



PLANNING APPEAL BY:
Hinton Properties (Grovefield Way) Ltd

LAND AT NORTH ROAD WEST AND GROVEFIELD WAY
CHELTENHAM

STATEMENT OF CASE OF
THE LOCAL PLANNING AUTHORITY

Cheltenham Borough Council Reference: 16/02208/FUL

Appeal Reference: APP/B1605/W/18/3200395

1. Introduction

- 1.1 This appeal is against the refusal of a hybrid application for planning permission with the following description:

Hybrid application seeking detailed planning permission for a 5,034 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m supermarket food retail unit (Class A1), a 204 sq.m coffee shop retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).

- 1.2 The application was validated by the Local Planning Authority (LPA) on 13th December 2016.
- 1.3 The Planning Committee considered the application at their meeting held on 14th December 2017. A copy of the Officer report to committee is attached at **appendix 1**.
- 1.4 The Planning Committee resolved to refuse the application. A copy of the minutes of the Committee meeting is attached **appendix 2**.
- 1.5 The applicant has now submitted an appeal against the refusal of the application which is due be determined by Inquiry.
- 1.6 The reasons for refusal are as follows:
- 1 The site has extant consent for B1 office development and is allocated for employment use (specifically B class employment or Sui Generis uses that exhibit the characteristics of traditional B class uses) within the emerging Cheltenham Plan (Pre-submission version, December 2017).

The application is for a mixed use development with a considerable and prominent part of the site being given over to non-B1 uses including a supermarket, "drive thru" coffee shop and day nursery.

The proposed non B1 uses will result in a reduction in the amount of the site available for B1 office development along with the high quality jobs this would provide. The amount of the site given over to non B1 uses in combination with the prominent position they would occupy on the site would result in a dilution of the character and function of the site as a business and represent in inappropriate balance between B1 and non B1 uses.

For these reasons the proposal is considered to be contrary to policy SD1 of the Joint Core Strategy, policy EM2 of the adopted Local Plan and emerging policy EM3 of the Cheltenham Plan (Pre-submission version, December 2017).

- 2 Due to the mix of uses proposed, the development would result in an increase in traffic on the surrounding road network into the evenings and at weekends in addition to the AM and PM weekday peaks. This would have an unacceptable impact upon the local road network which is already heavily used. For these reasons the proposal is considered to be contrary to policy INF1 of the Joint Core Strategy.
- 3 The proposed layout of the site results in a predominance of hardstanding and retaining structures which result a poor appearance and do not create an attractive streetscape or strong sense of place which responds to the character of this transitional location. The position of buildings including the 'Drive thru' coffee shop and supermarket, close to the edges of the site give the layout a cramped and contrived appearance exacerbated by exterior features such as the 'drive thru' lane and external yards. The proposal is therefore harmful to the surrounding area by reason of its visual impact and also fails to create a high quality business environment in this edge of town location. For these

reasons the proposal is considered to be contrary to policy SD 4 of the Joint Core Strategy and CP7 of the Local Plan.

2. The Site

- 2.1 The site will be described in full, however to briefly summarise; the site comprises a parcel of land extending to 4.15 ha located north of North Road West and west of Grovefield Way and immediately south of the A40. To the north is a BMW dealership and beyond that is the Park and Ride
- 2.2 At the time of validation the application site was within the Greenbelt, however through the adoption of the JCS shortly before the committee meeting at which this application was determined, the site was removed from the greenbelt.

3. Site History

- 3.1 The LPA will make reference to the relevant planning history of the site, which is outlined in full in the committee report at **appendix 1** (paras 1.1.6 and 2).
- 3.2 Key relevant planning decisions are as follows:
 - 3.2.1 Planning consent was originally given for the whole site (including the BMW site), on appeal in May 2007 following a public inquiry.
 - 3.2.2 Between 2009 and 2014 a series of reserved matters and extension of time applications were made.
 - 3.2.3 In March 2014 full planning permission was granted for the BMW dealership which included vehicle sales and servicing facilities. Amendments were made in 2015 and 2016 and the scheme has now been implemented. The Council will show that the approach of the

Council in approving this scheme does not justify the appeal proposal.

- 3.2.4 In 2014 outline planning permission was granted for up to 16,800 sqm of B1 employment use on the appeal site. This permission is extant until October 2019.

4. Planning Policy

- 4.1 The Council's case will be based on the following policy documents.

- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making and determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise."

- 4.3 The development plan comprises the following.

4.4 Joint Core Strategy

Gloucester, Cheltenham and Tewkesbury adopted a Joint Core Strategy (JCS) in November 2017.

Reference will be made to the JCS policies SD1, SD2, SD4, and INF1 of the Joint Core Strategy.

4.5 Cheltenham Borough Local Plan

The Cheltenham Borough Local Plan was adopted in June 2006. The policies of the Local Plan were saved as set out in the Schedule of saved local plan policies direction letter June 2009, see **appendix 3**. A number of policies were replaced by policies in the Joint Core

Strategy as outlined in appendix 1 of the JCS and reproduced at **appendix 4**.

Reference will be made to Cheltenham Borough Council Local Plan policies CP2, CP3, CP4, CP6, CP7, GE5, GE6, GE7, EM2, RT1.

4.6 Emerging Cheltenham Plan

The Cheltenham Plan will be a new planning document which will guide development in Cheltenham and will be used in combination with the JCS from which emerging policies derive support.

A pre-submission version of the Cheltenham Plan has recently undergone a consultation exercise which ran from 12th February to 9th April 2018. The intention is to submit this for examination within the next few months.

Reference will be made to policy EM3 of the Cheltenham Plan.

4.7 The Local Planning Authority will ensure that the Appellant and Planning Inspectorate are updated as to ongoing progress with the Plan.

4.8 As set out in the refusal reasons and the Planning Committee report considerations the Planning Authority will refer to:

4.9 Government Advice

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

4.10 Supporting Documents & Evidence Base

In addition to the policies mentioned above the LPA may make reference to some or all of the following documents:

- Cheltenham Economic Review 2018

- JCS Economic Narrative and Strategic Options 2018
- Evidence Base for Employment to support the JCS EiP
- Topic Papers to support JCS EiP:
 - ETOP 112 – Local Economy Paper October 2013
 - ETOP 113 – Local Economy Paper – update July 2014
- JCS Examination Documents:
 - EXAM 9 Gloucester, Cheltenham and Tewkesbury JCS Workspace Assessment Update (2014)
 - EXAM74 Economic Forecasts Report (2011)
 - EXAM 10 Employment Needs in Gloucestershire LEP (2014)
 - EXAM 132 Economic Development & Tourism Strategy (2012 – 2015)
 - EXAM 138 Employment Land Assessment Update (2015)
 - EXAM 139 JCS Economic Update Paper
 - EXAM 155 Opening Statement re. employment land provision
 - EXAM 180 JCS Economic Note update (2016)
- Local Enterprise Partnership’s Strategic Economic Plan (SEP) (2014)
- Strategic Assessment of Land Availability (2017)
- Non-Residential Land Use Monitoring Report (2017)

5. The Case of the Local Planning Authority

5.1 The Council’s case will consider the information available at the time of the decision, updated by reference to more recent information on the matters relevant to the reasons for refusal. The Council will continue to work with the Appellants to narrow issues where this can be achieved.

5.2 Having regards to the planning policies referred to in Section 4 above the Council’s Case will demonstrate that:

1. The site has extant consent for B1 office development.
Planning permission for B1 office development was originally granted on the site, whilst it was still in the Green Belt, due to the severe shortfall in B-class employment land.
2. The JCS removed the site from the Green Belt on the basis of the permission(s) which exist.
3. The site is allocated for employment use (specifically B class employment or Sui Generis uses that exhibit the characteristics of traditional B class uses) within the emerging Cheltenham Plan (Pre-submission version, December 2017).
4. The appeal proposal is for a mixed use development, which in addition to B1 office space also includes several other uses including a supermarket, "drive thru" coffee shop and day nursery.
5. The layout is such that a considerable area of the site is given over to non B1 uses including. This part of the site is also the most prominent, being adjacent to the Grovefield Way entrance to the site.
6. The appellant in their statement of case suggest that only 15% of the floor area will be given over to non B1 uses. However the LPA contend that whilst this may be the case, the land-take associated with the non B1 uses is considerably more, due to parking and servicing requirements and the fact that the buildings are single storey.
7. The proposed non B1 uses will result in a reduction in the amount of the site available for B1 office development along with the high quality jobs this would provide.

8. The amount of the site given over to non B1 uses in combination with the prominent position they would occupy on the site would result in a dilution of the character and function of the site as a business and represent in inappropriate balance between B1 and non B1 uses.
9. The case for the LPA will consider the extent to which other comparable facilities are available nearby.
10. The appellant contends that the proposal reflects the modern business environment and that retail uses can provide job opportunities. However the LPA considers that the introduction of these uses moves away from a high quality business environment with these uses weakening, rather than supporting the function of the site as a business park. Further, whilst it is acknowledged that some jobs would be provided within the non-B1 elements of the scheme, the economic background papers, referred to above, demonstrate a strong demand for office space. This is demonstrated by recent planning applications in the vicinity. Therefore it is not considered that the level of non-B1 proposed for this site is justified.
11. The Appellant contends that Policy EM2 is out of date. However the LPA contend that this is not the case. The policy was recently saved by the JCS Inspector and recent appeal decisions nearby state that EM2 is broadly in accordance with the NPPF and should be given significant weight.
12. The proposal includes a supermarket and drive-thru coffee shop. Due to the mix of uses proposed, the development would result in an increase in traffic on the surrounding road network into the evenings and at weekends. This would be in addition to the AM and PM weekday peaks.

13. This would have an unacceptable impact upon the local road network which is already heavily used. For these reasons the proposal is considered to be contrary to policy INF1 of the Joint Core Strategy.

14. The site is in a prominent location on the main entrance into the west of the Cheltenham. It is visible from the A40 Golden Valley as well as from closer vantage points such as Grovefield Way. Further it abuts open countryside and adjoins the greenbelt to the north and south. In this context a high quality, landscape-led, design response is required.

15. The proposed layout of the site results in a predominance of hardstanding and retaining structures which result a poor appearance and do not create an attractive streetscape or strong sense of place which responds to the character of this transitional location.

16. The position of buildings including the 'Drive thru' coffee shop and supermarket, close to the edges of the site give the layout a cramped and contrived appearance exacerbated by exterior features such as the 'drive thru' lane and external yards.

17. The proposal is therefore harmful to the surrounding area by reason of its visual impact and also fails to create a high quality business environment in this edge of town location. For these reasons the proposal is considered to be contrary to policy SD 4 of the Joint Core Strategy and CP7 of the Local Plan.

5.3 The Council will respond to the Appellant's Grounds of Appeal in full and will conclude upon this appeal and suggest, without prejudice to

its case, the imposition of reasonable planning conditions should the appeal be allowed.

5.4 The Council will request that this appeal is dismissed.

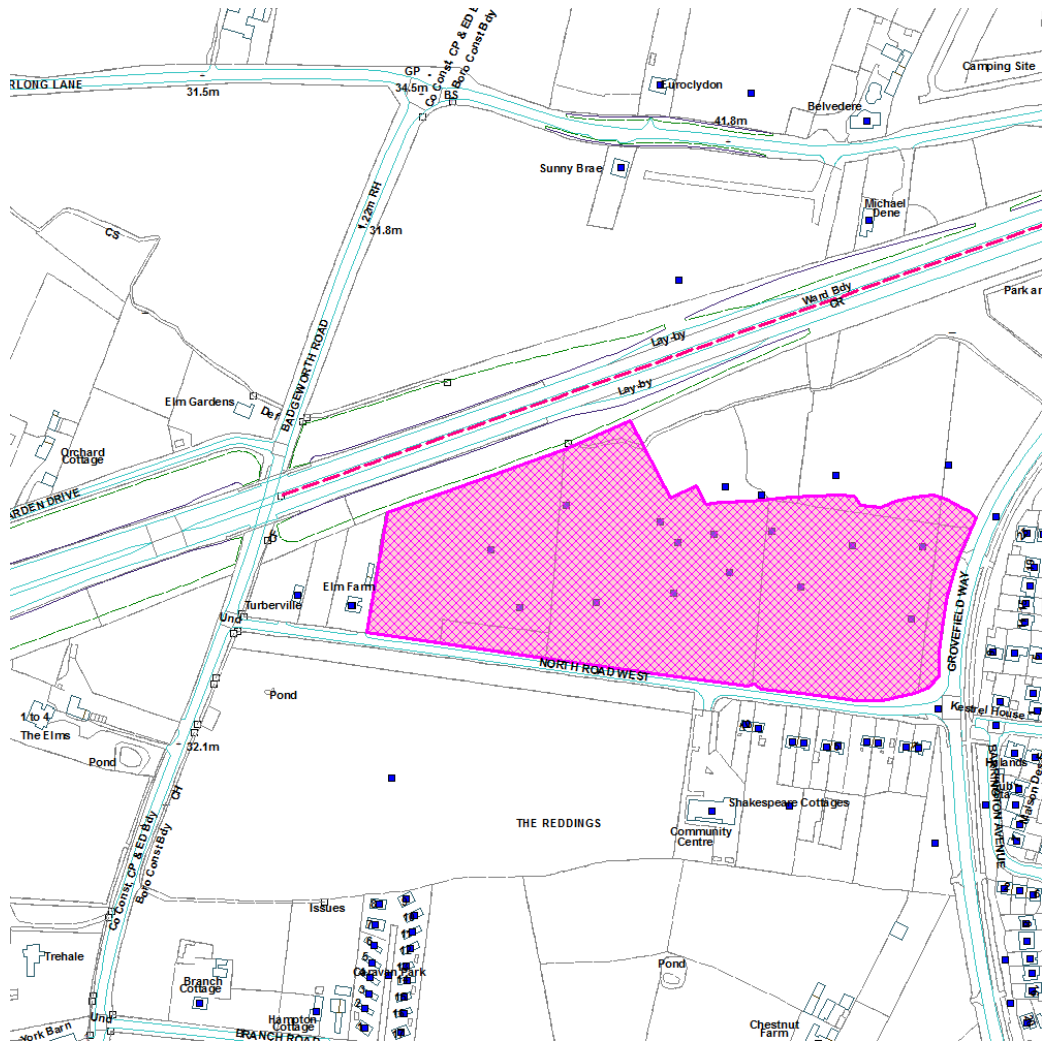
6. Presentation of Evidence at Inquiry

6.1 The Council anticipates at this stage that it will rely on evidence from witnesses on the following topics:

- Policy
- Employment Land
- Design
- Highways

APPLICATION NO: 16/02208/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 13th December 2016		DATE OF EXPIRY: 14th March 2017	
WARD: Benhall/The Reddings		PARISH:	
APPLICANT:	Hinton Properties (Grovefield Way) Ltd		
AGENT:	Hunter Page Planning		
LOCATION:	Land At North Road West And Grovefield Way, Cheltenham		
PROPOSAL:	Hybrid application seeking detailed planning permission for a 5,034 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m supermarket food retail unit (Class A1), a 204 sq.m coffee shop retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).		

RECOMMENDATION: Permit subject to a 106 Obligation



1. DESCRIPTION OF SITE AND PROPOSAL

1.1.1 Description of site

1.1.2 The application site is a parcel of land extending to 4.15 ha located north of North Road West and west of Grovefield Way and immediately south of the A40. To the north is the recently opened BMW dealership and beyond that is the Park and Ride.

1.1.3 Residential properties adjoin the site to the south, east and west.

1.1.4 At the time of writing the report the site was in the Green Belt however it is proposed to be removed from the Green Belt through the adoption of the JCS which will be discussed further below.

1.1.5 Background

1.1.6 There is a significant and complex history of planning applications for this site as follows (Full list at section 2):

- Planning consent was originally given for the whole site (including the BMW site), on appeal in May 2007 following a public inquiry. The description of development was: *Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and ride facility.*
- A reserved matters application was approved in relation to the layout of the access road and parking and the siting of the proposed buildings (May 2009)
- A reserved matters application was approved for landscaping masterplan, design code, boundary treatment, design and external appearance of phase 1, hard and soft landscaping for phase 1 and car parking provision. (December 2012)
- An extension of time application for the implementation of the original outline consent was granted in June 2012. A subsequent Judicial Review application was refused.
- In July 2010 a further reserved matters application was approved for phase 2 including the design and external appearance of buildings and hard and soft landscaping.
- In May 2011 a reserved matters application was made which sought to amend the design handbook however this was quashed following judicial review as it was brought outside the time limit specified in the outline consent.
- In August 2013 an application was made in respect of the reserved matters for the Extension of Time application.
- In March 2014 full planning permission was granted for *“flagship BMW, mini and motorrad dealership including vehicle sales and servicing facilities including creation of access form Grovefield Way”*
- Subsequent amendments to the above mentioned consent were approved during 2015 and 2016 and the scheme has now been implemented.
- In 2014 outline planning permission was granted for: *“Outline application for up to 16,800 sq.m. of B1 Employment Use (on part of site already having the benefit of an extant planning permission for 22,000 sq.m. of B1 Employment Use, granted permission under applications 05/00799/OUT and 10/00468/TIME)”*. This permission is extant until October 2019.

1.1.7 Proposal

1.1.8 The current application is a 'hybrid' application meaning that some parts are in outline and some parts are full. The full application seeks consent of 5,034 sqm of commercial office space within two no. 3 storey flat roof buildings fronting the spine road, the elevations of which comprise a combination of glazing, grey cladding and stone. The scheme also provides for a, 502 sqm day nursery adjacent to the spine road in a single storey building the elevations of which would be white render a projecting grey aluminium roof and a pewter split face stone detail to the plinth. A 1,742 sqm food retail store (Aldi) is proposed adjacent to the southern boundary of the site which is a monopitched building the elevations of which comprise a mixture of render, silver and dark grey cladding with full height glazing on the east elevation and high level glazing on the north elevation. Finally a 204 sqm drive-thru coffee shop is proposed at the entrance to the site in the north eastern corner the elevations of which comprise pewter masonry, white render and a grey aluminium cladding. These 'full' elements of the proposal occupy the southern part of the site, adjacent to the BMW development and into the western portion of the site. The two office buildings are accessed off a spur into a 222 space car park and the supermarket, office and café are accessed off a spur into a 154 space car park.

1.1.9 The outline element of the proposal seeks consent for up to 8,034 sqm of commercial office space. The indicative plan suggests that this would be provided in two buildings located on the northern part of the site with parking around, however this is purely indicative at this stage.

1.1.10 Environmental Impact Assessment – Screening

1.1.11 The application site has a site area of 4.15 ha and therefore the development falls within category 10 (infrastructure projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is therefore necessary that the Local Planning Authority offers a screening opinion in relation to whether or not the development proposed will have significant effects on the environment. This opinion informs whether or not the proposed development required an Environmental Impact Assessment.

