

**APPELLANT: Hinton Properties (Grovefield Way) Ltd**

**LOCAL PLANNING AUTHORITY: Cheltenham Borough Council**

**SITE: Land at North Road West and Grovefield Way, Cheltenham**

## **STATEMENT OF COMMON GROUND**

### **APPEAL A**

**APPEAL REFERENCE: APP/B1605/W/18/3200395**

**LPA REFERENCE: 16/02208/FUL**

### **APPEAL B**

**APPEAL REFERENCE: APP/B1605/W/18/3214761**

**LPA REFERENCE: 18/01004/FUL**

**Signed on behalf the appellant:**



Position: Partner

Date: 5.12.18

**Signed on behalf of the LPA:**



Position: DIRECTOR OF PLANNING

Date: 5.12.2018.



## **CONTENTS**

- 1.0 INTRODUCTION**
- 2.0 THE SITE AND PLANNING HISTORY**
- 3.0 THE APPEAL PROPOSALS**
- 4.0 DEVELOPMENT PLAN AND RELEVANT MATERIAL CONSIDERATIONS**
- 5.0 SUGGESTED CONDITIONS AND SECTION 106 MATTERS**
- 6.0 MATTERS NOT IN DISPUTE**
- 7.0 MATTERS IN DISPUTE**

### **APPENDICES:**

- 1. List of suggested Planning conditions in the event that the appeal is allowed**

## 1.0 INTRODUCTION

- 1.1. This document forms an agreed Statement of Common Ground (SOCG) between Hinton Properties (Grovefield Way) Ltd (hereafter 'the Appellant') and Cheltenham Borough Council, (hereafter 'the Council').
- 1.2. This SOCG relates to two Section 78 planning appeals against the Council's decisions to refuse planning permission for commercial development proposals at Grovefield Way.
- 1.3. The first application was refused on the 14 December 2017. Following this refusal, a further revised application was submitted to the Council on 23<sup>rd</sup> May 2018, which was subsequently refused on the 19<sup>th</sup> October 2018.

### ***The first application - 16/02208/FUL 'Appeal A'***

- 1.4. Appeal A relates to a hybrid application for FULL planning permission for 5,034m<sup>2</sup> of commercial office space (Use Class B1), 502 m<sup>2</sup> day nursery (Use Class D1), 1,742 m<sup>2</sup> supermarket food retail unit (Class A1), a 204 m<sup>2</sup> coffee shop retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works. The 'OUTLINE' element of the proposal comprises the erection of 8,034 m<sup>2</sup> of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).
- 1.5. The application was validated and registered on 13<sup>th</sup> December 2016 with the application reference number 16/02208/FUL.
- 1.6. The application was recommended for approval by the planning officer but was refused by the Council's Planning Committee on 14<sup>th</sup> December 2017 for the three reasons set out below:
  1. *The site has extant consent for B1 office development and is allocated for employment use (specifically B class employment or Sui Generis uses that exhibit the characteristics of traditional B class uses) within the emerging Cheltenham Plan (Pre-submission version, December 2017).*

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

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

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

- 2. Due to the mix of uses proposed, the development would result in an increase in traffic on the surrounding road network into the evenings and at weekends in addition to the AM and PM weekday peaks. This would have an unacceptable impact upon the local road network which is already heavily used. For these reasons the proposal is considered to be contrary to policy INF1 of the Joint Core Strategy.*
  
- 3. The proposed layout of the site results in a predominance of hardstanding and retaining structures which result a poor appearance and do not create an attractive streetscape or strong sense of place which responds to the character of this transitional location. The position of buildings including the 'Drive thru' coffee shop and supermarket, close to the edges of the site give the layout a cramped and contrived appearance exacerbated by exterior features such as the 'drive thru' lane and external yards. The proposal is therefore harmful to the surrounding area by reason of its visual impact and also fails to create a high quality business environment in this edge of town location. For these reasons the proposal is considered to be contrary to policy SD 4 of the Joint Core Strategy and CP7 of the Local Plan.*

Note – The Council has agreed that it does not intend to pursue Reason 2 concerning traffic generation.

