

REFERENCE:	10/00252/FUL
SITE:	Former Woodward International, Hatherley Lane
PROPOSAL:	Proposed mixed use development comprising 7,608 sq m of class B1 office space and 6,919 sq m of class A1 food store, petrol filling station, ancillary uses and associated works
RECOMMENDATION:	Permit subject to the provisions of the required planning obligations under Section 106

A petition in favour of the proposed development was received by the Council on 18 June 2010. There are 136 signatures on the petition from various locations within the borough, but predominantly from within The Reddings. Members have been provided with a copy of this petition. Other letters are also circulated with this update. No new issues have been raised in this correspondence.

The attached email from Peacock and Smith was received this morning. We will provide a response to this in Thursday's blue update.

A signed copy of the Unilateral Undertaking has been received from the applicant. This document sets out the timings for the sustainable transport contributions and also the public art contribution.

The document has been reviewed by the County Council, who have concerns about requirements for bonding or other financial security arrangements in connection with the performance of the undertaking. If Committee resolves to approve the scheme, there will be further discussions between the parties to achieve an undertaking that is satisfactory from the County's point of view. Only then would the permission be issued.

It is recommended that **planning permission be granted** for the proposed mixed use development, subject to confirmation in due course that the undertaking is in an acceptable form and subject to the following suggested conditions;

Conditions

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261).
- 2 Prior to the commencement of development, an annotated elevation and samples of all external materials and finishes (including all windows and external doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

- 3 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.
- 4 Prior to the commencement of development, full details, including details of the hard and soft landscaping, for the layout of the central 'hub' area, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved.

Reason: To ensure a high quality setting for the development in accordance with the objectives of Local Plan policy CP7.
- 5 All boundary planting, as indicated on the Macgregor Smith landscape phasing drawing (drawing number 948-008) received by the Local Planning Authority on 26 March 2010, shall be completed to the satisfaction of the Local Planning Authority within twelve months of the granting of this planning permission.

Reason: In order to provide a satisfactory setting for the new development and to protect the amenity of neighbouring dwellings, in accordance with Local Plan policies CP4 and CP7.
- 6 Prior to the commencement of development, full details of the proposed landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.
- 7 The trees to be planted within the car parking area for the food store shall be planted in accordance with correspondence received from the applicant dated 6 May 2010. The trees shall consist of three Oak trees and two Ash trees and these shall be planted prior to the occupation of the food store hereby approved.

Prior to the commencement of development, full details of the proposed planting specifications, including increases to the size of the tree pits, and the means of decontaminating existing soil to a level suitable for the planting of these trees, shall be submitted to and approved in writing by the Local Planning Authority. The trees shall be planted in accordance with the specifications so approved.

A management plan for the maintenance of these trees shall be submitted to and approved in writing by the Local Planning Authority. This management plan shall cover a minimum period of 10 years and in the event that any of these trees become damaged, dangerous, diseased or dying throughout this time the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action, to be agreed in writing, shall be implemented no later than the next available planting season. (November - February).

Reason: To ensure a satisfactory setting for this development in accordance with Local Plan policy CP7.

- 8 Prior to the commencement of development, full details of the proposed means of enclosure to the service delivery yard shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with correspondence received by the Local Planning Authority from the applicant dated 6 May 2010 and the development shall be implemented strictly in accordance with the details so approved. The development shall be maintained thereafter as such.

Reason: To protect the amenity of neighbouring properties in accordance with Local Plan policy CP4.

- 9 Prior to the occupation of the food store hereby approved, full details of all roof mounted plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the acoustic data provided in ANV report of February 2010 and the guidance in BS 4142 and the development shall be implemented strictly in accordance with the details so approved.

Reason: To protect residents of local property from loss of amenity due to noise from roof mounted plant in accordance with Local Plan policy CP4.

- 10 Prior to the commencement of development, full details of the loading bay cover shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the acoustic data provided in ANV report of February 2010 and the guidance in BS 4142.

Reason: To protect residents of local property from loss of amenity due to noise from loading bay operations in accordance with Local Plan policy CP4.

- 11 Prior to the occupation of the food store hereby approved, a noise management scheme to control noise generated by activities within the loading bay area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to control noise from all sources involved with the loading bay area, including: Vehicle movements, use of chiller units on vehicles, handling of cages, use of dock levellers and lifts, voices of staff, and vehicle radios and the development shall be carried out in accordance with these measures for the duration of the development.

Reason: To protect residents of local property from loss of amenity due to noise in accordance with Local Plan policy CP4.

- 12 Prior to the commencement of development, a scheme for controlling the effects of noise, dust and other nuisances resulting from on site construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with these details.

