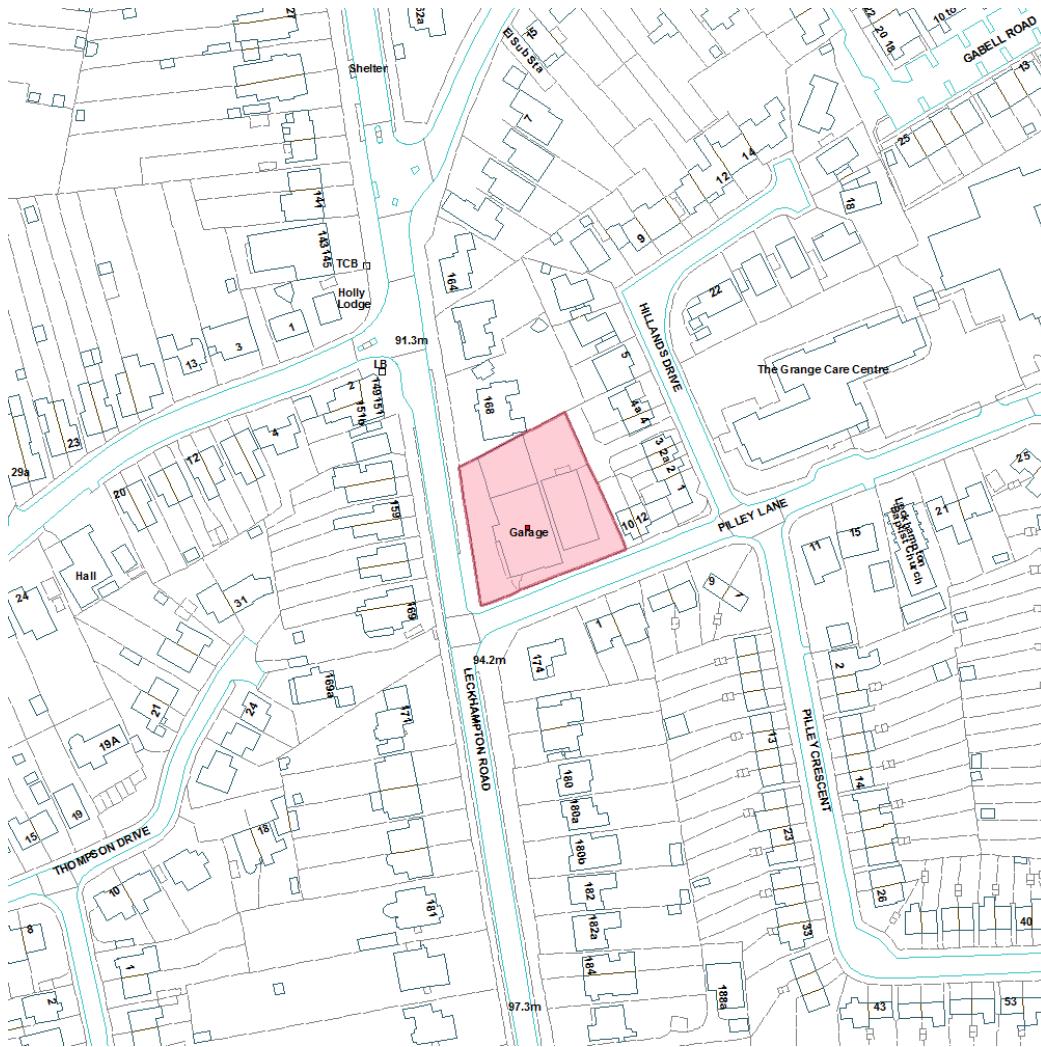


<b>APPLICATION NO:</b> 23/00813/FUL	<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 13th May 2023	<b>DATE OF EXPIRY:</b> 12th August 2023 (extension of time agreed until 25th September 2023)
<b>DATE VALIDATED:</b> 13th May 2023	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Leckhampton	<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Boo Homes (Leckhampton Road) Ltd
<b>AGENT:</b>	SF Planning Limited
<b>LOCATION:</b>	170 - 172 Leckhampton Road Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Demolition of existing buildings and erection of mixed use development comprising a retail food store with associated car parking and landscaping, 8no. 1-bedroom apartments, 4no. 2-bedroom apartments, and 2no. 4-bedroom houses

**RECOMMENDATION:** Permit subject to a 106 Obligation



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is prominently located on the corner of Leckhampton Road and Pilley Lane, within Leckhampton with Warden Hill parish. The site was formerly in use as a car dealership and MOT garage but has been vacant for almost two years; the former occupier, John Wilkins Cars, having relocated at the end of 2021. Prior to this, the site was used as a petrol filling station. The site is located within the Principal Urban Area (PUA) and is approximately 0.2 hectares in size. The site is not subject to any other designation.
- 1.2 The existing buildings on site are single storey but prominent within the street scene, and are utilitarian in their appearance albeit they vary in their design. Externally, the buildings are faced in red brick or render. The remainder of the site is hard surfaced, and almost entirely devoid of landscaping, having been used for the display of cars, and car parking. Access to the site is provided from Pilley Lane. The existing buildings provide a total of 973m<sup>2</sup> of floorspace.
- 1.3 The surrounding area is almost entirely residential in nature, with buildings varying greatly in age and architectural style. Land gently rises from north to south along this stretch of Leckhampton Road.
- 1.4 The application proposes the demolition of the existing buildings on site and the erection of a new mixed use development comprising a three storey building with a retail food store (410m<sup>2</sup>) at ground floor, and 12no. apartments on the upper floors (8no. 1-bedroom and 4no. 2-bedroom apartments), and a pair of semi-detached 4-bedroom houses; together with associated car parking (30no. spaces in total) and landscaping. A loading bay to serve the retail unit is proposed in Pilley Lane.
- 1.5 The proposed buildings are three storeys in height, with the top floors recessed. The retail/apartment block addresses the prominent corner, with the houses located to the north fronting Leckhampton Road. Externally, the buildings are faced in brick and render, with cladding to the recessed top floors.
- 1.6 Revised plans have been submitted during the course of the application and these are discussed in the report below. The quantum of development is unchanged.
- 1.7 In addition to drawings, the application is supported by the following detailed reports and statements; all of which have been available to view on the Council's website:
  - Planning Statement
  - Design and Access Statement
  - Land Contamination Assessment
  - Noise Impact Assessment
  - Transport Assessment
  - Biodiversity Survey and Report
  - Biodiversity Net Gain Preliminary Design Stage Report
  - Drainage Strategy Technical Note
  - Waste Minimisation Statement
- 1.8 The application is before the planning committee at the request of Cllr Nelson because:

*It is a significant development on a relatively small plot. There is a lot of public interest already being expressed, particularly regarding road safety, biodiversity mitigation, impact on neighbouring properties of emissions and noise from car parking as well as possible loss of amenity. Also, the perception that at 3 stories high, this could be considered as over development. Certainly, the roof line is significantly higher than neighbouring properties [sic].*

1.9 The application has also been objected to by the Parish Council, Civic Society, and Architects Panel, whose comments can be found in the Appendix below.

1.10 Members will have the opportunity to visit the site on planning view.

## **2. CONSTRAINTS AND RELEVANT PLANNING HISTORY**

### **Constraints:**

Airport Safeguarding over 45m  
Principal Urban Area  
Smoke Control Order

### **Relevant Planning History:**

Whilst there is a fairly extensive planning history on the site, there is none of any particular relevance to this proposal

## **3. POLICIES AND GUIDANCE**

### **National Planning Policy Framework 2023 (NPPF)**

Section 2 Achieving sustainable development  
Section 4 Decision-making  
Section 5 Delivering a sufficient supply of homes  
Section 6 Building a strong, competitive economy  
Section 7 Ensuring the vitality of town centres  
Section 8 Promoting healthy and safe communities  
Section 9 Promoting sustainable transport  
Section 11 Making effective use of land  
Section 12 Achieving well-designed places  
Section 14 Meeting the challenge of climate change, flooding and coastal change  
Section 15 Conserving and enhancing the natural environment

### **Saved Cheltenham Borough Local Plan 2006 (CBLP) Policies**

RT 1 Location of retail development

### **Adopted Cheltenham Plan 2020 (CP) Policies**

EM2 Safeguarding Non-Designated Existing Employment Land and Buildings  
D1 Design  
BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure  
SL1 Safe and Sustainable Living

