

**PLANNING STATEMENT TO ACCOMPANY A HYBRID PLANNING
APPLICATION FOR EMPLOYMENT GENERATING USES ON LAND
AT CORINTHIAN PARK, GROVEFIELD WAY, CHELTENHAM**

on behalf of Hinton Properties (Grovefield Way) Ltd.

Our ref: TM/JG/AD/5146

May 2018

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Date Issued:	May 2018
Document Status:	Final Draft
Revision:	2.0
Author:	TM/AD
Checked by:	JG
Authorised by:	JG

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1.0 Introduction

- 1.1 This Planning Statement has been prepared by Hunter Page Planning Ltd on behalf of Hinton Properties (Grovefield Way) Ltd. (the applicant) in support of a hybrid planning application for the development of a mix of employment uses at Corinthian Park, Grovefield Way, Cheltenham GL51 6RF.
- 1.2 The application comprises a hybrid planning application split into two parts to reflect two development phases:
1. Full Application: In respect of the south eastern portion of the site detailed planning permission is sought for the development of 5,034 sqm of commercial office space (Use Class B1), 502 sqm day nursery (Use Class D1), 1,742 sqm Aldi retail unit (Class A1) a 204 sqm Costa Coffee Retail Unit and Drive Thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works.
 2. Outline Application - All Matters Reserved (except access): Outline planning permission for the erection of 8,034 sqm of commercial office space (Use Class B1), together with associated car parking, open space, landscaping and infrastructure works.
- 1.3 This Statement provides an appraisal of the proposed development against relevant policies within the Development Plan for the area. Other material considerations will be addressed by way of the National Planning Policy Framework ('NPPF') and other relevant publications. Most pertinent to the determination of this application is the extant planning permission for B1 employment use across the entirety of the site.
- 1.4 This Planning Statement should be read in conjunction with the accompanying plans and drawings submitted as part of the application, as well as the following technical reports:
- Design and Access Statement prepared by DDP
 - Visual Pack prepared by Hinton Group
 - Retail Planning Statement prepared by DPP Planning
 - Economic Impact Assessment prepared by Hardisty Jones Associates (HJA)
 - Transport Assessment prepared by Transport Planning Associates (TPA)
 - Framework Travel Plan prepared by Transport Planning Associates (TPA)
 - Retail Planning Statement by DPP Planning
 - Flood Risk Assessment and Drainage Strategy prepared by Complete Design Partnership Ltd (CDP)
 - Ecological Assessment prepared by Ecology Solutions Ltd
 - Interpretative Report on Site Investigation prepared by Structural Soils Ltd
 - Arboricultural Impact Assessment prepared by Treework Environmental Practice
 - Noise Impact Assessment prepared by Hoare Lea
 - Delivery Management Plans prepared by DDP

2.0 Application Context

- 2.1. Planning permission, including the approval of reserved matters, was granted for the erection of 22,000sqm of B1 employment development across the entirety of the 6.4Ha site known as Land at North Road West / Grovefield Way, Cheltenham in 2007. Since the approval of that scheme, the north east proportion of that site (some 1.8Ha) was granted full planning permission for the erection of a Flagship BMW, Mini and Motorrad Dealership and Service Garage comprising some 7,595sqm of employment space. The applicants, Cotswold BMW Group, began works on the new BMW Dealership in September 2014.
- 2.2. This hybrid planning application relates to the remaining 4.15 ha site at Grovefield Way and seeks to provide a mix of employment uses at the site. This is a resubmission application following a refusal of application LPA Ref: 16/02208/FUL in December 2017.
- 2.3. The proposals will provide significant social and economic benefits for the area. The design approach allows the site to effectively integrate with the wider development of the area taking particular account of the adjacent BMW development now constructed.
- 2.4. It is important to note that the application site already has extant outline planning permission for up to 16,800 sqm of B1 employment (granted in December 2014). The current proposals have arisen as a result of interest from both named occupiers (Aldi and Costa Coffee), both of whom will enable this part of the site to secure reputable key anchor tenants. The identification of end users is a consideration that weighs in favour of the development proposals.
- 2.5. It is also a well-established matter of planning law that an Applicant's ability to implement a fall-back position is material in determining any planning application. As such, the consideration of this planning application, particularly in terms of the impacts of development, such as landscape, transport and ecological matters, must have regard to the Applicant's ability to develop the application site for its extant B1 use.
- 2.6. The proposed development seeks to maintain many of the principles already established as part of the approved B1 scheme and continues to seek to contribute to meeting the identified need for employment space within the Borough as established at the time of granting the extant B1 scheme and the BMW showroom currently under construction adjacent to the site.
- 2.7. It is considered that the material circumstances surrounding the determination of this application are comparable to the previously approved applications at the site; in particular, the need for employment space across the Borough remains acute.
- 2.8. The Cheltenham, Tewkesbury & Gloucester Joint Core strategy Employment Land Review (ELR) (March 2011 and later update from October 2015), which remains the most comprehensive assessment of the employment land situation for the Borough, sets out that there remains a significant shortfall in the supply of employment sites within the Borough.
- 2.9. The site has been formally removed from the Green Belt through the adoption of the JCS in response to the extant planning permission LPA Ref: 14/01323/OUT (para 4.6.21 of the JCS).

3.0. Site Context

- 3.1. The application site comprises some 4.15 hectares of land adjacent and to the north west of Grovefield Way and to the south of the A40, Cheltenham; a site location plan accompanies the application package.
- 3.2. The site is surrounded by a mix of residential, commercial and employment uses including Arle Court Park and Ride facility to the north east of the site, commercial development (including an ASDA Supermarket) to the east and residential development at the Reddings to the east and south east of the site. A new BMW Dealership to the north east of the site is now complete and fully operational.
- 3.3. To the north the application site is separated from the dual carriageway at the A40 by an earth bank with a belt of tree planting that provides screening. A scheme to manage the tree belt along the A40 across the length of the site has been approved as part of the BMW Dealership scheme; this application will have regard to those management proposals.
- 3.4. The general topography of the site is such that the land is at its highest in the south east and east with the land falling away as you move north-west and then west across the site.
- 3.5. 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. A Transport Assessment accompanies the planning application submission and details the surrounding road network in full as well as information on walking, cycling and public transport provision.
- 3.6. The site is within the Environment Agency's Flood Zone 1 therefore posing a low risk to flooding. The planning application submission is accompanied by a Flood Risk Assessment that fully assesses the risks posed to the development by flooding and the impact that the proposed development might have on flooding.

RELEVANT PLANNING HISTORY

- 3.7. Planning permission was granted at appeal in May 2007 [PINS Ref: APP/B1605/A/06/2015866/NWF] for the wider site at Grovefield Way for B1 industrial uses and the extension of the Arle Court Park and Ride Facility; the application subject of that appeal [LPA Ref: 05/00799/OUT] was refused by Cheltenham Borough Council in March 2006.
- 3.8. Following the grant of outline planning permission 05/00799/OUT, Reserved Matters Approval was granted in May 2009 [LPA Ref: 09/00369/REM] for details of the access road, parking and siting of the proposed buildings. Subsequent Reserved Matters were approved [LPA Ref: 09/00720/REM] in December 2009 including details of the proposed landscape scheme and management plan, the design and appearance of 'Phase 1' and a design handbook relating to design and appearance of remaining phases of development and boundary treatments. Further Reserved Matters Approval [LPA Reference 10/00690/REM] was approved in July 2010 for the design, appearance and landscaping of 'Phase 2' of the development.
- 3.9. Notwithstanding the approval of the above reserved matters applications the proposed development has not been implemented. Planning permission was subsequently been granted [LPA Ref: 10/00468/TIME] by Cheltenham Borough Council for an extension of the time limit for implementation of outline planning permission [LPA Ref: 05/00799/OUT]; that application was granted in June 2012.
- 3.10. Following the approval of the above extension of time application 10/00468/TIME leave was requested in November 2012 and July 2013 from the High Court to challenge the legality of the permission by way of Judicial Review. Leave was denied by the Courts and no challenge was allowed.
- 3.11. Further to the above extension of time application 10/00468/TIME, and the denial of a legal challenge, the LPA granted reserved matters approval 12/01086/REM for the remaining details required from the outline approval. That application was

submitted in July 2012 and approval was issued 21st August 2013.

3.12. On 14th March 2014 full planning permission was granted [LPA Ref: 13/01101/FUL] for the 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. The proposal comprised some 7,595sqm of employment space. The application site comprised some 1.8Ha at the north east of the Grovefield Way site referenced above.

3.13. In April 2014 the Applicant submitted a revised application proposal [LPA Ref: 14/00656/FUL] for the erection of a flagship BMW, Mini and Motorrad dealership including vehicle sales and servicing facilities. The scheme comprised of minor amendments to the original scheme to include a revised access ramp and an additional mezzanine level for car storage. The BMW Dealership on this part of the site is complete and fully operational.

3.14. More recently, an application for outline planning permission (LPA Ref: 14/01323/OUT) was granted by the LPA in December 2014 for the erection of up to 16,800 sqm of B1 Office space on the application site.

3.15. A hybrid application (LPA Ref.: 16/02208/FUL) seeking:

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

3.16. The hybrid application LPA Ref.: 16/02208/FUL was recommended for approval by the planning officer, but was refused on the committee level in December 2017. The Officer's report to the Committee is appended to this statement as an Appendix 3.

3.17. The refusal decision is currently being appealed.

3.18. The planning history at the site, in particular the existence of the extant outline planning permission 14/01323/OUT is material to the consideration of this application. The considerations set out within the Planning Inspector's Decision Letter in May 2007 [PINS Reference: APP/B1605/A/06/2015866/NWF] are also relevant; a copy of that Decision Letter is attached at Appendix 2 of this Statement.

4.0 The Proposal

- 4.1. This application is a resubmission planning application following a refusal of planning application LPA Ref.: 16/02208/FUL.
- 4.2. As set out above, the site already benefits from an extant planning permission for employment uses, specifically B1 office use. This revised application now comprises a hybrid planning application split into two parts to reflect two development phases and to allow a more flexible approach to the timing of development on the site. Each phase consists of the following elements:
 - Phase 1 - Full Application: In respect of the south eastern portion of the site detailed planning permission is sought for the development of 5,034 sqm of commercial office space (Use Class B1), 502 sqm day nursery (Use Class D1), 1742 sqm Aldi retail unit (Class A1) a 204 sqm Costa Coffee Retail Unit and Drive Thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works.
 - Phase 2 - Outline Application: All Matters Reserved (except access): Outline planning permission for the erection of 8,034 sqm of commercial office space (Use Class B1), together with associated car parking, open space, landscaping and infrastructure works.
- 4.3. The supporting Design and Access Statement prepared by Hinton Group provides full details on the design of the proposed developments. Nevertheless, a brief summary of the proposals is set out below. The application package also includes a range of technical information, as listed in Section 1 above, which provides the necessary justification against which to consider the proposal.
- 4.4. The site layout and design have been directly driven by the careful analysis of the site and surrounding area. The form and layout of development has sought to utilise the topography, existing views, and vegetation to minimise any impact on the landscape, and deliver a useable and high quality space. A range of different uses have been proposed in the scheme in order to add vitality and economic benefits as well as to cater for all ranges of business uses and to help encourage market interest for the proposed offices.
- 4.5. The proposed site access road is at the junction with Grovefield Way and has been agreed in principle with the local highway authority as part of the permitted B1 use on the wider site. The site access junction on Grovefield Way and an approximate 160 metre section of the access road has already been constructed as part of the approved BMW Mini car showroom development up to the boundary of the BMW site. This access road will be extended into the application site to serve the proposed development.

5.0 Summary of Supporting Material

5.1. A number of technical studies, assessments and documents have been undertaken and prepared in support of the application. These are summarised below.

DESIGN AND ACCESS STATEMENT

5.2. The Design and Access Statement demonstrates how the technical team has analysed the characteristics of the application site and surrounding area.

5.3. The Statement outlines how the scheme has evolved following consideration of the technical reports and receipt of consultation responses.

5.4. The scheme has been extensively discussed the LPA. The DAS outlines how the scheme evolved following discussions with the LPA.

5.5. The scheme includes extensive soft and hard landscaping, which is appropriate to the green belt and residential nature of the surrounding area.

5.6. The DAS concludes that the proposal complies with the development plan and in the absence of material considerations to indicate otherwise, planning permission should be granted to allow for the development of this prominent gateway site.

ECONOMIC IMPACT ASSESSMENT

5.7. The report assesses the likely economic impacts of mixed-use employment generating development proposals. It sets out the method and result of the assessment and is intended to accompany a planning application.

5.8. The report makes a clear distinction between the economic impact during the construction and operational phase of the development.

5.9. The construction phase impacts are assessed in section 3 of the report. The gross direct construction phase impacts of the £23.8 million investment are estimated at 137 person years of employment, supporting £4.2 million in wages.

5.10. Operational phase impacts are considered in section 4 of the Assessment. It further notes, that the proposed development has the potential to deliver substantial local fiscal benefit through business rates during its operational phase. Total locally retained business rates are estimated at around £667,000 per annum, which will provide funding to safeguard and extend further local employment and services.

5.11. The net additional effects at the Cheltenham level are estimated at 498 FTEs supporting wages in excess of £16 million per annum, increasing to 605 FTEs and almost £20 million in wages at the JCS area level.

ECOLOGICAL ASSESSMENT

5.12. An Ecological Assessment has been undertaken to determine the habitats present within the application site and also to determine its potential use by protected species such as bats, badgers, dormice, great crested newts and common reptile.

5.13. The desk survey, habitat survey and faunal survey formed the methodology and are discussed in detail in section 2 of the Assessment.

5.14. There are no statutory designations of nature conservation value within or immediately adjacent to the application site. The nearest SSSI – Badgeworth - is located approximately 0.7 km to the south of the site. This is separated from the application site by existing housing, roads and railway line and it is therefore considered that it would not be adversely affected by the proposed development.

5.15. None of the trees within the Application Site itself were recorded as having developed features suitable to support roosting bats. The provision of new bat boxes within the Application Site will provide new roosting opportunities for bats over the existing situation.

5.16. The recommended planting of species-rich grassland and trees will provide new opportunities for birds and bats, while the provision of new bird

and bat boxes within the Application Site will provide new roosting and nesting opportunities for birds.

- 5.17. The report concludes that through the implementation of the safeguards and recommendations set out within the report it is considered that any development proposals will accord with planning policy with regard to nature conservation at all administrative levels.

ARBORICULTURAL IMPACT ASSESSMENT

- 5.18. The report provides an assessment of the impact of the proposed development upon trees on-site, and relevant off-site trees, and makes recommendations for mitigating any negative impacts.
- 5.19. This report should be read in conjunction with Tree Schedule and Tree Protection Plan included in the Appendix B of the Report.
- 5.20. The total of 39 individual trees and 7 tree groups were surveyed. The data for each is presented within the Tree Schedule appended to the report. The total of 3 no. trees have been identified for removal to facilitate the development.
- 5.21. The remaining 43 tree features will be retained, protected and integrated into the development. Sufficient space and adequate protection measures have been set out to ensure that retained trees are not damaged during the pre-construction and construction phase and to enable their successful development post-construction. Retained tree protection measures are discussed throughout this report and illustrated on the Tree Protection Plan at Appendix B.
- 5.22. No remedial tree work is anticipated to retained trees to facilitate the development and/or to reduce the likelihood of their being subject to excessive pressure after the completion of the development.

DELIVERY MANAGEMENT PLANS

- 5.23. Individual Delivery Management Plans for Aldi, Costa and the Happy Days Nursery are submitted in support of the planning application and outline how deliveries, waste collection and traffic management will be delivered on site.

TRANSPORT ASSESSMENT

- 5.24. The Transport Assessment ('TA') assesses the impact of the proposed development upon the surrounding road network, including a highway safety analysis, a trip attraction and comparison exercise, and a parking exercise to establish appropriate provision.
- 5.25. The traffic attraction associated with the scheme is not considered to be material, as set out in Chapter 5, and therefore it is not considered that the development will lead to any significant impact on local highway safety.
- 5.26. It is considered that in sustainability terms, the site is in a suitable location in regards to both accessibility by non-car modes of travel, and also its close proximity to residential areas and other services and amenities that may be required on a day to day basis for employees and visitors. This has been confirmed through the planning permissions already granted on this site for B1 employment uses and also the BMW Mini car showroom.
- 5.27. Regarding the overall sustainability of the site, it is concluded that this site is suitably located in an area that would provide the opportunity for staff, customers and visitors to walk or cycle from home and to use local public transport services. It is also concluded that the site has access to a good network of bus services, which will ensure that there is a genuine choice in modes of travel thereby reducing reliance on the private car.
- 5.28. A total of 154 car parking spaces will be provided for the Aldi, Day Nursery and Costa Coffee Drive Thru. A total of 222 car parking spaces will be provided for the two B1 Office buildings. This level of car parking is considered appropriate to serve the development proposals, and this was agreed with GCC as part of the previous submission.