Reason: To protect residents of local property from loss of amenity due to noise and other nuisances from construction works in accordance with Local Plan policy CP4.

- 13 Prior to the commencement of development, all methods for piling foundations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the methods so approved.
Reason: To protect residents of local property from loss of amenity due to noise and other nuisances from construction works using piled foundations in accordance with Local Plan policy CP4.
- 14 Prior to the occupation of the food store hereby approved, the design of the kitchen extraction system shall be submitted to and approved in writing by the Local Planning Authority. The extraction system shall be designed to meet the needs of the volume of cooking and type of food being prepared and the discharge of the system shall be positioned at least 1.5 m above the eaves of the building and discharge vertically upwards without a cap, cowl or other restriction. The development shall be implemented strictly in accordance with the details so approved.
Reason: To protect residents of local property from loss of amenity due to odours from the kitchen air extraction system in accordance with Local Plan policy CP4.
- 15 All paths, parking areas and other forms of hard landscaping that fall within the Root Protection Area of the protected Oak Tree shall be constructed using a no-dig method. 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.
- 16 No works shall commence on site until full details of the site access have been submitted to and approved by the Local Planning Authority. The access shall then be completed in all respects in accordance with those details before the development is brought into use and shall be maintained as such thereafter.
Reason: In the interests of highway safety in accordance with policy TP1 of the Cheltenham Borough Local Plan (Adopted 2006)
- 17 Prior to the beneficial occupation of the development hereby approved, the access road shall be surfaced in bituminous macadam or other approved material for at least the first 50.0 metres from the exiting carriageway edge and thereafter similarly maintained.
Reason: To prevent loose material being carried onto the highway in the interests of highway safety in accordance with policy TP1 of the Cheltenham Borough Local Plan (Adopted 2006)
- 18 Prior to the beneficial occupation of each aspect of the development hereby approved, the car parking shall be provided in accordance with the submitted plan for that part of the development, and shall be retained available for the parking of vehicles associated with that part of the development thereafter.

Reason: In the interests of highway safety in accordance with policy TP1 of the Cheltenham Borough Local Plan (Adopted 2006)

- 19 No works shall commence on site until full details of the pedestrian link from the development to the existing Public Right of Way network (CH/10/1) have been submitted to and approved by the Local Planning Authority. The details shall include the means of closing the pedestrian link in the event of unacceptable levels of anti-social behaviour. The link shall then be completed in all respects in accordance with those details before the development is brought into use and shall be maintained as such thereafter.

Reason: To encourage trips to the site by a means of transport measures in accordance with the Government's declared aims towards sustainable development.

- 20 No works shall commence on site until full details of secure, covered and well located cycle storage for the retail use and the offices have been submitted to and approved in writing by the Local Planning Authority. The cycle facilities shall then be completed in all respects in accordance with those details before the development is brought into use and shall be maintained as such thereafter.

Reason: To encourage trips to the site by a means of transport measures in accordance with the Government's declared aims towards sustainable development.

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- 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, and
- wheel washing facilities

Reason: In the interests of highway safety in accordance with policy TP1 of the Cheltenham Borough Local Plan (Adopted 2006)

- 22 In accordance with correspondence received from the applicant by the Local Planning Authority on 15 April 2010, the access road from the public highway to unit 9 (the westernmost office unit) shall be constructed within 18 months of the commencement of development.

Reason: The land on which unit 9 is located is currently inaccessible from the public highway and is therefore effectively land-locked. The access road, and the land this access subsequently releases, is an integral element of this mixed use proposal when assessed against Local Plan Policy EM2.