### **Adopted Joint Core Strategy 2017 (JCS) Policies**

SD2 Retail and City / Town Centres  
SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD9 Biodiversity and Geodiversity  
SD10 Residential Development  
SD11 Housing Mix and Standards  
SD12 Affordable Housing  
SD14 Health and Environmental Quality  
INF1 Transport Network  
INF2 Flood Risk Management  
INF3 Green Infrastructure  
INF7 Developer Contributions

### **Supplementary Planning Guidance/Documents**

Development on Garden Land and Infill Sites in Cheltenham (2009)  
Cheltenham Climate Change SPD (2022)

## 4. CONSULTATION RESPONSES

See appendix at end of report

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to 27 neighbouring properties on receipt of the application. In addition, a site notice was posted and an advert published in the Gloucestershire Echo.
- 5.2 Additional consultation was carried out on receipt of the revised plans.
- 5.3 In response to the publicity, 63 representations have been received; 30 in objection, 30 in support, and three general comments. The comments have been circulated in full to members.
- 5.4 The objections are summarised below:
  - More consideration should be given to nearby residents
  - If people need to travel by car they can go to the Bath Road
  - The design is incongruous
  - The buildings are too tall / the top floor should be removed
  - The Pilley Lane junction should become traffic-light controlled with a pedestrian phase
  - Concerns that the parking problem will simply be moved
  - Inadequate parking for the residential properties
  - The number of flats should be reduced / the residential element is excessive
  - Encroachment of the building line along Leckhampton Road and the return of Pilley Lane
  - A community cafe or youth hall would be more appropriate and in keeping with the needs of a district community
  - Why isn't access being provided off Leckhampton Road?
  - The height of the building is not consistent with adjoining roof heights
  - The development would have an adverse impact on the character of the area
  - There will be a significant increase in risk to pedestrians
  - The development would have an adverse impact in terms of noise and disturbance, with increased noise at unsociable hours
  - The height of the proposed development means that surrounding properties will be overlooked
  - The scale of the proposed development means a reduction in natural light to the surrounding area
  - The three storey building is poorly designed, unattractive and is not sympathetic to other residential properties nearby
  - It is not acceptable to build a mixed development opposite and nearby two storey properties whose privacy will be adversely affected
  - Is there a need for a bigger store?
  - Illuminated signage could provide an unwelcome amount of light pollution for the houses opposite
  - The proposed development will have a semi-industrial appearance, offering little visual interest
  - Is there a market for more flats in the area?
  - The planning application is for market housing only
  - Does Cheltenham need yet another sizeable supermarket?
  - Delivery times to the Co-op are far too early at 5am
  - The inclusion of balconies on the second floor of the development raises valid privacy concerns

- The overshadowing effect of the proposed development during the winter months poses a significant problem
- Concerns regarding air pollution
- The proposal provides insufficient parking for residents, customers and Co-Op employees.

5.5 The comments in support of the application are summarised below:

- Redevelopment of the site would allow for a new, larger, fit for purpose store with easier access and improved parking
- The location of the current store is dangerous in such close proximity to the roundabouts, and results in conflict with pedestrians
- The development is well designed and in-keeping with surrounding development
- The development will lead to a safer arrangement for both pedestrians and cars
- it is a great that the Co-Op wish to invest in the area and make it an improved retail store to serve the community
- The development would create more housing
- The Co-op is a valuable local resource that has clearly outgrown its existing site
- The existing Co-op site is an eyesore and needs to be redeveloped
- The design is modern and reflects that of some redeveloped houses in the area
- The Coop is an excellent and reputable employer
- Good to see some smaller homes for younger people or those on a budget

## 6. OFFICER COMMENTS

### 6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of redevelopment in terms of the loss of the existing employment site and the replacement uses; design and layout; climate change; parking and highway safety; neighbouring amenity; ecology and biodiversity; and affordable housing.

### 6.2 Principle

6.2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In accordance with paragraph 11 of the National Planning Policy Framework (NPPF) which sets out a “*presumption in favour of sustainable development*” proposals that accord with an up-to-date development plan should be approved without delay.

6.2.2 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP); adopted policies of the Cheltenham Plan 2020 (CP); and adopted policies of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS). Other material considerations include the NPPF, and Planning Practice Guidance (PPG).

#### *Loss of existing employment use*

6.2.3 Adopted CP policy EM2 seeks to safeguard non-designated employment land and buildings and advises that:

*Development proposals for a change of use of land and buildings currently or last in employment use (Note 1) will only be permitted where:*

- a) buildings were constructed and first occupied for residential use; or*

*b) the loss of the site to other uses does not have a detrimental impact on the continuing operation of existing businesses in the vicinity (Note 2) and;*

*i. The proposed use is job-generating (Note 3) with any loss of existing provision being offset by a net gain in the quality (Note 4) and / or the number of jobs provided on the site; or*

*ii. Development of the site will ensure the relocation of an existing firm to a more suitable location within the Borough (Note 5); or*

*iii. There has been a sustained and long-term absence of economic activity on the land with no reasonable prospect of the land being used for employment (Note 6); or*

*c) The applicant for planning permission can demonstrate that employment use creates unacceptable environmental or traffic problems which cannot be satisfactorily resolved.*

6.2.4 In this case, officers are satisfied that the proposed development would be in accordance with exception b) of the above policy, in that a change in the use of the site would not have any detrimental impact on the continuing operation of existing businesses in the vicinity (the site does not form part of a wider employment site); the proposed ground floor retail use is job-generating (Note 3 to the policy referencing retail); and there is no reasonable prospect of the site being re-used for B class employment use in this predominantly residential location.

#### *Proposed retail use*

6.2.5 Notwithstanding the above, saved CBLP policy RT1 is pertinent to a degree; the policy sets out the sequential approach for new retail development. However, the Planning Statement which accompanies the application acknowledges that, on the face of it, the proposal would be in conflict with this policy, and that the sequential test is not relevant because, in this case, no new retail offering is proposed; the application would simply allow the relocation of the existing Co-op store which forms the nearby Leckhampton Road Neighbourhood Centre. The existing store is popular with customers but there are well-known difficulties with the existing parking arrangements, and during deliveries.

6.2.6 Indeed, many members will be aware of an application in 2021 (ref.21/00279/FUL) which sought to address the current parking problems at the existing Co-op site. The application sought to demolish a neighbouring detached bungalow on the corner of Church Road and Leckhampton Road in order to extend the car parking forecourt resulting a net increase of 8 additional car parking spaces, together with a new pedestrian route through the car park; however, whilst the application was supported by officers, it was refused by the planning committee due to the loss of the existing bungalow and the unacceptable impact on the amenity of no.1 Church Road.

6.2.7 The Planning Statement also sets out that the Co-op are contractually obliged to relocate to the proposed new store if planning permission is granted, and this can be secured by an s106 legal agreement to ensure that this application indeed represents a relocation rather than a new retail development. Firstly, the s106 would include an obligation binding on the existing site whereby the Co-op covenant that on first occupation/use of the new site for any retail purposes that the existing site would cease to be used for retail within an agreed time period; and secondly, an obligation binding the application site, whereby it is covenanted that if the existing site has not ceased retail use within the agreed time period, the retail use will cease on the new site.

## *Proposed residential use*

6.2.8 As previously noted, the application site is sustainably located within the PUA, wherein adopted JCS policy SD10 supports new housing development on previously-developed land. However, in any event, the housing policies are out-of-date (as the Council cannot demonstrate a five year supply of deliverable housing sites), and therefore the 'tilted balance' in favour of granting permission is triggered. The proposed development would result in the welcome provision of an additional 14no. residential units, and make a small but valuable contribution to the borough's much needed housing stock.

6.2.9 With all of the above in mind, officers are satisfied that, in principle, the proposed redevelopment of the site is acceptable, subject to the material considerations discussed below. The existing buildings on site are of no architectural merit and no objection is raised to their demolition subject to a satisfactory scheme for redevelopment.

## 6.3 Design and layout

6.3.1 Paragraph 130 of the NPPF requires decisions on planning applications to ensure that new developments "*will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to local character...including the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible...with a high standard of amenity for existing and future users*".

6.3.2 The above requirement is generally consistent with the design requirements set out in adopted CP policy D1 and JCS policy SD4.

