



RIDGE

**PROOF OF EVIDENCE SUMMARY (PLANNING)
JAMES GRIFFIN MA MRTPI
LAND AT GROVEFIELD WAY,
CHELTENHAM
DECEMBER 2018**

December 2018

Prepared for

Hinton Properties (Grovefield Way) Ltd

Prepared by

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1. SUMMARY

- 1.1 This appeal is by the Hinton Properties (Grovefield Way) Ltd ('the Appellant') against the decision of Cheltenham Borough Council ('the Council') to grant planning permission in respect of two hybrid planning applications. These will be referred to as Appeal A and Appeal B throughout this Proof.
- 1.2 **Appeal A** seeks detailed planning permission for a 5,034 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m supermarket food retail unit (Class A1), a 204 sq.m coffee shop retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).
- 1.3 **Appeal B** seeks detailed planning permission for a 5,914 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m supermarket food retail unit (Class A1), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).
- 1.4 I note that my Proof of Evidence should be read in conjunction with the accompanying Statement of Common Ground ('SoCG').
- 1.5 I note that the decision notices set different reasons for refusal and those to be deal with during the appeal are:

Appeal A:

1. *The site has extant consent for B1 office development and is allocated for employment use (specifically B class employment or Sui Generis uses that exhibit the characteristics of traditional B class uses) within the emerging Cheltenham Plan (Pre-submission version, December 2017).*

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

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

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

3. *The proposed layout of the site results in a predominance of hardstanding and retaining structures which result a poor appearance and do not create an attractive streetscape or strong sense of place which responds to the character of this transitional location. The position of buildings including the 'Drive thru' coffee shop and supermarket, close to the edges of the site give the layout a cramped and contrived appearance exacerbated by exterior features such as the 'drive thru' lane and external yards. The proposal is therefore harmful to the surrounding area by reason of its visual impact and also fails to create a high quality business environment in this edge of town location. For these reasons the proposal is considered to be contrary to policy SD 4 of the Joint Core Strategy and CP7 of the Local Plan.*

Appeal B:

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

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

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

- 1.6 I confirm that since issuing the decision, the Council have confirmed that they no longer wish to contest RR2 of Appeal A which related to highway matters.
- 1.7 I acknowledge that it is important that outline planning permission 14/01323/OUT exists for up to 16,800 sq.m of B1 employment use and this can be implemented.

- 1.8 I note that Policy SD1 of the JCS relates to employment (except retail) development. The policy states, amongst other things, that employment related development will be supported in the wider countryside when it is located 'within or adjacent to a settlement or existing employment area and of an appropriate scale and character'.
- 1.9 I also conclude that the adopted Local Plan is time expired and its employment related policies are supported by out of date evidence and that the emerging Local Plan is still in its infancy, having not yet passed examination. I also note that policy EM2 of the adopted Local Plan relates to sites in existing employment use not those that are not.
- 1.10 I also confirm that emerging policy EM3 seeks to allocate the appeal site at Grovefield Way as a new employment site and note EM3 supports uses outside of traditional B class employment uses. I also recognise that EM3 reflects the broad evidence bases of the JCS, yet there are still unresolved objections from third parties to the emerging Plan.
- 1.11 I conclude that Paragraph 80 of the NPPF states firmly that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 1.12 I have noted that the principle concern raised by the Council in respect of appeal schemes relates to the proportion of non-B1 floorspace proposed in both appeal schemes and their alleged prominence within the development, together with the scheme's alleged dilution of the character and function of the site as a business park.
- 1.13 I also recognise that the Council still maintains their reason for refusal in respect of design and layout matters pertaining the appeal A.
- 1.14 Following an assessment of evidence before me, I conclude that despite extant outline planning permission for B1 development on site, to date, this has not come forward. The site's ability to help meet the acute unmet need for employment land, as identified in Mr Fong's evidence, has therefore been slow. The reason for this is that the absence of ancillary uses on site has made the site less attractive. Moreover, the development of the site is not viable in the current market. I note the appeal proposals were brought forward to address these issues.
- 1.15 I note that both appeal proposals have been designed to deliver a comprehensive B1 led business park environment with complimentary uses. This is reflective of current modern business park requirements, as identified by Mr Pratt, yet note that the development would still ensure that over 80% of total floorspace on both schemes is dedicated to B1 uses. I acknowledge that the appellant has gone further in reaching agreements with named future occupiers and proposing partially detailed schemes to meet their requirements, thus avoiding a more speculative approach as reflected in the extant scheme.
- 1.16 I recognise that the appeal proposals would accord with SD1 of the adopted JCS and Section 6 of the Framework which firmly states that significant weight should be placed on the need to support economic growth and productivity, taking account of both local business needs and wider opportunities for development. I note that although I consider that limited weight should be attributed to both policies contained within the out-of-date and time expired Local Plan and emerging Local Plan, it is held that the proposed developments would be in consistency with their respective employment policies which seek to deliver new employment land to create jobs and prosperity.

- 1.17 In deliverability terms, I note that Mr Pratt demonstrates in his evidence that the format and type of development proposed would ensure it responds positively to the existing market whilst still ensuring the delivery of B-class employment space. This notwithstanding, I recognise that it has been firmly advanced in Mr Hardisty's evidence that the non-B class uses proposed would still be economically valuable and meet the employment needs of the JCS area. I note that he confirms that in their current form, the proposals would generate strong employment uses that respond well to achieving the needs of the Borough.
- 1.18 In overall employment policy terms, I conclude that both proposals would be in accordance with the Development Plan and Framework.
- 1.19 In respect of Appeal A, I note that the evidence provided by Mr Davies and Mr Tucker demonstrate that the design and layout of the development would create a high quality business environment and there would be no harm to the character of the area, in accordance with policy SD4 of the JCS and CP7 of the Local
- 1.20 In setting out the appellant's case, I advance the following arguments:
- The primary case: That the appeal proposals accord with the development plan (and emerging plan to the extent that this is relevant) and thus permission should be granted without delay.
 - The secondary case: That, in the event that it is found that there is some conflict with the development plan, the plan is out of date. Thus, within the context of the tilted balance, any alleged harm does not significantly and demonstrably outweigh the benefits.
 - The tertiary case: Even applying the 'straight' statutory test, the benefits of the proposal are a material consideration of sufficient weight that would justify departure from the plan in any event (notwithstanding the appellant's firm submission that the proposed developments comply with the plan).
- 1.21 In summary, I confirm that I am of the firm opinion that the both appeal proposals would be in accordance with the Development Plan and Framework. I conclude that there are no other reasons why development should be prevented and I respectfully ask that both appeals be allowed.