1.1.12 The merits of the development will be discussed in the report however the site is not so sensitive in nature or the development of such a scale that an EIA is considered necessary. The indicative threshold suggested in available guidance is 20ha.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Greenbelt

Relevant Planning History:

04/01790/OUT 15th December 2004 WDN

Outline application for B1 industrial uses

05/00799/OUT 29th March 2006 REF

Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and ride facility

06/01427/OUT 5th September 2014 DISPOS

B1 Business Park, extension to the Arle Court Park and Ride facility, new access, and exit slip road to A40

*****PLEASE NOTE - THIS APPLICATION IS A NON-DETERMINATION PLANNING APPEAL*****

09/00720/REM 18th December 2009 APREM

Application for the approval of reserved matters following the grant of Outline Permission ref 05/00799/OUT dated 01.05.07:

1. The landscape master plan for the whole site along with a landscape management plan and schedule of landscape maintenance;
2. A design handbook prepared to provide guidance against which the design and external appearance of future phases of the development will be assessed;
3. Details of boundary treatment;
4. The design, external appearance of the buildings to be constructed in Phase 1;
5. Details of hard and soft landscape design for Phase 1.
6. The car parking provision for all phases of the development.

10/00468/TIME 22nd June 2012 PER

Extension of the time limit for implementation of planning permission reference 05/00799/OUT. (Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and Ride facility)

12/01086/REM 21st August 2013 APREM

Reserved matters in connection with permission 10/00468/TIME. Details of the access, siting, design, external appearance of the buildings and the landscaping of the site. In addition details required by conditions 4,6, 7, 8, 11, 12,13, 15 and 16 (full details of both hard and soft landscape works including proposed finished levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures proposed; and existing functional services above and below ground; retained landscape features; surface water drainage works, incorporating sustainable drainage systems; the positions, design, materials and type of boundary treatment to be erected; landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas; schedule of landscape maintenance for a minimum period of 5 years; detailed waste management strategy for the treatment, recycling, and re-use of waste arising from the construction of the development; renewable energy plan to provide sufficient on site renewable energy to reduce carbon dioxide emissions by at least 10%; Car parking levels on the site overall and for each completed building; secure covered cycle parking).

13/01101/FUL 14th March 2014 OBL106

Proposed erection of a flagship BMW, Mini and Motorrad dealership including vehicle sales and servicing facilities and will include the creation of an access from Grovefield Way

14/00656/FUL 12th January 2015 PER

Erection of a flagship BMW, Mini and Motorrad Dealership including vehicle sales and servicing facilities including an access from Grovefield Way (Revision to scheme approved 14 March 2014 under reference 13/01101/FUL - 1.Raising height of building by 1 metre to allow adjustments in floor levels to provide a mezzanine floor below ground level: 2. Rotation of vehicle ramp to allow access: 3. Increase in Motorrad element from 160 sq m to 190 sq m: 4. Revised highway layout to relocate BMW customer access point to west of approved position)

14/01323/OUT 12th December 2014 PER

Outline application for up to 16,800 sq.m. of B1 Employment Use (on part of site already having the benefit of an extant planning permission for 22,000 sq.m. of B1 Employment Use, granted permission under applications 05/00799/OUT and 10/00468/TIME)

15/00788/AMEND 24th June 2015 PAMEND

Non material amendment to planning permission 14/00656/FUL - to update and amend the landscaping scheme

15/01848/FUL 4th March 2016 PER

Creation of attenuation pond for car showroom and erection of green 2.4m 358 type fence along the boundary of the A40

16/00061/ADV 22nd February 2016 GRANT

3no. fascia signs, 5no. projecting/hanging signs & 11no. various other signs

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 2 Sequential approach to location of development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 6 Mixed use development
CP 7 Design
CP 8 Provision of necessary infrastructure and facilities
GE 5 Protection and replacement of trees
GE 6 Trees and development
GE 7 Accommodation and protection of natural features
CO 6 Development in the green belt
NE 1 Habitats of legally protected species
NE 4 Contaminated land
EM 1 Employment uses
EM 2 Safeguarding of employment land
RT 1 Location of retail development
RT 7 Retail development in out of centre locations
UI 2 Development and flooding
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 2 Highway Standards
TP 3 Servicing of shopping facilities
TP 6 Parking provision in development

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Planning Policy

19th January 2017

This is a hybrid application seeking detailed planning permission for:

- 5,034 sq.m of commercial office space (Use Class B1),
- a 502 sq.m day nursery (Use Class D1),
- a 1,742 sq.m supermarket food retail unit (Class A1),
- a 204 sq.m coffee shop retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works.

And outline planning permission for:

- 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).

The site

The application site comprises approximately 4.15 hectares of land adjacent and to the north-west of Grovefield Way and to the south of the A40. It can currently best be described as vacant agricultural land.

The site falls within the Green Belt on the western edge of Cheltenham and is surrounded by a mix of residential, commercial and employment uses including Arle Court Park & Ride facility to the north east, commercial development including an ASDA Supermarket to the east, and residential development at the Reddings to the east and south east. A new BMW Dealership to the north east of the site is currently under construction and nearing completion.

The site already benefits from an extant planning permission for B1 employment use but according to the applicant, this revised application (which reflects two distinct development phases) is now necessary to allow a more flexible approach to the timing of development on the site.

Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. Therefore, in determining this application, the following must be considered:

- The saved policies of the Cheltenham Borough Local Plan (CLP) Second Review 2006, which comprise the adopted development plan, and;
- Relevant material considerations which include:
 - National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance (nPPG)
 - The emerging Joint Core Strategy (JCS) and its evidence base.
 - The emerging Cheltenham Plan (Part One) and its evidence base.

Core issues in this case

The following are considered to be core issues in relation to this proposal and are considered in turn in the pages that follow:

- The need for sustainable development;
- The loss of Green Belt land;
- Development of a retail establishment and coffee shop on an out-of-centre site;
- The site's retention solely for B1 uses as originally granted by planning permission in 2007.

The need for sustainable development

NPPF

Paragraphs 7-10 set out the definition of sustainable development highlighting and reinforcing the three dimensions - economic, social and environmental - and that new development should seek to achieve net gains across all three.

Paragraph 14 sets out that the 'golden thread' of future decision making is the presumption in favour of sustainable development. For plan making this requires LPAs to positively seek

opportunities to meet the development needs of their area. In meeting these needs, the Framework requires that LPAs should objectively assess their needs with sufficient flexibility to adapt to rapid change. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out the core planning principles that should underpin the planning system both in plan making and decision taking.

Paragraphs 18-21 seek to build a strong, competitive economy and re-iterate and expand on the core principles.

Cheltenham Borough Local Plan

Policy CP1 states that development will only be permitted where it takes account of the principles of sustainable development.

Policy CP3 seeks to promote a sustainable environment. It sets out that development will only be permitted where it would not harm the setting of Cheltenham, not harm the landscape, conserve or enhance the built environment, promote biodiversity and avoid pollution and flooding.

Policy CP5 relates to sustainable transport ensuring that new development is located and designed to minimise the need to travel.

The loss of Green Belt land

NPPF

Paragraph 79 states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts is their openness and their permanence.

Paragraph 80 sets out five purposes served by Green Belts:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 highlights that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Cheltenham Borough Local Plan

Although predating the NPPF, the approach of the adopted Cheltenham Borough Local Plan is entirely consistent. **Policy CO6** presumes against development in the Green Belt except in very special circumstances.

Development of a retail establishment and coffee shop on an out-of-centre site

NPPF

Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

Paragraph 26 states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment subject to the proposal meeting a 2500m² floorspace threshold.

Cheltenham Borough Local Plan

Policy RT1 relates to the location of retail development and states:

Retail development will be permitted, subject to the availability of suitable sites or buildings suitable for conversion, which relate to the role and function of retailing centres and their catchments only in the following sequence of locations:

- a) *the Central Shopping Area, subject to Policy RT 2;*
- b) *the Montpellier Shopping Area or the High Street West End Shopping Area, subject to Policy RT 2;*
- c) *elsewhere within the Core Commercial Area, subject to Policy RT 1;*
- d) *district or neighbourhood shopping centres, subject to Policy RT 3;*
- e) *out-of-centre sites which are accessible by a regular choice of means of transport, subject to Policies RT 7 and CP 5;*

In considering the location of retail development, developers and operators should demonstrate flexibility and realism in format, design, scale and car parking.

Policy RT7 states that, subject to Policy RT 1, retail development outside defined shopping areas

will be permitted only where:

- a) *a need for the additional floorspace has been demonstrated, and the proposals*
- b) *individually or in conjunction with other completed and permitted retail development, would not harm the vitality and viability of the town centre as a whole or of a district or neighbourhood centre.....*

The site's retention solely for B1 uses

NPPF

Paragraph 19 states that:

Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

Cheltenham Borough Local Plan

Policy CP6 states that mixed use development will only be permitted on suitable sites that meet the following criteria:

- a) *where the uses are compatible with each other and adjoining land uses; and*
- b) *for schemes attracting a significant number of trips only in the Core Commercial Area;*
or
- c) *for other schemes, only in the Core Commercial Area, district or neighbourhood centres, or in locations which are highly accessible by a regular choice of means of transport, excluding the residential parts of the conservation areas.*

The policy also notes that where mixed uses are proposed on employment land, proposals will be subject to Policy EM2 (see below).

Policy EM1 is concerned with employment uses and states:

The development or change of use of land for employment use will be permitted where the development:

- a) *involves land already in employment use; or*
- b) *is on a land safeguarded for employment uses in this plan; or*
- c) *forms part of a mixed use development in accordance with Policy CP 6; and*
- d) *accords with Policies CP 4, BE 2, and HS 7.*

Policy EM2 seeks to retain land that is currently or was last in use for employment purposes (in the B classes) unless one of the listed exception tests are met. It goes on to state that mixed use development will be permitted on employment land provided that certain criteria are met, including:

- a) *'any loss of existing floorspace would be offset by a gain in the quality of provision through modernisation of the existing site. This should secure or create employment opportunities important to Cheltenham's local economy, and*
- b) *the loss of part of the site to other uses does not have a detrimental impact on the range of types and sizes of sites for business uses in the area nor the continuing operation of existing business sites; and*
- c) *the use is appropriate to the location and adds value to the local community and area.'*

Assessment

The need for sustainable development

The NPPF makes clear that the presumption in favour of sustainable development should underpin decision making and, in this instance, that can be interpreted as meaning granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
- specific policies in the NPPF indicate development should be restricted.

The following matters should be considered in making an assessment of whether or not permission should be granted:

The loss of Green Belt land

The application site falls within the Green Belt and the proposed scheme when considered solely in Green Belt terms constitutes inappropriate development.

Inappropriate development is harmful by definition and the NPPF requires that when considering any planning application, substantial weight is given to harm to the Green Belt. In accord with the NPPF, it is therefore necessary to demonstrate that there are very special circumstances which clearly outweigh the harm to the Green Belt.

The applicant suggests that the submitted proposals embrace a number of beneficial factors, including helping to address the employment land deficit. The applicant also draws attention to the fact that in allowing the appeal for B1 uses at the site in 2007, the Inspector concluded the serious shortfall in local employment land provision up to 2011 at least constituted the very special circumstances that justified the use of the Green Belt site for B1 development at that time.

In the context of the current submission, the applicant considers the shortfall in the availability of employment land within the Borough today is equally as acute. In support of this, attention is drawn to the Joint Core Strategy Employment Land Review (ELR) 2011 which identified that the **B-class** employment land deficit increased since the time of the 2007 appeal.

The Planning Policy Team does not dispute the above and draws attention to the more recent NLP Employment Land Assessment update (October 2015) which has been undertaken to inform the contents of the emerging Cheltenham Plan. The Assessment confirms the continued dearth in **B-class** employment land supply compared to anticipated future needs and, as a consequence, the Cheltenham Plan is considering allocating the application site for B-class employment purposes as part of a wider policy response to employment land management.

Whilst the submitted proposals are not exclusively for B-class employment uses, it is accepted that overall, the proposal offers an opportunity for economic growth, which is a national objective and is an important material consideration set out in the NPPF.

Development of a retail establishment and coffee shop on an out-of-centre site

As the proposed development is located out of centre, the NPPF requires the applicant to demonstrate there are no suitable, available and viable sequentially preferable sites that could accommodate the proposed development.

A sequential test has therefore been undertaken and concludes that “whilst allowing for a reasonable degree of flexibility and the requirement for a site to be available immediately, no sites have been identified for the proposed development that are sequentially superior and capable of accommodating the proposed development.” The submission identifies that the application site is demonstrably the most appropriate location for the proposed development.

This is accepted and it is noted that several sites including 3 in the town centre have been discounted on the basis of a variety of constraints including the existence of existing permissions.

In this instance, the applicant is not required to undertake an impact assessment because the proposal is smaller than the default threshold of 2500m² (gross) stipulated in the NPPF. However, it is noted that an impact assessment has been undertaken to assist in the determination of the proposal and consider the effect on planned in-centre development and in-centre vitality and viability.

By way of the submission, it is demonstrated that the proposal will result in only a small increase in trade diversion from the town centre over and above that associated with existing commitments in the Borough. It is considered this will have an ‘imperceptible’ impact on the sustained vitality and viability of the town centre, which remains strong, popular and attractive. It is also identified that the proposal will not adversely affect any other policy-protected centre in Cheltenham.

The site's retention solely for B1 uses

The proposed development does not fall completely within the B1 use class of development which currently benefits from planning permission at the site. As such, a key consideration in determining the acceptability of the proposed development is whether or not the proposed uses (B1, D1, A1 and A3) sufficiently contribute to meeting the employment needs of the Borough such that the aforementioned very special circumstances can still be considered applicable to this application and therefore justify development within the Green Belt.

JCS Employment Land Review (2011)

There has been a policy shift in recent years in relation to what is considered to constitute employment development and what is now regarded as economic growth. The Cheltenham Borough Council Employment Land Review (ELR) 2011 notes (at paragraph 1.7) the shift in regional and national planning policy that has sought to no longer restrict the consideration of employment uses to B use classes only. Accordingly, other non-B Class employment generating uses were considered as part of the study.

The ELR also notes that the current key non-B Class sectors within the JCS area can be identified as retailing, health and social work and education and goes on to note that, in the light of the anticipated changes in employment levels in the various non B-Class sectors, the aforementioned sectors are likely to become more dominant by 2026.

The above is a factor that has been given due recognition in the new Cheltenham Plan particularly through the emerging policy framework which proposes allowing changes of use to other job generating uses on some of the Borough's existing B-class employment sites. However, it should also be noted that both the JCS and Cheltenham Plan are facilitating additional site provision to help address the identified shortfall in B-class employment land as part of a coordinated approach to employment land management in future.

Previous planning decisions

It is noted that the appeal inspector on the 2007 application did not seek to limit the permission to office development only, but considered the shortfall in local employment land provision amounted to the very special circumstances that justified the granting of permission for B1 use at that time. Given current, similar circumstances, it is not unreasonable to consider this stance is still valid today (although the aforementioned emerging plans are setting out to address this).

In determining the application for the aforementioned BMW scheme in 2014, the determining officer considered that approving the scheme would not undermine the Borough Local Plan's commitment to retain B-class uses under Local Plan Policy EM2 as the policy was of only limited relevance. Furthermore, that the loss of part of the Grovefield Way site to a Sui Generis Use which has some B-class characteristics would still generate much needed jobs.

The same can be said to be true today; EM2 is concerned with protecting existing or last employment uses rather than unimplemented planning consents and is therefore of little relevance. Whilst it is retail use (rather than Sui Generis use) that has caused a loss of B-class use within today's updated scheme, retail still contributes valuable employment opportunities and it is considered that the proportion of the floorspace proposed to be given over to retail (approximately 12%) is sufficiently small not to overly affect future prospects for B-class job provision at this location. It is also noted that the NPPF seeks to promote economic growth and does not distinguish between development that falls within B class uses or otherwise.

Miscellaneous

The site is situated within the Environment Agency's Flood Zone 1 posing a low risk to flooding. It is noted the planning application is therefore accompanied by a Flood Risk Assessment as necessary and appropriate.

The site will be accessed from Grovefield Way which runs between the A40 to the north east of the site, alongside the eastern site boundary and then southwards through the Reddings

towards Up Hatherley. The A40 provides access to the M5 Motorway some 2km to the west and Cheltenham town centre approximately 4km to the east. It is noted a Transport Assessment also accompanies the application and details impacts on the surrounding road network together with implications on walking, cycling and public transport.

Summary Conclusion

Taking all the above into account and on balance, the Planning Policy Team does not raise any objection to the principle of this scheme.

- Very special circumstances for developing in the Green Belt at this location were considered to exist by a planning inspector in 2007. Similar circumstances are considered still to exist today (as evidenced through the 2011 Employment Land Review / JCS process) and given the planning history of the site, the JCS Inspector has made clear there is no purpose in retaining this land as Green Belt.
- There remains a shortfall in B-class employment land across the Borough as evidenced by both the 2011 Employment Land Review (undertaken for the JCS), and the 2015 Economic Strategy (undertaken for the new Cheltenham Plan).
- The JCS and its evidence base recognise the overriding importance of B-class employment to the Borough whilst acknowledging that other uses may also have some employment generating characteristics.
- The retail element of the proposal equates to a very small amount (approximately 12%) of the overall floorspace to be provided, and this small amount is job generating.
- As it has not proved possible to identify sequentially superior sites at this time, it is accepted that the proposal offers conformity with the priorities of the NPPF (Para 24) and Policy RT1 of the adopted Cheltenham Borough Local Plan.
- Sufficient evidence has been provided to demonstrate limited impact on town centre and neighbourhood centre retailing arising from the scheme thus affording compliance with the NPPF (Para 26) and Policy RT7 of the adopted Cheltenham Borough Local Plan.
- The application site is situated within close proximity of a number of public transport routes, a number of shops and opportunities for employment, schools and hospitals. It is therefore situated within a sustainable location and conforms to the thrust of national planning policy embodied within the NPPF together with the spatial priorities of the adopted Cheltenham Borough Local Plan, including Policies CP1 and CP6.
- The Cheltenham Plan is considering this site for a B-class employment land allocation as means of helping to address the identified shortfall in that employment use category.

12th September 2017

In response to the further consultation on this application, the policy team has no additional comments to make other than to note the provision of an indicative site plan for the area which indicates the potential layout of the office / business park element of the scheme. Clarification of the fact that construction of Office 1 and its associated road infrastructure and parking will take place within 12 months from the date of non-office use occupation as specified in the draft Unilateral Undertaking is also noted.

