

APPLICATION NO: 15/00321/OUT		OFFICER: Mr Martin Chandler	
DATE REGISTERED: 12th March 2015		DATE OF EXPIRY: 11th June 2015	
WARD: Swindon Village		PARISH: Swindon	
APPLICANT:	Hinton Properties (Cheltenham) Ltd		
AGENT:	Mr James Griffin		
LOCATION:	Cotswold BMW, Tewkesbury Road Cheltenham		
PROPOSAL:	Outline Planning Application for up to 3, 892 sq.m of Class A1 (shops) floorspace, up to 603 sq.m of A4 (drinking establishment) floorspace and up to 1, 395 sq.m of D2 (gym) floorspace with associated parking.		

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Attached are a list of suggested conditions to support the recommendation to permit this application subject to the satisfactory completion of a Section 106 legal agreement to mitigate the impact of the development on the town centre and a travel plan contribution to the County Council.
- 1.2. It is necessary for a condition to restrict the goods offered by this development but at the time of publishing this report, the final wording had not been fully resolved.
- 1.3. Members are advised that the aim of the condition will be to allow a TK Maxx 'type' unit as well as a shoe store operator to trade from the development but other than this flexibility, the development will be restricted by a standard bulky goods condition.
- 1.4. The reason for the condition will be to ensure that the development proposed does not prejudice the town centre's vitality and viability.
- 1.5. Members are also advised that two letters from the applicant in support of the proposal are attached to this update.

2. CONDITIONS

- 1 The development hereby permitted shall be begun by whichever is the later of the following:-

- (a) the expiration of three years from the date of this permission;
- (b) the expiration of two years from the date of approval of the final reserved matters;

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 Application(s) for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any development revoking and re-enacting that order with or without modification), the units hereby granted planning permission shall not be subdivided without the prior express permission of the Local Planning Authority.

Reason: To ensure that the premises do not prejudice the continuing vitality and viability of the town centre.

- 5 Bulky goods and formatting

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

Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design. This information is necessary before development commences to ensure a suitable relationship with the existing built form.

- 7 No development shall commence on site unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy UI3 of the Cheltenham Borough Local Plan (2006). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

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

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 32 and 35 of the National Planning Policy Framework. This information is necessary prior to the commencement of development to ensure there is a safe and suitable access during the construction period, in accordance paragraph 32 and 35 of the National Planning Policy Framework.

- 9 Prior to beneficial occupation a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority, setting out:

- i. objectives and targets for promoting sustainable travel,
- ii. appointment and funding of a travel plan coordinator,
- iii. details of an annual monitoring and review process,
- iv. means of funding of the travel plan, and;
- v. an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

- 10 Prior to beneficial occupation of the proposed development details of secure and covered cycle storage facilities shall be submitted to and approved in writing by the local planning authority, the approved works shall be completed prior to beneficial occupation and shall be maintained as such thereafter.

Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 and 35 of the National Planning Policy Framework.

- 11 Prior to beneficial occupation of the proposed development the car parking facilities shall be provided in accordance with the approved plan and shall be maintained available for that purpose thereafter.

Reason: To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to paragraph 32 of the National Planning Policy Framework.

- 12 Prior to beneficial occupation of the proposed development details of enhanced westbound bus stop facilities including Real Time Passenger Information facilities shall be submitted to and agreed in writing by the local planning authority, no part of the development shall be occupied until the approved works have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.

INFORMATIVES :-

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 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 ensured that the applicant provided sufficient retail analysis so that the conclusions of the sequential test and the impact on investment and

the vitality and viability of the town centre were fully understood. Upon receipt of this information and following scrutiny by an external, independent consultant, the Local Planning Authority are satisfied that the development constitutes sustainable development and has therefore been approved in a timely manner.

- 2 This permission is subject to a Section 106 agreement to mitigate the impact of the development on the town centre and also an unilateral undertaking to the County Council in relation to a contribution towards travel plan monitoring.