with a small amount of retail being introduced onto the ground floor.

### NPPF

The following paragraphs are relevant:-

- o Paragraph 17 considers the support of economic growth and development as a core requirement of the NPPF.
- o Paragraphs 18 - 21 reiterate this point and require Local Planning Authorities to "proactively meet the development needs of business and support an economy fit for the 21st Century."
- o Paragraph 23 seeks to ensure the vitality of town centres by promoting different use types, including offices, and prioritise such sites.
- o Paragraphs 160 & 161 require Local Planning Authorities to review and respond to business needs and ensure the needs for economic development are met.

## JCS

The following are relevant and would permit the proposal as submitted:-

- o Policy SD2: Employment

This policy supports employment-related development including major office development within the key urban area of Cheltenham.

- o Policy SD3: Retail hierarchy

This policy supports retail development according to the strict hierarchy set out in national guidance. At the top of the hierarchy (and therefore the most favoured location in the JCS) is the Key Urban Area of Cheltenham.

## CLP

The following are relevant and would permit the proposal as submitted:

- o Policy EM1: Employment uses

The policy offers in principle support to new employment uses including as part of mixed use development.

- o Policy RT1: Location of retail development

The policy offers in principle support to retail development subject to application of the sequential test.

- o Policy RT2: Retail development in the core commercial area

The policy permits retail development in the Core Commercial Area subject to meeting criteria on scale, net loss of public parking, and provision of servicing.

## Other Policy Considerations

### Conservation Area

The site is currently included within the Cheltenham Central Conservation Area but is part of an area that has been designated for removal from the Conservation Area since 2007. A forthcoming boundary review is expected to formalise the removal process owing to the fact that the area does not have the same historic character as the rest of Central Cheltenham and does not contribute to the character or appearance of the wider Conservation Area.

A Heritage Environment Impact Assessment has been undertaken to show that these proposals are appropriate and will positively enhance the area.

### Flooding

The development site lies adjacent to a watercourse (the River Chelt) and is partially located within Flood Zone 2 i.e. at medium risk of flooding according to nationally defined criteria.

A Flood Consequence Assessment has been undertaken and confirms that the sequential test has been applied. It concludes that offices / retail (less vulnerable development) would not be at an unsatisfactory level of flood risk at this location.

### Availability of similar premises

The Council's evidence base shows that there remains a quantitative and qualitative shortage of viable employment land within the Borough.

The Cheltenham Economic Strategy: Developing Cheltenham as a business location study (January 2015) identified, through stakeholder engagement, that there is a sustained demand for office and business accommodation across the Borough and that stock is under stress with a constant and longstanding loss of office sites. In addition to identifying issues surrounding ageing stock which no longer meet modern business needs, agents highlighted a deficit in premises or sites which could accommodate over 1,000sq.m.

## Conclusion

It is considered that office-based employment development on this prime site on the edge of the town centre is acceptable in land use terms and reflects the sustainability aspirations of both national and local planning policy. The retail element of the scheme, though small, conforms with the principles of the sequential test in terms of locational preferences.

The overall scheme closely follows the principles of the previously consented application on this site (ref 11/00545/FUL) and will help realise the potential of under-utilised brown field land whilst adding vibrancy to an area of continued regeneration, securing significant investment and sought-after employment uses.

The development is in accordance with the aforementioned policies of the adopted CLP (2006), the emerging JCS, and the NPPF, and is therefore considered acceptable in principle. In particular, the scheme fits with the NPPF's key dimension to support growth, investment and development.

## **Historic England**

*1st September 2016* - Thank you for your letter of 11 August 2016 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

## Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

## **Contaminated Land Officer**

*8th September 2016* - In relation to application 16/01417/FUL for the land on the south side of Jessop Avenue, Cheltenham, Gloucestershire for the contaminated land matters this department has reviewed the ground investigation report. All recommendations made in this report for the precautions and remedial actions should be adhered to by the developers.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>89</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