In helping to convey the developer's intentions for the wider site, the additional information demonstrates the scheme's potential to help address the identified shortfall in B-class employment land across the Borough and help fulfil the emerging Cheltenham Plan's aspirations to develop the site for B-class employment in light of green belt proposals emanating from the JCS process.

Land Drainage Officer

20th January 2017

Given that the drainage strategy proposes the use of SuDS to attenuate flow up to the 1 in 100 year (+ 40% climate change) event and limits flow to no greater than green field scenarios; I raise no objection.

Detailed drainage design and layout including SuDS features should be submitted in the first instance to the Lead Local Flood Authority. Email: suds@gloucestershire.gov.uk

GCC Local Flood Authority (LLFA)

1st February 2017

I have reviewed the above planning application in relation to surface water drainage and flood risk. As this is a hybrid application I have separated my comments for Phase 2 & 3 as set out below.

Phase 2

The Lead Local Flood Authority (LLFA) has no objection to this application but recommends that any approval is dependant on the below described Conditions which take account of the following comments. The applicant has outlined a surface water drainage strategy for Phase 2 of this development which incorporates the balancing pond approved and constructed for Phase 1. Surface water runoff from roofs and impermeable areas will be managed via a combination of permeable paving and cellular storage with a controlled discharge through a balancing pond at the Phase 2 pre-development Greenfield QBar runoff rate. This rate is 8.4 l/s but will combine with the existing 1.8 l/s entering the balancing pond from the access road runoff (Phase 1) resulting in a controlled discharge of 10.2 l/s. Discharge is to the unnamed watercourse at the northern boundary of the site.

Please note that any related structures within this watercourse may require consent under the Land Drainage Act from Cheltenham Borough Council.

Whilst a quantity of 487m³ of attenuation is attributed to the site's permeable paving it is unclear whether this surface water is to be discharged via the balancing pond and to the watercourse or whether it is proposed to infiltrate directly to ground. If infiltration is proposed evidence is required how this will be achieved given the ground investigation results provided. Clarification will be required within the detailed design on these points.

Regarding the use of cellular storage, in addition to its inclusion in a detailed maintenance schedule the LLFA would wish to see details of how any proprietary system proposed can be effectively cleaned.

Phase 3

This is an outline application and the LLFA has no objection to the proposed drainage strategy of discharging the Phase 3 surface water runoff to the same watercourse as Phase 2. This is the natural catchment for the runoff and it is proposed to limit the discharge to the pre-development Greenfield QBar rate of 5.7 l/s. It is recommended that any approval is also dependant on the below described Conditions.

Conditions

Condition 1: No development approved by the permission shall be commenced until a detailed drainage strategy based upon the approved drainage strategy submitted for Phase 2 and 3, Coirinthian Park, Cheltenham, Reference 16-6953 has been submitted to and approved in writing by the Local Planning Authority. If an alternative strategy or amendments are required, it must be submitted to and approved by the LPA. The drainage scheme shall be carried out in accordance with the approved details.

Reason: To ensure the development is provided with a satisfactory means of drainage and

thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage and water quality in the locality.

Condition 2: No development shall be put in to use/occupied until a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

NOTE 1 : The Lead Local Flood Authority (LLFA) will give consideration to 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 e-mail address. Please quote the planning application number in the subject field.

29th August 2017

I have reviewed the additional drainage and Flood Risk Assessment documents dated 1/8/17 reference: Issue 2, FRA-16-6953.

The proposed discharge rates from Phases 2 & 3 remain as described in the applicant's first submission i.e. 10.2 l/s via the Highway pond for Phase 2 (and existing access road) and a proposed 5.7 l/s controlled by a separate device for Phase 3. Both Phases discharge to the watercourse on the site's northern boundary.

The additional information clarifies that infiltration will not be viable and therefore the proposed permeable paving will accommodate surface water for storage only. The remaining storage requirement will be held in geocellular crates with the final amount to be determined in the detailed design stage.

The LLFA therefore recommends that the Conditions suggested in correspondence dated 5 January 2017 remain valid.

NOTE 1 : The Lead Local Flood Authority (LLFA) will give consideration to 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 e-mail address. Please quote the planning application number in the subject field.

Natural England
10th January 2017

Thank you for your consultation on the above dated 21 December 2016 which was received by Natural England on 21 December 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Badgeworth SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

Page 2 of 2

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

5th September 2017

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 10 January 2017

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Urban Design

28th September 2017

Comments: Access and connectivity

Please integrate the scheme layout with existing developments and wider movement network within and beyond the site, as well as prioritise movement by sustainable transport modes.

Soft landscape

Planting layout details appear random & there is no evidence of a planting strategy to demonstrate any logic to the detail information. Please submit a planting strategy drawing.

Please submit a landscape management plan.

Please submit a drawing clearly indicating existing vegetation and proposed planting arrangements

Hard landscape

Please submit a drainage and water management plan incorporating sustainable design.

Please modify hard landscape proposal to facilitate pedestrian/cyclist access and reinforce a sense of place.

Contradictory/unclear information

- Unmatched legend/unexplained symbol in planting proposal and illustrative masterplan
- Spelling error with planting schedule
- East elevation of Office 1 didn't reflect the proposed design.

Architects Panel

6th February 2017

Design Concept

The Panel had no objection to the principle of the development on this site which had already received outline consent ref 14/01323/OUT. However, the panel had concerns that the quality of the architecture proposed was generally poor and a wasted opportunity for such a "gateway" site location on the edge of Cheltenham.

Design Detail

The panel felt the site layout of the approved Masterplan where the new buildings address the spine road was more successful than submitted scheme which is dominated by a sea of car-parks. The architecture is very bland and uninspiring.

The spaces around the buildings provide no amenity value and the panel questioned the suitability of a Nursery in the location proposed.

Recommendation

Not supported.

13th October 2017

Design Concept

The panel had already reviewed this application before. Revised drawings had been submitted which the panel thought was for a better scheme with improvements to the site layout and landscape treatment.

Design Detail

The panel remained concerned by the lack of external amenity spaces. The layout of the offices 2, 3 and 4 to the west of the site looked particularly cramped and could be improved.

Tree Officer

6th January 2017

The Tree Section does not object to this application providing various clarifications and adjustments can be made.

Ash T21-The Root Protection Area of this tree is within the proposed car park. As such a suitably sized 'no dig' construction must be undertaken for parking in this area.

T28 is recommended for re-coppicing back to the original coppice points. It may be more successful if the new coppice height can be changed to 1-1.5 metres.

Trees 1-9 have been subject to an altered (increased) ground level. Whilst soil has been taken away from the trunk area, all new soil needs to be removed if these trees are to continue to thrive. This needs to be undertaken as a matter of urgency-whether planning permission is granted or not.

All Tree Protective Fencing must be installed prior to the commencement of any on site-work. Trees within G38, 39, 40 +41 are primarily ash with an understory of hawthorn. It is important that this ash and hawthorn is retained and the proposed 'Buffer Mix' is acceptable. This should make this hedge line denser and act as a visual screen from/into properties along North Road West (Shakespeare Cottages) as it matures. Due to the native species nature of that proposed, this should also enhance local wildlife.

Similarly, the 'woodland' (G34) screening between this site and the A40 needs to be retained. It appears to have been already thinned of weaker specimens and no further thinning work is currently required. It is noted that new trees are to be planted within this area (or just south of it). Whilst the overall palette of trees is acceptable (native species), the Outline Landscape Masterplan does not specify which trees are to be planted where-this needs clarification. Similarly, the planting size of the proposed trees are very large. It may be more cost effective to plant more numerous smaller trees along the edges of woodlands (or where such tree planting are not to become landscape features). Any financial savings could be put towards enhanced aftercare and maintenance.

Similarly the Outline Landscape Masterplan needs clarification so it is clear where trees are to be planted. Given the apparent poor nature of the soil, planting pit details need to be submitted and agreed. Such planting pits should incorporate new soil as well as root barriers (where trees are to be planted near hard surfaces).

It was noted that the soil within the site is very heavy clay. Such clay soil can become desiccated and shrink through tree root action which can lead to building subsidence. As such tree planting species selection needs to be carefully made and suitable foundation depths and designs made so that and such future nuisance will be avoided.

13th September 2017

Given that the majority of trees are of low BS5837 (2012) category and are due to be retained as well as a high quality soft landscape proposal, the CBC Tree Section does not object to this application providing various clarifications can be made as a part of the application or agreed as Reserved Matters:

- 1) The proposed Aldi supermarket is to be adjacent to North Road west and opposite several private dwellings. The proposed Planting proposals drawing (no 07-sheet 2 of 3) of 23/6/17 shows boundary treatment planting of hedgerow species with several lime and pine oak and alder trees within metres of the side of this building. It is anticipated that if these trees are allowed to mature, they will be considered too close to this building and there will likely be pressure from the owners to remove them. Similarly, in winter months, such trees (other than the canopy of the pine) will not offer sufficient

screening to the residents of these properties. It may be better to choose evergreen species along this area. Holm oak (*Quercus robur*) is one such broadleaved evergreen which grows fast even in poor conditions and will also tolerate harsh pruning (away from the side of Aldi). It may be prudent to change the proposed *Tilia cordata* (lime) for shade tolerant hornbeam to grow adjacent as well as a high proportion of native holly within the hedgerow planting mix.

- 2) It is noted that there are many ash trees within this hedgerow along North Road West. Given that ash die-back has now reached Cheltenham, most ash trees are anticipated to have died within the next decade. As such new planting proposals along the whole of the boundary with North Road west should be reconsidered and significant numbers of proposed new alternative species should be proscribed. Alder trees may grow well and be suitable to this location.
- 3) The hedge line along North Road west is species rich and of significant ecological value, but requires maintenance. Details of all pruning/thinning should be agreed. This should also take account of the need to create space for new planting mix as recommended as well as proposed new trees.
- 4) There are also several 'stand alone' young ash trees along Grovesfield Way which are shown as being retained. Such trees should now be removed and replaced. The planting of eg Japanese hornbeam (*Carpinus japonica*) may look well against the *Acer X freemanii* 'Autumn Blaze' in the autumn.
- 5) It is noted that there are many ash trees adjacent to but outside this site boundary adjacent to the A40. Unless new trees are planted now, this dual carriageway could be substantially denuded of trees and views into the site from the A40 will be most apparent. Similarly, noise from the A40 traffic will be perceived to be more noticeable within the site. The absorption of airborne particulates will decrease if such an existing boundary treatment all but disappears. Agreement should be made with the County Council (the owner) to replant and this area.
- 6) Experience has shown that the ground is composed of a high proportion of heavy clay. Similarly, clay was spread over the surface of this site from the adjacent BMW site 3-4 years ago. As such all buildings must take account of such ground conditions in the foundation design. Alternatively, if buildings beginning to subside, the removal of trees to reduce/remove such incidence of subsidence may become inevitable.
- 7) Root trainers must be inserted into all tree pits where such tree pits are within or adjacent to hard surfacing. Whilst such root directors have been described within car parking areas, there are many shallow rooted trees (alder, birch etc) recommended in other hard landscaped areas.
- 8) There are no planting details evident for the western most part of this site (ie the Elmfarm side of the site). It is assumed that this is an oversight.
- 9) T's 26+27 (a blackthorn and a crab apple are situated outside the site and within the garden of Elm farm. It is also noted that there is a proposed parking area designated. Whilst the parking bays themselves are outside the Root Protection Area of these trees, and given that the land slopes away in this corner of the site, it is important that land levels are not increased to the boundary. Any such levelling must finish outside the 4.7 metres RPA of the adjacent apple.

GCC Highways Planning Liaison Officer

24th October 2017

Please see letter appended to this report.

Environment Agency

22nd December 2016

Thank you for sending through this consultation. The checklist accompanying the consultation has ticked:

- (i) Development within 8m of Main River (red lined on GIS map);

However the watercourse at this location is an ordinary watercourse not a main river. As such the application does not feature in our checklist and we would refer you to our flood risk standing advice and advise you seek the advice of the Lead Local Flood Authority.

25th August 2017

We are in receipt of the additional information consultation for the above application. There was no checklist attached, however as advised at the time of the original application the development does not feature in our checklist for consultation and as such we would refer you to our Standing Advice and have no bespoke comments to make.

Parish Council

11th January 2017

I am writing on behalf of Up Hatherley Parish Council. At our most recent meeting, those present unanimously agreed to endorse the previous communications from Councillor Roger Whyborn, one of our own members as well as being a Borough Councillor (see below for his repeated comments).

In addition to our wish to protect the unique local Green Belt from further desecration (it is the only one in the country which actively separates two large towns), we are particularly concerned about how the proposed development will impact on both local roads and smaller businesses.

We also request sensible use of S106 money in order to develop a traffic scheme in the area which will work for everyone. We would also point out there appears to be a surfeit of vacant office space in Cheltenham so why build any more?

Gloucestershire Centre For Environmental Records

9th January 2017

Biodiversity Report available to view in on line.

Ward Councillors

21st September 2017

In my role as local ward councillor and a resident, having studied the revised plans and receiving much feedback from local residents I would like to confirm that I strongly oppose this application and my previous objections still stand.

There is extremely strong public opposition to the development which is supported by Alex Chalk, Cheltenham's MP and Martin Horwood the Lib Dem parliamentary candidate for Cheltenham. I have encouraged residents to forward their objections to you Most repeat their existing objections on the basis that it still does not address the fundamental issues. In their view the proposal constitutes a real issue of overdevelopment and will have an adverse effect on the neighbourhood.

Residents' objections and concerns to this proposal are as follows in no particular order:

Greenbelt

The site is currently within the greenbelt for which the National Planning Policy Framework, is explicit in stating that Green Belt boundaries should only be altered in exceptional circumstances. This proposal is not an exceptional circumstance with absolutely no evidence of a need for additional retail outlets or a child nursery. Within a short distance of the proposed site there is already a supermarket and a drive-through coffee shop all available within maximum 5 minutes' walk. The area also has a great deal of existing childcare especially at The Reddings Community Centre adjacent to the site.

The application attempts to pre-empt the current process of consultation and refinement of the emerging Joint Core Strategy. The Reddings Residents Association have lodged new evidence to the inspector in regard of this location which was not placed before her when the draft proposal was prepared. Until the inspector's findings are published, I do not believe that there are any valid grounds to permit consideration of this application.

The proposal to remove greenbelt status from the site once developed will be 'the thin end of the wedge' Already, I am aware that Newland Homes are seeking to develop housing on the new "defensible" greenbelt boundary on the opposite side of North Road West, adjacent to the community centre. This is in spite of Cheltenham Borough Council having already made its strategic allocations for housing and the land having assessed as being undeliverable and unsustainable.

As mentioned there are no exceptional circumstances to permit this proposed A and D class development within the greenbelt. The developer has extant outline planning permission for B1 office development which he could and should progress with.

Flood risk.

The development site has historically acted as soakaway and in more recently a run off for Grovefield Way. Since the adjacent BMW development has taken place localised flooded has occurred on many occasions not just as a result of heavy rain storms.

The National Planning Policy Framework suggests that new developments should not pass on flooding to a neighbouring sites yet I am told by neighbouring homeowners that their properties did not flood before the BMW development. Since its existence neighbours have written complaining that because the drainage system is antiquated and generally combines foul and storm water even during moderate rainstorm, the manholes in North Road West regularly lift and local flooding occurs. The Reddings Community Association are of the belief that the existing drainage system does not have adequate capacity and should be assessed before permission is granted as any upgrade work required will be a taxpayers expense.

The revised drawings do include additional water storage but it does seem that the discharge rates to the brook are unchanged and do not take account of the discharge that is already being directed there by the BMW development. Furthermore there are no calculations to show that the existing ditch drainage system can support the total discharge from both developments. In the absence of any obvious allowance for the site to be able to deal with the excess storm runoff from the A40 and Grovefield Way it seems logical that either Severn Trent Water/Gloucestershire Highways will need to improve the drainage from Grovefield Way to stop it flooding the development site and neighbouring properties or, that the proposed site designs need to be re adjusted to accommodate it.

Traffic congestion.

The transport infrastructure in this area is already congested without adding further Heavy Goods Vehicle traffic. The traffic problems that would be created by the proposed development are very serious with implications for The Reddings and the surrounding area. Traffic will be vastly increased along The Reddings, Grovefield Way and Hatherley Lane. Grovefield way, which was constructed as a link road is already unable to deal with the existing volumes of traffic at peak times and will become chronic with this proposed

development opening. There has been a considerable amount of additional large local developments since the applicants submitted 2013 report which have not been taken into account. In addition, the bus route 99 which serves staff and patients of both Cheltenham General and Gloucester Royal hospitals now stops at the Park and Ride which will inevitably encourage more traffic into the area and will increase the requirement for parking in the Park and Ride again not included within the traffic modelling

A further important point picked up by The Residents' Association is that the applicant's transport statement reports that data was collected between 6 and 12 July 2016 and on Saturday 9 July. However, this is not a representative "neutral" month as set out in the Department of Transport's TAG Unit N.12 "Data sources and surveys" criteria. The transport statement does not include consideration of servicing arrangements, or schedules, nor to undertake deliveries outside of normal opening hours although with the opening hours extending between 05:30 to 23:00, seven days per week, this would clearly be unpalatable in a largely residential area. This alone would be grounds to reject the application.

I am also aware as discussed at an earlier meeting the use of the JCS traffic evidence is limited and that further traffic surveys would be needed to verify the statements made

Residents have also raised concern about the Aldi service area, where delivery vehicles pulling into the supermarket car park will be close to the day care provision. The potential resulting conflict with users in particular the risk to the safety of children is considerable.

Traffic pollution.

The impact from the additional traffic created by the adjoining BMW showroom has been greater than anyone had envisaged. To increase it further would be disastrous. With the traffic becoming stationary with engines running, the pollution levels will inevitably increase. This is contrary to emerging evidence regarding pollution and health which is particularly detrimental on the physical and academic health of the very young.

As well as the pollution danger to residents, there is also a health risk to drivers and passengers inside vehicles. Tests have shown that the majority of pollutants inside a car originate from the vehicle immediately in front. The type of situation where vehicles queue nose to tail at an average gap of 3 to 4 metres between vehicles is particularly bad. Some vehicles, notably buses and heavy goods also ingest their own emissions and studies have shown that the worst pollution levels can be inside buses in a queue. Cyclists and motor cyclists would also experience high pollution levels.

Landscaping

It is acknowledged that the landscaping has been improved. However, the landscaping is still short of what is required. More tree screening is required along the whole boundary of the site especially with Grovefield Way and Shakespeare cottages to mitigate the light pollution from the development, as was the inspector's intention in 2007. Light pollution to neighbouring buildings and road users will be further aggravated by sun reflecting off the abundance of glazing and white render contained within the buildings.