6.3.3 Additional guidance of relevance to this application can be found in the Council's adopted SPD relating to development on garden land and infill sites, which sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines. The document states at paragraph 3.5 that "*Responding to character is not simply about copying or replicating what already exists in an area...Change in itself is not considered a bad thing automatically...*"

### *Layout*

6.3.4 The Planning Statement sets out that the site layout has been influenced by the operational needs of the Co-op; this site provides the opportunity to create an exemplar layout that is sympathetic to local residents as well as the needs of the Co-op.

6.3.5 The main entrance to the retail store would be located in the south-eastern corner of the building, within the site, facing the car parking; with storage and other ancillary facilities located to the rear and side of the main retail space fronting the highway. A loading bay would be located to the south of the store on Pilley Lane.

6.3.6 Access to the apartments on the upper floors would also be provided to the rear from the car park.

6.3.7 Vehicular access to the site will continue to be provided from Pilley Lane, with parking available to the east of the site. As you enter the site, 15no. customer car parking spaces would be provided, to include 1no. disabled space and 1no. electric vehicle charging point; and leading further into the site, an additional 15no. private spaces for the residential properties would be provided. The two separate car parking areas would be delineated by landscaping, a speed ramp, and a bin store serving the apartments, together with a change in surfacing materials. Cycle racks (12no.) for staff and customers would be provided adjacent to the store entrance; with 16no. cycle racks for the residential properties provides

within the private parking area. The retail unit and apartments would also be provided with dedicated bin/recycling storage areas; with the houses benefitting from adequate space within the plot. Additional details can be secured by condition.

6.3.8 Pedestrian access to the site has been improved in the revised plans, with pedestrian access available from both Leckhampton Road and Pilley Lane.

6.3.9 The pair of townhouses would be located to the north of the retail/apartment block.

6.3.10 Generous areas of landscaping and tree planting along the Leckhampton Road frontage, together with additional landscaping adjacent to the vehicular access and within the car park would help to soften the development within the street scene. The Tree Officer considers the submitted arboricultural report to be thorough and well-considered. The detailed landscaping scheme can be secured by condition.

6.3.11 Officers are therefore satisfied that the general layout of the site is acceptable. The concerns of the Civic Society and the Architects Panel in respect of the layout have been duly noted; but, whilst there may be some merit in the entrance fronting the highway, officers do not consider this necessary in order to support the scheme. There are other examples of retail food stores in the town which have their storage and ancillary areas fronting the highway, with their store entrance facing the car park.

6.3.12 The applicant has reiterated the rationale behind the proposed layout, i.e. that the scheme seeks to address the shortcomings of the existing site in terms deliveries and highway safety impacts. They also accept that the layout results in a less active ground floor to the Leckhampton Road elevation, but suggest that this is more than compensated for by the generous landscaping proposals which have been further enhanced by the opening up of the corner of the site.

### *Design*

6.3.13 As previously noted, the scheme has been revised during the course of the application, resulting in significant improvements; the revisions include:

- Changes to the external appearance of the building, with a rendered finish now proposed to the upper floors of the retail/apartment block; these elevational changes helping to break up the massing and bulk of the building;
- Changes to the street facing elevations at ground floor to introduce additional visual interest and activity;
- A 400mm reduction in the height of the retail/apartment building, and the introduction of a bris soleil on the top floor to provide a visual 'cap' to the building; and
- The removal of the projecting balconies to the Pilley Lane and Leckhampton Road frontages.

6.3.14 In its revised form, officers consider the design of the scheme to be acceptable. Whilst concerns have been raised in relation to the height of the buildings, no particular harm has been identified. The top floors are recessed from the buildings below, and are effectively the 'roof'; and the use of an alternative facing material at this level would further help to ensure that the top floor reads as part of the roofscape. In addition, the top floor will not be a prominent addition when viewed from street level; much of the top floor only being visible in longer views. The street scene elevations demonstrate that the buildings would step up in relation to the sloping nature of this part of Leckhampton Road. Furthermore, it is not uncommon for buildings on corner plots to be taller than surrounding buildings, and more substantial. Concerns in relation to the building encroaching on the building line have been noted; but the building line along Leckhampton Road, and the proximity of buildings to the highway, varies.



6.3.15 Moreover, it is important to acknowledge that the removal of the top floors, particularly that of the retail/apartment block, would result in a reduction in residential units (5 apartments) which, given the Council's severe shortage of housing land supply, would be at odds with JCS policy SD10 which requires new residential development proposals to achieve maximum densities compatible with good design. Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; with the Government recognising the benefits of extending upwards in terms of maximising development potential. Officers acknowledge that the proposed development would undoubtedly have a far greater visual impact within the street scene than the existing buildings but this, in itself, is not considered to be unacceptable or harmful.

6.3.16 Externally, the pair of dwellings would be faced in render with powder coated aluminium cladding panels to the recessed top floor, powder coated aluminium windows and hardwood doors. The retail/apartment block would now be similarly faced in render at first floor, with red brick at ground floor, and powder coated aluminium cladding to the top floor. At ground floor, the glazing will comprise a mix of clear glazed, and ceramic backed obscure glazed, full height windows. Officers are satisfied that, in its revised form, the proposed corner building is far less utilitarian in its appearance, and the palette of materials proposed across the site are appropriate in this location, given the variety of materials found in the surrounding area. That said, a high quality palette of external facing materials and finishes will be key to the success of the scheme, particularly the brickwork, and therefore conditions are suggested which require the submission of additional design details, and the construction of a sample panel of brickwork on site for consideration.

6.3.17 Officers do not agree with the Architects Panel and Civic Society views that the apartment layouts are cramped; nor that they are "*generally poorly designed*"; the proposed apartments meet the requirements of the nationally described space standard.

6.3.18 As a whole, officers therefore consider the design and layout of the development to be acceptable and in accordance with relevant design policies.

#### 6.4 Climate change

6.4.1 In addition to the abovementioned design policies, adopted JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability; development proposals are required to "*demonstrate how they contribute to the aims of sustainability*" and "*be adaptable to climate change in respect of the design, layout, siting, orientation...*" The policy requires major planning applications to be accompanied by an Energy Statement.

6.4.2 JCS paragraph 14.4.11 goes on to advise that:

*Before considering the use of renewable energy technologies the design of a development should first identify measures to reduce overall energy demand. This can include choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for space heating and/or cooling and lighting. Secondly, the design should include measures to use energy more efficiently such as increasing levels of insulation in walls, floors and roofs and improved air-tightness.*

6.4.3 The adopted Cheltenham Climate Change SPD also provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals.

6.4.4 As required, the application is supported by a Climate Change Checklist (Appendix 2 to the Planning Statement) in support of the application that sets out the measures proposed as part of this development. The measures include, but are not limited to:

- The provision of fittings and appliances that use water more efficiently in order to reduce water consumption
- The installation of air source heat pumps for the houses
- Fossil-fuel free heating for the retail unit and apartments, i.e., an energy efficient electrical system
- Flat roofs to maximise the number of solar PV panels that can be accommodated
- The provision of an electric vehicle charging point
- The attenuation of surface water run-off on site so as to reduce the risk of flooding both on and off site

6.4.5 Such measures are welcomed and would go some way to helping Cheltenham meet its commitment to become a net zero carbon council and borough by 2030.

## 6.5 Parking and highway safety

6.5.1 Adopted JCS policy INF1 requires all development proposals to provide safe and efficient access to the highway network for all transport modes; and provide connections where appropriate, to existing walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. The policy states that planning permission will only be granted where the impacts of the development are not considered to be severe, and requires developers to assess the impact of proposals through a Transport Assessment.

6.5.2 The above policy generally reflects the advice set out within the NPPF at Section 9; however, the following paragraphs of the NPPF set out additional relevant requirements:

*110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

*111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

*112. Within this context, applications for development should:*

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

6.5.3 From a highways perspective, the access, parking and highway safety impacts associated with both the proposed retail and residential uses, and the delivery and service management of the site has been assessed by the Highways Development Management Team (HDM) at the County Council, as the Highway Authority acting in its role as Statutory Consultee, and their full comments can be read in the Appendix below.

6.5.4 As previously noted, vehicular access to the site will continue to be provided from Pilley Lane, with HDM satisfied that adequate visibility can be achieved in all directions. 15no. customer car parking spaces for the retail unit would be provided, to include 1no. disabled space and 1no. electric vehicle charging point; with an additional 15no. private spaces for the residential properties. Cycle parking would also be provided.

