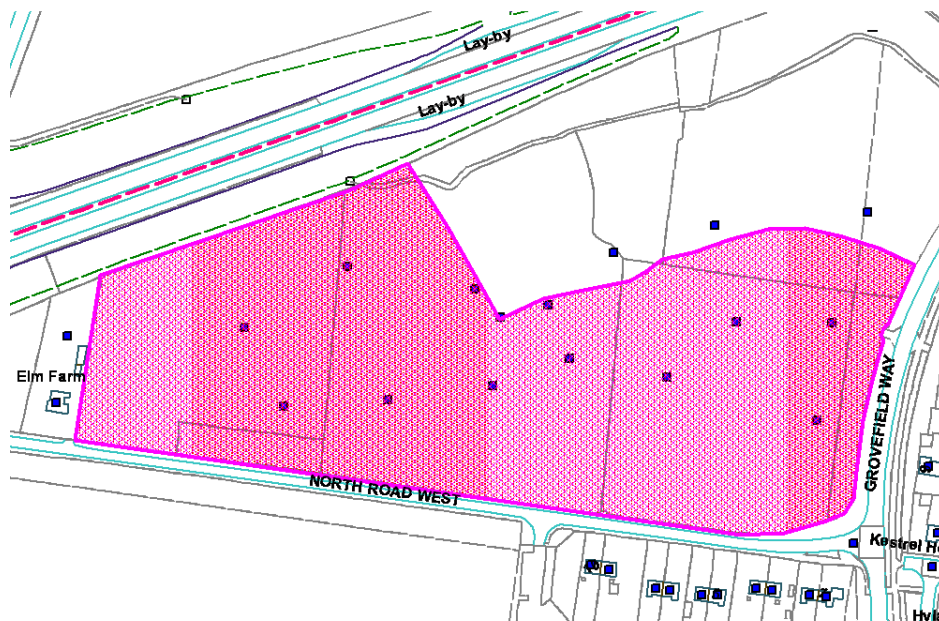


## Delegated Officer Report

<b>APPLICATION NO:</b> 14/01323/OUT	<b>OFFICER:</b> Mr Ian Crohill
<b>DATE REGISTERED:</b> 24th July 2014	<b>DATE OF EXPIRY:</b> 23rd October 2014
<b>WARD:</b> Benhall/The Reddings	<b>PARISH:</b>
<b>APPLICANT:</b>	Cotswold Motor Group
<b>AGENT:</b>	Hunter Page Planning Ltd
<b>LOCATION:</b>	Land At North Road West And Grovesfield Way Cheltenham
<b>PROPOSAL:</b>	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)

### RECOMMENDATION:



### Permit

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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application comprises an outline proposal for the erection of up to 16,800sqm of B1 employment space and will include the creation of an access from Grovefield Way.
- 1.2 The application site benefits from an extant planning permission at the site for the use of the site for employment uses, specifically B1 industrial uses. That planning permission relates to the wider site known as Grovefield Way.
- 1.3 However permission has also been granted for the use of part of the site (comprising of land at the north east corner of the wider Grovefield Way site) for a BMW car dealership. It transpires that the applicants are hoping to start work on the new BMW Dealership soon. As such, the extant B1 scheme across the whole site (including the BMW site) could not be implemented once the BMW scheme comes forward. The current planning situation therefore necessitates the seeking of planning permission to retain the extant B1 employment use across the remaining 4.6ha of the wider site known as Land at North Road West / Grovefield Way.
- 1.4 The proposed development maintains the principles already established as part of the approved B1 scheme and seeks to meet the identified need for employment space established at the time of granting the extant B1 scheme (and various time extensions).
- 1.5 Attention is drawn to reports to Planning Committee on applications 05/00799/OUT and 10/ 00468/TIME, the application approved establishing an extension of time during which the outline could be implemented. Furthermore matters reserved by the outline were approved in August 2013 under application 12/01086/REM. The arguments contained in those reports explain in detail considerations that are still particularly relevant to the determination of this application. See below for details of planning history.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Greenbelt  
Landfill Sites boundary

### Relevant Planning History:

#### **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

However the application was **GRANTED ON APPEAL 1 May 2007**

#### **08/01733/FTP 16th July 2009 PER**

(STOPPING UP ORDER CONFIRMED AS UNOPPOSED 16.07.2009)

Application under Section 257 of the Town and Country Planning Act 1990 for the stopping up of public right of way ZCH98 (running north from opposite numbers 9 and 10 Shakespeare Cottages, North Road West for a distance of approximately 195 metres)

#### **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)

**10/01562/REM APREM 3 May 2011**

Application for the approval of revised reserved matters previously approved under references 09/00369/REM (approved 29.05.2009), 09/00720/REM (approved 18.12.2009) and 10/00690/REM (approved 27.07.2010) all following the grant of Outline Permission ref 05/00799/OUT (dated 01.05.07) The revision to the reserved matters relates to revised details to the already approved Design Handbook.

