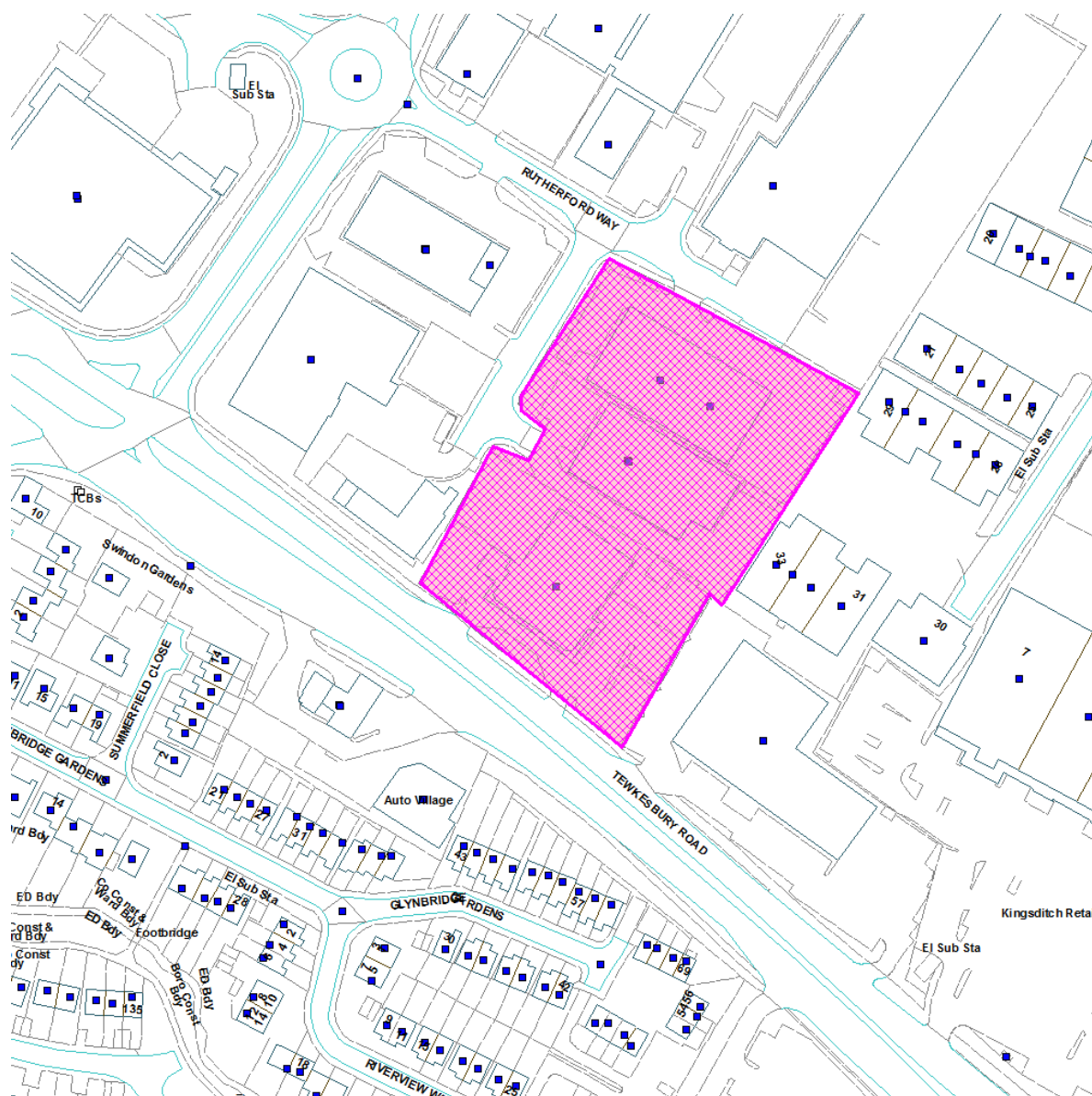


<b>APPLICATION NO:</b> 17/00936/FUL		<b>OFFICER:</b> Mrs Emma Pickernell	
<b>DATE REGISTERED:</b> 17th May 2017		<b>DATE OF EXPIRY:</b> 16th August 2017	
<b>WARD:</b> Swindon Village		<b>PARISH:</b> Swindon	
<b>APPLICANT:</b>	Hinton Properties (Cheltenham) Ltd		
<b>AGENT:</b>	Hunter Page Planning		
<b>LOCATION:</b>	Cotswold BMW, Tewkesbury Road, Cheltenham		
<b>PROPOSAL:</b>	Full planning application for erection of 2,856 sq.m food store (Use Class A1) and 223 sq.m of coffee shop retail and drive-thru (Use Class A1/A3) with associated landscaping, parking and infrastructure		

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a retail food store of 2,856 sqm (use class A1), a coffee shop retail and drive-thru (use class A1/A3) with associated landscaping, parking and infrastructure. The stated intended occupiers for the units are Lidl and Starbucks.
- 1.2 The proposed layout involves the positioning of the food store in the eastern part of the site and the coffee shop in the western part of the site with parking provided wrapping around the west and south of the buildings.
- 1.3 The site was most recently in use as a car showroom (sui generis) and was occupied by Cotswold BMW, however it is now vacant as the occupant has moved to the new Grovefield Way site. The site bounds the Kingsditch Retail Park to the south east and to the north west of the site is the Gallagher Retail Park. Access to the site is provided from Both Tewkesbury Road and Rutherford Way to the rear. The site area is 1.2 ha.
- 1.4 The planning application is presented to committee at the request of Cllr Clucas who objects to the proposal relating to: Impact on houses in Glynridge Gardens, particularly in relation to light pollution and privacy; exacerbation of problems in this area with 'boy racers', which are already causing real concern and have been reported to the police; Increase in traffic. Swindon Village Parish Council have also objected to the application as detailed below.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m

### Relevant Planning History:

**00/01040/FUL 12th September 2000 PER**

Extensions to existing car showrooms and link canopy and extension to existing parts department/ancillary accommodation

**96/00008/PF 22nd February 1996 PER**

Extension To Existing Garage To Form New Carwash Area

**96/00679/PC 17th October 1996 PER**

Provision Of New Vehicle Storage Area, Staff/Customer Parking And Display Area Following Demolition Of Dwelling Adjacent To Existing Garage Site (In Accordance With Revised Plans Received 11

Erection of motor vehicle sales showroom and servicing facilities. New access.

