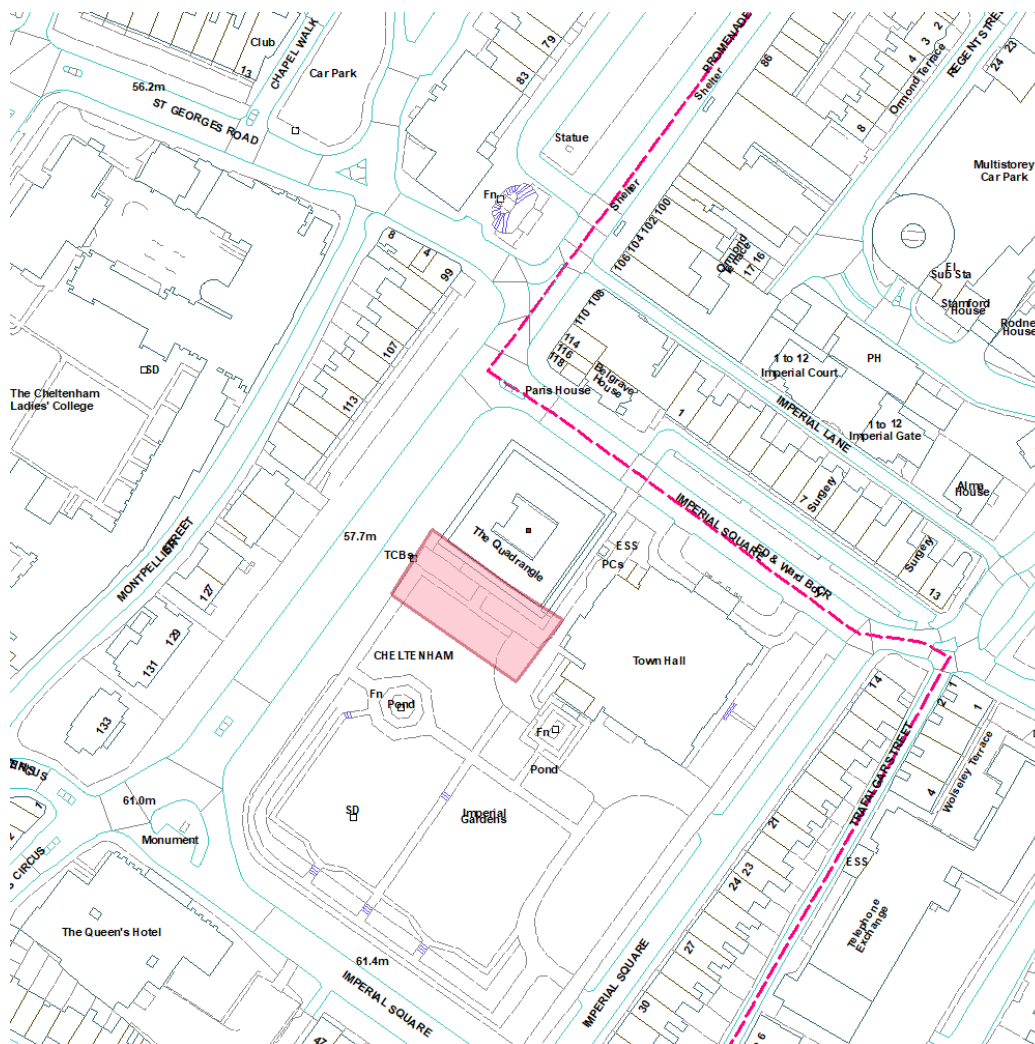


APPLICATION NO: 20/01223/CONDIT		OFFICER: Michelle Payne
DATE REGISTERED: 25th July 2020		DATE OF EXPIRY: 19th September 2020
DATE VALIDATED: 25th July 2020		DATE OF SITE VISIT:
WARD: Lansdown		PARISH:
APPLICANT:	ABF Pension Trustees LTD	
AGENT:	SF Planning Limited	
LOCATION:	The Quadrangle, Imperial Square, Cheltenham	
PROPOSAL:	Variation of condition 2 (approved plans) on planning permission ref. 19/01436/FUL to allow for minor material changes to the approved public realm improvements scheme	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located to the southwest of The Quadrangle building and extends into Imperial Gardens. The site is wholly located within the Montpellier Character Area of Cheltenham's Central Conservation Area; and in proximity to a number of grade II and II* listed buildings, including the grade II listed Town Hall.
- 1.2 Planning permission was granted in 2018 for the refurbishment, alteration and extension of The Quadrangle building, and the works are now well underway on site; the works include improvements to the building's façade, extensions to the ground floor commercial space, and the provision of a new roof top restaurant.
- 1.3 Subsequent to this, planning permission was granted by the planning committee in September 2019 for improvements to the public realm; to include new public exhibition facilities, external seating areas, replacement planting and hard landscaping works.
- 1.4 This application is now seeking to vary condition 2 (approved plans) on planning permission ref. 19/01436/FUL, under Section 73 of the Town and Country Planning Act 1990, to allow for minor material changes to the previously approved scheme.
- 1.5 The proposed changes essentially involve the reconfiguring of the proposed hard and soft landscaping, and associated changes to the extent and positioning of the exhibition stands.
- 1.6 As before, the application is at committee for reasons of transparency as the site extends onto land within the Council's ownership, which is designated as Public Green Space.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Business Improvement District
Conservation Area
Core Commercial Area
Principal Urban Area
Smoke Control Order

