



RIDGE

**PROOF OF EVIDENCE (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. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is James Griffin and I am presenting this evidence on behalf of the Hinton Properties (Grovefield Way) Ltd which is the Appellant for the proposed development.
- 1.2 I am a member of the Royal Town Planning Institute and I hold a Master degree in Town and Country Planning. I am an Associate Planner at Ridge and Partners, based at their offices in Cheltenham.
- 1.3 Prior to starting at Ridge and Partners in 2015, I obtained over 10 years' experience within Local Government.
- 1.4 During my time I have obtained considerable experience in dealing with a wide range of planning matters relating to a variety of developments. I undertake, and am responsible for, a wide range of consultancy tasks including the preparation of site appraisals, the preparation of planning briefs, planning applications and local plan representations and representing clients at planning appeals and at Local Plan Examinations.
- 1.5 Ridge and Partners provide planning and development advice to a range of clients from Local Planning Authorities and Parish/Town Councils to private property companies, developers, housebuilders, individual land owners and trusts.

DECLARATION

- 1.6 The evidence which I have prepared and provided in this planning proof of evidence is true and is given in accordance with the guidance of the Royal Town Planning Institute. The opinions expressed are my true and professional opinions.
- 1.7 I have visited the appeal site and the surrounding locality. I was the agent for the planning application which is the subject of this appeal from its early preparation through to its determination.

2. INTRODUCTION

- 2.1 This appeal is by 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.
- 2.2 **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).
- 2.3 **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).
- 2.4 This Proof of Evidence should be read in conjunction with the accompanying Statement of Common Ground ('SoCG'). The SoCG contains a description of the site and surrounding area, the details of the appeal proposal and sets out the relevant planning policies from the development plan. It also sets out areas of common ground between the appellant and the LPA.
- 2.5 By way of background, Appeal A was validated and registered on 13th December 2016 with the application reference number 16/02208/FUL. Despite a firm recommendation to permit the application from officers, the development was refused by Planning Committee against Officers' recommendation on 14th December 2017. The decision notice sets out the following reasons for refusal:

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

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

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

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

2. *Due to the mix of uses proposed the development would result in an increase in traffic on the surrounding road network into the evenings and at weekends in addition to the AM and PM weekday peaks. This would have an unacceptable impact upon the local road network which is already heavily used. For these reasons the proposal is considered to be contrary to policy INF1 of the Joint Core Strategy.*

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

2.6 Since issuing the decision, the Council have confirmed that they no longer wish to contest RR2 of Appeal A in respect of highway matters and this is set out in the signed Statement of Common Ground.

2.7 Appeal B was validated and registered on 23rd May 2018 with the application reference number 18/01004/FUL. Again, despite a firm recommendation to permit the application from Officers, the development was refused by Planning Committee against their recommendation on 18th October 2018. The decision notice set out only one reason for refusal:

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).

2.8 Decision letters attached at **APPENDIX I**.

2.9 In addition to the SoCG, this proof should be read in conjunction with the following proofs of evidence. I have summarised against each of the matters which each witness addresses:-

- Mr Stephen Tucker (1) – Urban Design (RR3, Appeal A)
- Mr Mike Davies (2) – Landscape (RR3, Appeal A)
- Mr Stuart Hardisty (3) – Economic Impact (RR1, Appeals A and B)
- Mr Paul Fong (4) – Employment land (RR1, Appeals A and B)
- Mr Phil Pratt (5) – Market Commentary (RR1, Appeals A and B)

PURPOSE AND STRUCTURE OF THIS EVIDENCE

2.10 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.

2.11 In this case, the Development Plan for the area includes the joint Core Strategy (JCS) adopted in December 2017 and the saved policies of the Cheltenham Borough Local Plan adopted in 2006.

2.12 The chief material considerations to which I will refer include the National Planning Policy Framework ('the Framework'), the National Planning Practice Guidance ('PPG') and the emerging Cheltenham Plan and its evidence base.

- 2.13 Following this introductory chapter, I describe the development proposals, the development proposal at Chapter 3 and the site and the surrounding area and planning history at Chapter 4.
- 2.14 My proof then sets out at Chapter 5 the relevant planning policy considerations, taking account of the adopted Development Plan and the national Framework. Chapter's 6 to 8 then consider the appellant's primary, secondary and tertiary cases.
- 2.15 I summarise third party representations at Chapter 9, explaining how they are relevant to these appeals.
- 2.16 Having explained the planning considerations relevant to these appeals, I then discuss the benefits of the appeal proposals in Chapter 10 before providing a balance and conclusions in Chapter 11.

3. DEVELOPMENT PROPOSAL

- 3.1 As set out above, the site already benefits from an extant outline planning permission for employment uses, specifically a B1 office park.
- 3.2 The Design and Access Statements submitted in support of the applications and prepared by DDP and Hinton Properties provide full details on the design aspects of each of the proposed developments.
- 3.3 The site layout and design have been directly driven by analysis of the site and surrounding area. The form and layout of development has sought to utilise the topography, existing views, and vegetation to minimise any impact on the landscape, and deliver a useable and high quality space. A range of different uses have been proposed in the scheme in order to add vitality and economic benefits as well as to cater for all ranges of business uses and to help encourage market interest for the proposed offices.
- 3.4 The proposed site access road is at the junction with Grovefield Way and was agreed in principle with the local highway authority as part of the permitted B1 use on the wider site. The site access junction on Grovefield Way and an approximate 160 metre section of the access road has already been constructed as part of the approved BMW Mini car showroom development up to the boundary of the BMW site. This access road would be extended into the appeal site to serve the proposed development.

4. SITE AND SURROUNDING AREA

- 4.1 A description of the Site, the Site Location and planning history is agreed in the Statement of Common Ground and thus it is not repeated here.

5. RELEVANT PLANNING POLICY CONTEXT

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

JOINT CORE STRATEGY (DECEMBER 2017)

- 5.5 The Joint Core Strategy for Cheltenham, Gloucester and Tewkesbury was adopted in December 2017. It is a co-ordinated strategic development plan that sets out how this area will develop during the period up to 2031.
- 5.6 The policies relevant to this application are identified below
- 5.7 **Strategic Objective 1** is concerned with building a strong and competitive urban economy, and states that the potential of the JCS area for investment should be developed by providing the right conditions and sufficient land in appropriate locations to support existing businesses and attract new ones.
- 5.8 **Policy SP1** states that provision will be made for land to support 39,500 new jobs. This reflects the growing need for additional employment land and signifies a steep increase in requirement from 21,800 outlined in the first Draft Joint Core Strategy (October 2013) and 28,000 in the pre-submission draft in 2014. The JCS aims to locate jobs near to the economically active population, increasing sustainability, reducing out-commuting thereby reducing carbon emissions from unsustainable car use.
- 5.9 **Policy SP2** goes on to set out that over the plan period to 2031, land will be provided for at least 192 hectares of B-class employment land, of which at least 84 hectares of B class employment will be delivered on strategic allocation sites. This also represents a notable increase in requirement, whilst the employment land provision remains the same.

5.10 The explanatory note 3.2.21 acknowledges that there is 63 hectares of undeveloped employment land based on previous allocations and extant permissions. This includes the application site, which has struggled to attract investors due to the rigid demands for B-class uses only.

5.11 **Policy SD1** notes that employment (except retail) development will be supported:

- i. At strategic allocations (in line with Policy SA1) where it is expected that employment land should normally be used for B class uses, except where it can be demonstrated that non B class uses would support the residential and B class development at that strategic allocation. In order to support key growth sectors or other key local economic drivers, on some Strategic Allocations, priority will be given to specific sectors as set out in the SA site policies;
- ii. At location allocated for employment use within the Development Plan
- iii. For the re-development of land already in employment uses to B class uses where the proposal is of appropriate scale and character.
- iv. For the development of new employment land within Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town;
- v. In rural service centres and service villages where proposals for small-scale employment development will be supported if they are of an appropriate size and scale;
- vi. In the wider countryside when it is:
 - (a) Located within or adjacent to a settlement or existing employment area and of an appropriate scale and character;
 - (b) Employment-generating farm diversification projects, which are of an appropriate scale and use, particularly where they involve the re-use of appropriate redundant, non-residential buildings;
- vii. Where it allows the growth or expansion of existing business especially in the key growth sectors, subject to all other policies of the plan;
- viii. Where it would encourage and support the development of small and medium sized enterprises, subject to all other policies of the plan.

5.12 **Policy SD1** seeks to support and encourage employment generating uses. The explanatory note of the policy, particularly paragraph 4.1.15, notes that *“employment uses, such as retail, leisure*

facilities, education, health services and residential care (uses outside the 'B-classes) are predicted to provide over two-thirds of the projected job growth across the area."

- 5.13 **Policy SD2** is concerned with retail and city/town centre employment. The policy aims to support employment and economic prosperity by taking an economic-led, urban-focused development approach, with the primary aim of attracting investment and development to the main urban areas and the Strategic Allocations in the plan area. It sets out the hierarchy of centres in the JCS area.
- 5.14 The policy specifies that retail policies for Cheltenham are set out in the saved policies of the existing Local Plan. These policies are to be reviewed and taken forward through the immediate review of the JCS retail policy. This review will take approximately two years to complete.
- 5.15 Point 6 specifically addresses retail and other main town centre uses that are not located in a designated centre. These will be robustly assessed against the requirement of the sequential test or locally defined impact assessment thresholds as appropriate. The retail component of the appeal schemes has been assessed in detail by independent consultants; both applications were supported by retail statements, including sequential test and retail impact assessment. The development is considered acceptable in these respects.
- 5.16 **Policy SD4** demands that development proposals are accompanied by a masterplan and design brief which can clearly demonstrate how context, character and sense of place are created. Principles of clear legibility and identity, functional amenity, high quality public realm and landscape are to be demonstrated. Proposals should be designed to assure safety and security, be fully inclusive and adaptable, and integrate with existing development.
- 5.17 **Policy SD5** considers Green Belt and its reviewed boundaries. It is of note, that the application site has been formally removed from the Green Belt. There is no need for this application to have regard for the Green Belt policies as they no longer apply.
- 5.18 **Policy SD6** is requires development proposals to consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.
- 5.19 **Policy SD7** considers the landscape and states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being by: having regard to the local distinctiveness of different landscapes, protecting and enhancing landscape character, reducing visual impact and consider the sensitivity of the landscape.
- 5.20 **Policy INF1** states that access to the Transport Network developers should aim to provide safe and accessible connections to the transport network to enable travel choice for residents and

commuters. It goes on to state that developers will be required to assess the impact of proposals on the transport network to ensure that they will not detrimentally affect its safety or efficiency.

- 5.21 **Policy SD9** requires new development to contribute positively to biodiversity and geodiversity.
- 5.22 **Policy SD14** seeks to protect and improve environmental quality and requires development not to create or exacerbate conditions that could impact on human health or cause health inequality.
- 5.23 **Policy INF1** states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Developers are required to assess the impact of proposals on the transport network through a Transport Assessment. It also states that “planning permission will be granted only where the impact of development is not considered to be severe.”
- 5.24 **Policy INF2** is concerned with flood risk management. The policy requires reduction in existing flood risk, application of sequential testing, and incorporation of suitable Sustainable Drainage Systems (SuDS) where appropriate.
- 5.25 **Policy INF3** is concerned with green infrastructure. Development proposals are required to consider and contribute positively towards green infrastructure, including wider landscape context.
- 5.26 **Policy INF4** considers social and community infrastructure. It notes that developers should aim to provide flexible, multifunctional facilities within mixed-use developments, creating shared space which maximises benefits to the community and minimises land-take. New facilities should be accessible to all members of the community, and be planned and phased in parallel with new development.
- 5.27 Infrastructure delivery is covered in policy INF6. It requires new development to be served and supported by adequate and appropriate on- and/or off-site infrastructure and services. The policy provides list of potential infrastructure items which includes, amongst others, the provision of broadband infrastructure (i.), early years and education (iv.), the highway network, traffic management (vi.), and flood risk management infrastructure (xii.).
- 5.28 Furthermore, the policy states that;

“Planning permission will be granted only where sufficient provision has been made for infrastructure and services to meet the needs of new development and/or which are required to mitigate the impact of new development upon existing communities. Infrastructure and services must be provided in line with an agreed, phased timescale and in accordance with other requirement of this Plan.”

5.29 The proposal complies with policy INF7 as the existing infrastructure is adequate to support the development.

CHELTENHAM LOCAL PLAN SECOND REVIEW (JUNE 2006)

5.30 The CBLP was adopted in December 1997 and revised in June 2006. Those policies that were saved during this revision remain valid, until the Local Plan is replaced by policies in the new Development Plan Documents. However, the Local Plan was prepared and adopted in accordance with the Planning and Compensation Act 1991 and not the Planning and Compulsory Purchase Act 2004.

5.31 The policies that are relevant to this application are identified below.

5.32 **Policy CP1** states that development will only be permitted that takes account of the principles of sustainable development.

5.33 **Policy CP2** deals with sequential approach to the location of development and specifies that "where no suitable sites are available, or can be readily made available, alternative locations will only be permitted in the following sequence:

- District or neighbourhood centres;
- Out-of-centre sites accessible by a regular choice of means of transport, excluding the residential parts of the conservation areas.

5.34 It has previously been accepted that the site is suitable for commercial development.

5.35 **Policy CP4** is concerned with safe and sustainable living and notes that development will be permitted where it would not cause unacceptable harm to the amenity of adjoining land users; and in unacceptable level of traffic; and maintain the vitality and viability of the town centre and district and local shopping facilities.

5.36 **Policy CP6** states that mixed use development will only be permitted on suitable sites that meet the following criteria:

- i) Where the uses are compatible with each other and adjoining land uses; and
- ii) For schemes attraction a significant number of trips, only in the Core Commercial Area; or
- iii) For other schemes, only in the Core Commercial Area, district or neighbourhood centres, or in locations which are highly accessible by a regular choice of means of transport, excluding the residential parts of the conservation areas.

- 5.37 The supporting text to that policy sets out that 'compatible' means unlikely to cause harm to amenity by loss of privacy or disturbance from noise, smells, fumes, vibration, glare from artificial lights, hours of operation or travel patterns.
- 5.38 It also notes that where mixed uses are proposed on employment land, proposals will be subject to policy EM 2 (safeguarding of employment land).
- 5.39 **Policy CP7** is concerned with the design of new development and essentially states that new development will only be permitted where it is of a high standard of architectural design.
- 5.40 **Policy CP8** requests provision of necessary infrastructure and facilities necessary for the development to proceed and other public services and facilities, the need for which arises directly from the development. In this respect, the provision of day care nursery is necessary on site to support the childcare provision arising from the need of employees on site.
- 5.41 **Policy EM1** was concerned with employment uses, but has been superseded by JCS policy SD1.
- 5.42 **Policy EM2** seeks to retain land that is currently or was last in use for employment purposes (in the B classes) unless one of the listed exception tests are met. It goes on to state that mixed use development will be permitted on employment land provided that certain criteria are met, including:
- i) 'Any loss of existing floorspace would be offset by a gain in the quality of provision through modernisation of the existing site. This should secure or create employment opportunities important to Cheltenham's local economy, and
 - ii) The loss of part of the site to other uses does not have a detrimental impact on the range of types and sizes of sites for business uses in the area nor the continuing operation of existing business sites; and
 - iii) The use is appropriate to the location and adds value to the local community and area.'
- 5.43 With regard to the relevance of this policy when determining the appeal proposals it is important to note that whilst outline planning permission has been granted for B class employment uses on this site since 2007, the site has not yet been developed for such uses. As a result, it is considered that very limited weight can be afforded to this policy in the decision making process. This point was acknowledged in the Officer's report previously refused application:

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

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

"Whilst it is retail use (rather than Sui Generis use) that has caused a loss of B-class use within today's updated scheme, retail still contributes valuable employment opportunities and it is considered that the proportion of the floorspace proposed to be given over to retail is sufficiently small not to overly affect future prospects for B-class job provision at this location."

5.45 **Policy RT1** relates to the location of retail development and states:

'Retail development will be permitted, subject to the availability of suitable sites or buildings suitable for conversion, which relate to the role and function of retailing centres and their catchments only in the following sequence of locations:

- i. *The Central Shopping Area, subject to policy RT 2 (note 3);*
- ii. *The Montpellier Shopping Area or the High Street West End Shopping Area, subject to policy RT 2 (note 3);*
- iii. *Elsewhere within the Core Commercial Area, subject to policy RT 1 (note 3);*
- iv. *District or neighbourhood shopping centres, subject to policy RT 3 (note 3);*
- v. *Out-of-centre sites which are accessible by a regular choice of means of transport, subject to policies RT 7 and CP 5 (note 3).*

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

5.46 **Policy RT7** which was concerned with retail development in out-of-centre locations has been deleted.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.47 The latest version of the National Planning Policy Framework (NPPF) was published in July 2018. Those policies of particular relevance to this appeal are summarised below:

5.48 **Paragraph 2** makes clear that the NPPF is a material consideration. However, **paragraph 12** makes clear that the starting point for decision taking remains the development plan.

5.49 **Paragraph 8** sets out three overarching objectives for achieving sustainable development. **Paragraph 9** makes clear that the objectives are not criteria against which every decision can or should be judged. The economic objective seeks to encourage building a strong, responsive and competitive

economy, be ensuring that sufficient land of the right type is available in the right place and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

- 5.50 **Paragraph 11** sets out the presumption in favour of sustainable development.
- 5.51 **Paragraph 20** makes clear that strategic policies should make sufficient provision for, amongst other things, 'employment, retail, leisure and other commercial development ... community facilities (such as health, education and cultural infrastructure)'.
- 5.52 **Paragraph 80** emphasises this by stating, inter alia, 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.
- 5.53 **Paragraph 81** states that planning policies should: (d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation) and to enable a rapid response to changes in economic circumstances.
- 5.54 **Section 12** set out the Governments' aims in respect of achieving well-designed places. It states, amongst other matters, that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.55 **Paragraph 130** states, inter alia, that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it function , taking account of local design standards or style guides. It should states however that where the design of development accords with clear expectations in planning policies, design should not be used by the decision-maker as a valid reason to object to development.

EMERGING CHELTENHAM PLAN (REGULATION 19 STAGE)

- 5.56 The emerging Cheltenham Plan is the Council's new proposed Local Plan. It will replace the 2006 Plan and, if adopted, will form the development plan for the area alongside the JCS. On 3rd October 2018, the Council submitted the plan and its supporting evidence base to the Secretary of State for independent examination. Despite objections being raised to a number of its published policies, no changes were made prior to submission for independent examination. Examination hearing dates are anticipated to begin in February/March 2019.
- 5.57 The parties agree that **Policy EM3** in this emerging Local Plan is a relevant material consideration in these appeals, although the weight to be attributed is disputed as will be discussed below.

5.58 As the policy currently stands, EM3 allocates land north-west of Grovesfield Way (including the appeal site) as a location for new employment development. The Policy states that proposals for traditional B class employment uses or Sui Generis uses that exhibit the characteristics of traditional B class employment will be supported at these locations subject to being in accord with other relevant policies embodied within this Plan. The contents of Policy EM3 reflect the evidence bases of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the Cheltenham Plan. In discussing the reasoning behind the policy, paragraph 3.18 states that the policy is worded such that it is intended to provide further certainty as to where traditional B class employment activities will be concentrated whilst also providing a greater degree of choice and flexibility to the market. Paragraph 3.19 goes on to recognise, inter alia, that the proposed allocation is considered to be a key employment site and upon completion of built development will be safeguarded from inappropriate changes of use by Policy EM1. Policy EM3 must be read in conjunction with Table 11 to the Plan, which allocates the Appeal Site in accordance with Appeal A.

6. THE APPELLANT'S PRIMARY CASE

6.1 The appellant's primary case is that both Appeals A and B accord with the development plan. This was the conclusion of the Council's planning officers in recommending approval.

RR1 (APPEAL A AND B)

6.2 The principle reason for refusal to be addressed within this proof of evidence is RFR1 of both appeals A and B. The concerns set out in this reason relate primarily to the proportion of non-B1 floorspace proposed as part of the development; the alleged prominence of non-B1 uses on site and compliance with planning policy. In both cases, the RFR1 also highlights the Council's concern relating to the alleged dilution of the character and function of the site as a business park.

POLICY SD1, JCS

6.3 Policy SD1 of the JCS is referenced in RFR1 pertaining to both appeal schemes.

6.4 In planning policy terms, the site is within the 'wider countryside'. Criterion vi of SD1 supports employment-related development in wider countryside when it is:

"located within or adjacent to a settlement or existing employment area and of an appropriate scale and character."

6.5 The appeal site is located adjacent to Cheltenham's existing PUA and an existing employment area; immediately adjacent to the now constructed BMW showroom and B&Q/other retail units. It is also adjacent to the settlement of Reddings. It is also evidenced in the Proofs of Mr Tucker and Mr Davies that the scale and character of the development is appropriate for the area. Consequently, I am of the firm view that the development would accord with SD1, meeting criterion vi.

6.6 Furthermore, criteria ii and iv state that employment development will be supported *(ii) at locations allocated for employment use within the Development Plan, and (iv) for the development of new employment land within Gloucester City, the Principal Urban Area (PUA) of Cheltenham and Tewkesbury town.*

6.7 At the time of writing, the appeal site is proposed to be allocated in the emerging Cheltenham Plan. The emerging Plan would also amend Cheltenham's existing PUA such that the appeal site would be included within it. Given the infancy of the emerging Plan, it is recognised that the allocation and PUA

amendment have not been formally adopted. Accordingly, the development is also in accordance with the thrust of criteria ii and iv.

- 6.8 The written background to SD1 is of particular importance to the appeal proposals. Paragraph 4.1.3 of SD1 states:

*"In the NPPF, employment is considered in a wider sense than the traditional industrial, office and warehousing (B1, B2 and B8 uses). For example, uses such as retail, hotel, tourism, leisure facilities, education, health service and residential care, (referred to as non-B use classes) **can also be large employment providers. This policy covers job-generating uses such as business, industry and tourism.** Retail and other uses, including those within use class 'A' are not covered by this Policy and area dealt with in Policy SD2. More detailed policies will be included in District Plans"*

- 6.9 Accordingly, it is unclear how there can be policy conflict relating to the class 'A' uses at the Site given that such uses do not fall for consideration against Policy SD1. Such uses fall for consideration against Policy SD2, which the Council accept there is no conflict with.