Litter

As a result of the existing drive through a short distance away residents already have to clear up huge amounts of rubbish thrown out of cars ruining the appearance of residential roads and the surrounding area and impacting on the wildlife already struggling in the area. No additional bins have been suggested or clear up plan.

Damage to wildlife

The loss of natural habitat in the area will dramatically affect the wildlife.

Parking

There will be a further increase in parking in nearby roads from customers and employees of the new amenities. This has been proved by BMW staff not being allowed to park onsite and thereby parking in nearby residential areas. The applicant's intentions with regard how parking will be controlled is extremely worrying. As found with the 'Pure' office development insufficient parking provision was made as on any working day the nearby roads and pavements are clogged with parked vehicles. It is believed by residents that yet again the developer is being allowed to provide inadequate parking spaces and then just expecting neighbours and the Park and Ride to take the over spill. Currently neither Grovefield Way or the adjacent residual roads have any parking restrictions. Will a plan be developed to consider double yellow lining to avoid this potential issue before it even becomes a massive problem?.

Opening Times

The proposal to open between 05:30 to 23:00 hours, seven days per week, and 365 days of the year, is unacceptable it does not reflect any of the previous planning decisions and enforcements made upon other nearby similar businesses, and is entirely incompatible with a largely residential area.

A controversial development of this size, located on Green Belt land does not appear to be offering anything back to the community in terms of improved or additional amenities. The developer has gone against the clear indications of the inspector at the 2007 appeal in many ways. This behaviour would not be tolerated from domestic owners and a great many residents feel it unfair that different rules seem to be being applied. The residents of The Reddings are looking to the planning authority to fairly apply all of the planning regulations, the emerging JCS and local plans, properly assess the local development and erosion of the greenbelt and defend the main aim and ambitions of the area, which is to create well-paid, quality employment and not to throw precious sites away and exacerbate the existing challenges.

If local means local as the government have suggested then the community has spoken and their wishes and concerns should be listen to. For these reasons the application must be refused.

3rd January 2017

I have a number of concerns about application 16/02208/FUL in several areas, and this email should be reads as constituting an objection (unless my views change as a result of later argumentation):

- I share residents' concerns acutely about the effect of traffic in the approaches to the Grovefield Way (B&Q) roundabout, and knock-on effects to Arle Court, particularly in peak hours. It should be remembered that, at the time of writing, the BMW garage is not operational so the amount of traffic it will add is not yet being experienced; though I would agree with residents that it will likely be at the beginnings and ends of the day, where the roads in this area to and from Arle Court are already at saturation point.
- It also has the potential to push additional traffic through both Hatherley Lane and Hatherley Road, and the Reddings, in an attempt to avoid Grovefield Way. At the moment you will possibly be ware that GCC are holding ASDA S106 money for traffic calming, (let alone making the problem worse with this new development). This needs to be sorted out before proceeding. I would slightly clarify the position as raised by objectors from Springfield on this subject. The true problem was that GCC botched the consultation by not listening to the recommendations of councillors and residents, and this subject therefore needs to be revisited.

- The master plan gives every appearance of overdevelopment for the size of plot, and the infrastructure supporting it. I have concerns about the number of people who are going to be working and shopping on a relatively small site in relation to the number and size of businesses on it.
- Can you assure me that there will be an impact assessment on other businesses in the area, particularly given the proximity of both Asda and other day nurseries, also the "Springfield Stores" in The Reddings & the smaller shops in Hatherley. And question about Usage category/Green Belt.
- The Costa Coffee drive-thru application is concerning. Either it is serving Aldi and the nearby developments in which case it doesn't need to be drive through, or it is catching passing traffic in Grovesfield Way, in which case we should be concerned about yet more traffic movements to/from Grovesfield Way. The matter we should particularly worry about is users of the BMW garage who on being forced to wait at the garage, as people do for various reasons, may find the Costa fare (with some food?) more attractive than the single coffee provided by the garage; so an easy pedestrian access between the sites I see as important, which does not currently appear to be the case.

Environmental Health

22nd December 2016

I have reviewed this application and have no objections in principle, however further information will be required before the development can commence, hence I offer the following comments:

Noise:

The application includes an assessment of noise from the proposed development and how it will affect nearby noise-sensitive properties. The report has identified suitable limits for noise from a variety of sources including vehicle deliveries and fixed plant. I would therefore recommend that a condition is attached to any permission for this development that requires the detail of such plant to be approved before first use of the site. This condition is required to ensure there is no loss of amenity due to noise from these sources.

I would also recommend a condition is attached that requires details of a delivery plan for the supermarket unit to be agreed before first use. Such a plan should identify suitable precautions to ensure that noise from this activity is kept to a minimum, and in any case within the levels identified in the presented acoustic report.

Impact from construction

As with all large construction sites there is a potential for an impact on existing property, I would therefore request that a plan is produced for the control of noise, dust and other nuisances from work of demolition and construction. Such a plan is likely to include limits on the hours of this work. Currently, CBC recommends the following working hours:

- Monday - Friday 7:30AM - 6:00PM
- Saturdays 8:00AM - 1:00PM
- Sundays and Bank Holidays - No work producing noise audible beyond the site boundary, unless with prior approval.

If you have further queries, please let me know

23rd October 2017

With regard to this application I should like to see the inclusion of conditions reinforcing the applicant's recommendations in their Contaminated Land report.

Contaminated Land

1) Provide gas protection to CS2 of CIRIA C665. The type of building proposed is commercial and for this Table 8.6 of CIRIA 665 indicates that the following special protection measures are required in the new buildings.

- Reinforced cast in-situ floor slab with at least 1200 gauge DPM
- Beam block or precast concrete slab and at least 2000 gauge DPM/reinforced gas membrane
- Underfloor venting
- All joints and penetrations sealed

Underfloor venting is not required in large spaces such as warehouse but it is required where smaller rooms such as offices are present.

2) TP12 at 0.15 m showed elevated lead in the made ground. Therefore the made ground (0.3m thick) should be replaced in the vicinity of TP12 if soft landscaping is proposed in this area.

Historic England

5th January 2017

Thank you for your letter of 21 December 2016 notifying Historic England of the application for listed building consent/planning permission relating to the above site. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or if there are other reasons for seeking the advice of Historic England, we would be grateful if you could explain your request. Please do not hesitate to telephone me if you would like to discuss this application or the notification procedures in general.

We will retain the application for four weeks from the date of this letter. Thereafter we will dispose of the papers if we do not hear from you.

Severn Trent Water Ltd

26th January 2017

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

Waste Water Comments

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, , <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> select "Water and / or Sewer map request form" fill out the relevant details and fee payment and return to:

30th August 2017

Having received the consultation for the above planning application, I have the following comments to make.

The submitted Flood Risk Assessment states all foul sewage is proposed to discharge to the public foul sewer, and all surface water is proposed to discharge to balancing ponds and ditch course. Based upon these proposals I can confirm we have no objections to the discharge of the drainage related condition.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our Development Services Team (Tel: 0800 707 6600).

I trust you find the above in order, however, if you have any further enquiries then please do not hesitate to contact us.

Cheltenham Civic Society

13th January 2017

We were not able to look at this in detail, as the papers were not available to us. But we oppose a development of this scale in the green belt. Nor are we convinced that a further supermarket is needed in this area. There is already substantial traffic congestion in this area, and the impact of such a proposal needs careful consideration.

21st September 2017

We are against development in the Green Belt when there are still several vacant sites and offices in the town centre; this type of development cannot be considered 'sustainable'. We question the impact on the local road network and query if there is sufficient parking. The development lacks any clear urban form and is relying on the landscaping to conceal an architecturally dull collection of buildings; the new BMW building presents a more refined example. This proposal is the type of development you would expect to see in North America not adjacent to the 'gateway' to a Regency town.

Highways England

6th February 2017

Letter appended to this report

The Reddings Residents Association

15th March 2017

Letter appended to this report

5. PUBLICITY AND REPRESENTATIONS

The application was publicised by way of letters to 60 nearby properties, site notices and a notice in the paper. Over 330 letters of objection were received as were 2 letters of support. A petition has also been submitted.

The comments made will be provided in full to members however to briefly summarise the main issues raised were as follows:

- More office space unnecessary in Cheltenham
- No need for additional supermarket.
- No need for a drive thru coffee shop
- Unsuitable location for a nursery. Impact on existing providers.
- Impact on congestion on local roads. Impact on Road Safety.
- Will lead to parking on nearby streets. Insufficient parking on site.
- Unacceptable to build on greenbelt
- Brownfield sites are available which should be developed first
- Noise, light and air pollution. Litter.
- Impact on neighbouring properties
- Cumulative impact with BMW
- Unacceptable visual appearance
- Impact on wildlife
- Increased flooding and run-off

6. OFFICER COMMENTS

6.1 Determining Issues

As mentioned at 1.1.6 there is an extant outline consent for B1 uses on this site. As such the principle of development upon this site has been established. This will be elaborated on further. The policy context will be outlined as will the greenbelt issue. The key aspects of the current application which will be considered are employment, retail impact, design and layout, impact on neighbouring properties, access and highways issues, flooding and drainage, trees and landscaping, wildlife and ecology.

6.2 Background

The planning history has been outlined above. The principle of developing the site was first established by the appeal decision in 2007. Although the site was in the Green Belt the Inspector found that there were very special circumstances due to the serious shortfall

in local employment land provision which justified the granting of permission of B1 uses on the site.

As outlined above the evolution of the site has moved away from purely B1 uses through the granting of the BMW dealership. It was considered that this was acceptable as the proposed use entailed some B class elements and also some sui generis elements which are akin to employment uses and often found on employment sites such as servicing. The decision also took account of the wider definition of employment uses, beyond traditional B1 uses used in emerging policy. The key issue in terms of the principle of the current proposal is the introduction of non B1 uses and whether these are acceptable.

6.3 Policy

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. Therefore in determining this application the following must be considered:

- The saved policies of the Cheltenham Borough Local Plan (CLP) Second Review 2006, which comprises the adopted development plan, and;
- Relevant material consideration which include:
 - National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance (NPPG)
 - The emerging Joint Core Strategy (JCS) and its evidence base
 - The emerging Cheltenham Plan (part one) and its evidence base.

6.5 Green Belt

6.5.1 NPPF

Paragraph 79 states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts is their openness and their permanence.

Paragraph 80 sets out five purposes served by Green Belts:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 highlights that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

6.5.2 Cheltenham Borough Local Plan

Although predating the NPPF, the approach of the adopted Cheltenham Borough Local Plan is entirely consistent. **Policy CO6** presumes against development in the Green Belt except in very special circumstances.

6.5.3 JCS

Policy SD5 of the JCS echoes the general aims of the NPPF. However the JCS proposes a change to the boundary of the Green Belt in the location of the proposed development in order to remove the parcel of land (including the BMW site) at Grovefield Way. The supporting text states “ *a small change has been made to the Green Belt boundary in the area of the Reddings to provide a more appropriate boundary after an implemented permission at Grovefield Way*”.

In her report the Inspector states: *Two other relatively small areas are proposed for GB release, which are not identified within the Plan. One is located at Grovefield Way in the area of The Reddings where development is being built out. The other is in the area of the Old Gloucester Road and Arle Nurseries, which would provide a more appropriate GB boundary to the north of the West Cheltenham allocation and to the south of the North West Cheltenham allocation. Exceptional circumstances exist for both of these releases.*

- 6.5.4 As is clear from the above commentary the likelihood is that the site will be removed from the Green Belt, however at the time of writing it falls within this designation. In policy terms the proposal represents inappropriate development within green belt and therefore it is necessary to consider whether there are very special circumstances which clearly outweigh the harm to the green belt.
- 6.5.5 As mentioned above the site has extant consent for B1 purposes which followed on from an allowed appeal in 2007. In allowing that appeal the Inspector concluded that the serious shortfall in local employment land provision up to 2011 at least constituted the very special circumstances that justified the use of the Green Belt site for B1 development at that time
- 6.5.6 In the context of the current submission, the applicant argues that the shortfall in the availability of employment land within the Borough today is equally as acute. The Joint Core Strategy Employment Land Review (ELR) 2011 identified that the B-class employment land deficit increased since the time of the 2007 appeal. The more recent NLP Employment Land Assessment Update which is dated October 2015 and has been undertaken to inform the emerging Cheltenham Plan, confirms the continued dearth in B-class employment land supply compared to anticipated future needs and, as a consequence, the Cheltenham Plan is considering allocating the application site for B Class employment purposes as part of a wider policy response to employment land management.
- 6.5.7 Whilst the proposals are not exclusively for B-class employment uses, it is accepted that overall the proposal offers an opportunity for economic growth which is a national and local objective. The acceptability of the inclusion of non-B1 uses will be discussed below, however it is considered that the principle of developing the site for employment use has been established through the history of the site, including the original appeal decision and the extant consent and its impending removal from the green belt.

6.6 **Employment**

6.6.1 NPPF

Paragraph 19 states that:

Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

6.6.2 Cheltenham Borough Local Plan

Policy CP6 states that mixed use development will only be permitted on suitable sites that meet the following criteria:

- a) where the uses are compatible with each other and adjoining land uses; and
- b) for schemes attracting a significant number of trips only in the Core Commercial Area; or
- c) for other schemes, only in the Core Commercial Area, district or neighbourhood centres, or in locations which are highly accessible by a regular choice of means of transport, excluding the residential parts of the conservation areas.

The policy also notes that where mixed uses are proposed on employment land, proposals will be subject to Policy EM2 (see below).

Policy EM1 is concerned with employment uses and states:

The development or change of use of land for employment use will be permitted where the development:

- a) involves land already in employment use; or
- b) is on a land safeguarded for employment uses in this plan; or
- c) forms part of a mixed use development in accordance with Policy CP 6; and
- d) accords with Policies CP 4, BE 2, and HS 7.

Policy EM2 seeks to retain land that is currently or was last in use for employment purposes (in the B classes) unless one of the listed exception tests are met. It goes on to state that mixed use development will be permitted on employment land provided that certain criteria are met, including:

- a) 'any loss of existing floorspace would be offset by a gain in the quality of provision through modernisation of the existing site. This should secure or create employment opportunities important to Cheltenham's local economy, and
- b) the loss of part of the site to other uses does not have a detrimental impact on the range of types and sizes of sites for business uses in the area nor the continuing operation of existing business sites; and
- c) the use is appropriate to the location and adds value to the local community and area.'

6.6.3 JCS

Policy SD1 of the emerging JCS relates to employment (except retail development). In the preamble it states that In the NPPF, employment is considered in a wider sense than the traditional industrial, office and warehousing (B1, B2 and B8 uses). For example, uses such as retail hotels tourism, leisure facilities, education, health services and residential care, can also be large employment providers.

6.6.4 The policy states that employment related development will be supported at strategic allocations, at locations allocated for employment within the development plan, for the redevelopment of land already in employment use and for the development of new employment land within the PUA of Cheltenham.

6.6.5 Emerging Cheltenham Plan

The LPA is intending to commence public consultation on the Cheltenham Plan on 11th December. It is proposed to allocate the site in question as an employment site. The draft policy states: *"Proposals for traditional B class employment uses or sui generis uses that exhibit the characteristics of traditional B class employment will be supported at these locations subject to being in accord with other relevant policies embodied within this plan"*. The preamble to this policy states that the allocation provides an opportunity for the establishment of a modern business environment at an important gateway location. The Principal Urban Area is being amended to accommodate this allocation.

- 6.6.6 The proposed development does not fall completely within the B1 use class of development for which the site currently benefits. As such a key consideration in determining the acceptability of the proposed development is whether or not the proposed uses (B1, D1, A1 and A3) sufficiently contribute to meeting the employment needs of the Borough.
- 6.6.7 In terms of employment creation the documents submitted with the application suggest that the proposed development would generate 1,018 full time equivalent jobs. 26 of these would be within the supermarket, 20 would be within the coffee shop, 25 would be within the nursery. The remainder would be within the B1 uses; 365 within the buildings proposed as part of the full application and 582 within the buildings proposed in outline.
- 6.6.8 The applicant considers that the non-B1 elements, in addition to providing some contribution to employment in their own right, also complement and facilitate the provision of traditional B1 employment on the site. They draw attention to the Employment Land Review (mentioned at 6.5.6) which highlights that a mix of employment uses on a site can encourage the provision of office based businesses, using the example of a hotel, restaurant or gym on a business park which can assist in making it a desirable location. They highlight the fact that no B1 office development has materialised due to market issues.
- 6.6.9 Officers accept the principle that some non-B1 uses within a business park environment can make it more attractive to businesses who are considering potential locations for office accommodation, thereby facilitating economic development. However the amount and prominence of the non-B1 uses needs to be carefully considered in order to ensure that the site still primarily performs as a business park. It is also considered that the phasing of development is crucial to ensure that the assertions regarding the delivery of B1 office become a reality.
- 6.6.10 Officers had expressed concerns that within the proposed layout the non-B1 uses are occupying the most prominent portion of the site when viewed from the entrance to the site off Grovefield Way. Whilst alterations have been made to the layout of the site, in essence the locations of the supermarket, coffee shop and nursery are broadly similar to those originally proposed. This appears to primarily be driven by the proposed operators in terms of access, visibility and operational requirements.
- 6.6.11 Whilst the distribution of the uses on the site has not significantly altered, the overall quality of the scheme in terms of how the buildings address the street, the spaces between them and the landscape approach has improved since the submission of the proposal (this will be discussed further below). This helps to ensure that the business park has an 'identity' which is apparent from the entrance to the site to its furthest extent. As such whilst the non-B1 uses still occupy the eastern-most part of the site it is now considered that they will not appear as a separate parcel of commercial uses but will be integrated into the language of the site.
- 6.6.12 In terms of the floorspace provided the A1 (retail) element equates to 12% of the overall floorspace. This is a relatively small amount and in itself does generate some jobs.
- 6.6.13 Bearing all of the above in mind officers do not consider that the inclusion of the non-B1 uses proposed dilutes the primary function of it as an employment site to an unacceptable degree.
- 6.6.14 Through the course of the application officers have sought to negotiate commitments as to the delivery of the B1 office units and the phasing of development. There is a risk that if they are not delivered concurrently with the non-B1 uses there may be a significant period of time during which the eastern portion of the site is operational without any offices having been constructed on the site.

6.6.15 To this end the developer has agreed to construct and fit out office buildings 1 and 2 prior to the first occupation of any other units on site.

6.6.16 S.106 agreement

6.6.17 The above commitments would be secured via a s.106 agreement to which the developers have agreed to sign up. Officers consider that this provides sufficient reassurance that the retail and other non B1 uses proposed would not be able to operate until such time as the office buildings were ready to occupy.

6.6.18 The NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

6.6.19 With this in mind, it is beholden upon the LPA to facilitate sustainable economic growth wherever possible. The approach to delivery agreed through this s.106 provides a way to allow permission to be granted for the uses proposed, in the confidence that it will facilitate genuine economic development.