**Decision subsequently QUASHED.**

**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 PCO**

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)

### **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
- EM 1 Employment uses
- UI 2 Development and flooding
- UI 3 Sustainable Drainage Systems
- UI 4 Maintenance strips for watercourses
- UI 7 Renewable energy

TP 6 Parking provision in development

**Supplementary Planning Guidance/Documents**

Planning obligations (2003)

Planning obligations: transport (2004)

**National Guidance**

National Planning Policy Framework

## 4. CONSULTATIONS

**Severn Trent Water Ltd**

*5th August 2014* - With reference to the above planning application the company's observations regarding sewerage are as follows.

I confirm that Severn Trent Water Limited has NO OBJECTION to the proposal

**Tree Officer**

*12th August 2014* - Please repeat conditions as per permission 13/01101/FUL as appropriate

**Contaminated Land Officer**

*25th July 2014* - no comment

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 A total of 49 letters were sent out to neighbouring premises informing the occupiers of the receipt of the application. In addition a site notice was posted and an advert in the paper placed. 7 letters of objection have been received all the issues raised are the same as those previously rehearsed in respect of the approved schemes. It is, however, clear that some writers are confusing this application with one for revisions to the BMW car dealership (14/00656/FUL) or perhaps they are choosing to give a joint opinion.

5.2 **Comments Received**

12 Seacombe Road Cheltenham Gloucestershire GL51 0HX

**Comments:** 13th August 2014

I object to this project entirely, as earlier comments point out Cheltenham already has a large number of car showrooms and unused office blocks.

The large number of trees and hedgerows to be cut down (particularly the ancient ones) are a significant cause for concern, as is the clearing the hedgerows on the A40. We should be doing all we can to protect our remaining green spaces. The edges of Cheltenham will become a featureless urban sprawl, a sorry sight for residence and visitors

4 Shakespeare Cottage North Road West The Reddings Cheltenham Gloucestershire GL51 6RF

**Comments:** 21st August 2014

Development will impact upon the amenity of neighbouring properties.

Insufficient on site parking which will overspill to surrounding streets.

Dangerous new junction into the site on a bend on a busy road which is at a standstill at peak times.

Unsuitable greenfield site when there are unoccupied / unbuilt brownfield sites still available including just around the corner e.g. adjacent to Asda.

10 Shakespeare Cottage North Road West The Reddings Cheltenham Gloucestershire  
GL51 6RF

**Comments:** 30th July 2014

In general we would prefer the greenbelt to stay as-is, but as per the comment requirements our thoughts on the development are as follows:

**NOISE/DISTURBANCE:**

We are concerned about the noise/disturbance from the new site, the indicated scale on the diagram seems to be (deliberately?!) wrong so what appears to be 1km away is actually about 100m. I hope this will be fully explained/clarified by the planning office. Assurance will be needed that the activity undertaken at the site will not create a noise impact on the nearby houses. Whilst 'standard' 9-5 office use is probably ok, can there be assurance about night time activity (and lack thereof).

Also any noise generating components (e.g. air-con fans, UPS generators) are sited to the North of the buildings so as to not propagate noise South towards the residents.

**TRAFFIC:**

The entrances to the site seem well sited.

We would like assurance for the future that there cannot be a site entrance near our house such that the noise from acceleration and the light from headlights disturb our residence (particularly at night).

**VISUAL IMPACT:**

Currently from our front windows we can see a meadow, this will obviously be replaced by the (less attractive) office buildings. There seems to be some thought given to the visual impact by trees being planted along the Southern edge (labelled '3') - can we get assurance that these will be tall enough to screen the office buildings (all floors thereof for privacy reasons), but not too tall as to block sunlight to our property. This height request applies to the initial planting AND maintenance over time.