***The second application - 18/01004/FUL 'Appeal B'***

- 1.7 The second hybrid application comprises:
- a) A FULL planning application for 5,914 m<sup>2</sup> of commercial office space (Use Class B1), 502 m<sup>2</sup> day nursery (Use Class D1), 1,742 m<sup>2</sup> food retail unit (Use Class A1), with associate parking, landscaping and infrastructure works.
  - b) OUTLINE planning application for the erection of 8,034 m<sup>2</sup> of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved - except access (resubmission).
- 1.8 This application was submitted on the 23<sup>rd</sup> May 2018 and refused by the Council's Planning Committee on the 19<sup>th</sup> October 2018 for the following reason:

*1. The site has extant planning permission for B1 office development and is allocated for employment use (specifically B class employment or Sui Generis uses that exhibit the characteristics of traditional B class uses) within policy EM3 of the emerging Cheltenham Plan (Regulation 19 version, February 2018). The application is for a mixed use development with considerable and prominent parts of the site being given over to an A1 food retail store and a D1 day nursery.*

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

*For these reasons the proposal is considered to be contrary to policy SD1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, policy EM2 of the adopted Cheltenham Borough Local Plan and policy EM3 of the emerging Cheltenham Plan (Regulation 19 version, February 2018).*

## 2.0 THE SITE AND PLANNING HISTORY

### *Site Location*

- 2.1 The application site is a parcel of land extending to 4.15 ha and located on the eastern edge of the built-up area of Cheltenham. The town centre is about 4.4 kilometres to the west.
- 2.2 The site is located north of North Road West and west of Grovefield Way and immediately south of the A40. The site is adjacent to the settlement of Reddings. 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.
- 2.3 The site is located next to the A40 which connects Cheltenham and Gloucester but also provides a direct link to junction 11 of the M5 motorway.
- 2.4 The site is located within the Growth Zone of the Strategic Economic Plan produced by GFirst LEP and is a preferred location for economic and business growth.
- 2.5 Opposite the site, on the other side of the A40 is GCHQ, which is the largest and most strategically important employer for Cheltenham.
- 2.6 To the north of the site is the recently opened Cotswold Cheltenham BMW car showroom with workshop and servicing facilities.
- 2.7 To the north-east of the BMW site is the Arle Court Park and Ride facility. To the south of the Park and Ride is a retail park and, to the south of Hatherley Lane, there is a private hospital and an Asda superstore.
- 2.8 To the east of the site (across Grovefield Way) the land uses and character are residential, being an area known as The Reddings. The nearest dwellings to the site are located in Chalford Avenue and these are predominantly two storey and suburban in nature. There is a belt of trees that runs parallel to Grovefield Way which screens these homes.

### *The Site*

- 2.9 The site is open and has undergone some groundworks in preparation for development (the site already benefits from an extant consent). The highest part of the site is in the south east and east, with the land falling away to the north-west and west. The site is 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.

*Planning History*

- 2.10 The site was formerly open land which formed part of the Green Belt. Its future was discussed in the 2005 Local Plan Inquiry but no changes were made to the Green Belt at that time. However, an application to use the site for B1 purposes was refused by the Council but subsequently granted on appeal in 2007. The appeal was approved as it was recognised that there was an acute shortage of employment land in the Borough.
- 2.11 As a result of this permission and further planning approvals on the site, it has subsequently been removed from the Green Belt through the Examination of the Joint Core Strategy, which was approved and adopted in December 2017. The site is now also recognised as an employment site in the emerging Cheltenham Local Plan.
- 2.12 The wider site, including the area now occupied by the BMW business, has a long and complex planning history. The main relevant applications can be summarised as follows:
- **LPA Ref 04/01790/OUT** - Outline application for B1 industrial uses. Withdrawn December 2004.
  - **LPA Ref 05/00799/OUT** - Outline Planning Permission was granted for the wider site (including the BMW site), on appeal in **May 2007** following a public inquiry [PINS Reference: APP/B1605/A/06/2015866/NWF]. The description of development was: *Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and ride facility.*
  - **LPA Ref 09/00369/REM** – In **May 2009**, a reserved matters application was approved in relation to the layout of the access road and parking and the siting of the proposed buildings.
  - **LPA Ref 09/00720/REM** – In **December 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)



