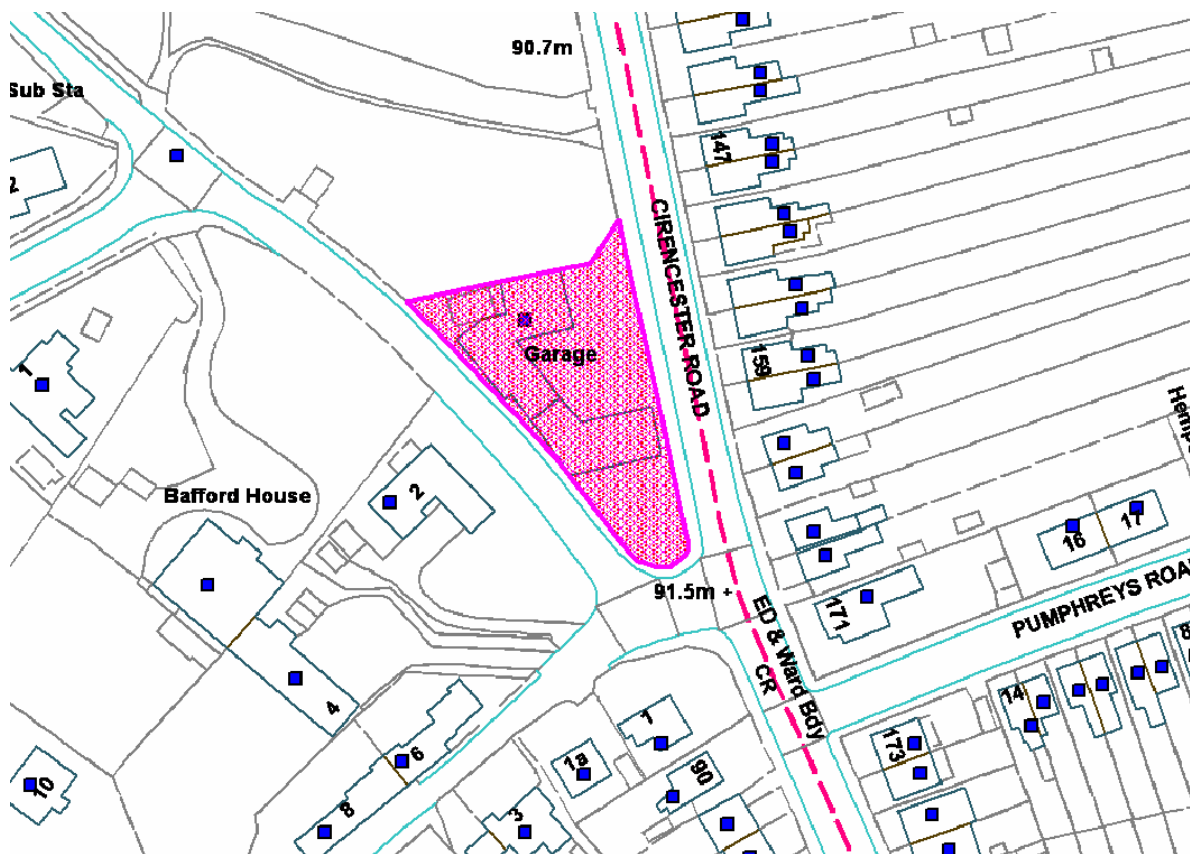


APPLICATION NO: 14/01436/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 19th August 2014	DATE OF EXPIRY: 14th October 2014
WARD: Charlton Park	PARISH: Charlton Kings
APPLICANT:	CTC (Gloucester) Ltd
AGENT:	Hunter Page Planning Ltd
LOCATION:	86 Cirencester Road, Charlton Kings, Cheltenham
PROPOSAL:	Erection of a new convenience store (A1) with associated parking following demolition of all existing buildings on the site (revised scheme following 13/02174/FUL)

RECOMMENDATION: Permit subject to s106 Obligation



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application is before Committee at the request of Councillor Paul Baker. The reason for referral given is the considerable amount of local interest and opposition to the proposed development.
- 1.2 This is a revised application following the submission of a similar scheme for an A1 retail unit on this site which was refused at the July 2014 Planning Committee meeting (ref 13/02174/FUL).
- 1.3 The applicant proposes the erection of a new convenience store (A1) with associated parking, following demolition of all existing buildings on the site. Landscaping, replacement boundary treatment and alterations to the existing access to the site are also proposed.
- 1.4 This report focuses on the extent to which the revised scheme addresses the three reasons for refusal relating to the previous application. In summary, the report considers impact on the Croft Road neighbourhood shopping centre, landscaping, design and any associated harm to local character, noise and disturbance and impact on local amenity.
- 1.5 This report should also be read in conjunction with the Officer report presented to the July Planning Committee; for ease of reference, this has been reproduced within the appendices to this report. Much of the detail contained in the previous Officer report is relevant to the determination of this application but not all will be repeated here.
- 1.6 As with the previous application, the current submission includes a number of detailed reports and statements covering design, transport and delivery/service management, environmental and noise impact, site contamination and retail impact. The majority of these documents have been revised in light of the amended scheme.
- 1.7 Attention is drawn to the Planning Statement accompanying the application which puts forward the applicant's case in respect of the extent to which the previous concerns of the Council have been addressed within the revised scheme. This statement has been supplemented by a further report by the applicant which outlines the key planning issues and the amendments to the scheme following the on-going discussions with the Council, the response from the Architects Panel and comments received from third party objectors during the course of this application.
- 1.8 Pursuant to the negotiation process and comments received, a further set of revised drawings was submitted on 29th September 2014, albeit the changes made to design and appearance are relatively minor and are largely in response to suggested improvements to the scheme put forward by the Architects Panel.
- 1.9 The previous application (13/02174/FUL) was refused for the following reasons:
 1. *The proposal to erect an A1 convenience store at 86 Cirencester Road, following the removal of all existing buildings and structures on the site, would result in the likely closure of an existing nearby A1 food store at the Cirencester Road/Croft Road Local Neighbourhood Centre which has been designated as such in the Cheltenham Borough Local Plan (2006). The Local Planning Authority therefore considers that the proposed development would result in significant and demonstrable harm to the long term vitality and viability of this neighbourhood centre leading to a loss of local facilities and services for the local community. The proposed development is therefore contrary to Policy RT7 of the Local Plan and paragraph 70 of the NPPF which seeks to guard against the unnecessary loss of local facilities and services to the community.*

- 2. The erection of a modern convenience store in the form, design and materials proposed and against the backdrop of the adjoining parkland and in contrast to existing surrounding residential development, would significantly alter and cause detrimental harm to the character and appearance of the locality. The proposed development sits awkwardly on the plot and is cranked to fit. The utilitarian and functional nature of the design, the excessive use of fenestration on the front elevation and the poor articulation of the eaves overhang detail and front entrance canopy add to a lack of robustness and quality in the design of the proposed building.*

Similarly, in order to accommodate the back of house services, a customer car park and a dedicated delivery bay at the front of the building, the footprint is extended to the rear of the plot which would result in the removal of all existing landscaping along the Newcourt Road boundary. This landscaped bank of trees and shrubs contributes to the character and rural feel of this part of Newcourt Road and its loss would significantly harm the overall distinctiveness and character of this part of Newcourt Road. The proposed replacement landscaping within a reduced width of land would not achieve the same affect in terms of maintaining this rural and distinctive character.

As such, the proposed development is considered contrary to Policy CP7 of the Local Plan and paragraph 58 of the NPPF which aims to ensure that developments add to the long-term quality of the area and respond to the local character, create attractive and comfortable places to live and are visually attractive with appropriate landscaping.

- 3. The proposed development would result in a significant increase in noise and disturbance to local residents living near the site by virtue of increased traffic on Cirencester Road, deliveries to the site, use of the customer car park, the opening hours of the proposed store extending late into the evening, an ATM located externally and in use 24 hours a day and the installation of plant and extraction equipment. As such, the proposed development is considered contrary to Policy CP4 of the Local Plan and paragraph 58 of the NPPF which both seek to ensure that proposed development maintains safe and sustainable living and creates comfortable places to live.*

1.10 Subsequent to the previously refused application, the revised scheme incorporates the following amendments to layout, design, landscaping and site management (in summary):-

- Building footprint and gross internal area reduced by 25 sq m and 23 sq m respectively to facilitate an increase in the proposed landscaped strip to the rear of the site fronting Newcourt Road
- A minimum 2m deep (extending to approximately 5 metres in places) landscaped strip with enhanced tree and shrub planting is provided along the Newcourt Road boundary. Landscaping enhanced on the end elevation and introduced to the front of the building and within the car park.
- Loss of one parking space to accommodate increased landscaping and tree planting to the rear
- Parking bays increased in size
- Alterations to overall design of the retail unit and use of materials
- Building form simplified with introduction of mono-pitched roof and height of proposed building reduced by 165mm

- Alterations to fenestration and roof overhang in response to Architects Panel comments. Customer entrance and canopy redesigned
- Tarmac replaced by block paving within the customer car park and delivery bay forecourt
- Reconfiguration of back of house area and re-location of plant and extraction equipment. Height of boundary walls to plant area increased to 1.8 metres in height.
- Alterations to materials and form of the boundary walls adjoining the car park and plant enclosure; introduction of brick piers and removal of timber fencing where appropriate
- ATM cash point facility relocated internally
- Reduction in store opening hours. Proposed hours now 7:00-22:00 Monday to Saturday and 7:30 to 21:30 on Sundays and Bank Holidays

1.11 All of the above revisions will be discussed in more detail within the body of the report.

1.12 The Council has again sought an independent view of the retail impact issues associated with the proposed development from retail planning specialists DPDS. Since there has been no material alteration to the size or character of the retail unit proposed, other than those for cosmetic reasons, the applicant has not undertaken a review of their previous retail impact assessment (Mango report). DPDS comments thus focus on the retail impact argument, examples of appeal decisions and existing stores trading side by side which are detailed within the applicant's Planning Statement. An addendum report prepared by DPDS is attached as an appendix.

1.13 A representative from DPDS will be attending the Committee meeting and available to answer questions from Members and provide clarity on any retail impact issue.

1.14 The site and its context

1.15 The application site is a corner plot fronting Cirencester Road, Newcourt Road and Bafford Road. The site is currently used as a hand car wash facility but its previous use was a petrol filling station. It has also more recently been used for car sales and car repairs/workshop. Despite its current use, it has retained the appearance of a service/petrol filling station with characteristic features remaining; a large hard standing covering virtually the entire site, canopy and other buildings and ancillary structures. The application site is therefore in existing commercial use and classified as a brownfield site (previously developed land).

1.16 The site and its context has generally, a suburban feel and lies adjacent to an open area of parkland to the north with the remainder of surrounding development being predominantly red brick and two storey. Newcourt Road abuts the rear boundary which is lined by a low overgrown wall and self-seeded trees and shrubs and has a distinctive country lane feel.

1.17 The Cirencester/Croft Road Local Neighbourhood Shopping Centre is located approximately 100 metres further south on Cirencester Road and consists of a Nisa convenience store, a butcher shop, beauty salon and hairdressers. Further east are the well established local centres of Charlton Kings offering a range of shopping and other local facilities.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

69/00088/PO 8th May 1969 PER

Charlton Kings Garage Cheltenham Gloucestershire - Demolition of Part Existing Garage/Showroom Removal of 3 Existing Pumps Closure of Vehicular Access Erection of New Station 6 Pumps, Office, Canopy, Toilets, Oil Store, Formation of Vehicular Access

69/00420/PF 10th February 1970 PER

Charlton Kings Garage Cheltenham Gloucestershire – Demolition of existing Petrol Filling Station and Erection of New One With Office and Toilets; Installation of 2 Underground Petrol Storage Tanks and Formation of 2 Vehicular Accesses And Planting Proposals

70/00032/PF 2nd April 1970 PER

Charlton Kings Garage Cheltenham Gloucestershire - Demolition of existing Petrol Filling Station and Erection of New One With Office and Toilet; Installation Of Underground Storage Tank; Conversion Of Part of the Existing Building To Car Wash Bay and Showroom With Workshop New Vehicular Access

70/00281/PF 13th October 1970 PER

Charlton Kings Garage Cheltenham Gloucestershire - As Cb08798/02 except Provision Of 3 Areas For Display Of Cars For Sale And Re-Siting 2 New Vehicular Accesses

74/00310/PF 30th September 1974 PER

Charlton Kings Garage Cheltenham Gloucestershire - Omission of Car Wash and Erection of Service Bay Attached to Existing Workshop for Maintenance of Cars

94/00215/PF 28th April 1994 REF

Redevelopment of Existing Car Sales and Service Station Premises to Provide Additional Service Bay and Administration Accommodation

96/00984/PC 16th January 1997 PER

Change of Use To Used Car Sales From Existing Used Car/ Fuel Sales

09/00407/FUL 5th May 2009 PER

Extension of opening hours of existing car wash to seven days a week 9am-7pm

13/02174/FUL 25th July 2014 REF

Erection of a new convenience store (A1) with associated parking (following demolition of existing buildings on the site)

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 2 Sequential approach to location of development
CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 7 Design
BE 12 Advertisements and signs
GE 1 Public green space

GE 5 Protection and replacement of trees
GE 6 Trees and development
NE 4 Contaminated land
EM 1 Employment uses
RT 1 Location of retail development
RT 4 Retail development in local shopping centres
RT 6 New local shopping centres
RT 7 Retail development in out of centre locations
RT 8 Individual convenience shops
UI 2 Development and flooding
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 3 Servicing of shopping facilities
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)
Security and crime prevention (2003)
Shop front design guide SPD (2007)
Sustainable buildings (2003)
Sustainable developments (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Architects Panel

23rd September 2014

The panel has reviewed this scheme previously and feels that the current proposal is an improvement. The way the roof modulates between the rectilinear block and the curve is better resolved, but a little more overhang would perhaps be beneficial. The treatment of the service block to the rear is much more satisfactory; however, the panel felt that the shop elevation facing the street could benefit from a greater degree of modelling, perhaps by setting the windows back. The continuity of material from the car park to the loading bay creates a rather sombre and unwelcoming feel and a change of material for the loading bay would be preferable – grasscrete was one suggestion in this respect. Subject to consideration of the above, the panel would support this scheme.