6.5.5 Overall, HDM are satisfied that the proposed development concludes would not result in any unacceptable highway safety impact, or have a severe impact on congestion; and that *“There are no justifiable grounds on which an objection could be maintained”*, subject to conditions.

6.5.6 Although HDM acknowledge that there is an overall shortfall of one parking space for the residential element of the scheme (based on the minimum parking standards set out in Manual for Gloucestershire Streets (MfGS) Addendum October 2021), they are satisfied that this would not result in an adverse impact on the operation of the local road network. The MfGS minimum parking standards are 1 car parking space for 1-2 bedroom units, and 2 spaces for 3-4 bedroom units, and are based on evidence of car ownership levels; however, MfGS is not a prescriptive document. Additionally, whilst a lack of parking is raised as a concern by many of the objectors, it is important to ensure that new developments are designed to reduce reliance on the use of motor vehicles, and encourage more sustainable forms of transport.

6.5.7 Parking for the retail element is based on an accumulation analysis through the outputs of the TRICS assessment which informed the likely number of daily trips, and this is accepted by HDM. Whilst this shows a peak hour of demand of 16 vehicles between 1700-1800 hours, for the majority of the day, the demand is 11 vehicles or less. On this basis, HDM are satisfied with the level of parking proposed for the retail unit. HDM recognise that on-street parking could occur in the local area, but there are no mechanisms beyond localised traffic regulation orders that could prevent on-street parking from occurring.

6.5.8 HDM do raise some concern over the management of the internal parking area, principally whether or not future residents would have allocated parking spaces and how their use by customers of the retail unit would be prevented; and therefore request that a condition be imposed to secure the submission of a detailed parking management plan. This would also need to detail how the use of the loading bay would be managed.

6.5.9 Officers have no reason to disagree with the HDM assessment of the proposals and are therefore satisfied that the requirements of JCS policy INF1 and NPPF paragraphs 110 – 113 are met.

## 6.6 Amenity

6.6.1 Adopted CP policy SL1 states that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality. CP paragraph 14.4 advising that:

*In assessing the impacts of a development including any potential harm, the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy; and potential disturbance from noise, smells, dust, fumes, vibration, glare from artificial lighting, hours of operation, and traffic / travel patterns.*

6.6.2 Adopted JCS policy SD14 reiterates this advice and also seeks to ensure high quality developments that “*protect and seek to improve environmental quality*”.

6.6.3 The proposed development has given rise to a number of objections on amenity grounds which primarily relate to noise and disturbance likely to be generated by the proposed use, including deliveries to the store, light pollution, and loss of privacy.

### *Noise and disturbance*

6.6.4 The application is supported by a Noise Impact Assessment (NIA) which has been reviewed by the Environmental Health team (EH). The NIA addresses noise from deliveries and fixed plant.

6.6.5 EH are satisfied that the NIA “*provides a suitable and comprehensive assessment of the noise climate around the site, and predictions of noise from plant at the retail site and deliveries*” and raise no objection to the principle of development, subject to conditions.

6.6.6 Deliveries to the retail store are proposed to be restricted to between the hours of 7am and 9pm, and EH agree that it is necessary to restrict delivery hours to prohibit overnight deliveries. Whilst the hours of 7am to 9pm are considered to be acceptable during the week, EH consider it necessary to restrict delivery times on Saturday, Sundays and Public/Bank holidays to 9am to 9pm, due to the effect on the nearest residential property; this can be controlled by condition.

6.6.7 The proposed opening hours for the store are between 7am to 10pm Monday to Sunday (including Bank/Public holidays). The opening hours are the same as those of the existing store which is surrounded by residential properties. EH have raised no concerns in relation to the opening hours.

6.6.8 Any increase in noise from the residential properties should not be detrimental to the amenity of neighbouring land users.

### *Lighting*

6.6.9 Subject to a sensitively designed lighting scheme, which can be secured by condition, officers are satisfied that the lighting and signage for the retail store can be achieved without harm to neighbouring residential properties in terms of light pollution. Modern lighting solutions greatly reduce the potential for light pollution.

### *Loss of privacy / overlooking*

6.6.10 Officers are satisfied that no unacceptable loss of privacy or overlooking would occur as a result of the development. Note 2 to CP policy SL1 advises that in determining privacy for residents, the Council will seek a minimum distance of 21 metres between dwellings which face each other where both have windows with clear glazing, and 12 metres between dwellings which face each other where only one has windows with clear glazing. This is reiterated in the Council’s adopted Development on Garden Land and Infill Sites SPD which

also sets out that where a dwelling is facing onto a boundary, a distance of 10.5m from the boundary is generally required where upper floor windows are clear glazed.

6.6.11 In this case, the windows in the proposed development comfortably achieve the above distances. The windows in the elevation fronting Leckhampton Road would achieve a minimum distance of 25m to windows in the properties on the opposite side of Leckhampton Road. To the rear, the windows would be some 35m from the windows in the rear of properties in Hillands Drive, and approximately 18m from the boundary with no.10 Pilley Lane. Additionally, the windows in the Pilley Lane elevation would be some 21m from windows in the property opposite, and more than 15m from their boundary. There are no windows in the side of the proposed house which would sit in proximity to the boundary with the property to the north, no. 168 Leckhampton Road.

#### *Contaminated land*

6.6.12 It is recognised that the site has previously been used for an extensive period as a petrol filling station and an MOT garage and the application is therefore accompanied by a Pre-Planning Geo-Environmental Desk Study Report. This initial report indicates that concrete-filled fuel tanks are likely to remain in situ leading to a moderate to high risk of pollutant linkages to future site users and recommends at paragraph 6.3 that further intrusive investigations are carried out. EH agree that this work should be carried out at the earliest opportunity to allow further detailed comment. This additional investigation work can be secured by condition.

#### *Air Quality*

6.6.13 Air quality has been raised as an issue by local residents but EH have verbally confirmed that there are no concerns in relation to air quality in this location; it is not a vulnerable area. An Air Quality Assessment is not required.

6.6.14 On balance, officers are therefore satisfied that the development would not result in any unacceptable impact upon the amenities and living conditions of those residential neighbours living close to the site. It is important to recognise that whilst the site has been vacant for some time, it is a brownfield site, on a busy route in to the town, which benefits from a long established commercial use.

### 6.7 Ecology and biodiversity

6.7.1 JCS policy SD9 and advice set out within the NPPF at Section 15 seeks to ensure that development contributes to, and enhances the natural and local environment; and that important habitats and species are protected. Where developers are unable to avoid harm to biodiversity, mitigation measures should be incorporated into the design of the development.

#### *Protected species*

6.7.2 The application is accompanied by a Preliminary Ecological Appraisal (PEA). The PEA found the buildings on site to have negligible potential for roosting bats and that no additional surveys were required in this respect. The PEA also found the site to be poor foraging and commuting habitat and again no further surveys are considered necessary. A suitable lighting design strategy to maximise the value of the site for foraging bats can be secured by condition; together with measures to incorporate new roosts into the building such as installing bat tubes, panels, shelters or boxes in suitable locations around the site.

6.7.3 The PEA also identifies the site as providing minimal, poor quality, foraging habitat and limited potential for nesting; no evidence of nesting was recorded. The proposed development, however, provides the opportunity to include enhancements for nesting and foraging birds, with new planting on site being native to the area and ideally producing a

range of seeds and berries at varying times of the year. Nectar rich plants could also be included to encourage invertebrates on to the site, which in turn provide food for birds as well as other species such as bats. Bird boxes could also be installed. Again, these enhancements could be secured by condition.

#### *Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC)*

6.7.4 The application site lies within a zone of influence as set out in the Cotswold Beechwoods SAC Recreation Mitigation Strategy (May 2022) for recreational pressure for the Cotswold Beechwoods SAC, which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

6.7.5 Adopted CP policy BG1 states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site Network and the effects cannot be mitigated. All development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects. Without appropriate mitigation, the proposed development is likely to have a significant effect on the Cotswold Beechwoods SAC (either alone or in combination with other development) through increased recreational pressure.

6.7.6 The Council has undertaken an Appropriate Assessment and considers the measures set out in the abovementioned mitigation strategy to be necessary to provide adequate mitigation to address the impacts of the proposal. The applicant can choose to make a contribution towards the measures in the strategy, or to provide their own bespoke strategies to mitigate the impacts the proposed development will cause.