- **LPA Ref 10/00690/REM** - 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.
- **LPA Ref 10/00468/ TIME** - In **June 2012**, an extension of time application for the implementation of the original outline consent was granted in June 2012. A subsequent application for Judicial Review was refused permission for leave to appeal.
- **LPA Ref 12/01086/REM** – following the extension of time (above) an application was made in respect of the reserved matters in respect of access, siting, design, external appearance of the buildings and the landscaping of the site. This was approved in August 2013.
- **LPA Ref 13/01101/FUL** – in March 2014 a FULL planning application was granted for the BMW development. This was described as *“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 floorspace on a site of some 1.8Ha north east of Grovefield Way.
- **LPA Ref 14/00656/FUL** - In **January 2015**, FULL planning permission was granted for a revised scheme in respect of the BMW development. The scheme has now been implemented.
- **LPA Ref 14/01323/OUT** - In **December 2014**, Outline planning permission was granted 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 December 2019. As noted in the Officer’s committee relating to application (18/01004/FUL) subject to this appeal, this permission did not include a condition removing permitted development rights. Consequently, under Schedule 2, Part 3, Class I of the Town and Country Planning (General Permitted Development) Order 2015, up to 500 sq.m of each B1 unit could be changed to a B8 use (storage distribution).

- 2.13 The planning history at the site and, in particular, the original appeal decision and the extant outline planning permission under 14/01323/OUT are material considerations in this appeal and establish the principle of employment development on the site.

### 3.0 THE APPEAL PROPOSALS

3.1 This first application comprises a 'hybrid' planning application split into two parts:

Full permission

*Relates to the south eastern part of the site and 'Full' planning permission is sought for the development of:*

- 5,034 m<sup>2</sup> of commercial office space (Use Class B1)
- 502 m<sup>2</sup> day nursery (Use Class D1)
- 1740 m<sup>2</sup> Aldi retail unit (Class A1)
- 204 m<sup>2</sup> Costa Coffee Retail Unit and Drive Thru (Use Classes A1 and A3),
- Associated parking, landscaping and infrastructure works

Outline permission

*Relates to the balance of the site and 'Outline' planning permission, with all matters reserved except access, is sought for:*

- 8,034m<sup>2</sup> of commercial office space (Use Class B1)
- Associated car parking, open space, landscaping and infrastructure works

3.2 The second application would comprise:

Full permission

*Relates to the south eastern part of the site and 'Full' planning permission is sought for the development of:*

- 5,914 m<sup>2</sup> of commercial office space (Use Class B1);
- 502 m<sup>2</sup> day nursery (Use Class D1);
- 1742 m<sup>2</sup> Aldi retail unit (Class A1); and
- Associated parking, landscaping and infrastructure works

Outline permission

*Relates to the balance of the site and 'Outline' planning permission, with all matters reserved except access, is sought for:*

- *8,034 m<sup>2</sup> of commercial office space (Use Class B1); and*
- *Associated car parking, open space, landscaping and infrastructure works*

3.3 It should be noted that for both Appeals A and B, the site access junction on Grovefield Way, and an existing section of access road, has already been constructed as part of the approved BMW development. Should permission be granted for the appeal proposal, the access road will be extended into the application site to serve the proposed development.

## 4.0 THE DEVELOPMENT PLAN, THE CHELTENHAM PLAN AND OTHER RELEVANT MATERIAL CONSIDERATIONS

### The Statutory Development Plan

- 4.1 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.
- 4.2 At the point of determination of this application, the statutory Development Plan comprised the Joint Core Strategy and the 'saved' policies of the Cheltenham Local Plan (Second Review), adopted in June 2006.
- 4.3 The parties agree that there is no conflict with policies that were not specifically referred to in the reasons for refusal.