- 23 In accordance with correspondence received from the applicant by the Local Planning Authority on 15 April 2010, prior to the occupation of any of the office floorspace hereby approved, the construction of units 1 - 3 or 15 -17 shall be completed to the satisfaction of the Local Planning Authority. These units shall be made available for the use of small businesses in perpetuity.
Reason: To meet an identified need for small business uses within the borough.
- 24 Prior to the commencement of development, full details of a scheme to switch of lights C16, C17 and C18, identified on drawing number LS18383/3 (Drawing title: Initial Illuminance Levels) received by the Local Planning Authority on 26 March 2010, between the hours of 2300 - 0700hrs. The development shall be implemented strictly in accordance with this scheme and maintained thereafter as such.
Reason: To safeguard the amenity of neighbouring residents in accordance with policy CP4 of the Cheltenham Borough Local Plan (Adopted 2006).
- 25 The development shall achieve a BREEAM rating of 'Very Good'. Prior to the occupation of each use within the development, full details of how this rating is to be achieved shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In accordance with Local Plan policy CP1 and policy EC10.2 of Planning Policy Statement 4, it is important that the development successfully considers the principles of sustainable development and limits carbon dioxide emissions and minimises vulnerability and provide resilience to climate change.
- 26 Prior to the commencement of development, the surface water drainage system shall be designed in accordance with the principles of Sustainable Drainage Systems (SUDS). This shall include a maintenance strategy and full details (including calculations) shall be submitted to and approved by the Local Planning Authority. Prior to the first occupation of any part of the development, the surface water drainage system shall be completed in all respects in accordance with the details approved and shall be retained as such thereafter.
Reason: To ensure the surface water drainage system does not contribute to flooding or pollution of the watercourse in accordance with Local Plan Policy UI3 relating to sustainable drainage systems.
- 27 No more than 40% of the total net sales area of 3876sq.m. shall be used for the sale of comparison goods.
Reason: To control the mix of convenience and comparison goods sold within the food store in accordance with the advice contained within policy EC19 of PPS4.
- 28 Prior to the commencement of development, a detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the boundary walls, fences or other means of enclosure shall be erected before the development hereby permitted is first occupied.
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policy CP7 relating to design.

- 29 The maximum floorspace provided for each of the ancillary uses hereby approved shall be; small crèche (Use Class D1) 200 sq. metres; small gymnasium (Use Class D2) 280 sq. metres; and small surgery/consulting rooms (Use Class D1) 280 sq. metres.
Reason: To ensure that the uses proposed are ancillary to the principal uses of the site.
- 30 Details of intended remedial measures to protect site end-users from potential residual soil contamination risks in landscaped areas of the site shall be submitted to the Local Planning Authority and agreed in writing prior to works commencing on site.
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.
- 31 Appropriate hydrocarbon gas protection measures shall be incorporated into the foundation slabs of all proposed buildings on site, in accordance with recommendations outlined in the site validation reports. The membrane should span the cavity between interior and exterior walls and have sealed joins and be sealed around all service ducts. It should be covered by a quality assurance procedure.
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.
- 32 If unexpected contamination is found when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and a remediation scheme submitted and approved in writing by the Local Planning Authority prior to works re-commencing on that part of the site affected.
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.
- 33 The proposed car parking for the B1 element of the development hereby permitted shall be in accordance with the standards outlined within Table 4.2 of the submitted Transport Assessment dated February 2010.
Reason: To prevent additional car parking coming forward, over and above that approved as part of the agreed Transport Assessment

- 34 Prior to the first occupation of the Use Class B1 development, a comprehensive Travel Plan for the development hereby permitted, in accordance with the Framework Travel Plan reference E091-DOC8 FTP (B1 Business) – Issue 3, and dated 27 April 2010, will be agreed and implemented. The acceptability of the Travel Plan shall be agreed in writing by the Local Planning Authority and Local Highway Authority, following consultation with the Highways Agency on behalf of the Secretary of State for Transport.

Reason: To ensure that the proposed development is linked to a Travel Plan of adequate quality in that it works to mitigating the impact of the proposal on the Strategic Road Network.

- 35 Prior to the first occupation of the use class A1 development, a comprehensive Travel Plan for the development hereby permitted, in accordance with the Framework Travel Plan reference E091-DOC9 TP (ASDA) – Issue 3, dated 27 April 2010, will be agreed and implemented. The acceptability of the Travel Plan shall be agreed in writing by the Local Planning Authority and Local Highway Authority, following consultation with the Highways Agency on behalf of the Secretary of State for Transport.

Reason: To ensure that the proposed development is linked to a Travel Plan of adequate quality in that it works to mitigating the impact of the proposal on the Strategic Road Network.

INFORMATIVES

- 1 The proposed development has been tested against the following national and local policies;

Planning Policy Statement 1: Delivering sustainable development;
Planning Policy Statement 4: Planning for sustainable economic growth;
Planning Policy Guidance Note 13: Transport;

Policies CP1, CP2, CP3, CP4, CP5, CP6, CP7, NE4, GE5, GE6, EM1, EM2, RT1, UI2, UI3, TP1, TP2, TP3, and TP6 of the Cheltenham Borough Local Plan (Adopted 2006)

It is accepted that local plan policy RT7 (Retail development in out of centre locations) states that retail development outside defined shopping areas will only be permitted where a need for the additional floor space has been demonstrated, but, importantly, the more recent advice contained within PPS4, no longer requires need to be demonstrated when considering applications for retail development.

The development has been considered against the impact assessments outlined within PPS4, and the proposed mixed use development complies with the objectives of the advice contained within PPS4.