6.7.7 In this case, the applicant has opted to make the contribution of £673 per dwelling via an s106 legal agreement.

#### *Biodiversity Net Gain (BNG)*

6.7.8 The Environment Act 2021 requires all development, except small sites, to deliver a mandatory 10% Biodiversity Net Gain (BNG) from November this year; there is no mandatory requirement in Cheltenham to provide BNG at present but the NPPF at paragraph 174 requires planning decisions “to contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity”.

6.7.9 In this case, given the nature of the existing site, there can be little doubt that the proposed development would result in a gain to biodiversity; and the application is supported by a Biodiversity Net Gain Preliminary Design Stage Report and Biodiversity Metric to demonstrate this. The preliminary design stage report concludes that “*The proposed development will result in a habitat net gain of 0.32 units which is a 79409.57% biodiversity net gain*”, a significantly higher percentage gain than that being required come November.

6.7.10 To ensure the BNG is achieved, the areas of planting on site will need to be retained and managed for a minimum of 30 years, and a full specification of proposed habitats, including relevant management, would need to be provided within a Landscape and Ecological Management Plan (LEMP) or similar; as this can be secured by condition.

## 6.8 Affordable housing

6.8.1 JCS policy SD12 requires the provision of affordable housing in new developments. In Cheltenham, outside of Strategic Allocation sites, a minimum of 40% affordable housing is sought on sites of 11 dwellings or more.

6.8.2 In this case, the application proposes 14no. dwellings and therefore policy SD12 is triggered; a policy compliant 40% provision of affordable housing would equate to 6no. affordable units.

6.8.3 Notwithstanding the above, vacant building credit (VBC), an incentive for brownfield development on sites that contain vacant buildings, is applicable on this site. PPG stating that *“Where a vacant building is...demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought”* (Paragraph: 026 Reference ID: 23b-026-20190315).

6.8.4 The existing floorspace on site equates to 973m<sup>2</sup>, and the extent of residential floorspace proposed in the development is 937m<sup>2</sup>, as such, when applying the vacant building credit, no affordable housing contribution is required in this instance.

## 6.9 Other considerations

### *Flooding and drainage*

6.9.1 JCS policy INF2 states that development proposals must avoid areas at risk of flooding, and seek to minimise the risk of flooding. It goes on to state that new development should, where possible, contribute to a reduction in existing floor risk, and that new development should incorporate Sustainable Drainage Systems (SuDS) where appropriate. The Council will work with key partners, including the County Council, *“to ensure that any risk of flooding from development proposals is appropriately mitigated and the natural environment is protected in all new development”*.

6.9.2 As this is an application for major development, the County Council acting as the Lead Local Flood Authority (LLFA) have been duly consulted. In their initial review, the LLFA, raised concerns in relation to the lack of drainage strategy; and therefore a drainage strategy was subsequently requested and submitted.

6.9.3 Having reviewed the surface water drainage strategy, the LLFA have confirmed that the strategy complies *“with requirements described in the government non-statutory technical standards for sustainable drainage systems [and] therefore the LLFA has no objection to the proposal”*.

6.9.4 The LLFA go on to state that the strategy proposes a *“significant betterment over the discharge rate from the site in its current use...is supported by the output of system modelling data that indicates the system will be adequate to ensure the development is not at risk of flooding and that the development will not increase flood risk elsewhere...and will achieve adequate pollution control.”* No additional detail is required by condition.

### *Waste Minimisation*

6.9.5 A Waste Minimisation Statement has been submitted during the course of the application in response to recommendations made by the County Minerals and Waste Policy Team; and officers are satisfied that it provides a suitable response to waste minimisation and resource efficiency in construction. A site specific ‘Site Waste Management Plan’ can be secured by condition.

### *Public Sector Equalities Duty (PSED)*

6.9.6 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

6.9.7 Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

6.9.8 In the context of the above PSED duties, this proposal is considered to be acceptable.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 Decisions on planning applications must be made in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 The application site is a vacant brownfield site, sustainably located within the Principal Urban Area (PUA). The site is not the subject of any other designation.
- 7.3 Officers are satisfied that the principle of redeveloping the site is acceptable. The proposed development would be in accordance with exception b) of adopted CP policy EM2; and although, strictly speaking, the proposal would be contrary to saved CBLP policy RT1, the granting of planning permission would facilitate the relocation of an existing retail store, rather than a new retail offering. The existing store is popular with customers but there are well-known difficulties with the existing parking arrangements, and during deliveries.
- 7.4 In addition, the application site is sustainably located within the Principal Urban Area, wherein adopted JCS policy SD10 supports new housing development. Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; and policy SD10 also requires new residential development proposals to “*seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.*”
- 7.5 Notwithstanding the above, where housing policies are out-of-date (as is the case in Cheltenham as the Council is currently unable to demonstrate a five year supply of deliverable housing sites) development proposals for housing must be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal.
- 7.6 In terms of design and layout, the proposed site layout has clearly been influenced by the operational needs of the Co-op, given the known operational shortcomings of the existing store, but officers are satisfied that the general layout of the site is acceptable. In addition, the revisions secured during the course of the application have resulted in significant design improvements, and the proposed corner building is now far less utilitarian in its appearance. It is acknowledged that concerns have been raised in relation to the height of the buildings, but the top floors are recessed from the buildings below, and are effectively the ‘roof’; and the use of an alternative facing material at this level would further help to ensure that the top floor reads as part of the roofscape.



- 7.7 Generous areas of landscaping and tree planting along the Leckhampton Road frontage, together with additional landscaping adjacent to the vehicular access and within the car park would help to soften the development within the street scene and provide for an enhancement.
- 7.8 Additionally, the buildings have been designed to incorporate a solar PV array on the large expanse of flat roof which, together with air source heat pumps and fossil-fuel free heating, would go some way to helping Cheltenham meet its commitment to become a net zero carbon council and borough by 2030.
- 7.9 From a highway safety perspective, the proposed development has been assessed by the Highways Development Management Team (HDM) at the County Council, who raise no highway objection subject to a number of conditions.
- 7.10 The amenity concerns raised by local residents living in close proximity to the site, have been carefully considered by officers in conjunction with the Environmental Health team. On balance, officers are satisfied that the development would not result in any unacceptable impact upon the amenities and living conditions of residential neighbours. It is important to recognise that whilst the site has been vacant for some time, it is a brownfield site, on a busy route in to the town, which benefits from a long established commercial use.
- 7.11 The application has been accompanied by a Drainage Strategy which has been reviewed and accepted by the Lead Local Flood Authority (LLFA).
- 7.12 The development would result in ecological enhancements on site, and a significant gain to biodiversity. Suitable mitigation of any adverse effects on the Cotswold Beechwoods SAC is proposed.
- 7.13 Moreover, the proposed development would result in the welcome provision of an additional 14no. residential units, and make a small but valuable contribution to the borough's much needed housing stock. Although the number of dwellings proposed would normally trigger the need to provide 40% affordable housing, in this case, when applying the vacant building credit, no affordable housing contribution is required.
- 7.14 With all of the above in mind, taking into account the economic, social, and environmental aspects of the application, officers are satisfied that, as a whole, the proposed development would not result in any adverse impacts that would outweigh the clear benefits of the scheme.
- 7.15 The recommendation therefore is to grant planning permission subject to an s106 legal agreement and the schedule of conditions set out below; in accordance with The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, agreement has been sought in respect of the pre-commencement conditions:

## **8. SUGGESTED CONDITIONS**

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 Prior to the commencement of development, other than those works necessary to comply with the requirements of this condition, intrusive (Phase 2) ground investigation, contamination testing and quantitative risk assessment shall be carried as per the recommendations at paragraph 6.3 of the Pre-Planning Geo-Environmental Desk Study Report Assessment (Wilson Associates, Ref: 5146, dated May 2023) and the results and any remediation measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to adopted policy SD14 of the Joint Core Strategy (2017).

- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and development shall be halted on that part of the site affected by the unexpected contamination. An investigation and risk assessment must then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and a remediation scheme, where necessary, also submitted.

Following the completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before development can recommence on the part of the site identified as having unexpected contamination that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to adopted policy SD14 of the Joint Core Strategy (2017).