### Joint Core Strategy (Adopted December 2017)

- 4.4 The Joint Core Strategy (JCS) was produced through a partnership between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council. The JCS is a co-ordinated strategic development plan that sets out how this area covered by the three councils will develop during the period up to 2031.
- 4.5 The Council and the Appellant agree that the following JCS policies are relevant to these appeals:

**Policy SP1** - states that during the plan period, provision will be made to meet the need for approximately 35,175 new homes and a minimum of 192 hectares of B-class employment land to support approximately 39,500 new jobs and that this is to be delivered by development within existing urban areas through district plans, existing commitments, urban extensions to Cheltenham and Gloucester, and the provision of Strategic Allocations at Ashchurch.

**Policy SP2** deals with the distribution of new development. It explains that to support their economic roles as the principal providers of jobs, services and housing, and in the interests of promoting sustainable transport, development will be focused at Gloucester and Cheltenham, *including urban extensions to these areas*. It states that the JCS will make

provision for the required “at least 192 hectares of B-class employment land” through “at least 84 hectares” at its strategic allocation sites and with further capacity being identified in District Plans.

**Policy SD1** relates to employment (except retail development). 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 Principal Urban Area (PUA) of Cheltenham and in the wider countryside when it is located within or adjacent to a settlement or existing employment area and of an appropriate scale and character.

**Policy SD3** promotes sustainable design and construction.

**Policy SD4** sets out the JCS design requirements for new development. These include considerations of context, character and sense of place; legibility and identity; amenity and space; public realm and landscape; safety and security; inclusiveness and adaptability; and movement and connectivity.

**Policy SD5** addresses the Green Belt and on the plan’s adoption, formalised the removal of the appeal site and other locations where very special circumstances had been demonstrated. At paragraph 4.5.21 of the JCS it records *“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.”*

**Policy SA1** – sets out the strategic allocations including West Cheltenham, which under **Policy A7** is allocated for *“approximately 45 hectares of B-class led employment land to be focussed upon a cyber security hub and other high technology and high ‘Gross Value Added’ generating development and ancillary employment uses”*

#### **Cheltenham Borough Local Plan (2006)**

- 4.6 The Cheltenham Borough Local Plan covered the period 1991 – 2011. It was adopted in June 2006. The policies of the Local Plan were ‘saved’ as set out in the schedule to a GOSW direction letter in June 2009. A number of policies have since been replaced by the JCS on its adoption.

4.7 The Council and the Appellant agree that the 'saved' policies listed below have relevance to these appeals:

**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.*

4.8 **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.'*

4.8 **Policy CP7** – states that development will only be permitted where it:

- (a) is of a high standard of architectural design; and*
- (b) adequately reflects principles of urban design; and*
- (c) complements and respects neighbouring development and the character of the locality and/or landscape (note 3).*

*Extensions or alterations of existing buildings will be required to avoid:*

- (d) causing harm to the architectural integrity of the building or group of buildings; and*
- (e) the unacceptable erosion of open space around the existing building*

### **The Cheltenham Plan**

- 4.9 The Cheltenham Plan is the Council's proposed new Local Plan. It will replace the 2006 Plan and, if adopted, will form the development plan for the area alongside the JCS. On 3 October 2018, the Council submitted the plan and its supporting evidence base to the Secretary of State for independent examination. The examination will include consideration of outstanding objections, including representations by Gloucestershire LEP concerning the Plan's employment strategy
- 4.10 **Policy EM3** in this emerging Local Plan allocates land north-west of Grovefield Way (including the appeal site) as a location for new employment development. The Policy states that *"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 contents of Policy EM3 reflect the evidence bases of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the Cheltenham Plan."*
- 4.11 The Council consulted on the pre-submission version of the Cheltenham Plan between 12<sup>th</sup> February 2018 to 9<sup>th</sup> April 2018. The submission version of the plan was exactly the same as the pre-submission version.

### **Strategic Economic Plan for Gloucestershire (March 2014), GFirst LEP**



4.11 The Strategic Economic Plan (SEP) for Gloucestershire sets out the economic vision for the County and aims to accelerate economic growth and address the particular challenges that the County faces.

