



# CHELTENHAM

## BOROUGH COUNCIL

Marks And Spencer Plc  
c/o Agent  
FAO-Mrs Geraldine Graham  
Waterside House 35 North Wharf Road  
Property (Mailbox 09 West)  
Paddington Basin  
London  
W2 1NW

APPLICATION NO: 23/01654/FUL  
DATE REGISTERED: 26th September 2023  
DECISION DATE: 31st October 2023

### PERMISSION FOR DEVELOPMENT

#### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

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

Replacement plant at roof level of the M&S store. Installation of a double banked gas cooler together with 2no. new HTL packs and associated works. The 2no. new HTL packs will be located within a plant enclosure. All of the new mechanical plant will be located at roof level.

AT: MARKS & SPENCER 173 - 181 High Street Cheltenham

in accordance with the conditions and Schedule 1 specified hereunder:-

- 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 planning permission hereby granted shall be carried out in accordance with the submitted Noise Impact Assessment (Dated 31st July 2023, Project No 2221506) specifically para 4.2 detailing the fan number and layout.

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

---

#### PLANNING : PLACE AND COMMUNITIES

## SCHEDULE 1

### **This decision relates to the following plans:**

Approved Plans

<b>Reference</b>	<b>Type</b>	<b>Received</b>	<b>Notes</b>
MSS63562-650 A.	OS Extract	26th September 2023	
MSS63562-651 A.	Drawing	26th September 2023	

*This decision notice should be read in accordance with the Planning Officer's Report which details the material considerations relevant to the proposal and the reasons for the decision made. You can read a copy of this report online at [www.cheltenham.gov.uk/publicaccess](http://www.cheltenham.gov.uk/publicaccess) or in the Municipal Offices Promenade Cheltenham GL50 9SA (please contact Built Environment Reception to arrange this. Tel: 01242 264328)*

*A person who intends to carry out the development to which this planning permission relates is requested to give a minimum of 7 days notice to the planning authority as to the date on which it is proposed to initiate the development, and, in any event, before commencing the development. You are advised to contact the Compliance Officer at Built Environment 01242 264118.*

Cheltenham Borough Council is a charging authority for the Community Infrastructure Levy (CIL). It is important that you ensure that the requirements of the CIL Regulations are met (including notification requirements and those that need to be met prior to commencement of development and/or following completion of development) to ensure that you avoid any unnecessary surcharges and that any relevant relief, exemption or instalment policy is applied. Further information regarding CIL can be found on our website at [https://www.cheltenham.gov.uk/planning\\_and\\_development](https://www.cheltenham.gov.uk/planning_and_development) or you can contact us at [cil@cheltenham.gov.uk](mailto:cil@cheltenham.gov.uk).

***Before starting work on site it is your responsibility to ascertain the position of any services such as sewers and drains, gas pipes, electricity lines, or water mains which may be affected by the works.***

### **Important Information following your Planning Permission or Planning Permission Enquiry**

Please note: most building works will require inspection by Building Control. For further information on Building Regulations and whether you will be required to make an application, please refer to our web site [www.cheltenham.gov.uk/buildingcontrol](http://www.cheltenham.gov.uk/buildingcontrol) or telephone 01242 264321.

Head of Planning

## Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online.

For householder applications: <https://www.gov.uk/appeal-householder-planning-decision>

For full planning applications: <https://www.gov.uk/appeal-planning-decision>

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.



# CHELTENHAM

## BOROUGH COUNCIL

### COMMENCEMENT OF PLANNING PERMISSION NOTICE

#### IMPORTANT INFORMATION - KEEP THIS WITH YOUR DECISION NOTICE

**Reminder:** You will still need to separately inform building control when you intend to start works, details can be found on our website at [www.cheltenham.gov.uk/buildingcontrol](http://www.cheltenham.gov.uk/buildingcontrol).

Please read carefully the planning permission decision notice and ensure that you understand and comply with the requirements of any conditions. **Planning permission is granted subject to compliance with the conditions on your decision notice and the development is carried out in accordance with the approved drawing(s) and documents.**

It is your responsibility to comply. Failure to comply with the requirements of a condition or the commencing of works without discharging prior to commencement conditions could mean that the work you carry out is unauthorised and you will be at risk of enforcement action. We carry out a programme of site monitoring to check compliance and this notice is to proactively manage the development and to avoid any difficulty in the future. Further information, forms and fees can be found at [www.cheltenham.gov.uk/planning](http://www.cheltenham.gov.uk/planning) and following the links for planning compliance and enforcement.

If you do not understand any of these requirements or require clarification please contact the planning department quoting the reference number 23/01654/FUL at the address below, by email [planning@cheltenham.gov.uk](mailto:planning@cheltenham.gov.uk) or through our website [www.cheltenham.gov.uk/planning](http://www.cheltenham.gov.uk/planning).

Please ensure that you give yourself time to meet the requirements of any conditions, a discharge of conditions application could take up to 8 weeks. Please also be aware there is a charge to discharge conditions per request/submission.

Please complete the following and return it to the compliance officer at the address below or by email to [planningcompliance@cheltenham.gov.uk](mailto:planningcompliance@cheltenham.gov.uk). Application forms and further information can be found on our website at [www.cheltenham.gov.uk/planning](http://www.cheltenham.gov.uk/planning) following the links for planning compliance and enforcement.

#### Development Details

**Planning application ref:** 23/01654/FUL

**Proposal:** Replacement plant at roof level of the M&S store. Installation of a double banked gas cooler together with 2no. new HTL packs and associated works. The 2no. new HTL packs will be located within a plant enclosure. All of the new mechanical plant will be located at roof level.

**Site Location:** MARKS & SPENCER 173 - 181 High Street Cheltenham

**Date when work is intended to start:** .....

#### Your contact details (or attach letterhead/business card):

**Name:** .....

**Address:** .....

**Telephone:** ..... **Mobile:** .....

**Email:** .....