Civic Society

25th September 2014

We think this is a well thought through proposal, with good quality materials. The principle of whether there should be a convenience store on this site is not for us

Urban Design Officer

9th October 2014

There has been some correspondence regarding Urban Design comments submitted on the previous planning application (13/02174/FUL). The urban designer's role in that application was to support the planning officer with a consideration primarily of the built form (initially in pre-application discussions the proposal was for a mixed use - retail and residential - over four floors). Over a period of months the considerable height was lost from the proposal and the built form that emerged is similar to that in the current proposal.

The building now proposed is acceptable on this site. There has been criticism of the flat (now mono-pitch) roof; however a dual-pitch roof over a building with this span would begin to add again to the height, whereas the mono-pitch maintains a comparatively low profile. There are improvements on the previously refused scheme – the curved south end softens the impact of the building on the corner and both the reduction in building footprint and loss of a parking space on the west side (Newcourt Road) has enabled the introduction of additional planting. In terms of built form, mass, block layout and landscape the proposal is satisfactory.

Urban design comments on 13/02174/FUL were critical of service arrangements. At the time negotiations were attempting to ensure that details of delivery arrangements were properly addressed. The urban design comments were part of that process; they preceded the submission of the delivery management plan, highway comments and environmental health comments. At the time, the previous proposal also included 2 additional retail units which may have complicated the delivery arrangements (these were excluded from the eventually refused scheme and are not part of this proposal). Following the submission of a satisfactory delivery management plan and subject to conditions, neither highways nor environmental health had substantive concerns regarding the impact of delivery arrangements on noise or disturbance and corresponding impact on local amenity. This gave no basis for sustaining an objection on these grounds. This element of the previous urban design comments should have been withdrawn and is not applicable to this application.

Highways Officer

10th October 2014

Proposal

Erection of a new convenience store (A1) with associated parking (following demolition of existing buildings on the site)

Introduction

This application is a similar application to 13/02174/FUL which was refused by Cheltenham Borough Council Planning committee on 17th July 2014. No highway safety refusal reasons or highway policies were given in the decision, therefore the view of the council is that from a highway safety perspective the application, with conditions and mitigation proposed, was acceptable. The previous Highways Development Management response is attached as Appendix A.

Planning History

It is the view of the highway authority, that the sites planning history is a material consideration.

The authorised use (and current use) is a car wash; however, the possible re-use of the site as a petrol filling station (PFS) should be afforded considerable weight. The canopy and tanks are still in-situ along with the associated ancillary buildings. Delivery vehicles for the PFS would likely to be able to park and deliver off road. Similarly, since the closure of the

PFS there have been planning consents for car sales and a workshop, all of which attracted vehicular movements and activity on the site, albeit more contained within the site. It is considered that all of above are 'fallback' considerations, given the precedent and relatively short time span.

A fall-back has been confirmed by the High Court (in a recent Zurich case in 2012):

"In truth, an applicant does not have to go too far in order to raise the spectre of a fall-back position. In his judgement, Mr Justice Hickinbottom commented that the prospect of a fall-back does not have to be probable, or even have a high chance of occurring. Rather, it has to be only more than a merely theoretical prospect. In reaching this conclusion, he referred to an earlier case involving the Samuel Smith brewer, which noted that where the possibility of a fall-back position happening is "very slight indeed", or merely "an outside chance", that would be sufficient to make the position a material consideration. How much weight this consideration should have would be a matter for the planning committee"

The previous application was refused by Cheltenham Borough Council on three reasons. No highway safety reasons or policies were quoted, although one of the reasons (3) did refer to traffic increase, in relation to noise and disturbance. Reason 3 is reproduced below for reference

Reason 3: The proposed development would result in a significant increase in noise and disturbance to local residents living near the site by virtue of increased traffic on Cirencester Road, deliveries to the site, use of the customer car park, the opening hours of the proposed store extending late into the evening, an ATM located externally and in use 24 hours a day and the installation of plant and extraction equipment. As such, the proposed development is considered contrary to Policy CP4 of the Local Plan and paragraph 58 of the NPPF which both seek to ensure that proposed development maintains safe and sustainable living and creates comfortable places to live.

Assessment

Gloucestershire County Council as the local highway authority has assessed this application in light of the National Planning Policy, and the saved policies in the Cheltenham Borough Council Local Plan.

In determining the type of recommendation, the highway authority primarily needs to assess if:

- the cumulative impact from the application is severe
- safe and suitable access for all can be achieved
- the opportunities for sustainable transport modes have been taken up
- the development will generate high turnover on-street parking.
- any adverse impacts do not significantly and demonstrably outweigh the benefits of allowing the proposal

The highway authority position is that the sites current use and previous uses are fallback positions/material considerations that attract significant weight. The assumption therefore is that using the fall back position as a Petrol Filling Station, the proposed use will generate less vehicle trips, in both the peak hour and inter peaks.

It is understood from the previous application, that local residents do not consider the previous use as a Petrol Filling Station is valid, however this is not the view of the highway authority, and I consider a planning inspector would form a similar view. Even if one were to discount the use as a fall back, it is fact that a Petrol Filling Station operated at this location in the past.

Trip generation

A key factor in determining these applications are the previous uses of the site, as described above, as material considerations. The current use is a hand car wash, which has permitted opening hours of 9am – 6pm Monday to Saturday, and 10am – 2pm Sundays and Bank Holidays. Previous to that use, it was a Car Sales and Workshop, and previous to that a Petrol Filling Station. The petrol filling station would have generated significant vehicle trips accessing the site from 2 access points, and had fuel servicing for the underground tanks. The ancillary shop would have generated some non-car trips also. The applicant has undertaken a vehicle trip analysis (**Table 6.3** of the Transport Statement), and compared a previous PFS of 0.126 hectares with the proposed use of 421 m² and determined that the proposed development will result in less vehicular traffic (-473 daily trips). It is worth noting that this figure has changed since the last application as the comparison then included 2 ancillary retail uses. It is a key factor in determining the degree of impact in use which will have a positive impact on highway safety and capacity.

The council in its refusal reasons on the previous application raised the issue of “increased traffic on Cirencester Road”, which would result in amenity issues for local residents. The applicant has demonstrated that there would be a net reduction in trip generation, when compared to a Petrol Filling Station. Furthermore the Transport Statement makes reference to Pass-by and diverted trips, which is the relationship between primary and non-primary trips generated by retail developments. Put simply users of retail uses, supermarkets, convenience stores etc, are generally already on the road network and not considered as generating new trips.

The Transport Statement makes reference to the TRICS Research Report 95/2 Pass-by & Diverted, which concludes in most circumstances, 10% or less of the total trips are completely new. Generally this analysis is used for more strategic modelling, but can be used in localised network comparison. This assessment is correct if we assume that the users are currently by-passing the existing retail uses on Cirencester Road, or already travelling along it, as Cirencester Road is an arterial road.

The TRICS report delves into extensive detail on the definitions and analysis of retail trips, and offers many options. Perhaps the most logical is that provided by the Institute of Highways and Transportation. The fundamental breakdown is between two trip types, **new** and **transferred** (sometimes called redistributed).

- **NEW** are trips that did not occur anywhere on the network before the development was provided. For many land uses this proportion of the trip attraction may be relatively small, although for residential uses it is conventional to assume that all trips are new.
- **TRANSFERRED** are trips that used to travel to one opportunity but now travel to the new site. These are normally the predominant element of the trip attraction. The guidelines also described a further categorisation between Primary and Non-Primary trip types.
- **PRIMARY** are defined as single purpose trip types e.g. home – development - home.
- **NON-PRIMARY** are defined to be multi-purpose trips which call into the development en-route to another destination. Frequently this is a work – shop - home trip. Non-primary can be further sub-divided into **diverted** and **pass-by** trips. Diverted trips are those non-primary trips that deviate off their normal route to visit the new development. Pass-by trips are those non-primary that visit the new development without having to make a significant diversion from their existing route.

The difference between **diverted** and **pass-by** is a function of network configuration which varies from site to site, and for strategic analysis and junction assessment these are often considered as a single category.

Even if there were an element of transferred or re-distributed trips, when compared with the fall back position of a Petrol Filling Station, this would not represent an increase in traffic on Cirencester Road.

Comparison of Traffic Data

I have carried out a simple comparison of existing traffic flows, with daily development trip rates, and a comparison of likely new trips on the network from the development. GCC produces traffic flow data reports for the county and the A435 at this location is banded as 6000-10,000 daily two way flows. To validate this I interrogated the only fixed Automatic Traffic Counter, located on the A435 near Charlton Kings. The site however is located at the Severn Springs junction, but even with resultant redistribution it should give figures that are within tolerable variances. In 2014 the average weekday two way flows at the site were 7079. Using this figure, but ignoring the diverted flows to Bafford Approach and Charlton Kings village, when compared with TRICS derived daily two flows of 654 for the proposed development (Table 6.1 from the Transport Assessment) this is 9% of the daily flows. If we use the Figure obtained by the TRICS Research Report 95/2 Pass-by & Diverted, that new trips for retail are generally 10% of total trips, then this means the new traffic to the site is less than 1%.

Layout

The internal layout has slightly altered, to specifically address one of the reasons for refusal, with the addition of more landscaping fronting Newcourt Drive. One of the main reasons for the many versions of the previous layout was to achieve a good design, but also and probably not divisible, to ensure that the correct balance between, noise, safety, amenity, and visual impact.

This proposed layout is a single retail unit, with a customer access via the north east corner. Main servicing will be at the front of the store via a dedicated service delivery bay, controlled by bollards located on the end of the service delivery bay, and will be lowered to allow each delivery vehicle to exit the site. The ATM is now located inside the store, reducing conflict with pedestrians and vehicles, and cycle stands are located to corner of the car park. An existing street light will need to be relocated.

16 car parking spaces are proposed, including 2 disabled, with wider short stay spaces, better designed to accommodate the users of the store. There are no minimum standards on parking numbers in the CBC Local Plan for the land use proposed, and neither is this covered in the NPPF. Consideration should be given to how the adjacent retail uses operate, at the junction of Cirencester Road and Croft Road. These have very limited parking, and servicing takes place both on, and across, the highway, apparently without incident.

Service Delivery Bay

It is considered that balancing all aspects of planning and design, the safest service delivery bay layout is the one now proposed. All deliveries (with the exception of the earlier newspaper delivery) will take place between 07:00 and 19:00 Monday to Friday, 08:00 and 18:00 Saturday and 10:00 and 14:00 Sunday and Bank Holidays. Approximately 3-4 deliveries are anticipated each day of which 1/2 will be by rigid or articulated and the remainder by smaller vehicles. Therefore the incidents of conflict can be described as extremely low, and not severe.

All HGV deliveries will arrive from the south, turn left into the site via the southern access from Cirencester Road, and depart the site via the customer only access to the north.

Loading and unloading will take place within the dedicated delivery bay located off-street along the site frontage.

Bollards located on the end of the HGV delivery bay will be lowered after the delivery is complete, to allow each delivery vehicle to exit the site safely. A trained member of staff will then raise the bollards after the delivery vehicle has departed the site to prevent customers entering the delivery bay. Appropriate signage and linage indicating the Service Delivery Bay will ensure that the public, do not park in this area. As the store will be contacted in advance, providing ample warning of their impending arrival, staff can ensure the Service Delivery Bay is ready and clear to receive goods.

Concern has been raised that the exiting HGV vehicles drivers will be disadvantaged by the acute angle of the cab position. It should be recognised that food delivery drivers are professional drivers who carry out such manoeuvres on daily if not hourly basis. Furthermore as the Freight Transport Association states, the size and quality, of rear view mirrors for lorries, is controlled by legalisation, which lays down minimum angles of look, which coupled with good forward visibility, means that despite the driver of a rigid truck, having to turn their head through approximately 210 degrees of visibility, a safe a suitable access can be achieved.

The Transport Research Laboratory (TRL) evidence and research, that underpinned Manual for Streets, found that there was little correlation between the number of accidents and visibility, but forward visibility was important. What this means is the ability for drivers to see emerging traffic and be able to respond to it. This forward visibility in this location will be excellent and all users will see service vehicles exiting the service delivery bay.

Delivery Management Plan

As part of the application a Delivery Management Plan (DMP) has been submitted. This DMP will detail exactly how servicing will operate safely and efficiently, to ensure that all deliveries will be undertaken within the confines of the Service Delivery Bay and immediate area, no kerb side deliveries will be undertaken, therefore ensuring a safe operation and free traffic flow on Cirencester Road.