### **5.1 Comments Received**

- 5.2** The application was publicised by way of site notices within the vicinity of the site, a notice in the paper and letters to 89 neighbouring properties. No responses have been received in response to the consultation exercise.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- the principle of the redevelopment of the site for mixed use office/retail
- the design, mass, scale and layout of the proposed development
- Impact on character and appearance of conservation area
- impact on neighbour amenity in terms of overlooking, noise and disturbance
- site access, on-site parking provision, loss of existing car parking and highway safety generally
- impact on existing trees along the rear boundary of the site
- potential for flood risk
- contrast/similarities between the approved scheme for the site and current proposal
- any change in local and national planning policy or other circumstances since 2012

### 6.2 Policy Considerations

**6.3** The relevant policy documents for consideration are the Cheltenham Borough Local Plan (adopted 2006), the NPPF, NPPG and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS). The JCS is currently undergoing public examination and although a material consideration the weight that can be afforded to the plan and its individual policies will be guided by levels of support and objection attributed to it as the JCS progresses through to its adoption.

**6.4** The NPPF came into force in 2012 but post-dates the consented scheme. At paragraph 14 the NPPF states that "*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking...*". The three core components for achieving sustainable development are economic (to support growth, investment and development), social (supporting communities) and environmental (protecting and enhancing our natural, built and historic environment). Paragraphs 17 and 111 state that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed.

**6.5** Paragraph 17 considers the support of economic growth and development as a core requirement of the NPPF. Paragraphs 18-21 reiterate this point and require Local Planning Authorities to "*proactively meet the development needs of business and support an economy fit for the 21st Century.*" Paragraph 23 seeks to ensure the vitality of town centres by promoting different use types, including offices, and prioritise such sites and paragraphs 160-161 require Local Planning Authorities to review and respond to business needs and ensure the needs for economic development are met.

**6.6** Where local plan policies are not considered to be up-to-date, the NPPF advises that, with the presumption in favour of sustainable development (unless material consideration indicate otherwise) permission should be granted unless any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework.

- 6.7** Similarly Policy SD1 of the JCS recognises that sustainable development is about positive growth and making economic, environmental and social progress for this and future generations. It helps provide a clear framework to guide development that creates positive, sustainable growth, thus enabling proposals that accord with the JCS strategy overall. The policy is considered to be at the heart of the decision-making process. Policies SD2 (employment) and SD3 (retail hierarchy) are also relevant and would permit the proposed development.
- 6.8** There has been no change in Local Plan Policy since 2012; policies EM1 (employment uses), RT1 (retail uses) and RT2 (retail development in the Core Commercial Area) are still relevant and support the proposed development.
- 6.9** The application site itself occupies a cleared area and is currently used as a temporary private car park; it can therefore be considered as brownfield land.

## **6.10 Design and layout**

- 6.11** The proposed development is a revision to an approved mixed use scheme accommodated in one building for B1 offices, 7 residential apartments and Class A2 and A3 retail units (ref 11/00545/FUL); this permission being extant. The principle of the redevelopment of this brownfield site for B1 office use has therefore been established.
- 6.12** In similarity with the previously approved scheme the current proposal is a highly significant development proposal within the Core Commercial Area of the town centre. It will bring significant benefits to the town economically and offer noticeable enhancements to townscape and to the character and appearance of the wider conservation area.
- 6.13** A detailed Design and Access Statement accompanies the application in addition to a 3D model and various photomontages. In design terms, it is a well thought through proposal and where possible, the high quality and interesting architectural features of the previous scheme have been incorporated successfully into the revised proposals. In design terms it succeeds in standing out as a landmark piece of architecture which should successfully attract a headquarters operation.
- 6.14** The footprint, form, scale and design concept of the proposed development share many similarities with the approved scheme. Many of the good architectural features of the previous scheme have been carried over, notably the stone clad front façade and interesting fenestration pattern and full height glazing screen which wraps around the corner of the building. However, a more linear form replaces the sweeping curved end of the building.
- 6.15** The key differences with the current proposal relate to an increase in overall provision of floor space, an increase in B1 office use and removal of the residential element. Retail use (A2/3) is retained on the ground floor although it is not yet confirmed whether the A3/café use would be available to the public in addition to the office users but is assumed that this will be the case; the end user is unknown. It would certainly be beneficial to allow public use of the ground floor since this would provide visual interest and increase activity at street level thereby encouraging further use of the existing plaza area to the side of Waitrose.
- 6.16** There are two ground entrances to the building; the principal entrance from Jessop Avenue under a canopy and a rear, secondary entrance for the office use which links the



car park with the central reception. There are two other openings shown on the front elevation to the left of the main entrance for the ground floor retail uses, although the subdivision of the internal space is not shown (presumably dependent on the end user/s). The general layout of the remainder of the building is arranged with a central core and lifts which serve all six floors. Service facilities are provided at the rear and side of the building with refuse and cycle stores located within the car park area. The overall scale of the building is six storeys with roof plant; the upper floor set back from the principal elevation and providing an external terrace.