6.7 Retail Impact

6.7.1 NPPF

Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

Paragraph 26 states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment subject to the proposal meeting a 2500m² floorspace threshold.

6.7.2 Cheltenham Borough Local Plan

Policy RT1 relates to the location of retail development and states:

Retail development will be permitted, subject to the availability of suitable sites or buildings suitable for conversion, which relate to the role and function of retailing centres and their catchments only in the following sequence of locations:

- a) the Central Shopping Area, subject to Policy RT 2;
- b) the Montpellier Shopping Area or the High Street West End Shopping Area, subject to Policy RT 2;
- c) elsewhere within the Core Commercial Area, subject to Policy RT 1;
- d) district or neighbourhood shopping centres, subject to Policy RT 3;
- e) out-of-centre sites which are accessible by a regular choice of means of transport, subject to Policies RT 7 and CP 5;

In considering the location of retail development, developers and operators should demonstrate flexibility and realism in format, design, scale and car parking.

Policy RT7 states that, subject to Policy RT 1, retail development outside defined shopping areas will be permitted only where:

- a) a need for the additional floorspace has been demonstrated, and the proposals
- b) individually or in conjunction with other completed and permitted retail development, would not harm the vitality and viability of the town centre as a whole or of a district or neighbourhood centre.....

- 6.7.3 As the proposed development is located out of centre, the NPPF requires the applicant to demonstrate that there are no suitable, available and viable sequentially preferable sites that could accommodate the proposed development.
- 6.7.4 A sequential test has therefore been undertaken and concludes that “whilst allowing for a reasonable degree of flexibility and the requirement for a site to be available immediately, no sites have been identified for the proposed development that are sequentially superior and capable of accommodating the proposed development”. The submission identifies that the application site is demonstrably the most appropriate location for the proposed development.
- 6.7.5 In this instance the applicant is not required to undertake an impact assessment because the proposal is smaller than the default threshold of 2,500m² (gross) stipulated in the NPPF. However, an impact assessment has been undertaken to assist in the determination of the proposal and consider the effect on planned in-centre development and in-centre vitality and viability.
- 6.7.6. The Local Planning Authority has commissioned an independent assessment of the Retail Impact Assessment. The assessment agrees that subject to the Council’s own knowledge of the North Place site and the proposed relocation of the Council offices from the Promenade there are no suitable sites available in sequentially preferred locations and therefore the test is met.
- 6.7.7 The approved scheme at North Place was for:
Erection of a mixed use development comprising; 5,792sqm (gross external floor space) of class A1 food store, 739sqm (gross) of class A1 shops and 19sqm (gross) of class A2 within atrium space and 336sqm (gross) of class A3 (customer restaurant); multi-storey car park providing 634 spaces over 5 floors (300 spaces for public use and 334 spaces for food store customers); 143 no. residential units within a mix of 1, 2, 3, and 4 bedroom houses and flats, (57 units to be affordable) with associated 143 car parking spaces at ground and basement level; creation of new public open spaces; provision of new parking bays for buses and erection of a passenger information kiosk and waiting room; associated other operations to facilitate the mixed use development including alterations to and from the existing highway for vehicular, pedestrian and cycle access. All following the demolition of existing buildings and other built structures on the site.
- 6.7.8 Officers are aware that this scheme will not be going ahead in its current form and that Morrisons are no longer involved in the site. As such it seems likely that an alternative proposal will come forward for this site, however it is not clear at this stage what form this will take or what mix of uses it will entail. In officer’s view the applicant are in a position where it is more or less impossible for them to pass the sequential test because of the lack of information over the intentions for North Place. However not passing the sequential test is not an adequate reason for refusal in its own right. It is necessary to consider whether the proposal would have any unacceptable retail impacts. These matters are discussed below.
- 6.7.9 The assessment goes on to consider the retail impact of the proposal. It concludes that the impact on the town centre would not be significant. Caernarvon Road is a designated centre and the impact is material consideration. The centre comprises largely the Morrison store. The assessment concludes that there is no realistic risk of its closure as a result if the

proposals. It also concludes that the trade diversion from Bath Road would be very small. The assessment also concludes that there might be a small amount of trade diversion from Coronation Square however it could not be concluded to be a significant adverse impact. The impact tests are therefore passed.

6.7.10 The overall conclusion of the assessment is *“that the proposal is in accordance with national and local policy for retail development. In relation to the restaurant development, the proposal would serve a largely local need and the sequential test would be of little assistance in determining the application.”*

6.7.11 Officers have no reason to conclude differently and as such it is considered that in terms of retail impact the development of a supermarket in this location is acceptable.

6.4 Design and Layout

6.4.1 The NPPF states that good design is a key aspect of sustainable development. It asks that LPAs do not impose architectural styles or stifle innovation, however it does confirm that it is proper to seek to promote or reinforce local distinctiveness.

6.4.2 Policy CP7 of the Local Plan states that development will only be permitted where it is of a high standard of architectural design, adequately reflects principles of urban design, complements and respects neighbouring development and the character of the locality and/or landscape.

6.4.3 The existing planning permission for the site was in outline, however it was accompanied by indicative plans which suggested that the business park would be formed of a series of buildings which would be front onto a central spine road which led into the site. The scheme was intended to be ‘landscape led’.

6.4.4 The current application moves away from this approach in that the Supermarket is pushed back from the spine road. The proposals have undergone a number of revisions following on from officer feedback.

6.4.5 Officers initially had a number of concerns about the design and layout as follows:

- It was considered that the initial drawings did not adequately demonstrate the change in levels across the site and how the buildings relate to one another, existing properties and the BMW building
- In relation to the coffee shop there was concerns that there was a lack of landscaping around this building and that the parking spaces and drive thru lane were overly prominent. In combination with the retaining structures it was considered that this created a stark appearance and created a poor entrance to the site.
- In relation to the supermarket it was again considered that there was a lack of landscaping around this building particularly between the rear of the building and North Road West. The building and car parking did not appear to respond to the change in levels adequately. There was also a general concern regarding the positioning of this building on this site with the car park in front which resulted in a lack of presence on the spine road and a visual dominance to the car park.
- In relation to the nursery there was a concern that this was an uninteresting building which turned its back on the spine road and was set above the road with retaining structures dominating the back edge of the pavement. Its positioning on the site also

served to sever the commercial and B1 uses, exacerbating the concerns that officers had about the lack of integration.

- There was a general concern across the site that the buildings did not adequately address the street, did not have sufficient landscaping and did not respond sufficiently to the change in levels resulting in large and unsightly retaining structures,

6.5.6 In response to the feedback a revised set of drawings was submitted and the consultation process was repeated. The key changes made were as follows:

- An increased amount of illustrative material was submitted including a number of cross sections, a 'fly through' video of the site and 3D visualisations
- In relation to the coffee shop an increased patio area has been added and the landscaping has been increased. The drive thru lane is in the same location, however some of the parking spaces have been relocated to allow the landscape buffer to be increased to create a better sense of arrival into the site.
- In relation to the supermarket, it is still in the same location, however the rear yard has been relocated in order to allow an increased landscape buffer at the rear. Views of the supermarket across the site have been softened by the increasing of the landscaping with a pedestrian route through having been designed.
- Furthermore the Happy Days Nursery has been rotated through 90 degrees so that it addresses the street and the building has been redesigned so that it incorporates more glazing in order to enliven the elevations.
- The proposed position of the building also aligns it with office buildings 1 and 2 and has allowed the car park to be redesigned to allow a flow between the uses and uses ramps and pedestrian steps to provide links through and to straddle the levels in a softer way than was originally envisaged.
- Office buildings 3 and 4 are still indicative however the revised drawings indicate them in revised locations which would give them more presence within the site, concealing some of the parking and having a better relationship with the residential neighbours to the west.

6.5.7 Officers now consider that the most serious shortcomings in the layout have been overcome. Whilst the indicative layout within the outline application did embody more of the ideals of urban design, it was purely indicative at that stage and the LPA are not able to resist realistic alternative designs where they reach an acceptable standard. The majority of the buildings (except the supermarket) do now front the spine road and the quality of the landscaping, the layout of the car park and the quality of the public spaces have been significantly improved.

6.5.8 It is considered that the relationship between offices 2 and 3 is a little cramped, however office 3 is within the outline element of the proposal and therefore there is scope to negotiate further on this part of the layout through the submission of reserved matters. It is considered prudent to add an informative to that effect to inform the design work going forward.

6.5.9 In terms of the layout of the site, officers consider this to be acceptable.

6.5.10 Turning now to the individual buildings. It is fair to say that the supermarket and coffee shop are of a relatively standardised design. However it is clear that all of the buildings which form part of the 'full' application use a similar architectural language and a similar palette of

materials. This has also been designed to pick up on the language, material and colours utilised within the BMW building. The nursery building is relatively simple in design, however as mentioned above it has been improved since submission and again uses features such as grey framing and projecting eaves to continue the narrative of the group of buildings. The office buildings present largely glazed elevations to the spine road which adds a sense of vibrancy and activity to the site. The other elevations are simpler with smaller windows and an undercroft area at ground floor. The buildings have been designed to be simple and flexible to allow for the requirements of different occupiers.

6.5.11 In the view of officers the standard of design of the individual buildings is acceptable and appropriate for a modern business park. It is considered that the buildings will appear as a family of buildings which is important in giving the site an identity as a high quality business park.

6.5.12 Turning now to the height of the buildings. The nursery and coffee shop are single storey, the supermarket is 1 – 2 storeys (with a mono-pitched roof and mezzanine and the office buildings are three storeys in height. However as mentioned above there is a change in levels across the site and the site is surrounded on three sides by highway and on three sides by residential properties. There is also an existing building on the site, BMW, which has a relatively powerful presence on the site and which has been mentioned in a high number of the objections which has been received. As such the LPA asked for a number of sections to be submitted to demonstrate how the proposed buildings fit into this context. These will be available for members to view however there are some considerations which arise from these:

- At the eastern end of the supermarket the eaves line is approximately 300mm lower than that of the adjacent dwelling in North Road West and the buildings are 36.7m apart at that point.
- The BMW building is approximately 8m higher than the highest parts of both the supermarket and the coffee shop.
- The BMW building is approximately 5m higher than office 1.

6.5.13 These dimensions relate to comparisons from a fixed datum. The heights of the individual buildings themselves are as follows:

- Coffee shop – 6.6m
- Supermarket – 5.5 - 9.1
- Nursery – 5.6m
- Office 1 – 13m
- Office 2 – 13m

6.5.14 The commercial uses at the eastern end of the site are relatively low with the height increasing towards the western end. None of the buildings proposed are as high as BMW and this will remain the most visually prominent element on the wider site. The office blocks are relatively tall however they require a presence within the street scene and if they were too diminutive they would not provide the focus or draw through to the rear of the site which it is hoped they will achieve.

6.5.15 Officers therefore are satisfied that the proposal is acceptable in terms of layout, the design of the buildings and their size and height.

6.6 Impact on neighbouring properties

- 6.6.1 The NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.6.2 Local Plan policy CP4 states that development will only be permitted where it should not cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.6.3 As mentioned above planning permission exists on this site and the impact of the previous proposals upon neighbours will have been fully assessed. However the mix and distribution of development now proposed is markedly different and has the potential to have more of an impact upon neighbour amenity in terms of the presence of the buildings, their construction, servicing and on-going operation. As such it is important that all these aspects are carefully considered
- 6.6.4 In terms of the physical presence of the buildings the shortest distances between the proposed buildings and their nearest residential neighbour are as follows:
- Coffee shop – 44m
- Supermarket – 36m
- Nursery – 88m
- Office 1 – 82m
- Office 2 – 103m
- 6.6.5 The positions of offices 3 and 4 are indicative but indicate approximately 55m from the nearest property.
- 6.6.6 The closest relationship is that of the properties of north road west and the supermarket. However bearing in mind the distances involved, the fact that the building slopes down towards the boundary and the landscape buffer that it is proposed it is not considered that the physical presence of the building would have a significantly harmful impact on amenity in terms of loss of light, privacy or overbearing impact.
- 6.6.7 With regards to construction, any problems which might arise can be dealt with separate legislation, however the Environmental Health officer has suggested that a condition is attached requiring a plan for the control of noise, dust and other nuisances which would include limits on the hours of work. CBC currently recommends the following working hours:
Monday - Friday 7:30AM - 6:00PM
Saturdays 8:00AM - 1:00PM
Sundays and Bank Holidays - No work producing noise audible beyond the site boundary, unless with prior approval.
- 6.6.8 There is also the potential for deliveries to the supermarket to result in disturbance to the neighbouring properties. The loading bay has been located away from the most sensitive location, However the Environmental Health Officer has recommended that a delivery management plan be submitted and this will be required by condition.
- 6.6.9 The requested opening hours are as follows:
- Supermarket – Monday – Saturday – 08:00 – 22:00
Sunday – 10:00- 18:00
 - Coffee shop – Monday – Sunday – 05:30 – 23:00

- Nursery – Monday – Friday 07:00 – 19:00

The Office hours are not yet known, however given the quiet nature of the use these are not normally controlled through the planning process.

- 6.6.9 An acoustic report has been carried out which concludes that the impact on neighbours would be acceptable and the Environmental Health Officer does not disagree with its findings or take issue with the proposed opening hours.
- 6.6.10 Details of a lighting scheme have been submitted with the application which indicate lux levels for the Full element of the proposals. The light spillage is shown to be minimal with a level of 0 at all neighbouring properties with a level of 1 clipping the front gardens of 9 and 10 Grovefield Way. This is well within acceptable levels and should not have an adverse impact upon neighbour amenity. A condition will be required to ensure a similar level of detail is provided for the outline elements of the scheme.
- 6.6.11 As such, subject to the proposed conditions mentioned above officers consider that the impact of the proposal on neighbour amenity would be acceptable.

6.7 Access and Highways Issues

- 6.7.1 Chapter 4 of the NPPF relates to promoting sustainable transport. It says that decisions should take account of whether; the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.7.2 Policy TP1 of the Local Plan states that development will not be permitted where it would endanger highway safety.
- 6.7.3 Policy INF1 of the JCS relates to the transport network. It states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. It states that planning permission will be granted only where the impact of development is not considered to be severe.
- 6.7.4 The planning application was accompanied by a Transport Assessment, Delivery Management Plan and Framework Travel Plan. These have been scrutinised by Highways England and the Local Highway Authority. The comments provided by both organisation will be reproduced in full for members however the main issues raised will be discussed below.
- 6.7.5 Highways England confirm that they have no objection to the proposal, following confirmation of proposed floorspace figures from the applicant. They accept the trip generation figures which have been provided. They confirm that under planning permission 14/01323/OUT the site has an extant 'trip envelope' for 441 and 460 two-way vehicle trips in the AM and PM peak respectively. These can be 'netted off' against the development proposals resulting in an additional impact of 18 and 16 additional two way vehicle trips in the AM and PM peak hours respectively. Based on the level of development trips anticipated to impact on M5 J11, taking into consideration extant peak hour trips Highways England accepts that the proposals do not constitute a severe impact on the SRN.

6.7.6 The County Highways Officer has also provided detailed comments. The main points arising from these are:

- Sustainable travel services and opportunities are available on Grovefield Way to the south of the site, A40 east and west bound carriageways to the north east and Hatherley Lane, opposite ASDA to the east. There is a network of footpaths and cycleways servicing the site
- There are bus services available at the stops located 350m to the south of the development site on Grovefield Way and 550m east on Hatherley lane. There are further stops on the A40 750m north east of the site. These services provide a reliable sustainable transport alternative to that of the private motor car and have the potential to encourage modal shift. A desirable distance to a bus stop is 500m, with up to 1000m being regarded as acceptable. Therefore the site is sustainably located and accessible via a number of non-car based alternative transport methods.
- There is a new footway on the western side of Grovefield Way which was granted permission as part of the access arrangements for the BMW car sales garage.
- over a 5 year period from January 2012 there were 13 recorded personal injury collisions of which 9 were recorded as slight injury and 4 were recorded as serious injury. The reports attributed the causation as driver error or misjudgement rather than blame upon the highway and its layout. Therefore there are no highway safety deficiencies.
- The proposal makes use of the existing access constructed for BMW which is suitable for the expected levels and type of traffic. The internal junctions provide adequate emerging visibility splays. Vehicle tracking drawings have been provided for each element which demonstrates that they can be accessed by suitable delivery and refuse vehicles. Delivery management plans for the Supermarket, coffee shop and nursery will be secured via condition.
- Gloucestershire no longer has parking standards. Parking provision should be determined using the methodology set out in the NPPF. Office blocks 1 and 2 have parking provision of 222 spaces. The accumulation study determined a weekday peak demand of 22 spaces. The site is accessible to sustainable transport opportunities and regular bus services available within a reasonable walking distance. The site provides cycle parking and links with the cycle facilities. There would be a travel plan to encourage and support alternative means of travel.
- The supermarket, coffee shop and nursery provide 154 spaces. The weekday peak demand was established as 69 spaces and the max weekend demand was recorded at 109 spaces. The development provides adequate levels of parking in accordance with the NPPF.
- The outline element of the application provides access via a continuation of the main access road from Grovefield Way to a car park at the south western point of the development. This provides suitable access.
- In terms of trip generation the proposed development will generate an additional 18 vehicle trips in the AM (to 459) and an additional 16 trips in the PM (to 476) weekday peaks compared to the extant permission. The impact is

being considered in the weekday peaks due to the background traffic that occurs at weekends being lower.

- Surveys have demonstrated that vehicle flow is high within the Local Highway Network. The additional vehicle trips mentioned above on top of the base flow and previously consented trips would not be regarded as a significant increase given the high levels of background flow. The previous planning history cannot be ignored and the sites extant permission will generate additional vehicle movements within the Grovefield Area. The impact of the previous proposals was considered to be acceptable and the current proposals do not result in significant levels of additional trips.
- The concluding remarks are as follows:

“Grovefield Way and the local network to Arle Court Roundabout are constrained with high traffic flow and queues/delays at peak times. This may make the additional vehicle traffic generated by this development seem significant when assessed or viewed in isolation, however the previous extant permission carries significant weight in planning terms and must be considered when assessing the current proposal. Although each application has to be assessed on their own merits, this site has previously been deemed acceptable for development in planning terms for B1 Office Use. The number of additional trips generated by this current application compared to the extant permission, which can be implemented at any time, is not significant. There have also been no material changes in national and local planning policy since the previous applications permission was granted. It is for that reason that the highway authority finds no reasonable grounds for the refusal of permission to this application.”