- 5.29. A total of cycle spaces has been increased from the total of 92 no. in the previous proposal to the total of 106 no. of cycle spaces as a result of discussions with the GCC.
- 5.30. The proposal includes 32 no. cycle parking spaces for the Aldi, 6 no. cycle parking spaces for the Costa Coffee Drive Thru, and 52 no. cycle parking spaces for the two B1 Office buildings will be provided, in accordance with the strategy above. A total of 16 no. cycle parking spaces will be provided for the Day Nursery, in excess of the guidelines set out above.
- 5.31. It is considered that the development proposals are in accordance with the transportation policies of local and national planning guidance because they will make efficient use of the site and there are sustainable travel options available as a viable alternative to private car use.
- 5.32. The previous application was refused against officer recommendation, with the impact of development traffic at weekends cited as a reason for refusal. A further assessment of operation of the Arle Court roundabout during the peak period of operation of the proposed development on a Saturday has therefore been carried out at Chapter 7 of the TA.
- 5.33. The Assessment demonstrates that the forecast trip attraction for the current proposal will be less than that calculated for the previous business park proposals on the site. It also confirms that the traffic associated with the current proposal will be less than the previously consented uses on the site. The traffic associated with the proposed development is therefore not forecast to have a material impact on the operation and safety of the local highway network, as agreed with GCC and HE as part of the previous submission. Junction capacity assessments have also confirmed that the development will not have a material impact on the operation of the Arle Court roundabout during the Saturday peak hour.
- 5.34. There are therefore no valid highway or transportation reasons, which should prevent planning permission being granted for the proposed development of this site.

TRAVEL PLAN

- 5.35. A separate Framework Travel Plan ('FLP') has been prepared to support the sustainable operation of the proposed mixed use development. This is intended to act as an 'umbrella' plan for the development. Separate Travel Plans will be produced for the individual elements of the site prior to first occupation.

RETAIL PLANNING STATEMENT

- 5.36. The Statement addresses the retail elements of the application proposal in the context of relevant national and local planning policy.
- 5.37. The statement focuses on retail and service sectors assessment in the area. It outlines Aldi's Trading Policy, its layout, parking and store equipment and notes that the Grovefield Way operation will serve a different catchment and perform a different, yet complementary role to Costa Coffee's operation in the town centre, which will continue to provide for the refreshment needs of workers based in the centre and visitors to Cheltenham.
- 5.38. Section 6 of the Statement examines the roles of the commercial centres of Cheltenham – the Central Shopping Area, The Montpellier Shopping Area, and other district centres of Cheltenham – as well as out of Centre convenience retail provision. Section 7 of the Statement is concerned with the sequential test which is required by policy RT1.
- 5.39. The sequential test concludes that:
- "By focusing on the "main town centre uses" element of the overall proposal, whilst allowing for a reasonable degree of flexibility and the requirement for a site to be available in the near future and not subject to any major constraints and/or uncertainties, we have been unable to identify a sequentially superior site that is capable of accommodating the "proposed development."" (para 7.26) (our underlining)*
- 5.40. A rejection of the application proposal on sequential grounds would not, therefore, have the effect of re-directing the proposal to a sequentially preferable site. Such a refusal would simply mean that the benefits and employment opportunities associated with the proposal would be denied to the local community. The application site is demonstrably the most appropriate location for the proposed "economic development".

- 5.41. Section 8 of the Assessment focuses on the impact of the development on the Town Centre of Cheltenham. This includes the two impact tests set out in the NPPF which require relevant retail proposals to assess their likely effects on planned in-centre investment and town centre vitality and viability.
- 5.42. The proposed foodstore and coffee shop will meet both a consumer and operator need for new and improved facilities at a location ear-marked for future major commercial and housing in this “strategic growth area” for Cheltenham.
- 5.43. Both Aldi and Costa Coffee are contractually committed to the proposed development and therefore there is the certainty that both these specific operators will be represented at the subject site.
- 5.44. Overall, the proposed foodstore and coffee shop will deliver up to 60 new full and part-time employment opportunities at an accessible location. This major benefit is addressed further in Section 5 of the Statement.
- 5.45. The Statement concludes, that the proposed discount foodstore would not cause an adverse impact, let alone “a significant adverse impact” – the relevant NPPF test – in relation to any policy protected centre in Cheltenham. The proposal is demonstrably policy compliant. The same conclusion has previously been reached by both DPDS and the Council during the determination of the previous planning application.
- 5.49. The asset location plans provided by Severn Trent Water show a surface water sewer located within Grovefield Way and a foul water sewer located within North Road West. There is no recorded evidence of public sewers flooding in the area of the site that would cause a flood risk to the development site.
- 5.50. The Surface Water Management Plan identifies that although the impermeable area will be increased on site from that of the existing greenfield scenario, using a combination of SuDS systems for attenuation as well as water cleansing, runoff from the site is not increased and its water quality is improved.
- 5.51. Foul Water from the site will be discharged (via an existing private drain, which requires diverting) into public foul water sewers off site under agreement with the adopting water authority, Severn Trent Water.
- 5.52. The drainage strategy proposed will provide extensive mitigation against the potential for off-site flooding relating to overland flows, resulting in a benefit to the wider downstream catchment.

NOISE IMPACT ASSESSMENT

FLOOD RISK ASSESSMENT & SURFACE WATER MANAGEMENT PLAN

- 5.46. A Flood Risk Assessment (‘FRA’) and Surface Water Management Plan have been prepared in support of the planning application in accordance with the requirements set out in the NPPF.
- 5.47. The FRA confirms that the application site lies entirely in Flood Zone 1. As defined in the NPPF, Flood Zone 1 has the lowest risk of fluvial or pluvial flooding.
- 5.48. It is considered that this development will not increase the risk of flooding in the wider catchment as the surface water generated from the site will be contained within the proposed drainage systems and released on a controlled basis.
- 5.53. The planning application is supported by a Noise Impact Assessment which details the results of site survey work and assesses the potential noise impact of the proposed development upon nearby residential property.
- 5.54. Assessment in accordance with BS 4142 indicates that noise rating levels at the nearest dwellings for delivery operations to the grocery store would fall into the category of ‘low impact’.
- 5.55. The limit levels for plant noise and calculated emission levels for delivery noise and operation of the drive-thru at the nearest dwellings would enable BS 8233 internal criteria for bedrooms and living rooms to be readily achieved when windows are open.
- 5.56. Given the findings noted above and that noise from activities at the development site will be below existing ambient traffic noise levels, the Assessment concludes that the proposed development is unlikely to have any significant noise impact upon adjacent dwellings on North Road West and across Grovefield Way.

6.0. Relevant Planning Policy

- 6.1. In order to consider the acceptability or otherwise of the proposed development it is important to assess all relevant planning policy considerations.
- 6.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990 requires that planning applications be considered in accordance with an up to date development plan unless material considerations indicate otherwise.
- 6.3. In this case, the Development Plan for consideration is the Joint Core Strategy ('JCS') which has now been adopted by all three local authorities (Cheltenham, Tewkesbury and Gloucester).
- 6.4. The Development Plan for Cheltenham further includes the remaining saved policies of the Cheltenham Borough Local Plan ('CBLP') (2006).

LOCAL PLANNING POLICY

JOINT CORE STRATEGY (DECEMBER 2017)

- 6.5. The Joint Core Strategy for Cheltenham, Gloucester and Tewkesbury was adopted in December 2017. It is a co-ordinated strategic development plan that sets out how this area will develop during the period up to 2031.
- 6.6. The policies relevant to this application are identified below.
- 6.7. **Strategic Objective 1** is concerned with building a strong and competitive urban economy, and states that the potential of the JCS area for investment should be developed by providing the right conditions and sufficient land in appropriate locations to support existing businesses and attract new ones.
- 6.8. **Policy SP1** states that provision will be made for land to support 39,500 new jobs. This reflects the growing need for additional employment land and signifies a steep increase in requirement from 21,800 outlined in the first Draft Joint Core Strategy (October 2013) and 28,000 in the pre-submission draft in 2014. The JCS aims to locate jobs near to the economically active population, increasing sustainability, reducing out-commuting thereby reducing carbon emissions from unsustainable car use.
- 6.9. **Policy SP2** goes on to set out that over the plan period to 2031, land will be provided for at least 192 hectares of B-class employment land, of which at least 84 hectares of B class employment will be delivered on strategic allocation sites. This also represents a notable increase in requirement, whilst the employment land provision remains the same.
- 6.10. The explanatory note 3.2.21 acknowledges that there is 63 hectares of undeveloped employment land based on previous allocations and extant permissions. This includes the application site, which has struggled to attract investors due to the rigid demands for B-class uses only.
- 6.11. **Policy SD1** notes that employment (except retail) development will be supported:
- i. at strategic allocations (in line with Policy SA1) where it is expected that employment land should normally be used for B class uses, except where it can be demonstrated that non B class uses would support the residential and B class development at that strategic allocation. In order to support key growth sectors or other key local economic drivers, on some Strategic Allocations, priority will be given to specific sectors as set out in the SA site policies;
 - i. *At location allocated for employment use within the Development Plan*
 - ii. *For the re-development of land already in employment uses to B class uses where the proposal is of appropriate scale and character.*
 - iii. *For the development of new employment land within Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town;*
 - iv. *In rural service centres and service villages where proposals for small-scale employment development will be supported if they are of an appropriate size and scale;*
 - v. *In the wider countryside when it is:*
 - a. *Located within or adjacent to a settlement or existing employment area and of an appropriate scale and character;*

- b. Employment-generating farm diversification projects, which are of an appropriate scale and use, particularly where they involve the re-use of appropriate redundant, non-residential buildings;*
- vi. *Where it allows the growth or expansion of existing business especially in the key growth sectors, subject to all other policies of the plan;*
- vii. *Where it would encourage and support the development of small and medium sized enterprises, subject to all other policies of the plan.*
- 6.12. The proposed development is not a strategic employment allocation, nor is it allocated in the existing Development Plan. Furthermore, and despite its extant planning permission, the proposal is not a re-development of an existing employment site. The first three criteria of policy SD1 are therefore not relevant to the application scheme.
- 6.13. Criterion vi. supports development which is adjacent to a settlement or existing employment area. The application site is adjacent to Principal Urban Area of Cheltenham. Furthermore, the site is bounded by an existing road network and development (both residential and commercial).
- 6.14. **Policy SD1** seeks to support and encourage employment generating uses. The explanatory note of the policy, particularly paragraph 4.1.15, notes that *"employment uses, such as retail, leisure facilities, education, health services and residential care (uses outside the 'B-classes) are predicted to provide over two-thirds of the projected job growth across the area."* The proposal therefore fully complies with the requirements of policy SD1.
- 6.15. **Policy SD2** is concerned with retail and city/town centre employment. The policy aims to support employment and economic prosperity by taking an economic-led, urban-focused development approach, with the primary aim of attracting investment and development to the main urban areas and the Strategic Allocations in the plan area. It sets out the hierarchy of centres in the JCS area.
- 6.16. The policy specifies that retail policies for Cheltenham are set out in the saved policies of the existing Local Plan. These policies are to be reviewed and taken forward through the immediate review of the JCS retail policy. This review will take approximately two years to complete.
- 6.17. Point 6 specifically addresses retail and other main town centre uses that are not located in a designated centre. These will be robustly assessed against the requirement of the sequential test or locally defined impact assessment thresholds as appropriate. The retail component of the application scheme has been assessed in detail by independent consultants, and the application is supported by Retail Planning Statement which includes Sequential Test and Retail Impact Assessment. The development is considered acceptable in these respects.
- 6.18. **Policy SD3** requires developments to demonstrate how they contribute to the aims of sustainability by increasing energy efficiency minimising waste and avoiding the unnecessary pollution of air, harm to the water environment, and contamination of land or interference in other natural systems.
- 6.19. **Policy SD4** demands that development proposals are accompanied by a masterplan and design brief which can clearly demonstrate how context, character and sense of place are created. Principles of clear legibility and identity, functional amenity, high quality public realm and landscape are to be demonstrated. Proposals should be designed to assure safety and security, be fully inclusive and adaptable, and integrate with existing development.
- 6.20. A full design brief accompanies the resubmission application as required by policy SD4d.
- 6.21. **Policy SD5** considers Green Belt and its reviewed boundaries. It is of note, that the application site has been formally removed from the Green Belt. There is no need for this application to have regard for the Green Belt policies as they no longer apply.
- 6.22. **Policy SD6** is requires development proposals to consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.
- 6.23. **Policy SD7** considers the landscape and states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to the economic, environmental and

social well-being by: having regard to the local distinctiveness of different landscapes, protecting and enhancing landscape character, reducing visual impact and consider the sensitivity of the landscape.

- 6.24. **Policy INF1** states that access to the Transport Network developers should aim to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. It goes on to state that developers will be required to assess the impact of proposals on the transport network to ensure that they will not detrimentally affect its safety or efficiency.
- 6.25. **Policy SD9** requires new development to contribute positively to biodiversity and geodiversity.
- 6.26. **Policy SD14** seeks to protect and improve environmental quality and requires development not to create or exacerbate conditions that could impact on human health or cause health inequality.
- 6.27. **Policy INF1** states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Developers are required to assess the impact of proposals on the transport network through a Transport Assessment. It also states that *"planning permission will be granted only where the impact of development is not considered to be severe."*
- 6.28. The accompanying Transport Statement concludes that there are no valid highway or transportation reasons, which should prevent the proposed development of the site. The application should be approved as the proposal does not have severe impact on the transport network.
- 6.29. **Policy INF2** is concerned with flood risk management. The policy requires reduction in existing flood risk, application of sequential testing, and incorporation of suitable Sustainable Drainage Systems (SuDS) where appropriate.
- 6.30. **Policy INF3** is concerned with green infrastructure. Development proposals are required to consider and contribute positively towards green infrastructure, including wider landscape context.
- 6.31. **Policy INF4** considers social and community infrastructure. It notes that developers should

aim to provide flexible, multifunctional facilities within mixed-use developments, creating shared space which maximises benefits to the community and minimises land-take. New facilities should be accessible to all members of the community, and be planned and phased in parallel with new development.

- 6.32. Infrastructure delivery is covered in **policy INF6**. It requires new development to be served and supported by adequate and appropriate on- and/or off-site infrastructure and services. The policy provides list of potential infrastructure items which includes, amongst others, the provision of broadband infrastructure (i.), early years and education (iv.), the highway network, traffic management (vi.), and flood risk management infrastructure (xii.).
- 6.33. Furthermore, the policy states that:
"Planning permission will be granted only where sufficient provision has been made for infrastructure and services to meet the needs of new development and/or which are required to mitigate the impact of new development upon existing communities. Infrastructure and services must be provided in line with an agreed, phased timescale and in accordance with other requirement of this Plan."
- 6.34. The proposal complies with policy INF7 as the existing infrastructure is adequate to support the development.

CHELTENHAM LOCAL PLAN SECOND REVIEW (JUNE 2006)

- 6.35. The CBLP was adopted in December 1997 and revised in June 2006. Those policies that were saved during this revision remain valid, until the Local Plan is replaced by policies in the new Development Plan Documents. However, the Local Plan was prepared and adopted in accordance with the Planning and Compensation Act 1991 and not the Planning and Compulsory Purchase Act 2004. Paragraph 215 of the NPPF is therefore applicable and weight should be afforded to the relevant policies according to their consistency with the Framework.
- 6.36. The policies that are relevant to this application are identified below.

- 6.37. **Policy CP1** states that development will only be permitted that takes account of the principles of sustainable development.
- 6.38. **Policy CP2** deals with sequential approach to the location of development and specifies that *“where no suitable sites are available, or can be readily made available, alternative locations will only be permitted in the following sequence:*
- *District or neighbourhood centres;*
 - *Out-of-centre sites accessible by a regular choice of means of transport, excluding the residential parts of the conservation areas.”*
- 6.39. It has previously been accepted that the site is suitable for commercial development.
- 6.40. **Policy CP4** is concerned with safe and sustainable living and notes that development will be permitted where it would not cause unacceptable harm to the amenity of adjoining land users; and in unacceptable level of traffic; and maintain the vitality and viability of the town centre and district and local shopping facilities.
- 6.41. **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.
- 6.42. **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.
- 6.43. The supporting text to that policy sets out that ‘compatible’ means unlikely to cause harm to amenity by loss of privacy or disturbance from noise, smells, fumes, vibration, glare from artificial lights, hours of operation or travel patterns.
- 6.44. It also notes that where mixed uses are proposed on employment land, proposals will be subject to policy EM 2 (safeguarding of employment land).
- 6.45. **Policy CP7** is concerned with the design of new development and essentially states that new development will only be permitted where it is of a high standard of architectural design.
- 6.46. **Policy CP8** requests provision of necessary infrastructure and facilities necessary for the development to proceed and other public services and facilities, the need for which arises directly from the development. In this respect, the provision of day care nursery is necessary on site to support the childcare provision arising from the need of employees on site.
- 6.47. **Policy EM1** was concerned with employment uses, but has been superseded by JCS policy SD1
- 6.48. **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.’*
- 6.49. However, with regard to the relevance of this policy when determining the application it is important to note that, whilst outline planning permission has been granted for B class employment uses on this site since 2007, the site has not yet been developed for such uses. As a result, it is considered that very limited weight can be afforded to this policy in the decision making process. This point was acknowledged in the Officer’s report previously refused application:

“EM2 is concerned with protecting existing or last employment uses rather than unimplemented planning consents and is therefore of little relevance.”