- 6.17** In terms of bulk and mass, the current proposals are less broken up than the previous scheme and are more rectangular in form. That said, the set back at sixth floor and the contrast in materials and the solid to void ratio on all elevations are successful in providing sufficient relief and visual interest and the result is an aesthetically pleasing building. The scale and appearance of the building will relate well to that of Festival House and Jessop House to the east, successfully completing this group of large office buildings within the Core Commercial Area.
- 6.18** In contrast with the approved scheme, the proposed building is set slightly further forward on the plot and with the curved end not reinstated. There is therefore less frontage space to the building and less distance between the front elevation and the side elevation (and water feature) of the Waitrose supermarket. This repositioning on the plot will result in a little more shading of the plaza area but the benefits generally of adding footfall, visual interest and vibrancy to this underused plaza area outweigh any concerns in this regard. It is accepted that to achieve the additional office floor space requirements of the end user and adequate parking provision at the rear, there is no viable alternative solution to the layout.
- 6.19** An informal external seating area is shown at the front of the building, incorporating soft landscaping and planters. Should this need to be extended and modified to form part of any café/restaurant, details would need to be submitted to the Council for approval. At pre-application stage it was suggested that an external seating area would be better designed into the scheme rather than 'added' on at a later stage. Nonetheless, any future proposals would need to include appropriate treatment of fenestration and external boundary treatment/containment 'added' on at a later stage.
- 6.20** Whilst the curved end elevation of the approved scheme allowed for 'softer' long distance views of the building along Jessop Avenue and from within the Conservation Area, the current proposals still create a successful transition between Festival House and the new building. Given that the proposed side elevation will be exposed when viewed along Jessop Avenue, there has been careful attention to the architectural treatment of this end elevation to avoid a service/back of house appearance and large expanses of masonry wall; the solid to void ratio well balanced on all elevations. Following pre-application advice, more opportunity has been made of wrapping the glazing around the corner of the building, introducing a set back at the sixth floor and altering the parapet detail.
- 6.21** The external materials proposed are of high quality with large areas of 'capless' glass curtain walling broken up by ceramic and limestone rainscreen cladding and a feature, natural stone clad front façade. The Design and Access Statement refers specifically to the glass walling system which *will give a minimal silicon joint and allow the glass to read as a homogenous element*. Opaque glass spandrel panels are used to mask internal wall lines or structure and will also form the pilasters around the ground floor retail units. An aluminium brise soleil detail is also added to the front elevation. The window pattern on the front elevation within the stone façade is varied but has a rectilinear emphasis which breaks up an otherwise dominant horizontal feel. The south facing elevation is different in character in response to the site characteristics at the rear and has a more horizontal fenestration pattern but again broken up effectively by the solid masonry clad central rear wing.

**6.22** The application is also accompanied by a tree survey, tree protection plan and method statement alongside a detailed hard and soft landscaping proposal. All landscaping, hard surfacing materials are considered acceptable and relate well to the contemporary design approach and site context. The general setting of the building and front external area will offer an addition to the public square adjacent to the Waitrose store. It is considered that this new defined area should result in a more welcoming space, increase footfall and maintain views up and down Jessop Avenue.

**6.23** In similarity with the previous scheme, the overall design of this building has been commended by officers, statutory consultees and amenity societies who support the quality of the architecture and conclude that a contemporary approach is an appropriate design solution for this site.

