

APPLICATION NO: 23/00813/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 13th May 2023		DATE OF EXPIRY: 12th August 2023 (extension of time agreed until 25th September 2023)
DATE VALIDATED: 13th May 2023		DATE OF SITE VISIT:
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill
APPLICANT:	Boo Homes (Leckhampton Road) Ltd	
AGENT:	SF Planning Limited	
LOCATION:	170 - 172 Leckhampton Road Cheltenham Gloucestershire	
PROPOSAL:	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	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1 Following the publication of the agenda, a phase 2 Ground Investigation Report has been submitted and reviewed by the Environmental Health team who comment:

The Contaminated Land report looks appropriate and contains nothing that would prevent the development taking place. I would recommend that the proposed pre-commencement condition is not required, and can be replaced by a condition that requires the recommended works to be carried out.

- 1.2 Condition 3 has therefore been updated to read:

The development shall be carried out in accordance with the conclusions and recommendations of the Ground Investigation Report (Wilson Associates, Ref: 51462, dated July 2023).

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).

- 1.3 The following additional condition is also suggested in relation to tree protection for the adjacent street trees:

Prior to the commencement of development (including demolition and site clearance), tree protective fencing shall be installed in accordance with details set out within the Tree Constraints, Tree Impacts and Tree Protection Method Statement (B J Unwin Forestry Consultancy Ltd, Ref: J:\Jim\2023BS5837\Suzuki Garage jan22\Suzuki garage BS5837 BJUFC May23.doc, dated May 2023). All of the protective measures specified within the report shall be implemented and shall remain in place until the completion of the construction process.

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

2. UPDATED CONDITIONS LIST

- 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 The development shall be carried out in accordance with the conclusions and recommendations of the Ground Investigation Report (Wilson Associates, Ref: 51462, dated July 2023).

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), tree protective fencing shall be installed in accordance with details set out within the Tree Constraints, Tree Impacts and Tree Protection Method Statement (B J Unwin Forestry Consultancy Ltd, Ref: J:\Jim\2023BS5837\Suzuki Garage jan22\Suzuki garage BS5837 BJUFC May23.doc, dated May 2023). All of the protective measures specified within the report shall be implemented and shall remain in place until the completion of the construction process.

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

- 6 Prior to 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.

- 7 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.

- 8 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).

- 9 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.

- 10 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).

- 11 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).

- 12 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).

- 13 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, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 14 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).

- 15 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).

- 16 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).

- 17 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).

- 18 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).

- 19 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).

- 20 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.

- 21 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 to adopted policy INF1 of the Joint Core Strategy (2017).

- 22 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).

- 23 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).

- 24 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).

- 25 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).

- 26 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).

- 27 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).

- 28 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).

