



CHELTENHAM BOROUGH COUNCIL

BUILT ENVIRONMENT DIVISION

PERMISSION FOR DEVELOPMENT

TO	Salmon Harvester Properties Limited And Interbrew UK Limited c/o Cushman And Wakefield Healey And Baker FAO Mr B Raven 43/45 Portman Square London W1A 3BG	APPLICATION NO	03/00607/FUL
		DATE REGISTERED	30th April 2003
		DECISION DATE	22nd December 2003

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

In pursuance of its powers under the above mentioned Act and Order Cheltenham Borough Council, as the Local Planning Authority, hereby **GRANTS PERMISSION** for the following development :-

Comprehensive mixed use scheme to include A1 (Retail), A3 (Food and Drink), D2 (Leisure), B1 (Offices) and C3 (Residential), Servicing, Car Park with 356 car spaces, and Public Areas following demolitions (retain Cupola Tower/Malthouse facades)

AT : Site Bounded By Dunalley St, St. Pauls Rd, Monson Avenue, St. Margarets Rd, Oxford Passage, Baynham Way And Henrietta Street Cheltenham

in accordance with the accompanying plans, and to the conditions specified hereunder :-

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of section 91 (1) of the Town and Country Planning Act 1990.
- 2 The permission hereby granted shall relate to the uses within the site, as shown on drawing numbers 20052/P51E, 20052/P52E and 20052/P53C and the submitted schedule of areas ref. no 025B. The maximum floor areas for the specified uses shall not exceed 7,000 sq. m. (A1/A3), 1,000 sq. m. (B1), 500 sq. m. (D1), 12,200 sq. m. (D2) and 800 sq m (C3). The A1/A3 uses shall be restricted within development hereby permitted so that the A3 element shall not exceed 50% of the overall A1/A3 floorspace, unless otherwise agreed in writing by the local planning authority.
Reason: In order to define the development.



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- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 or the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to those Orders in any statutory instrument revoking and/or re-enacting those Orders with or without modification, the D2 uses hereby granted permission shall not include a night club. In addition there shall be no amalgamation of the A3 units within the scheme to create super-bars considered to be those occupying a floor area in excess of 1000 sq. metres of public areas.
Reason: To safeguard the amenities of occupiers of residential properties in the vicinity of the development.
- 4 Large scale details (to a scale not less than 1:20) of certain areas (as agreed in writing with the Local Planning Authority) of the buildings hereby granted permission shall be submitted to and approved by the Local Planning Authority before any building work is commenced on site. Construction of the buildings shall be carried out in accordance with the details so approved.
Reason: To ensure a satisfactory form of development
- 5 Full details, including measured survey drawings, of the retained buildings (cupola tower and the malthouse building) and their methods of integration into the redevelopment immediately adjoining the retained buildings shall be submitted to and approved by the LPA before any demolition is commenced.
Reason: To ensure a satisfactory form of development.
- 6 No works of any description (save only for such as are necessary to comply with the terms of this condition) shall be undertaken in connection with the development until such time as this condition has been satisfied in full.

Prior to the commencement of the development hereby permitted on the site the developer shall submit to the Local Planning Authority for its prior written approval the following information detailing any potential land contamination and a proposed scheme of remedial works in respect of the same if required. This information shall be provided in the three stages listed below, and at the end of each stage the developer shall submit a report to the Local Planning Authority for its approval in writing prior to any works being undertaken and before progression to the next stage as listed below.

1. a preliminary investigation to include a desk study report detailing the history of the site and identifying risks to human health and the environment undertaken in accordance with BS 10175:2001 Investigation of potentially contaminated sites - Code of practice.
2. a main investigation to include a site investigation report documenting the ground conditions of the site, incorporating chemical and gas analysis as identified as being appropriate by the desk study and site investigation from contaminants/or gases when the site is developed.
3. a detailed remediation scheme for the remedial works and measures to be taken to avoid risk to human health and the environment as identified by the desk study and site investigation from contaminants/or gases when the site is developed.

Prior to the commencement of the development the remediation scheme shall be agreed in writing with the Local Planning Authority before being undertaken. This remediation scheme shall be fully implemented and a completion report signed by the developer submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is first occupied or any change of use implemented. No variation to the agreed specification of the remediation scheme shall be implemented until such a time as it has been agreed in writing with the Local Planning Authority.

If during remediation works, or any other works on site pursuant to this permission, any contamination is identified that has not been considered in the remediation scheme, remediation proposals for any such contamination shall be submitted to and approved in writing by the Local Planning authority and regarded as part of the scheme and be fully implemented and form part of the completion report prior to the first occupation or any change of use of the development site.

Reason: To safeguard the health and safety of future occupants of the site and the environment. To comply with Local Plan Policy NE64 and HS81.