The DMP should be conditioned, so that if it is not complied with CBC can act on any breach.

Accessibility

The new retail unit will attract increased pedestrian footfall, and NPPF policy requires that safe and suitable access is made for all users. Consideration has been given to new pedestrian facilities taking into account the existing signal controlled crossing to the south of the site, the signal controlled junction at the Cirencester Road/Moorend Road/ junction, and the build out north of the site. GCC considers that pedestrian permeability can be improved by narrowing the junction width of Newcourt Road with Cirencester Road and another build out can be created on the southern radii of this junction

Car parking

16 spaces are shown of which 2 disabled have been provided at the entrance, this is 1 space less than the previous application, to accommodate the increased landscaping to the rear. The width of the spaces has been increased to 2.6m x 4.8m and this is suggested as good practice on "Design standards for multi-storey and underground car parks", for short stay parking.

Again car parking has been the subject of much discussion, but GCC now feel that with the single retail unit and the parking accumulation work that has been carried out, the spaces will accommodate for the majority of the users. It is impossible to stop all indiscriminate parking, but the layout should be attractive for the users, and more attractive than parking on street. Notwithstanding this GCC is seeking a contribution to control any future abuse,

which could be as simple as waiting restrictions along the site frontage or strategically placed street furniture to deter kerbside or part footway parking. CBC is not keen on an over proliferation of street furniture so this will be used as a reactive measure.

Highway Safety

I have consulted the GCC Road Safety Partnership, who have confirmed that the hotspot ranking has improved on this section of the A435, and is currently at 219 on the 'A' and 'B' road length list. To put this into perspective the Road Safety Partnership would usually investigate the top 50 or so sites for potential interventions.

Mitigation

1. Delivery Management Plan – Conditioned
2. Pedestrian crossing facility likely to be a build out, This should have the added benefit of reducing speeds discriminate parking – Contribution £14,252.53 (Mitigation 2 & 3 combined)
3. Reduce the junction width of Newcourt Road with Cirencester Road, to improve the pedestrian safety. This should have the added benefit of reducing speeds, discriminate parking – Contribution (see above)
4. Future waiting restrictions and kerbside street furniture to deter discriminate adjacent parking – Contribution - £15,000 (£10,000 TRO + £5000 Street furniture), please note TRO costs have increased with new GCC highway contract.

Contribution Total - £29,252.53

Conclusion

The car parking level is adequate but some drivers may park on the adjacent carriageway. Therefore we need to be able to implement future measures, to reduce any impact. The dedicated Service Delivery Bay will make the limited deliveries on site and safer, and therefore the cumulative transport impact from the application should not be severe, and with the new access and the mitigation recommended, then a safe and suitable access for all users can be achieved. Furthermore if the customers of the store use the adequate parking provision, then the development should not generate high turnover on-street parking. If indiscriminate parking is found to be causing a severe highway problem in the future, then the proposed parking mitigation will allow the highway authority to cost effectively mitigate any issues.

My view is that refusal to this application cannot not be sustained, due to;

- the material considerations of the previous uses,
- the insignificant number of deliveries by rigid vehicle
- the layout of the Service Delivery Bay
- the parking layout
- the Delivery Management Plan
- the highway improvements and waiting restrictions contributions secured

Therefore having regard to the previous uses of the site, and the decision from the previous application, the highway authority considers that as the cumulative impact from the application will not be severe, and safe and suitable access can be provided, it raises no highway objection to the proposal subject to the recommended contributions and conditions.

Conditions

- 1) No works shall commence on the development until full details of the layout and accesses, have be submitted to and approved in writing by the local planning authority. No beneficial occupation of development shall occur until the accesses have been completed, in accordance with the approved details.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

- 2) The parking layout shown on the approved plan for all vehicles shall be completed prior to any beneficial occupation of the development, and shall remain available for parking at all times

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a suitable level of off street parking.

- 3) No works shall commence on the development until a phasing programme of the development shall be submitted the local highway authority and the local planning authority, to ensure that the highway authority can implement highway works prior to the beneficial opening of the store.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

- 4) No phase(s) of the 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 for that phase. 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;
- specify the type and number of vehicles;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- access routes to the specify the intended hours of construction operations;
- measures to control the emission of dust and dirt during construction

Reason: To provide safe access to site during the construction period

- 5) The approved Delivery Management Plan shall be adhered to in all respects during the approved opening hours of the store, unless amendments to the plan have first been agreed in writing by the local planning authority.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

Informative

The proposed development will require works to be carried out on the public highway to include the relocation of a street light and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the Local Highway Authority before commencing works on the development.

Environmental Health

11th September 2014

In relation to application 14/01436/FUL for the site 86 Cirencester Road, Charlton Kings, Cheltenham, Gloucestershire, GL53 8DA, please can I add the following conditions and advisory comments:

Demolition and general

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties,

including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

1. Condition: The developer shall provide a method statement detailing how they will control noise, dust, vibration and any other nuisances from works of construction and demolition at the site, as well as how the waste will be stored and removed from the site and/or recycled on site. The statement should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a statement is to be submitted to and approved by the Local Planning Authority before work commences on site.

Reason: To protect the amenity of the residents in nearby residential properties.

2 Condition: Prior to the commencement of any development at this site, the end user of the proposed A1 unit (and any subsequent user(s) of the units shall submit a waste management plan which will be reviewed and if deemed to be satisfactory approved by the Local Planning Authority. The plan shall indicate where the waste and recycling for all units will be stored and the proposed means of collection and how the waste collection contractor will reduce the impact from noise on near by residential premises. The approved plan shall be implemented upon first opening of the unit and continued for the duration of the use. Please note that part of this condition is that all waste and recycling collections can only take place between the hours of 08:00 - 18:00.

Informative: It has been confirmed to this department that for the A1 unit all waste made up of stock and packaging will be removed by the delivery vehicle once empty and therefore, the only waste receptacle necessary for this unit will be a bin to hold staff waste only. As this has now been confirmed by the applicant, this now needs to be set as a definite control for the site.

Reason: To protect the amenity of the residents in nearby residential properties.

3. Condition: The revised delivery management plan (dated August 2014) which has been submitted with this application will be adhered to by the end user of the A1 unit and all subsequent users.

Any required amendments must be submitted in writing to the Local Planning Authority and may only be implemented once approved by this authority.

The plan submitted details measures to minimise the possibility of noise nuisance being created by deliveries to the store. If the plan is approved all deliveries to all units at this site shall only take place in accordance with the plan submitted.

Informative: The scheme includes 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, vehicle radios, audible reversing alarms from vehicles etc. The plan should be subject to regular review.

Reason: To protect residents of local property from loss of amenity due to noise from regular deliveries by HGV's, refrigerated vehicles running, loading equipment etc.

4. Condition: Deliveries to the A1 unit may only be made between:

07:00 - 19:00 Monday to Friday

08:00 - 18:00 Saturday

10:00 - 14:00 Sunday or a Bank Holiday

On the current noise impact assessment it states that a single delivery will be made between 06:00 - 07:00 with other deliveries made between 07:00 - 23:00. These timings are not in keeping with the condition as set above and the condition will remain going forward with this application.

I would recommend that the developers have reference to the "quiet deliveries demonstration scheme" - more information is available at:

<http://www.dft.gov.uk/publications/quiet-deliveries-demonstration-scheme>

Reason: To protect residents of local property from loss of amenity due to noise from regular deliveries by HGV's, refrigerated vehicles running, loading equipment etc.

5. Condition: Newspaper deliveries and smaller milk/bread etc. deliveries to the A1 unit may only be made from 06:00 onwards. The delivery vehicle must pull in and park within the customer car park for the site and not on the highway - this is to increase the distance the delivery vehicle will be from the near by residential properties during the delivery time.

Reason: To protect the amenity of the residents in nearby residential properties.

6. Condition: The premises planned for this site may only be open to customers from 07:00 - 23:00 from Monday - Saturday and 07:30 - 22:30 on a Sunday and Bank Holiday.

Reason: To protect the amenity of the residents in nearby residential properties.

The times as detailed in the above conditions for deliveries and opening hours for all of the units as proposed for this site, have been decided by Environmental Health in conjunction with the Planning Officer using a number of factors. Research was undertaken into the opening and closing times for six other similar sites which are based in heavily populated residential areas in Cheltenham. These times were reviewed and found to vary by up to two hours later in the morning and hour earlier at night from the applicants proposed opening hours. This information was taken into consideration as well as the very close proximity of the residential houses to the front and rear of this site when the officer was compiling these comments and the times stated in them.

In the future (if this application is given permission) and the site is fully functioning and we in the Environmental Health department were to receive a noise complaint, we would assess the noise under the Environmental Protection Act 1990 to decide if it is a statutory nuisance or not. This assessment would be undertaken by a fully qualified and authorised EHO and they would subjectively decide through monitoring which can be completed by the complainant as well as the officer, if the noise generated by the source is severe enough that it would unreasonably interfere with the use or enjoyment of another property (i.e. the complainants home) and the officer must see evidence that the problem is occurring regularly and is continuing for a period of time that makes it unreasonable. If we judged that the noise was causing a statutory nuisance, we are legally obliged to serve an abatement notice which states that the nuisance described in the notice is to be abated. If the notice is not complied with or is breached we have the power to initiate prosecution proceedings.

When reviewing planning applications such as this time and deciding upon time limits for conditions we have to decide if in our professional judgement if the proposals are likely to give rise to a statutory nuisance, if we do, then we can compile comments/proposed conditions in order to change the activity or site in order to reduce this likelihood before it is built or the activity has begun. When reviewing the proposed opening, closing and delivery times for this site it was our judgement that the times put forward were too early and had the likelihood to potentially cause a statutory nuisance for the people living in the residential properties near to the site. Therefore, we have proposed times which we feel are in line with other similar sites in the town as well as being in line with other activities recommended times for work.

Plant and extraction equipment for the A1 use premises

7. Condition: The proposed unit on the site will require air conditioning plant, chiller units for the refrigeration systems as well as extraction systems. Details for all of the extraction and ventilation equipment for the unit shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved extraction and ventilation schemes for each of the units shall be implemented on site prior to the opening of any of the units and shall be maintained in accordance with the manufacturer's recommendations.

Reason: To protect the amenity of occupiers of nearby properties.

8. Condition: (If applicable) Prior to the first use of part of the A1 unit as a cook off area/catering unit, the schemes detailing the means of ventilation for the extraction and dispersal of cooking odours must be submitted to and approved in writing by the Local Planning Authority (part of which has been requested above).

The approved scheme shall be installed before the use hereby permitted commences and thereafter maintained in strict accordance with the manufacturers and installers instructions, details of which must be submitted as part of the scheme.

Reason: To protect the amenity of the residents in nearby residential properties.

Informative: The complete extraction system serving the area should be designed and commissioned by competent specialist engineers. The design of air pollution control equipment should be based on peak load conditions, i.e. the worst case scenario.

The scheme shall include the following:

- Full details of the system layout
- Housing of filters, motor and fan inside the building where possible
- Integrated grease baffle filters
- Suitable odour treatment plant to render the exhaust odourless at nearby residential property
- Specification of a motor and axial fan with variable speed controller
- An acoustic report detailing the predicted noise levels from the extraction equipment as they affect nearby residential properties.
- Circular section ducting preferred with a minimum of bends
- High level exhaust point fitted with a vertical discharge cowl that achieves maximum efflux velocity. This shall be at least 1 metre above roof ridge level of the host building

9. Condition: The total noise generated from all units and all items of plant and equipment associated with this application shall be controlled to the extent that the rating level (in accordance with BS 4142: 1997) as measured or calculated at 1m from the façade of the nearest noise sensitive premises shall not exceed a level of 5dB below the existing LA90 background level with no tonal element to the plant. This control shall be demonstrated by an assessment which shall be sent to this authority prior to the end users occupying the units at site. Should any changes be made to the building or the plant serving it by new occupants of the site in the future, these alterations will need to be forwarded to this authority prior to being made and may only be undertaken once the planned changes have been reviewed and approved.

Reason: To protect the amenity of occupiers of near by properties.

10. Condition: All lighting associated with signs and advertisements on the building and any external lighting (with the exception of security lighting) within the curtilage of the site shall be either switched off or reduced in luminance outside of the store opening hours.

Details of a scheme for reduced lighting on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the proposed convenience store or the store first opening to customers (which ever is the sooner).

All signs, advertisements and external lighting equipment shall be operated strictly in accordance with the approved details and thereafter maintained as such.

(I understand that a separate condition relating to security lighting has already been made by the planning officer for this case and was submitted in the report which was presented to the planning committee previously.)

Reason: To protect the amenity of occupiers of nearby properties in accordance with Policy CP4 of the Local Plan.

Advisory:

1) Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.