- 6.50. In addition, as acknowledged in the Officer’s Committee report, the 2007 ELR predominately looked at land and buildings which had a history of B class use and was written at a time when the definition of employment use was narrower. The Officer also acknowledges that:

“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 is sufficiently small not to overly affect future prospects for B-class job provision at this location.”

- 6.51. **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 (note 3);*
- b. *the Montpellier Shopping Area or the High Street West End Shopping Area, subject to policy RT 2 (note 3);*
- c. *elsewhere within the Core Commercial Area, subject to policy RT 1 (note 3);*
- d. *district or neighbourhood shopping centres, subject to policy RT 3 (note 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 (note 3).*

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

- 6.52. Policy RT7 which was concerned with retail development in out-of-centre location has been deleted.

NATIONAL PLANNING POLICY

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 6.53. The National Planning Policy Framework provides an important material consideration in the determination of this application. The origins of the NPPF relate back to the ‘Open Source Planning Green Paper’ released by the Conservative Party where they considered the previous planning system to be ‘broken’, in that it was not delivering the growth that the country needed. The NPPF has therefore been designed to facilitate positive growth – making economic, environmental and social progress for this and future generations and delivering sustainable development without delay. Accordingly, it holds a ‘pro-growth’ agenda and should be seen as a positive and enabling document. It advocates a proactive, creative and solution-seeking approach to planning.

- 6.54. In accordance with paragraph 215 of the NPPF, the consistency of Development Plan policies with the NPPF is material.

- 6.55. **Paragraphs 7-10** of the NPPF 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.

- 6.56. The objectives of sustainable development are to contribute to a strong, responsive and competitive economy, supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, creating a high quality built environment with accessible local services and protecting and enhancing our natural, built and historic environment. Sustainable development should, where possible widen the choice of quality homes that are available as well as to make it easier for jobs to be created in our settlements.

- 6.57. **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.

6.58. **Paragraph 17** of the NPPF sets out the core planning principles that should underpin the planning system both in plan making and decision taking. With reference to this application the following principle is of key relevance:

“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;” (our emphasis).

Paragraphs 18-21 of the NPPF seek to build a strong, competitive economy and re-iterate and expand on the core principle set out above. They state:

*“18. The Government is committed to securing **economic growth in order to create jobs and prosperity**, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.*

*19. 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.

*20. To help achieve economic growth, local planning authorities should **plan proactively to meet the development needs of business and support an economy fit for the 21st century**.*

*21. Investment in business should not be overburdened by the combined requirements of planning policy expectations. **Planning policies should recognise and seek to address potential barriers to investment**, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:*

- ***support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances”*** (our emphasis).

6.59. **Paragraph 22** of the NPPF states that LPAs should avoid the long term protection of employment sites where there is no reasonable prospect of a site being used for that purpose. It is of note that the JCS is consistent with that approach and it does not allocate the application site for employment uses but removes it from the Green Belt.

RETAIL IMPACT

6.60. **Paragraph 26** of the NPPF 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.

6.61. **Paragraph 27** states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

HIGHWAYS AND ACCESSIBILITY

6.62. Paragraph 34 highlights that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 states that developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

DESIGN

6.63. **Chapter 7** considers what constitutes good design and requires developers to establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, reflect the identity of local surroundings and materials, and achieve developments which are visually attractive as a result of good architecture and appropriate landscaping. The Framework simply looks for the design of new developments to add to the overall quality of the area.

FLOOD RISK

6.64. **Chapter 10** is concerned with meeting the challenge of flooding, and states in Paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

EMERGING PLANS

6.65. Paragraph 216 of Annex 1 to the Framework indicates that weight may be given to relevant policies in emerging plans. The degree of weight to be attached to an emerging policy depends on;

(i) the stage of preparation; (ii) the extent to which there are unresolved objections to relevant policies and (iii) the degree of consistency of the relevant policies to the policies in the Framework.

PLANNING PRACTICE GUIDANCE (MARCH 2014)

6.66. The section regarding 'Housing and Economic Development Needs Assessments' is of particular relevance to the case. **Paragraph 030**, which refers to how the current situation in relation to economic and town centre uses should be assessed, states that:

In understanding the current market in relation to economic and main town centre uses, plan makers should liaise closely with the business community to understand their current and potential future requirements. Plan makers should also consider:

- *The recent pattern of employment land supply and loss to other uses (based on extant planning permissions and planning applications). This can be generated through a simple assessment of employment land by sub-areas and market segment, where there are distinct property market areas within authorities.*
- *Market intelligence (from local data and discussions with developers and property agents, recent surveys of business needs or engagement with business and economic forums).*
- *Market signals, such as levels and changes in rental values, and differentials between land values in different uses.*
- *Public information on employment land and premises required.*
- *Information held by other public sector bodies and utilities in relation to infrastructure constraints.*
- *The existing stock of employment land. This will indicate the demand for and supply of employment land and determine the likely business needs and future market requirements (though it is important to recognise that existing stock may not reflect the future needs of business). Recent statistics on take-up of sites should be consulted at this stage, along with other primary and secondary data*

sources to gain an understanding of the spatial implications of 'revealed demand' for employment land.

- *The locational and premises requirements of particular types of business.*
- *Identification of oversupply and evidence of market failure (e.g. physical or ownership constraints that prevent the employment site being used effectively, which could be evidenced by unfulfilled requirements from business, yet developers are not prepared to build premises at the prevailing market rents).*

6.67. In relation to analysing employment land, Paragraph 031 states that 'when examining the recent take-up of employment land, it is important to consider projections (based on past trends) and forecasts (based on future scenarios) and identify occurrences where sites have been developed for specialist economic uses.'

6.68. The Guidance also acknowledges the decline of manufacturing, rise of services and an increased focus on mixed-use development. It states that the increasing diversity of employment generating uses requires different policy responses and an appropriate variety of employment sites.

OTHER MATERIAL CONSIDERATIONS

EMERGING NATIONAL PLANNING POLICY FRAMEWORK – MARCH 2018

6.69. The Government is currently consulting on a draft version of updated NPPF which will replace the existing NPPF. It provides a framework within which locally-prepared plans for housing and other development can be produced. NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

6.70. The emerging NPPF focuses on sustainable development which needs to be pursued in a positive way, at the heart of the Framework is the presumption in favour of sustainable development.

6.71. **Paragraph 8** provides definition of sustainable development highlighting and reinforcing the three overarching objectives – economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across the different objectives.

6.72. **Paragraph 11** redefines the meaning of the presumption in favour of sustainable development in both plan-making and decision taking.

6.73. **Paragraph 119** requires LPAs and other plan-making bodies to take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs.

6.74. **Paragraph 120** requires "planning policies and decisions to reflect change in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- They should, as part of plan reviews, reallocate the land for a more deliverable use that can help to address identified needs; and*
- In the interim, prior to reviewing the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting and unmet need for development in the area." (our underlining)*

6.75. **Section 12** of the Emerging NPPF is concerned with the design aspect of development. Paragraph 129 notes that "where the design of a development accords with clear expectations in local policies, design should not be used by the decision-maker as a valid reason to object to development." It should be noted, that the design of the scheme has previously been accepted by the planning officers.

EMERGING CHELTENHAM BOROUGH PLAN

6.76. Work has begun on a new plan for Cheltenham but it is at an early stage and therefore limited weight can be applied to it. The Cheltenham Plan will guide development in the local area and it will be used in combination with the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury.

6.77. The Cheltenham Plan is being delivered into two distinct parts; part one is being delivered ahead of part two which will consider, amongst other things, an economy strategy and policies.

6.78. The Plan has been advanced with anticipated submission to the Secretary of State by the end of the 2018.

7.0 Planning Policy Considerations

7.1. This section considers all of the issues raised in the previous review of relevant planning policy in order to weigh up the planning balance.

7.2. This planning application is a resubmission of previously refused scheme which has been recommended for approval by the planning officer. The officer's report concluded that:

"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." (para 7.5)

7.3. As set out earlier in this Statement, the site benefits from an extant outline planning permission at the site for employment uses, specifically B1 office use which is an important material consideration in the determination of this application to which significant weight should be applied. It is a well-established matter of planning law that an Applicant's ability to implement a fall-back position is material in determining future planning applications.

7.4. As such, the consideration of this planning application, particularly in terms of the impacts of development, such as landscape, transport and ecological matters, must have regard to the Applicant's ability to develop the application site for the use previously granted planning permission.

7.5. Notwithstanding consideration of the extant permission at the site, the proposed development comprises a new hybrid planning application and as such it is important to assess the scheme against the up-to-date circumstances surrounding the application. In particular with regard to wider definition of employment land and changing market trends for office accommodation requirements.

7.6. With regard to the above planning history, it is considered that the principal planning considerations relate to:

- Development of a retail establishment and coffee shop on an out-of-centre site and the need to retain the site for solely B1 use;

- Impact on nearby residential properties;
- Impact on the character and appearance of the area; and
- Impact on the local highway network.

7.7. These issues are considered further below in order to establish the principle of development at the application site before more specific development management policies relating to the details of the proposal are discussed. The development of retail uses on an out-of-centre site is considered more fully in the accompanying Retail Planning Statement, which includes Sequential and Impact Assessment; and Economic Impact Assessment (Appendix 4).

PRINCIPLE OF DEVELOPMENT

7.8. As set out above, the proposed development should be assessed against relevant employment policies in both local and national policy documents.

7.9. Local Plan Policy CP6 states that mixed use development will only be permitted on suitable sites where the uses proposed are compatible with each other and adjoining land uses; and for schemes attracting a significant number of trips, only in the Core Commercial Area; or 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.

7.10. The criteria identified as part of the above policy are not considered in the NPPF, which offers a lesser test for the provision of employment land. However, there is still merit in analysing the proposed development against the criteria set out in the Local Plan policy for completeness.

7.11. LP Policy EM1 has been replaced by the Policy SD1 of the JCS which states that *"employment (except retail) development will be supported at strategic allocations; at locations allocated for employment; or for re-development of land already in employment uses."*

- 7.12. According to the policy requirement, the retail element of the proposal has been assessed against the local policy and is supported by robust evidence in form of Retail Planning Statement which includes both the Impact Assessment and Sequential Tests.
- 7.13. The explanatory note to policy SD1 notes, particularly paragraph 4.1.15, that *“employment uses, such as retail, leisure facilities, education, health services and residential care (uses outside the ‘B-classes’) are predicted to provide over two-thirds of the projected job growth across the area.”* This signals a considerable shift in the employment policy interpretation in the wider area. This has been acknowledged by the officer who accepted that the inclusion of the non-B1 uses does not dilute the primary function of the site as an employment site (para 6.6.13 of the Officer’s report).
- 7.14. Furthermore, it has been previously accepted in principle, that in terms of retail impact, the development of a supermarket in the location is acceptable (para 6.7.10 of the Officer’s report to committee). The current application proposal is supported by Retail Planning Statement which examines the impact of the proposal on the individual retail centres in the area. It further includes a detailed Sequential Test.
- 7.15. The application site is not a strategic or an allocated employment allocation. As such employment uses other than B class uses were deemed acceptable. This point is further supported by the policy SD1, which is concerned with employment related development outside the strategic allocations, and town and rural centres; in so far that where the development is located in the wider countryside it will be supported when *“located within or adjacent to a settlement and of an appropriate scale and character.”*
- 7.16. With regard to the first criterion of policy CP6, the application proposals advance a mix of employment generating uses including B1 office space, D1 day nursery, A1 retail store and A1/A3 coffee shop and drive thru. These proposals are all contended to be compatible with the surrounding uses which currently consist of residential development to the south, and a range of retail, office and industrial uses to the south east of the site.
- 7.17. The impact of the previous proposals upon neighbours have been fully assessed. The previous officer’s report to the committee notes, that while the new, and now resubmitted, proposal is markedly different, it also concludes that *“officers consider that the impact of the proposal on neighbour amenity would be acceptable”* (para 6.6.11)
- 7.18. The site is bounded by the A40 which connects Gloucester in the west with Cheltenham in the east and is known locally as Gloucester Road. Junction 11 of the M5 motorway is located approximately two kilometres to the west of the site by road. The proposed employment generating uses are compatible with the sites position in highway terms.
- 7.19. The application proposals are also accompanied by Noise Assessment which sets out that there are already significant levels of traffic noise across the site from the A40 dual carriageway to the north and also from the M5 motorway to the west. It is concluded that the noise arising from activities at the development site will be below the existing ambient traffic noise levels, and it is therefore considered that the proposed development is unlikely to have any significant noise impact upon the dwellings located at North Road West and across Grovefield Way. The proposed uses would therefore not be incompatible from a noise pollution perspective and the additional criterion of Policy CP6 is therefore met.
- 7.20. With regard to the second part of Policy CP6, the accompanying Transport Assessment sets out that the application site will make efficient use of the site where there are sustainable travel options available as a viable alternative to private car use. The TS concludes that the proposed development will be accessible by foot, by cycle and by local bus services. It also concludes that the development can be accommodated without detriment to the future operation and safety of the local highway network, particularly in the context of the previous planning approvals on the site for B1 employment use and a BMW Mini car showroom. The report demonstrates that the forecast trip attraction for the current proposal will be less than that calculated for the previously approved business park proposals on the site. It also confirms that the traffic associated with the current proposal will be less than the previously consented uses on

the site. The traffic associated with the proposed development is therefore not forecast to have a material impact on the operation and safety of the local highway network. As such, the proposals evidently comply with Policy CP6 of the Local Plan.

- 7.21. The acceptability of the scheme in terms of traffic, transport and accessibility is also supported by the planning officers in paragraph 6.7.15 of the officer's report to the committee, which states that:

"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." (our underlining)

- 7.22. Policy EM2 essentially 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. However, as set out earlier in this Statement, it is considered that this policy is of limited relevance to the determination of the application proposals and can be afforded limited weight. Whilst outline planning permission has been granted for B class employment uses on this site since 2007, the site has not yet been developed for such uses. This was also a point acknowledged in the Officer's report to committee when considering the approved BMW scheme adjacent to the application site which stated at page 9: *"The lack of a current or previous history of B class use on the site serves to reduce the impact of policy EM2 on the application."*

- 7.23. The NPPF states that planning should operate to encourage and not act as an impediment to sustainable growth. It goes on to highlight that Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st Century.

- 7.24. As set out in the accompanying Economic Impact Assessment (attached at Appendix 4 of this Statement), whilst the application is not for entirely 'traditional' B1 employment uses, the development proposal offers the opportunity for significant economic growth, which is a national objective and is an important material consideration set out in the Framework.

- 7.25. With regard to the above, it is therefore considered that the proposals fully comply with the relevant Local Plan Policies as well as the advice contained within the NPPF.

THE NEED TO RETAIN THE SITE FOR (ONLY) B1 USE

- 7.26. It is acknowledged that the proposed development does not wholly fall within the B1 use class of development which benefits from extant planning permission at the site. As such, a key consideration in determining the acceptability of the proposed development is whether or not the proposed B1, D1, A1 and A3 uses sufficiently contributes to meeting the 'employment needs' of the Borough.

- 7.27. In this regard, the Applicant notes that there has generally been a marked policy shift in recent years in relation to what is considered to constitute 'employment' development. The Cheltenham Borough Council Employment Land Review (ELR) 2011 is an evidence base document which was prepared by Nathaniel Lichfield and Partners on behalf of Cheltenham Borough Council. The ELR notes (paragraph 1.7) the shift in regional and national planning policy that sought not to restrict the consideration of employment uses to the B use classes only.

- 7.28. The ELR notes that this shift *"represents an important departure from previous strategic guidance which has tended to only consider B Class employment land. Accordingly, and recognising that job creation outside of the B Class sectors make a significant contribution towards employment and economic well-being, other non-B Class employment generating uses are considered as part of this study."*

- 7.29. The updated version of the Employment Land Assessment document from October 2015 further confirms the continued lack of B-class employment land supply compared to anticipated future need. As a consequence, the emerging Cheltenham Plan is seeking allocation of the application site for B-class employment purposes as part of a wider policy for employment land management.

- 7.30. However, the Cheltenham Plan has not yet been submitted for examination to the Secretary of State. Limited weight should be applied to it for decision making purposes at this stage.

7.31. Similarly, the NPPF indicates a further shift from traditional strategic guidance on what constitutes economic growth. The NPPF seeks to promote economic growth and does not distinguish between development that falls within the B use classes or otherwise. The Glossary to the Framework defines 'Economic Development' as **'Development including those within the B use classes, public and community uses and main town centre uses, (but excluding housing development)'** (our emphasis.)

7.32. With regard to such employment uses, paragraph 7.27 of the ELR highlights that the current key non-B Class sectors within the Joint Core Strategy area can be identified as; retailing, health and social work and education. It goes on to note that, in the light of the anticipated changes in employment levels in the various non B Class sectors, the above sectors are likely to be the most dominant in the Borough by 2026. This is relevant to the application proposals which seek to provide a mixture of B1, D1, A1 and A3 uses all of which will deliver significant employment and economic benefits to the area.