Relevant Planning History:

18/00277/FUL

PERMIT

10th April 2018

Refurbishment, alterations and extensions to the existing building including facade improvements, extensions to ground floor commercial space and new roof top restaurant

18/01722/CONDIT

PERMIT

2nd October 2018

Variation of condition 10 on planning permission ref. 18/00277/FUL to amend the wording to read "Prior to the internal fit out of the roof top restaurant element of the scheme, a detailed lighting scheme for the roof top restaurant shall be submitted to and approved in writing by the Local Planning Authority. The agreed lighting scheme shall be fully implemented prior to first occupation of the roof top restaurant and shall be retained as such thereafter"

19/00961/CONDIT

PERMIT

20th June 2019

Variation of condition 5 on planning permission ref. 18/00277/FUL to amend the wording to read "Prior to the occupation of more than 50% of the floorspace of the building, hard and/or soft landscaping works shall be carried out in accordance with a robust hard and soft landscaping scheme which shall have first been submitted to and approved in writing by the

Local Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatments and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation. The landscaping works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority"

19/01169/CONDIT

PERMIT

29th July 2019

Variation of condition 2 (approved plans) on planning permission ref. 18/00277/FUL to allow minor material amendments to the approved scheme

19/01436/FUL

PERMIT

23rd September 2019

Public realm improvements to external areas including new public exhibition facilities, external seating area, replacement planting and hard landscaping works

3. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Section 4 Decision-making

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Saved Local Plan (LP) Policies

GE1 Public Green Space

Adopted Cheltenham Plan (CP) Policies

D1 Design

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

Adopted Joint Core Strategy (JCS) Policies

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Montpellier Character Area Appraisal and Management Plan (2007)

4. CONSULTATION RESPONSES

Tree Officer

21st August 2020

The CBC Tree Section endorses Landscape Planting Plan 11259_TG_POS Rev C provided there are minor modifications:

- 1) The soil to be used within the tree pits is to be 'site won' soil which has been assessed as being suitably fertile and in accordance with BS 3882 (2015) (specification for Top Soil). However Trees Officers have concerns that the soil around where previous trees existed supporting large conifers will be insufficiently fertile to encourage tree establishment and growth. It is strongly recommended that fresh top soil (to the BS Standard is incorporated into the tree pits.

- 2) It is noted that a 1000mm root deflector is incorporated into the tree pit so as to encourage downward root growth and avoid adjacent hard surface damage as a result of potential shallow roots. It is considered that such a deflector is too large and roots will not grow deeper than the required 1000 depth (and then a further 20mm through the proposed washed gravel) so as to be able to grow outside the tree pit. If a 1000mm deflector is incorporated into the planting pit, there is a significant risk that tree root growth will not be able to grow outside the tree pits and will become moribund, not grow or thrive. Please could the root deflector size be reduced from 1000mm to 600mm.
- 3) It is noted that planting and maintenance of the trees is for 12 months only. This is insufficient and such large semi mature trees will take longer than 12 months to establish and mature. It was requested that a minimum of 3 years aftercare, watering and maintenance guarantee is necessary to ensure the trees thrive in this location. Due to budgetary constraints, the rooting area (silva growth cells) originally planned for this site have been removed helping to reduce costs considerably. Whilst this has been accepted, reduced costs should not lead to reduced tree planting success. Such trees are likely to have significant energy reserves so as to be able to survive the first year but may struggle in the following years should there be insufficient watering/mulching/maintenance. It is important that such large trees to be planted in an urban environment are given the best aftercare and maintenance as well as a reassuring guarantee for at least 3 years post planting.

7th September 2020

Following receipt of Drawing no 11259_TG_P05 Rev F, from a tree perspective, this is now acceptable in that my previous concerns have been addressed and now:

- 1) New topsoil to the British Standard will be introduced into tree planting pits,
- 2) The size of the root barrier is to be reduced from 1000mm to 600 mm (on three sides),
- 3) Aftercare and guarantees for trees are for 3 years-not 1 year.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to the Town Hall, Friends of Imperial Square and Gardens, and Art in the Park. In addition, site notices were posted and an advert published in the Gloucestershire Echo.
- 5.2 In response to the publicity, seven objections have been received; all of which raise concerns relating to the future of the annual Art in the Park (AitP) exhibition. The objections largely relate to the reduction in the number of proposed exhibition stands.

