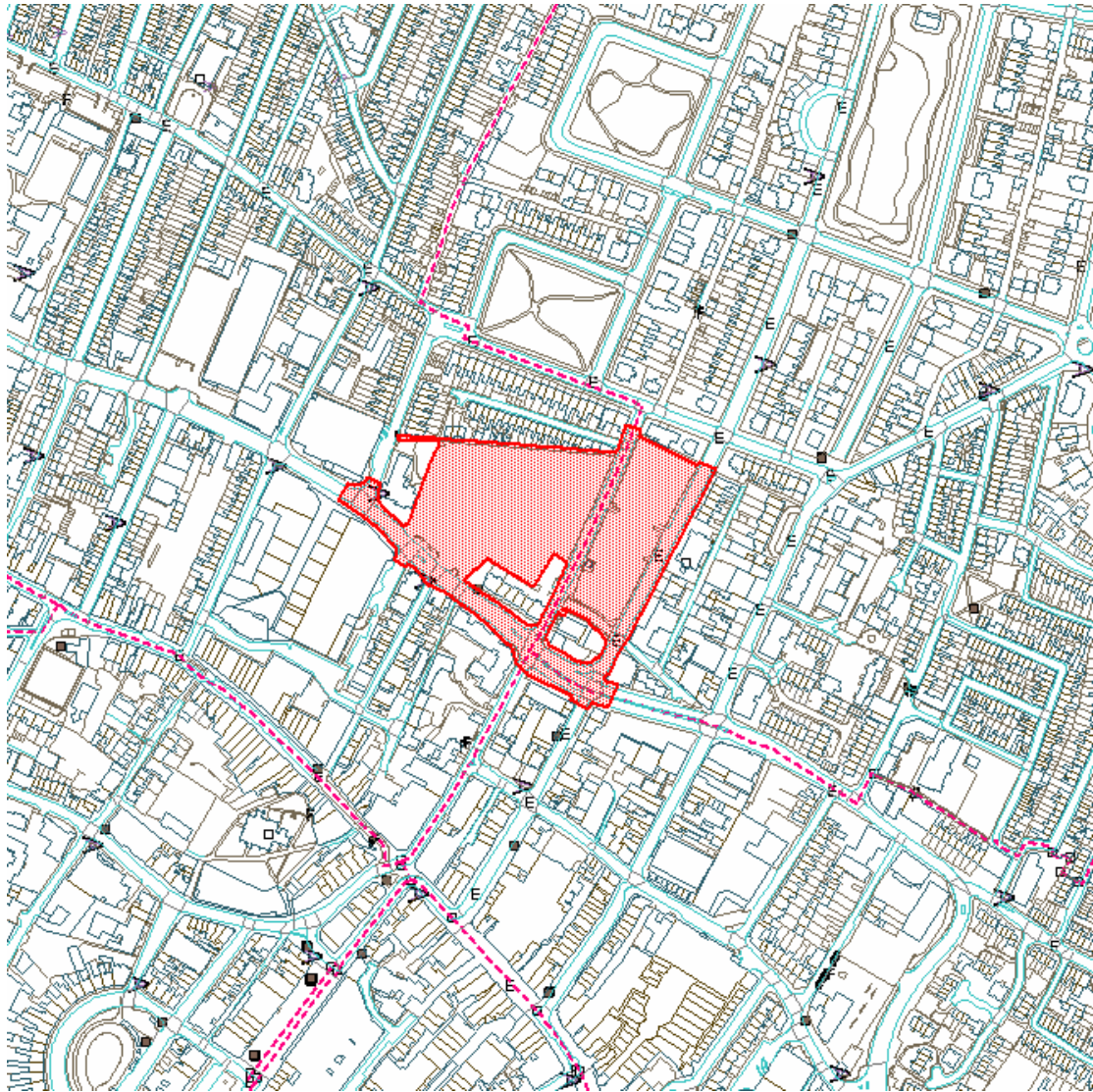


<b>APPLICATION NO:</b> 13/01500/CONDIT	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 2nd September 2013	<b>DATE OF EXPIRY:</b> 28th October 2013
<b>WARD:</b> St Pauls	<b>PARISH:</b> None
<b>APPLICANT:</b> Mr John Henley	
<b>AGENT:</b>	
<b>LOCATION:</b> Car Park, North Place, Cheltenham	
<b>PROPOSAL:</b>	Variation of condition 28 on planning permission ref: 12/01612/FUL - Insert word 'Superstructure' after the words "Prior to the commencement of" at the start of the condition

**RECOMMENDATION:** Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## 1. DESCRIPTION OF SITE AND PROPOSAL

1.1 The application proposes the amendment of condition 28 of the original planning permission. For ease of reference, this condition required the following;

1.2 *Prior to the commencement of works on the food store and multi storey car park hereby approved, the design and details including materials, finishes and colour of the following shall be submitted to and approved in writing by the Local Planning Authority:*

1. *All windows including heads, cills and reveals (including timber panels where appropriate) sample window, and proposed method of opening;*
2. *All external doors including heads, thresholds and reveals and any door canopies;*
3. *Soffit of the projecting first floor area, above east entrance to the foodstore;*
4. *Atrium roof of foodstore including eaves and soffit of projecting eaves;*
5. *All parapet roof details including copings;*
6. *All roof eaves and soffits to any roof projections;*
7. *Clock in clock tower and roof edge detail to clock tower;*
8. *Cycle store adjacent to clock tower including cycle store roof;*
9. *Plant enclosure screens to foodstore;*
10. *Delivery yard canopy including edge details and any structural supports;*

*The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:10 together with full size cross section profiles (where appropriate). The works shall thereafter be implemented strictly in accordance with the agreed details.*

*Reason: To ensure a satisfactory form of development in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design.*

1.3 The applicant proposes to amend this condition to allow certain ground works to commence on site before providing this additional information.