- 6.10 The inclusion of a retail use on this site in either retail impact or sequential terms, is not a disputed matter between each party as set out in the signed Statement of Common Ground. Indeed, this is reflected in the Officers' report to committee where it was considered that the location of the supermarket and its impact in retail terms would be acceptable - para 6.5 of the Officer's report to committee relating to the Appeal B, October 2018.

- 6.11 Nevertheless, it is important to consider retail policy. Policy SD2 of the JCS supports retail developments that are not located in main town centre areas, where they have met the requirements of the sequential test and impact test. Both appeals have been subject to these tests and have been found to be acceptable against them. The retail elements of each appeal are therefore consistent with this policy.

- 6.12 Equally, Policy RT1 of the CBLP is permissive to retail development in out-of-centre locations provided that they are accessible by a regular choice and means of transport. All parties agree that the appeal site is an accessible location and accordingly the appeal proposals are consistent with Policy RT1.

POLICY EM2, SAVED LOCAL PLAN

- 6.13 **Policy EM2** is referenced by the Council in RFR1 of both appeal schemes. EM2 relates to the now time expired CBLP only intended to run until the period 2011 and is supported by a now out of date evidence base.

- 6.14 The CBLP did not allocate sufficient provision of employment land, as Mr Fong highlights. Thus, it is clear that the employment policies in the adopted CBLP are significantly out-of-date and do not provide for the employment needs of the Borough. It is therefore my opinion that only limited weight should be given to policy EM2.
- 6.15 However, the application of policy EM2 to the appeal proposals is incorrect in any event. EM2 relates to existing employment land for which the appeal site is not. I note that a similar scenario existed when Members considered the adjacent BMW showroom, a Sui Generis use. In determining that application in 2013 (13/01101/FUL) Officers, in their report to committee (**APPENDIX II**), confirmed that whilst the commitment to retain B class uses under policy EM2 was not significantly harmed by the loss of part of the Grovesfield Way site to a Sui Generis use (the showroom), it would generate jobs. Planning Policy Officers' at the time stated that *"the lack of a current or previous history of B class use on the site serves to reduce the impact of policy EM2 on the application"*.

POLICY EM3, EMERGING PLAN

- 6.16 The council cite policy EM3 of the submission version of the emerging Cheltenham Plan in RFR1 on both appeal proposals. At the time of writing, the policy has yet to successfully pass examination and the weight to be attributed to it for decision making purposes should therefore be limited. This notwithstanding, emerging policy EM3 seeks to concentrate traditional B class employment activities at new employment allocations whilst also providing a *'greater degree of choice and flexibility to the market'*. It does not restrict employment uses to traditional B-class uses only and, instead, supports alternate employment uses. Moreover, it should also be noted that the emerging plan seeks to allocate the Site at Table 11 in accordance with Appeal A.
- 6.17 The flexible nature of employment policies in the emerging plan is also evident in emerging Policy EM2. For non-designated employment sites, it states that a sequential approach should be taking where traditional B class uses would be supported, followed closely by 'job generating uses'. 'Job generating uses' are confirmed as *'retail, leisure facilities, education, health services, residential care, and tourism'*. Much like outdated policy EM2, emerging policy EM2 also states that *'this list is not exhaustive and other uses may also be relevant'*.
- 6.18 Notwithstanding the direction of travel evident in emerging policy, it should be strongly noted that there are still unresolved objections to the emerging CP. In their formal response to the recent pre-submission consultation (Reg. 19) version of the emerging CP, Gloucestershire's Local Enterprise Partnership (LEP) stated clearly that:

The C&I Group of the LEP also recommend that the Council take a more practical and flexible approach to the development of new business parks recognising that it is commonplace for new

business developments to provide complimentary and ancillary uses on site. Ancillary uses can comprise of hotels, cafes, pubs, restaurants, retail uses to name a few. The addition of these ancillary facilities and uses maintains the attractiveness of the park for end users and improves the viability and delivery of the B class employment. Such uses are also recognised as providing a significantly higher number of jobs than the equivalent floor area or site area of B class uses as well as providing much needed amenity.

It is considered that the Plan should make reference to ancillary uses being acceptable on employment parks provided they do not exceed 20% of the intended employment content.”

The response is attached in full at **APPENDIX III**.

- 6.19 With over **80%** of the total floorspace of both appeal schemes providing B1 class uses (the remaining 20% providing non-B class employment uses), both appeals would meet the LEP's aims of providing complimentary and ancillary uses on business park sites. It is evident therefore that employment value can be attributed to non-B class uses and these can support the delivery of B1 uses.

RR3 (APPEAL A ONLY): VISUAL IMPACT ON THE SURROUNDING AREA

- 6.20 It is only with respect to appeal A that the Council allege that the proposed layout would result in a predominance of hardstanding and retaining structures, creating a poor appearance and not create an attractive streetscene or strong sense of place which responds to the character of this location.
- 6.21 Detailed discussions were undertaken with officers throughout the determination of the Appeal A application and amendments were agreed and subsequently submitted. In their report to planning committee recommending that planning permission be granted, Officers noted that *'the most serious shortcomings in the layout have been overcome'* and that the *'layout is considered acceptable'*. In respect of building design, it was noted that the supermarket and coffee shop are of a relatively *'standardised design'* yet they would *'use a similar architectural language and similar palette of materials. This has been designed to pick up on the language, materials and colours utilised within the BMW buildings'*. It was therefore noted that the design of the individual buildings is *'acceptable and appropriate for a modern business park'* and that *'the buildings will appear as a family of buildings which is important in giving the site an identity as a high quality business park'*. There are also no concerns raised in respect of their relative heights. In concluding their design and layout section of the report, Officers' noted that they were:

“...therefore are satisfied that the proposal is acceptable in terms of layout, the design of the buildings and their size and height”.

(See Section 6.4 of committee report – **APPENDIX IV**)

6.22 The appellants' case is supported by Proofs from Mr Tucker and Mr Davies who consider urban design and landscape matters respectively. Both are of the firm view that the appeal schemes would be of acceptable scale and design, and, consequently, would not conflict with Policy SD4 of the JCS, CP7 of the Local Plan, or, indeed, Section 12 of the NPPF which seeks to achieve well-designed places.

7. THE APPELLANT'S SECONDARY CASE

7.1 The Appellant's secondary case is that, in the event that either Appeal is found to be contrary to the development plan (which the Appellant firmly maintains would be an incorrect application of policy), the Appeals fall to be considered against the tilted balance within paragraph 11(d) of the NPPF. The reasons for this are explored below.

7.2 Firstly, the development plan fails to make sufficient provision for employment, retail, leisure and other commercial development. Indeed, the JCS left it to the district plans to identify much of the required employment land. This has contributed to a significant unmet need for employment land and an acute shortage of sufficient employment space (as addressed by Mr Fong). In light of the policy vacuum as to where the identified need for employment space will be provided, the plan is out of date. This analysis is entirely consistent with the *Moulton* decision,¹ wherein the Inspector said as follows:

45. I therefore conclude that whilst the District can demonstrate a five year housing land supply, those policies relevant to the supply of housing from the DDLP are of such date that only limited weight should be attached to them. The relevant strategic housing supply policies from the WNJCS are more up-to-date by virtue of being consistent with the NPPF and accordingly I attach significant weight to them. However, as strategic policies, they are relatively broad-brush and I find that the absence of detail through the SaCLP [ie. the site allocations plan] provides a policy gap on how and where rural housing needs to 2029 will be met.

46. In this policy context the presumption in favour of sustainable development, as set out in the first sentence of paragraph 49 of the NPPF, applies and it is therefore necessary to apply the tests in paragraph 14. This means, that where the relevant policies in the development plan are dated, and therefore of little weight, or more up-to-date policies silent on the detailed scale and location of rural housing allocations, then I have to apply the stipulated planning balance.

7.3 Secondly, if the development plan is to be read as precluding any ancillary uses on an employment site, clearly the plan would be contrary to the NPPF's ambition, as stated in paragraph 81, of being flexible enough to accommodate needs not anticipated in the plan.

7.4 Thirdly, the JCS allocations are now out of date, on the basis that the allocations within Policy SA1 are no longer correct. Indeed, Site A4 North West Cheltenham is now only providing 10 hectares of employment land, whereas the intention at the point that the JCS was adopted was that it would

¹ Appeal Reference: APP/Y2810/A/14/2225722

provide for 23.4 hectares of employment land. Similarly, Site A5 (Ashchurch) was intended to provide for 14.3 hectares of employment land, whereas planning permission has been granted for retail development on the site. Thus, it is now accepted that the allocations within the JCS will provide for significantly less employment land than previously thought, rendering these policies out of date.

7.5 Furthermore and alternatively, there is no existing retail strategy within the development plan (or the emerging plan for that matter) and thus there are no relevant development plan policies in this respect, which engages the tilted balance.

7.6 Accordingly within the tilted balance, any harm associated with the grant of planning permission clearly cannot overcome the benefits of providing much needed employment land accompanied by the significant economic benefits associated with the developments (as Mr Hardisty demonstrates within his proof of evidence).

8. THE APPELLANT'S TERTIARY CASE

- 8.1 Irrespective of the tilted balance and planning policies, the reality is that the Council are relying on the Appeal Site to provide employment development. Indeed, the strategy in the emerging plan hinges on the Appeal Site delivering substantial employment land. However, as demonstrated through the proofs of Mr Pratt, the only viable means of delivering B class employment land at the Site is through allowing ancillary uses to come forward.
- 8.2 The above is also supported by statements provided by respected commercial agents submitted during the consideration of the applications. Both Colliers International and John Ryde Commercial stated their support for the appeal schemes, advocating the benefits of providing ancillary uses to avoid 'sterile business park' environments (**APPENDIX V**). The hybrid approach taken to both appeal schemes is also supported by agents, noting that detailed designs often come forward once office occupiers have come forward. This is reflected in appeal B which has designed bespoke units to provide offices for Ridge and Partners and Bloor Homes, the latter to act as their new regional HQ. Both businesses have confirmed their intention to take units at the site and submitted letters during the determination of the application (**APPENDIX VI**).
- 8.3 Based on the evidence provided above, it is my opinion that an important material consideration on for both appeals is that mix of uses and named users proposed would greatly assist in the delivery of the site for employment purposes. This is in stark contrast the extant outline scheme granted permission in 2014 which offered no named occupiers and was not directed by user requirements.

9. THIRD PARTY REPRESENTATIONS

- 9.1 The primary third party representations that were submitted to Cheltenham Borough Council during the determination of both developments subject to these appeals (16/02208/FUL and 18/01004/FUL) have been considered below.

IMPACT ON EMPLOYMENT

- 9.2 Concerns were raised by third parties throughout the consideration of both applications that the development would result in the loss of B class employment land. Despite officers considering in both occasions that the development would be in accordance with location and national planning policy, both applications were refused on these grounds and this concern is a principle matter subject to these appeals and the appellant's position is set out above.

IMPACT OF RESIDENTIAL AMENITY

- 9.3 A number of concerns relating the residential amenity and environmental matters were raised during the consideration of both applications.
- 9.4 Whilst no objections were or are raised by the Council in respect of air quality matters, this was considered in detail in the officers' report relating to appeal B (2018 scheme). Officers' noted the high levels of traffic generated in and around the application site, and agreed that the proposed development will increase vehicle journeys. However, they noted that in the case of both schemes there was no evidence to suggest air pollution generated from the proposed development would provide unsafe levels of CO_2 , consequently the Council agreed that the proposal would be in accordance with JCS Policy SD14. They also noted that the development was not considered to be significantly different than the extant planning permission in land use terms. In reaching this conclusion, the Council have noted data sources from the Air Quality Status Report published in 2017, readings taken close to the site in 2013 and 2016.
- 9.5 It is noted that residents have also raised concerns in respect of noise and light pollution, and waste management that may be generated as an impact of either scheme. In assessing both proposals, officers agreed that the physical presence of the proposed buildings will not cause significant loss of light and proposed lighting can be suitably controlled by planning condition. Furthermore, it was considered that the noise generated by both appeal schemes would be appropriate in amenity terms, as supported by the noise survey. It was also considered that matters relating the noise and lighting could be suitable controlled by an appropriately wording planning condition, in addition to matters such as deliveries, opening hours and waste management. No objections were raised by the Council's Environmental Health officer subject to these controls.

- 9.6 Overall, it was concluded that both appeal schemes would not have an adverse impact on the residential presently enjoyed by residents, particularly when set assessed against the extant planning permission. In this regard, the Council are still in agreement with this position.

IMPACT ON HIGHWAYS

- 9.7 It is noted that local residents have raised concerns regarding the impact on congestion, highway safety and parking levels proposed. Despite no objections being raised by the Local Highway Authority or Highways England to both appeal schemes, the Council did originally refuse appeal A on highway grounds. The Council have, however, decided to drop this as a reason for refusal in light of there being no objection from statutory consultees.
- 9.8 It is acknowledged that whilst both proposed developments would increase traffic generation, this increase would not be determination in highway impact or safety terms. Furthermore, it was noted that there were adequate levels of car parking for both proposals and no harm would be caused. As set out in the Transport Assessments submitted with both applications, both appeal proposals would accord with relevant local and national transport policy, as supported by statutory consultees.

IMPACT ON GREENBELT

- 9.9 Concerns have also been raised on the grounds that both developments would create unacceptable built development in the Greenbelt. Since the adoption of the JCS in December 2017 however, the site has been removed from the Greenbelt and the Greenbelt boundary has been amended. As a result, the Council are in agreement that concerns relating the Greenbelt matters are no longer applicable.

IMPACT ON FLOODING AND DRAINAGE

- 9.10 Concerns were also raised regarding drainage proposals and increased flooding on site. Following assessment of both schemes by officers and the Lead Local Flood Authority, it was concluded that both developments would have an acceptable impact in drainage terms as recognised in the submitted Flood Risk Assessment and the surface water drainage strategy submitted in support of both applications. In both cases, the development would provide permeable paving to accommodate the storage of surface water, and geocellular crates for all remaining storage as well as an existing balance pond to provide appropriate drainage solutions for the site. Subject to relevant conditions to control these matters, the developments were therefore considered acceptable in drainage and flood impact terms.

IMPACT ON ECOLOGY

9.11 Some concerns were also raised in respect of impact on local wildlife and ecology. An ecological assessment was carried out for both schemes and consisted of a number of ecological surveys across the site. This assessment confirmed there are no biodiversity constraints that would limit the developments. Notwithstanding this, bat and bird boxes are proposed to allow for new habitat opportunities and native planting is included within the soft landscaping aspects of both schemes to help enhance the ecological value of the site. No objections were raised to the application by Natural England during their consideration of the applications and no objections have been raised to either scheme. In light of this, the Council are in agreement that both schemes accord with local and national planning policy in respect of ecology matters.

10. BENEFITS

- 10.1 This section considers the key benefits arising from the appeal proposals and the degree of weight that should be attributed to them.
- 10.2 It is clear from the evidence provided by Mr Hardisty and evidence from which JCS employment policy is derived, that the direct benefits arising from these proposals in terms of job creation should be attributed significant weight in the determination of these appeals. Both schemes would generate over 1,000 new jobs for the local area, helping to directly support the growth of the local economy.
- 10.3 This support for the growth of the local economy should be attributed significant weight in my opinion. Mr Hardisty also notes that's Appeal A would support gross direct wages of £5.5 million per annum, whilst Appeal B would support £5.6 million per annum during their respective construction phases. Importantly, during their respective operational phases, Appeal A would support £34.6 million per annum in gross direct wages, whilst Appeal B would support £35.7 million per annum. Both are significant and would have a positive impact on the vitality of the local economy, supporting increased spending and economic activity.
- 10.4 In use class terms, whilst the direct benefits of B-class development have already been discussed, the provision of a child's care nursery should also be noted for the services and facilities it would provide. Whilst I note that there are existing child services within the local area, the impact of the new employment opportunities through the delivery of the business park development would inevitably create need for new child care facilities and on-site provision would assist in the function of the new business park, helping to attract businesses by providing an additional complementary use. Furthermore, I note from a recent Ofsted study into childcare providers and inspections published on 31st August 2018, the total number of childcare providers in the UK has fallen by 18% since 31st August 2012². I am therefore of the firm opinion that the associated benefits associated with a new child care nursery should be attributed moderate weight, also.
- 10.5 In environmental terms, the development would provide a high quality business park which is noted in Mr Tucker's evidence and is now a market requirement as noted by Mr Pratt. Unlike existing development in the vicinity of the site, namely the B&Q retail park adjacent to the site and GCHQ site, the development would ensure a continuation of the existing BMW development in terms of its design approach and language. It would provide public realm features along the main access road (already in place), whilst infrastructure and built form would be integrated and connected visually by a high quality planting and landscape scheme. This would maintain the high standards set by the

² Ofsted report, Main Findings

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759073/Childcare_providers_and_inspections_main_findings_as_at_31_August_2018.pdf

existing BMW development and ensure a complementary form of development. This benefit should be attributed significant weight in my opinion.

10.6 In addition, the fact the development would develop currently under-utilised land, is a further benefit that should be attributed moderate weight, supporting the thrust of policy set out in Section 11 of the Framework.

10.7 The site is also in a sustainably located position, adjacent to Cheltenham's existing Principal Urban Area (PUA) and connected to main road networks through existing infrastructure. It is also adjacent to an existing park and ride facility, providing access to the existing conurbations in Cheltenham, whilst foot and cycleways provide active travel opportunities and are located directly opposite the site. Indeed, this would avoid office users from having to travel further distances by car to shops during lunch periods and thus would reduce car travel, which is consistent with the NPPF. Consequently, the accessible location of the development should also be noted as a moderate benefit of both proposals in my opinion.

11. BALANCE AND CONCLUSIONS

11.1 This appeal relates to two proposals which seek:

1) Detailed planning permission for 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). (Appeal A),

And;

2) Detailed planning permission for 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) (Appeal B).

11.2 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. The Appeal proposals were brought forward to address these issues.

11.3 As demonstrated in evidence, both appeal proposals have been designed to deliver a comprehensive B1 led business park environment with complimentary uses. This is reflective of the current modern business park requirements, as identified by Mr Pratt, yet would still ensure that over 80% of total floorspace on both schemes is dedicated to B1 uses. 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.

11.4 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. Although for the reasons detailed above it is considered 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 also 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.

11.5 In deliverability terms, Mr Pratt has demonstrated 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, 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. He also points to the fact that the proposals in their current form would generate strong employment uses that respond well to achieving the needs of the Borough.

11.6 In overall employment policy terms, both proposals would be in accordance with the Development Plan and national Framework.

11.7 In respect of Appeal A, 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 Plan.

11.8 The structure of the Appellant's case is:

- **The primary case:** The development 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:** 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).

11.9 I am of the opinion that the both appeal proposals would be in accordance with the Development Plan and Framework. Furthermore, there are no other reasons why development should be prevented and I respectfully ask that both appeals be allowed.



CHELTENHAM

BOROUGH COUNCIL

Hinton Properties (Grovefield Way) Ltd
c/o Hunter Page Planning
FAO Mr James Griffin
Thornbury House
18 High Street
Cheltenham
Gloucestershire
GL50 1DZ

APPLICATION NO: 16/02208/FUL

DATE REGISTERED: 13th December 2016

DECISION DATE: 14th December 2017

REFUSAL OF PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

In pursuance of its powers under the above mentioned Act and Order Cheltenham Borough Council, as the Local Planning Authority, hereby **REFUSES TO PERMIT** the following development:-

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

AT: Land At North Road West And Grovefield Way Cheltenham

in accordance with the reasons specified hereunder:-

- 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).

PLANNING : ENVIRONMENTAL & REGULATORY SERVICES

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

Tracey Crews : Director of Planning

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.



CHELTENHAM

BOROUGH COUNCIL

Hinton Properties (Grovefield Way) Ltd
c/o Hunter Page Planning
FAO Mr James Griffin
Thornbury House
18 High Street
Cheltenham
Gloucestershire
GL50 1DZ

APPLICATION NO: 18/01004/FUL

DATE REGISTERED: 23rd May 2018

DECISION DATE: 18th October 2018

REFUSAL OF PERMISSION
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

In pursuance of its powers under the above mentioned Act and Order Cheltenham Borough Council, as the Local Planning Authority, hereby **REFUSES TO PERMIT** the following development:-

Hybrid application seeking detailed planning permission for 5,914 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m food retail unit (Use Class A1), with associate 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 (resubmission).

AT: Land At North Road West And Grovefield Way Cheltenham

in accordance with the reasons specified hereunder:-

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

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

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

Tracey Crews : Director of Planning

PLANNING : PLACE AND GROWTH

Appeals to the Secretary of State

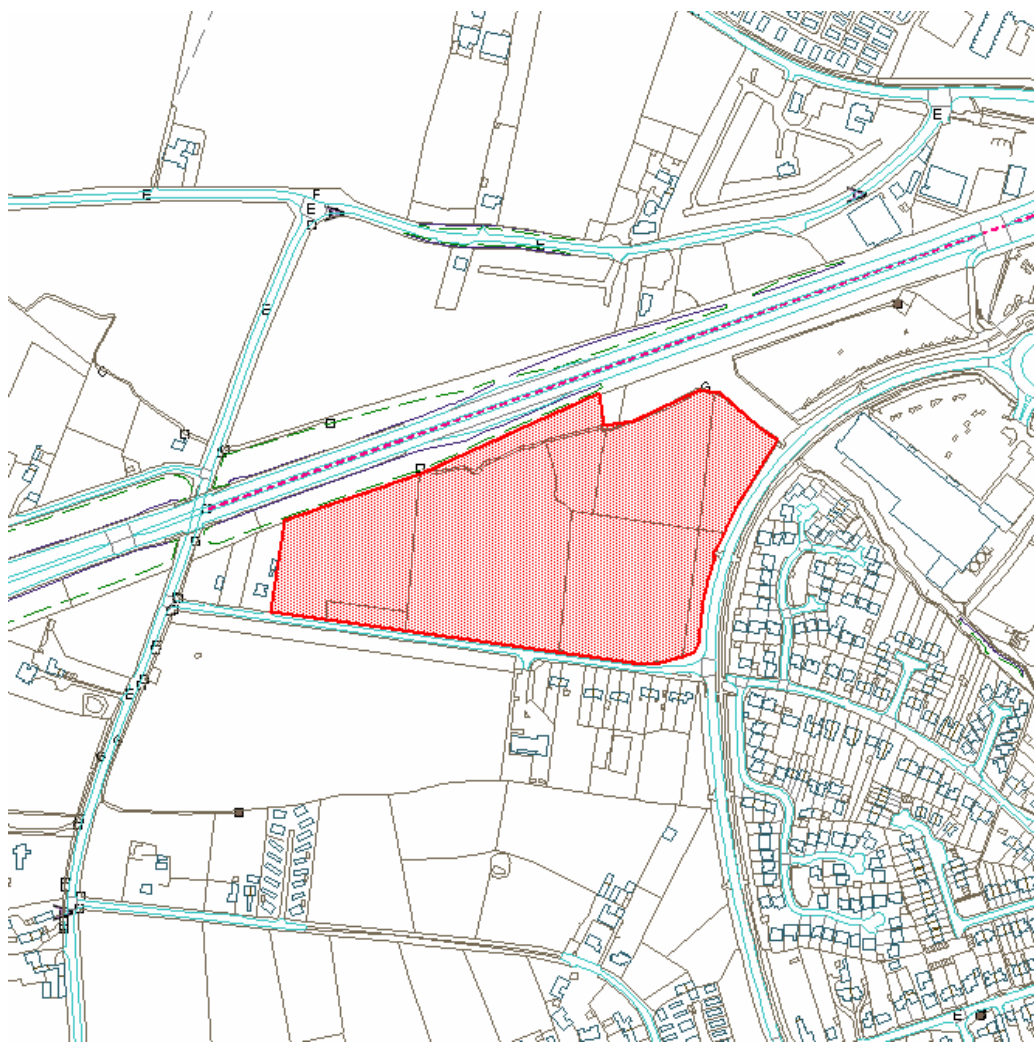
- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

APPENDIX II

APPLICATION NO	F L	OFFICER	M Ian C oh ll
DATE REGISTERED	29th June 2013	DATE OF E PIRY	28th September 2013
WARD	Benhall/The Reddings	PARISH	None
APPLICANT	Mr Peter Harris		
AGENT	Mr Ian Gilbert		
LOCATION	Land at North Road West and Grovefield Way, Cheltenham		
PROPOSAL	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		

RECOMMENDATION That permission be granted subject to the completion of a satisfactory Agreement under Section 106 Town and Country Planning Act 1990 and the ratification of the decision by the Secretary Of State.

