



# 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  
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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.