- 5 Prior to the commencement of development (including demolition and site clearance), a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the development process and shall include, but not be restricted to:

- i) Provision of parking for vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- ii) Advisory routes for construction traffic;
- iii) Any temporary access to the site;
- iv) Locations for the loading/unloading and storage of plant, waste and construction materials;
- v) Method of preventing mud and dust being carried onto the highway;
- vi) Arrangements for turning vehicles;
- vii) Arrangements to receive abnormal loads or unusually large vehicles;
- viii) Highway condition survey;

- ix) Measures to control the emission of noise, dust and dirt during demolition and construction;
- x) Measures for controlling the use of site lighting whether required for safe working or for security purposes; and
- xi) Methods of communicating the plan to staff, visitors, and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, and to prevent any loss of amenity to neighbouring land users, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 6 Prior to the commencement of development (including demolition and site clearance), a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the development process and shall:

- i) identify the specific types and amount of waste materials forecast to be generated from the development during site preparation, and demolition and construction phases;
- ii) identify the specific measures that will be employed for dealing with the waste materials so as to:
  - minimise its creation, and maximise the amount of re-use and recycling on-site;
  - maximise the amount of off-site recycling of any wastes that are unusable on-site; and
  - reduce the overall amount of waste sent to landfill; and
- iii) set out the proposed proportions of recycled content that will be used in construction materials.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy, and adopted Minerals Local Plan for Gloucestershire Policy SR01.

- 7 Prior to the commencement of development (including demolition and site clearance), a Lighting Scheme covering both the construction and operational phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- i) the position, height and type of all lighting;
- ii) the intensity of lighting and spread of light as a lux contour plan;
- iii) the measures proposed must demonstrate no significant effect of the lighting on the environment including preventing disturbance to bats; and
- iv) the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.

The approved scheme shall thereafter be implemented and maintained in accordance with the approved details.

Reason: To safeguard the amenities of adjacent properties and avoid light pollution, and to ensure that foraging and commuting of bats is not discouraged in this location, whilst providing adequate safety and security, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policies SD9 and SD14 of the Joint Core Strategy (2017).

- 8 Prior to any works above ground level, details of the provision made for facilitating the management and recycling of waste generated during occupation of the development shall be submitted to and approved in writing by the Local Planning Authority. The details

shall include appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy.

- 9 No external facing and/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 first 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 adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 10 The external facing brickwork shall not be carried out unless in accordance with a sample panel which shall have first been constructed on site and approved in writing by the Local Planning Authority. The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the facing brickwork, including perforated brickwork. The approved sample panel shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

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).

- 11 The following elements of the scheme shall be installed, implemented or carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:
- a) Window system;
  - b) External doors;
  - c) Bris soleil;
  - d) Rainwater goods;
  - e) Bin store for the apartment;
  - f) Cycle parking racks; and
  - g) Solar PV panels.

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).

- 12 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing 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. Planting within the Root Protection Areas of existing street trees should be avoided, or species carefully selected, to avoid competition with these trees.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first 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 30 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 which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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).

- 13 The development shall be carried out in accordance with the noise control measures detailed in Section 7 of the Noise Impact Assessment (Acoustic Consultants Ltd, Ref: 10213/SF/BL, dated May 2023).

Reason: To ensure that suitable mitigation measures are installed to protect future residents of the dwellings, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 14 Prior to installation, technical details of all fixed plant to serve the retail store, and its continuing operation, shall be submitted to and approved in writing by the Local Planning Authority. The plant shall be designed to meet the requirements of Section 9 of the Noise Impact Assessment (Acoustic Consultants Ltd, Ref: 10213/SF/BL, dated May 2023). The development shall thereafter be implemented in accordance with the approved details.

Reason: To safeguard the amenities of adjacent properties, having regard to policy SL1 of the Cheltenham Plan (2020) and policy SD14 of the Joint Core Strategy (2017).

- 15 Prior to first occupation of any part of the development, surface water drainage shall be implemented in accordance with Drawing No. 230390-RAP-XX-XX-DR-C-3500 P1 (Appendix E of the Drainage Strategy Technical Note (Rappor, Ref: 23-0390 Rev 01, dated June 2023)).

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 16 Prior to first occupation of any part of the development, an Electric Vehicle Infrastructure Strategy and Implementation Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of the number and location of all electric vehicle charging points, and shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets. The buildings and parking spaces that are to be provided with charging points shall not be brought into use until the associated charging points have been installed in strict accordance with approved details, and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 17 Prior to first occupation of any part of the development, the means of access for vehicles, pedestrians and cyclists shall be constructed and completed in accordance with approved Drawing No. 22033 PL 06 D.

Reason: In the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 18 Prior to first occupation of any part of the development, a Car Park Management Plan, to include how the use of the loading bay will be managed, shall be submitted to and approved in writing by the Local Planning Authority. The car parking and loading bay shall thereafter be managed in accordance with the approved plan for the lifetime of the development.

Reason: To ensure the safe operation of the car park, having regard to adopted policies SD4 and INF1 of the Joint Core Strategy (2017).

- 19 Prior to first occupation of any part of the development, refuse and recycling storage facilities shall be provided in accordance with approved Drawing No. 22033 PI 06 D and shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy.

- 20 Prior to first occupation of any part of the development, cycle storage shall be provided in accordance with approved Drawing No. 22033 PL 06 D, and shall be retained as such thereafter.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017).

- 21 Prior to first occupation of any part of the development, the recommendations and enhancement measures set out within the submitted Preliminary Ecological Appraisal (All Ecology, Ref: 2345, dated May 2023) shall be implemented in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the long-term enhancement of the biodiversity value of the site, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 22 Prior to first occupation of any part of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a full specification of proposed habitats, including long-term management and monitoring activities (covering a minimum period of 30 years). The approved plan shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the long-term enhancement of the biodiversity value of the site, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 23 Prior to first beneficial use of the retail store, showers and lockers for staff shall be installed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage the use of sustainable forms of transport, reduce vehicle movements and promote sustainable access, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 24 Deliveries to the retail store shall only be permitted between the following hours:

Monday to Friday – 7am to 9pm.

Saturday, Sunday and Bank/Public Holidays – 9am to 9pm.

Reason: To protect the amenities of the occupants of nearby residential properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 25 The retail store shall only be open to customers between the following hours:

Monday to Sunday (incl. Bank/Public Holidays) – 7am to 10pm.

Reason: To protect the amenities of the occupants of nearby residential properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 26 The flat roof areas of the proposed houses (Plots 1 and 2) shall not be used as a balcony, roof garden or other external amenity area at any time. Access to the flat roofs shall be for maintenance purposes only.

Reason: To safeguard the amenities of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 27 Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the building hereby approved shall be used solely for purposes within Class E(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that order with or without modification).

Reason: Any alternative use requires further consideration by the Local Planning Authority, having regard to the provisions of the Cheltenham Plan (2020) and the Joint Core Strategy (2017).

## **INFORMATIVES**

- 1 It is recommended that ownership of T6 (ash) be established and the tree removed.
- 2 The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under Section 184 of the Highways Act 1980. Permission must be obtained from Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway. Full details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk).
- 3 The development includes the carrying out of work on the adopted highway. Before undertaking work on the adopted highway, a highway agreement under Section 278 of the Highways Act 1980 must be entered into with the County Council; the agreement should specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:
  - Drafting the Agreement
  - A Monitoring Fee

- Approving the highway details
- Inspecting the highway works

Planning permission is not permission to work in the highway. A highway agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- 4 The development and any associated highway works required is likely to impact on the operation of the highway network during its construction (and demolition). You should contact the Highway Authority's Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
  
- 5 As a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.  
The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road.  
The exemption from adoption will be held as a Land Charge against all properties within the application boundary.
  
- 6 Drainage arrangements should ensure ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
  
- 7 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:  
Constructors should give utmost consideration to their impact on neighbours and the public
  - Informing, respecting and showing courtesy to those affected by the work;
  - Minimising the impact of deliveries, parking and work on the public highway;
  - Contributing to and supporting the local community and economy; and
  - Working to create a positive and enduring impression, and promoting the Code.
 The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.  
Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.



## **APPENDIX - CONSULTATION RESPONSES**

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

**19th May 2023**

There is no drainage strategy submitted with this application so it is not possible to determine whether it is acceptable. The application form state that SuDS will be used but there is no indication of what the applicant has interpreted this to mean. The proposed site plan does not show any SuDS features that might contribute to betterment of water quality, amenity or biodiversity.