**15/00321/OUT 22nd June 2016 PER**

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.

## 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 6 Mixed use development  
CP 7 Design  
CP 8 Provision of necessary infrastructure and facilities  
NE 4 Contaminated land  
RT 1 Location of retail development  
RT 7 Retail development in out of centre locations  
UI 3 Sustainable Drainage Systems  
TP 1 Development and highway safety  
TP 2 Highway Standards  
TP 3 Servicing of shopping facilities  
TP 6 Parking provision in development

National Guidance

National Planning Policy Framework

## **4. CONSULTATIONS**

### **Gloucestershire Centre For Environmental Records**

*5th June 2017*

Biodiversity report available to view on line.

### **Wales And West Utilities**

*5th June 2017*

Letter and Plan available to view on line

### **GCC Local Flood Authority (LLFA)**

*5th July 2017*

I have reviewed the above planning application on behalf of the Lead Local Flood Authority (LLFA) in relation to a surface water drainage strategy and flood risk and can comment as follows.

The application is a Brownfield site with the proposal for re-development to include a food store, coffee shop, landscaping and parking. The pre-development surface water drainage was discharging to the Severn Trent surface water sewer in Rutherford Way and to their combined sewer in Tewkesbury Road. Infiltration for the proposed site is considered not an option due to the clay based geology which also affects the overlying sand and gravel.

The application proposes to discharge post development to the existing Severn Trent sewerage system, utilising existing connections. The proposal is to split the development into North and South with the Northern section discharging surface water to the Severn Trent storm water sewer in Rutherford Way and the Southern section to the combined sewer in Tewkesbury Road.

The applicant's Flood Risk Assessment (FRA) includes a letter from Severn Trent Water (dated 30.10.14) conditionally agreeing to a discharge to their surface water sewer in Rutherford Way (at a specified rate) but also states that as there is a surface water sewer available a connection to the combined sewer should be avoided.

The LLFA is in agreement with Severn Trent Water and considers a discharge to the combined sewer to be contrary to the NPFF and inappropriate at this time unless no other option is available.

The proposed discharge rate of 1 in 2 year with 40% betterment is acceptable and the use of permeable paving to provide storage attenuation up to the 1 in 100 year rainfall event plus climate change, will also give 2 processes of water improvement. However, the LLFA objects to the application in its current form due to the proposal to discharge to the combined sewer. It is recommended that the applicant re-assesses this proposal and fully considers the SuDS hierarchy in discharging surface water from the Southern section of the development. Any discharge to a foul/combined sewer is to be considered a final option and the applicant should show that no other option is viable.

NOTE 1 : The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

#### **Revised comments**

*26th July 2017*

Further to my previous correspondence dated 9 June 2017 recording an objection by the Lead Local Flood Authority (LLFA) to this application, I have reviewed the additional information from the applicant dated 18 July 2017 and comment as follows.

The applicant proposes to amend the original surface water drainage system which included a discharge from the southern part of the development to the Severn Trent combined sewer in Tewkesbury Road. This was unacceptable to the LLFA and the applicant now proposes to discharge totally to the Severn Trent surface water sewers in Rutherford Way and the unnamed road off Rutherford Way. There will be no discharge of surface water to the combined sewer.

The loss of a discharge to the combined sewer will result in a slightly higher volume of surface water that will need to be stored to cater for the 1 in 100 year storm (plus climate change). It will also result in an increase to the discharge rate to the surface water sewer than calculated in the original submission.

It is proposed that the additional storage will be held in below ground geocellular storage (in addition to the existing proposal for permeable paving storage) and this will be shown in the detailed design.

Whilst there will be a discharge rate reduction of only 20% into the surface water sewer as opposed to 40% anticipated in the applicant's first submission, the overall rate reduction to the public sewer system will be 48% of the pre-development Brownfield rate.

The LLFA is satisfied with an agreed discharge rate of 70 l/s and with the betterment that is now being proposed and rescinds the previous objection. It is recommended that any permission includes the following conditions:

Condition: No development shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy presented in the Flood Risk Assessment dated April 2017 with discharge at 70 l/s to the surface water sewer only has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

Condition: No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

NOTE 1: The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

**Strategic Land Use Team**

*8th June 2017*

Comments incorporated into report below at para 6.5

**Environment Agency**

*25th May 2017*

I refer to your letter consulting us on the above planning application. Based on the information submitted this appears to be a lower risk planning consultation which does not require direct consultation with us; it does not fall within our 'consultation filter'.

Whilst I note you have ticked the reason for consulting as: Developments proposing non-mains disposal of trade effluent if building +1000m<sup>2</sup>/site area +1ha, and/or non-mains foul drainage for +80 dwellings. The application form says that they are discharging trade waste, but not discharging trade effluent.

## INFORMATIVES

1. For our flood risk comments please refer to our Area Flood Risk Standing Advice.
2. For contaminated land matters, you are advised to seek the comments of your Environmental Health Officer or Contaminated Land Officer, with reference to our 'Developer Guidance' sheet.
3. For foul drainage matters, you are advised to seek the completion of the 'Foul Drainage Assessment Form' for your consideration.
4. For Pollution Prevention and any consent requirements (separate to planning) you are advised to refer to our 'Developer Guidance' sheet which includes Pollution Prevention Guidance Notes (PPG's) targeted at specific activities.

I trust that the above confirms our position.

## **Ward Councillors**

*13th June 2017*

Can you please note my objections to the above application. I am concerned in relation to:

- Impact on houses in Glynbridge Gardens, particularly in relation to light pollution and privacy;
- Exacerbation of problems in this area with 'boy racers', which are already causing real concern and have been reported to the police;
- Increase in traffic.

I would be grateful if this could be referred to committee for a site visit and decision.

## **Architects Panel**

*7th June 2017*

### Design Concept

The panel had no objection to the principle of the development but felt the scheme submitted was not of sufficient quality to be supported.

### Design Detail

The proposed development is for an uninspiring monolithic warehouse of a building for Lidl and an equally unattractive but smaller building for Starbucks. The site layout, with the new buildings set back behind a sea of car parking, is particularly disappointing and, in the panel's view, a wasted opportunity.