- 7 Prior to the commencement of development full details of all service yards shall be submitted to and approved in writing by the local planning authority. Notwithstanding the submitted drawings the proposed service yards shall be of adequate size to allow the vehicles using them to enter and leave the highway in forward gear and in the case of the service yard in Henrietta Street without causing danger to cyclists using the contraflow cycle facility.
Reason: In the interests of highway safety
- 8 The service yard gates shall operate in such a way that their use does not result in vehicles waiting on the highway and causing delay or obstruction to other vehicles. Prior to the commencement of development details of how the gates will operate shall be submitted to and approved by the LPA.
Reason: In the interests of highway safety
- 9 Prior to the commencement of development full details of all proposed vehicular and pedestrian accesses and the proposed highway works shall be submitted to and approved in writing by the LPA. All such works shall be carried out in accordance with the approved details and shall be completed prior to occupation of any part of the development.
Reason: In the interests of highway safety.
- 10 No parts of the development hereby permitted shall be opened for trading, or the use commenced, until their respective access, car parking and servicing provision has been constructed in accordance with details previously submitted to and approved in writing by the Local Planning Authority and are available for use. Access areas, car parking areas and servicing areas shall not thereafter be used for other purpose.
Reason: To ensure that adequate parking and servicing arrangements are available at all times in the interests of highway safety.

- 11 Prior to the commencement of development, full details of the provision to be made for motor cycle parking within the decked car park shall be submitted to and approved in writing by the local planning authority and prior to occupation of any part of the development shall be completed in all respects in accordance with the details approved under this condition. The provision shall comply with the requirements of the Local Transport Plan.
Reason: To comply with Local Plan policy.
- 12 Prior to the commencement of development, full details of the provision to be made within the development for covered and secure cycle parking shall be submitted to and approved in writing by the local planning authority and prior to occupation of any part of the development shall be completed in all respects in accordance with the details approved under this condition. The provision shall comply with the requirements of the Local Transport Plan.
Reason: To comply with Local Plan policy.
- 13 Prior to the commencement of development, full details of the proposed alterations to Oxford Passage, including the disabled layby and facilities for pedestrians, shall be submitted to and approved in writing by the local planning authority and prior to occupation of any part of the development shall be completed in all respects in accordance with the details approved under this condition.
Reason: To ensure a satisfactory form of development.
- 14 Prior to occupation of any part of the proposed development the proposed signalisation of the junction of Monson Avenue and St Margarets road shall be completed to the satisfaction of the Local Planning Authority.
Reason: To ensure a satisfactory form of development.
- 15 Before the development hereby authorised is brought into use the existing access(es) to the site shall be blocked off and permanently closed to vehicular and pedestrian use, and the verge/footway crossing shall be reinstated to the satisfaction of the Local Planning Authority. The accesses that have been closed shall be maintained as such thereafter the satisfaction of the Local Planning Authority.
Reason: To ensure satisfactory access arrangements in the interests of highway safety.
- 16 The development hereby permitted shall not be commenced until details of the proposed facing materials, roofing materials, louvres, glazing and window frame/door materials and colour, hard surface materials and lighting have been submitted to and approved by the LPA. In the case of facing (wall) materials the developer shall construct a sample panel on site for inspection as part of this submission, in the case of all other materials samples shall be provided. The materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development.

- 17 No development shall take place until a landscaping and planting scheme has been submitted to and approved by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, the treatment of paved areas and areas to be grassed or treated in a similar manner. All planting, seeding or turfing comprised in the approved details shall be carried out in accordance with the attached specification and be completed to the satisfaction of the Local Planning Authority within twelve months of the completion of the development. In the event of any of the trees or plants included in the scheme or any trees or plants replacing them dying or being removed or seriously damaged or diseased at any time within a period of five years from the completion of the development they shall be replaced at the same places by others of a similar size and species in the next earliest planting season unless the Local Planning Authority gives written consent to any variation.
Reason: In order to provide a satisfactory setting for the proposed development.
- 18 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the L P A.
Reason: To ensure that archaeological remains and features are recorded and published prior to their destruction.
- 19 The developer shall afford access at all reasonable times to any archaeologist nominated in writing by the local planning authority and shall allow them to observe the excavations and record items of interest and finds
Reason: To ensure that archaeological remains and features are recorded and published prior to their destruction.
- 20 A survey to establish a base level for noise within the site at certain specified points agreed by the Local Planning Authority, shall be carried out, submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences.
Reason: To safeguard the amenities of occupiers of nearby buildings and properties in residential use in particular.
- 21 There shall be no customers within the noted elements of the premises outside the hours specified in the table below.
In the table, where the noted time goes beyond 24:00 hours (midnight), the use is early in the morning of the following day.

USE	Mon - Thurs	Friday	Saturday*	Sunday
Cinema +	08:00 - 00:00	08:00 - 02:00	08:00 - 02:00	08:00 - 00:00
Health & Fitness	06:00 - 00:00	06:00 - 00:00	06:00 - 00:00	06:00 - 00:00
Restaurant/ Bars/Café +	08:00 - 01:00	08:00 - 01:00	08:00 - 01:00	08:00 - 00:30
Class D2 Uses Bowl+	10:00 - 00:00	10:00 - 02:00	09:00 - 02:00	09:00 - 00:00
Casino +	14:00 - 06:00	14:00 - 06:00	14:00 - 06:00	14:00 - 06:00

+ Excludes 30 minutes for customers to leave the premises after close of business

* & Sundays preceding a bank holiday

Reason: To safeguard the amenities of occupiers of nearby buildings and properties in residential use in particular.