7.33. Since the granting of permission in 2007 for B1 office development, no development in this use class has materialised on the site due to market issues. With this in mind, it is noted that the Site Analysis and Employment Land Review (January 2015) highlights the importance of utilising a mix of employment uses on a site in order to encourage the provision for office-based businesses on a site. Paragraph 8.19 specifically states:

"All of the Economic Forecasts Model identifies job growth for those employment generating industry sectors that do not require B class employment land provision. These sectors include Accommodation and Food Services, Education, Human Health and Social Work, Arts entertainment and recreation and Retail. The Borough Plan will need to consider these job growth forecasts alongside the requirement for B Class development as they represent significant levels of employment growth ranging between 4,100 and 9,600 jobs over the plan period."

7.34. The document goes on to conclude (para 8.49) that in order to deliver the vision for increased economic well-being, it is important to recognise that the delivery of B Class land is not in itself

sufficient. It directs that consideration must also be given to the ways in which the other pillars of prosperity might be supported.

7.35. Whilst the application site at Grovesfield way represents an important source of supply of office space, to date there has not been any physical progress on the delivery of the original B1 office scheme on the site and this must be taken into account when considering the application proposals.

7.36. The proposed A1, A3 and D1 uses along with the proposed office space will secure a long-term viable employment use for the site, providing employment opportunities for local residents during both the construction and operational phases. Table 1 below demonstrates the gross direct operational phase impacts for the area as a result of the development.

TABLE 1: GROSS DIRECT OPERATIONAL PHASE IMPACTS

	Employment (FTEs)	Wages (£m Annual)
A1 – Aldi Foodstore	26	£0.50m
A3 – Costa	20	£0.38m
D1 – Happy Days Nursery	25	£0.40m
B1a – Full	365	£12.58m
Full Application	436	£13.86m
B1a – Outline	582	£20.07m
Outline Application	582	£20.07m
Total	1,018	£33.93m

Source: HJA Analysis

7.37. From the above, it is evident that there would be both short term and long term economic sustainability benefits in terms of employment generation. Importantly, there will be jobs created with this development which have so far not materialised at the application site.

7.38. As set out earlier, whilst the ELR recognises the need to retain land currently or previously in B class use, it also predicts that around 80% of the anticipated net increase in employment levels between 2006 and 2026 is expected to come forward in non-B class sectors (pg.146).

7.39. Furthermore, in determining the application for the approved BMW scheme the Officers report to Committee highlighted that the commitment to retain B class uses under policy EM2 and

reinforced by the employment land reviews was not significantly harmed by the loss of part of the Grovefield Way site to a Sui Generis Use which has some B class characteristics and would generate jobs, given the need for growth in facilities and space for non B class employment. In that case the LPA noted that the policy could be afforded very limited weight in the decision making process given the lack of a current or previous history of B class use on the site.

- 7.40. The Economic Impact Assessment submitted in support of this resubmission application identifies that the gross direct construction phase impacts of the £23.2 million investment are estimated at 137 person years of employment, supporting £4.2 million in wages.
- 7.41. The net additional effects at the Cheltenham level are estimated at 99 person years of employment and £3.1 million in wages. At the JCS area level these increase to 145 person years and £4.5 million in wages.
- 7.42. The operational phase analysis shows the scheme will deliver employment capacity for 1,018 FTE gross direct posts generating incomes in excess of £34 million per annum.
- 7.43. The net additional effects at the Cheltenham level are estimated at 498 FTEs supporting wages of almost £16 million per annum, increasing to 605 FTEs and almost £20 million in wages at the JCS area level.
- 7.44. Total locally retained business rates are estimated at up to £667,000 per annum, which will provide funding to safeguard and extend further local employment and services.
- 7.45. It is clear that the economic benefits of the proposals are significant and that substantial weight can therefore be applied to these benefits when determining the application proposal, particularly in the context of the NPPFs drive for the planning system to contribute to building a strong, responsive and competitive economy.
- 7.46. Furthermore, Officer's noted in that report that the appeal inspector in previous Appeal (PINS Ref: APP/B1605/A/06/2015866/NWF) did not seek to limit the permission to use for office development only, but considered that the serious and acute

shortfall in overall local employment land provision amounted to the very special circumstances that justified the granting of permission for B1 use (paragraph 24).

- 7.47. The planning officer recommending approval of the previous planning application (LPA Ref: 16/02208/FUL) concluded that the same applies, particularly where policy EM2 is concerned, as this policy seeks to protect existing or last employment uses rather than unimplemented planning consents. It is therefore of little relevance. Retail use still contributes valuable employment opportunities and it is considered that the proportion of the floorspace proposed to be given over to retail is sufficiently small not to overly affect future prospects for B-class job provision at this location.
- 7.48. It is therefore contended that this the application proposal fully complies with adopted policies and introduction of non-B1 uses is acceptable. Furthermore, the proposed uses on site are considered to be employment generating.

RETAIL IMPACT AND THE SEQUENTIAL TEST

- 7.49. It is acknowledged that as the proposed development is located out of centre in retail policy terms, it is therefore necessary to demonstrate that there are no suitable, available and viable sequentially preferable sites that could accommodate the proposed development in accordance with Paragraph 26 of the NPPF.
- 7.50. The application proposal is therefore supported by a Retail Planning Statement and Sequential Test prepared by DPP Planning. That document identifies that by focusing on the "main town centre uses" element of the overall proposal, whilst allowing for a reasonable degree of flexibility and the requirement for a site to be available now, no sites have been identified for the proposed development that are sequentially superior and capable of accommodating the proposed development. The report identifies that the application site is demonstrably the most appropriate location for the proposed development.

- 7.51. Turning to retail impact, it is demonstrated in the Retail Planning Statement that the proposal will result in a comparatively very small increase in trade diversion from the town centre over and above that associated with relevant “commitments”. It is noted that this will have an imperceptible impact on the sustained vitality and viability of the town centre, which is strong, popular and attractive and, moreover, is continuing to improve.
- 7.52. Furthermore, it is identified that the proposal will not remotely adversely affect any other policy protected centre in Cheltenham. Put simply, the retail impact test contained in the NPPF is comfortably complied with and, given the wide-ranging consumer and employment benefits identified throughout this Statement, the “presumption in favour” should clearly apply.

CONCLUSION ON THE PRINCIPLE OF DEVELOPMENT

- 7.53. In conclusion, as set out earlier in this Statement, the NPPF seeks to promote ‘economic growth’. As set out above, not only will the proposed development help meet the historically identified need for new employment space within the Borough but the proposal also responds to evidence which forecasts around an 80% net increase in employment levels between 2006 and 2026 in non-B class sectors (pg.146).
- 7.54. The proposed development is considered to be compatible with the provisions of the relevant development plan and national policy and should be pro-actively supported and driven forwards to enable development to come forward on the site which will stimulate market interest particular for the proposed offices.
- 7.55. The development is considered to provide an opportunity for sustainable economic growth that will create ‘jobs and prosperity’ within an ‘expanding business sector’ which has managed to respond well to ‘changes in economic circumstances’.
- 7.56. The proposal has also been identified as acceptable in retail impact terms in accordance with paragraph 26 of the NPPF.
- 7.57. It has been demonstrated that the proposal will deliver a number of important economic benefits at a committed commercial development site within the urban area and, as such, it clearly qualifies as a “sustainable economic development”, for which there is a presumption in favour embodied in the NPPF, unless the adverse impacts would demonstrably out-weigh the benefits.
- 7.58. Given the major benefits identified and the absence of any material harm, which is considered in further detail below, the proposal should be supported and planning permission granted accordingly.

OTHER MATERIAL CONSIDERATIONS RELEVANT TO THE PROPOSALS

- 7.59. This section of the planning statement now assesses other considerations relating to the acceptability of the proposals.

CHARACTER AND APPEARANCE

- 7.60. The impact of the character and appearance of the locality is a material consideration in determining the acceptability of the proposed development.
- 7.61. As set out in previous chapters of this statement the circumstances in relation to the character and appearance have not changed since the determination of the 2007 appeal and subsequent extant planning permission for B1 use across the current application site. Furthermore, the implementation of the approved BMW dealership at the north east corner of the wider Grovefield Way site has materially altered the landscape character and appearance of the site since the 2007 appeal.
- 7.62. The proposed development will further offer the opportunity to open up views to the site to enhance the prominence of the proposed B1 site and take full advantage of its gateway location to Cheltenham to provide views to a modern and high quality business park with a mix of high quality employment generating development. Whilst the proposed development will be in a visible location the development affords the opportunity to enhance the approach to Cheltenham along the A40; in conjunction with the new BMW flagship building and will further stimulate market interest for the proposed office development.

7.63. This application is accompanied by the Visual Pack and 'fly-over' video. The 3D simulation of the site offers an opportunity to visualise the future appearance of the site once it is fully developed and landscaped.

HIGHWAYS AND ACCESSIBILITY

7.64. As set out in the accompanying Transport Assessment (TA) the site is located within easy walking distance of neighbouring residential areas and close to a public transport bus route. It therefore provides the opportunity for future employees and visitors to walk cycle or use public transport facilities to access the site as a genuine alternative to the car and it therefore complies with the broad objectives of transportation policy.

7.65. The site access road and its junction with Grovefield Way have been agreed in principle with the local highway authority as part of the permitted B1 use on the wider site. The site access junction on Grovefield Way and an approximate 160 metre section of the access road has been constructed as part of the approved BMW Mini car showroom development up to the boundary of the BMW site. This access road will be extended into the application site to serve the proposed development.

7.66. Notwithstanding the above, the Transport Assessment accompanying this application provides an assessment of the site and surrounding highway network and its safety and demonstrates that the surrounding highway network is capable of accommodating the proposed development without causing harm to the safety or operation of the highway.

7.67. As set out in full within the accompanying Transport Assessment, the application proposals will not result in a material increase in vehicular trips associated with the proposed development, in comparison to the extant consent. It is therefore considered that the site access is suitable to serve the proposed development.

7.68. The TA shows that the proposed development could result in up to 18 additional vehicle trips during the weekday AM peak period and 15 additional vehicle trips during the weekday PM peak period compared to the most recently

consented scheme on the site. This equates to less than one additional vehicle per minute during the peak periods.

7.69. However, in comparison to the 2009 consented scheme, the proposed development could result in up to 149 fewer vehicle trips during the weekday AM peak period and 80 fewer vehicle trips during the weekday PM peak period.

7.70. As such, it is considered that the proposed development will not have a material impact on the operation or safety of the local highway network during the weekday peak periods and capacity assessments are not necessary.

7.71. With regards to the Saturday peak period, it is forecast that there could be up to 341 additional vehicle trips associated with the proposed scheme in comparison to the extant consents, and an assessment has therefore been carried out to determine the likely impact of the proposals at the Arle Court and Park and Ride roundabouts.

7.72. The TA confirms that the proposed development in addition to the baseline traffic flows during the Saturday peak period will result in fewer vehicle movements compared to those previously agreed as acceptable for both the weekday AM and PM peak periods. It is therefore considered that the existing junctions are suitable to accommodate the proposals during the Saturday peak period and capacity assessments are not necessary. The proposed development thereby conforms to paragraph 32 of the NPPF which states that development should only be refused on transport grounds if the residual cumulative impacts of the development are severe.

7.73. Paragraph 36 of the NPPF states that all developments which generate significant amounts of movement should be required to provide a Travel Plan to exploit the use of sustainable modes of transport for the movement of goods and people. The planning application submission package is duly accompanied by a Transport Assessment and associated Travel Plan which therefore satisfies this requirement of the NPPF.

7.74. We maintain that the proposed development will have an appropriate impact on the local highway network. This was previously accepted by officers in their report where they stated that:

“the proposal meets all 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.”

- 7.75. We also note that no objections were raised by the Local Highway Authority or Highways England to the previous application.
- 7.76. In relation to car parking provision the proposed development will provide suitable car, cycle and motorcycle parking spaces for staff parking within the site as detailed in full within the accompanying Transport Assessment and Travel Plan.
- 7.77. This application is supported by sufficient technical evidence to demonstrate that the proposal is acceptable in terms of traffic, transport and accessibility.

FLOOD RISK AND DRAINAGE

- 7.78. The proposed development site is a low risk (Zone 1) for fluvial or pluvial flooding; as shown on the EA's Risk of flood mapping. The accompanying Flood Risk Assessment confirms that the proposed development will not increase the risk of flooding in the wider catchment as the surface water generated from the site will be contained within the site, and released on an attenuated basis.
- 7.79. Whilst it is acknowledged that the impermeable area will increase as a result of development, the adoption of SUDS and the provision of on-site storage capacity will not increase the risk of flooding in the wider catchment; indeed it may produce a long-term benefit to the receiving downstream catchment.
- 7.80. The drainage strategy proposed will provide extensive mitigation against the potential for off-site flooding relating to overland flows, resulting in a benefit to the wider catchment.
- 7.81. Foul Water from the site will be discharged into public foul water sewers off site under agreement with the adopting water authority, Severn Trent Water
- 7.82. The proposals are therefore considered to accord with local and national planning policy with regard to flood risk and drainage.

BIODIVERSITY

- 7.83. An Ecological Appraisal of the site was conducted by Ecology Solutions Ltd. The application site was originally surveyed in June 2006 and updated walkover surveys have been carried out in September 2011, May 2013 and September 2016. In addition, specific surveys were undertaken within the application site in respect of bats and badgers. The proposed design has been guided by the recommendations and enhancement measures provided by the Appraisal. As a result, the design will include the provision of bird and bat boxes as well as native planting and landscaping throughout.

DESIGN

- 7.84. The application is supported by a DAS that sets out full details of the proposals. That document demonstrates that the proposed scheme is the result of a sound design process that has carefully considered the opportunities and constraints of the site and the character and appearance of the surrounding area.
- 7.85. The proposal will result in a well-considered suite of buildings on the site which have been developed in accordance with the requirements of end users and has been sympathetically designed taking into account key features of the site and the existing BMW showroom.
- 7.86. The layout ensures the provision of adequate parking and turning areas for each unit. Secure cycle parking has also been proposed across the site, to encourage the use of sustainable transport measures.
- 7.87. The masterplan has taken care to ensure the site links well with the surrounding built fabric and landscape and takes advantage of the site's prominent location at this key junction.
- 7.88. Furthermore, a high standard of sustainable construction has been proposed for the new buildings, as set out in the Design and Access Statement, which will help to minimise levels of carbon production in the construction and operation of the new buildings.
- 7.89. A noise assessment has been undertaken to evaluate the potential noise impact of the

proposed plant and delivery programme at the closest existing residential receptors on North Road West and across Grovefield Way. It is considered that noise does not pose a material constraint to the operation of fixed plant items or deliveries taking place and predicted noise levels will be below existing ambient traffic noise levels. The scheme design has been carefully developed with nearby residential properties in mind.

SUSTAINABILITY

7.90. Achieving sustainable patterns of development lies at the heart of all Government policy, and is therefore an overarching objective for planning policy.

8.0 Planning Balance

- 8.1. This section assesses the significant merits of the application scheme in relation to the three sustainability tests set out at paragraph 7 of the NPPF and clearly shows that whilst there are considered to be some slight adverse impacts in visual terms, these considerations are incapable of outweighing, let alone significantly and demonstrably outweighing, the many benefits of the scheme.
- 8.2. Paragraph 8 of the NPPF states (amongst others) the assessment of the sustainability roles should not be undertaken in isolation, because they are mutually dependent.
- 8.3. A planning balance exercise has been carried out in accordance with the guidance at paragraph 8 of the NPPF. In respect of this application, the proposal is considered to achieve the principles of sustainable development entirely for the following reasons:

ECONOMIC ROLE

- 8.4. The proposed development will support the Borough in meeting its employment needs over the new plan period. It provides a mix of employment uses which will contribute towards sustainable economic growth of the District as a whole, and the locality more specifically. The development seeks to encourage market interest for the provision of office space in this location.
- 8.5. The operational phase analysis in the accompanying Economic Report prepared by Hardisty Jones Associates shows the scheme will deliver employment capacity for 1,018 FTE gross direct posts generating incomes in excess of £34 million per annum.
- 8.6. The net additional effects at the Cheltenham level are estimated at 498 FTEs supporting wages of almost £16 million per annum, increasing to 605 FTEs and almost £20 million in wages at the JCS area level. Total locally retained business rates are estimated at up to £667,000 per annum, which will provide funding to safeguard and extend further local employment and services.

- 8.7. The Retail Planning Statement confirm, that ALDI and Costa Coffee will provide up to 60 new employment opportunities at an accessible location. It is envisaged that the majority of these jobs will be recruited locally, providing a major boost to the area's economy. This is an important material consideration which should be afforded weight accordingly in the determination of the proposal's overall degree of acceptability.
- 8.8. The existing contractual commitment of both operators to the scheme clearly demonstrates their requirement for new outlet in Cheltenham to complement their existing representation in the town.
- 8.9. By improving the range of retailers/service providers represented locally, the proposal will assist in reinforcing Cheltenham's overall reputation as an important sub-regional centre where economic growth is welcomed and the business requirements of specific operators can be successfully met, with clear economic and consumer benefits.

SOCIAL ROLE

- 8.10. The additional employees which will be generated by the development will contribute towards the local economy and support local facilities and services. In addition, a significant level of jobs will be created for local people as set out above.