More emphasis should be given to the landscape proposals which could involve dense tree planting and bolder architectural treatment that would enhance the road frontage and relate more to the scale of the buildings. Bringing the buildings further to the front of the site would provide a better street frontage and a more pleasant approach to the town.

### Recommendation

Not supported.

**Parish Council**

*14th June 2017*

I am writing about the above proposal on behalf of the Swindon Village Society. The Swindon Village Society acts as civic society for Swindon Village. We were in large measure responsible for establishing the Conservation Area in the village. We have about one hundred members.

I have been contacted by Hinton Group whom we presume are acting for LIDL and Starbucks to ask my opinion on the proposal. I therefore canvassed the Society for their opinion. I have received several responses all against the proposal. The main points made are as follows.

The proposed development would be disruptive to the lives of those living nearby, particularly the residents of Glynbridge Gardens on the opposite side of Tewkesbury Road. In particular, the proposal to have a drive through Coffee House open until midnight which would necessitate lighting until this time would be most detrimental to residents.

There is a lack of need. There are already two supermarkets nearby, Sainsbury's and ALDI, together with Marks and Spencer's Food Hall and a Tesco less than a mile away. There are five coffee houses within half a mile.

The businesses would generate more traffic for what is already a very busy area. The current plans to build 4,200 houses between Sainsburys and Uckington will generate a very large extra traffic load and there is still no credible plan to ameliorate this on one of the main approach routes into Cheltenham.

The current BMW building is aesthetically pleasing and enhances the approach to Cheltenham even if it is a car showroom. The LIDL/Starbucks proposal does not.

**Swindon Parish Council**

*14th June 2017*

Swindon Parish Council wishes to object to the above planning application.

The Tewkesbury road dual carriageway will be impacted by cars entering and exiting the site and visitors will be more numerous than to a car showroom. Access to / from Rutherford Way will put additional traffic onto the already overloaded Manor Road roundabout by Gallagher Retail Park. What mitigation would be put in place? Rutherford Way would require no parking /loading as currently it is used as an overflow car park for many units causing congestion on the road which is very quiet.

The Starbucks drive through will be open from 6.00am until midnight every day. The Lidl store closes at 10.00pm on most nights and 4.00pm on Sundays. There is no provision for securing/ fencing / gating off the Starbucks facility from the rest of the car park or Lidl after Lidl closes. This will provide a direct link between Rutherford Way and the Tewkesbury Road. Access between Lidl and the drive through facility should be closed off when the Lidl store is not trading.

The signage is shown on the elevations but there are no submitted details for them and the signs do not feature in the application. We should like to receive clarification that there will be a separate application submitted for the signs. We would like to see a separate planning application submitted for the site's external lighting.

The Delivery Management Plan for Lidl contains the following statement:

*"Deliveries shall take place any time of day Monday to Sunday, including bank holidays. Unrestricted deliveries are deemed appropriate for the context of the site, given the commercial nature of neighbouring properties, some of which operate 24hrs a day."*

We disagree with that this appropriate because it suggests a lack of control on deliveries and delivery times. As Lidl is not a 24 hours store it is not acceptable to have delivery vehicles arriving when there are no staff to unload them. Also, we believe that only the drive through facility at MacDonald's and a petrol station operate 24hrs a day in the area and deliveries to these establishments are not on the same scale as Lidl. Delivery vehicles should only have access to and from Rutherford Way. This would prevent the large vehicles creating further traffic problems at the links with Tewkesbury Road.

In the Design and Access Statement (under the heading of Design Considerations) is the following statement:

*"Highway Safety*

*A Transport Assessment has been prepared by Transport Planning Associates. The report concludes that the proposal will not have an adverse impact on the operation or safety of the existing highway network."*

We disagree that the proposal will not have an adverse impact on the operation and safety of the existing highway network. The cumulative impact of the growing number of access and exit points from the trade parks on to Tewkesbury Road cannot be ignored. Tewkesbury Road is a main route into Cheltenham and is becoming a distribution road for the trade and commercial parks. It is our opinion that there should be a road that serves the trade and commercial parks and that road should connect to the Tewkesbury Road.

As this is unlikely to occur for this development we believe that only private/customer vehicular access to Lidl should be permitted from Tewkesbury Road. All exits should be onto Rutherford Way. This would avoid potential queueing of vehicles that are waiting to get out on to the Tewkesbury Road within the development's car park as already happens on the adjoining developments. The worst thing that could happen would be the introduction of traffic lights to ensure vehicles get out.

We are aware that during the submission of the outline application the adjoining commercial park was not in favour of the Lidl development linking across boundaries to share egress and access points. We understand the reason for stopping off the existing access from the site to the Southern Arm of Rutherford Way but it does require that the access and exit to the drive through be onto Tewkesbury Road outside of the normal Lidl operating hours.

## **Environmental Health**

*7th July 2017*

### Lighting

No lighting (store or car park) has been specified within the application. Therefore I would recommend the application of the following condition: -

Prior to the installation of any lighting scheme, full details shall be submitted to and approved in writing by the Local Planning Authority to provide that

- Light into neighbouring residential windows generated from the floodlights shall not exceed 5 Ev (lux) (vertical illuminance in lux).
- Each lighting unit must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.



- The lighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5%.

The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties.

The approved scheme shall be implemented prior to first use of the lighting and be permanently maintained in that state thereafter.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

#### Opening hours

LIDL - 0800 - 2200 Monday - Saturday and 1000 - 1600 Sunday

Starbucks - 0600 - 0000 Monday - Sunday.

With reference to the above opening hours, I have no reservations with regard to these as they mirror the nearest two foodstores.

**GCC Highways Planning Liaison Officer**

*8<sup>th</sup> August 2017*

See appendix

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>50</b>
Total comments received	<b>8</b>
Number of objections	<b>8</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1** The application was publicised by way of letters to 50 properties, a site notice and a notice in the Gloucestershire Echo. A petition signed by 39 people living in Glynbridge Gardens and Summerfield Close and 8 individual objections were received which relate to the following issues:

- Pollution and air quality
- Noise
- Light
- Increased opening & delivery hours – more activity
- Nuisance to neighbours – incompatible with residential area
- Impact on privacy
- Increase in anti-social behaviour
- Increased congestion, especially in combination with Elms Park application

- Lack of provision for pedestrians and cyclists
- No need for another food store and coffee shop
- Lack of consultation on previous application
- Need for a cohesive blueprint for the entire Tewkesbury Road
- Tewkesbury Road entrance should be blocked off
- Lidl should be placed adjacent to Tewkesbury Road

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

6.1.1 The key issues in determining this application are considered to be (i) background, (ii) the site and its context, (iii) principle, (iv) design and layout, (v) impact on neighbouring property, (vi) access and highways issues, (vii) flooding and drainage.