In section 3.8, Sustainability of the Design and Access Statement it is stated that due to the nature of the site it is not possible to use nature based drainage systems. It is not clear what precludes the use of open water conveyance channels, rain gardens, green walls and roofs, and nature beneficial water attenuation features resulting in a much more attractive development, other than poor design lacking in the innovative consideration required to deal with climate change.

NOTE 1: The Lead Local Flood Authority (LLFA) will consider 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.

### **26th June 2023 – revised comments**

A surface water drainage strategy has been published for this application dated June 2023. It identifies that the development is in flood Zone 1 and that the site is not at risk from surface water flooding, the LLFA agrees with this assessment.

The strategy proposes discharge of surface water from the site controlled to a rate of 12.4 l/s this is significant betterment over the discharge rate from the site in its current use. This will be achieved by attenuating the surface water is underground cellular storage tanks located below the residential parking area and flow controlled by a device located at the last manhole in the system before discharge to the existing surface water sewer in Leckhampton Road. The strategy is supported by the output of system modelling data that indicates the system will be adequate to ensure the development is not at risk of flooding and that the development will not increase flood risk elsewhere. The pollution quality of the discharge is to be managed by filtering the surface water runoff from car parking areas through permeable paving, such a strategy is acceptable and will achieve adequate pollution control.

While the LLFA would like to see a scheme using above ground conveyance and storage that might provide more benefits with regard to amenity and biodiversity, the strategy does comply with requirements described in the government non-statutory technical standards for sustainable drainage systems therefore the LLFA has no objection to the proposal.

The detail provided within the drainage strategy is adequate that the LLFA would see no benefit in applying drainage conditions to a permission granted against this application.

### **Clean Green Team**

**19th May 2023**

For the self contained dwelling residents would need to be informed that due to ownership they are required to present on the kerbside for 7am on the morning of collection. No receptacles are to be stored on the highway.

The self contained dwelling would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to the pathway or driveways.

The properties need adequate space to store bins and boxes off the public highway when not out for presentation. For the serviced apartments and office building to the rear, a communal bin shed will need to be planned. This bin shed needs to be of adequate size to house all the receptacles needed for the occupancy. Ideally the bin shed should be no further than 20 metres away from the adopted highway as per the planning guidance document, and the pathway leading to the bin shed must be of hard standing.

We would advise that all residents are given the link below so they can see how and what can be recycled in Cheltenham [https://www.cheltenham.gov.uk/info/5/bins\\_and\\_recycling/924/kerbside\\_recycling\\_box\\_collection](https://www.cheltenham.gov.uk/info/5/bins_and_recycling/924/kerbside_recycling_box_collection)

### **Tree Officer**

**19th May 2023**

The arboricultural report submitted is thorough and well-considered.

Foundation depths / designs should be submitted to establish how the proposal will account for any potential change in volume of soil moisture caused by street trees.

A landscape plan should be submitted, detailing species, size and location of new trees. Planting within the RPA of existing street trees should be avoided, or species selected carefully to avoid competition with those trees.

Ownership of T6 (ash) should be established and the tree removed as it's growing out of the wall itself.

Reason: to protect the amenity value of trees as per Policies GI2 and GI3 of the Cheltenham Plan.

### **Gloucestershire Centre for Environmental Records**

**22nd May 2023**

Report available to view in documents tab.

### **Building Control**

**22nd May 2023**

This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

### **Contaminated Land**

**24th May 2023**

The site has previously been used for an extensive period as a filling station and car repair / sales. The initial report provided indicates that concrete-filled petrol tanks are likely to remain in situ leading to a "moderate to high risk of pollutant linkages to future site users" and recommends at Para 6.3 that further intrusive investigations are carried out. I agree that this work should be completed at the earliest opportunity to allow further detailed comment by this department.

### **Environmental Health**

**24th May 2023**

The applicant has provided a suitable and comprehensive assessment of the noise climate around the site, and predictions of noise from plant at the retail site and deliveries. I would therefore recommend that the requirements of the acoustic report are implemented in the development in relation to façade construction, windows, residential ventilation etc.

Air handling plant to service the retail element should be designed to meet the requirements of Section 9 of this report. I would suggest a condition is attached to any permission that requires a suitable scheme to be submitted for approval before commencement of development.

Deliveries are dealt with in section 8 of the report, and I would agree that deliveries to site should be restricted in order to be acceptable, however I would suggest suitable hours would prohibit overnight deliveries as follows: Deliveries should only be permitted between 7:00 and 21:00 Monday - Friday and 9:00 and 21:00 Saturday, Sunday and bank Holidays, due to the effect on the nearest residential property.

The applicant should be requested to supply a construction management plan for the site to identify suitable controls of noise and dust from all site works, including demolition and construction.

### **GCC Highways Development Management 30th May 2023**

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objection subject to conditions.

The justification for this decision is provided below.

The proposal seeks the demolition of existing buildings and erection of mixed use development comprising a retail food store with associated car parking and landscaping, 8no. 1-bedroom apartments, 4no. 2-bedroom apartments, and 2no. 4-bedroom houses at 170 - 172 Leckhampton Road Cheltenham Gloucestershire GL53 0AA. The development proposal is supported by a Transport Assessment carried out by Apex Transport Planning.

The site will be accessed from a new priority junction onto Pilley Lane from a similar location as the existing access. Access visibility splays of 43 metres in each direction from a 2.4 metre setback are achievable in each direction in accordance with Manual for Streets guidance for a 30mph street. A service bay is also proposed adjacent to Pilley Lane.

Parking for the residential component of the site is proposed in general accordance with the guidance set out in Manual for Gloucestershire Streets (MfGS) Addendum October 2021, with an overall shortfall of 1 space. It is the view of the Highway Authority that this reduction is not perceived to result in an adverse impact on the operation of the local road network.

Parking for retail unit is based on an accumulation analysis through the outputs of the TRICS assessment which informed the likely number of daily trips, and its use is accepted. This shows a peak hour of demand of 16 vehicles between 1700-1800 hours, however for the majority of the day, the demand is 11 vehicles or less. On this basis, the retail unit is proposed to be serviced by a total of 15 spaces, which are accepted. The development site is not inserted within a parking permit zone, and whilst it is recognised that an undesirable number of on-street parking could occur in the local area based on the forecast demands of the site, there are no mechanisms beyond localised traffic regulation orders that could prevent on-street parking from occurring.

The Highway Authority does have concerns about the manner in which the internal parking area will be managed, whether or not future occupiers will have their parking spaces allocated and how their use by customers from adjacent retail unit will be stopped, as well as how the use of the loading bay will be managed for the perpetuity of the development. For this reason, a condition requiring a parking management plan is set out.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

#### Conditions

##### Completion of Vehicular Access - Shown on the approved plans

The development hereby approved shall not be brought into use until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawing 22033 PL 06.

Reason: In the interest of highway safety.

##### Electric Vehicle Charging Points (Commercial)

An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any building hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

##### Active Travel Facilities (Commercial)

Notwithstanding the details submitted the development hereby approved shall not be brought into use until showers and lockers have been installed in the commercial building in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce vehicle movements and promote sustainable access.

##### Car Park Management Plan

The Development hereby approved shall not be brought into use until a car park management plan has been submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved car park management plan for the lifetime of the development.

Reason: To ensure the safe operation of approved car park(s).

##### Construction Management Plan

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

#### Informatives

##### Alterations to Vehicular Access

The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway. Full Details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk).

##### Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- Inspecting the highway works

Planning permission is not permission to work in the highway. A highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

##### Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

##### Private Road

You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road.

The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

##### No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway.

No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

##### Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

## **GCC Minerals and Waste Policy**

**14th June 2023**

The application has not demonstrated that waste minimisation matters have been considered. It is strongly recommended that a waste minimisation statement is requested prior to determination – see local advice | GCC Waste Minimisation SPD.

Recommended planning conditions:

**CONDITION** – No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and the specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

**REASON** – To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction and adopted Minerals Local Plan for Gloucestershire Policy SR01.

**CONDITION** – No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

**REASON** – To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction.

The application has not demonstrated that consideration has been given to alternative secondary and / or recycled aggregate use in the proposed development's construction. It is

strongly recommended that further supporting information is provided prior to determination – see advice | pages 32 and 33 of the Minerals Local Plan for Glos

The application site is not within close proximity to / or contain existing safeguarded waste management infrastructure and / or land allocated for this purpose - no objection raised and no further action is recommended at this time.