**PRIVACY:**

In effect covered by above concerns.

No additional privacy concerns at this time.

**AMENITY:**

None stated at this time.

**Other misc comments;**

Can you sort out the scale on the diagram - and then reopen for comment with correct scale?

The 'we cannot build the BMW garage until we get planning permission on the whole site' line seems a bit contrived. This may be a genuine planning issue, but reads like a blackmail threat. We would be interested if this a genuine issue or an artificial 'tactic' by the applicant?

Is the 'economic' argument still valid that Cheltenham needs these offices - there are a load of empty offices near the local ASDA not

being used. If they were full and there was lots of demand for more we would understand, but this seems to be applying to build on greenbelt with a reason that may no longer exist (and provably so).

Thank you in advance for your consideration of our comments. Please let us know if we can provide any clarifications or additional information.

Sunny Brae Badgeworth Road Cheltenham Gloucestershire GL51 6SJ

**Comments:** 13th August 2014

As with the other Public comments I would like to start by pointing out that I object entirely to this project because it is on Green belt land and Cheltenham already has a large number of car showrooms and unused office blocks.

On this specific proposal I am very concerned with the large number of trees and hedgerows to be cut down particularly the ancient ones.

Regarding clearing the hedgerows on the A40, it seems ridiculous to suggest that visitors to the town are going to be more impressed by seeing a car show room than they are by seeing a green, semi rural area.

For local residents of both Cheltenham and Gloucester who regularly pass the area it will be one more area of urban sprawl and will add to the general worsening of Cheltenham's general ambiance.

If Cheltenham residents wanted to live in an urban jungle they would all move to a big city. One of the major characteristics of Cheltenham used to be that it was a semi rural area. By making people look at yet more office blocks and retail spaces you are taking away one of our last few links with nature which are available in this town.

Regarding the transport links, to suggest that more than a handful of people will walk or cycle to a car showroom is disingenuous.

Maison Des Femme North Road East The Reddings Cheltenham Gloucestershire GL51 6RE

**Comments:** 29th July 2014

Once again this is GREEN BELT so object wholeheartedly to this application. As for the travel plan I quote "It is therefore considered that the proposed development will not have a material impact on the operation of the local highway network." - Are you kidding? Firstly, your transport plan only included projected traffic during rush hours. The mini showroom will be a major attraction for customers throughout the day and especially weekends. Secondly your proposals put it on a bend where people are regularly exceeding the 40 limit. The proposed junction looks like a potential death trap - it's bad enough trying to turn right out of North Road West which is on the same side of the same bend, which is why I always travel up to the next road (The Reddings) instead. Your customers won't have that option. A roundabout would be a much more sensible layout and a natural traffic calmer. That said it is still GREEN BELT so I say NO to any development.

Andalin The Reddings Cheltenham Gloucestershire GL51 6RY

**Comments:** 11th August 2014

Before giving detailed comment on the travel plan and landscaping I would like to register my objection to the outline application on the grounds that the previous extant planning permission was for B1 use and this application includes A1 and like many other residents who have commented previously I feel this is inappropriate for this site because it opens the doors to unrestrained retail sprawl similar to the Kingsditch Lane area of Cheltenham.

#### Travel Plan comments:

The travel plan is a good attempt at window dressing but the reality is that the Travelodge, KFC, B&Q, ASDA, Home Bargains and Pets at Home have all increased the number of cars on Grovefield Way so much so that tail backs on this road especially at peak times is now impacting residents owing to residential streets being used as 'rat runs' as the arterial roads cannot cope. This development will be no different, if someone is taking their BMW in for a service they are going to drive it there!

One approach could be to offset the extra traffic with reductions elsewhere in the area however to prove a point that this Travel Plan is a farce a tiny amount of the £503K Section 106 contribution to GCC Highways could be spent on making the 99 Bus stop at Arle Court (which it currently drives past every half hour) this bus links the two sites of the largest employer in Gloucestershire but alas I get the feeling from what I have read that not one penny of this 106 monies will be spent in the area to reduce traffic volumes.

#### Landscaping and Site Feature comments:

I cannot see the reason to cut down healthy trees that border the A40 simply so that BMW can advertise their wares to traffic on the A40. This visibility to the showroom will be a distraction to A40 road users and will increase the risk of an accident on what is a fast road. The trees are a valuable amenity and lessen the noise of the A40 to residents who live close to the site.