ENVIRONMENTAL ROLE

- 8.11. The application site is located in close proximity to several food/non-food retailers and, is situated within a "growth area" for both major commercial and residential development. Furthermore, a day nursery is proposed as part of the overall mixed use scheme. The proposed development will, therefore, complement existing and emerging facilities and has the potential to encourage linked trips with other businesses in the area and reducing the environmental impact on the wider area.

8.12. The proposed scheme delivers landscaping proposals which will offer a range of ecological benefits and mitigation. This is highlighted in further detail in the accompanying Ecological Appraisal and Landscape Statement.

SUMMARY

8.13. In summary, we conclude that the proposal will deliver a number of benefits to the local area and, in doing so, will assist in the realisation of a number of key objectives of national and local planning policy. These benefits are an important material consideration. There is no evidence that the proposed foodstore and drive-thru coffee shop would have a significant adverse effect on any interests of acknowledged importance detailed in Section 6 of the Retail Planning Statement.

8.15. With regard to the above considerations, and in line with paragraph 14 of the NPPF, there are no adverse impacts which would significantly and demonstrably outweigh the considerable number of benefits that would result from the proposed development.

9.0 Conclusion

- 9.1. This statement accompanies a hybrid planning application comprising a full application for the erection of 5034sqm of B1 employment space, 502sqm Day Nursery (Use Class D1), 204 sqm Costa Coffee with Drive Thru facility (Use Class A1/A3) and 1,742 sqm (A1 Foodstore) and an outline application comprising 8,034 sqm B1 offices as well as the creation of an access from Grovefield Way.
- 9.2. This proposal is a resubmission of planning application LPA Ref.: 16/02208/FUL which was refused by the committee in December 2017.
- 9.3. The development is proposed following the grant of outline planning permission in 2007 for the erection of B1 office space across the site.
- 9.4. To date, no development in this use class has materialised on the site due to market issues. The proposed development seeks to maintain many of the principles already established as part of the approved B1 scheme and continues to seek to contribute to meeting the identified need for employment space within the Borough as established at the time of granting the extant B1 scheme, and the now complete and operational BMW showroom.
- 9.5. A range of different employment generating uses have therefore now been proposed at the site in order to encourage vitality and the stimulate market interest, particularly for the proposed offices.
- 9.6. Having regard to the relevant paragraphs in the NPPF regarding retail impact and the conclusions reached in the accompanying Retail Planning Statement, the proposal is considered acceptable in respect of the location and retail impact on existing centres. In addition, it has been demonstrated that there are no sequentially preferable sites for the proposed development.
- 9.7. Furthermore, the impact on nearby residential properties is considered acceptable given the siting and design of the development. Technical considerations such as noise/odour are explored in further detail in the supporting technical reports.
- 9.8. It has also been noted that the Local Plan was adopted in March 2006 under the 1990 Act and therefore, policies should only be considered according to their degree of consistency with the NPPF.
- 9.9. Paragraph 14 of the NPPF sets out the presumption in favour of Sustainable Development, and states that where Development Plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or where specific policies in the Framework indicate development should be restricted.
- 9.10. Recently adopted Joint Core Strategy for Cheltenham, Gloucester and Tewkesbury has removed the site from Green Belt. As demonstrated in this planning statement, the proposal fully complies with both local and national planning policies.
- 9.11. The planning balance assessment has demonstrated that there are considerable benefits that arise from the proposed development. The provision of employment land when there is an identified need must be given great weight in the determination of the application. The positive economic impact of the investment and jobs meets the overarching aim of Government policy to encourage sustainable economic growth.
- 9.12. The proposed development has an acceptable impact on the landscape and local highways. It has also been highlighted that the implementation of the proposed scheme alongside the approved, and now fully operational, BMW scheme will have no more of an impact than what could be achieved through implementation of the extant permission for B1 Employment Uses at the site.
- 9.13. In conclusion, it has been demonstrated that the proposed development is compatible with the requirements of the S.38(6) of the Planning and Compulsory Purchase Act 2004 and as such it is respectfully requested that planning permission be granted.

Appendix 1

Site Location Plan 178 – 70 Rev A

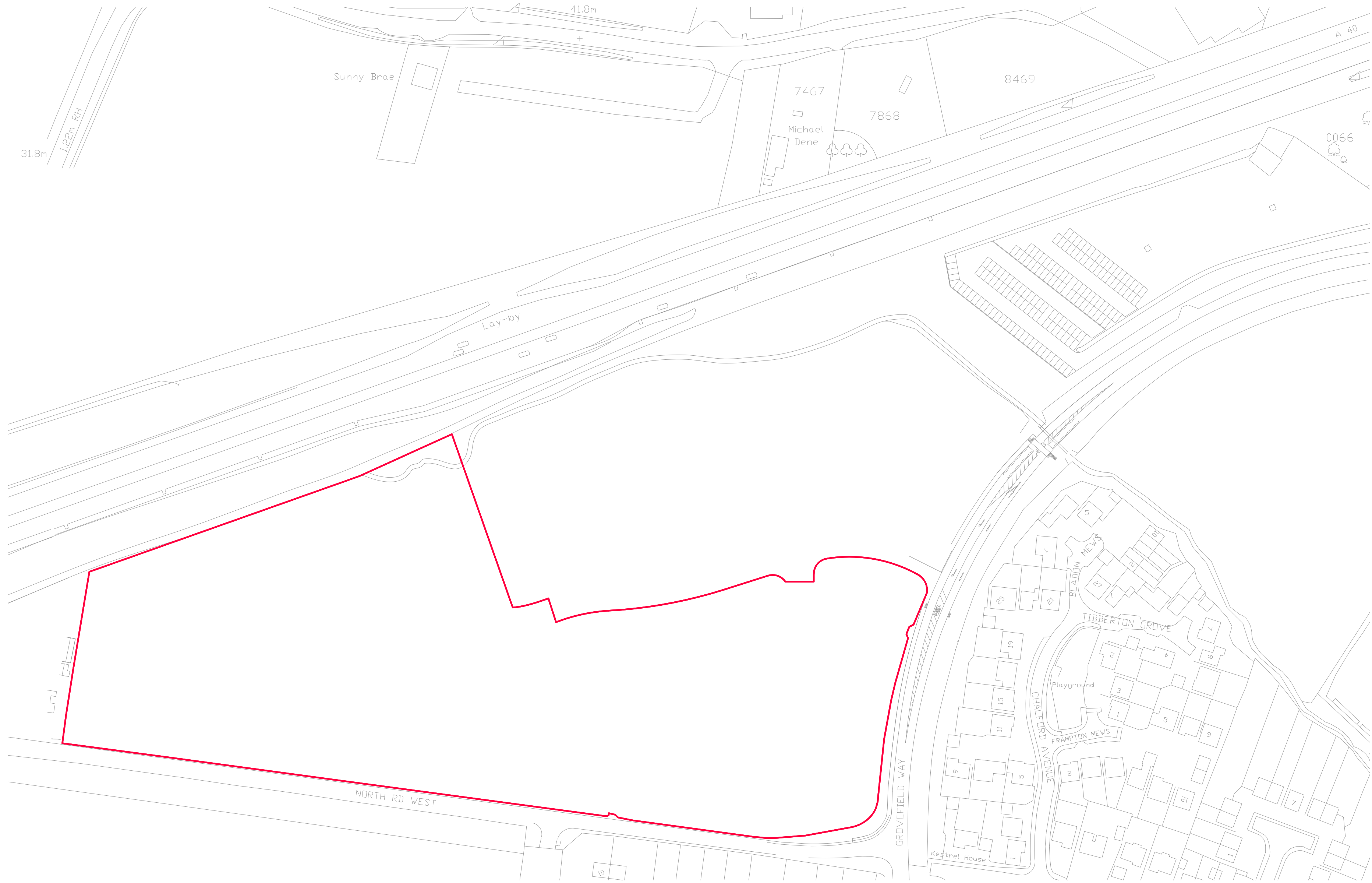
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All drawings and specification to be read in conjunction with Structural Engineer and other consultants drawings: all discrepancies should be reported to the architect.

Figured dimensions only are to be taken from this drawing

- Preliminary Comment Planning
- Tender Construction Record
- Legal

REVISIONS			
REV	DATE	DESCRIPTION	CHECKED BY
A	06.12.16	SCALE BAR AMENDED	L.T



CLIENT **HG HINTON GROUP**

PROJECT Phase 2
Corinthian Park
Grovefield Way
Cheltenham

TITLE Location Plan

SCALE @ A2 1:1250 DATE 24-11-16

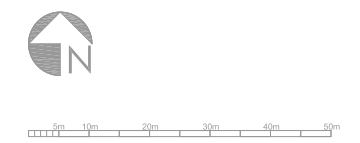
DRAWING 178-70 REV A

DRAWN BY R.D CHECKED BY D.W

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Appendix 2

Inspector's Decision Letter (2007) [APP/B1605/A/06/2015866/NWF]
granting outline planning permission [LPA Ref: 05/00799/OUT]



Appeal Decision

Inquiry opened on 27 March 2007

Site visit made on 30 March 2007

by **Nigel Payne** BSc(Hons) DipTP MRTPI MCMI

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
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Date: 1 May 2007

Appeal Ref: APP/B1605/A/06/2015866/NWF

Land at North Road West/Grovefield Way, Cheltenham, Glos. GL51 6RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Industrial Sales Ltd against the decision of Cheltenham Borough Council.
- The application ref. 05/00799/OUT, dated 10 January 2006, was refused by notice dated 23 March 2006.
- The development proposed is B1 industrial uses and the extension of the Arle Court Park and Ride facility.
- The inquiry sat for 3 days on 27 – 29 March 2007.

Summary of Decision: The appeal is allowed and outline planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. This is an outline application with all matters of detail, except means of access, reserved for subsequent approval. Although the application was originally described as for B1 industrial uses it was made clear at the inquiry that there was no intention to limit the development to any particular types within the B1 use class. I shall determine the appeal on this basis.
2. A unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (Doc. 6), discussed in detail at the inquiry and finalised in a signed form shortly thereafter, provides a framework travel plan and for various financial contributions to transport improvements to be made if the scheme is implemented. These include £384,000 for a 100 space extension and £119,500 for new parking control measures at the Arle Court Park & Ride (P & R) site, £110,000 for CCTV cameras and lighting for the subway and £34,000 for real time information provision at the no. 94 service bus stops on the A40, £50,000 for the installation of an improved control system for the traffic lights at the Arle Court roundabout, £45,000 for traffic calming measures on North Road West and The Reddings, £20,000 for a signal controlled puffin crossing on Grovefield Way and £20,000 for Traffic Regulation Orders (if needed) to restrict parking within 800 metres of the site. It also includes an option for the County Council to acquire the part of the site necessary to increase the size of the P & R facility up to 1,000 spaces in total within the next five years. I have taken the unilateral undertaking into account as a relevant material consideration.

Site and Surroundings

3. The site of about 6.4 ha lies on the western edge of the built up area of the town within the Gloucester/Cheltenham Green Belt (GB), with a mix of residential, commercial and employment uses nearby. It comprises four essentially open fields divided by hedges with a very gentle slope down to the north west, where it is bounded by the main A40 dual

carriageway (Golden Valley by-pass) on a substantial, well treed, embankment. To the north east beyond a small stream forming the boundary is the Arle Court P & R site. Vehicular access is proposed only from Grovefield Way to the east, a curving single carriageway road built to modern design standards.

Planning Policy

4. The development plan for the area essentially comprises the regional planning guidance for the South West (RPG 10), dated September 2001, the Gloucestershire Structure Plan Second Review, adopted in November 1999, (GSPSR) and the Cheltenham Borough Local Plan, adopted in June 2006 (CBLP). However, the latter is the subject of an as yet unresolved High Court challenge in relation to the lack of new employment land provision.
5. Two of the key objectives of RPG 10 (c & d) include references to fostering the development of businesses and skills and promoting economic development in locations where it can best contribute to meeting local, regional and national needs. Policy VIS 2 adds that local authorities should make adequate provision for all land uses in their development plans, amongst other things.
6. In the northern sub region, of which Cheltenham forms part, one of the objectives is to make adequate provision for future development requirements at Principal Urban Areas (PUAs), including the identification of major strategic employment sites. Under policy SS5, Cheltenham is one such centre where it is important to ensure that future growth is based on a balance between housing and employment. In accord with policy EC1, para 3.18 confirms that fostering economic growth is an essential part of the strategy for the northern sub region, where development plans will need to identify strategic employment sites at sustainable locations within and as urban extensions to the PUAs. Policy EC3 adds that local authorities should aim to provide a range and choice of employment sites to meet the needs of local businesses and new investment, including locally significant as well as major strategic sites, well integrated with the existing settlement pattern and accessible to sources of labour and business services, in addition to being well served by public transport.
7. Regarding GB's, policy SS4 confirms that they should continue to fulfil the purposes set out in PPG 2 but should be critically reviewed in preparing development plans to allow for long term sustainable development needs and that land should be removed from the GB for development if that would provide the most sustainable solution. Policy EN1 seeks the protection of nationally important landscape areas and nature conservation sites with the enhancement of landscape and biodiversity planned into new developments.
8. Policy E1 of the GSPSR directs the bulk of new employment provision in the county to the Central Severn Vale, including Cheltenham, in the interests of sustainable development and requires that a further 12 ha approximately of new employment land should be allocated within the Borough's boundaries. Policies T1 – T5 inclusive promote the use of sustainable means of travel, including improvements to bus services and the development of P & R facilities adjacent to main road corridors, such as the A40. According to policy GB1, the GB between Gloucester and Cheltenham will be maintained with only appropriate development permitted within.
9. Policy CP1 of the CBLP requires that schemes take account of the principles of sustainable development, including priority to the use of previously developed sites and the most efficient and effective use of land. A sequential approach to the location of key uses, such

as offices, is sought under policy CP2, with the Core Commercial Area first, followed by district and neighbourhood centres and then out of centre sites accessible by a regular choice of means of transport. Policy CP3 provides that development will only be permitted where it would not harm landscape character or the setting of the town, whilst CP5 seeks to minimise the need to travel, promote public transport use and provide levels of parking that discourage car trips.

10. In addition, policy CP8 expects that adequate provision for infrastructure, services and facilities will be made in connection with new developments. Policy CO49 confirms the presumption against the construction of new buildings in the GB, other than in accord with para 34 of PPG 2. It is important to record that on 25 February 2004 the County Council issued a statement of non-conformity with the GSPSR in respect of the CBLP, due to the absence of new employment land allocations in the Borough, that has not been rescinded.

Main Issues

11. From the above, the written representations, the debate at the inquiry and my inspection of the site and surroundings, I consider that there are three main issues in this case. The first is whether there are any very special circumstances, including the agreed current shortfall of new employment provision in the Borough, that clearly outweigh the presumption against inappropriate development in the Green Belt. The second is the impact of the scheme on the character and appearance of the locality, having regard to the relevant adopted regional, strategic and local planning policies. The third is the effect of the proposals on the local transport network, including in terms of a) safety and congestion on nearby highways and junctions, such as the Arle Court roundabout, b) car parking provision, c) P & R facilities and d) the need to encourage the use of sustainable means of travel.