1.4 The application is before committee as the Borough Council still own the land in question

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Core Commercial Area  
Residents Associations  
Smoke Control Order

### **Relevant Planning History:**

**12/01612/FUL 16th August 2013 OBL106**

Erection of a mixed use development comprising; 5,792sqm (gross external floor space) of class A1 food store, 739sqm (gross) of class A1 shops and 19sqm (gross) of class A2 within atrium space and 336sqm (gross) of class A3 (customer restaurant); multi-storey car park providing 634 spaces over 5 floors (300 spaces for public use and 334 spaces for food

store customers); 143 no. residential units within a mix of 1, 2, 3, and 4 bedroom houses and flats, (57 units to be affordable) with associated 143 car parking spaces at ground and basement level; creation of new public open spaces; provision of new parking bays for buses and erection of a passenger information kiosk and waiting room; associated other operations to facilitate the mixed use development including alterations to and from the existing highway for vehicular, pedestrian and cycle access. All following the demolition of existing buildings and other built structures on the site.

**12/01612/CAC 16th August 2013 GRANT**

Demolition of existing buildings and other built structures on the site to facilitate the erection of a mixed use development comprising of; 5,792sqm (gross external floor space) of class A1 food store, 739sqm (gross) of class A1 shops and 19sqm (gross) of class A2 within atrium space and 336sqm (gross) of class A3 (customer restaurant); multi-storey car park providing 642 spaces over 5 floors (308 spaces for public use and 334 spaces for food store customers); 143 no. residential units within a mix of 1, 2, 3, and 4 bedroom houses and flats, (57 units to be affordable) with associated 143 car parking spaces at ground and basement level; creation of new public open spaces; provision of new parking bays for buses and erection of a passenger information kiosk and waiting room; associated other operations to facilitate the mixed use development including alterations to and from the existing highway for vehicular, pedestrian and cycle access.