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DESCRIPTION OF SITE AND PROPOSAL

This is an application for full planning permission for the erection of a BMW, Mini and Motorrad dealership including vehicle sales and servicing facilities. The application also proposes the creation of an access from Grovefield Way.

Members will be well-versed in this history of the site. Outline planning permission was granted at appeal (ref: 05/00799/OUT) in May 2007 for B1 industrial uses and the extension of the Arle Court park and ride facility and this permission was renewed in June 2012. Subsequent reserved matters applications have also now been approved. The history of the site is set out at section 2 of this report.

This application relates to a parcel of land located in the north-east corner of the wider site that benefits from outline planning permission. A full description of the proposal will be set out in the main officer comments section of this report.

The application is a comprehensive submission and includes the following reports;

- Planning statement;
- Design and access statement;
- Landscape Assessment
- Transport assessment;
- Travel plan;
- Flood risk assessment and Surface Water drainage Strategy
- Ecological assessment.

A number of drawings have also been submitted to convey the application as well as a model. The statements and drawings can be accessed on the Council's website and the model is available to view in the planning department. The model will also be on view at the Committee meeting.

The application is before Planning Committee due to the significance of the site and the recent planning history. Members will visit the site on planning view.

The development proposed comprises development included within schedule 2 of the Environmental Impact Regulations in that it is an urban development project with a site area of over 0.5 hectares. The need for an EIA has therefore been considered and it has been concluded that in this case no specific EIA is required. Whilst the site is within the Green Belt, the impacts that may be generated by the development are of no more than of local significance and are certainly no greater than the impacts that would arise from the extant permission to develop the site (see planning history and officer comment below). Furthermore, as stated above, the application has been accompanied by an Ecological Assessment, a Landscape Assessment and a Flood Risk Assessment all of which are sufficient to allow the potential impact of the development on the environment to be assessed.

The application has been advertised as a departure as the application site is located in the Green Belt. It follows therefore that if the Council is mindful to approve the application, it will have to be referred to the SoS for ratification before the approval could be issued.

CONSTRAINTS AND RELEVANT PLANNING HISTORY

Cons a n s

Greenbelt
Landfill Sites boundary

R I an Plann ng H s o

O T h D m WITHDRAWN
Outline application for B1 industrial uses

O T h Ma h REF SED
s Ma GRANTED PLANNING PERMISSION ON APPEAL
Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and ride facility

O T PDE n m n
B1 Business Park, extension to the Arle Court Park and Ride facility, new access, and exit slip road to A40

FTP h ul PERMIT
(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)

REM h Ma A o al R s Ma s
Layout of access road and parking details and the siting of the proposed buildings - following the grant of outline permission under reference 05/00799/OUT

REM h D m A o al R s Ma s
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.

REM h ul A o al R s Ma s
Approval of reserved matters for Phase 2 - Design and external appearance of buildings to be constructed and details of hard and soft landscaping

TIME n un PERMIT
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).

Su s u n l a n a l a o n o m s s o n o a l o a u a l R o h s
lann ng s on as REF SED h ul

REVISIONS TO THE DESIGN HANDBOOK

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.

RESERVED MATTERS APPROVED

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).

POLICIES AND GUIDANCEAdopted Local Plan Policies

CP 1 Sustainable development
 CP 2 Sequential approach to location of development
 CP 3 Sustainable environment
 CP 4 Safe and sustainable living
 CP 5 Sustainable transport
 CP 6 Mixed use development
 CP 7 Design
 CP 8 Provision of necessary infrastructure and facilities
 GE 6 Trees and development
 CO 1 Landscape character
 CO 5 Definition of green belt
 CO 6 Development in the green belt
 EM 1 Employment uses
 EM 2 Safeguarding of employment land
 RT 9 Car sales
 UI 3 Sustainable Drainage Systems
 UI 4 Maintenance strips for watercourses
 UI 7 Renewable energy
 TP 1 Development and highway safety
 TP 2 Highway Standards
 TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Flooding and sustainable drainage systems (2003)
 Landscaping in new development (2004)
 Planning obligations (2003)
 Planning obligations: transport (2004)
 Security and crime prevention (2003)
 Submission of planning applications (2004)

Sustainable buildings (2003)
 Sustainable developments (2003)
 Travel plans (2003)

National Guidance

National Planning Policy Framework

CONS LTATIONS

a Con am na Lan O

15th July 2013

There is an area of this site which has been identified as potentially contaminated due to previous use as a farm in the early 1900s. However, due to the intended use of the site as a commercial end-use and the low potential risk of potentially significant contamination existing at this site - it is not considered necessary to include a full contaminated land condition for this site.

However, a modified condition should be included to allow the reporting of any unexpected contamination should any be identified during site redevelopment works. Please see below.

Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately in writing to the Local Planning Authority. An investigation and risk assessment must then be undertaken in accordance with the Environment Agency's Model procedures for the Management of Land Contamination CLR11 and a remediation scheme submitted for approval by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be produced and submitted for approval.

GCC H gh a s Plann ng L a son O

11th November 2013

Introduction

The application is for a BMW/Mini showroom dealership and serving centre, on land adjacent to the existing Arle Court Park and Ride. The development coincides with land previously secured for the 100 space extension.

Planning History

The site has some relevant history, the most pertinent is that permitted on appeal, 05/00079/OUT, (and subsequently extended by 10/00468/TIME dated 22/06/2012), for B1 industrial uses and the extension to the Arle Court Park and Ride facility. The inspector at the appeal summarised that, in allowing the application, he did so because it would deliver large scale employment land, on a green belt allocation.

Fall Back position

There are many objections to this development on traffic grounds; however the site has extant outline planning permission for 22,000 sqm GFA B1 industrial use. This proposal is 7,500 sqm GFA of car showroom and servicing facility. This proposal will generate less traffic movements than the consented development.

Arle Court Park and Ride

This application seeks to construct the building, on the land previously allocated in the appeal decision for the 100 space extension of the Arle Court Park and Ride. In the submitted Planning Statement with the current application, the applicant states:

"the P & R site at Arle Court is not considered by the Applicant to be performing well. Whilst the need for the existing Arle Court P&R site is questionable it is considered that it is certainly not in need of expansion.

Furthermore, with the approval of Elmbridge Court P & R plans in February 2012 the area will see the provision of a 1,000-space park-and-ride, road capacity improvements on the A40 and more frequent bus services. Bus lanes will provide a 10-minute turn up- and-go bus service between Gloucester and Cheltenham. It is hoped the scheme will be completed by 2015. Those plans are considered to further impact on the viability and performance of the Arle Court P & R Site."

Both of these statements are factually incorrect in that the Arle Court P & R is performing well, and no P&R facility currently exists at Elmbridge Court.

Detailed discussions have taken place with the applicant which culminated in the highway authority submitting a Technical Note, to review the patronage and future capacity of the existing Arle Court.

The technical note concluded that by 2031, with growth (assumed using JCS draft consultation allocations as a base), the Arle Court Park and Ride will need circa 220 spaces to maintain the all day vehicle demand. These figures are further validated by the original appeal decision which secured 2 tranches of extension land, comprising an area to secure 200 spaces. Furthermore extending the existing facility would be safe for people to safe use, environmentally sustainable, and affordable to maintain.

The applicant has agreed that the P&R demand is likely to exceed space availability by 2031, and agreed to contribute £503,000 towards ensuring that modal shift occurs along the South West Cheltenham transport corridor by either extending the existing P&R facility or measures to increase modal shift. For clarity the measures to increase modal shift, along transport corridors in and out of Cheltenham, shall include but not be limited to, the A40 west of the M5, Grovefield Way, Up Hatherley Way, Hatherley Lane, Hatherley Road, Reddings and Reddings Road, or extension of the Arle Court Park and Ride.

Increase in demand in the P&R will be assessed by a South West Cheltenham Corridor Transport Strategy Development Report, which will form part of the contribution 7.5% of contribution to a maximum of 10%, to be defined as the South West Cheltenham Corridor Transport Contribution.

A Draft Heads of Terms is being prepared, and will be submitted prior to committee. For clarity the South West Cheltenham Corridor Transport Contribution will, inter alia, include sustainable transport contributions for the development.

Access

The access to the site is by a simple priority junction, with a ghost right turn lane to accommodate queuing traffic to the site. A pedestrian refuge is required, to the east of the new access, rather than a signalised crossing, this will link the site with the existing footway network, on Grovefield Way. Whilst previously a signalised pedestrian crossing was proposed, the pedestrian refuge is now considered to be the preferred facility, in that results in less traffic queuing and delay, and has reduced long-term maintenance implications.

Layout

The layout is to be served off an industrial spine road which will be capable of accommodating any future development of the area that was granted original planning permission. The road must be designed and built to adoptable standards.

Parking

There are no minimum standards for employment parking, in either the CBC Local Plan or the NPPF. The applicant should understand the operational needs of the business, and therefore the proposed 49 parking spaces for staff is acceptable, and with the Travel Plan should encourage a modal shift of staff journeys. The number of cycle stands accords with the standards within the CBC Local Plan

Recommendation

Therefore I recommend no highway objection subject to a signed s106 agreement for a South West Cheltenham Corridor Transport Strategy Development Report and a South West Cheltenham Corridor Transport Contribution total of £503,000, and the following highway related conditions being attached to any permission granted:-.

Conditions

1. Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed broadly in accordance with the submitted plan drawing no.H11/E, with the area of access road within at least 10.0 m of the carriageway edge of the public road surfaced in bound material, and shall be maintained for the duration of the development.

Reason: - To reduce potential highway impact by ensuring the access is suitably laid out and constructed.

2. Details of the layout and access, (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 in accordance with the approved plans. Prior to the occupation of the development hereby permitted until the carriageway (including surface water drainage/disposal, vehicular turning heads and street lighting) providing access from the nearest public Highway to the development have been completed to at least binder course level and the footway(s) to surface course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

3. The details to be submitted for the approval of reserved matters shall include vehicular parking and loading/unloading facilities within the site, and the development hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

Reason:- To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site, in the interests of highway safety.

4. Notwithstanding the submitted plan, no works shall commence on the development hereby permitted until full details of pedestrian crossing facilities, and associated junction layout amendments, have been submitted to and agreed in writing by the Local Planning Authority, and the highway works shall then be constructed in accordance with those agreed details before any beneficial occupation of the development

Reason:- To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

5. Six months prior to beneficial occupation of the development hereby permitted a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority, setting out:

- i. objectives and targets for promoting sustainable travel,
- ii. appointment and funding of a travel plan coordinator,
- iii. details of an annual monitoring and review process,
- iv. details of annual reporting to GCC;
- v. means of funding of the travel plan, and;

vi. an implementation timetable including the responsible body for each action. The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason:- To encourage non-car modes.

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway.

NOTE

The proposed development will involve highway works to be carried out on the public highway, and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement, including an appropriate bond, with the County Council before commencing works.

Planning Policy Statement

This application is for the erection of a car dealership with some related vehicle storage and office space on the land consented for B1 business use which was granted at appeal on Grovefield Way in 2007.

The Development Plan for consideration in regard to this application means the Cheltenham Borough Local Plan Second Review 2006. Relevant material considerations are policy documents such as the National Planning Policy Framework (NPPF), and the Gloucester, Cheltenham and Tewkesbury Draft Joint Core Strategy October 2013 (DJCS), which is currently undergoing public consultation.

With reference to paragraph 215 of the NPPF, the planning authority should give due weight to relevant policies of the development plan according to their degree of consistency with the NPPF. The closer the policies in the Development plan are to the Framework the greater the weight that may be given.

The NPPF aims to ensure that significant weight is placed on the need to “support economic growth through the planning system” (paragraph 19).

One of the three dimensions of sustainable development set out in the NPPF is the economic role: “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation”. (Paragraph 7)

In March 2007 an appeal was granted to permit the construction of 20,200m² of new B1 office space on an approximately 6.5 ha site within which the application site lies. (Appeal Ref: APP/B1605/A/06/2015866/NWF). The permission was granted largely on the grounds

of the significant and ongoing shortfall of high quality office accommodation available in the Borough, and the lack of a short term resolution of this deficit. The outline permission was granted a time extension in June 2012 and is still considered extant.

Pol Cons a ons

As the application seeks to redevelop the site for a non B class use, Cheltenham Borough Local Plan, 2006, policy EM2: Safeguarding of Employment Land must be considered.

Policy EM2 seeks to retain land that is currently or was last in use for employment purposes (in the B classes) unless one of the listed exception tests are met:

Policy EM2 of the Local Plan states, in part, that:-

“A change of use of land and buildings in existing employment use, or if unoccupied to a use outside Use Classes B1, B2 or B8 inclusive will not be permitted, except where:

b) the retention of the site for employment purposes has been fully explored without success (note¹)

c) the proposed use is sui generis but exhibits characteristics of B1, B2 or B8 employment uses and which should appropriately be located on employment land (note²)

Note 1 Evidence will be required to demonstrate demand; this may include details of past advertising vacancy rates and rent levels. This list is not exhaustive and other information may be requested.

Note 2 Sui Generis uses which may require an employment site location include; Car sales, builder’s yard; vehicle or tool hire business. This list is not exhaustive and other uses may be relevant.

The application is felt to be on the whole compliant with local plan policy EM2 when considered in the light of the NPPF. The purpose of the policy was to ensure that “sites currently or last in employment use remain available for B1 – B8 employment uses...” (unsaved Local Plan text paragraph 9.21) However the Grovefield Way site, despite gaining outline permission in 2007, has not yet been in employment use in the B classes. Therefore this permission should be considered separately from those where a change of use is contemplated away from an operational or formally operational site in the B classes.

The lack of a current or previous history of B class use on the site serves to reduce the impact of policy EM2 on the application. Despite this, even if policy EM2 is applied strictly, it is the view of the planning policy section that the principle of exception (c) is engaged. Car sales are explicitly mentioned in Policy EM2 as a Sui Generis Use which may require an employment site. Also, the application entails a mix of floorspaces including office and car storage space, which would otherwise be classed as B class uses.

Due to the scale of the proposed dealership its location on a permitted employment site is reasonable given that it is likely to require deliveries of a number of vehicles and customer, employee and contractor visits and benefits from being in an accessible location to the motorway. This mirrors the conditions of a number of other permitted larger car sales operations such as those off the Tewkesbury and Hayden roads in Cheltenham.

NPPF states that a core planning principle is to “proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs” (paragraph 17) The framework is less

focused on specifically restricting new employment and job generating development by use class than previous national planning documents.

The Draft Joint Core Strategy is an emerging development plan document which should be read as a whole and accorded increasing weight as it completes its consultation stages. In taking planning decisions, the document should be accorded status as a material consideration demonstrating the Council's intentions as to the direction of future plan making.

This focus on a wider definition of employment than the traditional B class uses is mirrored in Joint Core Strategy Draft Strategic Objective 1 "Building a strong and competitive Urban Economy" which seeks to:

"Provid(e) the right conditions and sufficient land in appropriate locations to support existing businesses and attract new ones, particularly from the major, high-tech and knowledge based industries, tourism, retail and the leisure sector..."

This change of emphasis to a wider view of employment is reflected in Draft Joint Core Strategy Policy E1 Employment which seeks to control movement away from existing "employment use" rather than restricting changing of uses between use classes where both provide employment; further policy on this may however be required through the development of the Cheltenham Plan.

This emerging planning policy focus has remained constant throughout previous iterations of the emerging plan. At the time of the Developing the Preferred Option Cheltenham, Tewkesbury and Gloucester Joint Core Strategy document December 2011 the Joint Core Strategy Vision was to "produce a strategy which fosters growth in the local economy" pg. 13 and strategic objectives were to: "Foster economic growth" (4.6) pg. 19, and "protect existing employment areas from inappropriate development for other uses." (4.7) pg.19.

R I an E n Bas Do um ns an ons a on o h n o a n h s o onl B us

The Cheltenham Borough Council Employment Land Review (ELR) 2007¹ is an evidence base document which was prepared by Nathaniel Lichfield and Partners on behalf of Cheltenham Borough Council. The document was used to inform the production of employment policies within the Draft Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.

The ELR makes a clear case for the retention of all land currently or most recently in B class use, because of Cheltenham's historic, ongoing and significant losses of these units to other forms of development. The ELR states that (pg.64): "Overall, a very high proportion of Cheltenham's existing employment land supply is of at least reasonable quality and should be retained. Even lower quality sites ...appear to meet local needs of low cost employment space, suggesting they should not be released for other uses."

However, whilst the study recognised the need to retain land currently or previously in B class use it also predicted that in the order of 80% of the anticipated net increase in employment levels between 2006 and 2026 is expected to come forward in non-B class sectors. (pg.146)

In 2011 the JCS commissioned Nathaniel Lichfield and Partners to undertake an Assessment of Cheltenham, Gloucester and Tewkesbury Employment Land Reviews. Recognising the scale of economic changes that occurred since the publication of the three employment land reviews, a key input to this process was inputting the then most recent Cambridge Econometric employment forecasts (April 2009) which were used to update the

forecasts provided in the ELRs. Requirements for both employment land and floor space are considered and updated in this report.

This new data identified that requirement for B1 floor space would increase by 14% in the 20 years between 2006 and 2026 and therefore would be one of the largest economic growth areas for the town. (pg. 33 table 5.2) Local land agents questioned during the NLP work commented that these forecast requirements for B1 use in Cheltenham were reasonable. (paragraph 5.83) However the study also predicted that the growth of Non B class jobs would be almost as high at 12%.

Looking at this evidence in light of the application the 2007 ELR predominately looked at land and buildings which had a history of B class use and was written at a time when the definition of employment use was narrower. The Planning Policy team therefore consider that the commitment to retain B class uses under policy EM2 and reinforced by the employment land reviews is not significantly harmed by the loss of part of the Grovefield Way site to a Sui Generis Use which has some B class characteristics and will generate jobs, given the need for growth in facilities and space for non B class employment. The applicants also hope that the development of this car sales unit will promote and facilitate the progress the rest of the original scheme.

Despite this, Grovefield way represents an important source of supply of office space and the granting of this permission may lead to an eroding of the full value of this; however there has not been to date any physical progress on the delivery of the original scheme on the site and this must be taken into account. It is also relevant that the appeal inspector in Appeal Ref: APP/B1605/A/06/2015866/NWF did not seek to limit the permission to use for office development only, but considered that the serious and acute shortfall in overall local employment land provision amounted to the very special circumstances that justified the granting of permission for B1 use. (decision paragraph 24)

Loss of Green Belt Land and the Impact on the Green Belt

The application relates to 2.2 hectares of development within the Cheltenham Green Belt. NPPF requires that when considering any planning application, substantial weight is given to any harm to the Green Belt (paragraph 88).

The NPPF states the construction of new buildings in the Green Belt is inappropriate unless they fall into certain categories, and that therefore the development of the scheme being considered is by definition harmful to the designation (paragraphs 87 and 89)

Because of this, any development of most buildings in the Green Belt is a departure from the Development Plan and this application has been advertised as such.

The presumption in favour of sustainable development contained in paragraph 14 of the NPPF does not apply in regard to this application, because specific policies within the framework indicate that within the Green Belt development should be restricted.

The area of Green Belt covered by the application is identified as making a significant contribution to all four purposes of Green Belt assessed (the highest category of green belt importance) in the most recent 2011 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Green Belt Assessment.²

Despite this, the application under consideration does not impact the Green Belt in any greater way than the existing permission which could be enacted. Therefore the extant nature of the existing permission is a material consideration when considering potential harm to the Green Belt which would be caused by this application.

The appeal inspector in Appeal Ref: APP/B1605/A/06/2015866/NWF felt that the 'triangle' created by the A40, Grovefield Way and North Road West reduced the likelihood of development of the area leading to urban sprawl and contained it effectively. He also felt that there was only a limited effect on visual amenity in regard to the outline scheme.

Given visual amenity factors such as green buffers are retained in the application currently under consideration, the inspectors judgement is still a relevant and material factor.

The DJCS seeks to allocate 63 ha of additional employment land in urban extensions, together with a replacement provision of 20 ha at the MOD Ashchurch strategic allocation.

These new employment allocations will address the shortfall in employment land which the inspector identified in the 2007 appeal decision.

It could therefore be argued that the need for the Grovefield Way development is becoming harder to justify. However permission has already been granted for the earlier scheme which could be enacted and the DJCS is at a non statutory consultation stage, and therefore carries reduced weight.

This application, if permitted, may also be able to provide jobs early in the plan period, and could enable the remaining parts of the Grovefield Way site to come forward by acting as a gateway and catalyst.