Similarly I cannot see the need for the footpath that joins North Road West to the entrance of the site since according to the plans a new pedestrian crossing north of the site is to be installed across Grovefield Way meaning that pedestrians can simply use the existing Grovefield Way footpath on the opposite side of the road. In this way more of the existing trees can be saved increasing the greenness of the site and softening the features.

Springfield The Reddings Cheltenham Gloucestershire GL51 6RY

**Comments:** 17th August 2014

We repeat each & every objection made in respect of the previous applications.

Since this development was first proposed it has become deeply divisive as a comment from an inspectors from a now dis-banded regional authority are repeatedly trotted out about employment land being appropriate in the green belt as some sort of justification for this, although a contrary policy is now being favoured by the current government.

The JCS also seems to follow the edict that Employment on this land is necessary. Why? It is simply more circular inappropriate thinking.

In the interim, those that live here & will have to live the consequence of this application (if it is permitted) are being subjected to constant attrition and circular arguments that permission has been given, so more new permissions & concessions need to be given to amend the original permission. Then, an application is made for the original permission is renewed. Such as now & the opportunity to "take a view form the helicopter" presents itself.

Isn't it about time CBC re-appraised this whole site bearing in mind how hard the original application was fought by them & the intense local opposition to it?

It was not appropriate development then & it is not appropriate now. The traffic flow is worsening daily without adding this hideous ill-conceived architectural monstrosity and its entirely disingenuous reports & analysis of traffic being granted permission to be constructed.

The purpose of the Grovefield Way ring-road was to be a clearway to direct traffic away from existing urban areas and ease travel from the A40 towards Hatherley and Shurdington. Aerial photographs and drawings show that the logic of the ring-road was to contain it within hedged boundaries, with there being no direct access onto or off the ring-road, other than for existing roads, some of which were deliberately severed (North Road East and The Reddings). Deeds of properties within North Road East confirm that the road has been permanently blocked onto Grovefield Way and no right to reinstate access onto Grovefield Way will ever exist. Why then is it now considered appropriate to allow access for this proposed development?

1. To date, existing development has always been deliberately set back from Grovefield Way. This policy has not been adopted in either Proposals Reference 13/01101/FUL or 12/01086/REN.

2. All development on Grovefield Way (with the exception of B&Q, which is in any event directly accessed from the road traffic island rather than off Grovefield Way) is no greater than two storey height. The proposals in applications ref 13/01101/FUL and 12/01086/REN include storey heights above the existing heights to create four storey buildings. To locate those buildings close to Grovefield Way is contrary to the original planning and Highways philosophy.

3. The proposal to locate the entrance to the proposed site off Grovefield Way is entirely inconsistent with the maintenance of traffic flows and the original concept and philosophy for the ring-road and indeed any ring-road. The applicant's documents do not make any direct reference to the proposal to increase the road widths, and they use only very light grey or light turquoise colours on the drawings to show the removal of extensive amounts of existing indigenous and established tree and hedge lines. This being to allow a third lane/refuge to be created in order to let traffic destined for the proposed garage and the wider proposals for offices to turn right against the main flow of traffic on the ring-road which is heading out towards the Golden Valley.

4. The 'scale drawings' showing the elevations along Grovefield Way are not fully representative. For example, the Mini parked in the proposed development and the SUV on the road both appear only slightly smaller than the 'man' walking along the footpath. Assuming the 'man' to be average height (1.8m) the hummock separating the site from the road is dimensioned as 1m. However, on the drawing it is almost the same size as the 'pedestrian'. No doubt this illusion results from the use of perspective, but with so little planting above the hummock, it is clear that any person with an eye-line higher than 1m will broadly see the 2.4m high security fencing to the compound before seeing the four storey building with the 'car hanging off it'.

5. Architecture should be imaginative and not follow fashion. The planning statement confirms that the proposed user has strict design criteria leaving little room for flexibility and creates a very sterile and stereotypical building. What has been created is unimaginative in fashion, yet it is being lauded in press releases as somehow innovative. There is nothing of merit in this very uninspiring building.

6. There are diametrically opposed views expressed by the applicant in relation to the traffic usage of the site when comparing arguments advocated for the B1 usage under Application 12/01086/REN and those advocated for proposal 13/01101/FUL. The former congratulates itself for providing only very limited parking so as to control vehicular movements onto and off the site. The latter congratulates itself on providing much more car parking and a greater number of vehicle movements. The two applications do not fit at all well together with both of the sites being under the same ownership and indicates a reactive rather than proactive approach.