**6.24** The Architects' Panel commented on the scheme at pre-application stage and suggested refinements to the elevations, the majority of which have been incorporated into the final design. Consequently, the Panel considers the design was much improved but would however, benefit from deeper window reveals on the north elevation. The Panel note that the elevations drawings do not show any shadow lines which gives the composition an unrealistically flat appearance. The strip window rhythm on the north elevation creates an interesting composition which would be enhanced if deeper reveals, similar to the main entrance screen, were provided. The applicant has considered whether it is feasible to incorporate the Panel's suggestion, consequently, a detailed section drawing of a typical window plan has been submitted which shows a minimum window reveal of 150mm on the front façade.

**6.25** The Civic Society welcomes the contemporary approach to the design which it considers will sit comfortably with the neighbouring buildings on Jessop Avenue.

**6.26** The Conservation Officer refers to this part of the Lower High Street Character Appraisal Area of the Central Conservation Area as having little historic interest and has been proposed to be removed from the conservation area. In summary, the proposed development will have minimal impact on the historic environment and should enhance the character and appearance of the area.

**6.27** In light of all the above, the Council considers that the proposed development will amount to a stand out and land mark piece of architecture and consequently will make a positive and significant townscape contribution. As such, the objective of Policy CP7 of the Local Plan which requires development to achieve a high standard of design is clearly satisfied.

#### **6.28 Impact on neighbouring property**

**6.29** There have been no letters of objection received from neighbouring commercial properties or residential properties in St Georges Road. The dense, mature trees to the rear of the site and along the River Chelt 'green corridor' will provide substantial screening from the properties to the south in St Georges Road. The elevated position of these predominately three storey properties in relation to the application site minimises the impact of a six storey office building, effectively reducing it to a four storey building. Given the distances between dwellings in St Georges Road and the application site (some 90 metres) and the established vegetation, the effects on privacy (and loss of views) should therefore be minimal.

**6.30** For the above reasons, the proposed development adheres to Policy CP4 of the Local Plan.

#### **6.31 Access and highway issues**

- 6.32** A detailed Transport Assessment and Interim Travel Plan have been submitted in support of the application in accordance with National Planning Practice Guidance. The applicant also undertook pre-application discussions with GCC Highways and a contribution towards the sustainable transport strategy of the Council's SPG has been received by the County Council in respect of the previous scheme.
- 6.33** The Highways officer considers the proposed access and service lay-by at the front of the site acceptable with adequate emerging and forward visibility and width of carriageway. There are some reservations about the planted area adjacent to the tactile crossing on the eastern side of the main access which could impede inter pedestrian/vehicular visibility. As such a condition is recommended to ensure that the height of any vegetation does not exceed 600mm.
- 6.34** As with the previous scheme the constraints of the proposed layout result in a 3 axle refuse vehicle having to turn into four visitor parking spaces in order to exit the site in a forward gear. GCC Highways agree that this could be managed on site by a car park management plan and a condition has been added requiring the submission and approval of such a plan.
- 6.35** A total of 71 parking spaces are provided on site for the proposed office use. Local Plan parking standards are now out of date and whilst this policy would suggest a provision of 142 spaces, the proposed level of parking has been based on existing census data that demonstrates that 52% of employees travel to work by car. On this basis GCC consider the proposed parking numbers acceptable. In comparison with the existing use of the site as a car park, the estimated trip generation from the proposed development is estimated to be significantly lower in the morning peak period but higher in the afternoon although it is not considered to be significant to warrant further junction capacity assessment.
- 6.36** Given the loss of existing private car parking spaces, the applicant has undertaken an updated parking survey for the displaced parking covering a 500m radius of the site. It has been demonstrated that there is sufficient capacity within existing and emerging/extended public car parks and on street to accommodate the displaced parking. For example, one of the nearest public car parks at Synagogue Lane/Chelt Walk is currently being extended by approximately 44 spaces (albeit this is for a temporary period of 5 years).
- 6.37** In light of the above, GCC do not consider the residual cumulative impact of the proposals severe and recommend that no highway objection be raised subject to a number of conditions relating to the new access, car park management and proposed Travel Plan.