### **6.2 Environmental Impact Assessment – Screening**

6.2.1 The application site has a site area of 1.2 ha and therefore the development falls within category 10 (infrastructure projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is therefore necessary that the Local Planning Authority offers a screening opinion in relation to whether or not the development proposed will have significant effects on the environment. This opinion informs whether or not the proposed development requires an Environmental Impact Assessment.

6.2.2 The merits of the development will be discussed in the following section of the report, however given the nature of the site (already extensively developed and within a heavily developed area of the borough) the development is not of such a scale that an EIA is necessary. The application is supported by a number of appraisals and statements and these provide sufficient information for the LPA to make an informed decision.

### **6.3 Background**

6.3.1 In January 2016 members resolved to approve an outline application for this site which was for up to 3,892 sqm of Class A1 (shops) floorspace, up to 603 sqm of A4 (drinking establishment) floorspace and up to 1,395 sqm of D2 (gym) floorspace with associated parking.

6.3.2 The application was in outline with all matters reserved apart from access which was proposed at two points on the Tewkesbury Road frontage in an 'in-and-out' arrangement, off the unnamed spur road off Rutherford Way and a service entrance off Rutherford Way. The outline application was accompanied by indicative plans which indicated a two storey structure within the rear portion of the site with parking at the front.

6.3.3 The applicants were required to sign up to a s.106 agreement. Given that one of the intended occupiers (TKMaxx) had a presence in the Town Centre the s.106 provided that the retail unit could only be occupied by a retailer which has not been trading in the Central Shopping Area for the past 12 months (from commencement of development), or if they have so traded that they continue to trade in the Central Shopping Area for at least 12 months. This was to ensure that the proposal had no negative impact upon the vitality or viability of the Central Shopping Area. The s.106 also provided for a travel plan.

## 6.4 The site and its context

- 6.4.1 The application site is a roughly rectangular parcel of land located on the north side of Tewkesbury Road which is primarily commercial in nature. To the east is M&S home and to the west is HR Owen Aston Martin Dealership.
- 6.4.2 Opposite the site on the south side of Tewkesbury Road is a petrol filling station and Auto Village car dealership which are bounded by the properties of Glynbridge Gardens and Summerfield Close.
- 6.4.3 There are no specific constraints or allocations which cover the site
- 6.4.4 The site currently accommodates 3 large buildings which were used in connection with Cotswold BMW which has recently vacated the site to move to the new site at Grovefield Way. The remainder of the site is largely laid to hardstanding with some landscaping to the periphery.

## 6.5 Principle

- 6.5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. Therefore, in determining this application, the following must be considered:

- The saved policies of the Cheltenham Borough Local Plan (CLP) Second Review 2006, which comprise the adopted development plan, and;
- Relevant material considerations which include:
  - National Planning Policy Framework (NPPF)
  - National Planning Practice Guidance (nPPG)
  - The emerging Joint Core Strategy (JCS) and its evidence base
  - The emerging Cheltenham Plan (Part One) and its evidence base.

### 6.5.2 The need for sustainable development

#### 6.5.4 *NPPF (2012)*

Paragraph 14 of the NPPF states that a presumption in favour of sustainable development is a golden thread running through both plan making and decision taking. When making decisions, this means approving development proposals that accord with the development plan unless material considerations indicate otherwise.

#### 6.5.5 *Adopted Cheltenham Local Plan (2006)*

The land which is subject to this proposal is not allocated for any particular use but lies primarily within the Principal Urban Area as defined on the Proposals Map of the adopted Cheltenham Local Plan. The purpose of the Principal Urban Area (PUA) is to help concentrate development to sustainable locations within the Borough.

Policy CP1 – Sustainable Development states: *“Development will be permitted only where it takes account of the principles of sustainable development. In particular, development should:*

- a) conserve or enhance natural resources and environmental assets, and*
- b) give priority to the use of previously developed land, and*
- c) make the most efficient and effective use of land.”*

### 6.5.6 New retail development

#### 6.5.7 NPPF (2012)

Para 24 states:

*“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale”.*

Para 26 states:

*“When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).....”*

#### 6.5.8 Adopted Cheltenham Local Plan (2006)

Policy RT1 - Location of Retail Development states:

*“Retail development will be permitted, subject to the availability of suitable sites or buildings suitable for conversion, which relate to the role and function of retailing centres and their catchments only in the following sequence of locations:*

- a) the Central Shopping Area, subject to Policy RT2*
- b) the Montpellier Shopping Area or the High Street West End Shopping Area, subject to Policy RT2*
- c) elsewhere within the Core Commercial Area, subject to Policy RT2*
- d) district or neighbourhood shopping centres, subject to Policy RT3*
- e) out-of-centre sites which are accessible by a regular choice of means of transport, subject to Policies RT7 and CP5.*

*In considering the location of retail development, developers and operators should demonstrate flexibility and realism in format, design, scale and car parking.”*

Policy RT7 – Retail Development in Out of Centre Locations states:

*“Subject to Policy RT1, retail development outside defined shopping areas will be permitted only where:*

- a) a need for additional floorspace has been demonstrated, 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.”*

Under the NPPF there is no longer a requirement to demonstrate ‘need’ for retail proposals.

Policy CP5 – Sustainable Transport states:

*“Development will be permitted only where it is located and designed so as to:*

- a) minimise the need to travel; and*
- b) provide adequate accessibility to the site for vehicles, including public transport, pedestrians, cyclists and people with disabilities; and*
- c) meet travel demands in safe and energy efficient ways; and*
- d) provide a level of parking space that will encourage walking, cycling and public transport and discourage use of the private car; and*

*e) meet Local Transport Plan targets for the proportion of trips to the site by each mode of transport.”*

6.5.9 *The emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy – Main modifications version (2017)*

Policy SD3 relates to the retail hierarchy and indicates that proposals for retail uses that are not located in a designated centre or in accordance with a policy either under the JCS or District Plans, will be assessed against the requirements of the sequential test and impact test as set out in National Planning Policy Guidance or locally defined impact assessment thresholds as appropriate.