Contaminated Land Officer

26th August 2014

Although a site investigation has been carried out, remediation and validation is still required. For this reason the standard contaminated land condition should be retained for this development as recommended for the previous application 13/02174/FUL

18th September 2014

In response to the issues of the tree/shrub growth along the western boundary of the above development site I have the following observations and comments;

- the tree/shrub boundary alongside Newcourt Road has been observed to contain a narrow band of low quality immature trees which are in relatively poor condition with limited potential to thrive in the longer term due to existing hardstanding and limited soil depths.
- there is some vent pipework from the old underground fuel tanks which extends to the site south-western boundary within the narrow band of trees and as such, removal of the vent pipework would only be realistically possible with the trees removed.
- there is a redundant oil tank to the north western boundary of the site which would need to be removed if the site is re-developed. This would be more straightforward and safer with the surrounding trees removed.
- demolition and site clearance, including removal of the underground fuel tanks, could damage some of the trees and their root systems to the extent that they may not survive or thrive in the longer term.
- residential development at the site is also likely to require some tree removal due to the site clearance and demolition issues mentioned above, together with possible foundation concerns should the trees be retained.

Tree Officer

12th September 2014

The Tree Section has no objection to this application.

The existing green screen facing Newcourt Rd works as a visual barrier during the months when in leaf, however on close inspection, this screen is composed of self sown sycamore, elm, bramble nettles etc and is not managed. There is no long term management possible to maintain this existing landscape and the proposed tree planting is preferable in the longer term. The chosen species from the Landscape proposal plan Drawing no 5 Revision B (field maple, birch and *Amelanchier*) and other landscape planting should compliment the scheme.

Landscape Architect

11th September 2014

I have reviewed the latest Landscape Proposals plan (Drg 483 Rev 05A) and the accompanying Ongoing Landscape Management schedule and both are acceptable

Parish Council

9th September 2014

**COMMENTS BY CHARLTON KINGS PARISH COUNCIL ON LATEST PLANS,
SEPTEMBER 2014**

Objection: Charlton Kings Parish Council objects on the grounds of:

- (a) deleterious impact on the sustainability of local businesses in the near vicinity,
- (b) loss of amenity in terms of noise and extra traffic/congestion for nearby residents,
- (c) failure of the scheme to meet one of the strategic objectives of the Joint Core Strategy "to ensure that all new developments are valued by residents as they ... provide well-located infrastructure which meets the needs of residents",
- (d) failure of the plan to meet the NPPF test of improving the character and quality of an area and the way it functions,
- (e) considerable concern over hazard caused by likely parking on both sides of Cirencester Road near the proposed store's entrance where the road appreciably narrows,
- (f) concern over access arrangements for delivery lorries.

Detail:

1. A new supermarket would adversely impact on other similar retail units in the near vicinity. For the community, rather than the applicant in isolation, we believe that a development of this type on this site would be likely to reduce, rather than enhance the economic sustainability of the overall retail sector in Charlton Kings, and that any local jobs generated by the development would be offset by job losses elsewhere in the local economy.
2. Despite the applicant's contention that other similar shops could thrive alongside a new supermarket, it is our view that the NISA, Co-op foodstore, and Smith and Mann stores would suffer a significant drop in business, which could lead to store closures. The examples provided of coexistence are not pertinent as they do not provide direct like-for-like comparisons with the situation in Charlton Kings.
3. Of particular concern is the potential impact on the footfall in the family-run Smith and Mann store in Lyefield Road West, which has only recently taken on the village Post Office following the closure of the previous Post Office franchise. Should this application be approved, it would have the potential to jeopardise the viability of this

store and hence the survival of its integrated Post Office - the only one left in the village. This would be a serious loss to the community.

4. Given the current difficulties of the Co-op Group, it's possible that a drop in the profitability of its store in Church Piece would lead to closure and hence a big hole in the centre of the currently vibrant precinct which houses the library, coffee shop and take-away. In addition there would be negative impact on local specialist shops such as the butchers on Cirencester Road.
5. The proposal is contrary to both the Parish objective and policy of ensuring that we make best and most sustainable use of our resources and protect the areas and features that residents of Charlton Kings most value, and to the NPPF and JCS principle that "the purpose of planning is to help achieve sustainable development". In this respect an additional convenience store would work against a sustainable future for existing businesses, there being 3 existing convenience stores within a half mile radius and a further 3 within a 1 mile radius. The development site is neither large enough, nor in an appropriate location, to service and manage customer access to a supermarket that would, by its position, be of greatest benefit to passing trade.
6. The Parish Council remains convinced that this development will impact negatively on the amenity, and quality of life of residents living opposite and nearby. Factors here are extra traffic, multiple daily deliveries, long opening hours causing noise and exhaust pollution from cars coming and going, and light pollution from the site for many hours every day.
7. The proposal fails to meet Strategic Objective 5 of the Joint Core Strategy to ensure that "all new developments are valued by residents as they provide well-located infrastructure which meets the needs of residents". This proposal would generate an increase in vehicle movements along an already busy stretch of Cirencester Road, and there would be a considerable traffic hazard caused by vehicles entering and leaving the site which is close to a bend in the road. The development would create a potential hazard caused by vehicles parking on Cirencester Road itself, either side of the new building. Although some provision is made for on-site delivery vehicles we feel it would be unlikely to be effective in restricting all deliveries within the curtilage of the development and would cause significant hazard on the Cirencester Road.
8. It also fails the NPPF test of improving the character and quality of an area and the way it functions and the Joint Core Strategy Core Policy safety and security objective of contributing to safe communities by reducing conflicts between traffic and cyclists or pedestrians. Because this site is on the other side of the Cirencester Road to where most local customers are located, in the absence of yet another set of pedestrian-controlled traffic lights there would be considerable risks to pedestrians including the many schoolchildren who pass this way.
9. We also need to express our considerable concerns regarding highway issues at the proposed convenience retail entrance. Having measured the width of the Cirencester Road at several places from the junction with Croft Road, north to beyond the site due for development, it has come to light that a very serious reduction in road width occurs. Close to Croft Road (by house number 183) the width of the carriageway is 8.7metres (28'7"). Within 60 metres, at the proposed store entrance, this suddenly reduces to 7.2 metres (23'7"). Presently, residential parking happens only on the east side of the carriageway adjacent to houses. Previous submissions from "Highways" concede that should the store be in place, things will change and casual roadside parking will also be inevitable on the west side of the road, opposite to existing parking. Therefore, as motorists proceed north down Cirencester Road past Croft Road, highway conditions change dramatically. The carriageway narrows suddenly by 1.5 metres (5 feet). At this "pinch point" two cars approaching and overtaking parked cars on each side, no longer

have the physical room to pass and a dangerous situation will have been created. We conclude that this proposed development will create a serious hazard and increase the likelihood of accidents and incidents on a road which otherwise has a reasonable safety record

10. We have concerns over the access arrangements for delivery lorries (rigid and articulated). Our interpretation of the plans is that the proposed arrangements look hazardous to other road users and potentially to users of the shop itself.
11. Should this application be approved we propose that there should be restrictions on the hours of operation and the periods when deliveries could be made, in order to reduce the impact of noise on residents in the immediate vicinity
12. Should this application be approved we urge that the developer should fund a traffic regulation order to introduce a "no waiting at any time" zone along the boundary of the site comprising A435 Cirencester Road and Newcourt Road in order to maintain safety for through traffic and pedestrians using the A road and to prevent obstruction and allow freedom of movement along Newcourt Road.
13. This Council notes the move of the ATM inside the building, which we think is beneficial. We also consider that the redesigned building is an improvement and fits better into its surroundings.

Gloucestershire Centre for Environmental Records

28th August 2014

This report is available to view in on line.

Cheltenham Cycle Campaign

10th September 2014

With regard to this revised application, we are pleased that cycle parking to an acceptable standard is to be provided for public use. However, we are concerned that the cycle parking for staff is described as "2 wall- mounted stands".

We ask Cheltenham Borough Council to ensure that the staff parking comprises stands similar to those intended for public use (i.e. 'Sheffield' stands) and, in particular, that they are not the type of stand that holds a cycle by its front wheel. The latter, now discredited, type of parking stand provides poor security, can damage bikes and may invalidate cycle insurance policies.

Feedback in due course from the Council about this would be appreciated.

Strategic Land Use Team

5th September 2014

We have no comment on this application; unless the case officer would specifically like us to supply one on a specific issue

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	175
Total comments received	116
Number of objections	113
Number of supporting	3
General comment	0

- 5.1** A total of 175 local residents were notified of the proposals and three site notices displayed within the vicinity of the site (front and rear of site and Croft Road junction)
- 5.2** As a result of the public notification exercise and at the time of writing, a total of 116 representations have been received by the Council from individuals/households (113 objecting and 3 in support). There have also been a number of repeat and additional objections received by some local residents in relation to the amended scheme.
- 5.3** A petition with 600 signatures was received by the Council on 15th September 2014. The petition header quotes Local Plan Policy CP4 (a and e) but also refers to Policies RT85 (d), RT86 (a and b) and RT88 (a and b). These three retail policies are old local plan policies and have been replaced respectively by Policies RT4 (retail development in local shopping centres), RT5 (non A1 uses in local shopping centres) and RT7 (retail development in out of centre locations). Policies RT4 and RT5 are of little or no relevance to the determination of this application.
- 5.4** The Charlton Kings Parish Council has also objected to the proposed development.
- 5.5** Due to the volume of comments received from local residents, a copy of all third party representations (including the petition) will be available to view in the Members' lounge and planning reception at the Council Offices.
- 5.6** The concerns raised by local residents are all very similar and can be summarised as follows:-
- Impact on existing neighbourhood shopping centres and potential closure of existing shops (in particular the Nisa store)
 - Residents do not want another store in the area. No evidence of demand or need in the area for another A1 convenience store. Existing centres provide an adequate range of services for the local community
 - Sustainability of proposed scheme questioned when majority of customers will arrive by car
 - Loss of existing business and jobs
 - Increase in traffic and street parking, indiscriminate parking on road, highway safety implication of road junctions with Cirencester Road/Bafford Lane and Newcourt Road and narrowing of width of Cirencester Road in proximity to application site.
 - Pedestrian conflict and highway safety issues associated with school children crossing Cirencester Road
 - Insufficient number of off-road parking spaces provided and lack of staff parking
 - Impact on amenity of local residents in terms of noise, disturbance, early morning deliveries, late night disturbance and antisocial behaviour, excessive lighting and litter
 - Site should be considered for residential use
 - The revised scheme fails to address previous issues of retail impact, need, increase in traffic on Cirencester Road and impact on amenity.

5.7 These comments will be addressed in the following sections.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 Since this is a revised application following refusal of a similar scheme, it should be determined on the basis of the extent to which the amended scheme overcomes the previous reasons for refusal (ref 13/02174/FUL). The following are the key considerations:-

- The impact of the proposed development upon the vitality and viability of the Croft Road neighbourhood shopping centre and loss of local facilities
- Design and appearance of the proposed development and impact on local character
- Loss of existing trees and shrubs to the rear of the site and impact on local character and distinctiveness
- Noise and disturbance and subsequent impact upon the amenity of local residents associated with an increase in traffic on Cirencester Road, deliveries to the site, use of the customer car park and ATM, the opening hours of the store extending into the evening and noise emission from plant and extraction equipment

6.1.2 The remainder of the report will look at each reason for refusal in turn and assess the extent to which the revised scheme addresses the concerns of Members and local residents.

6.2 Retail Impact on Existing Shopping Centres and Loss of Local Facilities

6.2.1 The first reason for refusal relates to the impact of the proposed development on the vitality and viability of an existing neighbourhood shopping centre and loss of local facilities and reads:

The proposal to erect an A1 convenience store at 86 Cirencester Road, following the removal of all existing buildings and structures on the site, would result in the likely closure of an existing nearby A1 food store at the Cirencester Road/Croft Road Local Neighbourhood Centre which has been designated as such in the Cheltenham Borough Local Plan (2006). The Local Planning Authority therefore considers that the proposed development would result in significant and demonstrable harm to the long term vitality and viability of this neighbourhood centre leading to a loss of local facilities and services for the local community. The proposed development is therefore contrary to Policy RT7 of the Local Plan and paragraph 70 of the NPPF which seeks to guard against the unnecessary loss of local facilities and services to the community.

6.2.2 Members will recall the full Officer assessment of the review undertaken by the Council's appointed retail planning expert (DPDS) of the applicant's original retail impact study (Mango report). For a more detailed explanation of the findings and conclusions reached in both, Members will need to refer back to the previous officer report, which is attached.

6.2.3 To assist Members, the following are extracts taken from the summary of the officer assessment of the previous DPDS review:

DPDS conclude that there is no 'qualitative need' for a new convenience store in the area which is already well served by existing facilities. The Policy considerations must focus on the sequential and impact tests recognising that Local Plan Policy is not wholly up to date in relation to 'need'. The issue of need therefore, should not be given significant weight. The sequential test is largely irrelevant since the aim of the proposal is to serve the local catchments. Town centre locations would be unsuitable for this purpose. Similarly, there are no other suitable sites in the three existing neighbourhood centres.

Although DPDS are not convinced by Mango's assessment of impact on existing centres, as detailed above, this is tempered by acknowledgment of the difficulties in assessing the trade patterns of independent retailers. However, DPDS conclude that food stores in Church Road and Lyefield Road West centres are unlikely to close as a result of the proposal and any impact on these stores would not warrant refusal of this application.

The impact on the Croft Road store would however be severe and there would be significant risk that the Nisa store would close. The proposed development is therefore contrary to Policy RT7 (and CP4). However, DPDS argue that the objective of this policy is protected in that if the Nisa store were to close, the public would still have access to local and arguably better shopping facilities. DPDS warn that refusing planning permission on impact grounds could be considered as protecting private interests and would place the Council at considerable risk at appeal.