### **6.38 Other considerations**

#### **6.39 Tree Protection**

- 6.40** The Council's Trees Officer does not object to the general principles and merits of the proposed development but has sought clarification on a number of matters relating to existing CBC owned trees adjacent to the site along Chelt Walk.
- 6.41** The proposed car port/canopies are intended to protect parked cars from honey dew and tree litter from the trees; these structures recommended by the Trees Officer at pre-application stage. Clarification was sought in regard to the materials to be used for the roof of the car ports in order to ease their long term maintenance. The car park canopies will need to be regularly cleared of debris to maintain a satisfactory appearance and as such a Proposed Maintenance Strategy for Rear Boundary Car Canopy Structures (and

bin and cycle enclosures) has been submitted by the applicant as shown on Drawing No 5919/PL12 rev A. A condition has also been added to ensure that the car canopies and other external area/buildings are maintained in accordance with the approved strategy.

**6.42** There has been careful consideration of the potential need for pruning of overhanging branches of CBC trees prior to commencement of development and discussions between the Council and applicant are on-going but not problematic.

**6.43** The majority of trees and vegetation proposed to be removed are of limited quality and the new planting and replacement trees will be an improvement visually. Assuming that all replacement trees successfully establish, there will be a net gain of canopy cover.

**6.44** Flood Risk

**6.45** The application site is located within Flood Zone 2 (medium flood risk). The proposed use is identified by the Environment Agency (EA) as less vulnerable and therefore appropriate at this location.

**6.46** Although an updated Flood Risk Assessment (FRA) has not been submitted with the current application, the FRA in support of the previous application was considered satisfactory and the information contained within it still relevant. As such there are no objections raised subject to a condition restricting development within 8 metres of the bank of the River Chelt.

**6.47** Similarly, the Lead Local Flood Authority (LLFA) concludes that the applicant has identified and addressed surface water flood risk in relation to the site and confirms that there are no formal records of the application site flooding from external sources of surface water. A comprehensive drainage strategy has been submitted by the applicant and this demonstrates a significant improvement on the existing brownfield situation. However, at the detailed design stage the LLFA would like the applicant to explore fully a lower rate/low flow control devices for additional betterment.

**6.48** No objection is raised based on the FRA and submitted information. A detailed drainage strategy will need to be submitted and approved prior to commencement of development.

**6.49** Sequential Test for Flood Risk

**6.50** Paragraph 100 of the NPPF advises that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.....using opportunities offered by new development to reduce the causes and impacts of flooding”.

**6.51** The NPPF (and supplementary Planning Practice Guidance) requires Local Plans and the decision making process to take account of climate change by applying the Sequential Test to steer new development to areas with lowest probability of flooding (Flood Zone 1); previous national policy guidance on the sequential approach to development forming the basis of policies UI1 and UI2 of the Cheltenham Borough Council Local Plan related to development and flooding (paragraph 13.20 of supporting text).

**6.52** Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with lower probability of flooding. If this is not possible then the Exception Test can be applied (dependant on vulnerability of land use), where it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, having undertaken both strategic and site specific flood risk assessments. In any event, the Council must be satisfied that the development will not increase flood risk elsewhere and where possible reduce flood risk overall.