7. There are inaccuracies on the drawings, in particular, on the drawings of the existing tarmac crossovers on the illustrative landscape master plan. This appears to create a chicane opposite No19 Chalford Avenue, immediately adjacent to a chevron traffic separation zone on the approach to the central refuge. This illustrates the ill-conceived/lazy and opportunistic nature of the application.

8. Proposal 13/01101/FUL recognises that nearby significant development has occurred since the time that permission was granted for the B1 usage on the site under application 12/01086/REN. The applicant then seeks to dismiss the effect of the recent developments (which are now creating very significant tailbacks on both Hatherley Lane and Grovefield Way during the times that the applicant identifies peak traffic flows into and out of the proposed site) by saying that the additional development has occurred following 'B1' permission being granted in 2011. The argument is wholly irrelevant as this is a new application for non-B1 usage and reliance on existing traffic flow data is neither relevant, nor appropriate.

9. Whilst there appear to be two pedestrian crossings close to the site, with the exception of the proposed right turn refuge lane (which is no more than 6 vehicles in length), there are no proposals for traffic controls on Grovefield Way to ensure that traffic entering, or leaving, the proposed site has significantly less priority than those vehicles already using Grovefield Way in its intended purpose as a ring-road. With the traffic volumes predicted in connection with reference 13/01101/FUL for the BMW dealership and without combining the traffic flows for any other development on the site, but taking account of the traffic stacking over the entrance to the site (which now occurs and backs-up to North Road East, Monday to Friday from 0745 to 0845), this small refuge will soon fill and vehicles will back-up onto the 'B&Q' roundabout, particularly during peak times such as Christmas when shoppers will be using the Park and Ride, and Christmas traffic will be heading into Asda, B&Q, Pets at Home, Homestore, together with other traffic using KFC, leaving the Travelodge Hotel via the B&Q roundabout and entering or leaving the hospital and the new 'Asda' business park. This is in addition to the large volumes of local traffic leaving The Reddings/Hatherley for daily commutes. Regular gridlock onto B&Q roundabout and to the Golden Valley is entirely foreseeable. If the developer's proposals are allowed, other traffic will be unable to progress along Grovefield Way due to the proposed development. Traffic will then inevitably back-up to The Reddings roundabout and The Reddings will then become a 'rat run'. Even if traffic control measures were placed on The Reddings (note, previous proposals for traffic control measures have failed to find a solution to these problems and have met with much strong and organised opposition from residents) traffic would still have to use The Reddings in preference to Grovefield Way in an attempt to turn left onto Hatherley Lane, past the new Asda store. This will completely defeat the object and purpose of the recent traffic control measures introduced in Hatherley Lane as a consequence of the new Asda store. There is no consideration of this within any of the applicant's documents, either in the traffic analysis, Design and Access statement or, on the developer's drawings. Further consideration of the reserved matters on application 12/01086/REN should continue to be held in abeyance until it has been dealt with satisfactorily. Likewise, the application for proposal 13/01101/FUL (BMW) must be refused until the traffic flows are adequately dealt with.

10. If approval is given to the development of this site, overspill parking into the surrounding roads will inevitably occur and will further restrict and frustrate traffic flows. The applicant identifies (whether mistakenly or otherwise) that the Park and Ride is being used as an unofficial car park. This simply highlights current parking for the saturation development in this area of Cheltenham is already inadequate. If traffic management is not adequately and properly considered before granting any approvals for the development of this site, the inevitable consequence will be a reactive traffic management policy of single and double yellow lines, chicanes, parking permits and the like being proposed. The local Councillors and planners will be more than aware of the extreme local

opposition to these proposed measures when the new Asda store was constructed. If the BMW proposal is approved or the reserved matters for the B1 offices are approved, the onus for resolving the problem will shift to CBC Highways instead of the developer (with the resultant use of council tax payers' money in endeavouring to find a solution) and both applications should be refused until an adequate solution/submission is made.