6. OFFICER COMMENTS

- 6.1 Guidance set out within planning practice guidance (PPG) acknowledges that *"New issues may arise after planning permission has been granted, which require modification of the approved proposals"* (Paragraph: 001 Reference ID: 17a-001-20140306) and that where less substantial changes are proposed, an application seeking a minor material amendment may be submitted under Section 73 of the Town and Country Planning Act 1990, which allows for conditions imposed on planning permission to be varied or removed.
- 6.2 As such, the only consideration when determining this application is the acceptability of the proposed changes as an amendment to the approved scheme. The principle of

development has been firmly established through the original grant of planning permission which remains extant.

- 6.3 As previously noted, the proposed changes essentially involve the reconfiguring of the proposed hard and soft landscaping, together with associated changes to the extent and positioning of the exhibition stands. The changes are required in order to reduce the costs of the proposals so as to ensure the delivery of the plaza scheme.
- 6.4 The previously approved scheme proposed the wholesale removal of the landscaped border adjacent to the south west elevation of the building but provided for replacement planting to mitigate its loss. However, as originally approved, the agreed location and method of planting of the new trees closest to the building would have required extensive excavations to a depth of 2.5m, and associated piling works. This revised scheme still provides for the planting of 9no. new large, semi mature trees but in smaller tree pits, together with perennial planting, on both on the applicant's land and within the gardens.
- 6.5 Following some minor revisions to the landscaping plan, the revised proposals have been agreed by the Tree Officer and Green Space Manager; all of the recommendations made by the Tree Officer have now been incorporated into the revised landscape planting plan.
- 6.6 Another element of the scheme which has been amended is the wall separating the hard and soft landscaped areas, with a linear wall now proposed in lieu of the 'wavy' wall originally approved. The wall now proposed will be of dry stone construction with a stone coping to match the wall around the nearby Holst statue.
- 6.7 Additionally, the hardsurfacing materials have also been amended with light brown resin bound gravel, to match existing gravel footpaths within the gardens, now proposed.
- 6.8 Finally, as a result of the proposed changes, the number and positioning of the proposed exhibition display stands has been reduced from 23 to 15. It is this reduction in the number of stands that forms the basis of the objection from AitP as they state that 15 stands is insufficient for their future needs; albeit they have also commented on the design of the stands, and their positioning.
- 6.9 In response to the concerns about the positioning of the stands, originally set around the new trees, the applicant has revised the layout to result in a more linear form of exhibition with improved sight lines; however, they are unable to increase the number of stands.
- 6.10 With regard to the design of the exhibition stands, a similar condition to that imposed on the previous decision, requiring the detailed design to be submitted and agreed, is again suggested. An informative is also suggested which encourages the applicant/developer to engage with AitP when finalising the design.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Ultimately, officers are satisfied that the amended scheme, when taken as a whole, is one which is not substantially different from that originally approved; and continues to provide an opportunity to significantly enhance this part of the public realm.
- 7.2 The concerns raised by Art in the Park, and their supporters, have been duly noted and it is acknowledged that they will need to adapt their exhibition to fit in with the revised plaza proposals, for example, by extending the length of the exhibition; however, the planning application must be determined in accordance with the development plan and there is no policy reason to refuse permission. It is important to remember that the wider proposals

will result in significant improvement to the public realm for the benefit of a number of users all year round.

7.3 As such, the recommendation is to grant planning permission for this revised scheme subject to the following conditions which reflect those imposed on the original decision notice.

7.4 The new permission would sit alongside the original permission, which would remain intact and unamended.

8. CONDITIONS

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of the original decision (19th September 2019) issued under planning permission ref. 19/01436/FUL.

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 planning permission hereby granted 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 Notwithstanding the approved plans, prior to the commencement of development on the public realm works hereby permitted, physical samples of the proposed hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. All new hard surfacing areas shall be permeable or drain to a permeable area and shall be carried out in accordance with the approved samples.

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020), and adopted policy SD4 of the Joint Core Strategy (2017). Approval is required upfront because the hard surfacing is an integral part of the development and its acceptability.

- 4 Prior to the commencement of development on the public realm works hereby permitted, a management and maintenance plan (MMP) for the hard and soft landscaping, for a minimum period of three years, shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall cover:

- a) weeding;
- b) pruning;
- c) feeding;
- d) replacement of any dead trees or plants;
- e) sweeping; and
- f) repair and maintenance of hard structures.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the long term maintenance of the landscaping is integral to the development.

- 5 Prior to the commencement of development on the public realm works hereby permitted, an Arboricultural Monitoring scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of (i) person(s) to conduct the monitoring; (ii) the methodology and programme for reporting; and (iii) a

timetable for inspections. The works shall not be carried out unless in accordance with the approved details.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 6 Prior to their installation, the detailed design of the demountable exhibition display stands shall be 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 adopted policy D1 of the Cheltenham Plan (2020), and adopted policy SD4 of the Joint Core Strategy (2017).

INFORMATIVE

- 1 The applicant/developer is strongly encouraged to engage with 'Art in the Park' when finalising the design of the proposed demountable exhibition display stands.