Con lusion

The planning policy team are of the view that the development would contribute well to the economic role of sustainable development as defined in National Planning Policy. The development would represent an opportunity to bring forward a job generating use on the site which would be an effective and reasonable alternative the permitted use, and may free up the potential for development of the remaining part of the site.

an D s gn

31st July 2013

A Plant Schedule has been submitted but not a Planting Plan. A Planting Plan is required.

Note 1 on the Illustrative Masterplan refers to management of woodland blocks, but much of the woodland shown is outside the red line of the site boundary. Clarification is required concerning responsibility for management of this area.

The Tree Section should be consulted about the proposed removal of trees and woodland.

Please attach the following landscaping condition to planning permission, if granted.

Landscaping Condition

Prior to the commencement of development, a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed. The scheme shall specify species, density, planting size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for 5 years after planting and any trees or plants removed, dying, being severely damaged or becoming seriously

diseased within this period shall be replaced with others of similar size and species to those originally required to be planted.

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.

Reason: To ensure that the planting becomes established and thereby achieves the objectives of Local Plan Policies CP1 and CP7 relating to sustainable development and design.

T O

6th August 2013

The CBC Tree Section does not object to this application provided agreement can be reached regarding the following:

- 1) The large oak and walnut tree to the north of the site but south of stream-ie on the north west boundary of the field and adjacent to the A40 appear to be shown on the Landscape Plan 2784-02E but this is only illustrative and as such confirmation is needed. These trees are of TPO merit. A BS5837 (2012) tree survey would have provided useful clarification of locations and Root Protection Areas/radii of these trees to be retained.
- 2) The landscape plan needs more detail. Such details needing to be addressed include: what species of tree are to be planted at each nominated location. Root types must also be described. Given that the majority of trees are Heavy Standards or greater, it is anticipated that such trees will be planted as container grown. Given that this area has been described within the application as 'the urban fringe' and indeed it has a rural feel, it is recommended that the proposed use of the exotic tree Gleditsia is unsuitable at this semi-rural environment. An alternative to Gleditsia could be native Acer or Carpinus species. Similarly the use of Quercus coccinea 'Splendens' may be questionable until exact numbers and location details are provided.
- 3) A long medium and short term management plan for the proposed woodland thinning and more precise description of the 'parkland appearance' of the shelterbelt adjacent to the A40 needs to be submitted and agreed. The dense under-story and selected retained trees need to be identified and managed in the longer term so as to maintain a green (but relatively porous) visual screen when seen from the A40.
- 4) A detailed Tree Protection Plan needs to be submitted and agreed prior to the commencement of any works. Whilst such a plan has been submitted (drawing no DLA-1512-01 of planning application 12/01086/REM), there are insufficient details to show that the trees will be protected during construction. There should be no encroachment into the root protection area of oak T847. Walnut T873- a method statement should be submitted and agreed showing how construction work will not cause significant disturbance to the roots or crown. A 'no dig' construction method should be employed for the parking area adjacent to this tree.

C m P n on D s gn A so

12th August 2013

In my capacity as Crime Reduction Design Advisor for Gloucestershire Constabulary I would like to comment on the planning application at Grovefield Way, Cheltenham with

reference number 13/01101/FUL, which should be read in conjunction with the following crime generating subjects.

Crime and Disorder Act

Gloucestershire Constabulary would like to remind the planning committee of their obligations under the Crime and Disorder Act 1998, Section 17 and their "Duty to consider crime and disorder implications

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority."

Design and Access Statement

This application's Design and Access Statement has minimal Crime Prevention and site security comment. Further information should be available as required by Paragraph 42 of the Planning and Compulsory Purchase Act 2004, the Communities and Local Government's (CLG) "Guidance on information requirements and validation" and the guidance material from the CABE.

However the site plan makes reference to security hoops, telescopic and rhino bollards and 2.4m high weld mesh fencing, fixed in line with the manufacturers recommendations.

The Cheltenham guide to Design and Access statement repeats the advice given Paragraph 132 of CLG's guidance states "PPS1 makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion.

Design and access statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in Safer Places- the Planning System and Crime Prevention."

"Security and personal safety are matters that are generally taken for granted, but crime and the fear of crime has a significant impact on the way we live. Careful design of the built environment can reduce opportunities for crime and improve feelings of safety." Cheltenham Supplementary Planning Guidance - Security and Crime prevention

CABE's publication Design and access statements - 'How to write, read and use them' explains that Design and Access "statements should demonstrate how development can create accessible and safe environments, including addressing crime and disorder and fear of crime. These may be particularly relevant to address under layout and landscaping themes. Early consultation with police will help identify key issues in your local area, and measures to help address these". CABE also recommend the Safer Places publication as mentioned above.

Planning Policy

Cheltenham Borough Council's Local Plan which contains Policy CP 4:

"Development will be permitted only where it would:

- (c) make adequate provision for security and the prevention of crime and disorder;*
- and*
- (b) not, by nature of its size, location, layout or design to give rise to crime or the significant fear of crime or endanger public safety."*

Carbon Footprint of Crime

Converting the financial cost of crime into carbon tonnage is undertaken by a formula created by Prof Ken Pease. It calculates that for every US\$1000 of goods and services produced using today's technology, 0.5 tonnes of CO₂ is released into the atmosphere (International Energy Agency 2007). In 2009 the US dollar bought .5173 £ sterling, thus £1034.6 of goods and services yielded 1 tonne of emitted CO₂. Nationally the combined costing of recorded criminal activities equated to 5.4 million tonnes of emitted CO₂. This conservative figure represents some 1% of total UK emissions

In Gloucestershire this roughly equates to 108,269 tonnes of CO₂ generated in 2012, Cheltenham responsible for 27% a total of 65680 tonnes of CO₂ (down 0.6% on last year) Over the past 12 months 4334 crimes occurred in the Cheltenham South Local Policing Team areas, generating 17182 tonnes of CO₂.

Secured by Design

The Constabulary recognised that the planning application demonstrates some the 7 attributes as described in Safer Places, the principles of Crime Prevention through Environmental Design (CPTED), the recommendations of Manual for Street and show greater reference to the Police's initiative of Secured by Design (SBD) as a means of addressing the requirements of paragraph 132 of Guidance on Information Requirements and Validation.

Permeability

The permeability of the development should have clearly defined routes, spaces and entrances that provide for convenient movement without compromising security. Areas which promote excessive permeability create anonymity for offenders, break down defensible spaces and remove natural surveillance, which can leave the area vulnerable to crime and facilitating anti social behaviour.

Access controls and sufficient staffing levels

The access on to each floor should be controlled and managed by staff at key points around the buildings, thereby preventing excessive permeability and maintaining security on each building level.

Anonymity

All routes, building types and the layout should offer spaces that are overlooked, integrated within the working environment and generate adequate movement to increase natural surveillance.

Surveillance

The layout should offer surveillance opportunities to discourage criminal behaviour which could include graffiti, criminal damage, Anti Social Behaviour and provide burglars with sufficient seclusion to enter a building.

The planting and landscaping schemes should enhance natural surveillance by keeping ground level plants below 1m in height, with the taller shrubs and trees being maintained to create a canopy that starts at 2m from the ground.

Lighting

The lighting plan should be designed to encompass an effective and efficient coverage of the development and allow for seasonal variations within the planting scheme that will help address crime, the fear of crime and antisocial behaviour.

The level of lighting within the parking areas, should comply with BS 5489-1:2003 or equivalent; care should be taken to prevent light pollution into the environment and into any off site residential rooms facing this area.

Buildings - general

Care should be taken to remove blind spots in areas devoid of direct surveillance which could attract issues such as graffiti, inappropriate loitering, Anti Social Behaviour and burglary.

Staircases

Staircases need to be appropriately managed and should be secured to prevent casual access to the upper floors.

Cash/ Money handling

If applicable the strong room should have a safe and secure access; incorporating access control, a secure draft lobby, CCTV coverage and incorporated into an intruder alarm security system. The doors should be security rating of LPS 1175 SR4 or higher, while offering surveillance through a spy hole or CCTV monitor before exiting. The correct size and category of safe should be determined by an assessment of prospective takings and meet insurance requirements.

Pedestrian movement and queuing

The layout of the buildings and the hard landscaping around these areas should provide sufficient -through careful design the pedestrian movement should be organised to potential conflict or reduce criminal activities.

CTSA requirements for raised areas/ undercroft

We have made the Force CTSA (Counter Terrorist Security Advisor) aware of this application due to the use of a single story undercroft. At this stage there are no additional requirements, however should there be changes in known or perceived threats, then it is advised that the end user contact the Force CTSA.

<http://www.gloucestershire.police.uk/counterterrorism/item3953.html>

Cycle parking

Motorcycle parking should provide Sold Secure anchor point to restrict the opportunities of vehicle theft, a catalogue for these products can be found at the following link http://www.soldsecure.com/wp-content/uploads/Catalogue_2008_Website.pdf

If applicable for staff and visitor cycle use: cycle stands should be located near the front entrance of the store. Each loops or rack should encourage both wheels and the crossbar to be locked to a galvanised steel bar construction with minimum wall thickness of 3mm and foundation depth of 300mm.

Gloucester City Council and Gloucestershire Constabulary have been working together to promote cycle security through the City in an effort to prevent an increasing trend in cycle thefts. Considering the amount of cycle parking allocated to this building the following websites provide further information relating to property marking, joining a property registration scheme, types of lock and locking techniques.

<http://www.gloucestershire.police.uk/Crime%20Reduction/Bicycle%20Advice/item18635.html>

and

http://www.safergloucester.co.uk/Advice_and_Information/Crime_Prevention_Advice/Bicycle_Security.aspx

Footpaths

The designs of public footpaths should be clearly influenced by the principles described in 'Manual for Street'; any footpaths exceeding 1.5m wide should have vehicle mitigation designed into the entry/ exit points to restrict motor vehicles from entering, using them as a thoroughfare or as an ad hoc parking area.

Boundary treatments

These should be in line with the requirements of BMW, who no doubt have learned from experiences from other sites and the natural progression of shared learning to make such developments, secure and safe, so as to prevent access, both speculative and or aggressive insertion from the point of possible criminal activity.

Soft landscaping

The planting scheme and hard landscaping plan in the public areas needs to assist with surveillance, this can be achieved by keeping the ground level plants below 1m in height, while removing epicormic growth and lower branches to a height of 2 metres.

The location of trees and taller shrubs should not provide climbing aids onto or over built structures.

A long-term strategy should be considered so that a maintenance and improvements program would be implemented.

Car parking

"Parked cars can be particularly vulnerable to crime" (Safer Places).

Buildings should provide sympathetic placement of windows, allowing the opportunity for natural surveillance over the parking areas. Each parking area should be lit to BS 5489-1:2003 or the equivalent.

All vehicles should be prohibited from parking on the road network; this should also include HGV's parking over night as these breaks down any natural surveillance, offers criminal opportunities and hinders the flow of traffic through this compact area.

Street games

We have seen in the past at similar locations, that the modern design of smooth paving surfaces, kerb edges, railings and variations in height may provide an urban course for various street games including skate boarding and BMX tricks. Therefore appropriate rules setting via signage should be used to discourage such, due to the presence of "a capable guardian" (CCTV and or site guard to address such issues)

CCTV

To assist with the security of the building, CCTV needs to be positioned in order to cover the numerous blind spots across the site, the car park, various entrances and any receptions areas. The CCTV system needs to be designed to allow seasonal variations within the planting scheme and in conjunction with the Lux plan and be effective during night time conditions. Further advice and approved installers can be found via this web address, so as to meet Insurer, Industry and Police requirements of such (see attached Pdf). <http://www.nsi.org.uk/>

Alarms

The building should be provided with an alarm system, commensurate with the status and type, to reflect the site user. Further advice and approved installers can be found via this web address, so as to meet Insurer and Industry requirements of such. <http://www.nsi.org.uk/>

Forensic Marking

The end user should identify and protect their property with a forensic property marking kit, identifiable and traceable through a recognised database. The use of these products should be displayed on the site entrance, along with stickers on external windows and door.

Conclusion

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation.

Please feel free to contact me should you have any queries or wish to discuss these issues further.

g Ch I nham C So
15th August 2013

This is an important gateway site and we approved of the unashamedly modern approach. But we thought there would have been an opportunity for something more iconic

h A h s Pan I
9th August 2013

1. Project Description and Reference - 13/01101/FUL

2. Is the information sufficient to understand the application?

Plans and elevations are difficult to read and get an understanding of the depth of the built form. There are some small 3D views which are helpful but the elevations lack depth and the clarity to show the transparency of the building.

3. Context

Although the site is well screened from the A40 some attempt has been made to open up the treeline and it would be interesting to understand how visible the proposal would be to passing motorists as it could be seen as a long bland elevation. The main access starts to present a more interesting building as the scale is broken down and has more visual interest. We would suggest the site is suitable for a motor dealership with its good access.

4. Massing and Scale

The overall scale of the building appears acceptable for the site although it would benefit more in a clarity of the design intent.

5. External Appearance

The main body of the building is set up with a horizontal emphasis with slab floors expressed externally and separated with glass screens. However the floor thicknesses vary and the elevations lack any depth and idea of how the building will actually be perceived. Assuming the more 'fun' mini section of building is designed as a foil to the calmer BMW building we would like to this being expressed clearer and more definition in the central link building which houses the entrance and café. This may be simply a presentation issue but we would like more confidence in the design before we can comment further.

6. Detailing and Materials

The materials appear suitable but we would like to see a more robust design approach taken and this to then follow through on the detailing.

7. Environmental Design

No comments.

8. Summary

The principal of the scheme is acceptable but we believe the design needs to express its design intent in a more robust manner. This would lead to a higher quality building and experience for both visitors and passers-by.

9. Recommendation

Refuse.

Comments
 17th September 2013

1. Is the information sufficient to understand the application?

The presentation provided further precedent and information on the inspiration behind the design which gave some comfort about the desired quality of the scheme. The plans and elevations were however the same as the original application which had the same issues of being difficult to read and get an understanding of the depth of the built form. There was also a physical model but there appeared to be some discrepancies between this and the 2 dimensional drawings?

2. Context

Although the site is well screened from the A40 some attempt has been made to open up the treeline and it would be interesting to understand how visible the proposal would be to passing motorists as it could be seen as a long bland elevation. The main access starts to present a more interesting building as the scale is broken down and has more visual interest. We would suggest the site is suitable for a motor dealership with its good access.

3. Massing and Scale

The overall scale of the building appears acceptable for the site although it would benefit from more clarity of the design intent.

4. External Appearance

The precedents provided suggest a contemporary 'barcelona' type pavilion aesthetic with horizontal and vertical elements being used to define space. This appeared to be reflected in the motorcycle building but was lacking in the main body of the building. There was also a lot of debate about the entrance 'atrium' space and how this worked as a link between the varied BMW and MINI aesthetics. The key is to approach the scheme with more vigour and ensure the design ethos is reflected throughout the design....as it appears to be with the motorcycle showroom. This would provide more confidence that the final scheme would be worthy of the landmark location and the brand.

5. Detailing and Materials

The materials appear suitable but we would like to see a more robust design approach taken and this to then follow through on the detailing.

6. Environmental Design.

No comments.

7. Summary

The principal of the scheme is acceptable and could provide the high quality scheme the client and franchise demands. However it needs more development to ensure the design intent is achieved.

8. Recommendation

Our original comments still stand and we would like to see the design being updated and resubmitted.

P B L I C I T Y A N D R E P R E S E N T A T I O N S

Number of letters sent	
Total comments received	
Number of objections	
Number of supporting	
General comment	

A total of 49 letters were sent out to occupiers of neighbouring residential properties. In addition the receipt of the application and the fact that it was a departure was advertised on site and in the local press.

A total of 25 letters have been received to date. The writers of a large number of letters question the coverage of the publicity afforded to the application, with the clear implication that the coverage was deliberately restricted to ensure few representations. This was certainly not the case and the publicity was, as is usual practice in Cheltenham well in excess of that required by statute.

In addition the above the principal objections to the development relate to traffic generation; loss of green belt and undeveloped agricultural land; loss of wildlife habitat; inappropriate style of architecture for a building sited at one of the major approaches to Cheltenham; scale and height of proposed building too great; lack of sufficient parking within development; BMW constitutes the 'thin end of the wedge' and will allow retail to be established on the site.

The e-mails and letters that have been received are attached to this report for members' information.

OFFICER COMMENTS

D e t e r m i n i n g I s s u e s

Matters that need to be considered in determining this application relate to the following;

The Site and its context, the Planning History of the site and the context of the application, Design and layout, planning Policy considerations, Transport issues and lastly impact on neighbouring amenity.

T h e S i t e a n d C o n t e x t

The application site comprises some 2.2ha of land adjacent to the north west of Grovefield Way and south of the A40. The site is part of a wider parcel of land that amounts to some 6.4ha in area; the land is all under the control of the applicant. The land is bounded principally by Grovefield Way, North Road West and the A40.

The site is located within the Green Belt, surrounded by a mix of residential, commercial and employment uses including the Arle Court Park and Ride site.

The general topography of the site is that the land is highest in the south east and east falling away towards the west. The north of the application site is separated from the A40 dual carriageway road by an earth bank planted with a belt of trees. The site is accessed off Grovefield Way a relatively new road link which runs from the A40 roundabout interchange southwards through The Reddings to Hatherley and south west Cheltenham.

P l a n n i n g H i s t o r y

The planning history of this site relates to the wider site and is particularly involved and of great significance.

Following an initial refusal of permission (05/00799/OUT) in March 2006, planning permission was granted on appeal in May 2007 (APP/B1605/A/06/2015866/NWF) for the wider site at Grovefield Way for B1 industrial uses along with the option to provide for an extension of the existing Arle Court Park and Ride facility.

Subsequently further reserved matters applications were approved in May 2009 (09/00369/REM) for details of the main access road into the site, parking and the siting of the buildings; December 2009 (09/00720/REM) for details of the landscaping scheme and management plan, the design and appearance of Phase 1, including a Design Handbook relating to the design and appearance of the remaining phases of the development and boundary treatments; and July 2010 (10/00690/REM) for the design, appearance and landscaping of Phase 2.

The details that were approved showed a mix of 2 and 3 storey buildings with a maximum height of 12 metres with the taller buildings at the A40 end of the site. The development was to be access by a central spine road running east to west and the buildings were shown to be of simple contemporary design. A comprehensive landscape scheme, covering the whole site was also approved.

In May 2011 a further application was submitted as a revision to the reserved matters already approved in an attempt to tie them all together and at the same time extend them to include the remaining phase that had not up till then been the subject of a stand-alone reserved matters approvals was approved (10/1562/REM). That approval was, however, subject to Judicial Review and the decision to approve was subsequently quashed by the Courts on 24 October 2011.

Prior to that decision of the Courts, however, the applicants submitted yet another application, this time for an extension of the time limit for implementation of the outline planning permission originally granted on appeal in 2007. That application (10/00468/TIME) was approved by Planning Committee on 22 June 2010. The time scale for submission of details reserved by the renewed outline, therefore, was up to June 2015.

Following that approval, however, leave was requested in November 2012 from the High Court to once again challenge the legality, this time of the extension of time permission by way of Judicial Review. It was argued that the decision to grant the extension of time was fundamentally flawed since the procedures; in particular those relating to time scales for the submission of an extension of time application had not been met and correctly adhered to.

The request was originally made in the form of written representations and was denied, thus no challenge was held. Subsequently, however, the Challenger made an application to the Court for a Renewal Hearing where again, leave from the High Court to challenge the decision was requested. That Hearing took place on 15 July 2013 by way of oral (as opposed to written, as previously) representations and the decision was that permission to apply for a Judicial Review in respect of the planning approval was refused and the Challenger was ordered to pay the costs incurred by the Council.

Following that decision, a comprehensive list of matters reserved by the extant outline (granted by way of application 10/00468/TIME), was approved under application reference 12/01086/REM on 21 August 2013.

**Plann ng m ss on o lo h lag s o h u os s o a Bus n ss
Pa s h o an an ll no la s un l h h s h la o h ollo ng
a s a s om h a o h ou l n m ss on n un o a s
om h a o h REM s on s August**

It is clear that the site benefits from an extant permission to develop for commercial purposes and that alone constitutes a significant material consideration in determining any

subsequent applications to develop the site. It follows that the circumstances against which the Inspector determined the previous planning application must be revisited 6 years on; though it should also be borne in mind that the Council saw fit in 2012 to renew that outline permission.

With regard to the need for employment land, the Inspector concluded in 2007 that there was a 'serious' shortfall in local employment land provision up to 2011 at least. He considered that such a shortfall was a very special circumstance that justified the use of this Green Belt site for B1 development at that time. The report to Committee only last year, in 2012, dealing with the TIME application to extend the time in which the outline could be implemented contained the following report by the then Council's Strategic Land Use Manager.

"From a planning policy perspective the issue to consider in respect of application 10/00468/TIME is whether there have been any significant changes arising since the determination of the planning appeal granted on 1st May 2007.

Green Belt Review

In March 2007 a green belt review for Cheltenham was undertaken by consultants AERC. This review looked specifically at the application site (denoted as sub area E1 within the review) and categorised the site as falling within the ranking of an average score. Sub zone E1 scored 130, with the lowest sub zone scoring 68 and the highest 202 across the Borough.

In arriving at this score the review identified the purposes of the green belt relevant to the site as being; checking unrestricted sprawl of built up areas, assisting in safeguarding the countryside from encroachment and preserving the setting and special character of historic towns. The site did score against the merging of neighbouring towns, but this received only the minimal score of 1.

The findings of the green belt review were presented to the Inquiry in 2007, and therefore taken into account by the Inspector in reaching his decision of allowing the development at Grovefield Way.

Since 2007 a further green belt assessment has been undertaken, prepared by consultants AMEC to inform preparation of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy – published September 2011. This green belt assessment includes the area of the application within assessment area SE10. This assessment area is defined as making a significant contribution to the green belt; however it should be noted that the 2011 review is a strategic assessment relating to clusters of green belt segments rather than a localised assessment looking at much smaller areas of land as was the methodology of the 2007 green belt review.

Employment Land Position

The last employment land assessment report was published in October 2010 which covers the period 2009/10.

In considering the employment land position at the time of preparation of the local plan, the Inspector, reporting in March 2005 concluded that he was in "no doubt that the plan does not provide enough employment land", in considering the Inquiry into the non determination appeal in 2007 the Inspector supported this view, considering that the shortfall in new employment provision demonstrated very special circumstances and therefore justified development of land within the green belt.