- 6.53** In accordance with the above guidance, the applicant has carried out a Sequential Test for an office led mixed use development which updates the sequential test submitted with the previous scheme. A borough wide catchment has been applied rather than confining the search to the Core Commercial Area/town centre. In accordance with the relevant guidance, sites of similar size, form and character have been assessed for their potential.
- 6.54** Given the extant planning permission for an office-led mixed use scheme the applicant contends that the site is already deemed appropriate and available for redevelopment and it would be difficult to find an alternative site which is both reasonably available and appropriate in an area of lower flood risk. That said, six alternative sites have been considered but all are either not currently available, in a sequentially less sustainable and economic location, would involve costly demolition works or there are too many uncertainties in relation to short term development potential. The sites identified include the former Premier Products site in Bouncers Lane, Coronation Square, North Place and Hatherley Lane.
- 6.55** In light of the above the Council concurs broadly with the applicant's findings and considers the applicant's Sequential Test a fair assessment of alternative sites in areas of lower flood risk.
- 6.56** Given that the proposed use falls within a less vulnerable category of development and given the site's location within Flood Zone 2, the Exception Test is not required.
- 6.57** Public Art Contribution
- 6.58** In considering design quality, the NPPF (para 58) states that "*Planning ... decisions should aim to ensure that developments...optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks...*". The NPPG (ref id 26-019-20140306) provides a little detail on what a well-designed public space should achieve indicating that spaces should be lively. It goes on to say "*...Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using.*"
- 6.59** A scheme for public art in respect of the previous planning consent was secured via a s106 Agreement. Before this consent went into abeyance, it is understood that an artist had been commissioned to undertake the work and some progress had been made developing one option for an off-site piece of sculpture.
- 6.60** The Council has had further discussions with the applicants who are interested in continuing with the public art element. This is an important, land mark building and its setting and vitality would be enhanced by the addition of public art. In response, a Public Art Statement and Schedule of Works has been submitted by the applicant following broadly the provisions of the previous s106 relating to the public art scheme. Its full implementation and provision (either on or off site) within six months of completion of the proposed development will be secured by way of a planning condition.
- 6.61** It is anticipated that the public art piece will be installed on land between Waitrose and the new building with public access at all times. The applicant has agreed to commission the design, fabrication, installation and long term maintenance of the public art and will be responsible for all associated costs. The applicant will also agree with the Council a process for engagement with the Public Art Panel and the community.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 The proposed development is a revision to an approved (extant) office-led, mixed use scheme accommodated in one building. The footprint, form, scale and design concept of the proposed development share many similarities with the approved scheme and many of the high quality architectural features of the previous scheme have been carried over, notably the stone clad front façade and interesting fenestration pattern. The Council considers that the proposed development will therefore amount to a stand out and land mark piece of architecture and consequently will make a positive and significant townscape contribution. As such, the objectives of Policy CP7 of the Local Plan which requires development to achieve a high standard of design are clearly satisfied.
- 7.2 There are no highway safety concerns and the potential harm to the amenities of occupiers of neighbouring properties should be minimal.
- 7.3 There are no concerns in relation to flood risk or the long term impact on CBC owned trees.
- 7.4 For all the above reasons it is recommended that planning permission be granted subject to the following conditions.

## 8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of three 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 the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details (and samples where requested) which shall have been submitted to and approved in writing by the Local Planning Authority:

1. external windows and doors (including materials, finish and colour, reveals, cills, curtain wall glazing systems, opaque glazing and opening mechanisms)
2. front entrance and canopy detail
3. eaves, verges, soffits and parapets
4. rainwater goods and any other external pipework
5. all external cladding including stone facade
6. aluminium louvres
7. railings, balconies, glass balustrading and hand rail treatments
8. any extract vents and flues and extraction/air conditioning equipment installed externally.
9. roof plant, roof structures/enclosures and lift overrun
10. visitor/customer cycle stands
11. retaining wall along east boundary
12. photovoltaic panels
13. brise soleil

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 (where necessary and/or requested). The scheme shall be implemented strictly in accordance with the approved details.

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to Policies CP3 and CP 7 of the Cheltenham Borough Local Plan (adopted 2006), section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Good Practice Advice (note 2).

- 4 No external facing or roofing materials shall be applied unless in accordance with
- a) a written specification of the materials; and
  - b) physical sample/s of the materials,
- the details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 5 No external facing materials shall be applied until 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. The scheme shall be implemented strictly in accordance with the approved details.

Reason: To ensure that the stone facade is sympathetic to the existing render work on adjacent properties and to preserve the character and appearance of the Central Conservation Area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006) and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Good Practice Advice (note 2).

- 6 All soft and hard landscaping works shall be carried out in accordance with the approved details as shown on Drawing No 1677-16-03 (received 5th August 2016). The works shall be carried out prior to the 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 to be first approved in writing by the Local Planning Authority. Reason: To ensure that the planting becomes established, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (2006).

- 7 Prior to commencement of the development hereby approved the following information shall be submitted to and approved in writing by the Local Planning Authority:
- (i) a full site survey showing:
    - a) the datum used to calibrate the site levels
    - b) levels along all site boundaries at regular intervals
    - c) levels across the site at regular intervals
    - d) finished floor levels or other datum of adjacent buildings
    - e) cross section drawings clearly showing existing ground levels in relationship with the finished floor and eaves levels at adjacent buildings
  - (ii) full details showing:
    - a) the proposed finished floor level of all buildings and ground levels including hard surfaces
    - b) cross section drawings showing the proposed finished floor and eaves levels of all buildings and ground levels including hard surfaces
- The development shall be implemented in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: It is important to clarify the height of the development in relation to existing levels and structures both on and off site. The information is necessary to allow the impact of the development to be accurately assessed.