11. The applicant 'cherry picks' the Inspector's report. The Inspector allows the B1 usage application on the basis of the Park and Ride extension which the applicant now says that they will no longer undertake. Further, that creation of employment land/opportunity may create a presumption against the greenbelt. The applicant already has 150 employees and premises on the Tewkesbury Road. The applicant's Travel and Transport documents concentrate solely upon the existing 150 employees. Even within those numbers of employees, paragraph 3.17 of the Transport Assessment identifies 49 car parking spaces for staff, whilst also identifying that 30 will have a company car. This leaves 19 spaces for the other 120 members of staff, 70% of whom are car drivers. On the assumption that of the 105 employees that are identified as car drivers, 30 are the company car drivers referred to above, this leaves 19 spaces for 75 car drivers! The inappropriateness of the analysis is further compounded by the analysis concerning itself only with the proximity of staff to the current premises on the Tewkesbury Road site, not on the proposed site. The travel distances to the new site are not known, and the viability of staff using alternative transport to their cars is not set out. Having had experience of garage servicing over many years, we are extremely sceptical about the proposal that car drivers will wait for their vehicles to be serviced, as most garages ask that the car is left with them at 0800 hours and collected at 1700 hours. The applicant places so much reliance upon his proposed Travel Plan that his target is only for 85% of the employees to be aware of the existence of the plan within the first 3 years! There is no provision within the plan to see that it is implemented and indeed, the document allows for it to be varied at any time and in any way that the applicant may see fit. No reliance can therefore be placed upon either of these documents, and the proposal must be refused.

12. The Planning Inspector at appeal says that the B1 application should be permitted because it creates employment opportunity. The applicant/the applicant's agents have made press releases implying that all current employees will be moving to the proposed site, as well as a further 100 new jobs being created. However, none of the documents prepared by the applicant in support of their application identify these jobs. Presumption against the green belt is not therefore upheld, and the application should be refused because no employment is created.

13. The third basic tenet of the Inspector's allowance for the B1 development at appeal was in relation to B1 offices. The applicant's press release/press article in the Gloucestershire Echo 10 June 2013 states that motoring bosses hope that the creation of the flagship will pave the way for more businesses to move onto the site. The applicant's agents simply say that the good thing about this is it will open up the site for further employment. The application for the BMW dealership is not in line with any of the three main tenets of the Inspector's contemplation, i.e., there is no identification of new employment, it is not a B1 development as originally allowed and the Park and Ride extension has been withdrawn. As such, it remains inappropriate development in the green belt and there is no presumption in planning law upon which to permit it.

14. The Inspector's report on the appeal notes that additional traffic flow analysis is required in the light of developments to other areas. The applicant has not fulfilled this obligation. With the local traffic problems that are now being encountered, it is clear that the local infrastructure has reached saturation, and the Local Authority's Highways Department have not been able to propose solutions to the existing problems without

adding significantly more problems with this proposal. Some joined-up thinking is required and any entrance off Grovefield Way should be resisted.

15. BS5837:2012 gives presumption in favour of existing trees and planting and requires greater levels of preplanning than has been submitted. The species proposed are generally not indigenous species and do not replace the indigenous species which it is proposed will be removed. Imaginative design would allow the existing hedges to be retained and used to break up the site without the need for the demolition that the developer's agents call up on their drawings. The current BMW proposal and the reserved matters proposal should be refused on this basis.

16. With the presumption in favour of maintaining existing hedges along the edge of Grovefield Way and the precedent of development away from the line of the hedges, the developer's proposal to remove much of the existing hedge along Grovefield Way to expose the development along the ring-road is entirely contrary to the philosophy of the ring-road, BS5837:2012 and the local plan, as well as being contrary to good traffic management and very simply, to common sense. It should be refused for this reason.

17. The Planning Inspectorate seem to raise the prospect of Badgeworth Lane becoming the new boundary with the green belt, which raises the presumption that further inappropriate development on the green belt between Grovefield Way and Badgeworth Lane is in contemplation, and will be permitted in the future (as the planners will no doubt be aware, the area of green belt separating Gloucester from Cheltenham is already the smallest in England). If either of the current proposals were permitted, it would set a precedent for taking an entrance and delivering traffic flows directly onto the ring-road. This would be entirely contrary to the concept of existing traffic management, but would be difficult to resist on appeal. The current proposals should be refused for this reason.