6.5.10 As mentioned above the site is located at an out-of-centre location, but within the Principal Urban Area and on previously developed land. It is close to the strategic highway network which is reasonably well served by public transport.

Outline planning consent was granted in June 2016 for the following uses:

- Up to 3892 sq. m of Class A1 floorspace,
- Up to 603 sq. m of Class A4 floorspace, and
- Up to 1395 sq. m of D2 floorspace with associated parking.

The new application which is now being considered adjusts the previously consented uses in order to tailor the retail offer more appropriately towards identified new users. The new proposal comprises:

- 2856 sq. m of Class A1 floorspace,
- 223 sq. m of Class A1 /A3 floorspace with associated landscaping, parking and infrastructure.

6.5.11 The application has been accompanied by a retail impact assessment which seeks to demonstrate compliance with the sequential test in ensuring that no sequentially preferable sites could accommodate the proposed development in or closer to Cheltenham Town Centre and that the proposal would have an acceptable impact on the Town Centre.

6.5.12 The Council's retail consultant has assessed the proposal and his report is attached in the appendix. The key points arising from his assessment are as follows:

6.5.13 Sequential Assessment

A sequential test has been submitted with the application which seeks to demonstrate that there are no sequentially preferable sites to locate a store of this nature. The test is whether there are other preferable sites which are both suitable and available.

The report considers a number of options including The Brewery, North Place, Municipal Offices, Former BHS, Regent Arcade, Lower High Street and Montpellier, St Georges Place and Coronation Square. The reasons for discounting these sites have been considered in detail by the Council's retail consultant and he is largely in agreement that there are no sequentially preferable options within these locations. However there are some questions over North Place. At para 3.17 of the attached report the Council's consultant states:

*“DPP states in para 7.18 that Morrisons are not going forward with the permitted development and that the site might therefore appear to be available. However, it concludes that it is not available for a supermarket development because it believes that it is very unlikely that the redevelopment of the site will, in the foreseeable future, include a major foodstore and furthermore that it understands that the two constituent sites were purchased for substantial amounts of money and that, as a consequence, their owners have particular expectations of the development value of their respective sites. DPP also understands that the development would also have to provide the public parking and*

*affordable housing that was included in the Morrisons scheme and concludes that the whole re-development would have to be thoroughly reviewed and a new planning brief prepared in collaboration with the site's owners, to assist in promoting a major mixed-use scheme that is both viable and deliverable. It is not explained why a new development brief would have to be prepared. In view of the planning permission on the site, much stronger evidence would be needed to rule the site out."*

Therefore members are advised that the submitted report has not completely satisfied the sequential test. However it is agreed that there are few opportunities for a foodstore development in or on the edge of relevant centres in Cheltenham.

The approved scheme at North Place was for:

*Erection of a mixed use development comprising; 5,792sqm (gross external floor space) of class A1 food store, 739sqm (gross) of class A1 shops and 19sqm (gross) of class A2 within atrium space and 336sqm (gross) of class A3 (customer restaurant); multi-storey car park providing 634 spaces over 5 floors (300 spaces for public use and 334 spaces for food store customers); 143 no. residential units within a mix of 1, 2, 3, and 4 bedroom houses and flats, (57 units to be affordable) with associated 143 car parking spaces at ground and basement level; creation of new public open spaces; provision of new parking bays for buses and erection of a passenger information kiosk and waiting room; associated other operations to facilitate the mixed use development including alterations to and from the existing highway for vehicular, pedestrian and cycle access. All following the demolition of existing buildings and other built structures on the site.*

Officers are aware that this scheme will not be going ahead in its current form and Morrisons are no longer involved in the site. As such it seems likely that an alternative proposal will come forward for this site, however it is not clear at this stage what form this will take or what mix of uses it will entail.

In officer's view the applicant are in a position where it is more or less impossible for them to pass the sequential test because of the lack of information over the intentions for North Place. However not passing the sequential test is not an adequate reason for refusal in its own right. It is necessary to consider whether the proposal would have any unacceptable retail impacts and the fall back position which is available to the applicant. These matters are discussed below.

#### 6.5.14 Retail impact

The report questions some of the data used to assess the impact on the vitality and viability of existing centres. However the majority of the turnover of the proposed store is likely to be diverted from existing out of centre stores as opposed to the town centre. The turnover of the Town Centre is so large compared with the likely turnover of the proposal that it is unlikely, on its own, to cause significant adverse impact on it.

With regards to other centres; the Caernarvon Road centre is too far from the proposal to be seriously affected. Coronation Square is likely to be adversely affected to some extent but the impact is likely to be limited by the wide range of competition already available to residents and the impact is unlikely to be sufficiently adverse to be able to justify a refusal of planning permission.

#### 6.5.15 Cumulative impacts

The application assesses the hypothetical cumulative impact of the proposal in addition to the unimplemented consent at North Place and the undetermined application which includes an Aldi at Grovefield Way. It is known that Morrisons do not now intend to occupy the North Place site. Were both the proposed Lidl and Aldi to be constructed they would

compete directly with one another and would not have a significant adverse impact on the Town Centre.

#### **6.5.16 Fall Back Position**

The extant consent for the site (15/00321/OUT) represents a viable fall-back position for the applicant. The trade diversion from the Town Centre from this proposal would have been greater than from the current application. Although the earlier proposal was also considered to have a limited direct trade diversion effect, the risk to investment in the centre was considered to require conditions limiting the sale of goods and an agreement from the developer not to accept retailers from the town centre as tenants. From the point of view of retail impact the current application is preferable to the extant consent.

6.5.17 In conclusion, although the applicant has not fully demonstrated compliance with the sequential test it is clear that the proposal will not have an adverse impact upon the town centre. Trade draw would come from competitors in similar out of town locations, although unlikely to completely replace any one retailer. The Lidl store in the town centre is unlikely to close as a direct result of this proposal in terms of retail impacts. Notably the existing Lidl store in the Town Centre is not within Primary Shopping Frontage and is peripheral to the Central Shopping Area. As such it is not considered necessary to have the level of control over the end use as was required by the previous decision and associated s.106.