Officers concur with the conclusions reached by DPDS in respect of the impact of the proposed development on existing neighbourhood shopping centres and do not consider that there is sufficient evidence to be able to put forward a refusal on retail impact grounds and one which Officers consider the Council could substantiate at appeal.

- 6.2.4** The applicant has not undertaken a further retail impact study; the original Mango report is reproduced as an appendix to the submitted application.
- 6.2.5** Irrespective of the above, the Council has again sought an independent view on retail impact and the extent to which the revised scheme addresses the issues raised in relation to impact on neighbourhood centres and loss of local facilities. DPDS have looked specifically at the retail impact arguments associated with this application and the weight which should be attached to Policy RT7 in light of government advice set out in the NPPF and NPPG. The appeal decisions and examples of co-existing convenience stores identified in the applicant's Planning Statement are also considered. A copy of the latest DPDS review is attached as an appendix.
- 6.2.6** DPDS conclude that there is nothing in the re-submission which leads to a change in their view on the likely impact of the proposed development on the Croft Road neighbourhood centre and the subsequent likely closure of the Nisa store. On the evidence submitted in the original Mango report, they again conclude that there is not sufficient expenditure to support both the Nisa store and the proposed. Even given the "worst case scenario" of turnover and sales density put forward by Mango, DPDS consider the sales densities too low for the retailers referred to in paragraph 6.13 of the Mango report. DPDS also disagree with the estimates for trade draw, which Mango suggested would be predominantly drawn from the larger food stores in Cheltenham and not the Nisa store. DPDS conclude that, in terms of turnover and trade draw the impact on the Nisa store would be considerably higher. Given that independent stores are regarded as being vulnerable to relatively small losses of trade and on the basis of the applicant's figures, the Nisa store is likely to suffer trade loss and close.
- 6.2.7** In respect of the revised application the applicant's retail argument is again based on the assumption that the Nisa store will continue trading alongside the proposed store. The applicant suggests that "*the retail offer proposed in this case would not mirror exactly what is currently on offer locally and would not therefore directly conflict with the neighbourhood*

centre but complement it'. Officers and DPDS do not share this view and consider the proposed store would essentially be providing the same retail offer of top-up convenience goods shopping for local residents. On that basis, there would be direct competition between the two stores.

6.2.8 Notwithstanding the above, DPDS have undertaken a detailed assessment of the weight which should be afforded to Policy RT7 of the Local Plan and the need for a retail impact assessment in this case, two issues which are similarly addressed by the applicant. Reference is also made to the more recent advice on retail impact assessment contained within the National Planning Policy Guidance (NPPG) introduced in March of this year which differs slightly in emphasis from that contained within the NPPF.

6.2.9 Policy RT7 reads:-

Subject to policy RT1, retail development (note 2) outside defined shopping areas will be permitted only where:

(a) *a need for the additional floorspace has been demonstrated (note 3), and the proposals:*

(b) *individually or in conjunction with other completed and permitted retail development, would not harm the vitality and viability of the town centre as a whole or of a district or neighbourhood centre:*

6.2.10 The applicant argues fundamentally that retail impact in this case is not a material consideration because the proposed development is below 2,500 sq m in floorspace and there is no other locally appropriate threshold set by the local planning authority (as stated in paragraph 26 of the NPPF).

6.2.11 Essentially, Policy RT7 provides protection to the town centre, district centres and neighbourhood centres and is therefore generally consistent with the NPPF in relation to impact. However, in response to the applicant's argument above, DPDS consider that Policy RT7 cannot be regarded as fully up-to-date with national policy in terms of retail impact. The same applies to the requirement of Policy RT7 to demonstrate need for proposed retail development. The definition of town centres in the glossary of the NPPF includes district and local centres but specifically excludes "*small parades of shops of purely neighbourhood significance*". The Croft Road neighbourhood centre can only be classed as a small parade of shops and Policy RT7 cannot therefore be regarded as up-to-date or consistent with the NPPF where neighbourhood centres are concerned.

6.2.12 Members will be aware of paragraph 215 of the NPPF which states that due weight should be given to the relevant policies in existing plans according to their degree of consistency with the Framework. In light of this, DPDS advise the Council that the Planning Inspectorate is likely to give considerable weight to the NPPF and NPPG at any appeal and limited weight to Policy RT7.

6.2.13 The reason for refusal also refers to the proposed development leading to a loss of local facilities and therefore contrary to Policy RT7 and paragraph 70 of the NPPF. With this in mind, DPDS do reinforce the fact that the provision of local facilities is the underlying objective of Policy RT7 with regard to neighbourhood centres.

6.2.14 In addressing this issue and on the assumption that the Nisa store will remain trading, the applicant claims that the proposed store would be complementary to the existing offer and would "*not reduce the community's ability to meet its day to day needs*" in terms of top-up shopping. The applicant also argues that given the proximity of the Croft Road centre, the proposed development would enhance what is on offer locally making the neighbourhood centre more attractive and thereby increase its vitality and viability. It is certainly reasonable to assume that, whether the Nisa store remains open or not, the proposed

store would attract retail customers to the area and given the close proximity of the Croft Road shops would likely increase footfall to the Croft Road outlets and thereby maintain the vitality and viability of this centre. Officers also agree that the proposed store would maintain the local community's ability to meet its needs in terms of top-up convenience shopping. The application site is within easy walking distance of the Croft Road centre and local residents would not be disadvantaged in any way in terms of accessibility to local services.

- 6.2.15** Further to the above, the supporting text (although not 'saved' text) to Policy RT7 at paragraph 11.55 of the Local Plan reinforces what should be carefully considered when assessing the implications of a proposed out of centre retail scheme for the vitality and viability of the town centre and on local shopping facilities. It states, "*The issue is whether, when considered in this way, the proposal would result in a significant increase in the number of vacant properties, or a marked reduction in the range of services available, which could result in a centre's physical, commercial and social demise*". In this instance, Officers conclude that there would not be a significant increase in vacant properties or a reduction in the range of local services available.
- 6.2.16** In the absence of any information to the contrary, should the Nisa store close, there is no reason why this property could not be occupied by any other retail use falling within Class A; it is a sizeable unit, well located adjacent to the A435 and serves a wide catchment area.
- 6.2.17** Members should also be mindful that commercial competition is not a land use consideration and equally it is not the role of the planning system to restrict competition or preserve existing private commercial interests. Whilst the closure of the Nisa store would be regrettable, refusing this application in order to protect this private interest would be unreasonable.

6.3 Summary

- 6.3.1** DPDS claim that, even if the Nisa store closes, "*it could not be said that the community would be left without local shopping facilities for its day-to-day needs – the proposed store would meet these*". In essence, given the nature of the retail store proposed and its proximity to the existing centre there would be no loss of local facilities. DPDS conclude that a reason for refusal based on the loss of local facilities would be unsustainable at appeal.
- 6.3.2** DPDS point out the shift in national guidance since the previous application and consider that the Council would have to provide explanation as to why it was giving overriding weight to Policy RT7 in the context of the NPPF and NPPG if this application was refused on the basis of it being contrary to Policy RT7. DPDS consider that the Planning Inspectorate would give greater weight to the NPPF and NPPG because the Local Plan is out of date in relation to retail impact. In essence, a small parade of shops does not fall within the NPPF definition of town centres, the applicant is not required to demonstrate need and the proposed store is so far below the threshold for requiring a retail impact assessment.
- 6.3.3** The proposed development would not result in loss of local facilities and the objectives of Policy RT7 and paragraph 70 of the NPPF would be met regardless of whether the Nisa store ceases to trade.
- 6.3.4** The proposed development would have no significant impact on town centres as defined by the NPPF and as such, DPDS conclude that an appeal on retail impact grounds in this case is likely to be upheld.

6.4 Design, Landscaping and Local Character

- 6.4.1** The second reason for refusal relates to the form, design and materials proposed which would significantly alter and harm the character and appearance of the locality and would be in contrast to existing surrounding development. Similarly, the proposed removal of all existing landscaping along the Newcourt Road boundary would harm the distinctiveness and character of this part of Newcourt Road and the proposed replacement planting would not achieve the same effect in terms of maintaining the character of the area. In full, the second reason for refusal states:

The erection of a modern convenience store in the form, design and materials proposed and against the backdrop of the adjoining parkland and in contrast to existing surrounding residential development, would significantly alter and cause detrimental harm to the character and appearance of the locality. The proposed development sits awkwardly on the plot and is cranked to fit. The utilitarian and functional nature of the design, the excessive use of fenestration on the front elevation and the poor articulation of the eaves overhang detail and front entrance canopy add to a lack of robustness and quality in the design of the proposed building.

Similarly, in order to accommodate the back of house services, a customer car park and a dedicated delivery bay at the front of the building, the footprint is extended to the rear of the plot which would result in the removal of all existing landscaping along the Newcourt Road boundary. This landscaped bank of trees and shrubs contributes to the character and rural feel of this part of Newcourt Road and its loss would significantly harm the overall distinctiveness and character of this part of Newcourt Road. The proposed replacement landscaping within a reduced width of land would not achieve the same affect in terms of maintaining this rural and distinctive character.

As such, the proposed development is considered contrary to Policy CP7 of the Local Plan and paragraph 58 of the NPPF which aims to ensure that developments add to the long-term quality of the area and respond to the local character, create attractive and comfortable places to live and are visually attractive with appropriate landscaping.

6.4.2 Design, layout and materials

- 6.4.3** The overall design and appearance of the scheme has been significantly altered in response to comments made by the Architects Panel, Members and Officers in relation to the previous application.
- 6.4.4** Whilst the general form, scale, mass and layout of the proposed development have not altered significantly, the building footprint and gross internal area have been reduced by 25sq metres and 23 sq metres respectively with a trading area of 264 sq metres (gross internal area of 390 sq metres).
- 6.4.5** A 16 space car park is located to the north of the proposed store with access from a drop curb crossover. One parking space has been lost since the previous scheme to accommodate increased planting and landscaping to the rear of the site. The width of the parking spaces has also been increased in line with good practice for short stay parking. A dedicated delivery bay is provided at the front of the store with vehicular access restricted to this forecourt area from the north by automated bollards located at the end of the delivery bay which would be lowered only when deliveries exit the site. All deliveries and servicing are again proposed to access the site from the southern crossover (i.e. vehicles approaching from the south) and egress from the northern crossover, travelling north into Cheltenham along the A435. A Delivery Management Plan (DMP) accompanies the application which should ensure the efficient management of deliveries to the site, minimising pedestrian and vehicular conflict and potential noise and disturbance to local residents.

6.4.6 Although Officers considered the previous scheme acceptable in design terms it was criticised for being somewhat utilitarian and uninspiring in its appearance. In comparison, the revised scheme, although still functional in appearance, is contemporary and through the use of more traditional materials responds more successfully to local character. In this respect, the applicant comments in the accompanying Planning Statement:

“the building will be functional, it will add to the overall quality of the area removing the detritus from the site and creating a modern building that is reflective of its use but responds to the local character through the use of materials that are found immediately adjoining the site such as brick and render, reinforcing the distinctiveness of this part of Cirencester Road”

6.4.7 The building reads as one single storey structure but has a curved end elevation which both softens and adds interest to this prominent corner. This ‘drum-like’ concept had been applauded by the Architects Panel when considering a set of revised drawings associated with the previous application. These drawings were submitted for discussion only at that time and were not subsequently taken forward by the applicant.

6.4.8 In contrast to the previous duo-pitched roof, the current scheme incorporates a mono-pitch, standing seam zinc roof and is achieved by decreasing the overall height and bulk of the building by 165mm. The roof sits at approximately 5.5 metres at its highest point dropping to 3.5 metres at eaves height. The flat roof element at the rear steps down in height at the rear facing Newcourt Road (4 metres when measured from the car park). A standing seam zinc roof is commonly used in commercial buildings and mimics the traditional slate roofs of neighbouring development. Further, the height and mass of this single storey building should not dominate the predominantly 2 and 2 1/2 storey domestic scale of surrounding residential properties.

6.4.9 The building consists of predominantly brick facing walls with saw-cut natural stone detailing on the south, west and east elevations with part rendered side and rear elevations. Stone mullions and horizontal cast stone surrounds have again been introduced on the front elevation to add interest and relief and reflect the proportions of the bay windows of the houses opposite. A textured brick work finish to the recessed panels within the stone surrounds is also incorporated. This would consist of protruding bricks-on-end in a hit and miss pattern and will add further interest and relief to the front and end elevations, enhance the overall aesthetic of the building and discourage the use of the brick panels for advertising. These architectural features are continued around the curved end elevation and part length of the rear elevation.

6.4.10 The front elevation is otherwise fully glazed beneath a fascia fronting Cirencester Road but the level of fenestration to the shop front is considered appropriate and provides an active shop front enabling views into the store. In response to comments from the Architects Panel, the glazing panels have been recessed 80mm from the stone surrounds to add relief and interest in architectural detailing. Similarly the brick fascia panel which wraps around the front and end elevations is proportionate in size and is successfully delineated by the horizontal cast stone band.

6.4.11 A 300mm course of engineering brick runs along the bottom of the entire building below DPC level and continues at the rear of the site to form a higher retaining wall. The previous use of blue engineering brick has been reconsidered and a more appropriate red engineering brick is now proposed which is more in keeping with local materials.