As shown in the tables 1 and 2 below, since 2007, overall Cheltenham has continued to lose more employment land. Whilst some new employment land has been developed, this

has not been at a rate to balance the loss or make a positive contribution to the Structure Plan requirement of 12 hectares.

New employment land commitments, as of 1st April 2010, totalled 23.47ha (76,478sqm), of which the site at Grovefield Way contributes 6.4ha (64,000sqm).

Monitoring against the Structure Plan identifies a shortfall of 6.1ha. If the site at Grovefield Way is not implemented this will increase the shortfall to 12.5ha.

Employment land assessment monitoring for 2010/11 and 2011/12 will be carried out in April/May 2012. Initial review of commitments and losses indicate that there will be increasing losses to employment stock further increasing the employment land deficit.

TABLE 1: Employment land completions in Cheltenham Borough from 1991

Year	1991 - 2006/07	2007/08	2008/09	2009/10	2010/11	Total
Completions	7.741	3.468	1.282	0.6482		13.1392
Losses	22.334	2.13	1.574	0.9403		26.9783
Net Change	-14.593	1.338	-0.292	-0.2921		-13.8391

TABLE 2: Gloucestershire Structure Plan Second Review employment requirements: Cheltenham Borough: 1st April 2010

Area (ha)	
Land developed since mid-1991	13.1392
Land Not Started at 01/04/2010	22.7543
Land Under Construction at 01/04/2010	0.7208
Local Plan Allocations to 2011	-
Gross Land Supply	36.6143
Area (ha)	
Losses since mid-1991	26.9783
Expected losses at 01/04/2010	3.8257
Total Losses	30.804
Net Land Supply	5.8103
Gloucestershire Structure Plan Requirement	12.00
Residual to mid-2011	6.1897

Cheltenham Employment Land Review

In December 2010 an assessment of Cheltenham, Gloucester and Tewkesbury employment land reviews was published to help inform the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, prepared by consultants Nathaniel Lichfield and Partners. This report concluded that over the period 2006 – 2026 the employment land requirement for Cheltenham for around 11.9ha of employment land. Taking into account the monitoring information above, Cheltenham is currently under performing if this level of land was to be met.

Planning Policy Statement 4 (PPS4) – Planning for Sustainable Economic Growth

In setting out Government policy in respect of determining planning applications for economic development (policy EC10) PPS4 states “Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be

treated favourably". In addition policy EC11 provides further advice in regard to determining planning applications not in accordance with an up to date development plan, this includes;

"(a) weigh market and other economic information alongside environmental and social information

(b) take full account of any longer term benefits, as well as the costs, of b. development, such as job creation or improved productivity including any wider benefits to national, regional or local economies; and

(c) consider whether those proposals help to meet the wider objectives of the development plan".

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS)

In December 2011 the 3 JCS authorities published the Joint Core Strategy – developing the preferred option. This emerging strategy identified the need for around 46 ha of employment land to be developed across the JCS area up to 2031. Currently there is a gap in the economic evidence base; this is currently being addressed. However Cheltenham plays an important role in supporting the economy of the JCS area, wider Gloucestershire and the region and as such the JCS will need to identify opportunities for new employment.

Not all new employment will require new sites, there will be some opportunities for redevelopment and some new jobs will be created through space-less growth. New land will

Given the constrained nature of Cheltenham at the boundary of the urban area, together with limited opportunities within the urban boundary to create new employment sites, alongside competing pressure for development of other land uses, employment opportunities will need to be considered outside the principal urban area boundary.

Conclusions

Cheltenham is involved in collaborative working through the JCS and an option in regard to the application site is whether the provision could be made via the JCS process. However, the evidence, as briefly outlined above clearly indicates that provision should not be stalled, reflecting guidance set out in PPS4. It is therefore recommended that the time extension on the application be granted."

It is clear that the conclusions indicate that not only has the employment land deficit worsened since the 2007 appeal decision but that there is a need to rely on the development of the application site to meet that deficit.

The Inspector also paid regard to the visual prominence of the site and its overall appearance within its immediate surroundings. Clearly, this has not altered since the 2007 decision. At the time his conclusions were that the given its immediate surroundings, principally the Park and Ride 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 seemed to him that the urbanising influence of the A40 corridor added to the those factors meant that the site did not only appear as part of the countryside outside the built up area but rather more as an urban fringe. He concluded that : *"Accordingly, I am satisfied that, subject to detailed design and layout and providing that suitable landscaping scheme, especially along the southern boundary, is included with any detailed proposals, new B1 buildings here would need not be unnecessarily intrusive in the local landscape".* Any visual impact of the currently proposed scheme must now add to that view the fact that the development of the site by substantial buildings already been approved and that that approval is extant.

Furthermore, the Inspector in 2007 considered the effect of the proposal on the local transport network. In 2010 the Council required the submission of an updated Transport Impact Assessment to reflect any possible changes that had arisen in the intervening years (the outline was submitted in 2005, even though the decision was not issued until 2007). Thus the transport impacts of the extant scheme have been assessed more recently than the impacts arising in 2007; and the scheme was considered acceptable in terms of transport implications.

D s g n an La ou

The proposal is intended to provide for the relocation and expansion of the applicant's existing business operations from its Tewkesbury Road site which the company argues no longer serves its purposes. The proposal is intended to represent the BMW, Mini and Motorrad (BMW's motorcycle marque) as a flagship dealership within the region. It is claimed that the proposed development is expected to provide some 250 full and part time jobs amounting to an increase of 100 jobs from at their existing site.

It is contended by the applicant's planning consultants that the development of this part of the wider site that has the benefit of an extant permission would in effect "unlock the much needed development potential of the site by providing a prestige employment use at the gateway to the land and will deliver the required access into the site.

The proposed development site comprises some 2.2ha of land and includes the creation of some 7,595 m² of employment floorspace over 4 floors to provide servicing and valeting facilities on the lower ground floor, showrooms and sales space and café on the ground and first floors and office and administrative space on the top floor. Externally there would be customer car parking and circulation space along with an area for the display of demonstration and used cars.

The scheme includes a comprehensive landscape scheme (detailed in the submitted landscape assessment) along with the creation of a site access to and from Grovefield Way and follows the access principles already established. As with the previous approvals, there would be no access to the site off North Road West. The proposed access has been designed to allow its extension as a spine road to serve future development of the total site.

It is confirmed that the principles of site drainage are to be based on the implementation of Sustainable Urban Drainage techniques across the site. It is proposed that the rate of run-off from hard surfaced areas within the east of the site will be slowed down through SUDS systems and rainwater harvesting at the roof of the showroom. In addition water run-off would be directed to the west of the site towards the car storage area which will have a permeable surface and a water attenuation system to further control run-off.

The design principles adopted by the applicant's architects are set out in full in the D&A Statement submitted with the application. The architecture of the main building is shown as a two part structure. The BMW element to the west provides a clean and contemporary pavilion style building comprising a series of flat white slab sections making up the floors and ceiling structures with a predominance of glass in the elevations. To the east, however, the building is based on the black cubed design 'synonymous with the Mini brand' of architecture and includes a highlighted display for the Mini model. Additionally the Mini cube is finished with a pedestal feature indicating a road coming away from the cube structure to display a Mini to the front of the building. The 2 segments of the building are linked by a 'neutral' glazed element which provides the entrance to the 2 halves, housing the café area and shared space. To the front of the building in line with the edge of the

BMW branded building is the Motorrad showroom which exhibits a similar design ethic to the main BMW element.

The main building has been designed to be dual aspect; the front facing southwards towards Grovefield Way and the 'back' would face the north, the A40 and marking its presence at one of the main gateways into Cheltenham. The north elevation would appear as 3 floors with the lower ground floor below the level of the bank. The glazed elevations of the building would mean that both BMW and Mini cars would be displayed towards both Grovefield Way and the A40.

The Architects Panel have criticised the design of the building and the Civic Society, though welcoming the contemporary approach, consider the location to be such that it would be appropriate for a more iconic structure than that proposed. Clearly that illustrates the very subjective basis for architectural critique. However, Officers' view is that the building provides a clean, crisp, overtly contemporary structure, well suited to its important location at a major approach into the town. It is not too outrageous in its approach; in fact despite some flamboyant and 'adventurous' touches (Mini design on roof for example) it is almost reserved and yet exhibits a quality of design and architecture that is well suited to this location.

It is stated that the building will exceed a BREEAM 'Very Good' standard which in fact is a requirement of BMW. The building will also incorporate rainwater harvesting systems on the roof to recycle water for valeting and the applicants also envisage that solar PV panels will be incorporated onto the roof.

Planning Policy Considerations

The only real recent major change in Planning Policy is the advent of the National Planning Policy Framework published in March 2012. This, it should be noted was, however, before the renewal of the outline permission was granted in June of that year.

As already stated the planning history and in particular the fact that there is an extant permission to develop the site constitutes a significant material consideration in determining this application. In 2007 the Inspector considered that there were 3 main issues in determining the appeal, these are equally relevant today. Firstly he identified special circumstances including an agreed shortfall in employment land that outweighed the general presumption against development; secondly he considered the visual impact to be not sufficient to counteract the significance of the 'special circumstances' and thirdly he identified highway matters and concluded that these could be satisfactorily overcome by requiring the applicant to undertake certain off site works and allow for the possibility of expansion of the P&R facility.

The comments of the Planning Policy team included in section above forensically examine the proposal in the light of current planning policy and the policy approach being pursued by the Borough Council. Members' attention is drawn to the contents of that section of the report. The conclusions reached are *"that the development would contribute well to the economic role of sustainable development as defined in National Planning Policy. The development would represent an opportunity to bring forward a job generating use on the site which would be an effective and reasonable alternative the permitted use, and may free up the potential for development of the remaining part of the site."*

The Policy team in effect concludes that permission should be granted.

T a n s o l l s u s

The Highways advice from Gloucestershire Highways, the Highway Authority is laid out in detail in above and once again Members' attention is drawn to that section in particular. The conclusions reached are that there can be *"no highway objection subject to a signed s106 agreement for a South West Cheltenham Corridor Transport Strategy Development Report and a South West Cheltenham Corridor Transport Contribution total of £503,000,"* in addition the Highways Officer suggests several highway related conditions that he considers should be attached to any permission if granted.

I m a o n N g h o u n g o s

Despite the applicants trying to engage with the local community and setting in place a public consultation event, it is perhaps not surprising that there has been a weight of opposition to the proposal. Letters of representation in the main centre on issues of principle relating in the main to the green belt and traffic generation. The submission of a new application to develop a site does not 'wipe the slate clean', and this report has stressed the significant weight that must be afforded to the extant permission.

In terms of traffic, the Highways Officer has clearly agreed with the applicant's contention that the current proposal will generate less traffic than that of the extant permission and that the proposed on site parking spaces for staff is acceptable when viewed in combination with the Travel Plan designed to encourage a modal shift of staff journeys.

In terms of the physical impact of the building itself no houses should be adversely impacted. At the closest point the corner of the building would be at least 75m away from the nearest house, on the other side of Grovefield Way; the building is in fact closest to the A40 and the existing Park and Ride facility.

CONCL SION AND RECOMMENDATION

It is considered that the proposal for a flagship BMW dealership in this location is acceptable. The involved planning history of site is of significant weight and the extant planning permission to develop the wider site than just the current application site is an extremely weighty material consideration in determining the application and provides the very special circumstances necessary to justify departure from the presumption against development in the Green belt, as similarly identified by the Inspector in 2007.

The proposal will bring with it significant economic benefits to the town and will directly contribute to an improvement in relation to the existing Park and Ride facility.

The development should have the potential to unlock the remainder of the site, thus further augmenting any economic benefits and should provide an exciting and contemporary development at a major gateway into Cheltenham.

It is concluded that permission, subject to a Section 106 Agreement should be granted and that the matter be referred to the SoS for ratification.

9 April 2018

Planning Policy Team
Cheltenham Borough Council
Municipal Offices Promenade
Cheltenham
Gloucestershire
GL50 9SA

Dear Sir

Cheltenham Plan - Pre-Submission consultation (Regulation 19)

We write in response to the public consultation of the Cheltenham Plan Pre-Submission Consultation. We have already sent you a response on the 12 February 2018 that raises our primary concerns and the issues raised in that response are not repeated here.

In summary the C&I Group of the LEP do not believe that the Local Plan has provided sufficient employment land within the Local Plan to support the Boroughs needs within the Plan Period. Whilst it is accepted that the Borough will provide two of the largest employment areas within the JCS area (West Cheltenham 45ha and North West Cheltenham 10ha), this needs to be looked at against the backdrop of the entire JCS area where it is proposed to provide **a minimum of** 192ha of new employment land up to 2031.

The new strategic employment sites will take some time to be developed and delivered and therefore it is considered that a pipeline of smaller, more deliverable sites needs to complement the strategic sites in order to ensure that there is a meaningful supply and choice of employment sites within the JCS area. It is quite apparent that new office development is needed **now** as there is currently no choice in the market place and an acute shortage. This has only led to a sharp increase in price per square foot for existing office space and making office accommodation unaffordable for many businesses within the town. Equally, there is also an acute shortage of other B Class land and this also needs to be rectified.

We are aware of many businesses that have left the town as they have been unable to secure suitable premises.

The adopted JCS advocates that the strategic allocations will provide a total of 112.2ha of new employment land. However, this should be discounted to 98.8ha as North West Cheltenham will only be providing 10ha. This leaves a residual of 93.2ha of new employment land to be found through the local plans.

The JCS expressed all figures as a minimum, as during the round table sessions it was agreed that if more new employment land could be found this would be welcomed because all existing supply had been exhausted and there had been considerable losses to other uses especially in Cheltenham where there has been a considerable loss of office buildings to residential through permitted development rights and there has been no new employment sites coming forward. It is quite apparent that the pressure for new housing has led to the loss of many key employment sites and buildings exacerbating the shortage of employment land in the Borough as a whole. The Cheltenham Plan should therefore seek to positively address this problem to ensure that the town has a robust economy over the entire Plan period.

The Cheltenham Plan advocates four new employment sites through Policy EM3. The combined area of these sites provides 8.28ha of employment land which is considered to be insufficient against an outstanding requirement of 93.2ha.

In addition, three of the sites that have been identified and allocated are all pre-existing employment sites (existed as an employment site before 2011) and accordingly should not be utilised to make up a supply of new sites for the Borough. These sites should be safeguarded under Policy EM1 of the Plan as 'Key Existing Employment Land and Buildings'.

Land south of Jessop Avenue was a former employment site and is currently being redeveloped to provide a new office block. Land South of Hatherley Lane is also currently in employment use and part of a larger employment redevelopment proposal. Land North-West of Grovefield Way already benefits from a planning consent for employment use. Part of the site is now occupied by a car showroom (sui-generis use) leaving only 4.15ha in office use. Cheltenham Walk is currently being used as a car park.

The C&I Group of the LEP recommend that the Council allocate new employment land on suitable and accessible sites within the Borough or adjoining its immediate boundary in order to address the shortage of employment land and premises in the Borough and to assist in the overall supply of employment land set out in the JCS. It is accepted that such allocations may comprise of new greenfield allocations adjoining the main artery routes into the town. Such sites should be approximately 0.5-2ha and deliverable through the planning process and within the first part of the Plan period.

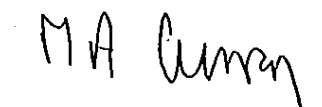
The JCS Inspector provided a broad indication of acceptable locations against the landscape constraints in the area and these should be re-investigated in order to assist in the provision of a meaningful supply of new employment sites to support the Borough.

The C&I Group of the LEP also recommend that the Council take a more practical and flexible approach to the development of new business parks recognising that it is commonplace for new business developments to provide complimentary and ancillary uses on site. Ancillary uses can comprise of hotels, cafes, pubs, restaurants, retail uses to name a few. The addition of these ancillary facilities and uses maintains the attractiveness of the park for end users and improves the viability and delivery of the B class employment. Such uses are also recognised as providing a significantly higher number of jobs than the equivalent floor area or site area of B class uses as well as providing much needed amenity.

It is considered that the Plan should make reference to ancillary uses being acceptable on employment parks provided they do not exceed 20% of the intended employment content.

We hope you find this information of assistance but please do not hesitate to contact me should you have any questions.

Yours faithfully



Mike Curran
Strategic Business Manager
GFirst LEP

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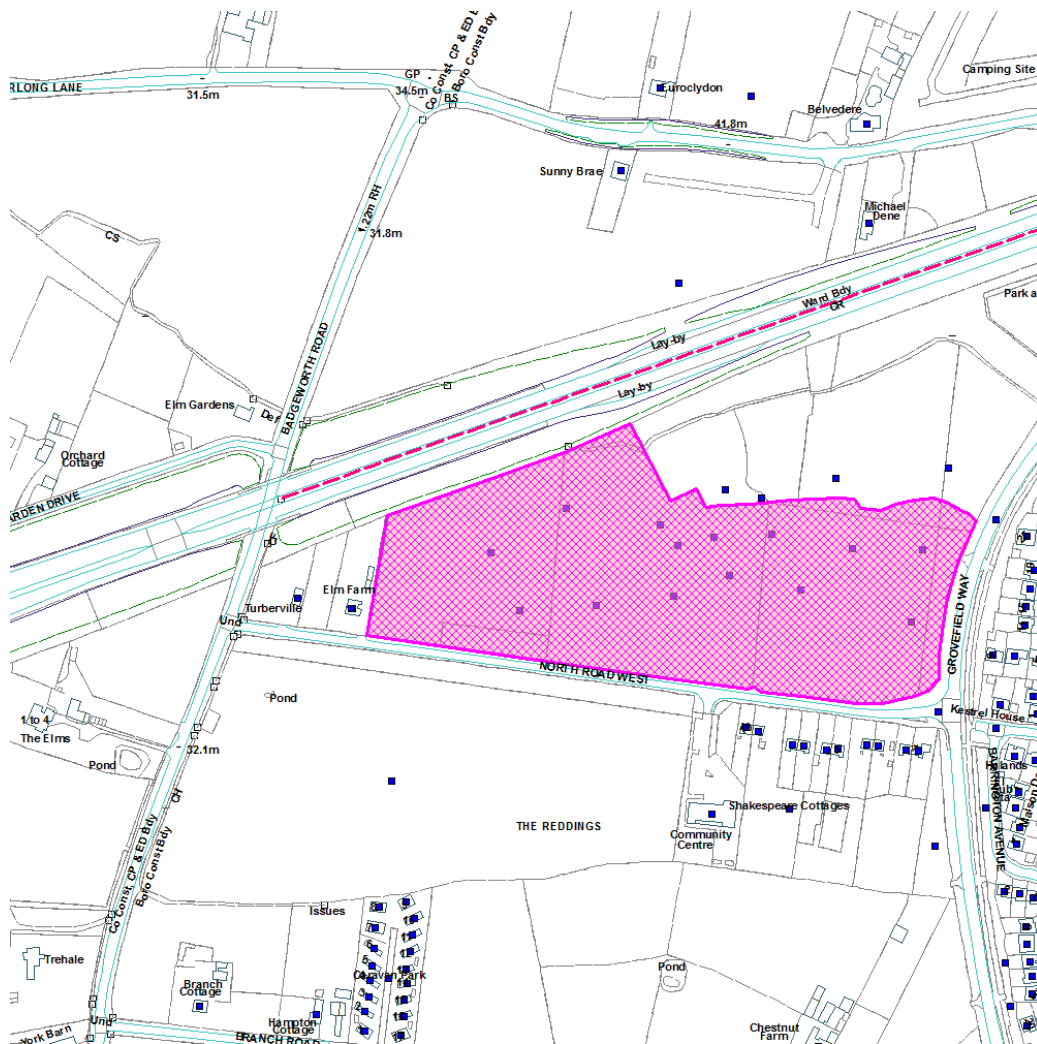
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Registered Office: GFirst LEP CIC, Oxstalls Campus, Gloucester, GL2 9HW

Company Number 09353067

APPLICATION NO: 16/02208/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 13th December 2016		DATE OF EXPIRY: 14th March 2017	
WARD: Benhall/The Reddings		PARISH:	
APPLICANT:	Hinton Properties (Grovefield Way) Ltd		
AGENT:	Hunter Page Planning		
LOCATION:	Land At North Road West And Grovefield Way, Cheltenham		
PROPOSAL:	Hybrid application seeking detailed planning permission for a 5,034 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m supermarket food retail unit (Class A1), a 204 sq.m coffee shop retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).		

RECOMMENDATION: Permit subject to a 106 Obligation



1. DESCRIPTION OF SITE AND PROPOSAL

1.1.1 Description of site

1.1.2 The application site is a parcel of land extending to 4.15 ha located north of North Road West and west of Grovefield Way and immediately south of the A40. To the north is the recently opened BMW dealership and beyond that is the Park and Ride.

1.1.3 Residential properties adjoin the site to the south, east and west.

1.1.4 At the time of writing the report the site was in the Green Belt however it is proposed to be removed from the Green Belt through the adoption of the JCS which will be discussed further below.

1.1.5 Background

1.1.6 There is a significant and complex history of planning applications for this site as follows (Full list at section 2):

- Planning consent was originally given for the whole site (including the BMW site), on appeal in May 2007 following a public inquiry. The description of development was: *Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and ride facility.*
- A reserved matters application was approved in relation to the layout of the access road and parking and the siting of the proposed buildings (May 2009)
- A reserved matters application was approved for landscaping masterplan, design code, boundary treatment, design and external appearance of phase 1, hard and soft landscaping for phase 1 and car parking provision. (December 2012)
- An extension of time application for the implementation of the original outline consent was granted in June 2012. A subsequent Judicial Review application was refused.
- In July 2010 a further reserved matters application was approved for phase 2 including the design and external appearance of buildings and hard and soft landscaping.
- In May 2011 a reserved matters application was made which sought to amend the design handbook however this was quashed following judicial review as it was brought outside the time limit specified in the outline consent.
- In August 2013 an application was made in respect of the reserved matters for the Extension of Time application.
- In March 2014 full planning permission was granted for *“flagship BMW, mini and motorrad dealership including vehicle sales and servicing facilities including creation of access form Grovefield Way”*
- Subsequent amendments to the above mentioned consent were approved during 2015 and 2016 and the scheme has now been implemented.
- In 2014 outline planning permission was granted for: *“Outline application for up to 16,800 sq.m. of B1 Employment Use (on part of site already having the benefit of an extant planning permission for 22,000 sq.m. of B1 Employment Use, granted permission under applications 05/00799/OUT and 10/00468/TIME)”*. This permission is extant until October 2019.