6.5.16 In light of the above, it is considered that the principle of the proposed uses on this site is compatible with the relevant policies and is therefore acceptable.

### **6.6 Design and layout**

6.6.1 Policy CP7 of the Local Plan states that Development will only be permitted where it is of a high standard of architectural design, adequately reflects principles of urban design and complements and respects neighbouring development and the character of the locality and/or landscape.

6.6.2 Chapter 7 of the NPPF also places great emphasis on the importance of the design of the built environment, stating that good design is indivisible from good planning. It goes on to state that decisions should not attempt to impose architectural styles or particular tastes although it is proper to reinforce local distinctiveness. The NPPF also talks about the importance of integration of new development into the existing environment.

6.6.3 Presently the site is occupied by 3 large buildings which are of very little merit and as such their loss is not resisted. The existing frontage building does confirm to the immediate context by continuing the building line formed by M&S Home and HR Owens, however in front of this is a forecourt which has a harsh and cluttered appearance in the street scape. Looking at the character of the wider Tewkesbury Road area; it is characterised by a mixture of units which front the road, and units which are set back from the road, usually behind relatively large areas of car parking.

6.6.4 The proposed layout results in more visible car parking within the street scape, however it does reinstate part of the verge adjacent to HR Owens and proposes some new tree planting along the frontage of the site which would soften the views of this parking area. In urban design terms, it would have been preferable to have the Lidl building following the building line formed by the adjacent buildings, with parking at the rear. However Officers had discussions with the applicant on this matter and they wished to pursue the proposed layout for operational reasons which relate to perceived customer desire to park in front of a supermarket and approach the front door. The coffee shop is also set back from the frontage by a lesser degree but due to the drive-thru nature of the operation, again it would not be possible to have it in a more prominent position.

- 6.6.5 As such, whilst the layout could be improved upon, a decision must be made on the basis of the current layout. Bearing in mind the mixed nature of the wider context in terms of positioning of buildings and parking areas on similar sites within the Kingsditch area, officers are of the view that the layout is acceptable and will not result in a degradation in the quality of the street scape in this location.
- 6.6.6 The approved scheme (15/00321/OUT) was in outline and as such the indicative layout did not form part of the approved documents, however it is worth revisiting what was said with reference to layout. The indicative layout was for one block towards the rear of the site, further back than both of the buildings now proposed, with 163 parking spaces to the front. The Officer report finds this approach generally acceptable although it states that the success of such a layout depends on the treatment of the car park. It states that 24 trees would be planted which would assist in improving the quality of the space and softening the appearance of the site. By comparison, the current scheme indicates a total of 23 trees, including existing trees and 142 spaces. The proposal also includes the reinstatement of the verge in the western part of the site. As such in the view of officers, the current layout is an improvement upon that which was envisaged through the outline application.
- 6.6.7 With reference to the design of the individual buildings, again officers have been in negotiations with the applicant to seek to lift the quality of the scheme. The proposed operators have standard 'off the peg' style buildings which meet their operational requirements. Whilst this is not an unacceptable approach, officers wished to be satisfied that the buildings would be appropriate for the site and result in an acceptable standard of design both in terms of the buildings themselves and the spaces around them.
- 6.6.8 The supermarket is single storey with a mezzanine, it has a mono-pitched roof so the height ranges between 5.2 and 7.5m. The frontage of the building is fully glazed and has a span of 37.2m. The glazing turns the corner on to the long edge of the building which projects 75.6m into the site. The remainder of the elevations are comprised of white render and cladding. The western elevation of this building has been amended through negotiations to include some windows and doors as well as some graphics panels in an attempt to liven up this elevation which was initially, largely blank. Officers were concerned that a blank elevation could lead to a poor quality environment within the car park to the west of the building. Whilst these changes are relatively minimal they do have the effect of breaking up the blank mass of this elevation somewhat. In the context of the commercial buildings surrounding the site the design is considered to be acceptable. The glazed frontage will ensure then when viewed from Tewkesbury Road, the building represents a positive addition to the streetscene. Streetscene drawings have been submitted which indicate that the supermarket would be similar in height to the existing frontage building on the site, and lower than those at the rear. At its apex the building height would be slightly lower than the adjacent M&S home building. Therefore in terms of its height the building would sit comfortably between adjacent buildings.
- 6.6.9 The coffee shop is slightly higher than the adjacent Aston Martin dealership, but is set further back into the site so the height is considered to be appropriate (5.15m). Again the building is a relatively standard design with a flat roof and a mixture of cladding, glazing and blockwork to the elevations. The elevation fronting Tewkesbury Road has two large glazing panels and the pedestrian entrance. The drive-thru 'pod' is located on the eastern elevation of the building with drive-thru customers needing to drive through the site from north to south. A seating area is provided at the rear of the building with pedestrian access from the main building. The building form and materials are similar to those used elsewhere within the Kingsditch area and the design of this building is considered to be acceptable.
- 6.6.10 It is acknowledged that there are reservations in relation to the design from the Architects Panel, however on balance, bearing in mind the context of the site and the existing buildings and spaces within the site, the proposal is considered to represent an acceptable



form of development which will enhance the site and its contribution to the Tewkesbury Road.

## **6.7 Impact on neighbouring property**

- 6.7.1 Policy CP4 of the Local Plan states that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users and the locality, would not result in increased levels of traffic to an unacceptable level, make adequate provision for prevention of crime and disorder and maintain the vitality and viability of the town centre and district and local shopping facilities.
- 6.7.2 The nearest residential properties to the site are those of Glynbridge Gardens, on the south side of Tewkesbury Road. At the closest point there is 30m between the boundary of the site and the end of the nearest residential garden. There is approximately 80m between the nearest residential property and the proposed buildings.
- 6.7.3 The proposal has given rise to a number of neighbour objections which primarily relate to the hours of opening, servicing, increased activity, light pollution and potential for anti-social behaviour.
- 6.7.4 The proposed opening hours are as follows:
- Food Store – Monday to Friday – 08:00 – 22:00, Saturday – 08:00 – 22:00, Sunday and Bank Holidays – 10:00 – 16:00
- Coffee shop – Daily - 06:00 – 00:00
- Environmental Health have stated that they have no concerns about these proposed opening hours as they reflect those of similar units in the vicinity.
- 6.7.5 With regards to lighting, no external lighting is indicated on the proposed plans. A condition is suggested which would require a scheme to be submitted. This would need to be accompanied by isolux plans which would indicate light spillage which would allow a thorough assessment to be made as to the impact on neighbouring properties. Given the distances involved it should be possible for an appropriate lighting plan to be achieved.
- 6.7.6 The application was accompanied by Delivery Management Plans for Starbucks and Lidl.