- 8 Prior to first occupation of the development hereby approved, the access, lay-by and footway improvement works to the east of the access shall be completed in full and in accordance with drawing No. 5919/PL02 Rev B received 5th August 2016.

Reason: To ensure that safe and suitable access is provided to serve the proposed development in accordance with Policy TP1 of the Local Plan (2006) and Paragraph 32 of the NPPF.

- 9 The building(s) hereby permitted shall not be occupied until the vehicular parking, turning, loading/unloading facilities have been provided in full and in accordance with Drawing No. 519/PL02 Rev B received 5th August 2016, and those facilities shall be maintained available for those purposes thereafter.

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 Policy TP1 of the Local Plan (2006) and Paragraph 32 of the NPPF.

- 10 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 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

Reason: To reduce potential highway impact by ensuring that adequate pedestrian 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 Policy TP1 of the Local Plan (2006) and the National Planning Policy Framework.

- 11 Prior to first occupation of the development hereby approved a car park management plan for the accommodation of service vehicles within the site shall be submitted to and agreed in writing by the Local Planning Authority and once approved adhered to for the duration of the use.

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 the National Planning Policy Framework and Policy TP1 of the Local Plan (2006).

- 12 The submitted Travel Plan (Interim Travel Plan dated August 2016) received 5th August 2016 shall be implemented in accordance with the details and timetable therein, and shall be continued and adhered to 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 Policy CP5 of the Local Plan (2006) and paragraphs 32 and 36 of the National Planning Policy Framework.

- 13 The development hereby approved shall not be occupied unless covered bicycle storage has been provided in accordance with the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times.



Reason: To ensure adequate provision and availability of cycle parking, having regard to Policy TP 6 of the Cheltenham Borough Local Plan (2006).

- 14 No demolition or construction shall commence on site until a demolition/construction management plan has been submitted to and approved in writing by the Local Planning Authority. The demolition/construction plan shall include measures to control noise, dust, vibration and other nuisance during the demolition/construction phase. The Statement shall also provide details 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) a scheme for recycling/disposing of waste resulting from demolition and construction works.
  - f) staff compound/site offices

No demolition or construction shall be carried out unless in accordance with the approved demolition/construction plan.

Reason: To safeguard the amenities of the area, having regard to Policy CP4 of the Cheltenham Borough Local Plan (2006). This information is necessary before work starts for the same reason.

- 15 No demolition or construction works shall be carried out outside the following hours:

Monday to Friday - 07:30 to 18:00 hours  
Saturday - 08:00 to 13:00 hours

No such works shall be carried out on Sundays, Public or Bank Holidays.

Reason: To safeguard the amenities of the area, having regard to Policy CP4 of the Cheltenham Borough Local Plan (2006).

- 16 Should the ground floor of the building be used for A3 purposes, full details of the means of ventilation and extraction for the dispersal of cooking smells/fumes, including details of its method of construction, odour control measures and noise levels, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the A3 use hereby permitted commences on site and shall be retained as such at all times.

Reason: To safeguard the amenity of adjoining properties and the general locality, having regard to Policy CP4 of the Cheltenham Borough Local Plan (2006). Approval is required upfront because without proper mitigation the use could have an unacceptable environmental impact on the area.

- 17 Prior to the commencement of development, other than that necessary to comply with the requirements of this condition, the recommendations, remediation measures and corresponding engineering recommendations of the submitted Cotswold Geotech Ground Investigation report (received 5th August 2016) which are necessary to bring the site to a condition suitable for the intended use shall be implemented in full. 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. This information is required upfront to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, future occupiers and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.

- 18 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and development shall be halted on that part of the site affected by the unexpected contamination. An investigation and risk assessment must then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and a remediation scheme, where necessary, also submitted. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before development can recommence on the part of the site identified as having unexpected contamination.