Green Belt

12. There is no dispute that the proposal constitutes inappropriate development in the GB. However, the emerging Regional Spatial Strategy (RSS) recognises the need for a strategic review of the GB around Gloucester and Cheltenham, with policy SR10 thereof advising that boundary revisions will be required. Policy SR11 adds that the inner boundary will have to be amended to allow the urban extensions required to meet long term development needs. Paras 4.2.40 and 4.2.42 confirm that one of the key issues for Cheltenham is accommodating economic activity, with the result that release of GB land is required. Policy SR13 makes provision for about 10,750 new jobs in the Cheltenham Travel to Work area over the plan period (as well as about 625 new dwellings per annum). However, the major urban extension envisaged to the north/north west of the town is not expected to commence until after the end of the CBLP period in 2011.
13. Following the County Council's decision not to adopt the proposed Third Alteration to the GSP for the period to 2016, in the light of the Secretary of State's direction to make changes to policy wordings, including to delete "post 2016" from policy SD9 regarding the GB, it seems to me that limited weight can be attached to its contents in the context of this decision. In contrast, the CBLP Inquiry Inspector's report (IIR) of May 2005 directly addressed the issues surrounding the lack of new employment land provision in the Borough to meet the requirements of the still extant GSPSR.
14. It is common ground that the significant shortfall identified at that time has increased in scale, due to the continuing loss of employment land and buildings of around 2ha per

- annum in the Borough to other uses, rather than sustainably preferable or indeed any, alternatives having been brought forward in the meantime. In the absence as yet of a comprehensive Employment Land Review of the Borough, in accordance with national guidance (ODPM December 2004), the DTZ study (January 2007) of employment space supply and demand in the South West, the Council's own Annual Monitoring Report for 2006 and the appellants' inquiry evidence all confirm that potentially available new employment space in the Borough at present is limited to parts of mixed use redevelopment schemes.
15. Whilst the town's Civic Pride initiative is commendable and positive, most of the sites are small and complex ones in sensitive and historic central locations, with strong market competition for more valuable uses such as residential and retail in some instances. Consequently, it will inevitably take some time to produce new employment opportunities in practice and they will be only small scale in relation to the overall needs of the Borough.
 16. The redevelopment of the gas works site still seems to be some way off, due to the costs and complications associated with contamination and possible retained uses on part. The Woodward premises, inspected on the site visit, which are no closer to the town centre than the appeal site and for which no planning application has yet been made, would effectively represent the replacement of existing employment buildings, if redeveloped, with limited net gain in overall floorspace or job numbers to be expected. Similar conclusions apply in respect of land at Swindon Road. Nor is there any evidence of current developer or occupier interest in the development of about 3ha of land adjacent to the town's railway station for new employment use.
 17. In such circumstances I have no doubt that the shortfall in employment land provision in the Borough that principally led to the recommendation in the IIR (paras 12.19 to 12.42) to allocate the appeal site for development (and delete it from the GB) remains significant and that it has in fact become materially more rather than any less serious in the intervening two years or so.
 18. The fact that vacant office space is available in town centre premises is not an answer to the need, clearly identified by the Government Office for the South West, the South West England Regional Development Agency and the County Council, amongst others, for the release of more land for employment development in the Borough. It is mostly in older buildings of small size that is generally less well suited to modern business space requirements in terms of scale and quality. Moreover, as government guidance in para 6 of PPG 4 confirms, a range of size and type of employment sites and buildings is required to facilitate local economic growth, which cannot rely just on the retail, leisure and tourism sectors if it is to remain buoyant, and to replace those lost to other uses in Cheltenham.
 19. At the inquiry the Council acknowledged that no areas of undeveloped "white" land within the Borough, i.e. not covered by the GB, were likely to be found suitable for new B1 development on any significant scale. It was also confirmed that land at Swindon Farm (3.75 ha), also recommended for employment allocation in the IIR, was now being pursued principally for housing. In these circumstances, I see no realistic alternative to the use of land currently in the GB if any strategic or locally significant provision of new employment land before 2011 is to be made in the Borough. The fact that this site does not constitute a mixed use urban extension does not alter its ability to help meet this urgent need, with a

- scheme capable of providing good quality business space now, in contrast with other potential longer term opportunities.
20. Council attempts to delay positive action and the difficult decisions necessary by the production of various studies, reviews and reports have failed to demonstrate robust and credible evidence that the employment needs of the Borough can be met by redevelopment schemes alone. As stated in para 12.32 of the IIR, nor can the requirement reasonably wait to be delivered until a comprehensive GB review has been finalised and the Core Strategy of the new LDF process adopted. It seems to me that even if this were to be achieved in 2009 it would be 2011 at the earliest before jobs were created on new sites, particularly in the light of the Council's less than encouraging recent track record of delivery and the delays to the completion of the Employment Land Audit.
 21. To my mind, this proposal satisfies the sequential test in PPS 6 in respect of new office provision in that there are no suitable alternative sites readily available of the type necessary to meet modern business requirements in the town centre or in more sustainable locations than the appeal site in the remainder of the built up area at present. Accordingly, I consider that the scale and urgency of the need in this case outweighs the general desirability of awaiting the completion of the LDF Core Strategy in accord with the plan led system before additional land is released for new employment development in the Borough. In my judgement, it also overrides the conflict with the CBLP, which makes no provision for additional employment land allocations, and policy GB1 of the GSPSR.
 22. I acknowledge the concern of the Council and local residents that this scheme could set some form of precedent for further loss of GB land to development, at least until the new LDF process has been completed. However, the Council's own evidence confirms that, with the possible exception of Swindon Farm referred to above, there are no other comparable locations around the town where similar circumstances could apply currently and the issues in relation to new housing are clearly different.
 23. In relation to GB boundaries, the present one along Grovefield Way is clear and consistent, albeit including a sizeable area of housing to the west (to the south of North Road West and along The Reddings). Nevertheless, in my opinion, the site itself has strong edges in both physical and visual terms. Therefore, a potential revised GB boundary running along North Road West and the A40, excluding the site and the P & R to the north east, as suggested in para 10.95 of the IIR, would be equally strong, logical and readily identifiable on the ground, in accord with para 2.9 of PPG 2. In my view, this would be so irrespective of judgements taken about the release or otherwise of land to the south of North Road West or north of the A40 in the longer term. Accordingly, I do not consider that any form of precedent for further development in the GB, including in respect of nearby land, would be set by the granting of planning permission in this case.
 24. The only material changes in circumstances since the May 2005 IIR recommended that this site be allocated for employment development add weight in favour of, rather than against, the proposal in that the already large shortfall in employment land provision in the Borough has significantly increased and the P & R bus service is now available for use by employees on the site, thereby improving its accessibility by public transport. Nor has there been any relevant change in the national and regional guidance or the applicable adopted strategic policies that might lead to a different conclusion. Consequently, I conclude that the serious

shortfall in local employment land provision, up to 2011 at least, is a very special circumstance that justifies the use of this site for B1 development now.

25. The relative lack of harm to the openness of the GB hereabouts arising from the proposal, including importantly in respect of coalescence between Cheltenham and Gloucester, is identified in paras 10.86 to 10.89 of the IIR. Having considered the matter afresh, I fully endorse these conclusions, including in relation to the limited effect on the visual amenity of the GB. The equal suitability of the potential alternative GB boundary, as referred to above, also serves to reinforce this judgement. The provision of additional P & R spaces in connection with this development, thereby assisting implementation of the local transport strategy, also counts as a very special circumstance in favour of the scheme, particularly as it is not likely to be feasible on other adjoining land. I am also satisfied that the scale of this proposal is not so large as to prejudice the comprehensive review of GB boundaries that the Council agrees is necessary. I therefore conclude on the first issue that, taken together, very special circumstances exist in this case that clearly outweigh the presumption against inappropriate development in the GB and the limited harm arising to the purposes of including land within it, justifying the grant of permission for B1 uses in principle.

Character and Appearance

26. Although the site is largely open and rural in appearance, albeit fairly flat and relatively featureless, when viewed from the east along Grovefield Way, its countryside character is limited by the strong visual presence and associated noise and activity of the elevated A40 on its well treed embankment along the north western boundary. As I saw on my visits, whilst new buildings on the site could be seen by motorists and passengers (there are very few pedestrians and not many cyclists on this busy dual carriageway) travelling in both directions along the A40, this would be in fleeting glimpses due to traffic speeds and at a reverse angle for those going towards Gloucester. Towards Cheltenham the site is seen in gaps between the present planting but below the vegetated embankment and with a backdrop of the existing urban area, including the large recent B & Q store of a modern design as well as the housing areas to the east.
27. When seen from other directions and taking into account the P & R site to the north east, the residential estate to the east and the less dense housing along part of North Road West to the south, it seems to me that the urbanising influence of the A40 corridor adds to these factors to the extent that the site does not appear only as part of the countryside outside the built up area, as suggested by the Council, but rather more as an area of urban fringe. Accordingly, I am satisfied that, subject to detailed design and layout and providing that a suitable landscaping scheme, especially along the southern boundary, is included with any detailed proposals, new B1 buildings here need not be unnecessarily intrusive in the local landscape.
28. Whilst the introduction of single yellow lines on the surrounding roads for parking control reasons would be less than welcome in terms of visual amenity on the edge of the built up area, I am satisfied that this would be preferable to the potential effect on the appearance of the locality arising from lines of parked cars. In the circumstances and bearing in mind the sustainable transport benefits arising, I consider that, on balance, this element of the scheme would not be objectionable in principle or constitute a reason to withhold outline planning permission. I therefore conclude on the second issue that, overall, and in accord with policy CP3 of the CBLP, the scheme would not have a materially harmful impact on the character or appearance of the area or the landscape setting of the town.

Transport

29. It is common ground that the proposed single vehicular access to serve the development off Grovefield Way is satisfactory in highway design terms and that the new puffin crossing would also be appropriate to assist walkers and cyclists in reaching the site. However, despite extensive negotiations and a measure of agreement on many aspects, no consensus has been reached over the impact of the additional traffic likely to be generated on the local road network and particularly the implications for congestion at the Arle Court roundabout.
30. Whilst the Highways Agency is content that there would be no significant effect on Junction 11 of the M5 motorway to the west, the County Council as highway authority remains concerned that extra traffic and especially turning movements off the A40 towards the south will exacerbate congestion at the roundabout during peak hours. In my opinion, the further concern about potential “rat running” through adjoining residential areas would be adequately addressed by the contribution to traffic calming measures on North Road West and The Reddings contained in the unilateral undertaking.
31. Despite the “restrained” level of on site car parking proposed, in accord with policy CP5 of the CBLP, the highway authority does not accept that the effect of the various Travel Plan elements will be sufficient to achieve a significant shift to non car travel modes for future employees once the site is developed. In such circumstances, it is said that the result would be increased peak hour congestion and queuing at the already very busy and strategically important Arle Court roundabout. However, doubts about the efficiency and enforceability of the Travel Plan in achieving the necessary modal shift in travel patterns can be addressed through its detailed formulation. This should include effective methods of monitoring and implementation, as well as provisions for penalties to be imposed in the event of its failure to reach the required targets over time. Bearing in mind the totality of measures that would be put in place to encourage walking, cycling, car sharing and the use of buses, rather than private cars, I am satisfied that there is a realistic prospect of the trip generation from the development being successfully restrained as intended.
32. Moreover, based on various runs of the County Council’s own 2011 SATURN model, albeit at a strategic rather than localised level, neither the restrained (in proportion to the number of on site car parking spaces to be provided) nor the unrestrained trip rates generated by the scheme would result in any of the local junctions, including Arle Court roundabout, operating beyond their practical reserve capacity in the design year of 2011. With the benefit of hindsight, I recognise that it might have been preferable if the “sensitivity” of the operation of all arms of the roundabout to further increases in traffic flows had also been tested via one of the generally recognised models, such as TRANSYT.
33. Nevertheless, the evidence that is available is sufficient to conclude that, subject to all the improvements in the unilateral undertaking, especially the introduction of an improved traffic light control system and the full implementation of the Travel Plan, the likely increase in traffic movements through Arle Court roundabout as a direct result of this scheme need not have a materially harmful impact on its operation. In particular, experience elsewhere of the new computer control system proposed for the operation of the traffic controls suggests that it may well be capable of improving practical capacity, including to a degree in peak hours and to a greater extent overall than required to cope with the additional movements arising from this proposal alone.

34. It is also common ground that the proposed on site car parking provision of 524 spaces, plus 133 for cycles, meets the requirements of policy CP5 of the CBLP, which is in turn consistent with the advice in PPG 13, the relevant GSPSR policies and the need to reduce reliance on car trips for travel to work. Given the anticipated creation of about 1,100 new jobs on the site, I too am satisfied that the level of car parking proposed is appropriate for new B1 uses.
35. The concern of both County and Borough Councils that this level of parking, drawn up principally for town centre locations, would result in overspill pressures on surrounding streets if travel plan initiatives are not successful can be addressed by the introduction of Traffic Regulation Orders (TROs) in the event that they are needed. I note that the unilateral undertaking includes a sum of money to implement such TROs, if necessary. On this basis, I am content that the level of car parking proposed is adequate and that the possible off site implications thereof have been properly taken into account in accord with national, regional, strategic and local guidance and policies.
36. The unilateral undertaking offers a sum of £384,000 to provide a 100 space extension to the existing Arle Court P & R facility, taking the total to 634 spaces, on the north eastern side of the site, in accordance with the recommendation in the IIR of May 2005. Following discussions at the inquiry, it also now includes a provision whereby a further area of land would remain undeveloped for B1 purposes for 5 years from the date of the undertaking so as to allow the County Council to acquire it at any time during that period to enable a total of 1,000 car parking spaces to be provided.
37. The Councils argue that an increase to 1,000 spaces is essential if the facility at the county's presently most popular site is to operate without public subsidy (currently around £70,000 per annum) and that such a longer term aim now forms an integral part of their overall transport strategy for Cheltenham. This is now reflected in the approved Gloucestershire Local Transport Plan 2006 – 2011 of March 2006. However, there is no policy or provision in the GSPSR or the CBLP that refers to or allocates additional land at Arle Court for an extension of the P & R site, nor any detailed business plan related to further expansion available at present. Nevertheless, it is also said that neither Council would be able to buy the additional land at an employment use value if it received outline planning permission for such development.
38. Whilst not a qualified valuer, it seems to me to be common sense that, by virtue of the IIR recommendation to delete the site from the GB and allocate it for employment development, the land would have to be ascribed some element of future "hope value" at least. Therefore, it would probably not be available to purchase at agricultural use value only, as the Councils suggest, in any event. In such circumstances, if the County Council is correct in the assumption that achieving a total of 1,000 spaces would make the P & R site self financing, then the costs of otherwise continuing to incur annual subsidies would also need to be taken into account when considering whether or not to purchase the additional land at an employment use valuation.
39. Moreover, based on the inquiry evidence and my site visits, I take the view that the 100 space expansion and other improvements directly associated with this scheme, together with the opportunity for employees on the site to use the no.511 P & R service to and from Cheltenham town centre, particularly for trips when the vehicles would otherwise be lightly loaded, would materially enhance the financial viability of the existing services, thus

- reducing the need for annual subsidies. Accordingly, I conclude that the unilateral undertaking represents an appropriate way forward that enables the majority of the site to be made available now for much needed new employment land provision in the borough, whilst retaining the opportunity for the P & R site to be further extended should the demand exist and the financial considerations add up for the County and Borough Councils.
40. The Councils accept, and I agree, that the combination of existing and proposed facilities for pedestrians and cyclists, including the new crossing of Grovefield Way, would be sufficient to create good access to the site by these means. This should facilitate opportunities for walking and cycling for future employees from the large residential area that adjoins the site to the east, as well as for bus passengers.
41. In relation to public transport, the A40 is an important bus corridor providing regular services (no.94) at a daytime frequency of about 10 minutes (and therefore a “turn up and go” type facility) between Gloucester and Cheltenham (via Churchdown). Another service (97/98) also runs every 30 minutes during the day from stops south of the site. In addition, it is now possible for foot and cycle passengers to use the P & R buses (no.511) from alongside the site to the town centre at a frequency of 5 per hour from 0700 – 1900 on Mondays to Fridays and 0800 – 1800 on Saturdays, including the purchase of return, multi-journey and monthly tickets. To my mind, this represents a good level of public transport accessibility and one that has significantly improved, due to the wider availability of the P & R service, since the future development of the site was considered at the CBLP inquiry.
42. The fact that the stops are presently a little further away than recommended in national and regional guidance does not alter this overall conclusion, bearing in mind that a direct pedestrian access would be created to the P & R site and the significant improvements proposed at the A40 stops, including better safety and security, as well as for crossing Grovefield Way, forming part of the unilateral undertaking. I was also advised that the existing bus stops along The Reddings may well be moved closer to the Grovefield Way junction in the near future in connection with another local development proposal.
43. In the light of all of the above, I consider that the development would take place in a generally sustainable location in transport terms where it would be realistic to expect a significant percentage use of non car modes of travel by occupants of the site in accord with PPG 13, para 10 of PPG 4 and policies T1 to T4 of the GSPSR, as well as CP1 and CP5 of the CBLP. I therefore conclude on the third issue that the appropriate requirements of the relevant national guidance and regional, strategic and local policies on transport would be met and that the proposal would not have a detrimental effect on the local highway network.

Conclusions

44. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

45. As this is an outline application, conditions are required for the approval of reserved matters and the timing of implementation (1-3). More detailed conditions in relation to landscaping are also necessary, in my view, given the site’s relationship to residential areas and the importance of securing appropriate boundary treatment on the long frontage to North Road West in particular (4-8). For similar reasons, a condition regarding external lighting is also

- essential (9). However, separate additional conditions, as put forward by the Council, relating specifically to earthworks, open space management/maintenance and full details of all tree planting would represent unnecessary duplication and are not needed.
46. In order to meet Environment Agency objectives and provide a suitable sustainable drainage system across the site I am also satisfied that conditions are essential in respect of maintenance access to the stream and surface water drainage works (10-11). In the interests of sustainability, a waste management strategy and the provision of at least 10% renewable energy on site are also both required, in my judgement (12-13).
47. Regarding access, highways and transport generally, I agree with the Council that conditions relating to car parking levels and the timing of provision, cycle parking and pedestrian links to Grovefield Way and the P & R site only would be appropriate to assist the implementation of the travel plan for the whole site (14-16). Notwithstanding, I see no need for additional conditions regarding approval of details of internal arrangements or an access construction programme beyond that which would need to be provided under the reserved matters and other conditions in any event.
48. In relation to building heights, I note the Council's arguments that the location of the site is such that all new development should be restricted to no more than two storeys in height (7m). However, I am not persuaded that this is essential over the whole site if only because, subject to detailed design and layout, there would appear to be scope for higher buildings alongside the A40 embankment that need not have a significant or detrimental impact in the wider landscape of the locality. Consequently, I am content that this matter would be better addressed in the context of fully detailed proposals for specific buildings when all relevant issues, including roof forms and external materials, can be taken into account.

Formal Decision

49. I allow the appeal and grant outline planning permission for B1 uses and the extension of the Arle Court Park and Ride facility on land at North Road West/Grovefield Way, Cheltenham, in accordance with the terms of the application, ref. 05/00799/OUT, dated 10 January 2006, and the plans submitted with it, subject to the following conditions:
- 1) Details of the siting, design, external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
 - 3) The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
 - 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing

materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained landscape features and proposals for restoration, where relevant.

- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme approved in writing by the local planning authority.
- 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 7) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 8) No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
- 9) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 10) No new buildings or structures shall be erected or raised ground levels created within 6 metres of the top of any bank of any watercourse or culverted watercourse inside or along the boundary of the site unless otherwise agreed in writing by the local planning authority.
- 11) No building shall be occupied until surface water drainage works, incorporating sustainable drainage systems, have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.
- 12) No development shall take place until a detailed waste management strategy for the treatment, recycling, and re-use of waste arising from the construction of the development has been submitted to and approved in writing by the local planning authority.
- 13) No development shall take place until a renewable energy plan to provide sufficient on site renewable energy to reduce carbon dioxide emissions by at least 10% has been submitted to and approved in writing by the local planning authority. The development shall be carried out and maintained in accordance with the approved plan unless otherwise agreed in writing by the local planning authority.

- 14) Pedestrian access into the site shall be restricted to the Grovefield Way and Arle Court Park and Ride site frontages only.
- 15) Car parking levels on the site overall and for each completed building individually shall be no greater than the maximum standards set out in policy TP 130 and Table 17 of the Cheltenham Borough Local Plan (2006). No car parking shall be permitted on the site except in the approved car parking spaces.
- 16) No building shall be occupied until secure covered cycle parking to serve that building has been provided in accordance with a scheme submitted to and approved in writing by the local planning authority and shall be maintained as such thereafter.

Nigel Payne

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mrs H Townsend Counsel, instructed by the Solicitor, Cheltenham BC.

She called:

Mrs T Crews BSc, MRTPI Strategic Land Use Manager, Cheltenham BC.

Mr D J Latham RIBA, MRTPI, Principal, Lathams, St. Michael's, Queen Street, Derby, MIHBC, MIEMA DE1 3SU.

Mr T Randles BSc, MIHT Area Highways and Transport Manager, Gloucestershire County Council.

FOR THE APPELLANT:

Mr J Cahill QC Queen's Counsel, instructed by Hunter Page Planning.

He called:

Mr N Evers Dip LA, MLI Director, Cooper Partnership, 127 Hampton Road, Redland, Bristol, BS6 6JE.

Mr T F H Heal FRICS Partner, Alder King, Brunswick House, Gloucester Business Park, Gloucester GL3 4AA.

Mr D Tighe CEng, BSc, MICE, Director, Pinnacle Transportation Ltd, 21 Berkeley Dip T.Eng. Square, Clifton, Bristol, BS8 1HP.

Mr C J Lewis Dip T & CP, Associate, Hunter Page Planning, Thornbury House, 18 MRTPI. High Street, Cheltenham, Glos. GL50 1DZ.

DOCUMENTS (Other than Core Documents)

- 1 Lists of persons present at the inquiry.
- 2 Letter of notification and list of persons notified.
- 3 Letters in response to the above.
- 4 Statement of Common Ground.
- 5 Statement of Common Ground re: Transport.
- 6 Unilateral Undertaking – 12 April 2007.
- 7 Cheltenham GB Review – Final Report – March 2007.
- 8 Cheltenham GB Review – Briefing Note – March 2007.
- 9 Cheltenham Employment Land Review – Briefing Note – March 2007.

- 10 Plan of Parking Restrictions – March 2007.
- 11 CBLP – Proposals Map – 23 February 2007.
- 12 Pages 177 to 180 – Enhancing Economic Prosperity and Quality of Employment Opportunities.
- 13 GSP – Third Alts. (unadopted) – Proposed Second Mods. – September 2005.
- 14 Plan of Footpath no.16 to Middle Reddings Farm – March 2007.
- 15 Document references for Mrs Crews’s proof – March 2007.
- 16 CBLP – List of Civic Pride mixed use allocations – March 2007.
- 17 Copy e-mails re: SATURN model – November 2004.
- 18 Location of bus stops – March 2007.
- 19 Additional information from Mrs Crews’s x – examination – March 2007.
- 20 Plan of Employment sites in Cheltenham – March 2007.
- 21 Details of Woodward site – March 2007.
- 22 Details of Civic Pride sites from Council website – March 2007.
- 23 Plan of Employment sites – Hunter Page – March 2007.
- 24 Pages 13 to 19 – GLTP 2006 – 2011 – March 2006.
- 25 Copy of Committee report – 05/00799/OUT – March 2006.
- 26 Extract from JPEL – 2-3137 to 2-3140 & 2-3290/5 to 2-3290/8.
- 27 Mr Randles’s Tables 6.5 & 6.6 - as for restrained trips – March 2007.
- 28 Suggested Condition re: renewable energy – March 2007.

PLANS

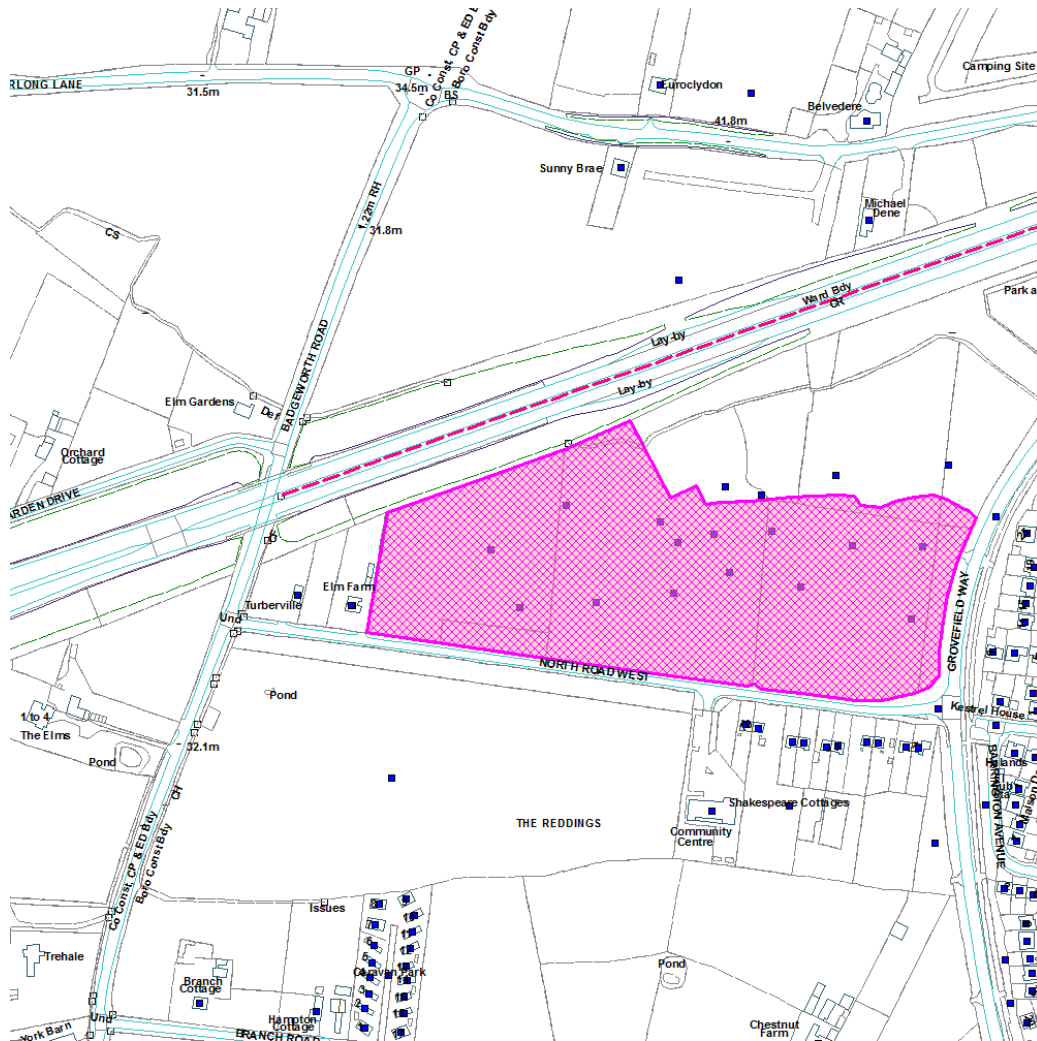
- A Site plan – 2101 – 1:2500 scale – 12/10/04.
- B Site plan (illustrative only) – 1988 – P – 01 – 1:1250 scale – 05/08/05.

Appendix 3

Officer's Report to Planning Committee

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 flooding 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.

Appendix 4

Economic Impact Assessment (February 2018)

Proposed Development at Grovefield Way, Cheltenham: Economic Impact Assessment

Final Report

Prepared on behalf of Hunter Page Planning Ltd

May 2018

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Job Number:	16 09 02
Version Number:	Final v4.0
Approved by:	Stuart Hardisty
Date:	17 May 2018

Executive Summary

HJA was instructed by Hunter Page Planning Ltd to assess the likely economic impacts arising from proposed mixed-use employment generating development at Grovefield Way, Cheltenham. The hybrid application comprises an Aldi Foodstore, Costa Drive Thru, Happy Days Nursery childcare facility and 5,034 sq m of B1a office floorspace in full plus a further 8,034 sq m of B1a office floorspace in outline.

The site is located within west Cheltenham, to the south of the A40 Gloucester Road. The application site lies immediately adjacent to a new BMW showroom and in close proximity to a mixed-use employment area including retail, health and technology employers. The proposed development will contribute to boosting employment in this part of west Cheltenham. It will also provide opportunities for those currently unemployed in the area.

The **construction phase** for the full application scheme is anticipated to extend to 15 months, with the peak effort falling within the first six months following the granting of planning permission. The timing for the outline elements of the scheme is as yet unspecified and will be reliant upon market interest.

The gross direct construction phase impacts of the £23.8 million investment are estimated at 137 person years of employment, supporting £4.2 million in wages.

The net additional effects at the Cheltenham level are estimated at 99 person years of employment and £3.1 million in wages. At the JCS area level these increase to 145 person years and £4.5 million in wages.

The **operational phase** analysis shows the scheme will deliver employment capacity for 1,018 FTE gross direct posts generating incomes of almost £34 million per annum.

The net additional effects at the Cheltenham level are estimated at 498 FTEs supporting wages in excess of £16 million per annum, increasing to 605 FTEs and almost £20 million in wages at the JCS area level.

Total locally retained business rates are estimated at around £667,000 per annum, which will provide funding to safeguard and extend further local employment and services.

1 Introduction

1.1 Purpose

Hardisty Jones Associates Ltd (HJA) has been appointed by Hunter Page Planning Ltd to assess the likely economic impacts of mixed-use employment generating development proposals at Grovefield Way, Cheltenham. This report sets out the method and results of the assessment and is intended to accompany a planning application. This March 2018 version updates initial analysis completed in October 2016 to take account of new data.

1.2 The Proposed Development

The application site lies between Grovefield Way and the A40 on the western edge of Cheltenham. The A40 provides direct access to the city of Gloucester and the M5 via Junction 11.

The hybrid application comprises the following:

Full Application

- 1,742 sq m (GIA) A1 Aldi Foodstore
- 204 sq m (GIA) A1/A3/A5 Costa Drive Thru and Café
- 502 sq m (GIA) D1 Happy Days Nursery Childcare Facility
- 5,034 sq m (GIA) B1a Offices in two buildings

Outline Application

- 8,034 sq m (GIA) B1a Offices in two buildings

The application site is currently vacant agricultural land. Previous outline consent was granted for 16,800 sq m of B1 employment uses (14/01323/OUT) but has not been implemented. A plot immediately adjacent the application site secured full consent for a flagship BMW/Mini car showroom which is now fully developed (13/01101/FUL). The area surrounding the application site comprises a mix of uses including residential, retail, health and employment.

1.3 Approach

The method employed for this assessment aligns with the principles set out in HM Treasury Green Book and draws on other best practice guidance, most notably the Homes & Communities Agency *Additionality Guide (Fourth Edition 2014)*.

The analysis considers the construction and operational phases separately. This acknowledges the temporary nature of construction activity, particularly for a scheme of this size, whereas the operational phase impacts will continue year on year.

Given the hybrid nature of the application, the full and outline elements are also considered separately.

For both the construction and operational phases impacts are set out in terms of gross direct effects and net additional effects. The former captures the first round impacts through employment and

expenditure. The latter make adjustment for a range of 'additionality' factors (leakage, deadweight, displacement and multipliers).

Wherever possible primary data has informed the assessment. This includes employment data provided by prospective occupiers and construction cost information supplied by the developer¹. Where assumptions and modelling adjustments have been made these are referenced in full and accord with best practice guidance.

Headline fiscal impact is based on an assessment of likely business rates income using local comparators.

1.4 Report Structure

Chapter 2 of this report sets out a brief analysis of the baseline situation.

Chapter 3 sets out the assessment of construction phase impacts.

Chapter 4 sets out the assessment of operational phase impacts.

¹ Initial estimates have been adjusted to take account of construction cost inflation over the period October 2016 to December 2017.

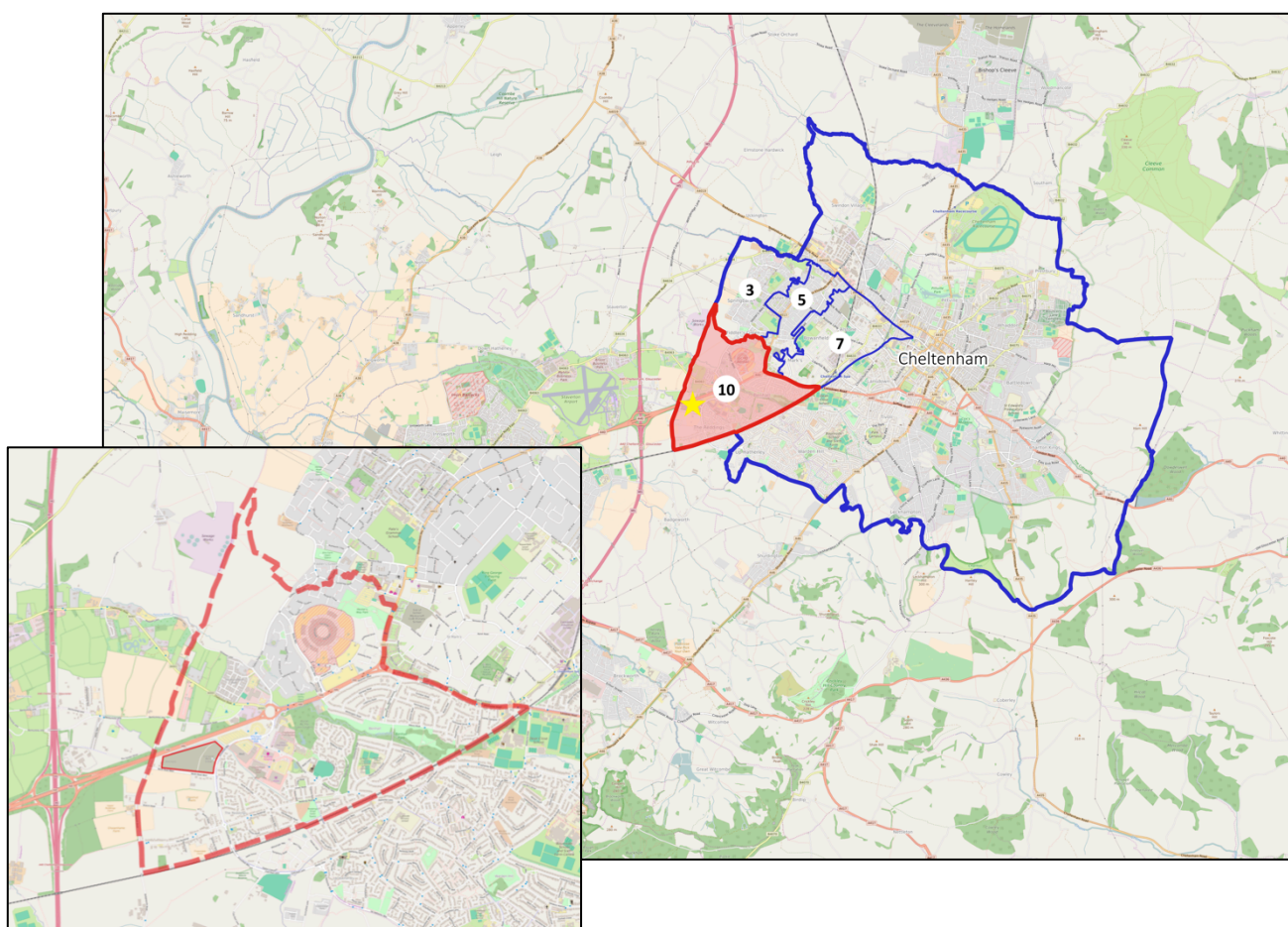
2 Context and Baseline

This chapter provides brief contextual analysis to the economic impact assessment that follows. It considers the economic situation at the present time, and how it has changed in recent years.

2.1 Geographic Focus

This analysis considers the immediate vicinity of the site within the Cheltenham 010 MSOA, the Cheltenham Borough as a whole and provides benchmarking against the Joint Core Strategy (JCS) area and Great Britain. Figure 2.1 illustrates these geographic designations.