**13/01698/AMEND 5th November 2013 PAMEND**

Non material amendment to planning permission 12/01612/FUL and 12/01612/CAC - Amendment to internal car parking arrangement and atrium area of the foodstore. Re-alignment of car parking spaces to provide 303 spaces for foodstore customers and 300 spaces for public use. Inclusion of 2nd customer lift in the atrium area

**13/01767/ADV PDE**

Various illuminated signs to the store and car park

### **3. POLICIES AND GUIDANCE**

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

Supplementary Planning Guidance/Documents

Central conservation area: Old Town Character Area and Management Plan (Feb 2007)

National Guidance

National Planning Policy Framework

### **4. CONSULTATIONS**

- 4.1 The Council's Conservation and Heritage Team were consulted on the application but have not provided a written response. The application has been discussed with them and no objection has been raised. This will be discussed further in the officer comments section set out below.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	0
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 No letters were sent out to advertise the application given its minor nature. However, site notices were posted adjacent to the site as well as an advert placed within the Echo.
- 5.2 No representations have been received.

## 6. OFFICER COMMENTS

- 6.1 The key consideration with this application is whether or not the proposed change to condition 28 will in anyway compromise the quality of the scheme that will be delivered on site.
- 6.2 Members will be well aware that the use of conditions asking for additional information happens regularly when determining applications. The use of such conditions enables timely decisions to be made whilst also ensuring the detailed design of schemes (particularly those within the central conservation area) is of a high quality. This is the rationale behind condition 28.
- 6.3 The need for the condition is not disputed by the applicant but it does require a significant amount of work to be carried out, including the submission of a number of large scale drawings. Once submitted, these drawings will also have to be carefully considered by Officers.
- 6.4 Understandably, the developer is eager to commence development on site. Information has already been submitted to discharge a number of conditions prior to the commencement of development and this is currently under consideration by officers.
- 6.5 The suggested amendment to condition 28 is that the information required be submitted prior to work commencing on the superstructure of the development approved. This would enable the applicant to proceed with preparatory ground works whilst the more detailed information was under consideration. Having reflected on this, officers consider this to be a reasonable approach. The developer has already started work on discharging conditions and is well aware of the conditions that need attention before any works start on site. By amending condition 28 however, the applicant is able to proceed with ground works whilst the detailed information is considered and agreed.
- 6.6 Members will be aware that the NPPF encourages a positive and proactive approach to decision making and it is considered that by agreeing to amend this condition, this is entirely what this Authority would be doing. It would allow development to commence but in a controlled way; the applicant would still be required to discharge the condition before proceeding beyond ground works. This procedure would have no impact on neighbouring amenity or affect the development that is ultimately delivered on the ground.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons identified above, it is recommended that condition 28 is amended as set out below.

## **8. CONDITIONS / INFORMATIVES**

28. Prior to the commencement of works on the super structure of the food store and multi storey car park hereby approved, the design and details including materials, finishes and colour of the following shall be submitted to and approved in writing by the Local Planning Authority:

1. All windows including heads, cills and reveals (including timber panels where appropriate) sample window, and proposed method of opening;
2. All external doors including heads, thresholds and reveals and any door canopies;
3. Soffit of the projecting first floor area, above east entrance to the foodstore;
4. Atrium roof of foodstore including eaves and soffit of projecting eaves;
5. All parapet roof details including copings;
6. All roof eaves and soffits to any roof projections;
7. Clock in clock tower and roof edge detail to clock tower;
8. Cycle store adjacent to clock tower including cycle store roof;
9. Plant enclosure screens to foodstore;
10. Delivery yard canopy including edge details and any structural supports;

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:10 together with full size cross section profiles (where appropriate). The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design.

### **INFORMATIVE**

1. This decision relates solely to condition 28. The applicant's attention is drawn to all other conditions on planning permission ref: 12/01612/FUL and the need to comply with their requirements.