6.4.12 Although the extent of built form along the west boundary will increase, the building height here is single storey and the sunken lane characteristics of Newcourt Road should be protected. A replacement Cotswold stone wall is again proposed along the Newcourt Road boundary which wraps around the corner of the site at the junction with Bafford

Lane. A low Cotswold stone wall would also replace the damaged stone wall along the northern boundary of the proposed car park where the site adjoins the park.

- 6.4.13** The revised scheme has received the support of both the Civic Society and Architects Panel.
- 6.4.14** The Civic Society *“think this is a well thought through proposal, with good quality materials”*.
- 6.4.15** The Architects Panel considers *“that the current proposal is an improvement. The way the roof modulates between the rectilinear block and the curve is better resolved, but a little more overhang would perhaps be beneficial. The treatment of the service block to the rear is much more satisfactory; however, the panel felt that the shop elevation facing the street could benefit from a greater degree of modelling, perhaps by setting the windows back. The continuity of material from the car park to the loading bay creates a rather sombre and unwelcoming and feel and a change of material for the loading bay would be preferable*”
- 6.4.16** In light of the Architects Panel comments the store entrance has been redesigned to give more prominence and interest to what should be the focal point of the building. The entrance now sits under an over-sailing canopy with an interesting angled column support feature. Additional glazing has also been added to the front elevation within the entrance area and as detailed above, the shopfront windows are recessed by 80mm. The tarmac surface within the car park and delivery bay has been replaced by block paving with variation in colour to delineate the delivery bay from the car park and discourage customer vehicles from inadvertently entering this area.
- 6.4.17** Similarly, the extent of timber fencing enclosing the back of house and plant area has been reduced and replaced with rendered walls with brick pier additions to add interest to the car park elevation. The remaining timber fencing is proposed at the rear of the car park but should, in time, be softened in appearance by the proposed tree and shrub planting which should overhang the fence line.
- 6.4.18** At paragraph 60 of the NPPF the guidance is clear in that *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”*.
- 6.4.19** With the above in guidance mind, all of the above amendments are welcomed and, in Officers’ opinion, offer positive and well thought through additions to the building enhancing its overall appearance within the street scene. The proposed building with its attractive curved end elevation should sit comfortably on what is an awkward shaped site which tapers to the south and provide an active frontage to Cirencester Road. The revised scheme offers improvements in its articulated fenestration and stone detailing, roof form and entrance detail alongside contextually appropriate materials.
- 6.4.20** In summary, Officers consider the revisions to layout, design and choice of materials, accompanied by enhanced landscaping across the site, an improvement on the previous scheme and which respond well to local character. The proposed development achieves a high standard in architectural design and is therefore considered to be entirely in accordance with Policy CP7 of the Local Plan and worthy of support.
- 6.4.21** Landscaping and Local Character
- 6.4.22** Members have stressed the importance of the retention of the existing trees and vegetation along the Newcourt Road boundary which contribute to the ‘rural’ feel and distinctiveness of this part of Newcourt Road and to the character and appearance of the

locality in general. In this respect Officers do not disagree; this landscaped strip certainly provides a visual barrier between the dilapidated buildings and structures on the site and Newcourt Road and one which adds a 'green' and rural feel to the locality.

- 6.4.23** The existing area of landscaping between the buildings and tarmac area of the site and Newcourt Road consists of predominantly self-seeded, semi-mature trees and shrubs within a relatively narrow strip of non-surfaced material with none of the stems exceeding 75mm in diameter. The trees consist of Elm (60%), Sycamore (30%) and Ash (10%) and given their self grown origin are of little intrinsic value. Since the majority of the trees are Elm they may also eventually be affected by Dutch Elm disease and therefore the future of this landscaped belt and its contribution to the 'rural' feel of Newcourt Road is very uncertain.
- 6.4.24** Further to its long term contribution, the value of the existing landscaping and green buffer is limited to the months when the trees are in leaf. In the Autumn and Winter months and the early part of Spring when the trees are not in leaf this strip of landscaping has a more open feel with views into the site from Newcourt Road. The trees and shrubs are unmanaged and are not protected in any way (i.e. not located within a Conservation Area or worthy of a blanket Tree Preservation Order). Further, the landscaped strip reduces in depth significantly towards the junction with Bafford Lane where it is only 600mm in depth and therefore in the Autumn and Winter months a large section of this landscaped area has limited value and opportunity to provide a visual barrier and 'green' feel to Newcourt Road.
- 6.4.25** In comparison, the trees and landscaping on the west side of Newcourt Road have significantly more value in terms of providing a constant green feel to the locality with overhanging tree canopies and more established trees within residents' gardens. This is complemented by the much larger belt of trees located within the adjoining park which are protected by virtue of being located on Council owned land. These trees run along the boundary with the proposed customer car park and extend to Newcourt Road adding greatly to the landscaped feel of the locality. Both these trees and the trees/shrubs on the west side of Newcourt Road are unaffected by the proposed development.
- 6.4.26** The above observations are endorsed by the Council's Tree officer who concludes that there is no long term management possible to maintain the existing landscaping and the proposed tree planting is preferable in the longer term. The chosen species shown on the applicant's landscaping scheme (field maple, birch and Amelanchier) and other landscape planting should complement the scheme and the immediate locality.
- 6.4.27** The Council's Land Contamination Officer has carried out a site inspection to assess the need to remove all the existing trees and shrubs to accommodate the proposed development. He similarly concludes that the existing trees are in relatively poor condition with limited potential to thrive in the longer term due to existing hardstanding and limited soil depths. He identifies some vent pipe work from the old underground fuel tanks which extends to the south-west boundary within the narrow band of trees and as such, removal of the vent pipe work would only be realistically possible with the trees removed. There is also a redundant oil tank close to the north west boundary of the site which would need to be removed if the site is re-developed; this would be more straightforward and safer with the surrounding trees removed. He concludes that demolition and site clearance, including the removal of the underground fuel tanks, could damage some of the trees and their root systems to the extent that they may not survive or thrive in the longer term. Equally, he considers that residential or other commercial development at the site is also likely to require some tree removal due to the site clearance and demolition issues mentioned above, together with possible foundation concerns should the trees be retained.

- 6.4.28** In light of the above, Officers consider that, in order to redevelop this site and make efficient use of a previously developed brownfield site, all the existing trees would, in all probability, have to be removed. Notwithstanding their limited growth and survival potential, the retention of the existing trees would require the site, with its existing hardstanding, ageing buildings and structures, to remain largely in its current state. There are obvious contamination issues associated with this site which are insurmountable in terms of its future redevelopment.
- 6.4.29** In response to the concerns of the Planning Committee, the applicant has modified the footprint of the proposed development and increased the area of proposed landscaping at the rear of the site fronting Newcourt Road, on the corner bend and elsewhere on site. A minimum 2m deep strip of landscaping is now proposed along the Newcourt Road boundary which extends to some 5-6 metres in depth behind the customer car park. This is similar in layout and coverage to the existing landscaping. One car parking space has been lost and the boundary wall/fence alongside the car park moved back into the site to accommodate the additional planting.
- 6.4.30** Officers consider that the benefits and opportunity to replicate and arguably enhance the existing landscaping outweighs the loss of one parking space at the back end of the car park (and which the County Highway Officer has no objection to). The increase in depth will allow more extensive and appropriate tree and shrub planting which will have more capacity to grow and thrive in the long term; a holly hedge, a native mixed shrub mix interspersed with Birch, Field Maple and Amalanchier are proposed. This planting is considered appropriate for the locality and site conditions and alongside opportunities to manage the landscaping, would ensure the green and rural feel of Newcourt Road is maintained.
- 6.4.31** The tree and shrub planting has also been increased on the corner of the site at the junction with Bafford Lane and Cirencester Road which will soften the corner and end elevation. This planting is now extended and wraps around the front of the building. Smaller areas of incidental planting within the car park are also proposed.
- 6.4.32** The submitted landscaping scheme with accompanying Landscape Management Plan is comprehensive and comprises the completed landscaping scheme for the proposed development. Both the Council's Tree Officer and Landscape Architect consider the proposed landscaping scheme and management plan acceptable and appropriate for the locality. A condition specifying that planting should take place in the first planting season following completion of development and be managed in accordance with the submitted management scheme is all that would be needed in respect of proposed landscaping.
- 6.4.33** Summary
- 6.4.34** Officers consider that the revised scheme responds well to the character of the surrounding area in terms of improved landscaping, scale, design and use of contextually appropriate materials and the applicant has tried hard to address the concerns of Committee Members and local residents.
- 6.4.35** It is worth noting that the car wash business has made use of the existing buildings associated with the previous petrol filling station and car sales activities at this site. These buildings and structures have not been modernised or refurbished to any great extent and it cannot be denied that the site, in general, with its ageing buildings and remnants of a petrol filling station, detracts from the character and appearance of the area and adds very little, if nothing, to local character and distinctiveness.
- 6.4.36** In light of all the above design, landscaping and layout considerations and with regard to how the site currently contributes to the character and appearance of the area, it is the view of Officers that the proposed development offers clear and positive enhancements to the overall character and appearance of the locality. As such the proposed development

adheres to Policy CP7 of the Local Plan and paragraph 58 of the NPPF and is worthy of support.

6.5 Noise, disturbance and impact on local amenity

- 6.5.1** The third reason for refusal relates to the potential for an unacceptable increase in noise and disturbance generated by the proposed development and reads as follows:

The proposed development would result in a significant increase in noise and disturbance to local residents living near the site by virtue of increased traffic on Cirencester Road, deliveries to the site, use of the customer car park, the opening hours of the proposed store extending late into the evening, an ATM located externally and in use 24 hours a day and the installation of plant and extraction equipment. As such, the proposed development is considered contrary to Policy CP4 of the Local Plan and paragraph 58 of the NPPF which both seek to ensure that proposed development maintains safe and sustainable living and creates comfortable places to live.

- 6.5.2** There are two key issues in relation to noise and disturbance; firstly, that caused by an increase in traffic on Cirencester Road, deliveries to the site and use of the customer car park and secondly, noise emission from plant and extraction equipment and the ATM.
- 6.5.3** The revised scheme shows the ATM relocated internally within the store and therefore this facility will only be available for customer or passer-by use when the store is open thereby removing any potential for noise and disturbance from the ATM particularly during the evenings and night time. This was something actively encouraged at the previous Committee meeting.
- 6.5.4** The plant enclosure and back of house area have been reconfigured with the effect that the building now wraps around the plant enclosure which is located behind the external wall of the building which has also been increased in height. In addition, a condition has been suggested which ensures that the total noise generated from all units and all items of plant and equipment associated with this application shall be controlled to the extent that it shall not exceed a level of 5dB below the existing LA90 background level (i.e. noise currently associated with the traffic using Cirencester Road).
- 6.5.5** The plant area is likely to consist of one floor mounted condenser unit, two air conditioning units for the refrigeration equipment and one smaller air conditioning unit for the staff office (which will not be in full time use). The masonry walls which enclose the plant have also been increased to 1.8 metres in height to further mitigate against noise emission.
- 6.5.6** The Environmental Noise Survey report has been reviewed by the applicant in light of the revised layout with no change to the findings and conclusions of the original noise survey. Similarly, the Environmental Health team has raised no objection to the revised scheme subject to conditions relating to demolition works, delivery and opening times, plant and lighting details. These matters are discussed further later in the report.
- 6.5.7** A number of comments have been received from local residents about the potential for excessive light glare/pollution from advertising panels and other lighting equipment installed within the curtilage of the site. Any illuminated advertisements and signs installed on the building would be considered under the Advertisement Regulations. To minimise harm to amenity a condition would be added to any subsequent advertisement consent for the submission and written approval of a scheme of reduced lighting outside of the store opening times. Security lights are covered by separate condition but would be subject to the same consideration.