1.1.7 Proposal

1.1.8 The current application is a 'hybrid' application meaning that some parts are in outline and some parts are full. The full application seeks consent of 5,034 sqm of commercial office space within two no. 3 storey flat roof buildings fronting the spine road, the elevations of which comprise a combination of glazing, grey cladding and stone. The scheme also provides for a, 502 sqm day nursery adjacent to the spine road in a single storey building the elevations of which would be white render a projecting grey aluminium roof and a pewter split face stone detail to the plinth. A 1,742 sqm food retail store (Aldi) is proposed adjacent to the southern boundary of the site which is a monopitched building the elevations of which comprise a mixture of render, silver and dark grey cladding with full height glazing on the east elevation and high level glazing on the north elevation. Finally a 204 sqm drive-thru coffee shop is proposed at the entrance to the site in the north eastern corner the elevations of which comprise pewter masonry, white render and a grey aluminium cladding. These 'full' elements of the proposal occupy the southern part of the site, adjacent to the BMW development and into the western portion of the site. The two office buildings are accessed off a spur into a 222 space car park and the supermarket, office and café are accessed off a spur into a 154 space car park.

1.1.9 The outline element of the proposal seeks consent for up to 8,034 sqm of commercial office space. The indicative plan suggests that this would be provided in two buildings located on the northern part of the site with parking around, however this is purely indicative at this stage.

1.1.10 Environmental Impact Assessment – Screening

1.1.11 The application site has a site area of 4.15 ha and therefore the development falls within category 10 (infrastructure projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is therefore necessary that the Local Planning Authority offers a screening opinion in relation to whether or not the development proposed will have significant effects on the environment. This opinion informs whether or not the proposed development required an Environmental Impact Assessment.

1.1.12 The merits of the development will be discussed in the report however the site is not so sensitive in nature or the development of such a scale that an EIA is considered necessary. The indicative threshold suggested in available guidance is 20ha.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Greenbelt

Relevant Planning History:

04/01790/OUT 15th December 2004 WDN

Outline application for B1 industrial uses

05/00799/OUT 29th March 2006 REF

Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and ride facility

06/01427/OUT 5th September 2014 DISPOS

B1 Business Park, extension to the Arle Court Park and Ride facility, new access, and exit slip road to A40

PLEASE NOTE - THIS APPLICATION IS A NON-DETERMINATION PLANNING APPEAL

09/00720/REM 18th December 2009 APREM

Application for the approval of reserved matters following the grant of Outline Permission ref 05/00799/OUT dated 01.05.07:

1. The landscape master plan for the whole site along with a landscape management plan and schedule of landscape maintenance;
2. A design handbook prepared to provide guidance against which the design and external appearance of future phases of the development will be assessed;
3. Details of boundary treatment;
4. The design, external appearance of the buildings to be constructed in Phase 1;
5. Details of hard and soft landscape design for Phase 1.
6. The car parking provision for all phases of the development.

10/00468/TIME 22nd June 2012 PER

Extension of the time limit for implementation of planning permission reference 05/00799/OUT. (Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and Ride facility)

12/01086/REM 21st August 2013 APREM

Reserved matters in connection with permission 10/00468/TIME. Details of the access, siting, design, external appearance of the buildings and the landscaping of the site. In addition details required by conditions 4,6, 7, 8, 11, 12,13, 15 and 16 (full details of both hard and soft landscape works including proposed finished levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures proposed; and existing functional services above and below ground; retained landscape features; surface water drainage works, incorporating sustainable drainage systems; the positions, design, materials and type of boundary treatment to be erected; landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas; schedule of landscape maintenance for a minimum period of 5 years; detailed waste management strategy for the treatment, recycling, and re-use of waste arising from the construction of the development; renewable energy plan to provide sufficient on site renewable energy to reduce carbon dioxide emissions by at least 10%; Car parking levels on the site overall and for each completed building; secure covered cycle parking).

13/01101/FUL 14th March 2014 OBL106

Proposed erection of a flagship BMW, Mini and Motorrad dealership including vehicle sales and servicing facilities and will include the creation of an access from Grovefield Way

14/00656/FUL 12th January 2015 PER

Erection of a flagship BMW, Mini and Motorrad Dealership including vehicle sales and servicing facilities including an access from Grovefield Way (Revision to scheme approved 14 March 2014 under reference 13/01101/FUL - 1.Raising height of building by 1 metre to allow adjustments in floor levels to provide a mezzanine floor below ground level: 2. Rotation of vehicle ramp to allow access: 3. Increase in Motorrad element from 160 sq m to 190 sq m: 4. Revised highway layout to relocate BMW customer access point to west of approved position)

14/01323/OUT 12th December 2014 PER

Outline application for up to 16,800 sq.m. of B1 Employment Use (on part of site already having the benefit of an extant planning permission for 22,000 sq.m. of B1 Employment Use, granted permission under applications 05/00799/OUT and 10/00468/TIME)

15/00788/AMEND 24th June 2015 PAMEND

Non material amendment to planning permission 14/00656/FUL - to update and amend the landscaping scheme

15/01848/FUL 4th March 2016 PER

Creation of attenuation pond for car showroom and erection of green 2.4m 358 type fence along the boundary of the A40

16/00061/ADV 22nd February 2016 GRANT

3no. fascia signs, 5no. projecting/hanging signs & 11no. various other signs

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 2 Sequential approach to location of development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 6 Mixed use development
CP 7 Design
CP 8 Provision of necessary infrastructure and facilities
GE 5 Protection and replacement of trees
GE 6 Trees and development
GE 7 Accommodation and protection of natural features
CO 6 Development in the green belt
NE 1 Habitats of legally protected species
NE 4 Contaminated land
EM 1 Employment uses
EM 2 Safeguarding of employment land
RT 1 Location of retail development
RT 7 Retail development in out of centre locations
UI 2 Development and flooding
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 2 Highway Standards
TP 3 Servicing of shopping facilities
TP 6 Parking provision in development

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Planning Policy

19th January 2017

This is a hybrid application seeking detailed planning permission for:

- 5,034 sq.m of commercial office space (Use Class B1),
- a 502 sq.m day nursery (Use Class D1),
- a 1,742 sq.m supermarket food retail unit (Class A1),
- a 204 sq.m coffee shop retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works.

And outline planning permission for:

- 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).

The site

The application site comprises approximately 4.15 hectares of land adjacent and to the north-west of Grovefield Way and to the south of the A40. It can currently best be described as vacant agricultural land.

The site falls within the Green Belt on the western edge of Cheltenham and is surrounded by a mix of residential, commercial and employment uses including Arle Court Park & Ride facility to the north east, commercial development including an ASDA Supermarket to the east, and residential development at the Reddings to the east and south east. A new BMW Dealership to the north east of the site is currently under construction and nearing completion.

The site already benefits from an extant planning permission for B1 employment use but according to the applicant, this revised application (which reflects two distinct development phases) is now necessary to allow a more flexible approach to the timing of development on the site.

Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. Therefore, in determining this application, the following must be considered:

- The saved policies of the Cheltenham Borough Local Plan (CLP) Second Review 2006, which comprise the adopted development plan, and;
- Relevant material considerations which include:
 - National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance (nPPG)
 - The emerging Joint Core Strategy (JCS) and its evidence base.
 - The emerging Cheltenham Plan (Part One) and its evidence base.

Core issues in this case

The following are considered to be core issues in relation to this proposal and are considered in turn in the pages that follow:

- The need for sustainable development;
- The loss of Green Belt land;
- Development of a retail establishment and coffee shop on an out-of-centre site;
- The site's retention solely for B1 uses as originally granted by planning permission in 2007.

The need for sustainable development

NPPF

Paragraphs 7-10 set out the definition of sustainable development highlighting and reinforcing the three dimensions - economic, social and environmental - and that new development should seek to achieve net gains across all three.

Paragraph 14 sets out that the 'golden thread' of future decision making is the presumption in favour of sustainable development. For plan making this requires LPAs to positively seek

opportunities to meet the development needs of their area. In meeting these needs, the Framework requires that LPAs should objectively assess their needs with sufficient flexibility to adapt to rapid change. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out the core planning principles that should underpin the planning system both in plan making and decision taking.

Paragraphs 18-21 seek to build a strong, competitive economy and re-iterate and expand on the core principles.

Cheltenham Borough Local Plan

Policy CP1 states that development will only be permitted where it takes account of the principles of sustainable development.

Policy CP3 seeks to promote a sustainable environment. It sets out that development will only be permitted where it would not harm the setting of Cheltenham, not harm the landscape, conserve or enhance the built environment, promote biodiversity and avoid pollution and flooding.

Policy CP5 relates to sustainable transport ensuring that new development is located and designed to minimise the need to travel.

The loss of Green Belt land

NPPF

Paragraph 79 states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts is their openness and their permanence.

Paragraph 80 sets out five purposes served by Green Belts:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 highlights that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Cheltenham Borough Local Plan

Although predating the NPPF, the approach of the adopted Cheltenham Borough Local Plan is entirely consistent. **Policy CO6** presumes against development in the Green Belt except in very special circumstances.

Development of a retail establishment and coffee shop on an out-of-centre site

NPPF

Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

Paragraph 26 states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment subject to the proposal meeting a 2500m² floorspace threshold.

Cheltenham Borough Local Plan

Policy RT1 relates to the location of retail development and states:

Retail development will be permitted, subject to the availability of suitable sites or buildings suitable for conversion, which relate to the role and function of retailing centres and their catchments only in the following sequence of locations:

- a) *the Central Shopping Area, subject to Policy RT 2;*
- b) *the Montpellier Shopping Area or the High Street West End Shopping Area, subject to Policy RT 2;*
- c) *elsewhere within the Core Commercial Area, subject to Policy RT 1;*
- d) *district or neighbourhood shopping centres, subject to Policy RT 3;*
- e) *out-of-centre sites which are accessible by a regular choice of means of transport, subject to Policies RT 7 and CP 5;*

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

Policy RT7 states that, subject to Policy RT 1, retail development outside defined shopping areas

will be permitted only where:

- a) *a need for the additional floorspace has been demonstrated, and the proposals*
- b) *individually or in conjunction with other completed and permitted retail development, would not harm the vitality and viability of the town centre as a whole or of a district or neighbourhood centre.....*

The site's retention solely for B1 uses

NPPF

Paragraph 19 states that:

Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

Cheltenham Borough Local Plan

Policy CP6 states that mixed use development will only be permitted on suitable sites that meet the following criteria:

- a) *where the uses are compatible with each other and adjoining land uses; and*
- b) *for schemes attracting a significant number of trips only in the Core Commercial Area;*
or
- c) *for other schemes, only in the Core Commercial Area, district or neighbourhood centres, or in locations which are highly accessible by a regular choice of means of transport, excluding the residential parts of the conservation areas.*

The policy also notes that where mixed uses are proposed on employment land, proposals will be subject to Policy EM2 (see below).

Policy EM1 is concerned with employment uses and states:

The development or change of use of land for employment use will be permitted where the development:

- a) *involves land already in employment use; or*
- b) *is on a land safeguarded for employment uses in this plan; or*
- c) *forms part of a mixed use development in accordance with Policy CP 6; and*
- d) *accords with Policies CP 4, BE 2, and HS 7.*

Policy EM2 seeks to retain land that is currently or was last in use for employment purposes (in the B classes) unless one of the listed exception tests are met. It goes on to state that mixed use development will be permitted on employment land provided that certain criteria are met, including:

- a) *'any loss of existing floorspace would be offset by a gain in the quality of provision through modernisation of the existing site. This should secure or create employment opportunities important to Cheltenham's local economy, and*
- b) *the loss of part of the site to other uses does not have a detrimental impact on the range of types and sizes of sites for business uses in the area nor the continuing operation of existing business sites; and*
- c) *the use is appropriate to the location and adds value to the local community and area.'*

Assessment

The need for sustainable development

The NPPF makes clear that the presumption in favour of sustainable development should underpin decision making and, in this instance, that can be interpreted as meaning granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
- specific policies in the NPPF indicate development should be restricted.

The following matters should be considered in making an assessment of whether or not permission should be granted:

The loss of Green Belt land

The application site falls within the Green Belt and the proposed scheme when considered solely in Green Belt terms constitutes inappropriate development.

Inappropriate development is harmful by definition and the NPPF requires that when considering any planning application, substantial weight is given to harm to the Green Belt. In accord with the NPPF, it is therefore necessary to demonstrate that there are very special circumstances which clearly outweigh the harm to the Green Belt.

The applicant suggests that the submitted proposals embrace a number of beneficial factors, including helping to address the employment land deficit. The applicant also draws attention to the fact that in allowing the appeal for B1 uses at the site in 2007, the Inspector concluded the serious shortfall in local employment land provision up to 2011 at least constituted the very special circumstances that justified the use of the Green Belt site for B1 development at that time.

In the context of the current submission, the applicant considers the shortfall in the availability of employment land within the Borough today is equally as acute. In support of this, attention is drawn to the Joint Core Strategy Employment Land Review (ELR) 2011 which identified that the **B-class** employment land deficit increased since the time of the 2007 appeal.

The Planning Policy Team does not dispute the above and draws attention to the more recent NLP Employment Land Assessment update (October 2015) which has been undertaken to inform the contents of the emerging Cheltenham Plan. The Assessment confirms the continued dearth in **B-class** employment land supply compared to anticipated future needs and, as a consequence, the Cheltenham Plan is considering allocating the application site for B-class employment purposes as part of a wider policy response to employment land management.

Whilst the submitted proposals are not exclusively for B-class employment uses, it is accepted that overall, the proposal offers an opportunity for economic growth, which is a national objective and is an important material consideration set out in the NPPF.

Development of a retail establishment and coffee shop on an out-of-centre site

As the proposed development is located out of centre, the NPPF requires the applicant to demonstrate there are no suitable, available and viable sequentially preferable sites that could accommodate the proposed development.

A sequential test has therefore been undertaken and concludes that “whilst allowing for a reasonable degree of flexibility and the requirement for a site to be available immediately, no sites have been identified for the proposed development that are sequentially superior and capable of accommodating the proposed development.” The submission identifies that the application site is demonstrably the most appropriate location for the proposed development.

This is accepted and it is noted that several sites including 3 in the town centre have been discounted on the basis of a variety of constraints including the existence of existing permissions.

In this instance, the applicant is not required to undertake an impact assessment because the proposal is smaller than the default threshold of 2500m² (gross) stipulated in the NPPF. However, it is noted that an impact assessment has been undertaken to assist in the determination of the proposal and consider the effect on planned in-centre development and in-centre vitality and viability.

By way of the submission, it is demonstrated that the proposal will result in only a small increase in trade diversion from the town centre over and above that associated with existing commitments in the Borough. It is considered this will have an ‘imperceptible’ impact on the sustained vitality and viability of the town centre, which remains strong, popular and attractive. It is also identified that the proposal will not adversely affect any other policy-protected centre in Cheltenham.

The site's retention solely for B1 uses

The proposed development does not fall completely within the B1 use class of development which currently benefits from planning permission at the site. As such, a key consideration in determining the acceptability of the proposed development is whether or not the proposed uses (B1, D1, A1 and A3) sufficiently contribute to meeting the employment needs of the Borough such that the aforementioned very special circumstances can still be considered applicable to this application and therefore justify development within the Green Belt.

JCS Employment Land Review (2011)

There has been a policy shift in recent years in relation to what is considered to constitute employment development and what is now regarded as economic growth. The Cheltenham Borough Council Employment Land Review (ELR) 2011 notes (at paragraph 1.7) the shift in regional and national planning policy that has sought to no longer restrict the consideration of employment uses to B use classes only. Accordingly, other non-B Class employment generating uses were considered as part of the study.

The ELR also notes that the current key non-B Class sectors within the JCS area can be identified as retailing, health and social work and education and goes on to note that, in the light of the anticipated changes in employment levels in the various non B-Class sectors, the aforementioned sectors are likely to become more dominant by 2026.

The above is a factor that has been given due recognition in the new Cheltenham Plan particularly through the emerging policy framework which proposes allowing changes of use to other job generating uses on some of the Borough's existing B-class employment sites. However, it should also be noted that both the JCS and Cheltenham Plan are facilitating additional site provision to help address the identified shortfall in B-class employment land as part of a coordinated approach to employment land management in future.

Previous planning decisions

It is noted that the appeal inspector on the 2007 application did not seek to limit the permission to office development only, but considered the shortfall in local employment land provision amounted to the very special circumstances that justified the granting of permission for B1 use at that time. Given current, similar circumstances, it is not unreasonable to consider this stance is still valid today (although the aforementioned emerging plans are setting out to address this).

In determining the application for the aforementioned BMW scheme in 2014, the determining officer considered that approving the scheme would not undermine the Borough Local Plan's commitment to retain B-class uses under Local Plan Policy EM2 as the policy was of only limited relevance. Furthermore, that the loss of part of the Grovefield Way site to a Sui Generis Use which has some B-class characteristics would still generate much needed jobs.

The same can be said to be true today; EM2 is concerned with protecting existing or last employment uses rather than unimplemented planning consents and is therefore of little relevance. Whilst it is retail use (rather than Sui Generis use) that has caused a loss of B-class use within today's updated scheme, retail still contributes valuable employment opportunities and it is considered that the proportion of the floorspace proposed to be given over to retail (approximately 12%) is sufficiently small not to overly affect future prospects for B-class job provision at this location. It is also noted that the NPPF seeks to promote economic growth and does not distinguish between development that falls within B class uses or otherwise.

Miscellaneous

The site is situated within the Environment Agency's Flood Zone 1 posing a low risk to flooding. It is noted the planning application is therefore accompanied by a Flood Risk Assessment as necessary and appropriate.

The site will be accessed from Grovefield Way which runs between the A40 to the north east of the site, alongside the eastern site boundary and then southwards through the Reddings

towards Up Hatherley. The A40 provides access to the M5 Motorway some 2km to the west and Cheltenham town centre approximately 4km to the east. It is noted a Transport Assessment also accompanies the application and details impacts on the surrounding road network together with implications on walking, cycling and public transport.

Summary Conclusion

Taking all the above into account and on balance, the Planning Policy Team does not raise any objection to the principle of this scheme.

- Very special circumstances for developing in the Green Belt at this location were considered to exist by a planning inspector in 2007. Similar circumstances are considered still to exist today (as evidenced through the 2011 Employment Land Review / JCS process) and given the planning history of the site, the JCS Inspector has made clear there is no purpose in retaining this land as Green Belt.
- There remains a shortfall in B-class employment land across the Borough as evidenced by both the 2011 Employment Land Review (undertaken for the JCS), and the 2015 Economic Strategy (undertaken for the new Cheltenham Plan).
- The JCS and its evidence base recognise the overriding importance of B-class employment to the Borough whilst acknowledging that other uses may also have some employment generating characteristics.
- The retail element of the proposal equates to a very small amount (approximately 12%) of the overall floorspace to be provided, and this small amount is job generating.
- As it has not proved possible to identify sequentially superior sites at this time, it is accepted that the proposal offers conformity with the priorities of the NPPF (Para 24) and Policy RT1 of the adopted Cheltenham Borough Local Plan.
- Sufficient evidence has been provided to demonstrate limited impact on town centre and neighbourhood centre retailing arising from the scheme thus affording compliance with the NPPF (Para 26) and Policy RT7 of the adopted Cheltenham Borough Local Plan.
- The application site is situated within close proximity of a number of public transport routes, a number of shops and opportunities for employment, schools and hospitals. It is therefore situated within a sustainable location and conforms to the thrust of national planning policy embodied within the NPPF together with the spatial priorities of the adopted Cheltenham Borough Local Plan, including Policies CP1 and CP6.
- The Cheltenham Plan is considering this site for a B-class employment land allocation as means of helping to address the identified shortfall in that employment use category.

12th September 2017

In response to the further consultation on this application, the policy team has no additional comments to make other than to note the provision of an indicative site plan for the area which indicates the potential layout of the office / business park element of the scheme. Clarification of the fact that construction of Office 1 and its associated road infrastructure and parking will take place within 12 months from the date of non-office use occupation as specified in the draft Unilateral Undertaking is also noted.

In helping to convey the developer's intentions for the wider site, the additional information demonstrates the scheme's potential to help address the identified shortfall in B-class employment land across the Borough and help fulfil the emerging Cheltenham Plan's aspirations to develop the site for B-class employment in light of green belt proposals emanating from the JCS process.

Land Drainage Officer

20th January 2017

Given that the drainage strategy proposes the use of SuDS to attenuate flow up to the 1 in 100 year (+ 40% climate change) event and limits flow to no greater than green field scenarios; I raise no objection.

Detailed drainage design and layout including SuDS features should be submitted in the first instance to the Lead Local Flood Authority. Email: suds@gloucestershire.gov.uk

GCC Local Flood Authority (LLFA)

1st February 2017

I have reviewed the above planning application in relation to surface water drainage and flood risk. As this is a hybrid application I have separated my comments for Phase 2 & 3 as set out below.

Phase 2

The Lead Local Flood Authority (LLFA) has no objection to this application but recommends that any approval is dependant on the below described Conditions which take account of the following comments. The applicant has outlined a surface water drainage strategy for Phase 2 of this development which incorporates the balancing pond approved and constructed for Phase 1. Surface water runoff from roofs and impermeable areas will be managed via a combination of permeable paving and cellular storage with a controlled discharge through a balancing pond at the Phase 2 pre-development Greenfield QBar runoff rate. This rate is 8.4 l/s but will combine with the existing 1.8 l/s entering the balancing pond from the access road runoff (Phase 1) resulting in a controlled discharge of 10.2 l/s. Discharge is to the unnamed watercourse at the northern boundary of the site.

Please note that any related structures within this watercourse may require consent under the Land Drainage Act from Cheltenham Borough Council.

Whilst a quantity of 487m³ of attenuation is attributed to the site's permeable paving it is unclear whether this surface water is to be discharged via the balancing pond and to the watercourse or whether it is proposed to infiltrate directly to ground. If infiltration is proposed evidence is required how this will be achieved given the ground investigation results provided. Clarification will be required within the detailed design on these points.

Regarding the use of cellular storage, in addition to its inclusion in a detailed maintenance schedule the LLFA would wish to see details of how any proprietary system proposed can be effectively cleaned.

Phase 3

This is an outline application and the LLFA has no objection to the proposed drainage strategy of discharging the Phase 3 surface water runoff to the same watercourse as Phase 2. This is the natural catchment for the runoff and it is proposed to limit the discharge to the pre-development Greenfield QBar rate of 5.7 l/s. It is recommended that any approval is also dependant on the below described Conditions.