Figure 2.1 – Geographic Analysis Areas



Prepared by HJA using QGIS. Contains OS data © Crown Copyright.

2.2 Employment

There are approximately 8,000 persons employed within the immediate vicinity of the site (ONS BRES 2016). This represents around 11% of total employment in Cheltenham as measured by BRES.

The primary employment location is GCHQ – 75% of employment within the immediate vicinity of the site is in public administration, defence and compulsory social security sector. The retail/employment park south of the A40 to the east of the application site, which includes the

Nuffield Cheltenham Hospital, is also a large employment location – 500 jobs are recorded within the wholesale and retail trade and 250 jobs within the health sector.

Employment within the immediate vicinity of the site increased between 2012 and 2016. There has been a steady level of employment, with jobs changing very little between 2013–2016². Cheltenham has also seen employment growth between 2012–16, although levels have decreased since 2014. The JCS Area has seen a steady increase in employment since 2012. These figures are set out in Table 2.1 below.

Table 2.1 – Total employment in study area (2010-2014)

	2012	2013	2014	2015 ³	2016
Cheltenham 10	7,000	8,000	8,000	8,000	8,000
Cheltenham	64,000	67,000	69,000	67,000	67,000
JCS Area	167,000	169,000	174,000	177,000	179,000
Great Britain	27,905,000	28,217,000	28,970,000	29,819,000	30,305,000

Source: Business Register and Employment Survey (ONS)

2.3 Unemployment

The claimant count measure of unemployment which is available for localised areas shows low unemployment within the immediate vicinity of the site. At December 2017 just 25 claimants were recorded within Cheltenham 010. There were 660 claimants in the entire Cheltenham Borough. Claimant count can be an underestimate of total unemployment given the eligibility criteria for claiming job seekers allowance.

Table 2.2 – Total claimant count (July 2016)

	Age 16+	Aged 16-24
Cheltenham 10	25	5
Cheltenham	660	140
JCS Area	2,260	470
Great Britain	769,785	151,525

Source: Claimant Count (ONS)

Claimant unemployment is higher in other parts of Cheltenham including neighbouring MSOAs. Cheltenham 003 (50 persons), Cheltenham 005 (105 persons) and Cheltenham 007 (65 persons) lie immediately to the north east of Cheltenham 010 and straddle Princess Elizabeth Way, including the Springbank, Hester’s Way, Arle, Rowanfield, St Marks and Alstone areas. Almost 40% of Cheltenham claimant unemployment falls within these four MSOAs.

² BRES figures are rounded to the nearest 1,000, which means some caution must be applied when interpreting data, especially at smaller spatial scales.

³ Note: Figures for 2015 and 2016 are taken from the latest version of BRES data. There may be minor inconsistencies with earlier years.

3 Construction Phase Impacts

This chapter assesses the likely economic impacts arising during the construction phase. This is separated from the operational phase given the temporary nature of construction impacts over a finite construction period.

For this assessment the full and outline elements of the accompanying planning application are considered separately, with an aggregate impact presented for completeness. Data on the construction period and estimated construction costs has been provided to HJA by the Hinton Group Ltd⁴.

3.1 Gross Direct Impacts

The A1, A3 and D1 elements of the proposed development are expected to be constructed within 6 months of receipt of planning. The two office blocks within the full application are anticipated to be constructed over a 15-month period from receipt of planning. The timetable for constructing the remaining office element which is subject to outline application is not yet confirmed and will depend on market interest.

Total construction costs are estimated at £23.8 million. This includes £11.5 million of costs related to the full application and £12.3 million relating to the outline application.

Employment impacts are expressed as ‘person years’ of employment. This measure is used to represent one full time equivalent post for a single year. This approach captures the contract nature of much construction work, encompassing a range of trades on varying contract lengths. An estimate of person years is generated on the basis of average turnover per worker in the construction sector taken from the ONS Annual Business Survey (released June 2017). This indicates turnover per worker of £173,974 in the UK. Wage impacts are estimated using the ONS Annual Survey of Hours and Earnings (released October 2017) at £31,048 median full time wage.

Table 3.1 sets out the gross direct employment and wage impacts. It does not capture knock on indirect and induced effects. This shows that in aggregate the application will support 137 person years of employment generating wages of £4.2 million. This is split broadly in two halves between the full and outline elements of the application.

Table 3.1 Gross Direct Construction Phase Impacts

	Construction Spend (£m)	Employment (Person Years)	Wages (£m)
Full Application	£11.5m	66	£2.0m
Outline Application	£12.3m	71	£2.2m
Total	£23.8m	137	£4.2m

Source: Hinton Group Ltd and HJA Analysis. Figures may not sum due to rounding.

⁴ Initial estimates were provided at October 2016. These costs have been inflated using ONS Construction Output Indices for the period October 2016 to December 2017. Increase of 2.4% for private commercial new build.

3.2 Net Additional Impacts

The above analysis presents a measure of the direct effects at the application site. The following considers the net additional impacts at the Cheltenham Borough and Joint Core Strategy (JCS) area levels. This takes account of leakage, deadweight, displacement and multiplier effects. Full discussion of the approach taken is set out in Appendix 1 to this report.

In adjusting to net additional impacts, rather than reporting on a workplace basis, the impacts are reported on a resident basis. That is, the scale of employment and wage impacts on residents of Cheltenham Borough and the JCS area.

Table 3.2 sets out the results of the analysis. It is estimated that 99 person years of employment will be secured by Cheltenham Borough residents, supporting wages of £3.1 million across the construction period. When considering the wider JCS area the local benefits increase to 145 person years of employment and £4.5 million in wages.

Table 3.2 Net Additional Construction Phase Impacts

	Cheltenham Borough		JCS Area	
	Employment (FTEs)	Wages (£m)	Employment (FTEs)	Wages (£m)
Full Application	48	£1.5m	70	£2.2m
Outline Application	51	£1.6m	75	£2.3m
Total	99	£3.1m	145	£4.5m

Source: HJA Analysis

4 Operational Phase Impacts

This chapter assesses the likely economic impacts arising during the operational phase of the proposed development. Impacts are shown in terms of gross direct and net additional.

4.1 Gross Direct Impacts

The proposed development includes a range of employment accommodating uses. The following analysis assesses the likely employment and wage impacts at full occupancy. For the A1, A3 and D1 uses this is based on primary employment data provided by the anticipated occupiers. For B1a elements employment has been assumed using best practice employment density assumptions⁵. Wage effects are assessed based on the latest ONS Annual Survey of Hours and Earnings (data for 2017, released October 2017) for full time median earnings for the appropriate sectors⁶. All employment and wage data is based on full time equivalents (FTE).

Table 4.1 sets out the estimated gross direct employment and wage impacts by element. The full scheme has the capacity to accommodate almost 1,020 FTE jobs generating annual wages of almost £34 million year on year. The elements of the scheme subject to the full application have the capacity to support employment of 436 FTEs generating wages of almost £14m per annum.

Table 4.1 Gross Direct Operational Phase Impacts

	Employment (FTEs)	Wages (£m Annual)
A1 – Aldi Foodstore	26	£0.50m
A3 – Costa	20	£0.38m
D1 – Happy Days Nursery	25	£0.40m
B1a – Full	365	£12.58m
Full Application	436	£13.86m
B1a – Outline	582	£20.07m
Outline Application	582	£20.07m
Total	1,018	£33.93m

Source: HJA Analysis

4.2 Net Additional Impacts

The above analysis presents a measure of the direct effects at the application site. The following considers the net additional impacts at the Cheltenham Borough and Joint Core Strategy (JCS) area levels. This takes account of leakage, deadweight, displacement and multiplier effects. Full discussion of the approach taken is set out in Appendix 1 to this report.

In adjusting to net additional impacts, rather than reporting on a workplace basis, the impacts are reported on a resident basis. That is, the scale of employment and wage impacts on residents of Cheltenham Borough and the JCS area.

⁵ Homes & Communities Agency, *Employment Densities Guide, 2015*

⁶ A1 - SIC 4711, A3 – SIC 56, D1 – SIC 8891, B1a – Hybrid based on relevant SICs.

Table 4.2 sets out the results of the analysis. The total scheme has the capacity to deliver almost 500 FTE net additional jobs supporting over £16 million in wages per annum at the Cheltenham Borough level. This increases to 605 FTEs and almost £20 million in wages at the JCS area level.

Table 4.2 Net Additional Operational Phase Impacts

	Cheltenham Borough		JCS Area	
	Employment (FTEs)	Wages (£m Annual)	Employment (FTEs)	Wages (£m Annual)
A1 – Aldi Foodstore	16	£0.32m	21	£0.40m
A3 – Costa	13	£0.24m	16	£0.30m
D1 – Happy Days Nursery	16	£0.25m	20	£0.32m
B1a – Full	175	£6.02m	211	£7.28m
Full Application	220	£6.83m	268	£8.30m
B1a – Outline	279	£9.61m	337	£11.62m
Outline Application	279	£9.61m	337	£11.62m
Total	498	£16.45m	605	£19.92m

Source: HJA Analysis

4.3 Headline Local Fiscal Impact

The proposed development has the potential to deliver substantial local fiscal benefit through business rates. This will generate increased revenues to local government and will enable the safeguarding and creation of new jobs and the protection and enhancement of services to local residents.

The following analysis is intended as indicative and the final revenue position will be based on formal assessment once constructed. It is acknowledged that there is a complex system for determining locally retained business rates and consultation has recently been completed relating to a revised system of local retention. Cheltenham Borough Council participates in the Gloucestershire Business Rates Pool and will participate as part of the Gloucestershire 100% Business Rate Retention pilot in 2018/19. The exact value of the element retained by Cheltenham Borough Council is therefore not stated. The purpose of the analysis below is to provide an indication of the scale of business rates to be generated from the Proposed Development under the current regime assuming no reliefs and before any adjustment for local top-ups and tariffs. However, what is clear from the direction of policy is that the move to greater reliance on business rates income to fund local government brings the incentive for growth into even sharper focus.

Based on the headline assessment of potential business rates generated by the proposed development the gross rateable value is estimated at approximately £2.7 million. Based on the 2016/17 multiplier the rates payable are estimated at more than £1.3 million. Based on a maximum rate of 50% locally retained the Proposed Development has the potential to deliver additional local revenues in excess of £660,000 once fully implemented. A detailed breakdown is provided in Table 4.3.

Table 4.3 Estimating Business Rates Revenues

	Estimated Rateable Value ⁷	Total Rates Payable ⁸	Maximum Local Retention ⁹
A1 – Aldi Foodstore	£287,300	£142,800	
A3 – Costa	£61,200	£30,400	
D1 – Happy Days Nursery	£50,200	£24,900	
B1a – Full	£880,900	£437,800	
Full Application	£1,279,600	£635,900	£317,950
B1a – Outline	£1,406,000	£698,800	
Outline Application	£1,406,000	£698,800	£349,400
Total	£2,685,600	£1,334,700	£667,350

⁷ Estimated based on local comparables. Based on 2017 revaluation estimates.

⁸ Based on 2016/17 multiplier for large businesses of 49.7 pence in the pound.

⁹ Based on current rules with maximum 50% locally retained.

Appendix 1: Assessing Net Additional Impacts

This appendix sets out details of the approach to assessing additionality. This is based on the approach outlined in the Homes & Communities Agency *Additionality Guide, Fourth Edition 2014*. Assumptions vary between the construction and operational phases which are each considered in turn.

Construction Phase

Leakage

Leakage captures those impacts which 'leak' outside the impact area. For this analysis the primary impact area is identified as Cheltenham Borough with analysis also presented for the Joint Core Strategy (JCS) area. Commuting data is used as the source of data to assess leakage of employment. Data from both the 2001 and 2011 Censuses of Population has been analysed. This shows that the majority of employment impacts are retained within Cheltenham Borough. Where benefits do leak to those that in-commute to the area, the majority are retained within the wider JCS area.

2001 Census data suggests slightly lower than average leakage for construction sector. This records 28% of construction sector employees in-commuting to Cheltenham from outside the Borough. This falls to 13% from outside the JCS area. For comparison, for the whole economy the figures are 30% and 13% respectively.

The 2011 Census does not allow sectoral analysis of this data. Data for the whole economy, calculated on the same basis as the 2001 Census reporting shows in commuting at 38% from outside the Borough and 17% from outside the JCS area. It is uncertain whether the effect of increased in commuting has been felt equally across sectors, but for the purposes of this analysis we adopt the 2011 Census figure.

It should be noted that these figures are slightly different to the whole economy averages listed for the operational phase. The reason for this is the way in which those working at or from home, and those with no fixed place of work are treated. Within the construction sector there will be a high proportion of itinerant workers that need to be incorporated in the analysis. In the operational phase analysis, the focus is on workers with a fixed workplace outside the home. As a result the leakage analysis differs.

Deadweight

Deadweight is a measure of impacts that would be expected to accrue without the proposed development. It is often referred to as a reference case or do nothing option.

Deadweight at the site level is anticipated to be very low. An extant outline planning permission for office development is in place but has not been implemented. Large parts of the current development proposals are similar in nature and therefore it would be inappropriate to consider the extant scheme as deadweight.

Displacement and Substitution

Displacement is a measure of impacts that are offset by reduced activities elsewhere in the target area. Substitution is a form of internal displacement. This could be where a construction contractor secures work on the proposed development and declines work elsewhere in the area. Typically displacement and substitution effects have been considered together.

Gross Direct impacts are shown to peak at approximately 3% of current Cheltenham construction employment and not at a scale that is likely to have substantial displacement impacts. Displacement and substitution effects are therefore deemed to be low in this instance, a figure of 10% at the Cheltenham level and 15% at the JCS level is assumed.

Multipliers

Multipliers capture the effects of further rounds of indirect and induced economic activity. This includes the expenditure through the supply chain of core occupiers and the effects as employees spend their wages in the local economy.

The construction sector has particularly high multipliers, with high levels of locally retained expenditure. This reflects the local sourcing of labour and the expenditure of earned incomes in the local area, as well as the often localised purchase of building materials, particularly non specialised materials. The analysis above has specifically separated out those major areas of expenditure that will flow outside the UK. Multipliers of 1.3 at the Cheltenham level and 1.5 at the JCS area are applied.

Operational Phase

Leakage

Leakage captures those impacts which 'leak' outside the impact area. For this analysis the primary impact area is identified as Cheltenham Borough with analysis also presented for the Joint Core Strategy (JCS) area. Commuting data is used as the source of data to assess leakage of employment. Data from both the 2001 and 2011 Censuses of Population has been analysed. This shows that the majority of employment impacts are retained within Cheltenham Borough. Where benefits do leak to those that in-commute to the area, the majority are retained within the wider JCS area.

2011 Census of Population data indicates that for jobs within a fixed workplace in Cheltenham 55% are filled by Cheltenham residents. Of the remainder 25% are filled by in-commuters from the JCS area and the remaining 20% from those outside the JCS area.

2001 Census of Population data on commuting patterns suggests much lower levels of in commuting to Cheltenham for service sectors including wholesale, retail and trade and hotels and restaurants which one would expect for what are typically lower wage activities. The 2011 Census does not allow such fine-grained analysis. To reflect the available evidence the level of in commuting is reduced by 10% points at the Cheltenham level and 5% at the JCS area level.

A proxy for office based work, using financial intermediation, real estate and public administration sectors shows a level of in commuting broadly in line with the whole economy average, perhaps

fractionally higher, which one would expect for higher wage activities. No adjustment is made to the headline level.

Deadweight

Deadweight is a measure of impacts that would be expected to accrue without the proposed development. It is often referred to as a reference case or do nothing option.

Deadweight at the site level is anticipated to be very low. There are no substantive employment generating activities on the site at present, with the land supporting negligible agricultural employment. There is therefore no loss of existing employment at the site which needs to be offset. An extant outline planning permission for office development is in place but has not been implemented. Large parts of the current development proposals are similar in nature and therefore it would be inappropriate to consider the extant scheme as deadweight.

In the absence of the development some jobs might be accommodated elsewhere within Cheltenham or the JCS area. However, the need for employment capacity is well known locally, with examples cited of businesses either failing to locate within the JCS area, or relocating outside the JCS area as a result of constrained supply. On this basis it is appropriate to set deadweight at a minimum level of 10% within Cheltenham and 20% across the JCS area.

Displacement

Displacement is a measure of impacts that are offset by reduced activities elsewhere in the target area. This could be where a new business within the proposed development captures market share from an existing business in Cheltenham.

This is anticipated to be very low for the A1, A3 and D1 uses (10%) and low (25%) for office elements. The Cheltenham population and economy are forecast to grow over the coming years and to facilitate this there is a need for additional employment space and appropriate service infrastructure. However, within the office element there is the potential that some take up will be from existing occupiers within the borough with existing office premises lost to other activities. This would be true of any new office development.

Multipliers

Multipliers capture the effects of further rounds of indirect and induced economic activity. This includes the expenditure through the supply chain of core occupiers and the effects as employees spend their wages in the local economy.

Multiplier effects are assessed as medium. For A1, A3 and D1 uses these are set as 1.2 at the Cheltenham level and 1.3 for the JCS area. For office uses these are set as 1.29 at the Cheltenham level and 1.35 at the JCS area. All assumptions based on the HCA *Additionality Guide, Fourth Edition 2014*.