6.5.8 Traffic Issues

- 6.5.9** Local residents and Members have concerns about noise and disturbance associated with the potential for an increase in traffic on Cirencester Road and the affect on the amenities of occupiers of nearby dwellings. The concerns are that the proposed store would attract customers arriving by car resulting in an increase in daily vehicular trips to and from the site over and above the current activity on the site. It is suggested that the resultant increase in noise and disturbance on Cirencester Road and from the customer car park would harm the amenities of the occupiers of nearby dwellings.
- 6.5.10** Officers have considered the many comments received from local residents concerning traffic increase, parking and congestion, dangers associated with stationary and passing vehicles on Cirencester Road, inadequate and dangerous junctions, reduced road widths, and pedestrian safety. However, Members should note that the Highways Officer had no concerns in relation to highway safety in his consideration of the previous scheme and all such issues were discussed at the July meeting. The means of access, delivery arrangements, cumulative parking and number of off-road parking spaces provided for staff and customers, congestion on neighbouring streets and increase in traffic on the local road network (from a highway safety perspective) were all considered acceptable subject to conditions and the applicant entering into a legal agreement to secure necessary works for highway and junction improvements.
- 6.5.11** Members resolved to determine the previous application on that basis and highway safety issues and transport policies do not form part of the reasons for refusal. The reasons for refusal relate only to noise and disturbance caused by a potential increase in traffic on Cirencester Road and vehicles using the car park and the subsequent impact on the amenities of occupiers of neighbouring properties. This application should be considered with regard to these matters only.
- 6.5.12** The applicant has submitted a detailed Transport Statement which includes a vehicle trip analysis (Table 6.3 of the Transport Statement) which determines that the proposed development would result in less vehicular traffic (-473 daily trips) when compared to the previous use of this site as a petrol filling station (PFS). As with the previous application, the Highways Officer considers this a key factor in determining the degree of impact in use, which he concludes would have a positive impact on highway safety and capacity. In essence, when compared to a PFS the proposed use would generate a net reduction in trip generation in both the peak hour and inter peaks. This analysis is fully endorsed by your Officers.
- 6.5.13** The above conclusion is reached on the basis that, in addition to the current use, the previous uses of the site (PFS, car sales/workshop) are material considerations that attract significant weight. As indicated, a petrol filling station would have generated significant vehicular trips, accessing the site from two access points with fuel deliveries. The ancillary shop would also have generated some pedestrian and vehicular trips.
- 6.5.14** For completeness, the applicant's traffic consultant has also carried out an analysis of TRICS data for petrol filling stations between 1993 and 1996. A comparison between the previous PFS (1996) and the proposed retail use detailed within the Transport Statement, suggests that, in summary, the proposed retail use would generate the same number of movements in a typical am peak time, slightly increased numbers in the proposed development identified peak (12:00 to 13:00), and less within the pm peak hour when compared to 1996 PFS traffic levels.
- 6.5.15** This additional comparison indicates that daily trips generated by the proposed retail use are still significantly less than the PFS would have generated in 1996. The proposed two-

way daily trips is estimated at 654, whilst the PFS (1996 flows) were 988; a difference of 334.

6.5.16 However, it is important to note that comparisons between the previous use of the site as a PFS and the proposed retail use should be made on the basis of current traffic levels, in other words, a like for like comparison only should be made.

6.5.17 The Transport Statement also refers to the TRICS Research Report 95/2 Pass-by & Diverted. This report assesses the relationship between primary and non-primary trips (single purpose and linked trips) generated by retail development. It is also considered normal practice to combine diverted and pass-by trips into the non-primary definition, put simply as meaning trips made to shops, supermarkets and convenience stores by vehicles already on the road network.

6.5.18 Paragraphs 4.2 of the above TRICS report conclude that:

“very little new traffic is generated by new store developments. Figures compiled in this document suggest that in most circumstances 10% or less of the total trips are completely new and in practice the value is so small it can be discounted”

6.5.19 The Highways Officer considers the above assessment correct since users of the proposed store are most likely to be by-passing the site and existing retail uses on Cirencester Road and already travelling along it, particularly given that Cirencester Road is an arterial road. There would inevitably be a proportion of transferred trips (trips that used to travel to one opportunity but now travel to the new site) but the conclusion reached by the Highways Officer is that even if there was an element of transferred or re-distributed trips, when compared with the fall back position of a petrol filling station, the total figures would not represent an increase in traffic on Cirencester Road.

6.5.20 Clearly, the above values will depend on size of store and local context but in essence what this data indicates is that the vast majority of vehicles accessing the site are likely to be already using the local road network i.e. diverted trips and pass-by traffic and therefore an actual increase in traffic will be negligible. Using the same argument, the closure of the Nisa store would also result in a proportion of diverted trips to the proposed store.

6.5.21 The volume of diverted and pass-by traffic is also expected to be lower at the weekend and after 7pm since this is a main arterial road into Cheltenham and carries a significant volume of commuter traffic during peak flow periods.

6.5.22 To add more perspective, the Highways Officer has investigated existing traffic flows on Cirencester Road and estimated the likely increase in traffic on this stretch of Cirencester Road based on trip rates associated with the proposed development. The TRICS derived daily two way trips of 654 for the proposed development would represent 9% of the daily two way flows along this stretch of Cirencester Road. Using the TRICS Research Report analysis that new trips associated with retail development are generally 10% of total trips, this equates to less than 1% of the total volume of traffic using Cirencester Road. In essence, any increase in volume of traffic on Cirencester Road would be inconsequential and there would be no justification for refusing this application on these grounds.

6.5.23 A Delivery Management Plan (DMP) has again been submitted and this document would form part of any planning approval for this site. The DMP seeks to control and manage all retail and service deliveries to the site in a manner which should prevent the parking or waiting of delivery vehicles on the public highway and deliveries taking place directly from Cirencester Road, Newcourt Road or Bafford Lane and includes other measures to ensure the efficient day to day management of the site. It also provides a list of ‘best practice’ informatives which should help to minimise noise and disturbance to local residents.

- 6.5.24** Officers are mindful of the concerns of Members with regard to the extent to which the DMP is enforceable. The principal aim of the DMP is to ensure the safety and direction of deliveries to and from the site, reduce pedestrian and vehicular conflict and prevent delivery vehicles from parking on Cirencester Road. The DMP also includes the approved delivery hours which are also covered by separate planning condition. The list of 'best practice' informatives is included to ensure that the site is managed as efficiently as possible with minimum disturbance to local residents. Officers acknowledge that these informatives are likely to be unenforceable; they are informatives only but offer the end user a guide to 'good practice' in store management and have been used elsewhere on similar proposals.
- 6.5.25** Any failure to adhere to the principal requirements of the DMP would potentially result in a breach of condition notice being served on the user of the site and appropriate enforcement action being taken. The DMP would apply to the end user of this site and any subsequent A1 user of the site, in perpetuity.
- 6.5.26** Since the principal requirements of the DMP would have highway safety implications, should they not be implemented in a satisfactory manner, the Council would consider any breach a serious and urgent matter. Should discussions with the end user fail to resolve the issues then appropriate enforcement action could be taken. There is no right of appeal against a breach of condition notice.
- 6.5.27** The proposed development also has the clear advantage of providing a dedicated, off road delivery bay ensuring safe deliveries with minimal vehicular/pedestrian conflict. There are many examples of convenience stores across Cheltenham where this facility is not available (e.g. Morrisons - Prestbury Road and Winchcombe Street, Tesco – Hewlett Road, Co-Op -Leckhampton Road and Nisa - Croft Road) and delivery vehicles are forced to park on the adjoining highway or use the customer car park.
- 6.5.28** In addition, a condition has been suggested to restrict deliveries within certain hours (07:00 – 19:00 hrs Monday to Friday, 08:00 – 18:00 Saturday and 10:00 – 14:00 Sundays and Bank Holidays). A smaller early morning newspaper delivery is permissible from 06:00 hrs but vehicles associated with this type of delivery must park in the customer car park and not on Cirencester Road or in the delivery bay.
- 6.5.29** Deliveries are expected to consist of three to four deliveries per day of which one to two will be by rigid or articulated lorries with the remainder by smaller vehicles. Delivery vehicles would also enter and leave the site in a forward gear (no reversing beeps) and would carry out deliveries off road and away from the houses opposite.
- 6.5.30** The Environmental Noise Survey and Noise Impact Assessment carried out on behalf of the applicant, includes an analysis of potential noise from deliveries and vehicle movements based on calculated changes in ambient noise levels at the nearest noise sensitive receptors. Operational data has been used for a similar sized convenience store and the assessment has assumed a worst case scenario in terms of early morning deliveries and peak flows in traffic. The Noise Survey also provides cumulative plant noise emission criteria to be achieved at 1m from the proposed plant area.
- 6.5.31** The findings of the above Survey conclude that coupled with revisions to the design and layout of the proposed plant enclosure and the relocation of the ATM, the proposed delivery and customer vehicle movement noise levels are likely to have an insignificant affect on the existing ambient noise levels at adjacent residential properties. Both day time and night time assessments indicate very small changes in ambient noise levels (<1.5db and <1db respectively), which the acoustic consultants consider would result in an imperceptible change in loudness.
- 6.5.32** The Council's Environmental Health Officer has reviewed the findings of the above survey and has no concerns in relation to noise generated by vehicular movements or plant

subject to a number of conditions. These conditions relate principally to delivery and store opening times, approval of all plant and equipment, noise emission criteria and lighting.

- 6.5.33** All of the above measures, coupled with the very small number of daily deliveries anticipated for a store of this size should not result in any significant harm to the occupiers of neighbouring dwellings in terms of noise and disturbance. The likelihood of one early morning main delivery is not considered excessive and would not in itself warrant refusal of the proposed development.
- 6.5.34** In addition, the applicant has proposed a further reduction in the opening hours for the store. The store would be open to customers between 07:00 – 10:00 Monday to Saturday and 07:30 – 21:30 Sundays and Bank Holidays. This reduces the opening times in the evening by one hour each day thereby minimising the potential for noise and disturbance to local residents. A condition is suggested to control the proposed opening hours.
- 6.5.35** Any noise and disturbance associated with the proposed development should also be measured against the noise generated by the current (and previous) use of the site. The application site is currently occupied by a hand car wash facility which uses a jet washing operating system. The car wash operates seven days a week although opening hours are restricted (09:00 to 18:00 hours Monday to Saturday and 10:00 to 14:00 hours on Sundays and Bank Holidays). It must be acknowledged that this use generates considerable noise which is audible above the noise associated with traffic on Cirencester Road and also very noticeable from Newcourt Road.
- 6.5.36** The previous uses of the site as a petrol filling station, car sales and workshop would also have generated a certain level of daily vehicular movement, customer activity and noise and disturbance to local residents. Fundamentally, this is a brownfield site, on a busy arterial road into Cheltenham which is currently in commercial use and therefore a certain level of noise from activity on the site is inevitable. Officers also feel that, irrespective of any increase in traffic associated with the proposed use, noise from cars visiting the site and using the car park would be barely noticeable above the background traffic noise on Cirencester Road. Officers do accept that, although Cirencester Road is busy throughout the day, traffic volume decreases in the evening, noticeably after 7pm. However, this pattern would coincide with the off peak in terms of customer numbers visiting the proposed store and therefore impact on neighbours would, in any event, be reduced at these times.
- 6.5.37** Summary
- 6.5.38** The advice set out at Paragraph 32 of the NPPF states clearly that plan and decision making should take account of opportunities for sustainable transport modes, safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of developments are severe”*.
- 6.5.39** The proposed development is accessible by alternative sustainable transport modes and has a safe and suitable pedestrian and vehicular access. The Environmental Noise Survey and Impact Assessment and the Council’s Environmental Health Officer conclude that changes in ambient noise levels generated by deliveries, customer vehicular movement and plant would be insignificant and are therefore acceptable.
- 6.5.40** The Highway Authority has raised no objection to the proposed development on highway safety grounds and similarly, highway safety issues do not form part of the reasons for refusal. Funding would be secured via a legal agreement for necessary highway and junction improvements and mitigation measures deemed necessary by the Highway Authority.

6.5.41 Having regard to the previous and current uses of the site, comparisons in trip generation and the estimated negligible increase in traffic on the local road network associated with new retail development, the highway authority considers that the cumulative impact from the proposed development will not be severe and a reason for refusal on traffic grounds cannot be sustained.

6.6 Other considerations

6.6.1 The Parish Council has raised objection to the proposed development. Where they are relevant to the revised application, their principal concerns relating to retail impact, sustainability, amenity and highway safety are covered in the body of this report,

6.6.2 They also comment on the failure of the scheme to meet one of the strategic objectives of the Joint Core Strategy "*to ensure that all new developments are valued by residents as they ... provide well-located infrastructure which meets the needs of residents*". This is not a formal policy of the JCS but rather a statement on what the Councils consider to be some of the attributes of sustainable development. The strategic objectives in the plan should be read as a whole including "*Providing the right conditions and sufficient land in appropriate locations to support existing businesses and attract new ones*" and "*supporting a diverse retail offer*". They are to be met through the application of policy, in this case retail and transport policies, both through the saved policies in the Local Plan and the emerging policies in the JCS.

6.6.3 That said, the JCS is at an advanced stage its adoption process. Publication of the re-submission version took place during August/September 2014 and will be formally submitted to the Secretary of State for Examination on 20th November 2014. However, given that the JCS has not yet been formally examined it currently holds limited weight in decision making.

7. CONCLUSION AND RECOMMENDATION

7.1.1 The application site is a former petrol filling station and currently used as a hand car wash facility. The site serves a useful function and provides a beneficial service to the local community but as a brownfield site within an urban area it is underutilised and generally detracts from the character and appearance of the locality.

7.1.2 This is a revised application which seeks to address the three reasons for refusal associated with a previous scheme. Officers consider that the significant revisions to design, appearance and layout and the retail arguments put forward by both the applicant and retail consultants DPDS have addressed the concerns of Members and local residents and the amended scheme offers considerable benefits.

7.1.3 The proposed development would enhance the overall character and appearance of the locality; the scheme is well designed using contextually appropriate materials and provides opportunities for enhanced and long term landscaping maintaining the 'rural' feel of Newcourt Road. The proposed development makes efficient use of a brownfield site in a sustainable location which, by virtue of the nature and condition of existing built form, currently detracts from the character and appearance of the area. Overall, the revised scheme offers clear and positive enhancements to the overall character and appearance of the locality and maintains local distinctiveness.

7.1.4 The retail impact issue focuses on the weight which should be attached to Policy RT7. DPDS consider that the Planning Inspectorate would give greater weight to the NPPF and NPPG because the Local Plan is out of date in respect of Policy RT7. DPDS consider that the Council would have to provide explanation as to why it was giving overriding

weight to Policy RT7 in the context of the NPPF and NPPG if this application was refused on the basis of it being contrary to Policy RT7.