Conditions

Condition 1: No development approved by the permission shall be commenced until a detailed drainage strategy based upon the approved drainage strategy submitted for Phase 2 and 3, Coirinthian Park, Cheltenham, Reference 16-6953 has been submitted to and approved in writing by the Local Planning Authority. If an alternative strategy or amendments are required, it must be submitted to and approved by the LPA. The drainage scheme shall be carried out in accordance with the approved details.

Reason: To ensure the development is provided with a satisfactory means of drainage and

thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage and water quality in the locality.

Condition 2: No development shall be put in to use/occupied until a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

NOTE 1 : The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

29th August 2017

I have reviewed the additional drainage and Flood Risk Assessment documents dated 1/8/17 reference: Issue 2, FRA-16-6953.

The proposed discharge rates from Phases 2 & 3 remain as described in the applicant's first submission i.e. 10.2 l/s via the Highway pond for Phase 2 (and existing access road) and a proposed 5.7 l/s controlled by a separate device for Phase 3. Both Phases discharge to the watercourse on the site's northern boundary.

The additional information clarifies that infiltration will not be viable and therefore the proposed permeable paving will accommodate surface water for storage only. The remaining storage requirement will be held in geocellular crates with the final amount to be determined in the detailed design stage.

The LLFA therefore recommends that the Conditions suggested in correspondence dated 5 January 2017 remain valid.

NOTE 1 : The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

Natural England
10th January 2017

Thank you for your consultation on the above dated 21 December 2016 which was received by Natural England on 21 December 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Badgeworth SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

Page 2 of 2

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

5th September 2017

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 10 January 2017

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Urban Design

28th September 2017

Comments: Access and connectivity

Please integrate the scheme layout with existing developments and wider movement network within and beyond the site, as well as prioritise movement by sustainable transport modes.

Soft landscape

Planting layout details appear random & there is no evidence of a planting strategy to demonstrate any logic to the detail information. Please submit a planting strategy drawing.

Please submit a landscape management plan.

Please submit a drawing clearly indicating existing vegetation and proposed planting arrangements

Hard landscape

Please submit a drainage and water management plan incorporating sustainable design.

Please modify hard landscape proposal to facilitate pedestrian/cyclist access and reinforce a sense of place.

Contradictory/unclear information

- Unmatched legend/unexplained symbol in planting proposal and illustrative masterplan
- Spelling error with planting schedule
- East elevation of Office 1 didn't reflect the proposed design.

Architects Panel

6th February 2017

Design Concept

The Panel had no objection to the principle of the development on this site which had already received outline consent ref 14/01323/OUT. However, the panel had concerns that the quality of the architecture proposed was generally poor and a wasted opportunity for such a "gateway" site location on the edge of Cheltenham.

Design Detail

The panel felt the site layout of the approved Masterplan where the new buildings address the spine road was more successful than submitted scheme which is dominated by a sea of car-parks. The architecture is very bland and uninspiring.

The spaces around the buildings provide no amenity value and the panel questioned the suitability of a Nursery in the location proposed.

Recommendation

Not supported.

13th October 2017

Design Concept

The panel had already reviewed this application before. Revised drawings had been submitted which the panel thought was for a better scheme with improvements to the site layout and landscape treatment.

Design Detail

The panel remained concerned by the lack of external amenity spaces. The layout of the offices 2, 3 and 4 to the west of the site looked particularly cramped and could be improved.

Tree Officer

6th January 2017

The Tree Section does not object to this application providing various clarifications and adjustments can be made.

Ash T21-The Root Protection Area of this tree is within the proposed car park. As such a suitably sized 'no dig' construction must be undertaken for parking in this area.

T28 is recommended for re-coppicing back to the original coppice points. It may be more successful if the new coppice height can be changed to 1-1.5 metres.

Trees 1-9 have been subject to an altered (increased) ground level. Whilst soil has been taken away from the trunk area, all new soil needs to be removed if these trees are to continue to thrive. This needs to be undertaken as a matter of urgency-whether planning permission is granted or not.

All Tree Protective Fencing must be installed prior to the commencement of any on site-work. Trees within G38, 39, 40 +41 are primarily ash with an understory of hawthorn. It is important that this ash and hawthorn is retained and the proposed 'Buffer Mix' is acceptable. This should make this hedge line denser and act as a visual screen from/into properties along North Road West (Shakespeare Cottages) as it matures. Due to the native species nature of that proposed, this should also enhance local wildlife.

Similarly, the 'woodland' (G34) screening between this site and the A40 needs to be retained. It appears to have been already thinned of weaker specimens and no further thinning work is currently required. It is noted that new trees are to be planted within this area (or just south of it). Whilst the overall palette of trees is acceptable (native species), the Outline Landscape Masterplan does not specify which trees are to be planted where-this needs clarification. Similarly, the planting size of the proposed trees are very large. It may be more cost effective to plant more numerous smaller trees along the edges of woodlands (or where such tree planting are not to become landscape features). Any financial savings could be put towards enhanced aftercare and maintenance.

Similarly the Outline Landscape Masterplan needs clarification so it is clear where trees are to be planted. Given the apparent poor nature of the soil, planting pit details need to be submitted and agreed. Such planting pits should incorporate new soil as well as root barriers (where trees are to be planted near hard surfaces).

It was noted that the soil within the site is very heavy clay. Such clay soil can become desiccated and shrink through tree root action which can lead to building subsidence. As such tree planting species selection needs to be carefully made and suitable foundation depths and designs made so that and such future nuisance will be avoided.

13th September 2017

Given that the majority of trees are of low BS5837 (2012) category and are due to be retained as well as a high quality soft landscape proposal, the CBC Tree Section does not object to this application providing various clarifications can be made as a part of the application or agreed as Reserved Matters:

- 1) The proposed Aldi supermarket is to be adjacent to North Road west and opposite several private dwellings. The proposed Planting proposals drawing (no 07-sheet 2 of 3) of 23/6/17 shows boundary treatment planting of hedgerow species with several lime and pine oak and alder trees within metres of the side of this building. It is anticipated that if these trees are allowed to mature, they will be considered too close to this building and there will likely be pressure from the owners to remove them. Similarly, in winter months, such trees (other than the canopy of the pine) will not offer sufficient

screening to the residents of these properties. It may be better to choose evergreen species along this area. Holm oak (*Quercus robur*) is one such broadleaved evergreen which grows fast even in poor conditions and will also tolerate harsh pruning (away from the side of Aldi). It may be prudent to change the proposed *Tilia cordata* (lime) for shade tolerant hornbeam to grow adjacent as well as a high proportion of native holly within the hedgerow planting mix.

- 2) It is noted that there are many ash trees within this hedgerow along North Road West. Given that ash die-back has now reached Cheltenham, most ash trees are anticipated to have died within the next decade. As such new planting proposals along the whole of the boundary with North Road west should be reconsidered and significant numbers of proposed new alternative species should be proscribed. Alder trees may grow well and be suitable to this location.
- 3) The hedge line along North Road west is species rich and of significant ecological value, but requires maintenance. Details of all pruning/thinning should be agreed. This should also take account of the need to create space for new planting mix as recommended as well as proposed new trees.
- 4) There are also several 'stand alone' young ash trees along Grovesfield Way which are shown as being retained. Such trees should now be removed and replaced. The planting of eg Japanese hornbeam (*Carpinus japonica*) may look well against the *Acer X freemanii* 'Autumn Blaze' in the autumn.
- 5) It is noted that there are many ash trees adjacent to but outside this site boundary adjacent to the A40. Unless new trees are planted now, this dual carriageway could be substantially denuded of trees and views into the site from the A40 will be most apparent. Similarly, noise from the A40 traffic will be perceived to be more noticeable within the site. The absorption of airborne particulates will decrease if such an existing boundary treatment all but disappears. Agreement should be made with the County Council (the owner) to replant and this area.
- 6) Experience has shown that the ground is composed of a high proportion of heavy clay. Similarly, clay was spread over the surface of this site from the adjacent BMW site 3-4 years ago. As such all buildings must take account of such ground conditions in the foundation design. Alternatively, if buildings beginning to subside, the removal of trees to reduce/remove such incidence of subsidence may become inevitable.
- 7) Root trainers must be inserted into all tree pits where such tree pits are within or adjacent to hard surfacing. Whilst such root directors have been described within car parking areas, there are many shallow rooted trees (alder, birch etc) recommended in other hard landscaped areas.
- 8) There are no planting details evident for the western most part of this site (ie the Elmfarm side of the site). It is assumed that this is an oversight.
- 9) T's 26+27 (a blackthorn and a crab apple are situated outside the site and within the garden of Elm farm. It is also noted that there is a proposed parking area designated. Whilst the parking bays themselves are outside the Root Protection Area of these trees, and given that the land slopes away in this corner of the site, it is important that land levels are not increased to the boundary. Any such levelling must finish outside the 4.7 metres RPA of the adjacent apple.

GCC Highways Planning Liaison Officer

24th October 2017

Please see letter appended to this report.

Environment Agency

22nd December 2016

Thank you for sending through this consultation. The checklist accompanying the consultation has ticked:

- (i) Development within 8m of Main River (red lined on GIS map);

However the watercourse at this location is an ordinary watercourse not a main river. As such the application does not feature in our checklist and we would refer you to our flood risk standing advice and advise you seek the advice of the Lead Local Flood Authority.

25th August 2017

We are in receipt of the additional information consultation for the above application. There was no checklist attached, however as advised at the time of the original application the development does not feature in our checklist for consultation and as such we would refer you to our Standing Advice and have no bespoke comments to make.

Parish Council

11th January 2017

I am writing on behalf of Up Hatherley Parish Council. At our most recent meeting, those present unanimously agreed to endorse the previous communications from Councillor Roger Whyborn, one of our own members as well as being a Borough Councillor (see below for his repeated comments).

In addition to our wish to protect the unique local Green Belt from further desecration (it is the only one in the country which actively separates two large towns), we are particularly concerned about how the proposed development will impact on both local roads and smaller businesses.

We also request sensible use of S106 money in order to develop a traffic scheme in the area which will work for everyone. We would also point out there appears to be a surfeit of vacant office space in Cheltenham so why build any more?

Gloucestershire Centre For Environmental Records

9th January 2017

Biodiversity Report available to view in on line.

Ward Councillors

21st September 2017

In my role as local ward councillor and a resident, having studied the revised plans and receiving much feedback from local residents I would like to confirm that I strongly oppose this application and my previous objections still stand.

There is extremely strong public opposition to the development which is supported by Alex Chalk, Cheltenham's MP and Martin Horwood the Lib Dem parliamentary candidate for Cheltenham. I have encouraged residents to forward their objections to you Most repeat their existing objections on the basis that it still does not address the fundamental issues. In their view the proposal constitutes a real issue of overdevelopment and will have an adverse effect on the neighbourhood.

Residents' objections and concerns to this proposal are as follows in no particular order:

Greenbelt

The site is currently within the greenbelt for which the National Planning Policy Framework, is explicit in stating that Green Belt boundaries should only be altered in exceptional circumstances. This proposal is not an exceptional circumstance with absolutely no evidence of a need for additional retail outlets or a child nursery. Within a short distance of the proposed site there is already a supermarket and a drive-through coffee shop all available within maximum 5 minutes' walk. The area also has a great deal of existing childcare especially at The Reddings Community Centre adjacent to the site.

The application attempts to pre-empt the current process of consultation and refinement of the emerging Joint Core Strategy. The Reddings Residents Association have lodged new evidence to the inspector in regard of this location which was not placed before her when the draft proposal was prepared. Until the inspector's findings are published, I do not believe that there are any valid grounds to permit consideration of this application.

The proposal to remove greenbelt status from the site once developed will be 'the thin end of the wedge' Already, I am aware that Newland Homes are seeking to develop housing on the new "defensible" greenbelt boundary on the opposite side of North Road West, adjacent to the community centre. This is in spite of Cheltenham Borough Council having already made its strategic allocations for housing and the land having assessed as being undeliverable and unsustainable.

As mentioned there are no exceptional circumstances to permit this proposed A and D class development within the greenbelt. The developer has extant outline planning permission for B1 office development which he could and should progress with.

Flood risk.

The development site has historically acted as soakaway and in more recently a run off for Grovefield Way. Since the adjacent BMW development has taken place localised flooded has occurred on many occasions not just as a result of heavy rain storms.

The National Planning Policy Framework suggests that new developments should not pass on flooding to a neighbouring sites yet I am told by neighbouring homeowners that their properties did not flood before the BMW development. Since its existence neighbours have written complaining that because the drainage system is antiquated and generally combines foul and storm water even during moderate rainstorm, the manholes in North Road West regularly lift and local flooding occurs. The Reddings Community Association are of the belief that the existing drainage system does not have adequate capacity and should be assessed before permission is granted as any upgrade work required will be a taxpayers expense.

The revised drawings do include additional water storage but it does seem that the discharge rates to the brook are unchanged and do not take account of the discharge that is already being directed there by the BMW development. Furthermore there are no calculations to show that the existing ditch drainage system can support the total discharge from both developments. In the absence of any obvious allowance for the site to be able to deal with the excess storm runoff from the A40 and Grovefield Way it seems logical that either Severn Trent Water/Gloucestershire Highways will need to improve the drainage from Grovefield Way to stop it flooding the development site and neighbouring properties or, that the proposed site designs need to be re adjusted to accommodate it.

Traffic congestion.

The transport infrastructure in this area is already congested without adding further Heavy Goods Vehicle traffic. The traffic problems that would be created by the proposed development are very serious with implications for The Reddings and the surrounding area. Traffic will be vastly increased along The Reddings, Grovefield Way and Hatherley Lane. Grovefield way, which was constructed as a link road is already unable to deal with the existing volumes of traffic at peak times and will become chronic with this proposed

development opening. There has been a considerable amount of additional large local developments since the applicants submitted 2013 report which have not been taken into account. In addition, the bus route 99 which serves staff and patients of both Cheltenham General and Gloucester Royal hospitals now stops at the Park and Ride which will inevitably encourage more traffic into the area and will increase the requirement for parking in the Park and Ride again not included within the traffic modelling

A further important point picked up by The Residents' Association is that the applicant's transport statement reports that data was collected between 6 and 12 July 2016 and on Saturday 9 July. However, this is not a representative "neutral" month as set out in the Department of Transport's TAG Unit N.12 "Data sources and surveys" criteria. The transport statement does not include consideration of servicing arrangements, or schedules, nor to undertake deliveries outside of normal opening hours although with the opening hours extending between 05:30 to 23:00, seven days per week, this would clearly be unpalatable in a largely residential area. This alone would be grounds to reject the application.

I am also aware as discussed at an earlier meeting the use of the JCS traffic evidence is limited and that further traffic surveys would be needed to verify the statements made

Residents have also raised concern about the Aldi service area, where delivery vehicles pulling into the supermarket car park will be close to the day care provision. The potential resulting conflict with users in particular the risk to the safety of children is considerable.

Traffic pollution.

The impact from the additional traffic created by the adjoining BMW showroom has been greater than anyone had envisaged. To increase it further would be disastrous. With the traffic becoming stationary with engines running, the pollution levels will inevitably increase. This is contrary to emerging evidence regarding pollution and health which is particularly detrimental on the physical and academic health of the very young.

As well as the pollution danger to residents, there is also a health risk to drivers and passengers inside vehicles. Tests have shown that the majority of pollutants inside a car originate from the vehicle immediately in front. The type of situation where vehicles queue nose to tail at an average gap of 3 to 4 metres between vehicles is particularly bad. Some vehicles, notably buses and heavy goods also ingest their own emissions and studies have shown that the worst pollution levels can be inside buses in a queue. Cyclists and motor cyclists would also experience high pollution levels.

Landscaping

It is acknowledged that the landscaping has been improved. However, the landscaping is still short of what is required. More tree screening is required along the whole boundary of the site especially with Grovefield Way and Shakespeare cottages to mitigate the light pollution from the development, as was the inspector's intention in 2007. Light pollution to neighbouring buildings and road users will be further aggravated by sun reflecting off the abundance of glazing and white render contained within the buildings.

Litter

As a result of the existing drive through a short distance away residents already have to clear up huge amounts of rubbish thrown out of cars ruining the appearance of residential roads and the surrounding area and impacting on the wildlife already struggling in the area. No additional bins have been suggested or clear up plan.

Damage to wildlife

The loss of natural habitat in the area will dramatically affect the wildlife.

Parking

There will be a further increase in parking in nearby roads from customers and employees of the new amenities. This has been proved by BMW staff not being allowed to park onsite and thereby parking in nearby residential areas. The applicant's intentions with regard how parking will be controlled is extremely worrying. As found with the 'Pure' office development insufficient parking provision was made as on any working day the nearby roads and pavements are clogged with parked vehicles. It is believed by residents that yet again the developer is being allowed to provide inadequate parking spaces and then just expecting neighbours and the Park and Ride to take the over spill. Currently neither Grovefield Way or the adjacent residual roads have any parking restrictions. Will a plan be developed to consider double yellow lining to avoid this potential issue before it even becomes a massive problem?.

Opening Times

The proposal to open between 05:30 to 23:00 hours, seven days per week, and 365 days of the year, is unacceptable it does not reflect any of the previous planning decisions and enforcements made upon other nearby similar businesses, and is entirely incompatible with a largely residential area.

A controversial development of this size, located on Green Belt land does not appear to be offering anything back to the community in terms of improved or additional amenities. The developer has gone against the clear indications of the inspector at the 2007 appeal in many ways. This behaviour would not be tolerated from domestic owners and a great many residents feel it unfair that different rules seem to be being applied. The residents of The Reddings are looking to the planning authority to fairly apply all of the planning regulations, the emerging JCS and local plans, properly assess the local development and erosion of the greenbelt and defend the main aim and ambitions of the area, which is to create well-paid, quality employment and not to throw precious sites away and exacerbate the existing challenges.

If local means local as the government have suggested then the community has spoken and their wishes and concerns should be listen to. For these reasons the application must be refused.

3rd January 2017

I have a number of concerns about application 16/02208/FUL in several areas, and this email should be reads as constituting an objection (unless my views change as a result of later argumentation):

- I share residents' concerns acutely about the effect of traffic in the approaches to the Grovefield Way (B&Q) roundabout, and knock-on effects to Arle Court, particularly in peak hours. It should be remembered that, at the time of writing, the BMW garage is not operational so the amount of traffic it will add is not yet being experienced; though I would agree with residents that it will likely be at the beginnings and ends of the day, where the roads in this area to and from Arle Court are already at saturation point.
- It also has the potential to push additional traffic through both Hatherley Lane and Hatherley Road, and the Reddings, in an attempt to avoid Grovefield Way. At the moment you will possibly be ware that GCC are holding ASDA S106 money for traffic calming, (let alone making the problem worse with this new development). This needs to be sorted out before proceeding. I would slightly clarify the position as raised by objectors from Springfield on this subject. The true problem was that GCC botched the consultation by not listening to the recommendations of councillors and residents, and this subject therefore needs to be revisited.

- The master plan gives every appearance of overdevelopment for the size of plot, and the infrastructure supporting it. I have concerns about the number of people who are going to be working and shopping on a relatively small site in relation to the number and size of businesses on it.
- Can you assure me that there will be an impact assessment on other businesses in the area, particularly given the proximity of both Asda and other day nurseries, also the "Springfield Stores" in The Reddings & the smaller shops in Hatherley. And question about Usage category/Green Belt.
- The Costa Coffee drive-thru application is concerning. Either it is serving Aldi and the nearby developments in which case it doesn't need to be drive through, or it is catching passing traffic in Grovesfield Way, in which case we should be concerned about yet more traffic movements to/from Grovesfield Way. The matter we should particularly worry about is users of the BMW garage who on being forced to wait at the garage, as people do for various reasons, may find the Costa fare (with some food?) more attractive than the single coffee provided by the garage; so an easy pedestrian access between the sites I see as important, which does not currently appear to be the case.

Environmental Health

22nd December 2016

I have reviewed this application and have no objections in principle, however further information will be required before the development can commence, hence I offer the following comments:

Noise:

The application includes an assessment of noise from the proposed development and how it will affect nearby noise-sensitive properties. The report has identified suitable limits for noise from a variety of sources including vehicle deliveries and fixed plant. I would therefore recommend that a condition is attached to any permission for this development that requires the detail of such plant to be approved before first use of the site. This condition is required to ensure there is no loss of amenity due to noise from these sources.

I would also recommend a condition is attached that requires details of a delivery plan for the supermarket unit to be agreed before first use. Such a plan should identify suitable precautions to ensure that noise from this activity is kept to a minimum, and in any case within the levels identified in the presented acoustic report.

Impact from construction

As with all large construction sites there is a potential for an impact on existing property, I would therefore request that a plan is produced for the control of noise, dust and other nuisances from work of demolition and construction. Such a plan is likely to include limits on the hours of this work. Currently, CBC recommends the following working hours:

- Monday - Friday 7:30AM - 6:00PM
- Saturdays 8:00AM - 1:00PM
- Sundays and Bank Holidays - No work producing noise audible beyond the site boundary, unless with prior approval.

If you have further queries, please let me know

23rd October 2017

With regard to this application I should like to see the inclusion of conditions reinforcing the applicant's recommendations in their Contaminated Land report.

Contaminated Land

1) Provide gas protection to CS2 of CIRIA C665. The type of building proposed is commercial and for this Table 8.6 of CIRIA 665 indicates that the following special protection measures are required in the new buildings.

- Reinforced cast in-situ floor slab with at least 1200 gauge DPM
- Beam block or precast concrete slab and at least 2000 gauge DPM/reinforced gas membrane
- Underfloor venting
- All joints and penetrations sealed

Underfloor venting is not required in large spaces such as warehouse but it is required where smaller rooms such as offices are present.

2) TP12 at 0.15 m showed elevated lead in the made ground. Therefore the made ground (0.3m thick) should be replaced in the vicinity of TP12 if soft landscaping is proposed in this area.

Historic England

5th January 2017

Thank you for your letter of 21 December 2016 notifying Historic England of the application for listed building consent/planning permission relating to the above site. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or if there are other reasons for seeking the advice of Historic England, we would be grateful if you could explain your request. Please do not hesitate to telephone me if you would like to discuss this application or the notification procedures in general.

We will retain the application for four weeks from the date of this letter. Thereafter we will dispose of the papers if we do not hear from you.