6.7.7 The extant consent for the site was subject to the following condition (Condition 4):

6.7.8 *The B1 Employment Use development hereby granted Outline Planning Permission shall not be occupied until such time as the contributions specified in the Section 106 Agreement completed in respect of Planning Permission reference 13/0110/FUL, granted 14 March 2014, for the erection of a flagship BMW, Mini and Motorrad dealership (or any subsequent planning permission(s) on the same land and subject to a similar Agreement) are triggered OR a separate Agreement under S106 is entered into to secure the delivery of the site-wide sustainable transport contributions on occupation of the B1 scheme hereby granted permission and the adoption of the Joint Core Strategy. Reason: To ensure that the development is not carried out and occupied in the absence of any guarantee that the consequential site-wide sustainable transport contributions are delivered.*

6.7.9 The decision referred to in that condition was: *Proposed erection of a flagship BMW, Mini and Motorrad dealership including vehicle sales and servicing facilities and will include the creation of an access from Grovefield Way.*

6.7.10 This was granted subject to a s.106. It involved a contribution of £503,000 to be used towards improvements to the South West Cheltenham Corridor. This was due in three equal instalments, the first of which is due on the date which the JCS is adopted or on occupation of the development (Development is already occupied).

6.7.11 A revised scheme was made for the BMW site as follows: **14/00656/FUL (Granted 21/1/15)** : *Erection of a flagship BMW, Mini and Motorrad Dealership including vehicle sales and servicing facilities including an access from Grovefield Way (Revision to scheme approved 14 March 2014 under reference 13/01101/FUL - 1.Raising height of building by 1 metre to allow adjustments in floor levels to provide a mezzanine floor below ground level: 2. Rotation of vehicle ramp to allow access: 3. Increase in*

Motorrad element from 160 sq m to 190 sq m: 4. Revised highway layout to relocate BMW customer access point to west of approved position)

- 6.7.12 This was granted subject to a s.106 which is attached to this email. This repeated the requirement for £503,000 to be used towards improvements to the South West Cheltenham Corridor.
- 6.7.13 The legal agreement defines the South West Transport Corridor as The transport corridors in and out of Cheltenham including:
- a) The A40 west of the M5
 - b) Grovefield Way
 - c) Up Hatherley Way
 - d) Hatherley Way
 - e) Hatherley Road
 - f) The Reddings
 - g) Reddings Road and
 - h) Extension of the Park and Ride.
- 6.7.14 Given that the extant consent against which this application is being compared in transport terms was subject to these contributions, it is considered that the current application needs to be linked also. The applicant is in agreement to this. Given that the first instalment falls due upon adoption of the JCS with the second and third instalments in the future legal advice is being sought as to the appropriate mechanism to secure this and this matter will be updated.
- 6.7.15 It is acknowledged that the proposal will have an impact upon the road work however it has been demonstrated that the additional impact over and above that of the consented scheme is insignificant. The proposal meets all the technical requirements of new development, provides sufficient parking and provides options for sustainable travel. For these reasons the proposal is considered to be acceptable in terms of traffic, transport and accessibility.

6.8 Flooding and Drainage

- 6.8.1 The NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere.
- 6.8.2 Policy UI2 states that development will only be permitted where it would not increase the quantity or rate of surface water run-off.
- 6.8.3 The planning application was accompanied by a Flood Risk Assessment (FRA) and surface water drainage strategy. The surface water drainage strategy for the full elements of the proposal incorporates the balancing pond approved and constructed for the BMW development. Surface water runoff from roofs and impermeable areas will be managed via a combination of permeable paving and cellular storage with a controlled discharge through a balancing pond at the pre-development greenfield runoff rate.
- 6.8.4 Detailed comments have been provided by the Local Lead Flood Authority (LLFA). They have confirmed that the proposed discharge of 8.4 l/s, which will combine with the 1.8 l/s entering the balance pond from BMW is acceptable. Discharge is to the unnamed watercourse at the northern boundary of the site.
- 6.8.5 The proposed permeable paving will accommodate surface water for storage only. The remaining storage requirement will be held in geocellular crates with the final amount to be determined in the detailed design stage.

- 6.8.6 The outline element of the proposal is subject to a strategy of discharging surface water at the pre-development greenfield rate. Again further information would be required by condition.
- 6.8.7 It is normal with large scale proposals for the detailed design of drainage strategies to be submitted via conditions when the technical construction designs are prepared. However it is necessary to set out a strategy which confirms that the proposal is capable of adequately handling surface water runoff. In this instance the LLFA have confirmed that this is the case.
- 6.8.8 As such it is considered that the scheme is compliant with the technical requirements and as such is acceptable in terms of flooding and drainage.

6.9 Trees and Landscaping

- 6.9.1 Policy GE5 of the Local Plan states that the LPA will resist the unnecessary felling of trees on private land.
- 6.9.2 Policy CP3 states that development should conserve or enhance the best of the built and natural environments.
- 6.9.3 The tree officer has confirmed that the majority of the trees are of a low category and are also proposed to be retained as part of the soft landscaping proposal.
- 6.9.4 The soft landscaping proposals are generally considered to be of a high quality however there are certain areas where inappropriate species are proposed and/or further details are required in relation to maintenance and planting as outlined in the comments above. It is considered that these matters can be dealt with appropriately through conditions.

6.10 Wildlife and Ecology

- 6.10.1 Policies NE1 and NE2 of the Local Plan relate to ecology and states that development which would harm protected species or a designated conservation site will not be permitted unless safeguarding measures can be put in place or other material factors override nature conservation considerations.
- 6.10.2 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of the development in that location clearly outweigh the loss.
- 6.10.3 The proposal was accompanied by an ecological assessment. The site was originally surveyed in 2006 and updated surveys were carried out in 2011, 2013 and 2016. Specific bat and badger surveys were also carried out. The report concludes that there are no overriding constraints to development. However it is proper to provide habitat opportunities and as such bat and bird boxes will be secured through the development and required by condition. Native planting will also be used within the landscaping scheme to provide enhancement in these areas.

7 CONCLUSION AND RECOMMENDATION

- 7.1 It is acknowledged that this is a controversial application which has attracted a high level of objection, not least from the Reddings Residents Association who have set out their concerns in detail. However a decision must be made on planning merits bearing in mind the relevant policies as set out above and the fall back position of the applicant in terms of the extant outline consent for B1 development on the site.

7.2 As mentioned above the NPPF makes it clear that the presumption in favour of sustainable development should underpin decision making and, in this instance that can be interpreted as meaning that planning permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

As mentioned at 6.6.18 the NPPF identifies a key role for the planning system in contributing to building a strong, responsive and competitive economy.

7.3 As such the determination of this application comes down to considering the planning balance. Given that the site is to be removed from the Green Belt and has extant consent the key issues upon which this application turn are considered to be the inclusion of non B1 uses in principle, the implications of retail on the site and the acceptability of the individual buildings and layout.

7.4 It has been demonstrated that the provision of a retail use in this location would not have an adverse impact in terms of retail impact. The application has been the subject of a significant amount of negotiation in terms of the layout which has resulted in a much improved scheme which officers support. The inclusion of non B1 uses on the site, through the provisions of the s.106, will facilitate the provision of employment provision on the site, do not dilute the principle purpose of the site to an unacceptable degree and in themselves provide employment opportunities.

7.5 As such it must be concluded that there are no over-riding concerns in terms of the uses proposed or in the technical considerations which warrant the refusal of the application.

7.6 Therefore the recommendation is to permit the application subject to conditions and the signing of a s.106 agreement.

8 CONDITIONS / INFORMATIVES

To follow as an update.

Minutes:

Application Number:	16/02208/FUL
Location:	Land At North Road West And Grovefield Way, Cheltenham
Proposal:	Hybrid application seeking detailed planning permission for a 5,034 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m supermarket food retail unit (Class A1), a 204 sq.m coffee shop retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).
View:	Yes
Officer Recommendation:	Permit subject to a 106 Obligation
Committee Decision:	Refuse
Letters of Rep:	339
Update Report:	Additional neighbour comment Letter from agent re. North Place Officer update

EP introduced the application as above, reminding Members that planning permission for the whole site was first granted in 2007, following an appeal. Permission for the flagship BMW showroom was granted in 2014, and that scheme has now been implemented. The remainder of the site is the subject of this application, and already has extant outline planning permission for up to 16,800 sq. metres of B1 employment use – the fall-back position for the applicant. In addition, with the adoption of the JCS on Monday, the site is no longer within the green belt. Regarding the non-B1 uses, officers consider the principle to be acceptable as together they only make up a small percentage of site, and in addition they provide jobs for Cheltenham; refusal of the application on loss of employment land would not be sustainable at appeal. A sequential test has been carried out and gives rise to some ambiguity, but the officer view is that if the test were concluded, it would be of little assistance in determining the application, and that the proposal is therefore acceptable, giving greater weight to the economic benefit of the proposal than to the uncertainty re North Place. It will bring forward significant employment, and the design, lay-out, landscaping, flooding, drainage and ecology are all satisfactory. There has been a considerable number of objections which officers have taken on board, but considered against all criteria, officers feel the proposal is acceptable, and the recommendation is therefore to approve subject to S106.

Before the application is discussed, officers would like Members to watch a fly-through presentation which they have not yet seen.

(Presentation)

Public Speaking:

Mr Gary Fulford, Reddings Residents Association, in objection

Reddings residents support B1 use on the site, but do not consider retail use to be appropriate or necessary. Most of the 338 objections from residents, councillors, businesses, residents associations and the parish council relate to non-B class use. The Green Belt was designated for employment use for 1200 B1 jobs; BMW has taken 33% of the site for non-B1 jobs; the non-B1 elements of this proposal will take another 12% of the site for 21 new full time jobs, at a cost of 132 B1 jobs on the existing permission. This represents a loss of £588,000 per year from the local economy. B1 use is likely to create a modal shift with local jobs for residents; the job number projections, with retail on the site, are misleading and incorrect – retail will encourage journeys from outside the area. B1 offices are generally open five days a week, from 8.00am to 6.00pm, with predictable traffic flows, which won't interfere with residents at home in the evenings and at weekends. Retail is 5.30am to 11.00pm seven days a week, with 24-hour intense lighting and variable traffic flows all day, every day. Background light will increase with headlights and security lights, as well as sunlight reflected off the white render; noise from traffic, deliveries, vehicle movements around the site, and fume pollution will also increase. The applicant's reports are 12 months old, pre-dating the JCS and Local Plan, and are now confusing having been revised several times since submission. The application is not transparent, and the traffic data is out of date and unreliable. Traffic fumes from stationary traffic are common around the site since BMW opened, as is regular flooding of local houses and sewers. Run-off water from Grovefield Way is not accounted for in the design proposals. The community, and Cheltenham, deserves the right solution in line with the visions of the Local plan. Urges Members to reject the application.

Ms Laura Humphries, Pegasus Group on behalf of Asda, in objection

Greenbelt should only be altered in exceptional circumstances, and justification for the removal of this site from the green belt was on the basis that it was required for employment. A significant proportion of the proposal is not for employment use, which undermines the JCS and the basis for removing the site from the green belt. The emerging Local Plan proposes to allocated the site for employment land, and policies are specific regarding the uses which will be supported and safeguarded on the site. Retail development is not supported even though it would represent a significant proportion of the overall scheme - the suggested legal agreement doesn't provide sufficient assurances to the delivery of employment elements. The applicant fails to demonstrated that there are no sequentially preferable sites available, and the NPPF is clear that where an application fails to satisfy the sequential test, it should be refused. The traffic data used in the transport statements was gathered in a non-neutral month, so the data is not representative, and trip generation figures used are unacceptably underestimated for a store of this size.

Mr James Griffin, Hunter Page Planning, in support

Thanks to planning officers for their work over the last 12 months, resulting in a balanced report and recommendation to permit subject to conditions and S106 agreement. It is important to remember that an outline permission already exists for 16,800 square metres of office space, granted in 2014, and that all three JCS authorities have not voted to adopt the JCS, removing this site from the green belt. The applicants acknowledge the significant level of concern about the food retail store, day nursery and café uses of the site, but these are not significant and represent a change of just under 15% from the extant permission granted in 2014. These proposed complementary uses are valuable to securing an implementable permission to deliver offices on the site, and also critical to attracting officer users and avoiding a sterile business park. There has been a policy shift in recent years in terms of what constitutes employment development, and the employment land review which supported the JCS, acknowledges that on-office uses generate employment and are needed to support a growing economy. This development will generate over 1,000 full-time equivalent jobs. Officers acknowledge that economic growth is a national objective and significant material consideration. The applicant has agreed to a legal agreement to construct and fit out office buildings 1 and 2 prior to occupation of the subordinate uses, above and beyond the extant permission and resulting in direct investment in the local economy. No transport objection has been raised by the local highways authority or Highways England, and much time has been spent refining the layout and landscape to be functional and complementary to adjacent development. The application has been assessed independently in terms of retail impact, and there would be no harm to the town centre. There have been no objections from statutory consultees regarding drainage, ecology or noise impact. The applicant and agent have worked hard with officers to provide a scheme that is appropriate in all aspects.

Ms Lycia Warwick, applicant, in support

Is firmly committed to the site, and intends to implement fully the development and B1 offices proposed, as reflected in the legal agreement. Following discussions with office occupiers and national agents, recognise that it is necessary to introduce uses that support the offices to avoid a sterile office park environment. This approach is now common as office users require facilities to support their staff. There has been significant interest from national businesses keen to move to the site based on the development, realising that the scheme is now deliverable, and named users are firmly committed and intend to invest to deliver jobs for the local economy.

Councillor Britter, ward councillor, in objection

Within five minutes' walk of this site are two supermarkets, a restaurant, a café, a permanent food and drink van, a drive-through KFC, a corner shop and a newsagent. There is also existing childcare, especially at the Reddings Community Centre, adjacent to the site, in addition to other local nurseries and child minders. The B1 element of the development is in keeping with 2007 permission and is supported; there are no exceptional circumstances to support A and D class development. The developer has outline permission for B1 office development and should progress

it. With this proposal, the site would be open 5.30am – 11.00pm, seven days a week, 365 days a year, which is unacceptable. B1 use would be mostly 8.00am-6.00pm, five days a week, leaving residents in peace at evenings and weekends. The proposal is incompatible with a residential area, very different in nature from the extant permission.

Despite requests, no impact assessment has been carried out on small business in the area, in particular the playgroup, existing child carers and nurseries, Springfield provisions, Spar, the newsagent on Hatherley Road, or Warden Hill and Benhall shops. They and the local community centre may not be viable if the proposal is permitted.

Homeowners say their properties didn't flood before the BMW development, but localised flooding has occurred on several occasions since. Due to the slope of Grovefield Way, the site acts as a soakaway for excess rain on the road, and capacity for this run-off water hasn't been taken into account. The NPPF states that new developments shouldn't pass on flooding to neighbouring sites. The mains drainage was meant for the small original village, and combines foul and storm water. Even during moderate rainfall, the manholes in North Road West regularly lift, and local sewage flooding occurs. Capacity for this development must be assessed, as any subsequent upgrade work would be at taxpayers' expense. Similarly, can the existing ditch drainage system support the total storm water discharge from this proposal because it will be about the same as 2 fire engine hoses at full bore.

Roads in the area are already congested, with HGVs, shopping traffic, nursery traffic. A Costa drive-through will have serious implications for the Reddings and area and the implementation of the JCS traffic strategy. Local traffic will vastly increase, seven days a week, compared to five days for B1. Many large local developments of the last four years are not included in the applicant's 2013 traffic report. The impact from the additional traffic created by the BMW showrooms is greater than anyone envisaged. Grovefield Way is the southern bypass, and traffic is slow or stationary for up to three hours in the afternoons, with heavy pollution, contrary to emerging evidence regarding pollution and health, particularly detrimental on the very young, those inside the vehicles, and residents. With this proposal, standing traffic emerging onto Grovefield way will create even more pollution.

The landscape proposals need more tree screening along the whole boundary of the site to mitigate light and noise pollution as the inspector intended in 2007. Light pollution from buildings, cars and carparks will be aggravated by the sun reflecting off the glazing and the white render. The existing KFC drive-through creates huge amounts of rubbish, which impacts on wildlife, and will increase with Costa. No additional bins or clear-up plans are set out.

There will be a further in parking in nearby roads, from customers and workers. BMW staff already cause local tension and problems with the park and ride. The proposal offers nothing back to the community, and the developer has gone

against the clear indications of the Inspector in 2007. This behaviour wouldn't be tolerated from domestic owners. If local means local, as the government has suggested, then the community has spoken and their wishes and concerns should be listened to. Their wish is that it will be refused.

Member debate:

CN: is very conflicted by this. Has lots of questions and is sure other Members will have too. The officer mentioned that the site is no longer in the green belt; can this be clarified? The three councils have now signed off the JCS, but does the Secretary of State not have to agree for the site to be legally taken out of the green belt? The officer also said that the loss of employment land was not sufficient to sustain an appeal – but on what basis? Examples would be helpful here. Regarding the sequential study, is confused about the North Place issue, and the NPPF says sequential test has to be carried out. Officers are saying that not satisfying the sequential test is not adequate reason for refusal in its own right; can officers explain the justification of this? The representative of Asda said the legal agreement doesn't give assurances on delivery of the B1 element of the scheme – what is officers' opinion of this? She also said that trip estimates for traffic has been underestimated – what is officers' opinion on how up to date estimates are. The applicant said there is a huge amount of business interest in the site – so why is retail element included if there is so much business desire to be there? Councillor Britter made the point that no impact assessment on local businesses has been carried out. Is disappointed this was not done; would have thought it was essential. In the report, the officer states that the proposal won't adversely affect any of the policy-protected centre of Cheltenham, but what about the non-policy protected areas? The lack of protection doesn't mean these areas should be given no consideration, so why wasn't an impact assessment conducted? Are there enough parking spaces? With the BMW scheme, it didn't seem that enough parking was provided, and a significant number of staff have an arrangement with the Park and Ride as they are not allowed to park on the BMW site – so what are we letting ourselves in for with this current proposal? If the retail element represents 12% of the application, does this include the car parking element?

MC: can officers provide a figure: as a result of all the recent developments in area, how much S106 money has been earmarked for highways spend and on what? Looking at the history of the site – the applications and appeals since 2005 – and reading in the report about the need for job creation – there should be 1200 B1 jobs on a site of this size, but there has been a shift away from B1 use, starting with the BMW car showroom. There should be no building greater than two storeys on the site – but the BMW showroom is four storeys high, with minis on top. The appeal refers to this being occasionally glimpsed from the A40, but it is a lot more than a glimpse – it looks like a docked cruise ship. To get buy-in from commerce, we have to deliver something honest, up front and straight. The developer has B1 permission – they should get on and build it.

The retail statement is rubbish, with no reference to nearest shops or the impact of another supermarket – this is incredible. The childcare business at the Reddings Community Centre isn't mentioned; it provides the main income for the centre, and loss of business may jeopardise its future. The report reads like an amendment for something already there, but it should stand on own merits.