4.12 Some of the key objectives are set out as being:

- support the growth of knowledge-intensive sectors;
- exploiting the potential of our SMEs;
- the need for innovation to be a stronger driver of productivity;
- capitalising on our entrepreneurial culture;
- developing better links between education and business, and attracting and retaining our talented young people.

4.13 The SEP identifies that the Gloucestershire economy is subject to significant threats and two of those are identified as being:

- Lack of suitable premises for high value businesses; and
- Insufficient number of attractive development sites.

4.14 The SEP identifies that there is a shortfall of employment land within the County and to resolve this have identified a 'Growth Zone' that has been designed to encourage the availability of quality employment land in proximity to the M5 motorway. This has been designed to serve latent demand in the market place and provide the space required to allow businesses to grow.

4.15 The appeal site is located in the Growth Zone.

4.16 The parties agree that the SEP is a relevant material consideration in these appeals.

### **The Revised National Planning Policy Framework (NPPF)**

4.17 The National Planning Policy Framework was revised in July 2018. It sets out government's planning policies for England and how these are expected to be applied. The NPPF defines the purpose of the planning system as being to contribute to the achievement of sustainable

development, highlighting the importance of three objectives in respect of its economic, social and environmental dimensions.

4.18 The parties agree that the following NPPF chapters are particularly relevant to this appeal:

Chapter 2 – Achieving sustainable development

Chapter 6 – Building a strong, competitive economy

Chapter 7 – Ensuring the vitality of town centres

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Annex 1 - Implementation

### **Other material considerations**

4.19 Other policy documents and guidance that the parties agree are relevant to this appeal include:

- Planning Practice Guidance (PPG)
- The UK's Industrial Strategy
- Cheltenham Economic Strategy (2015)
- Cheltenham Economic Review (2018)
- JCS background / examination documents

## **5.0 SUGGESTED CONDITIONS AND SECTION 106 MATTERS**

- 5.1 The Appellant and Council have agreed a set of conditions for discussion at the inquiry, which is included at **APPENDIX 1** of this SOCG.

## **6.0 MATTERS NOT IN DISPUTE**

6.1 The following issues are agreed between the parties:

### **Reasons for Refusal – First application**

6.2 On the first appeal, the Council has withdrawn its objection on traffic generation grounds (Reason 2).

### **The development size - floorspace**

6.3 It is agreed that Appeal A would include 13,069 m<sup>2</sup> (GIA) of B1(a) offices and Appeal B would include 13,948 m<sup>2</sup> (GIA) of B1(a) offices. With Appeal A the office content would make up 84% of the overall proposed floorspace on site, with the ancillary uses making up 16% of the floorspace on site. With Appeal B the office content would make up 86% of the floorspace on site, with the ancillary uses making up 14% of the floorspace on site.

### **Highways and Transport**

6.4 It is agreed that no objections are raised to the proposal by the Local Highways Authority or Highways England. Both parties agree that the proposed highway solutions for both developments are suitable and appropriate. The parties do not consider it necessary to call expert highway witnesses. On the 28<sup>th</sup> June 2018 the Council agreed that they would not be pursuing the highway reason for refusal relating to the first appeal. This was formally confirmed on 12<sup>th</sup> July 2018.

### **Retail**

6.5 It is agreed that a Retail Impact Assessment (RIA) was not required for the retail element of the proposed development as its floor space (1,742m<sup>2</sup>) which falls below the 2,500m<sup>2</sup> threshold set out at paragraph 89 of the Revised NPPF. However, a RIA and retail sequential test was undertaken by the Appellant. It is agreed that the Council's independent retail consultant has assessed both submissions and there are no objections in respect of retail impact. His advice was provided to the determining Planning Committees. The parties do not consider it necessary to call expert retail evidence witnesses. It is agreed that there is no reason to refuse planning permission owing to the retail components of the developments.

**Residential Amenity**

- 6.6 It is agreed that there is no objection to the proposal on residential amenity grounds in terms of overbearing impact, loss of outlook or loss of daylight/sunlight.

**Noise**

- 6.7 It is agreed that there are no objections to the proposals on noise impact/nuisance grounds.