### Lidl

The submitted document explains that Lidl store deliveries include all frozen, chilled and ambient goods within the same delivery vehicle. This vehicle then takes away all store waste and recycling. The access for deliveries to Lidl would be via Rutherford Way and will all take place within the delivery bay on the northern side of the store vehicles lock onto the service dock and all loading and unloading is done internally. It is proposed that deliveries may take place any time of day Monday to Sunday including bank holidays. The report predicts that on average there would be 1 to 2 deliveries per day, potentially rising to 3 at busy periods such as Christmas. Deliveries would be made by vehicles up to 36 Tonnes and 16.5m in length.

The position of the loading bay is approximately 150m from the curtilage of the nearest property. The distance involved in combination with the routing via Rutherford Road means that the activity involved with deliveries should not have a negative impact upon the amenities of the residents of Glynbridge Gardens.

### Starbucks

The submitted document explains that 1 delivery a day would take place in a smaller vehicle of up to 10.4m in length. Deliveries would take place adjacent to the drive thru lane. It is proposed that the delivery vehicle enters the site off Tewkesbury Road and exits onto Rutherford Road. It is proposed that the delivery would take place between 06:00 and 18:00 Monday to Sunday including Bank Holidays. Refuse collections would take place by a private company 6 times a week, waste would be collected from a yard at the rear of the building.

The position of the delivery point is approximately 70m from the curtilage of the nearest property. Given the small scale of the vehicle and the unit it is not anticipated that the deliveries should result in a significant level of disturbance, particularly as it is restricted to hours when the coffee shop would be open in any event.

Therefore it is not considered that the proposal would result in any adverse impacts in terms of deliveries and servicing.

- 6.7.7 Concern has been expressed in relation for the potential of the site to attract 'boy racers' and other anti-social behaviour. As detailed above the proposed opening hours are until midnight and as such there will be a staff presence on site during these hours. The approved outline application was subject to a condition requiring a restricting mechanism to the Rutherford Way entrance to the site in order to prevent a through route. This application proposes this access point as a delivery route which could be used 24 hours a day and as such it is recommended that a re-worded condition is attached which would require details of a scheme to prevent access through the site at night and restricted access outside of operating hours.
- 6.7.8 For the reasons outline above it is considered that the proposal would have an acceptable impact upon neighbouring properties.

## **6.8 Access and highway issues**

- 6.8.1 A full and detailed response has been provided by Gloucestershire County Council which is appended to this report. It is therefore not necessary to repeat these remarks however in summary the points raised are as follows:

### **6.8.2 Accessibility**

Available bus stops are accessible within a desirable waking distance from the site. The site is well served by footways and cycle lanes. There are sufficient signalised pedestrian crossings to ensure safe and secure means of access to the site and the site is within reasonable walking distance to residential properties.

### **6.8.3 Personal Injury Collisions**

There have been 8 recorded personal injury collisions in the last 5 years within the vicinity of the application site, none of these have been at any of the existing three access points to the site. There is no pattern to these which would suggest that there are any inherent highway safety issues and nothing to suggest that a 'left out' egress manoeuvre onto Tewkesbury Road will cause a detriment to highway safety.

### **6.8.4 Access**

Access would be via the existing one-way arrangement onto Tewkesbury Road and via a retained access onto Rutherford Way with the remaining access onto Rutherford Way being blocked up. A new pedestrian entrance into the site would be formed, the existing pedestrian facilities in the vicinity are adequate to access the site.

### **6.8.5 Layout**

Vehicle tracking drawings have been provided which demonstrate that the layout can successfully accommodate delivery vehicles. A delivery management plan is requested.

#### 6.8.6 Parking

The approach to assessing parking provision as set out in the NPPF suggests that peak parking demand would be 127 vehicles which relates to 87% total parking occupancy. Disabled parking constitutes 6.1% of total capacity which is in accordance with the local design guide which requires a minimum of 5% total parking capacity. 57 cycle parking spaces are proposed which are conveniently located to encourage alternatives to the car.

#### 6.8.7 Trip Generation

Trip rates have been determined from a TRICS rate survey for a discount food retailer and as such it will be necessary for any consent to be for this specific type of food retailer. The nature of the proposal will allow an opportunity for linked/diverted trips and the assumed values proposed by the applicant are relatively low meaning they are robust.

#### 6.8.8 Distribution

The distribution of trips would be similar to those accepted under the previous consent. The Transport Statement has demonstrated that during the PM peak hour 74% of trips will travel through the Manor Road junction. 57.2% of arrivals will access via Tewkesbury Road whilst 42.8% will access via Rutherford Way. 50.9% will egress via Rutherford Way as a result of the restricted left turn only onto Tewkesbury Road. 49.1% will egress via the existing Tewkesbury Road access.

#### 6.8.9 Traffic Impact

The development will generate more trips than the extant planning permission. The greatest impact is anticipated to occur in the weekday PM peak where the proposal will generate an additional 41/42 vehicles compared to the extant consent. A slightly higher proportion of traffic associated with the development will travel through the Manor Road junction. The impact from departing vehicles on this junction would be less. The additional impact would be small and not regarded as significant when considered against the high flow volumes of the background traffic already on the network at this area. Although Tewkesbury Road is subject to queues in peak times, the scale of the impact upon the Manor Road junction resulting from this development in addition to the impact of the consented scheme is small.

The Rutherford Way/Manor Road roundabout junction will be subject to additional movement, particularly to and from the eastern arm, however any queues that do occur will not detrimentally impact the surrounding network and can be accommodated within the development site.

6.8.10 A number of conditions are proposed including the submission of a construction method statement, Provision of car parking, improvements to westbound bus stop, Delivery Management Plan, Provision of cycle parking, implementation of travel plan and personal permission to secure occupation by discount food retailer.