The application site does not adjoin or contain within it existing safeguarded mineral infrastructure - no objection raised and no further action is recommended at this time.

The application site is not located within a local Mineral Safeguarding Area (MSA) or is exempt from safeguarding requirements as set out under Table 2 of the Minerals Local Plan for Glos. - no objection raised and no further action is recommended at this time.

If the Planning Officer is minded approving this application, it would benefit from a WMS alongside a statement of how using secondary recycled aggregate will be considered as part of the proposal.

**Parish Council**  
**15th June 2023**

The Parish Council objects to this application due to the scale, mass and height which represents over development for that location.

The Council also has concerns that the junction of Pilley Lane and Leckhampton Road will become considerably busier due to the projected increase in two way traffic flow, as indicated in the applicants report. An increase in pollution and inadequate parking on site are also concerns.

The Parish Council asks that this application be called in.

**3rd August 2023 – revised comments**

The Parish Council, having discussed the revised plans at an extraordinary public meeting on August 2nd, continues to object to the application on the following grounds:

The developer has not taken into account the original objections raised by the Parish Council and residents.

- 1) Scale/mass/height and overdevelopment of the site - There has only been a slight reduction in height of 400 mill. The Parish Council specifically objects to the 3rd floor.
- 2) Parking - the Parish Council objects to the lack of parking for both the dwellings and the Co-op retail outlet. The Cheltenham plan requires a 4 bed house to have 3 parking spaces.
- 3) The junction of Pilley Lane and Leckhampton Road - the Parish Council continues to have concerns that this junction will become considerably busier due to the projected increase in traffic flow, as indicated in the applicants report.

The Parish Council would support the move of the Co-op retail outlet if revised plans took account of both the Parish Council concerns and objections, along with those of residents.

**Architects Panel**  
**16th June 2023**

Design Concept

The panel had no objection to the principle of replacing the existing buildings on this site with a new mixed development incorporating a retail food store, apartments, and town houses. However, the panel felt this scheme design failed to address the special characteristics of the site and its context due to its poor site layout, its excessively large scale and inappropriate architectural character.

### Design Detail

The panel felt the scheme was a missed opportunity to design an exemplary group of buildings that would enhance this corner plot in a very prominent position on Leckhampton Road.

The site layout revolves around the retail unit that clearly needs to be the size shown but takes up the prime corner position on the site and then turns its back to the street: all Leckhampton Road ground floor windows are blank as the service areas and plant are on the west side of the building. The main entrance to the shop is at the back, on the east side presuming that most people visiting the shop will arrive by car. The pedestrian approach to the building appears somewhat of an afterthought.

The car parking for the apartments and the town houses is accessed through the shop parking area which is hardly practical and likely to cause major management problems for house owners and shop visitors alike.

The residential units have inadequate amenity space. What is provided for the town houses will be overlooked by adjacent apartments.

The apartments are generally poorly designed with an uninviting rear external entrance and dark corridors leading to apartment front doors. Layouts also appear cramped no doubt dictated by the shop footprint below.

The apartment block is out of scale and character with the pattern of development along Leckhampton Road. As drawn the building looks a storey too high but it is also too bulky. Showing the building in three dimensions and in context with existing buildings would highlight these design flaws.

Overall the scheme looks like overdevelopment but the panel felt that with a more refined site layout, perhaps working with the sloping ground levels and breaking down the overall mass of the building, there will be ways of making a mixed development scheme work on this site.

### Recommendation

Not supported.

### ***9th August 2023 – revised comments***

#### Agents Presentation

The agents explained that revised design proposals have been submitted to the council in response to concerns raised by the Cheltenham Architects Panel, and others, over the design quality of the original submitted scheme (refer to the Cheltenham Architects Panel Review dated 31st May 2023).

The scheme amendments include:

- Site layout amended to provide improved pedestrian access at the corner junction
- Changes to car parking surface materials
- Proof of Biodiversity Net Gain
- External appearance changes
- 3D images to show the proposed buildings in context.
- 

The panel thanked the agents for their presentation and welcomed the opportunity to consider the new design proposals on this important and very prominent site along Leckhampton Road.

### Design Concept



As previously stated, the panel had no objection to the principle of replacing the existing buildings on this site with a new mixed development incorporating a retail food store, apartments, and town houses.

Whilst the panel appreciated and welcomed some of the proposed changes to appearance of the buildings, by breaking down the overall bulk of the previous proposal, the changes did not address the fundamental site layout concerns raised previously.

#### Design Detail

The agents explained that the site layout was driven by the requirements of the Co-op and the need for the delivery bay to be located off Pilley Lane. The panel accepted this was a major design constraint but questioned why the whole site layout had to be led by servicing requirements to the detriment of pedestrians and opportunities for "place making" enhancements.

The site layout has broadly remained the same and token enhancements, the pedestrian access at the corner of the site and proposed tree landscape planting, do not go far enough for the panel to support the scheme. The panel felt the scheme could be amended, still keeping the service access off Pilley Lane, by either flipping or rotating the Co-op plan so the main entrance to the shop was not from the car park.

Concerns raised over the site being over-developed were countered by the agents who stated the amount of new housing shown was necessary to make the whole development financially viable. The panel did not agree that such an argument justified supporting poor design: it can be argued that fewer apartments of a better design would add value.

The new plans have not responded to previous criticism over the design of the apartments.

The previous review stated:

The apartments are generally poorly designed with an uninviting rear external entrance and dark corridors leading to apartment front doors.

Layouts also appear cramped no doubt dictated by the shop footprint below.

The panel believed a better scheme could be achieved by creating a more attractive entrance to the apartments off Leckhampton Road and linking the "place making" experience with the existing road crossing (not shown on the plans) and landscaping enhancements.

The design for semi-detached 4 bed houses has also not been amended which the panel felt should be considered in order to explore a better site layout. Pushing back the building so it is more in line with the established Leckhampton Road building line would be an improvement, possibly with parking at the front and larger gardens to the rear to follow the pattern of development.

A review of the apartments' layout could include varying the height of the building to further breakdown its overall apparent bulk and create more attractive apartments with better amenity spaces. The panel were not adverse to having a taller element on the corner junction with the building stepping down to be more in scale with existing street architecture. If high densities are required a revised scheme might include building over the car park, for example.

#### Recommendation

Not supported.

### **Cheltenham Civic Society**

**22nd June 2023**

#### **OBJECT**

We support the relocation of the Co-op, which is a useful community asset. And we welcome the redevelopment of a site which has been empty for some time. We also support the principle of mixed use here.

However, this design is wholly unsympathetic to its surroundings. It is out of scale and out of character, and the applicant is trying to cram too much into the plot. Without the third stories, both the houses and the mixed-use block would be less oppressive.

There is likely to be conflict between occupants and shoppers over parking spaces.

In addition to the on-site planting scheme, we suggest the applicant contributes some mature street trees, which will be replacement for the existing street trees in due course, these being a valued feature of Leckhampton Road.

### ***31st July 2023 – revised comments***

We have reviewed the revised documents and the chair of our planning forum listened to the presentation by the scheme architects' to the Cheltenham Architects' Panel on 26 July 2023. We recognise that the architects have made an effort to respond to some of the criticisms of the original scheme in several ways which will somewhat reduce the visual impact of the three-storey block on the corner of Pilley Lane and Leckhampton Road. We also continue to support the idea of a mixed-use development of the site, and the relocation of the existing Coop store nearby to it.

However, there remain a number of fundamental issues that have not been addressed:

- While a three-storey building may be acceptable as a feature on the corner, the overall mass of the main building remains overbearing (see photos below),
- The proposed design bears little relationship to other buildings and materials used in the surrounding streets,
- There is likely to be a potentially dangerous conflict between delivery vehicles and pedestrians using Pilley Lane,
- The internal layout of the flats over the shops looks very cramped,
- The treatment of the external areas (the green spaces) forms a major part of this application, and should be detailed at this stage rather than covered by a condition of the consent.

We were advised that the removal of the top floor of the main block would undermine the economic viability of this scheme. We question that: a well-designed, less cramped scheme could result in more attractive homes that would sell, or rent, for more.

We therefore maintain our objection to this proposed development and urge the council to encourage the developers to explore other ways of developing this site which will provide a more attractive and sensitive scheme, but still provide for a relocated Coop store and a number of residential units.