With regard to jobs on the site, BMW employs 180 staff. Has met with the manager, and understands that BMW has paid £30k for 80 spaces in the Park and Ride for staff parking. This is an abuse of the facility. The robustness of job creation cannot be taken seriously, as staff have been imported from elsewhere. A more realistic figure would be about 20 new jobs.

Then there is the drive-through coffee shop – why? Cheltenham is already the Costa Coffee shop capital. Why do we need an other? And should CBC really be encouraging hot drinks for drivers...?

Regarding the traffic data, has read the report and doesn't accept a lot of what it says – it is out of date and misleading. There is no highways officer at the meeting to explain their contentious comments. Has Highways England really got no objections – seriously? There will be significant impact on the A40, and HW England is responsible for roundabout, which is already over capacity. By looking at developments in isolation, traffic data doesn't include the effect of the new care home or the impact of Pure Office Phase 2 – this traffic not taken into account, and the figures are therefore inaccurate. Grovefield Way is often backed up a considerable distance to Cold Pool Lane – what mitigation has been put in place by S106 from other developments in area? Notes on P70 of the report that there are no minimum parking standards for residential development, and not for commercial either. The Highways report is patronising. It talks about linked trips, but for shoppers, Lidl and Aldi are often additional trips. The claims are outrageous; it even talks about linked trips to the coffee shop...and how does a linked trip reduce pollution? Is very much opposed to the coffee shop.

The geotech report is the same as that used for the BMW application; the name has just been changed. Local population flood now, didn't before BMW. Denying responsibility.

Notes that opening hours during construction are limited to 8am-1pm on Saturdays, and not at all on Sundays or Bank Holidays. When shop open, will be 5.30am to 11.00pm every day – so how is that acceptable? The report also mixes am and pm with the 24-hour clock, which is annoying.

The video shown at the start of the meeting didn't show traffic queues on Grovefield Way – but they are there, nearly all of the time. The developers has permission for B1; they should get on with B1, and that be an end to it.

PB: it's a good thing that Monday's council meeting started at 2.00pm and finished at 10.00pm – it was good stamina building for this meeting. This is a really important item, and we need to bear with all speakers. There have been over 300 objectors; it is a critical development, potentially life-changing, and has sparked mass concern. Feels that in this case the officers are wrong. This application represents a significant change of use. In 2007, in special circumstances, the Inspector agreed to allow 22,000 sq metres of the site for B1 use; in 2014, permission was granted for the BMW showroom, and later that year outline permission was granted for up to 16,800 sq metres B1 use. BMW was a special case, relocating the existing showrooms in Cheltenham and Gloucester, with a net gain of 80-100 jobs. Calculations

Calculations on 22,000 sq metres show we have lost 41% of original B1 allocation. This is significant. How can officers say there are now more jobs on site than originally envisaged? There will be 26 at Aldi, 20 at Costa, 35 at nursery. Suggests this as the first reason to refuse the proposal; it is not what Inspector envisaged. The dire shortage of B1 land was confirmed in 2007; the deficit has increased since then, and the JCS in 2011 still detailed a lack of B1 land of the kind that will be lost in this location if this proposal is permitted. The NPPF economy rule is to ensure there is sufficient land of the right type in the right place at the right time to support growth. In taking this away, we would be in breach of NPPF.

As a rule, planning proposals should reflect community needs; in no way does this reflect the needs of this community. It already has supermarkets, offices, and nurseries struggling to fill their places. The proposal will put more pressure on existing businesses. The Localism Act is supposed to empower local communities but what did this developer do to involve the community before submitting these plans? Paragraph 14 of the NPPF talks about positive site opportunities to meet development needs of area – this is in no way needed.

The retail report is skimpy, and didn't even mention the smaller retail areas a short distance from the site. Morrisons and Asda may be able to cope, but small stores will suffer, with pricing etc. Local policies RT6 and RT7 require the need for additional floor space to be demonstrated. It is not proven here. Coronation Square is on its last legs and is a critical area for town. This proposal will undoubtedly have a detrimental effect. Local policy EM2 is concerned with retail land and the loss of existing floor space. There is no gain here. The quality of retail jobs is nothing like the quality of jobs in B1 employment use. No consideration has been given to the range and type of sites for business use in area, to the impact of the site on business in the area, or whether the uses are appropriate to the location. Does the proposal add value to the area? No.

Regarding flooding, the Local Plan states that major developments should reduce the risk – not just prevent it from getting worse. This field will be covered in concrete; if the application is permitted, it will need a much stronger flood condition.

Notes that the Architects Panel looked at the proposal twice. They didn't support it the first time, saying the design was uninspiring. They stated that the second version is a better scheme, but it isn't clear whether or not they supported it. The Civic Society was very critical, questioning the need for another supermarket, and the poor design at this major gateway to the town. Considers the BMW to be brilliant and worthy of its position here, but will move to refuse this proposal on EM2, RT6, RT7, the existing local plan, the emerging local plan, the newly adopted JCS adopted, and the NPPF.

SW: MC and PB have covered in detail a lot of what he wants to say. Councillor Britter and Mr Fulford came forward with a mass of information, shoehorned into a small space of time, which have meant they spoke quickly and without much emotion – although local people are very concerned and upset by this proposal. Looking back at the history of the site, it was originally earmarked for Park and Ride. The Council rejected that, as the area for expanding the Park and Ride was in greenbelt, and at that time, with that designation, no-one could build on it. The Planning Inspector then told us we needed B1 office space, and against better judgement, B1 office space was included in the next proposal. The goalposts moved again with the permission for a car showroom, and are now moving on even further, with shops and day care centre. Other variations have been introduced; the appeal decision talks about glimpses of BMW from the A40 – it may look good from that side, but isn't appropriate from the Grovefield Way side. There were meant to be trees on Grovefield Way. This proposal is part of same site, but it has not been built as was originally designed.

Has a problem with the proposed daycare centre. The Reddings Community Centre has childcare business; this is going to be decimated if a daycare centre is opened on this site – it will not survive. Regarding local shops, we weren't allowed to consider these previously but now we can. Park Stores, shops in the Reddings, Caernarvon Court – all will suffer. The parking issue will get worse. There are already issues with the park and ride; hopefully this proposal will have no impact on on-street parking, but unless full staff parking is provided, it will have a detrimental effect. . Highways won't have any further S106 money, but however much is spent, it will not solve the parking problem. MC asked how much S106 money left from Asda development – the answer is a lot, but not enough to mitigate the existing traffic problems – only a flyover or subway at Golden Valley could do that.

HM: agrees with a lot of what has been said. Members have spoken about the nursery as not being needed, but has a different view on this. There will be hundreds of jobs created on the site - people in the offices will need childcare – but doesn't like where it is situated in the model of the site. Is the paved area at the side of the nursery the outdoor playspace? It is not specified how many children will attend the nursery, but there will be 27 staff, some doing shift work. This isn't satisfactory for a site with several hundred workers.

EP, in response:

- To CN, yes, this site is definitely no longer in the greenbelt. The council adopted the JCS on Monday; the site is in the plan and the land is no longer classed as greenbelt;
- Regarding the impact on employment, the loss of B1 space, and whether there is sufficient justification for this to succeed at Appeal: officers tried to look at the situation in the round - the approach encouraged in the NPPF – and to consider all the pros and cons, merits and problems with the proposal; they made their recommendation on that basis. The loss of B1 floorspace is not sufficient ground to refuse when the proposal is also bringing lots of benefits – including a substantial number of jobs, even though not all B1 as in approved scheme. It is all about delivery. The 2007 permission was for B1 use, but no office use has been brought forward; this application is responding to market demands and proposing something different. An inspector at appeal would look at this in same way as officers;
- Regarding the sequential test, and why there is an issue re North Place. A sequential test looks at sequentially preferable sites for the locating new stores, starting in the town centre and working outwards. North Place was granted planning permission for a supermarket, which is why attention given to it; it is not a problem, but needs to be flushed out. Has sequential test been satisfied or not? The retail consultant is here and will give his opinion. The question is whether that site is available for development, and there is a question mark over that. Enquiries have been made but not led to anything, which suggests that the site is not available. There is, however, no contract on the site, which could suggest that the site is available. It is ambiguous, but even if the sequential test is not satisfied, officers would make the same recommendation.. It is the impact on the town centre and designated local centres which is taken into account and the report concludes that the proposal won't have any impact on the town. So can failure to comply with the sequential test be used as a reason to refuse? We have to perform a balancing act here, but with the lack of any defined impact, it cannot be seen as a refusal reason;
- Regarding the S106 – the applicant submitted a draft 106 with the revised plans; officers negotiated more robust terms, taking into account the B1/non-B1 elements of the scheme. As a result, the store will not not open until the B1 accommodation is built and ready to use;
- Regarding trip generation, we have to rely on the county council to scrutinise the transport assessment. It has been back and forward to applicant many times, but officers are now satisfied that the figures are robust, and generated with best practice;
- On the issue of highways impact and whether the additional traffic will be over and above that for the extant permission - highways officers consider the difference to be negligible within the peak hour;
- To the question as to why a retail element has been included when business users are wanting to come onto the site, the potential occupiers are only interested in this location if there are complementary uses on site; if there was any demand for a pure B1 site, it would have come forward by now – it has been available for 10 years;
- Regarding the impact on local businesses, the NPPF gives guidance on what needs to be considered. Some local centres have policy protection to ensure their viability – this is why there is retail impact assessment – but there are no requirements to consider other commercial uses such as nurseries or to interfere with competition;

- Does the percentage of the site to be used for retail include car parking provision? No, it is just retail floor space. However the car parking provision for the supermarket is also for the nursery and costa To MC, regarding the S106 for Asda and what the money has been spent on – there was an agreement which included £981,261 for traffic calming works on Hatherley Lane, and a contribution towards local/strategic traffic corridor management – the vast majority is now committed. £110k remains to be allocated, and this will be spent on footways, junction improvements, bus stops, footpaths, and traffic calming measures;
- Regarding linked trips, highways officers always consider the percentage of trips to site linked to one or more of the other uses on site – where someone might pop in on way to somewhere else – and this is shown as a percentage reduction;
- To MC, regarding the difference between hours of operation during construction and once the site is in business, construction is usually noisy and dusty and involves large vehicles in and out of the site; the hours proposed are normal;
- Regarding the figures on job creation and the various uses, this has varied with the different proposals, but the expectation at appeal was for 1100 B1 jobs on site. BMW has created 250 jobs, some relocated. Documents submitted with this application suggests the site will provide just over 1000 jobs, so not a significant reduction. PB queried the figures, but is comparing different uses. Pure B1 floorspace would bring a certain number of jobs, but the non-B1 brings different expectation. We have moved on since 2007, and advice from 2014 brings the overriding message that the reduction in the number of jobs is not significant, over and above the proposed scheme;
- With reference to the Localism act, is not aware of any discussion or consultation with locals; no pre-application submitted;
- On the subject of flooding, the LLFA requires a development to deal with run-off at greenfield rates, with allowance made for climate change. The improvement here will be over and above that, taking climate change into account;
- The Architects Panel considered the revised scheme to be an improvement and the lay-out better. They shared officer concerns about the street scene and landscaping, but the Architects Panel is not really required to come down one way or the other but to give a constructive commentary on the proposal;
- To HM regarding the lack of playspace for nursery, there is nothing in policy re space standards, therefore nothing for planning officers to take on board.

Mr Duncan McCallum, CBC's Retail Consultant

- as a broad point about need, RT6 refers to need in retail development, but that criteria dropped in 2009. Applicants are no longer required to show need for proposals. Would suggest that Members avoid that line if they are minded to refuse.

MC: will the Chair allow further questions?

GB: has six members still waiting to speak. A lot of members have already gone over ground precisely, so requests only new points are made.

PT: regarding the nursery, it would be better not having any outside participation. It isn't a good place for a nursery, surrounded by traffic, surrounded by vehicles. It shouldn't be allowed to be there.

BF: was the only person to refuse the BMW application. This is the severe cost of extending planning permission to B1 offices. The Planning Inspector gave permission to build on the greenbelt because of the perceived need for offices, yet the site has stood empty for ten years – it was not required. It is an economic fact that businesses want to be near facilities. There are some real points that need to be made here. The BMW showroom has caused flooding. The report says there will be flood alleviation measures by the developer, and we have to accept LLFA advice that flooding won't be any worse than it is today as a green field. The highways officer says will not make much difference to highways congestion, and the highways department is the lead authority. Should we challenge this with officers and make remarks about things of which we have no real knowledge or proof? It is not what we are here to do. Reasons given for refusal so far are based on hearsay, and this is not enough to refuse an application. We will gain something here: office space, a nursery. Retail companies looking for new sites is a fact of life, and while we may ask how the different supermarkets can continue make a profit, we can be sure they wouldn't do job if they didn't. The proposal will provide work and a service. Whether we like it or not, people go to drive-through coffee shops. We have to judge the scheme on legislation as it is today, and need a legitimate planning reason to turn it down. It isn't on the green belt, the Localism Act has never really been enacted. The officer report recommends the scheme be permitted, as it is in line with the NPPF and local policies.

CH: still has some questions to ask. Understands that a business park may need some complementary uses but a drive-through isn't one – it isn't providing a service for the offices or BMW, as there is nowhere to sit and have coffee. They may go to the supermarket to buy a sandwich but the coffee shop is overkill. Complementary uses should enhance the estate – is not sure this does that. As a member of the economic development scrutiny committee, knows that they LEP has stated there aren't enough employment land sites large enough for company headquarters, but this would fall into that category. What conversations have there been between the LEP and the planning authorities. This land is perfect in its aim to 'market Gloucestershire as a place to relocate'; we are being told on one hand that no-one wants this business site and on the other that there aren't enough business sites in the area. The highways assessment states that any development will impact on peak hours, but would suggest that there needs to be an overhaul of peak hours. It used to be a couple of hours in the morning and the evening and not at all on Saturday and Sunday. Now weekday peak hours last much longer, and with another supermarket bringing more people to the area, it will cause huge problems, not just in peak hours. This assessment needs to be tested by Gloucestershire Highways. The nursery site looks big, and will surely impact on other nurseries. An open space enhances the nursery's offer, but does it meet OFSTED standards?

SW: BF talked about flooding experts saying the proposal will not make the situation any worse than before, but there is very clear evidence that this is not the case. Since BMW was built, there is flooding on North Road, as far as Dundry Nurseries, where the greenhouses have been flooded - this didn't happen before. These are new flooding events. The experts have got it wrong; the proof is there. We are told that office space in the area can't be sold but has been speaking first hand with a senior officer at GCHQ who said that if the right sort of offices were available on the site, they would be seriously interested. The marketing company cannot be doing its job properly or not producing the right sort of offices.

CN: is very conflicted, but having listened to all the comments this evening, is moving towards voting to reject this application. Is amazed by BF's comments, and in particular the reference to the 2011 Localism Act, which encourages Members of Planning Committee to engage with members of the local community before events, who can speak with inside knowledge and give opinions on what the community thinks. Pulling together some of the strands and some comments of the officers: the Architects Panel commented on application and the whole quality of the design, but wasn't opposed to this development at the gateway to Cheltenham ; however the Civic Society said no, it wasn't appropriate for this site, and the ward councillor, MP and residents associations are all against it. The NPPF recommends a balanced view of applications, weighing the benefits and pain in the scales of justice. Officers have highlighted the benefits, but for him the pain tips the scales of justice and the proposal should be rejected. We need to take full advantage of B1 extant permission – with GCHQ in walking distance, and proposals to develop West Cheltenham for employment land, sites such as this must be attractive for them; the B1 need for business land is important. This application for retail/nursery/coffee shop – how many jobs will this create as opposed to proper office space? There is a big difference, and we have already compromised re. BMW. Accepts what the officer says that the sequential test on its own wouldn't tip the scales of justice, but isn't convinced that the sequential test has been passed, or that the local retail study is accurate, or that the amenity of the local community won't be affected by long hours etc. Traffic is bound to increase. The report says a hybrid development will have less impact and fewer peaks but hours of operation will be more sustained and the impact on community greater. This, together with the lack of jobs, and poor design, tips the scales of justice for him to reject the scheme. Having read the report closely, feels that officer support for the application is quite weak, and they seem trapped by planning regulations, where the default recommendation is to support. Here there is a huge list of reasons to reject the scheme.

MC: thanks for breakdown on S106. Cannot see how this scheme can work. Have the figures for BMW traffic movements been checked? Why haven't figures for other sites with planning permission – the care home, Pure offices – been included? We are told that drainage will be no worse than before, but before BMW, North Road West didn't flood and now it does. Why do local residents have to wait for the rest of the site to be built out before anything is done about the flooding? When calculating the number of jobs, do relocated jobs count as new

jobs? What about GCHQ? The highways officer talks about linked trips, but at the Tewkesbury Road retail park there is not enough parking space. The retail assessment hasn't considered Springfield shops, Hatherley Road, Benhall – why are none of these mentioned?

AH: has no problem with a development like this but struggling to define what it is. Understands that office space is needed but it seems like overkill to have a supermarket too, and also a conflict of interest. Knows of an 'office village' in Birmingham – a small high street of four shops to serve the workers, which works well - but this site needs to define what it wants to be. It is either an office area or a supermarket. The supermarket will not reduce the impact of the traffic. Is in two minds whether or not to support; will probably abstain. Wants to support but not enough reason to do so.

BF: as a new point, the site has been available for B1 for over 10 years. GCHQ and others are aware of it, but do not have the capital to pursue office space here.

EP, in response:

- Regarding the drive-through Costa and how useful it will be to people on site – it will include a sit-in café as well, and outside seating space. There are plans to improve the footpath links to site, making a more attractive route through the site to Costa. It is not just a drive-through;
- Regarding flooding, the LLFA look at discharge rates – it has to do this – can't be any more than pre-development greenfield sites. It could be that material piled on site, used as compounds while BMW was being built, may have had an impact on run-off from the site. This scheme has a drainage strategy to deal with run-off in controlled way. The LLFA says it will not create new water problems – the water would have to run off site one way or another - but the scheme has controlled mechanism which will improve the situation;
- Why are recent schemes with planning permission not included? With the extant scheme as a fall back, consultants are comparing the current scheme with that, not with an empty site. This is why the data and comments may not as fulsome as some members expect;
- With reference to the relocated jobs and whether these can be classed as new jobs, BMW closed one site and amalgamated a number of showrooms, so 100 BMW jobs on site are from elsewhere.

Mr Duncan McCallum, in response:

- Has referred to the glossary of the NPPF. It refers to main Town Centre uses but specifically excludes individual shops. Local shops don't fall into the protected areas.

MC: What about Coronation Square? Caernarvon Court?

DM, in response:

- These are not protected.

GB: feels that all the issues have been well debated. Will ask MJC to comment before moving to a vote.