18. If this proposal is to eventually be permitted, very significant traffic management measures need to be implemented along the full length of Grovefield Way, including traffic light controlled junctions on The Reddings roundabout, North Road West and Cold Pool Lane, as well as on the entrance to the site, with the latter taking very low precedence, or an alternative entrance to the site must be found. Traffic lights would need to be introduced on the 'B&Q' roundabout and these would need to be linked with intelligent traffic island management system on the main Golden Valley roundabout, in order to prevent gridlock occurring at several times of the day, exacerbated by Christmas traffic flows in December, further expansion of the Park and Ride, the Asda business park and the new retail units that have recently been built on the B&Q site. The applicant and their agents have had 6 years to develop robust proposals to take account of other developments that have occurred in the interim. Previous permissions are not relevant to a new proposal for the BMW development and it should be refused.

19. The developer congratulates itself on sustainable construction but uses high carbon materials. The space contained within the building will have a very high solar gain and heat leakage. A good deal of fossil fuel will be used in attempting to maintain ambient temperatures in all seasons. The water feature will not enhance the local environment and is not sustainable, requiring the consumption of fossil fuels to maintain pumps and water levels due to evaporation rates. The building architecture follows a very bespoke BMW design which is identifiable with its brand. The building is therefore bespoke and were BMW to leave the site over the intended lifespan of the building, finding another buyer/tenant may prove difficult, such that premature redevelopment of the site would then be required. This further raises the potential carbon footprint.

20. Permitting BMW to occupy the site will be a thin entering wedge, allowing a 'motor estate' to be created on one of the most prestigious sites on the entrance to Regency Cheltenham. This has to be entirely contrary to the local plan.

21. In summary, it is clearly agreed by the planners and by the Inspectorate at appeal, that the B1 development originally proposed is inappropriate within the green belt. The

Inspectorate has not made any decision, or been consulted, in respect of the proposed motor dealership and no precedents can be inferred from the previous appeal. There is no requirement to permit the applicant to be allowed to further impose upon the local green belt and the existing community with this inappropriate BMW development or the inappropriate reserved matters on the B1 development by allowing a wide expanse of hedging along Grovefield Way to be removed in order to display the developer's site, whilst also erecting significant and visually intrusive security bollards, hoardings, fences, the suspended vehicle, etc. The applicant will no longer be undertaking development of the Park and Ride and this was clearly within the contemplation of the Inspectorate at appeal. The applicant does not establish any case for new employment on the proposed BMW site. The applicant wholly disregards the requirements of BS5837:2012 and proposes to remove much indigenous planting and hedgerows to the detriment of local wildlife, contrary to the Countryside & Wildlife Act. The whole development is not in sympathy with its surroundings and remains inappropriate development in the green belt.

The applicant seeks to intrude vertically to a much greater extent than is desirable or appropriate with both the building and the cars displayed within it and hanging off it. The BMW proposal would not have been within the contemplation of the Inspectorate. The applicant has not carried out any proper assessment of the traffic conditions or the effect of same that will result from the development, or whilst it is being constructed. Public consultation has been extremely limited and neighbour consultation has been non-existent. The applicant identifies that the site has a very high local profile and a delegated decision for such a massive departure from the Inspectorate's determination cannot possibly be properly considered to be permissible. Much wider consultation with far more appropriate timeframes must be allowed, with the matter being referred to the Planning Committee. Traffic flows in the area have already created highly charged problems with Highways and the local councillors. Existing traffic management associated with new housing, rat runs, congestion, etc, must all be properly considered and integrated into the proposals for the development of this site, otherwise, Cheltenham Borough Council and Gloucestershire County Council will be left trying to solve a problem which has already become divisive. The onus on finding and funding a harmonious solution must rest with the applicant, and the current application for a BMW dealership and the reserved matters must be refused, because the submission made does not serve the local community, the wider community, nor does it create any new employment opportunity. Rather, it is simply that BMW prefer to move their operation and have chosen this site. The public consultation held before the application was submitted has been summarised by the applicant, and the data has been spun. There is clearly significant public interest in the proposal and if the percentages in favour of the development are compared to those against on the 24 written comments received, it is clear that if a proper consultation were to take place in the way that previous proposals for developments on this site have been conducted, the balance of local opinion would be against the proposal.

