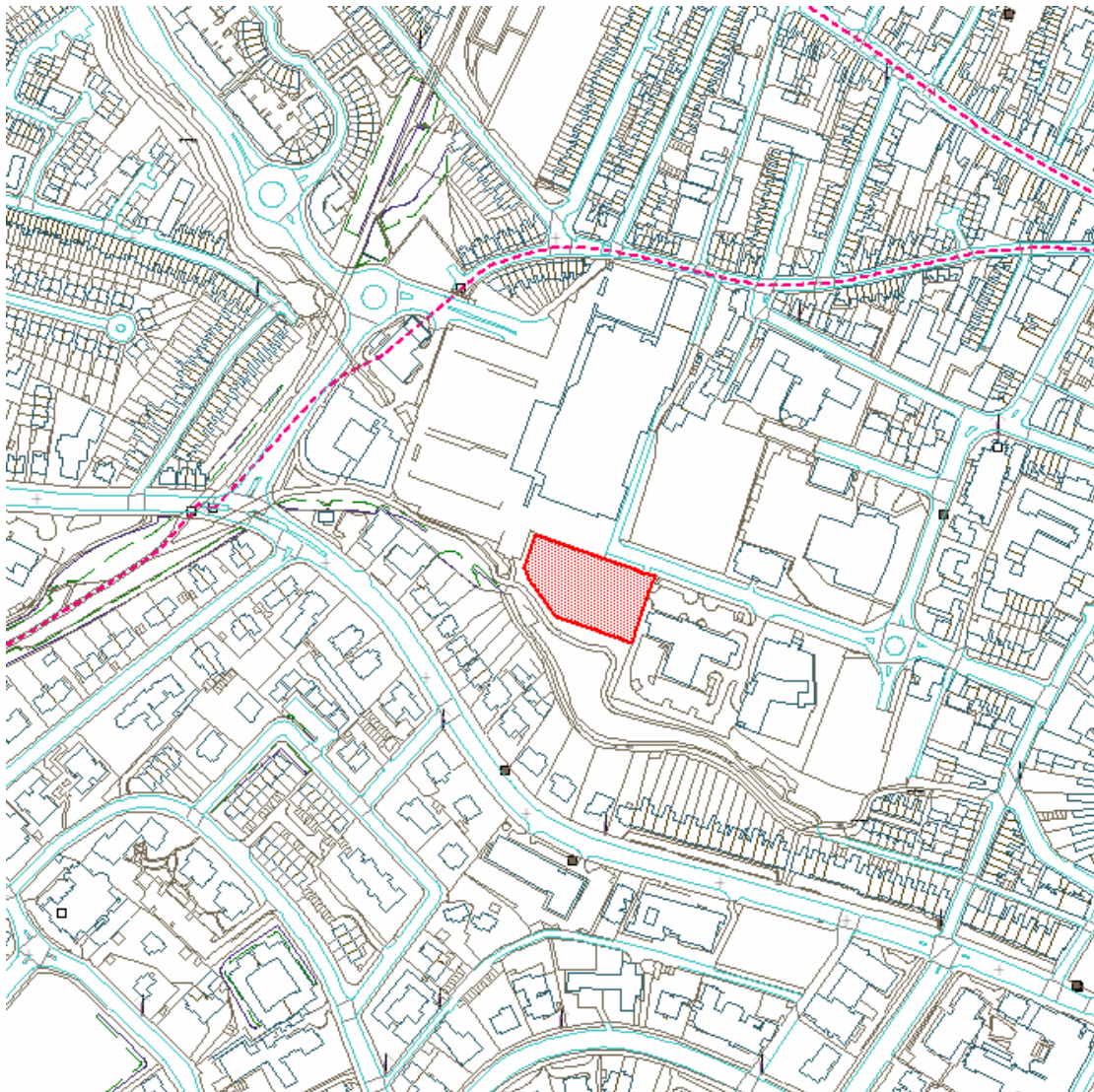


<b>APPLICATION NO:</b> 11/00545/FUL		<b>OFFICER:</b> Mr Ian Crohill
<b>DATE REGISTERED:</b> 20th April 2011		<b>DATE OF EXPIRY:</b> 20th July 2011
<b>WARD:</b> Lansdown		<b>PARISH:</b> None
<b>APPLICANT:</b>	Eastnor Property Holdings Ltd	
<b>AGENT:</b>	D K Planning And Development Ltd	
<b>LOCATION:</b>	Land On South Side Of Jessop Avenue, Cheltenham	
<b>PROPOSAL:</b>	Mixed use development comprising of office, retail, residential and ancillary use	

**RECOMMENDATION:** Permit subject to a 106 Obligation



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## 1. DESCRIPTION OF SITE AND PROPOSAL

1.1 The planning application proposes the creation of a mixed use development in a single building to accommodate the following uses, the application has been submitted as a detailed scheme with a full range of supporting documentation, including a Design and Access Statement, Planning Statement, Historic Impact Assessment, Travel plan, Food Risk Assessment and Archaeological Assessment.