MJC, in response:

- There have been a lot of comments and different areas explored, and it's clear that not all Members agree; notes that four issues have been talked about as potential refusal reasons, some stronger than others:
- The first is the employment issue - how the proposal is different from the 2007 consent, and the loss of B1 space. Some Members are disappointed, but policy-wise, we need to be sure of what we are saying and whether it is in keeping with policy EM2 of current Local Plan. The emerging Local Plan carries very limited weight, but it is right to make reference to it, and JCS Policy SD1;
- The JCS talks about employment being considered in a wider sense than just B1 uses, so we need to be careful. There is also potential conflict with the NPPF and its requirement to create an economy fit for the 21st century and policies around long-term protection. The site is earmarked for employment use; the proposal is a viable alternative, taking into consideration market signals. There is a lot of ammunition in NPPF for developer to throw at us at Appeal;
- Secondly, the retail issue and sequential test. This would be difficult to sustain at appeal. From an impact perspective, considering small local businesses, the advice is that the impact is not enough to warrant refusal – so this is a tricky argument;
- Thirdly, the traffic perspective. Would advise caution here, as the advice from our professional advisers is that the traffic generation would not change greatly from the extant permission – so another difficult case to argue;
- Fourthly, the design issue. AH said the site needs to choose what it wants to be; has some sympathy with this comment. There has been much discussion with the applicants regarding the layout of the site;
- So, of the four possible refusal reasons, would say that two – lay-out and employment – are significantly stronger than retail and traffic.

GB: so local policy EM2 and the NPPF are potential reasons to refuse, with officer backing?

CN: Paragraphs 7-10 of the NPPF.

GB: is PB happy with this?

PB: is policy RT6 no longer relevant, as DM said?

MJC, in response:

- Yes, RT6 is now lost as a result of the JCS. Advises against any refusal on these grounds.

PB: what about RT7?

MJC, in response:

- That is also deleted by the JCS;
- Do Members still want to pursue the retail/highways issues in their refusal?

CN: Members are not being malicious – they want to put forward whatever reasons they can for a refusal, and to be able to argue strongly as possible on all issues.

CH: regarding traffic, there is very little detail about the change. Any change in traffic may be considered insignificant, but retail traffic is very different from employment traffic, and this has not been fully addressed. If the retail argument wouldn't stand a chance, would rather not include it.

GB: suggests Members vote individually on the four suggested refusal reasons, after the main vote.

Vote on officer recommendation to permit

4 in support
8 in objection
2 abstentions

NOT CARRIED

Vote on EM2 as a refusal reason

10 in support, 1 in objection, 3 abstentions

CARRIED

Vote on retail issues as a refusal reason

5 in support, 7 in objection, 2 abstentions

NOT CARRIED

Vote on highways issues as a refusal reason

9 in support, 2 in objection, 3 abstentions

CARRIED

Vote on lay-out and design as a refusal reason

8 in support, 4 in objection, 2 abstentions

CARRIED

PB: there is also the issue of flooding – the scheme is supposed to reduce the risk, taking climate change into consideration.

GB: concerns about flooding come up regularly at planning committee meetings. Members have asked for training on this issue, and this will take place in the new year.

Vote on PB's move to refuse on EM2, Highways and Design

10 in support

1 in objection

3 abstentions

CARRIED – REFUSED



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FOR THE SOUTH WEST

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Date: 02 June 2009

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE PLANNING AND
COMPULSORY PURCHASE ACT 2004
POLICIES CONTAINED IN THE CHELTENHAM BOROUGH COUNCIL
LOCAL PLAN (SECOND REVIEW) 2006**

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Thoss Shearer
Signed by authority of the
Secretary of State



GOVERNMENT OFFICE
FOR THE SOUTH WEST

SCHEDULE

POLICIES CONTAINED IN CHELTENHAM BOROUGH COUNCIL

LOCAL PLAN (SECOND REVIEW) ADOPTED JULY 2006

Policy	Title
Chapter 1 - Introduction	
No policies	
Chapter 2 – Cheltenham Borough	
No policies	
Chapter 3 – Strategy Context	
No policies	
Chapter 4 – Core Policies and Proposals	
CP 1	Sustainable development
CP 2	Sequential approach to location of development
CP 3	Sustainable environment
CP 4	Safe and sustainable living
CP 5	Sustainable transport
CP 6	Mixed use development
CP 7	Design
CP 8	Provision of necessary infrastructure and facilities
PR 1	Land allocated for housing development
PR 2	Land allocated for mixed use development
PR 3	Land safeguarded for transport schemes
Chapter 5 – Built Environment	
BE 1	Open space in conservation areas
BE 2	Residential character in conservation areas
BE 3	Demolition in conservation areas
BE 4	Timing of demolition in conservation areas
BE 5	Boundary enclosures in conservation areas
BE 6	Back lanes in conservation areas
BE 7	Parking on forecourts or front gardens in conservation areas
BE 8	Demolition of listed buildings
BE 9	Alteration of listed buildings
BE 10	Boundary enclosures to listed buildings
BE 11	Buildings of local importance
BE 12	Advertisements and signs
BE 13	Advertisements and signs in conservation areas
BE 14	Advertisement hoardings in conservation areas
BE 15	Projecting signs in conservation areas
BE 16	Petrol filling stations and car sales in conservation areas
BE 17	Advertisements and signs on listed buildings
BE 18	Design and landscaping of new roads
BE 19	Nationally important archaeological remains
BE 20	Archaeological remains of local importance

Chapter 6 – Urban Green Environment	
GE 1	Public green space
GE 2	Private green space
GE 3	Development within extensive grounds
GE 4	Pittville park and bouncers lane cemetery
GE 5	Protection and replacement of trees
GE 6	Trees and development
GE 7	Accommodation and protection of natural features
Chapter 7 - Countryside	
CO 1	Landscape character
CO 2	Development within or affecting the AONB
CO 3	Rebuilding or replacement of buildings in the AONB
CO 4	Extension of buildings in the AONB
CO 5	Definition of green belt
CO 6	Development in the green belt
CO 7	Rebuilding or replacement of dwellings in the green belt
CO 8	Extension of dwellings in the green belt
CO 9	Development at Cheltenham racecourse
CO 10	Agricultural land
CO 11	Agricultural and forestry dwellings
CO 12	Farm diversification projects
CO 13	Conversion of rural buildings
CO 14	Development abutting the countryside
Chapter 8 – Natural Environment	
NE 1	Habitats of legally protected species
NE 2	Designated nature conservation sites
NE 3	Biodiversity and geodiversity of local importance
NE 4	Contaminated land
Chapter 9 - Economy	
EM 1	Employment uses
EM 2	Safeguarding of employment land
Chapter 10 - Housing	
HS 1	Housing development
HS 2	Housing Density
HS 3	Sub-division of existing dwellings
HS 4	Affordable Housing
HS 5	Mixed Communities
HS 6	Elderly persons housing
HS 7	Loss of residential accommodation
HS 8	Houses in multiple occupation
Chapter 11 - Retailing	
RT 1	Location of retail development
RT 2	Retail development in the core commercial area
RT 3	Non-A1 uses in primary shopping frontages
RT 4	Retail development in local shopping centres
RT 5	Non-A1 uses in local shopping centres
RT 6	New local shopping centres
RT 7	Retail development in out of centre locations
RT 8	Individual convenience shops
RT 9	Car sales
RT 10	Access to upper floors of commercial premises
Chapter 12 – Culture and Recreation	
RC 1	Existing community facilities
RC 2	Youth and adult outdoor playing facilities

RC 3	Outdoor playing facilities in educational use
RC 4	Casual play space
RC 5	Development of amenity space
RC 6	Play space in residential development
RC 7	Amenity space in housing developments
RC 8	New public green space
RC 9	Honeybourne line footpath/cycleway
RC 10	Allotments
RC 11	Recreation and sport in the countryside
RC 12	Golf courses
RC 13	Public rights of way in the countryside
Chapter 13 – Utilities Infrastructure	
UI 1	Development in flood zones
UI 2	Development and flooding
UI 3	Sustainable Drainage Systems
UI 4	Maintenance strips for watercourses
UI 5	Culverting of watercourses
UI 6	Development near sewage treatment works
UI 7	Renewable energy
UI 8	Telecommunications installations
Chapter 14 - Transport	
TP 1	Development and highway safety
TP 2	Highway Standards
TP 3	Servicing of shopping facilities
TP 4	Long-stay car parking
TP 5	Extension of private car parking facilities
TP 6	Parking provision in development
Chapter 15 - Monitoring	
No policies	

Appendix 1 - Superseded Policies

Cheltenham Borough Local Plan 2006

The list below shows which policies, supporting paragraphs and proposals of the adopted Cheltenham Borough Local Plan 2006, which were saved by a Direction from the Secretary of State in 2009, will be replaced upon adoption of the JCS (in accordance with Regulation 8(5) of the Town and Country Planning (Local Planning) (England) Regulations 2012).

Explanatory note:

Where a JCS policy or policies is listed in the "JCS Policies to supersede Local Plan Policy" box these policies will directly replace the relevant 2006 Cheltenham Local Plan Policy on adoption of the JCS. Where the text reads "Local Plan Policy to be saved beyond the adoption of the JCS" These policies are to remain saved and in use after the JCS is adopted; we seek to replace these in time through the forthcoming 'district plan' the Cheltenham Local Plan. Where the text reads "deleted" these policies are to be deleted on adoption of the JCS as they have been replaced by national policy or have otherwise ceased to be useful.

CBC LP policy ref	Policy heading	JCS Policies to supersede Local Plan Policy
CP 1	Sustainable Development	SD10, SD14
CP 2	Sequential Approach to Location of Development	Local Plan Policy to be saved beyond the adoption of the JCS
CP 3	Sustainable Environment	Local Plan Policy to be saved beyond the adoption of the JCS
CP 4	Safe and Sustainable Living	Local Plan Policy to be saved beyond the adoption of the JCS
CP 5	Sustainable Transport	SD4, INF1
CP 6	Mixed Use Development	Local Plan Policy to be saved beyond the adoption of the JCS
CP 7	Design	Local Plan Policy to be saved beyond the adoption of the JCS
CP 8	Provision of Necessary Infrastructure and Facilities	INF4, INF6, INF7
PR 1	Land Allocated for Housing Development	Local Plan Policy to be saved beyond the adoption of the JCS
PR 2	Land Allocated for Mixed Use Development	Local Plan Policy to be saved beyond the adoption of the JCS
PR 3	Land Safeguarded for Transport Schemes	Deleted

BE 1	<i>Open Space in Conservation Areas</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
BE 2	<i>Residential Character in Conservation Areas</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
BE 3	<i>Demolition in Conservation Areas</i>	<i>Deleted</i>
BE 4	<i>Timing Of Demolition in Conservation Areas</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
BE 5	<i>Boundary Enclosures in Conservation Areas</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
BE 6	<i>Back Lanes in Conservation Areas</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
BE 7	<i>Parking on Forecourts or Front Gardens in Conservation Areas</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
BE 8	<i>Demolition of Listed Buildings</i>	<i>Deleted</i>
BE 9	<i>Alteration of Listed Buildings</i>	<i>Deleted</i>
BE 10	<i>Boundary Enclosures to Listed Buildings</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
BE 11	<i>Buildings of Local Importance</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
BE 12	<i>Advertisements and Signs</i>	<i>Deleted</i>
BE 13	<i>Advertisements and Signs in Conservation Areas</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
BE 14	<i>Advertisement Hoardings in Conservation Areas</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
BE 15	<i>Projecting Signs in Conservation Areas</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
BE 16	<i>Petrol Filling Stations and Car Sales in Conservation Areas</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
BE 17	<i>Advertisements And Signs On Listed Buildings</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
BE 18	<i>Design and Landscaping of New Roads</i>	<i>SD4</i>
BE 19	<i>Nationally Important Archaeological Remains</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
BE 20	<i>Archaeological Remains of Local Importance</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>

GE 1	Public Green Space	Local Plan Policy to be saved beyond the adoption of the JCS
GE 2	Private Green Space	Local Plan Policy to be saved beyond the adoption of the JCS
GE 3	Development Within Extensive Grounds	SD4, SD9, INF3
GE 4	Pittville Park and Bouncers Lane Cemetery	Local Plan Policy to be saved beyond the adoption of the JCS
GE 5	Protection and Replacement of Trees	Local Plan Policy to be saved beyond the adoption of the JCS
GE 6	Trees And Development	Local Plan Policy to be saved beyond the adoption of the JCS
GE 7	Accommodation and Protection of Natural Features	Local Plan Policy to be saved beyond the adoption of the JCS
CO 1	Landscape Character	SD4, SD6, SD7
CO 2	Development within or affecting the AONB	SD7
CO 3	Rebuilding or Replacement of Buildings in the AONB	SD7
CO 4	Extension of Buildings in the AONB	Local Plan Policy to be saved beyond the adoption of the JCS
CO 5	Definition of Green Belt	SD5
CO 6	Development in the Green Belt	SD5, SD10
CO 7	Rebuilding or Replacement of Dwellings in the Green Belt	Local Plan Policy to be saved beyond the adoption of the JCS
CO 8	Extension of Dwellings in the Green Belt	Deleted
CO 9	Development at Cheltenham Racecourse	SD5
CO 10	Agricultural Land	SD14
CO 11	Agricultural and Forestry Dwellings	Local Plan Policy to be saved beyond the adoption of the JCS
CO 12	Farm Diversification Projects	SD1, SD4, SD6,
CO 13	Conversion of Rural Buildings	Local Plan Policy to be saved beyond the adoption of the JCS

CO 14	<i>Development Abutting the Countryside</i>	<i>SD4, SD6</i>
NE 1	<i>Habitats of Legally Protected Species</i>	<i>SD9</i>
NE 2	<i>Designated Nature Conservation Sites</i>	<i>SD9</i>
NE 3	<i>Biodiversity and Geodiversity of Local Importance</i>	<i>SD9</i>
NE 4	<i>Contaminated Land</i>	<i>SD14</i>
EM 1	<i>Employment Uses</i>	<i>SD1</i>
EM 2	<i>Safeguarding of Employment Land</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
HS 1	<i>Housing Development</i>	<i>SD10</i>
HS 2	<i>Housing Density</i>	<i>SD10</i>
HS 3	<i>Sub-Division of Existing Dwellings</i>	<i>SD4</i>
HS 4	<i>Affordable Housing</i>	<i>SD12</i>
HS 5	<i>Mixed Communities</i>	<i>SD11</i>
HS 6	<i>Elderly Persons Housing</i>	<i>SD11</i>
HS 7	<i>Loss of Residential Accommodation</i>	<i>Deleted</i>
HS 8	<i>Houses in Multiple Occupation</i>	<i>Deleted</i>
RT 1	<i>Location of Retail Development</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
RT 2	<i>Retail Development in the Core Commercial Area</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
RT 3	<i>Non-A1 Uses in Primary Shopping Frontages</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
RT 4	<i>Retail Development in Local Shopping Centres</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
RT 5	<i>Non A1 Uses In Local Shopping Centres</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>
RT 6	<i>New Local Shopping Centres</i>	<i>Deleted</i>
RT 7	<i>Retail Development in Out of Centre Locations</i>	<i>Deleted</i>
RT 8	<i>Individual Convenience Shops</i>	<i>Local Plan Policy to be saved beyond the adoption of the JCS</i>

GE 1	Public Green Sp		Local Plan Policy to be saved beyond the adoption of the JCS
GE 2	Private Green		Local Plan Policy to be saved beyond the adoption of the JCS
GE 3	Developm Grounds		Local Plan Policy to be saved beyond the adoption of the JCS
GE 4	Pittville Cemet		Local Plan Policy to be saved beyond the adoption of the JCS
GE 5	Prot		Local Plan Policy to be saved beyond the adoption of the JCS
GE 6	T		Local Plan Policy to be saved beyond the adoption of the JCS
GE 7	nd the		Local Plan Policy to be saved beyond the adoption of the JCS
CO 1			Local Plan Policy to be saved beyond the adoption of the JCS
CO 2		Development	Local Plan Policy to be saved beyond the adoption of the JCS
C		Using	Local Plan Policy to be saved beyond the adoption of the JCS
	ic Green Space		Local Plan Policy to be saved beyond the adoption of the JCS
	Honeybourne Line Footpath/Cycleway		Local Plan Policy to be saved beyond the adoption of the JCS
RC 10	Allotments		Local Plan Policy to be saved beyond the adoption of the JCS
RC 11	Recreation and Sport in the Countryside		SD5, SD6, SD7
RC 12	Golf Courses		SD5, SD6, SD7
RC 13	Public Rights of Way in the Countryside		INF3
UI 1	Development in Flood Zones		INF2
UI 2	Development and Flooding		INF2
UI 3	Sustainable Drainage Systems		INF2
UI 4	Maintenance Strips for Watercourses		Local Plan Policy to be saved beyond the adoption of the JCS
UI 5	Culverting of Watercourses		INF2

UI 6	Development Near Sewage Treatment Works	SD5, SD14
UI 7	Renewable Energy	SD3, SD4, SD14, INF5
UI 8	Telecommunications Installations	INF6, SD14
TP 1	Development and Highway Safety	SD4, INF1
TP 2	Highway Standards	SD4, INF1
TP 3	Servicing of Shopping Facilities	Deleted
TP 4	Long-Stay Car Parking	Local Plan Policy to be saved beyond the adoption of the JCS
TP 5	Extension of Private Car Parking Facilities	Deleted
TP 6	Parking Provision In Development	Deleted

Tewkesbury Borough Local Plan 2006

The list below shows which policies, supporting paragraphs and proposals of the adopted **Tewkesbury Borough Local Plan 2006**, which were saved by a Direction from the Secretary of State in 2009, will be replaced upon adoption of the JCS (in accordance with Regulation 8(5) of the Town and Country Planning (Local Planning) (England) Regulations 2012).

POLICY REF	TITLE	SUPERSEDED BY JCS? YES/NO	SUPERSEDING JCS POLICY /POLICIES
GNL2	DESIGN REQUIREMENTS FOR MAJOR DEVELOPMENT PROPOSALS	YES	SD4
GNL6	PROVISION FOR ART.	NO	
GNL8	ENERGY EFFICIENT DEVELOPMENT	YES	SD3
GNL11	IMPLEMENTATION	YES	INF6 INF2
GNL13	ADVERTISEMENTS	NO	
GNL15	NEW COMMUNITY FACILITIES	YES	INF4
GNL17	PRE-SCHOOL CHILDCARE FACILITIES	NO	
HOU1	HOUSING ALLOCATIONS	NO	
HOU2	LARGER SETTLEMENTS CONTAINING A PRIMARY LEVEL OF COMMUNITY FACILITIES AND SERVICES	YES	SP2