## **6. OFFICER COMMENTS**

6.1 This application proposes some 16,800sqm of B1 employment space which is similar to the density of development proposed across the site in the extant scheme across the remainder of the site. The previously approved extant B1 scheme comprised some 22,000sqm of employment space across the whole of the Grovefield Way site; not including land which was previously set aside for an extension to the Arle Court P&R which will now be developed as part of the BMW Dealership Scheme. The Transport Assessment that accompanies the application concluded that the proposed development, in conjuncture with the proposed BMW scheme, would have a lesser impact in highway terms than if the previously approved extant B1 scheme

were to be developed across the whole site. In addition it is envisaged that the implementation of the proposed B1 outline scheme will be linked by condition to the implementation of the BMW Scheme so as to ensure the site, and in particular the site wide sustainable transport obligations committed as part of the BMW scheme are secured. (see suggested condition 3 below)

6.2 The planning application also includes an illustrative landscape scheme which reflects the landscape proposals developed as part of the extant B1 scheme and have been developed in conjuncture with the approved landscape scheme at the BMW site.

6.3 The proposed development will also make use of the same access road as the approved BMW scheme and this application re-submits the approved details for consideration. The proposed access road will continue through the site to serve as a central spine road as proposed in the extant scheme.

6.4 A Flood Risk Assessment also accompanies the application and this identifies the historical, current and future flood risks possibly arising from the development and makes recommendations that will help inform the production of a Foul and Surface Water Drainage Strategy, to reduce the impact of the development upon the neighbouring surface watercourses.

6.5 The application sets out design principles that are intended to provide the parameters for the development of the site as the detail of the development proposals come forward at the Reserved Matters Stage. The parameters are in fact based on those set out in the extant scheme and, where relevant, consider the detail approved at the time Reserved Matters of the extant scheme were approved. All of these principles should be considered during the design process for subsequent stages of development. Indeed, the previously approved reserved matters set out specific design requirements to be compulsory for any design scheme being brought forward.

6.6 The amount of information submitted with the application, as outlined above, directly follows on from that information previously considered in respect of development of this land. It is clear that the planning history and in particular the fact that there are extant permissions for development of this land for B1 Uses has to be an overriding material consideration in determining the current outline application for the erection of up to 16,800sqm of B1 employment having access from Grovefield Way.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 The principle purpose of this application is to keep alive the extant planning use of the site as B1 employment land in a manner which is compatible with the implementation of the approved Flagship BMW, Mini and Motorrad Dealership and Service Garage comprising some 7,595sqm of employment space. The principle material consideration has to be the very existence of that extant B1 permission and taking that into account, it is considered that permission should be granted.

## **8. CONDITIONS / INFORMATIVES / REFUSAL REASONS**

- 1 Approval of the details of the Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. The development hereby permitted shall be begun not later than whenever is the later of the following dates:-
- (a) the expiration of 5 years from the date of this permission;
  - (b) the expiration of 2 years from the final approval of reserved matters;
  - (c) in the case of approval on different dates the final approval of the last such matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be carried out in accordance with drawing numbers 29567-P001-01 and 29567-P001-02 received 31 July 2014

Reason: To ensure the development is carried out in strict accordance with the approved drawings.

- 4 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.

- 5 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.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 6 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.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 7 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.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policy CP7 relating to design

- 8 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.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 9 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.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 10 Prior to the commencement of any works on site (including site clearance) a Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. The development shall be implemented strictly in accordance with the details so approved.

Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 11 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.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policy CP7 relating to design and CP4 relating to possible impact on neighbours.

- 12 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.

Reason: To ensure that there is no impediment that could contribute to flooding or pollution of the watercourse.

- 13 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.

Reason: To ensure the surface water drainage system does not contribute to flooding or pollution of the watercourse in accordance with Local Plan Policy UI3 relating to sustainable drainage systems.

- 14 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.

Reason: In accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.

- 15 Pedestrian access into the site shall be restricted to the Grovefield Way and Arle Court Park and Ride site frontages only.

Reason: In the interests of highway safety.

- 16 Car parking levels on the site overall and for each completed building individually shall be submitted to and agreed in writing with the Local Planning Authority. No car parking shall be permitted on the site except in the approved car parking spaces.

Reason: To ensure that adequate off street car parking is available in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 17 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.

Reason: To ensure adequate provision and availability of cycle parking in accordance with Local Plan Policy TP6 relating to parking provision in development.

## **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

**CASE OFFICER:** Mr Ian Crohill

**AUTHORISING OFFICER:** CH

**DATE:** 11/12/2014