1.2 The Proposed Uses:

1. Class B1 office space of 3,410 sq m (36,705 sq ft)
2. 7 residential apartments (6 x 2-bed and one 3 bed penthouses)
3. Class A2 and A3 retail units (4 units totalling 585 sq m (2,960 sq ft))
4. A Café of 140 sq m (1,500 sq ft)
5. A Gym of 180 sq m (1,938 sq ft)
6. A Crèche of 95 sq m (1,020 sq ft)

1.3 In addition to the above, there is also provision for plant and services, circulation and cores, toilets, main reception and waiting area. The total gross external floor space of the proposed building, refuse/recycling store, cycle store, roof plant and substation amounts to some 6,986 sq m.

1.4 Externally, the proposals include a landscaping scheme, refuse/recycling store, substation, cycle and motorcycle parking as well as car parking spaces for 76 cars (including space for 2 small pool cars with electric charging points).

1.5 The application proposes a landmark building positioned towards the northern boundary of the site with car parking/servicing to the rear. It faces towards the existing Waitrose Store and would provide a southern edge to the pedestrian square adjacent to the Waitrose water feature.

1.6 Whilst the building is six storeys high; however the upper storey does not fully occupy the space created by the storey below – the remainder is a sedum roof. The upper storey is also recessed from the edges of the building to provide private external spaces for the 7 apartments. The building has, therefore, a stepped appearance on its western side.

1.7 The appearance of the building is overtly contemporary, the main feature being an almost full height curved glass wall to the north elevation. The remainder of the building is clad with natural limestone stone and includes a varied pattern of windows on the north elevation to counterbalance the glass wall. The rear of the building has a different appearance with ribbon windows in dark grey metal cladding set behind horizontal bands of *brise soleil*. The upper residential storey is shown to be clad in grey terracotta planks with full height windows, integrated opening lights and glazed screens.

1.8 Pedestrian access to the building is principally gained off Jessop Avenue and the square although a further access is provided at the rear directly off the parking area. The ground floor accommodates the two entrances, four retail units with access directly onto the square; the central core with reception, other services and office space. The first floor is principally office space with a private crèche and a private gym overlooking the square. The second floor is again principally office space with a café. The third and fourth floors are entirely office spaces whilst the fifth floor is solely residential.

1.9 Vehicular access is to be provided off Jessop Avenue to some 74 car parking spaces at the side and rear of the building, as well as circulation/turning space for deliveries and refuse collection. In addition, space for 33 cycles will be provided within a secure compound as well as visitor cycle parking hoops near the main entrance.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

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

### **Relevant Planning History:**

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

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

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

New 5 storey commercial headquarters

## 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  
CP 8 Provision of necessary infrastructure and facilities  
PR 1 Land allocated for housing development  
BE 1 Open space in conservation areas  
BE 2 Residential character in conservation areas  
BE 5 Boundary enclosures in conservation areas  
EM 2 Safeguarding of employment land  
HS 1 Housing development  
HS 2 Housing Density  
HS 4 Affordable Housing  
RT 1 Location of retail development  
RT 2 Retail development in the core commercial area  
RC 6 Play space in residential development  
UI 2 Development and flooding  
UI 3 Sustainable Drainage Systems  
UI 7 Renewable energy  
TP 1 Development and highway safety  
TP 2 Highway Standards  
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)  
Play space in residential development (2003)  
Public art (2004)  
Security and crime prevention (2003)  
Sustainable buildings (2003)  
Sustainable developments (2003)  
Travel plans (2003)

Planning Policy Guidance/Statements

PPS 3: Housing  
PPS 4: Planning for sustainable economic growth  
PPS 5: Planning for the historic environment  
PPG 13: Transport  
PPS 25: Development and Flood Risk

## 4. CONSULTATIONS

### **Cheltenham Civic Society 9th June 2011**

This is a suitable site for development, though we are not sure about the viability of the retail element. In this area, there are a number of modern buildings of varying quality. We have no quarrel with the substantial scale of the proposal, and hope it will become one of the better buildings in the area. We like the glass-fronted part, but do not like the flying canopy linking this part to the remainder of the building, or the fact that the two halves have such different styles. We would prefer a unified approach preferably using the glass throughout.