6.8.11 Subject to these conditions the Highways Authority are satisfied that the highway implications of the proposal are acceptable and Officers have no reason to disagree with these conclusions.

### **6.9 Flooding and Drainage**

6.9.1 The application was been the subject of some discussion between the applicant and the Local Lead Flood Authority. Initially there were concerns that the proposal was to discharge

surface water to the combined sewer. They asked the applicant to reassess the proposal and to fully consider the SuDS hierarchy in discharging surface water from the southern section of the development.

- 6.9.2 Subsequently the proposal was amended so that surface water is discharged to the Severn Trent surface water sewers in Rutherford Way and the unnamed Road off Rutherford Way. There would be no discharge of surface water to the combined sewer. It is also proposed that additional storage will be held below ground in geocellular storage in addition to permeable paving storage.
- 6.9.3 This results in a reduction in the rate of surface water to the public sewer system of 48%. As such the LLFA are satisfied that sufficient betterment has been achieved and therefore withdraw their initial objection.
- 6.9.4 In light of this expert advice from the LLFA, Officers are satisfied that this issue has been adequately dealt with.

#### **6.10 Other considerations**

- 6.10.1 The application was accompanied by an ecological appraisal. This concluded that there are no designated sites in the vicinity of the development site and the potential for protected species to occur is negligible, with only limited opportunities for wildlife. The increased planting proposed for the site may offer some enhancement, compared to the existing situation.

### **7. CONCLUSION AND RECOMMENDATION**

- 7.1.1 The proposal is for a commercial development in a commercial context and therefore in officers view is an entirely appropriate form of development for the site. That said, the legitimate concerns of neighbouring properties are understood. However it is considered that there is sufficient distance from the site and sufficient safeguards will be put in place through the imposition of conditions to ensure no significant adverse impact on amenity will occur. The retail impact has been independently verified and it is considered that the impact on retail centres would be minimal and less significant than the extant consent. It is acknowledged that a relatively standardised approach has been taken to the design, however it is not a poor design and is appropriate to its context and as such is acceptable. The proposal will result in a slight increase in highway impact over the extant consent, however the impact is not at a level which could be described as significant and is not so severe as to warrant the refusal of the application.
- 7.1.2 Of relevance to the planning balance are the economic benefits of the proposal. It is stated that the proposal will result in the creation of 60 jobs, this is in addition to those which would be created through construction. The site is currently lying empty and the benefits in bringing an unused site into beneficial use are clear. In addition to the jobs, this will improve perception of the town on approach to the centre and will enhance the visual appearance of the site. This adds weight to the conclusion that the application is acceptable.
- 7.1.3 For these reasons it is considered that the proposal is acceptable and is therefore recommended for approval.

## 8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun 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.

- 2 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.

- 3 No more than 20% of the total net sales area of 2,754sqm shall be used for the sale of comparison goods.

Reason: To control the mix of convenience and comparison goods sold within the retail space thereby managing the impact on the town centre in accordance with the advice set out within the NPPF.

- 4 The food store hereby permitted shall only be used by a discount food supermarket operator and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). The following service shall not be operated from the discount food supermarket:

1. Banking Facilities (excluding ATM),
2. Dispensing Pharmacy,
3. Dry cleaning or Post Office Service,
4. Photographic shop or booth,
5. Café / restaurant,
6. Sales of cigarettes or tobacco.

Reason: To ensure that safe and suitable access to the site can be achieved for all people and that a safe and secure layout which minimises conflict between traffic and cyclists or pedestrians can be provided in accordance with Section 4 of the NPPF.

- 5 No development shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy presented in the Flood Risk Assessment dated April 2017 with discharge at 70 l/s to the surface water sewer only has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

- 6 No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the

arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

- 7 Prior to the installation of any lighting scheme, full details shall be submitted to and approved in writing by the Local Planning Authority to provide that
- Light into neighbouring residential windows generated from the floodlights shall not exceed 5 Ev (lux) (vertical illuminance in lux).
  - Each lighting unit must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
  - The lighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5%.

The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties.

The approved scheme shall be implemented prior to first use of the lighting and be permanently maintained in that state thereafter.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with policy CP4 of the Local Plan.

- 8 The A1 food store shall not be open to customers outside of the following hours:

Monday - Saturday	0800 - 2200
Sunday and Bank Holidays	1000 – 1600

Reason: to limit disturbance to neighbouring residents during unsocial hours, in accordance with Policy CP4 of the Cheltenham Borough Local Plan 2006.

- 9 The drive-thru coffee shop shall not be open to customers outside the hours of 0600 - 0000 (midnight) daily.

Reason: to limit disturbance to neighbouring residents during unsocial hours, in accordance with Policy CP4 of the Cheltenham Borough Local Plan 2006.

- 10 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 material used in constructing the development;
- v. provide for wheel washing facilities to control the emission of dirt or dust;
- vi. Provide the intended hours of operations;
- vii. Provide a plan of the site compound and a vehicle routing strategy for construction vehicles.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with Section 4 of the NPPF.

- 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 Section 4 of the NPPF

- 12 Details of a scheme for enhancements to the 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 scheme has been implemented. The facilities shall be maintained thereafter unless and until adopted as highway maintainable at public expense.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up, to give priority to pedestrian and cycle movements and have access to high quality public transport facilities in accordance with Section 4 of the NPPF.

- 13 Prior to beneficial occupation of the site, details of a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Delivery Management Plan shall be adhered to in all respects 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 a safe and secure layout that minimises conflict between traffic, cyclists and pedestrians in accordance with Section 4 of the NPPF.

- 14 Prior to beneficial occupation of the proposed development, the cycle parking/storage 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 Section 4 of the NPPF.

- 15 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.

- 16 Prior to the beneficial occupation of the proposed development, a scheme shall be submitted to, and approved in writing by the Local Planning Authority which shall detail security provisions to prevent unauthorised access outside of operating hours. This shall include mechanisms to limit access at entrance points.

Reason: To limit activity on the site outside of operating hours in the interests of the amenities of neighbouring properties in accordance with policy CP4 of the Local Plan.

- 17 No external facing or roofing materials shall be applied unless in accordance with

- a) a written specification of the materials; and
- b) physical sample/s of the materials,

The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 18 All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority. Reason: To ensure that the planting becomes established, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (2006).

## **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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.