- 7.1.5** Similarly, even if the Nisa store is forced to close, Officers argue that the community would not be left without local shopping facilities since the proposed store would meet these. In essence, given the nature of the retail store proposed and its proximity to the existing centre there would be no loss of local facilities. The proposed development would have no significant impact on town centres as defined by the NPPF and as such, DPDS conclude that a reason for refusal based on loss of local facilities and on retail impact grounds in this case would be unsustainable at appeal.
- 7.1.6** An A1 unit on this site would generate activity and noise associated with deliveries and customers visiting the site. However, consideration of loss of amenity to the occupiers of neighbouring properties must focus on whether the harm caused would be demonstrable, significant and severe enough to warrant refusal of the proposed development.
- 7.1.7** The existing car wash facility generates noise and vehicular movements to and from the site on a daily basis. Cirencester Road is a busy arterial road and its traffic flow generates considerable noise. Officers argue that any noise and disturbance generated by a convenience store on this site would not be any worse than the current scenario and, at most times of the day would not be audible above the noise of the road. Store opening and deliveries hours would be restricted to minimise disturbance and the proposed opening hours have been further reduced by one hour each day to minimise noise and disturbance in the evenings. The ATM has been relocated inside the store and the plant enclosure reconfigured to limit noise emission.
- 7.1.8** With regard to the previous uses of the site, the highway authority considers that an increase in traffic on the local road network would be negligible, the cumulative impact of the proposed development would not be severe and safe and suitable access and adequate parking can be provided. The DMP should ensure that all servicing and deliveries to the site would operate safely and not from the adjacent highway. No highway objection is raised subject to conditions and the applicant entering into a legal agreement to ensure the provision of necessary highway works. The proposed customer car park is well contained within the site, shielded on one side by the store itself and set back from the houses opposite. Therefore, over and above the noise from the road, there should be no significant harm to the amenities of the occupiers of neighbouring properties associated with the use of the car park.
- 7.1.9** As Members are aware, at paragraph 14, the presumption in favour of sustainable development is at the heart of the NPPF and for decision-taking this means that where the relevant policies are out of date, planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*.
- 7.1.10** For the purposes of whether the proposed development is considered sustainable development, the NPPF identifies three core components to sustainable development; economic, social and environmental and the mutual roles that these play.
- 7.1.11** In terms of the economic and social benefits, Officers consider that in addition to employment opportunities, the proposed development makes efficient use of an underutilised and contaminated brownfield site which currently detracts from the character and appearance of the locality. It will add to the local facilities providing top-up shopping for the catchment. Equally, the proposed store is located in a sustainable location, on a major arterial road into Cheltenham and is accessible by various modes of transport. In terms of the environmental benefits, the proposed development would again enhance the character and appearance of the site and locality and maintain local distinctiveness through good design and appropriate landscaping. The proposed development would not

generate a significant increase in traffic on Cirencester Road and the operational management of the site should not result in excessive noise and disturbance and harm to the amenities of occupiers of neighbouring dwellings.

- 7.1.12** After careful consideration of all the issues, including the strength of local opposition to the proposed development, Officers consider that the revised scheme addresses the previous reasons for refusal, offers clear benefits to the overall character and appearance of the locality and is worthy of support. As such, there are no objections or concerns in relation to design and layout, loss of amenity to neighbouring properties, impact on the Croft Road neighbourhood centre and loss of local facilities.
- 7.1.13** It is therefore recommended that planning permission be granted subject to the following conditions and the applicant entering into a legal agreement with the County Council to ensure the provision of necessary highway works.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 655 11 Rev C, 655 24 Rev B, 655 27, 655 12 Rev P, 655 13 Rev N, 655 28, 655 26, 655 25 Rev A, 655 17 Rev D, 655 27, 655 28, 483 05c received 11th September 2014, 18th August 2014 and 29th September 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The development hereby approved and all deliveries and servicing of the development hereby permitted shall be carried out in strict accordance with the 'Delivery Management Plan 13-00234/DMP/01/Rev H August 2014' received by the Council on 18th August 2014, unless otherwise agreed in writing by the Local Planning Authority. Should any variation of the Delivery Management Plan (DMP) be deemed necessary, then the applicant or current occupier of the development hereby approved shall submit a revised DMP to be approved in writing by the Local Planning Authority. The development hereby permitted and all deliveries and servicing of the development hereby permitted shall thereafter be carried out in strict accordance with the approved DMP.
Reason: To ensure the development and all deliveries and servicing of the site are carried out in strict accordance with the approved Delivery Management Plan in the interests of highway safety and to protect local amenity, in accordance with Policies TP1 and CP4 of the Local Plan.
- 4 The development hereby approved shall not commence on site until the following condition has been complied with and satisfactorily agreed, in writing, by the Local Planning Authority.

i) Site characterisation

A site investigation and risk assessment should 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 should be produced and will be subject to the approval, in writing, by 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, in writing, by the Local Planning Authority.

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.

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 relating to development on contaminated land.

- 5 Prior to commencement of development full details of the proposed vehicular accesses and layout of the proposed delivery bay shall be submitted to and approved by the Local Planning Authority and prior to the first beneficial occupation of the development they shall be completed in all respects in accordance with details approved under this condition and shall be retained as such thereafter.

Reason: To minimize hazards and ensure a safe and suitable means of access for all users of the development hereby approved in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 6 Prior to the first occupation of the development, the car parking area shall be completed and marked out in accordance with the approved plan(s). The car parking area shall thereafter be retained in accordance with the approved plans and kept available for use as car parking.

Reason: To ensure adequate car parking within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 7 Prior to the commencement of development a phasing programme for the development hereby approved shall be submitted to and approved in writing by the local planning authority and the local highway authority. This phasing programme will need to ensure that the highway authority can implement the necessary highway works prior to the first opening of the retail unit to customers hereby approved.

Reason: To minimize hazards and ensure a safe and suitable means of access for all users of the development hereby approved in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 8 Prior to the commencement of any development on the site, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall provide for and include the following information:-

- a) the parking of site operatives' and visitor's vehicles
- b) the type and number of vehicles expected to occupy the site during the development phases (including demolition)
- c) the means of loading and unloading plant and materials
- d) the areas on site to be used for the storage of plant and materials used in construction and any resultant materials from demolition works
- e) wheel washing facilities
- f) access routes into and out of the site of all construction operations and vehicles
- g) measures to control the emission of dust and dirt during construction and demolition

The provisions of the approved statement shall be adhered to throughout the construction and demolition phases of the development.

Reason: To provide safe access to site during the construction period in accordance with Policy TP1 of the Local Plan.

- 9 The cycle parking provision shown on the approved plans shall be completed prior to the first occupation of the development and thereafter kept free of obstruction and available for the parking of cycles only.

Reason: To ensure adequate provision and availability of cycle parking in accordance with Local Plan Policy TP6 relating to parking provision in development.

- 10 Notwithstanding the submitted details, prior to the commencement of development, the design and details (including materials, finishes and samples where requested) of the following shall be submitted to and approved in writing by the Local Planning Authority:

1. the main shop entrance, canopy and supporting post(s), fascia detail
2. eaves and soffit detail
3. windows and shopfront glazing panels (including reveals, cills and detail of obscure glass)

4. stone panelling to glazing surrounds, stone banding and cast stone coping detail
5. rainwater goods
6. vents, flues and any other pipework
7. bollards and any other street furniture
8. security lighting and all external light fittings installed within the curtilage of the application site
9. cycle stands (staff and customer)
10. timber gate and fencing panels

The design and details shall be accompanied by elevations and section drawings where considered necessary by the Local Planning Authority. 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, CP4 and CP7 relating to sustainable environment, safe and sustainable living and design, and national guidance set out within the National Planning Policy Framework. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

11. 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.
12. Prior to the commencement of development, samples of the proposed facing and roofing materials and boundary and retaining wall materials, including a sample panel of the proposed textured brickwork on the east and south elevations, shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
13. Prior to the commencement of development, plans detailing the specification and location of all hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. All new hard surfacing areas shall be formed from permeable materials or provision shall be made to direct run-off from the hard surface to a permeable or porous area (soakaway) within the site.
Reason: To maximise the absorption of rainfall on site in accordance with Local Plan Policy CP1 relating to sustainable development.
14. The landscaping proposals hereby approved shall be carried out no later than the first planting season following the date when the development is ready for occupation unless otherwise agreed in writing by the Local Planning Authority. All planting and subsequent management of the approved landscaping shall be carried out in accordance with the 'Ongoing Landscape Management' plan received on 11th September 2014. After planting should any trees or plants be removed, die, or become severely damaged or seriously diseased they shall be replaced with others of similar size and species to those originally required to be planted.
Reason: To ensure that the planting becomes established and thereby achieves the objectives of Local Plan Policies CP1 and CP7 relating to sustainable development and design.
15. Prior to the commencement of any works of demolition or construction a Method Statement detailing the control of noise, dust, vibration and any other nuisances arising

- from works of construction and demolition (including the methods for storage, removal and/or recycling of waste/salvaged materials) shall be submitted to and approved in writing by the Local Planning Authority. The statement should also include controls on noise and nuisance from construction and delivery vehicles operating at and accessing the site from the public highway.
Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.
- 16 All works relating to the development hereby approved, including works of demolition or site preparation prior to operations, shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.
- 17 Prior to the commencement of development, the end user of the proposed A1 unit (and any subsequent user(s)) of the unit shall submit a waste management plan which shall be approved in writing by the Local Planning Authority. The plan shall provide details of where and how the waste and recycling for all units will be stored, the proposed means of collection and the methods the waste collection contractor will adopt in reducing the impact from noise on nearby residential premises. The provisions of the approved waste management plan shall be implemented upon the proposed retail unit being first open to customers and thereafter implemented for the duration of the use.
Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.
- 18 All deliveries to the site (including the collection of waste) shall only take place between the hours of 07:00 and 19:00 Monday to Friday, 08:00 and 18:00 Saturdays, 10:00 and 14:00 Sundays and Bank Holidays. Newspaper deliveries can be made to the site between 06:00 and 19:00 only. When newspaper deliveries are made before 07:00 hours all newspaper delivery vehicles shall park and unload in the customer car park and not in the delivery bay at the front of the store.
Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.
- 19 The use hereby permitted shall only be open to customers between the hours of 07:00 to 22:00 Monday to Saturday, 07:30 to 21:30 on Sundays and Bank Holidays.
Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.
- 20 Prior to the commencement of the use hereby permitted, details of the means of ventilation and extraction from air conditioning plant, chiller and refrigeration systems and the dispersal of cooking smells/fumes, including details of the method of installation, odour control measures, noise levels, appearance and finish shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use hereby permitted commences and the store is open to customers and maintained in strict accordance with the manufacturer's and installer's instructions thereafter.
Reason: These details need careful consideration and formal approval to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 21 The total noise generated from all items of plant and extraction and ventilation equipment associated with the use hereby permitted shall be controlled to the extent that the rating level (in accordance with BS 4142: 1997) as measured or calculated at 1m from the façade of the nearest noise sensitive premises shall not exceed a level of 5dB below the existing LA90 background level with no tonal element to the plant. This

control shall be demonstrated by a noise assessment which shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any plant or extraction/ventilation equipment. Should any changes be made to the building or the plant and equipment serving it, the detail of these alterations shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The plant and extraction/ventilation equipment shall be installed and thereafter operated strictly in accordance with the approved details.

Reason: These details need careful consideration and formal approval to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 22 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.

- 23 Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm shall be severed without the advice of a qualified arboriculturalist or without the written consent of the Local Planning Authority'.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 24 Tree protective fencing shall be installed in accordance with the specifications set out within the Arboricultural Report dated December 2013 and Drawing Number CC TP1. 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.

- 25 All sequencing and detail of works taking place on site (including demolition and site clearance) shall take place in accordance with the Method Statement within the Arboricultural Report dated December 2013.

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.

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, the authority sought minor revisions to the landscaping scheme, fenestration and roof detail and hard surfacing materials.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The complete extraction system serving the unit should be designed and commissioned by competent specialist engineers. The design of air pollution control equipment should be based on peak load conditions, i.e. the worst case scenario.

The scheme shall include the following:

- Full details of the system layout
- Housing of filters, motor and fan inside the building where possible
- Integrated grease baffle filters
- Suitable odour treatment plant to render the exhaust odourless at nearby residential property
- Specification of a motor and axial fan with variable speed controller
- An acoustic report detailing the predicted noise levels from the extraction equipment as they affect nearby residential properties.
- Circular section ducting preferred with a minimum of bends
- High level exhaust point fitted with a vertical discharge cowl that achieves maximum efflux velocity. This shall be at least 1 metre above roof ridge level of the host building

- 3 Given the proximity of neighbouring residential development, the number and size of fascia signs, and other signage, graphics and advertisements and the amount and level of illuminated signage on the two shop frontages should be kept to a minimum.
- 4 Should a survey of the existing building (prior to the commencement of any works on site) indicate the presence of asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.
- 5 The proposed development will require works to be carried out on the public highway to include the relocation of a street light and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the Local Highway Authority before commencing works on the development.

APPENDICES

1. Officer report - July Committee Meeting 2014
2. Mango Retail Impact Assessment - January 2014
3. DPDS Retail Impact Review Report - February 2014
4. DPDS Review Report - September 2014