### **Heritage and Conservation 30th June 2011**

1. In many respects the principle of developing this current car parking area is welcomed, because a building in this location will prevent the open space "leaking" away.
2. I am concerned about the loss of space at the front of this building and the non-alignment of this building with adjacent buildings. However I also recognise the large and important trees at the rear of the site which need space around them.
3. So in summary, in my opinion the form, mass and architectural treatment is acceptable, although I have concerns about the proposed location of the building on the site.
4. However on balance and given the modern developments surrounding this site, I consider it to be acceptable.

CONCLUSION APPROVE

### **Contaminated Land Officer 11th May 2011**

Standard Contaminated Land Planning Condition

Unless otherwise agreed by the Local Planning Authority, development shall not commence on site until the following condition has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination until section iv) has been complied with in relation to that contamination.

#### i) Site characterisation

A site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written

report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report must include;

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to;
  - human health
  - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
  - adjoining land
  - ecological systems
  - groundwaters and surface water
  - archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'

ii) Submission of a remediation scheme

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be produced and will be subject to the approval of the Local Planning Authority prior to implementation. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

iii) Implementation of approved remediation scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the development, other than that required to carry out remediation. Following completion of measures identified in any approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the Local Planning Authority.

iv) Reporting of unexpected contamination

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 immediately in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with section i) and a remediation scheme submitted in accordance with section ii). Following completion of measures identified in the approved remediation scheme, a verification report must be produced in accordance with section iii).

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.

**Tree Officer 1st June 2011**

The tree section has no objections to this application providing the following;

- Drawing no 07 Rev A-Tree Pit Details needs updating to state that all 6 maintenance visits will fall between 1st March and 31st October (or allow for additional 2 visits in this time

period) as this is when watering is most important, watering and pruning is not required when the trees are dormant.

Providing this is amended I'm happy with the rest and therefore can the following conditions be attached to the decision:

i. TRE03B Protective fencing

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.

ii. TRE04B No fires within RPA

iii. TRE05B No service runs within RPA

iv. TRE06B No-dig construction methods within RPA

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. 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.

v. TRE08B Arboricultural monitoring

**Housing Standards Officer 12th May 2011**

With regard to the residential portion of this proposal I have no fundamental objection

**County Archaeology 17th May 2011**

Archaeological implications

In connection with the above planning application I wish to make the following observations.

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 buildings 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. Therefore, I recommend that no further archaeological

investigation or recording should be undertaken in connection with this planning application, and I have no further observations.

#### **Architects Panel 9th June 2011**

1. Observations on Presentation: Extensive and thorough assessment and presentation.
2. Principle of Development: Good to see some mixed use, but still, is so much speculative office space needed - could the housing mix be increased?
3. Quality of Design: Proportions, scale and massing generally acceptable in a modern idiom, but concern over the way the massing of the block turns its back on the southerly aspect overlooking the river Chelt and the backs of the St Georges Road buildings with a very 'slabby' look. The Jessop Avenue canopy and post also seems an unnecessary, heavy addition.
4. Summary: The St Georges Road aspect needs more consideration. An opportunity to incorporate renewables has not been taken.
5. Recommendation: Approve with some appropriate redesign.

#### **Landscape Architect 9th June 2011**

##### Drawing 01 Rev D Proposed Landscape Layout

- Tree grilles collect litter. Suggest using bound gravel instead. Colour to be decided by landscape architect.

##### Drawing 02 Rev B Proposed Roof Terrace Layout

- How will the proposed hedge be maintained, given that access to it is restricted by the height of the fence/balustrade?
- Could the fence/balustrade be next to the sedum roof, with the planter for the hedge on the deck side, to give the advantage of greenery next to the deck

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>151</b>
Total comments received	<b>16</b>
Number of objections	<b>15</b>
Number of supporting	<b>0</b>
General comment	<b>1</b>

- 5.1. In addition to the letters sent to occupiers of neighbouring and nearby properties, receipt of the application was the subject of an advertisement in the Local newspaper and one was posted on site. A summary and analysis of the representations received as a result of the publicity given to the application appears within Section 6, Officer Comments, below.

## **6. OFFICER COMMENTS**

To follow

## **7. CONCLUSION AND RECOMMENDATION**

Permit subject to S106 agreement.