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.

- 19 No development shall commence on site (other than site preparation and demolition works) until a detailed Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy should be supported by modelling of the system to demonstrate it is technically feasible, along with a timetable for implementation and completion. If an alternative strategy or amendments are subsequently required during the course of construction, it must be submitted to and approved in writing by the Local Planning Authority. The drainage strategy for the site shall be carried out in full and 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, having regard to Policy UI3 of the Cheltenham Borough Local Plan (2006). Approval is required upfront because any works on site could have implications for drainage in the locality.

- 20 A SuDS maintenance plan for all SuDS/attenuation features and associated pipework shall be submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full prior to first use/occupation of the development hereby approved and in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and preventing the risk of flooding, having regard to Policy UI3 of the Cheltenham Borough Local Plan (2006).

- 21 There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of the River Chelt along the boundary of the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance or improvements to the existing Flood Alleviation Scheme and provide for overland flood flows in accordance with Policy UI4 of the Local Plan (2006).

- 22 All trees and planting 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 Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

- 23 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) 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.

- 24 All service runs shall fall outside the Root Protection Area(s) shown on the approved drawings, unless otherwise first agreed in writing by the Local Planning Authority. Any such works shall be carried out in accordance with the National Joint Utilities Group; Volume 4 (2007) (or any standard that reproduces or replaces this standard).

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 25 The works hereby approved shall not be carried out unless in accordance with the approved Tree Protection Plan. The measures set out in the Tree Protection Plan shall remain in place until the completion of the construction.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

- 26 The development shall not be first occupied until details of any external lighting proposed including lighting fixed to facing walls and that within the parking area has been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed and operated in strict accordance with the approved details.

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, having regard to Policy CP4 of the Local Plan.

- 27 Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall be constructed and thereafter maintained in accordance with the Proposed Maintenance Strategy for Bin and Cycle Enclosures and Rear Boundary Car Canopy Structures as detailed on Drawing No 5919/PL12 rev A received 17th October 2016.

Reason: In the interests of the character and appearance of the locality, having regard to Policy CP7 of the Local Plan (2006).

- 28 A piece of public art shall be provided and installed in accordance with the Public Art Statement and Schedule of Works submitted by the applicant on 18th October 2016. Unless otherwise agreed in writing by the Local Planning Authority, the proposed public art shall be fully installed and provided within six months of first occupation of the proposed development/office use and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: To allow provision of public art in accordance with Local Plan Policy CP7 (2006).

- 29 A schedule of measures to be taken to deter seagulls from nesting on the property shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be installed and implemented prior to first occupation of the use(s) hereby approved and maintained on site thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the amenities of residents, having regard to Policy CP4 of the Cheltenham Borough Local Plan (2006).

## INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 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.

- 2 Any kitchen air extraction system should be designed specifically for the purposes of this site, and have regard to the advice contained in the DEFRA guidance document: Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems. This document is available from Defra's website: <http://www.defra.gov.uk/publications/2011/03/25/odour-noise-kitchen-exhaust-pb10527/>

### Approved Plans

Reference	Type	Received	Notes
5919/01 A.	OS Extract	5th August 2016	
5919/PL03 REV F.	Drawing	5th August 2016	
5919/PL04 REV F.	Drawing	5th August 2016	
5919/PL05 REV F.	Drawing	5th August 2016	
5919/PL06 REV F.	Drawing	5th August 2016	
5919/PL07 REV F.	Drawing	5th August 2016	
5919/PL08 REV F.	Drawing	5th August 2016	
5919/PL09 REV F.	Drawing	5th August 2016	
5919/PL10 REV C.	Drawing	5th August 2016	
5919/PL11.	Drawing	5th August 2016	

5919/PL12 rev A	Drawing	17 <sup>th</sup> October 2016	
1677-16-02.	Drawing	5th August 2016	
1677-16-03.	Drawing	5th August 2016	
1677-16-04.	Drawing	5th August 2016	
5919 PL 13	Drawing	17 <sup>th</sup> October 2016	

**CASE OFFICER:** Mrs Lucy White

**AUTHORISING OFFICER:** Martin Chandler

**DATE:** 19/10/16