**Odour and Air Quality**

- 6.8 It is agreed that there are no objections to the proposal on odour or air quality grounds.

**Lighting**

- 6.9 It is agreed that there are no objections to the proposal on lighting grounds, subject to suitably worded planning conditions to control these details.

**Ecology**

- 6.10 It is agreed that there is no objection to the application on ecology grounds, subject to the proposed mitigation and biodiversity enhancements which can be secured by a suitable Planning condition.

**Scale and Character**

- 6.11 It is agreed that both Appeals A and B are of an appropriate scale and character.

**Flooding and Drainage**

- 6.12 It is agreed that there are no objections to the proposals on flooding or drainage grounds and suitable safeguarding Planning conditions could be imposed.

**Tree Impact**

- 6.12 It is agreed that there are no tree impact related objections.

### **Landscape**

- 6.13 It is agreed that the site is not located within either a local or national landscape designation. It is agreed that there are no objections to the proposal on landscape impact grounds.
- 6.14 It is agreed that there are no adverse landscape impacts associated with either Appeal A or B that warrant a refusal of planning permission.

### **Heritage**

- 6.14 It is agreed there are no designated or non-designated heritage assets on or near to the site and that there are no objections on heritage grounds.

### **Employment**

- 6.15 It is agreed that the appeal site comprises a suitable and appropriate office location with good access to communication networks. The site has a strong planning history of employment use and both parties support its development for employment use.
- 6.16 The site forms part of the emerging local plans employment strategy and forms part of a B Class employment allocation in this plan. The BMW car show room and associated uses are included within this allocation. It is agreed that the B Class employment use of the site is consistent with the adopted JCS as well as the emerging development plan.
- 6.17 It is agreed that there is currently an acute shortage of B Class employment land and premises within Cheltenham.
- 6.18 Both parties agree that some ancillary uses on an employment business park can be acceptable and desirable in planning terms but the amount of ancillary uses that would result from the appeal proposals is clearly not agreed.
- 6.19 It is agreed that the proposed development would offer significant economic benefits

### **Design**

- 6.20 There are no design concerns relating to Appeal B.

## **7.0 MATTERS IN DISPUTE**

### **Appeal A**

7.1 The matters in dispute between the Council and the Appellant arise directly from Reason 1 and Reason 3 as set out in the Decision Notice. Specifically, the disputes concern:

- Whether the non-Use Class B1 elements of the proposal (in the form of a foodstore, coffee shop / drive-thru and day nursery) are acceptable on this site in respect of the reduced amount of land available for Class B1 purposes and the ability to deliver good quality employment on the site.
- Whether the non-Use Class B1 elements of the proposal (in the form of a foodstore, coffee shop / drive-thru and day nursery) dilute or contribute to the character and function of the area as an employment site.
- Whether the proposed development would assist or limit the delivery of quality jobs and employment on the site.
- Whether the proposal is consistent with the development plans, particularly Policy SD1 of the adopted JCS (2017) and Policy EM2 of the Cheltenham Local Plan (2006).
- The weight to be attached to Policy EM3 of the Draft Cheltenham Plan and whether the proposal would conflict with Policy EM3.
- Whether the proposal is acceptable in design terms.

### **Appeal B**

7.2 The matters in dispute between the Council and the Appellant arise directly from the stated reason for refusal set out in the Decision Notice. Specifically, the disputes concern:

- Whether the non-Use Class B1 elements of the proposal (in the form of a foodstore, and day nursery) are acceptable on this site in respect of the reduced amount of land available for Class B1 purposes.
- Whether the non-Use Class B1 elements of the proposal (in the form of a foodstore and day nursery) dilute or contribute to the character and function of the area as an employment site.

- Whether the proposed development would assist or limit the delivery of quality jobs and employment on the site.
- Whether the proposal is consistent with the development plan, particularly Policy SD1 of the adopted JCS (2017) and Policy EM2 of the Cheltenham Local Plan (2006).
- The weight to be attached to Policy EM3 of the Draft Cheltenham Plan and whether the proposal would conflict with Policy EM3.