- 22 For up to seven days within any calendar year only and no more than three consecutive days, the uses hereby permitted can extend hours of opening, subject to the prior written agreement of the Local Planning Authority.
Reason: To safeguard the amenities of occupiers of nearby buildings and properties in residential use in particular.
- 23 On Friday and Saturday, and on Sundays preceding a bank holiday, no more than 1200 seats in number in the multiplex cinema shall be used between 00:00 hours and 02:00 hours, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard the amenities of occupiers of nearby buildings and properties in residential use in particular.
- 24 Deliveries and collections within the service yards shall only take place between the hours of 0700 and 19.30 hours Mondays to Saturdays and 1000 and 1600 hours on Sundays.
Reason: To safeguard the amenities of occupiers of nearby buildings and properties in residential use in particular.
- 25 There shall be no outdoor handling of used or empty packaging and containers, including bottles, cans kegs casks and gas containers, including within the service areas, between the 1930 and 0700 hours daily.
Reason: To safeguard the amenities of occupiers of nearby buildings and properties in residential use in particular.
- 26 The Rating level of the cumulative noise emitted from all fixed plant and equipment within or on the development shall not exceed the background noise level by more than 5 dBA. The noise levels shall be determined at 1 metre from the façade of any noise sensitive premises; measurements and assessment shall be in accordance with BS 4142:1997
Reason: To safeguard the amenities of occupiers of nearby buildings and properties in residential use in particular.

- 27 The cumulative noise level (as an Equivalent Noise Level, Linear, 5 minutes) from internally generated noise (excluding fixed plant and equipment) shall not exceed the background noise level at the mid-octave bands of 63Hz, 125Hz and 250Hz at 1 metre from the façade of any noise sensitive property.
Reason: To safeguard the amenities of occupiers of nearby buildings and properties in residential use in particular.
- 28 Details of the means of controlling noise, odours and light from vehicles using the decked car park shall be submitted to and approved in writing by the Local Planning Authority. The construction of the car park shall incorporate the details so approved and shall be retained thereafter.
Reason: To safeguard the amenities of occupiers of nearby buildings and properties in residential use in particular.
- 29 Full details of the external security and surveillance provisions shall be submitted to and approved in writing by the Local Planning Authority prior to their implementation. The agreed means for security and surveillance shall be brought into operation before any trading is commenced within the particular buildings to which they relate.
Reason: In the interests of security, the safety of persons in the vicinity of the leisure complex and the amenities of the surrounding area.
- 30 Details of the extraction system for the control of cooking smells shall be submitted to and approved by the Local Planning Authority. The system must include either bonded carbon filtration (discarb units with pre-filtration) or electrostatic precipitation with odour neutralization, or a system of equivalent effect. The approved equipment shall be installed and made available for inspection prior to implementation and it shall be installed and maintained in strict accordance with the manufacturer's instructions.
Reason: To safeguard the amenity of nearby premises in the area generally.
- 31 Full details of schemes for the storage and disposal of refuse from the buildings hereby permitted and re-cycling and waste minimisation measures shall be submitted to and approved in writing by the Local Planning Authority; the buildings shall not be occupied, or the use commenced, until those provisions have been brought into operation in accordance with the approved details.
Reason: To preserve the amenities of occupiers of the adjoining buildings.
- 32 There shall be no open storage of materials within the site of the completed development.
Reason: In the interests of the amenities of the area and to protect the amenities of adjoining residential properties.
- 33 Prior to the commencement of development details of the foul and surface water drainage to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the proposed development the foul and surface water drainage shall be completed in all respects in accordance with the details approved under this condition and maintained as such thereafter.
Reason: To prevent surcharge and flooding of the existing system and to prevent pollution of surface water and watercourses.

- 34 All surface water drainage from parking and carriageway areas shall be via trapped gullies.
Reason: To prevent pollution of the surface water discharge and hence pollution of the watercourse.
- 35 All surface water drainage from garaging and vehicle maintenance areas shall be trapped via gullies with oil interceptors.
Reason: To prevent pollution of the surface water discharge and hence pollution of the watercourse.
- 36 Following demolition and prior to the commencement of any construction works for the proposed development all unused drainage connections shall be grouted up. Details of the grouting work undertaken shall be submitted to the Local Planning Authority within 4 weeks of completion of those works to demonstrate that this condition has been complied with.
Reason: To prevent future mis-connections resulting in pollution or flooding.
- 37 The surface water drainage system shall be designed in accordance with the principles of Sustainable Drainage Systems (SUDS) and full details, including calculations of how this condition is to be complied with are to be submitted to and approved by the local planning authority. Prior to occupation of any part of the development the surface water drainage system shall be completed in all respects in accordance with the details approved under this condition and shall be retained as such thereafter.
Reason: To ensure the surface water drainage system does not contribute to flooding or pollution of the watercourse.

Your attention is drawn to the fact that Building Regulation approval may also be required for the above development and you are advised to consult the Building Control Manager at Development Services 01242 264321


GRAHAME LEWIS: Assistant Director - Built Environment