Severn Trent Water Ltd

26th January 2017

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

Waste Water Comments

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, , <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> select "Water and / or Sewer map request form" fill out the relevant details and fee payment and return to:

30th August 2017

Having received the consultation for the above planning application, I have the following comments to make.

The submitted Flood Risk Assessment states all foul sewage is proposed to discharge to the public foul sewer, and all surface water is proposed to discharge to balancing ponds and ditch course. Based upon these proposals I can confirm we have no objections to the discharge of the drainage related condition.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our Development Services Team (Tel: 0800 707 6600).

I trust you find the above in order, however, if you have any further enquiries then please do not hesitate to contact us.

Cheltenham Civic Society

13th January 2017

We were not able to look at this in detail, as the papers were not available to us. But we oppose a development of this scale in the green belt. Nor are we convinced that a further supermarket is needed in this area. There is already substantial traffic congestion in this area, and the impact of such a proposal needs careful consideration.

21st September 2017

We are against development in the Green Belt when there are still several vacant sites and offices in the town centre; this type of development cannot be considered 'sustainable'. We question the impact on the local road network and query if there is sufficient parking. The development lacks any clear urban form and is relying on the landscaping to conceal an architecturally dull collection of buildings; the new BMW building presents a more refined example. This proposal is the type of development you would expect to see in North America not adjacent to the 'gateway' to a Regency town.

Highways England

6th February 2017

Letter appended to this report

The Reddings Residents Association

15th March 2017

Letter appended to this report

5. PUBLICITY AND REPRESENTATIONS

The application was publicised by way of letters to 60 nearby properties, site notices and a notice in the paper. Over 330 letters of objection were received as were 2 letters of support. A petition has also been submitted.

The comments made will be provided in full to members however to briefly summarise the main issues raised were as follows:

- More office space unnecessary in Cheltenham
- No need for additional supermarket.
- No need for a drive thru coffee shop
- Unsuitable location for a nursery. Impact on existing providers.
- Impact on congestion on local roads. Impact on Road Safety.
- Will lead to parking on nearby streets. Insufficient parking on site.
- Unacceptable to build on greenbelt
- Brownfield sites are available which should be developed first
- Noise, light and air pollution. Litter.
- Impact on neighbouring properties
- Cumulative impact with BMW
- Unacceptable visual appearance
- Impact on wildlife
- Increased flooding and run-off

6. OFFICER COMMENTS

6.1 Determining Issues

As mentioned at 1.1.6 there is an extant outline consent for B1 uses on this site. As such the principle of development upon this site has been established. This will be elaborated on further. The policy context will be outlined as will the greenbelt issue. The key aspects of the current application which will be considered are employment, retail impact, design and layout, impact on neighbouring properties, access and highways issues, flooding and drainage, trees and landscaping, wildlife and ecology.

6.2 Background

The planning history has been outlined above. The principle of developing the site was first established by the appeal decision in 2007. Although the site was in the Green Belt the Inspector found that there were very special circumstances due to the serious shortfall

in local employment land provision which justified the granting of permission of B1 uses on the site.

As outlined above the evolution of the site has moved away from purely B1 uses through the granting of the BMW dealership. It was considered that this was acceptable as the proposed use entailed some B class elements and also some sui generis elements which are akin to employment uses and often found on employment sites such as servicing. The decision also took account of the wider definition of employment uses, beyond traditional B1 uses used in emerging policy. The key issue in terms of the principle of the current proposal is the introduction of non B1 uses and whether these are acceptable.

6.3 Policy

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. Therefore in determining this application the following must be considered:

- The saved policies of the Cheltenham Borough Local Plan (CLP) Second Review 2006, which comprises the adopted development plan, and;
- Relevant material consideration which include:
 - National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance (NPPG)
 - The emerging Joint Core Strategy (JCS) and its evidence base
 - The emerging Cheltenham Plan (part one) and its evidence base.

6.5 Green Belt

6.5.1 NPPF

Paragraph 79 states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts is their openness and their permanence.

Paragraph 80 sets out five purposes served by Green Belts:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 highlights that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

6.5.2 Cheltenham Borough Local Plan

Although predating the NPPF, the approach of the adopted Cheltenham Borough Local Plan is entirely consistent. **Policy CO6** presumes against development in the Green Belt except in very special circumstances.

6.5.3 JCS

Policy SD5 of the JCS echoes the general aims of the NPPF. However the JCS proposes a change to the boundary of the Green Belt in the location of the proposed development in order to remove the parcel of land (including the BMW site) at Grovefield Way. The supporting text states “ *a small change has been made to the Green Belt boundary in the area of the Reddings to provide a more appropriate boundary after an implemented permission at Grovefield Way*”.

In her report the Inspector states: *Two other relatively small areas are proposed for GB release, which are not identified within the Plan. One is located at Grovefield Way in the area of The Reddings where development is being built out. The other is in the area of the Old Gloucester Road and Arle Nurseries, which would provide a more appropriate GB boundary to the north of the West Cheltenham allocation and to the south of the North West Cheltenham allocation. Exceptional circumstances exist for both of these releases.*

- 6.5.4 As is clear from the above commentary the likelihood is that the site will be removed from the Green Belt, however at the time of writing it falls within this designation. In policy terms the proposal represents inappropriate development within green belt and therefore it is necessary to consider whether there are very special circumstances which clearly outweigh the harm to the green belt.
- 6.5.5 As mentioned above the site has extant consent for B1 purposes which followed on from an allowed appeal in 2007. In allowing that appeal the Inspector concluded that the serious shortfall in local employment land provision up to 2011 at least constituted the very special circumstances that justified the use of the Green Belt site for B1 development at that time
- 6.5.6 In the context of the current submission, the applicant argues that the shortfall in the availability of employment land within the Borough today is equally as acute. The Joint Core Strategy Employment Land Review (ELR) 2011 identified that the B-class employment land deficit increased since the time of the 2007 appeal. The more recent NLP Employment Land Assessment Update which is dated October 2015 and has been undertaken to inform the emerging Cheltenham Plan, confirms the continued dearth in B-class employment land supply compared to anticipated future needs and, as a consequence, the Cheltenham Plan is considering allocating the application site for B Class employment purposes as part of a wider policy response to employment land management.
- 6.5.7 Whilst the proposals are not exclusively for B-class employment uses, it is accepted that overall the proposal offers an opportunity for economic growth which is a national and local objective. The acceptability of the inclusion of non-B1 uses will be discussed below, however it is considered that the principle of developing the site for employment use has been established through the history of the site, including the original appeal decision and the extant consent and its impending removal from the green belt.

6.6 **Employment**

6.6.1 NPPF

Paragraph 19 states that:

Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

6.6.2 Cheltenham Borough Local Plan

Policy CP6 states that mixed use development will only be permitted on suitable sites that meet the following criteria:

- a) where the uses are compatible with each other and adjoining land uses; and
- b) for schemes attracting a significant number of trips only in the Core Commercial Area; or
- c) for other schemes, only in the Core Commercial Area, district or neighbourhood centres, or in locations which are highly accessible by a regular choice of means of transport, excluding the residential parts of the conservation areas.

The policy also notes that where mixed uses are proposed on employment land, proposals will be subject to Policy EM2 (see below).

Policy EM1 is concerned with employment uses and states:

The development or change of use of land for employment use will be permitted where the development:

- a) involves land already in employment use; or
- b) is on a land safeguarded for employment uses in this plan; or
- c) forms part of a mixed use development in accordance with Policy CP 6; and
- d) accords with Policies CP 4, BE 2, and HS 7.

Policy EM2 seeks to retain land that is currently or was last in use for employment purposes (in the B classes) unless one of the listed exception tests are met. It goes on to state that mixed use development will be permitted on employment land provided that certain criteria are met, including:

- a) 'any loss of existing floorspace would be offset by a gain in the quality of provision through modernisation of the existing site. This should secure or create employment opportunities important to Cheltenham's local economy, and
- b) the loss of part of the site to other uses does not have a detrimental impact on the range of types and sizes of sites for business uses in the area nor the continuing operation of existing business sites; and
- c) the use is appropriate to the location and adds value to the local community and area.'

6.6.3 JCS

Policy SD1 of the emerging JCS relates to employment (except retail development). In the preamble it states that In the NPPF, employment is considered in a wider sense than the traditional industrial, office and warehousing (B1, B2 and B8 uses). For example, uses such as retail hotels tourism, leisure facilities, education, health services and residential care, can also be large employment providers.

6.6.4 The policy states that employment related development will be supported at strategic allocations, at locations allocated for employment within the development plan, for the redevelopment of land already in employment use and for the development of new employment land within the PUA of Cheltenham.

6.6.5 Emerging Cheltenham Plan

The LPA is intending to commence public consultation on the Cheltenham Plan on 11th December. It is proposed to allocate the site in question as an employment site. The draft policy states: *"Proposals for traditional B class employment uses or sui generis uses that exhibit the characteristics of traditional B class employment will be supported at these locations subject to being in accord with other relevant policies embodied within this plan"*. The preamble to this policy states that the allocation provides an opportunity for the establishment of a modern business environment at an important gateway location. The Principal Urban Area is being amended to accommodate this allocation.

- 6.6.6 The proposed development does not fall completely within the B1 use class of development for which the site currently benefits. As such a key consideration in determining the acceptability of the proposed development is whether or not the proposed uses (B1, D1, A1 and A3) sufficiently contribute to meeting the employment needs of the Borough.
- 6.6.7 In terms of employment creation the documents submitted with the application suggest that the proposed development would generate 1,018 full time equivalent jobs. 26 of these would be within the supermarket, 20 would be within the coffee shop, 25 would be within the nursery. The remainder would be within the B1 uses; 365 within the buildings proposed as part of the full application and 582 within the buildings proposed in outline.
- 6.6.8 The applicant considers that the non-B1 elements, in addition to providing some contribution to employment in their own right, also complement and facilitate the provision of traditional B1 employment on the site. They draw attention to the Employment Land Review (mentioned at 6.5.6) which highlights that a mix of employment uses on a site can encourage the provision of office based businesses, using the example of a hotel, restaurant or gym on a business park which can assist in making it a desirable location. They highlight the fact that no B1 office development has materialised due to market issues.
- 6.6.9 Officers accept the principle that some non-B1 uses within a business park environment can make it more attractive to businesses who are considering potential locations for office accommodation, thereby facilitating economic development. However the amount and prominence of the non-B1 uses needs to be carefully considered in order to ensure that the site still primarily performs as a business park. It is also considered that the phasing of development is crucial to ensure that the assertions regarding the delivery of B1 office become a reality.
- 6.6.10 Officers had expressed concerns that within the proposed layout the non-B1 uses are occupying the most prominent portion of the site when viewed from the entrance to the site off Grovefield Way. Whilst alterations have been made to the layout of the site, in essence the locations of the supermarket, coffee shop and nursery are broadly similar to those originally proposed. This appears to primarily be driven by the proposed operators in terms of access, visibility and operational requirements.
- 6.6.11 Whilst the distribution of the uses on the site has not significantly altered, the overall quality of the scheme in terms of how the buildings address the street, the spaces between them and the landscape approach has improved since the submission of the proposal (this will be discussed further below). This helps to ensure that the business park has an 'identity' which is apparent from the entrance to the site to its furthest extent. As such whilst the non-B1 uses still occupy the eastern-most part of the site it is now considered that they will not appear as a separate parcel of commercial uses but will be integrated into the language of the site.
- 6.6.12 In terms of the floorspace provided the A1 (retail) element equates to 12% of the overall floorspace. This is a relatively small amount and in itself does generate some jobs.
- 6.6.13 Bearing all of the above in mind officers do not consider that the inclusion of the non-B1 uses proposed dilutes the primary function of it as an employment site to an unacceptable degree.
- 6.6.14 Through the course of the application officers have sought to negotiate commitments as to the delivery of the B1 office units and the phasing of development. There is a risk that if they are not delivered concurrently with the non-B1 uses there may be a significant period of time during which the eastern portion of the site is operational without any offices having been constructed on the site.

6.6.15 To this end the developer has agreed to construct and fit out office buildings 1 and 2 prior to the first occupation of any other units on site.

6.6.16 S.106 agreement

6.6.17 The above commitments would be secured via a s.106 agreement to which the developers have agreed to sign up. Officers consider that this provides sufficient reassurance that the retail and other non B1 uses proposed would not be able to operate until such time as the office buildings were ready to occupy.

6.6.18 The NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

6.6.19 With this in mind, it is beholden upon the LPA to facilitate sustainable economic growth wherever possible. The approach to delivery agreed through this s.106 provides a way to allow permission to be granted for the uses proposed, in the confidence that it will facilitate genuine economic development.

6.7 Retail Impact

6.7.1 NPPF

Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

Paragraph 26 states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment subject to the proposal meeting a 2500m² floorspace threshold.

6.7.2 Cheltenham Borough Local Plan

Policy RT1 relates to the location of retail development and states:

Retail development will be permitted, subject to the availability of suitable sites or buildings suitable for conversion, which relate to the role and function of retailing centres and their catchments only in the following sequence of locations:

- a) the Central Shopping Area, subject to Policy RT 2;
- b) the Montpellier Shopping Area or the High Street West End Shopping Area, subject to Policy RT 2;
- c) elsewhere within the Core Commercial Area, subject to Policy RT 1;
- d) district or neighbourhood shopping centres, subject to Policy RT 3;
- e) out-of-centre sites which are accessible by a regular choice of means of transport, subject to Policies RT 7 and CP 5;

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

Policy RT7 states that, subject to Policy RT 1, retail development outside defined shopping areas will be permitted only where:

- a) a need for the additional floorspace has been demonstrated, and the proposals
- b) individually or in conjunction with other completed and permitted retail development, would not harm the vitality and viability of the town centre as a whole or of a district or neighbourhood centre.....

- 6.7.3 As the proposed development is located out of centre, the NPPF requires the applicant to demonstrate that there are no suitable, available and viable sequentially preferable sites that could accommodate the proposed development.
- 6.7.4 A sequential test has therefore been undertaken and concludes that “whilst allowing for a reasonable degree of flexibility and the requirement for a site to be available immediately, no sites have been identified for the proposed development that are sequentially superior and capable of accommodating the proposed development”. The submission identifies that the application site is demonstrably the most appropriate location for the proposed development.
- 6.7.5 In this instance the applicant is not required to undertake an impact assessment because the proposal is smaller than the default threshold of 2,500m² (gross) stipulated in the NPPF. However, an impact assessment has been undertaken to assist in the determination of the proposal and consider the effect on planned in-centre development and in-centre vitality and viability.
- 6.7.6. The Local Planning Authority has commissioned an independent assessment of the Retail Impact Assessment. The assessment agrees that subject to the Council’s own knowledge of the North Place site and the proposed relocation of the Council offices from the Promenade there are no suitable sites available in sequentially preferred locations and therefore the test is met.
- 6.7.7 The approved scheme at North Place was for:
Erection of a mixed use development comprising; 5,792sqm (gross external floor space) of class A1 food store, 739sqm (gross) of class A1 shops and 19sqm (gross) of class A2 within atrium space and 336sqm (gross) of class A3 (customer restaurant); multi-storey car park providing 634 spaces over 5 floors (300 spaces for public use and 334 spaces for food store customers); 143 no. residential units within a mix of 1, 2, 3, and 4 bedroom houses and flats, (57 units to be affordable) with associated 143 car parking spaces at ground and basement level; creation of new public open spaces; provision of new parking bays for buses and erection of a passenger information kiosk and waiting room; associated other operations to facilitate the mixed use development including alterations to and from the existing highway for vehicular, pedestrian and cycle access. All following the demolition of existing buildings and other built structures on the site.
- 6.7.8 Officers are aware that this scheme will not be going ahead in its current form and that Morrisons are no longer involved in the site. As such it seems likely that an alternative proposal will come forward for this site, however it is not clear at this stage what form this will take or what mix of uses it will entail. In officer’s view the applicant are in a position where it is more or less impossible for them to pass the sequential test because of the lack of information over the intentions for North Place. However not passing the sequential test is not an adequate reason for refusal in its own right. It is necessary to consider whether the proposal would have any unacceptable retail impacts. These matters are discussed below.
- 6.7.9 The assessment goes on to consider the retail impact of the proposal. It concludes that the impact on the town centre would not be significant. Caernarvon Road is a designated centre and the impact is material consideration. The centre comprises largely the Morrison store. The assessment concludes that there is no realistic risk of its closure as a result if the

proposals. It also concludes that the trade diversion from Bath Road would be very small. The assessment also concludes that there might be a small amount of trade diversion from Coronation Square however it could not be concluded to be a significant adverse impact. The impact tests are therefore passed.

6.7.10 The overall conclusion of the assessment is *“that the proposal is in accordance with national and local policy for retail development. In relation to the restaurant development, the proposal would serve a largely local need and the sequential test would be of little assistance in determining the application.”*

6.7.11 Officers have no reason to conclude differently and as such it is considered that in terms of retail impact the development of a supermarket in this location is acceptable.

6.4 Design and Layout

6.4.1 The NPPF states that good design is a key aspect of sustainable development. It asks that LPAs do not impose architectural styles or stifle innovation, however it does confirm that it is proper to seek to promote or reinforce local distinctiveness.

6.4.2 Policy CP7 of the Local Plan states that development will only be permitted where it is of a high standard of architectural design, adequately reflects principles of urban design, complements and respects neighbouring development and the character of the locality and/or landscape.

6.4.3 The existing planning permission for the site was in outline, however it was accompanied by indicative plans which suggested that the business park would be formed of a series of buildings which would be front onto a central spine road which led into the site. The scheme was intended to be ‘landscape led’.

6.4.4 The current application moves away from this approach in that the Supermarket is pushed back from the spine road. The proposals have undergone a number of revisions following on from officer feedback.

6.4.5 Officers initially had a number of concerns about the design and layout as follows:

- It was considered that the initial drawings did not adequately demonstrate the change in levels across the site and how the buildings relate to one another, existing properties and the BMW building
- In relation to the coffee shop there was concerns that there was a lack of landscaping around this building and that the parking spaces and drive thru lane were overly prominent. In combination with the retaining structures it was considered that this created a stark appearance and created a poor entrance to the site.
- In relation to the supermarket it was again considered that there was a lack of landscaping around this building particularly between the rear of the building and North Road West. The building and car parking did not appear to respond to the change in levels adequately. There was also a general concern regarding the positioning of this building on this site with the car park in front which resulted in a lack of presence on the spine road and a visual dominance to the car park.
- In relation to the nursery there was a concern that this was an uninteresting building which turned its back on the spine road and was set above the road with retaining structures dominating the back edge of the pavement. Its positioning on the site also

served to sever the commercial and B1 uses, exacerbating the concerns that officers had about the lack of integration.

- There was a general concern across the site that the buildings did not adequately address the street, did not have sufficient landscaping and did not respond sufficiently to the change in levels resulting in large and unsightly retaining structures,

6.5.6 In response to the feedback a revised set of drawings was submitted and the consultation process was repeated. The key changes made were as follows:

- An increased amount of illustrative material was submitted including a number of cross sections, a 'fly through' video of the site and 3D visualisations
- In relation to the coffee shop an increased patio area has been added and the landscaping has been increased. The drive thru lane is in the same location, however some of the parking spaces have been relocated to allow the landscape buffer to be increased to create a better sense of arrival into the site.
- In relation to the supermarket, it is still in the same location, however the rear yard has been relocated in order to allow an increased landscape buffer at the rear. Views of the supermarket across the site have been softened by the increasing of the landscaping with a pedestrian route through having been designed.
- Furthermore the Happy Days Nursery has been rotated through 90 degrees so that it addresses the street and the building has been redesigned so that it incorporates more glazing in order to enliven the elevations.
- The proposed position of the building also aligns it with office buildings 1 and 2 and has allowed the car park to be redesigned to allow a flow between the uses and uses ramps and pedestrian steps to provide links through and to straddle the levels in a softer way than was originally envisaged.
- Office buildings 3 and 4 are still indicative however the revised drawings indicate them in revised locations which would give them more presence within the site, concealing some of the parking and having a better relationship with the residential neighbours to the west.

6.5.7 Officers now consider that the most serious shortcomings in the layout have been overcome. Whilst the indicative layout within the outline application did embody more of the ideals of urban design, it was purely indicative at that stage and the LPA are not able to resist realistic alternative designs where they reach an acceptable standard. The majority of the buildings (except the supermarket) do now front the spine road and the quality of the landscaping, the layout of the car park and the quality of the public spaces have been significantly improved.

6.5.8 It is considered that the relationship between offices 2 and 3 is a little cramped, however office 3 is within the outline element of the proposal and therefore there is scope to negotiate further on this part of the layout through the submission of reserved matters. It is considered prudent to add an informative to that effect to inform the design work going forward.

6.5.9 In terms of the layout of the site, officers consider this to be acceptable.

6.5.10 Turning now to the individual buildings. It is fair to say that the supermarket and coffee shop are of a relatively standardised design. However it is clear that all of the buildings which form part of the 'full' application use a similar architectural language and a similar palette of

materials. This has also been designed to pick up on the language, material and colours utilised within the BMW building. The nursery building is relatively simple in design, however as mentioned above it has been improved since submission and again uses features such as grey framing and projecting eaves to continue the narrative of the group of buildings. The office buildings present largely glazed elevations to the spine road which adds a sense of vibrancy and activity to the site. The other elevations are simpler with smaller windows and an undercroft area at ground floor. The buildings have been designed to be simple and flexible to allow for the requirements of different occupiers.

6.5.11 In the view of officers the standard of design of the individual buildings is acceptable and appropriate for a modern business park. It is considered that the buildings will appear as a family of buildings which is important in giving the site an identity as a high quality business park.

6.5.12 Turning now to the height of the buildings. The nursery and coffee shop are single storey, the supermarket is 1 – 2 storeys (with a mono-pitched roof and mezzanine and the office buildings are three storeys in height. However as mentioned above there is a change in levels across the site and the site is surrounded on three sides by highway and on three sides by residential properties. There is also an existing building on the site, BMW, which has a relatively powerful presence on the site and which has been mentioned in a high number of the objections which has been received. As such the LPA asked for a number of sections to be submitted to demonstrate how the proposed buildings fit into this context. These will be available for members to view however there are some considerations which arise from these:

- At the eastern end of the supermarket the eaves line is approximately 300mm lower than that of the adjacent dwelling in North Road West and the buildings are 36.7m apart at that point.
- The BMW building is approximately 8m higher than the highest parts of both the supermarket and the coffee shop.
- The BMW building is approximately 5m higher than office 1.

6.5.13 These dimensions relate to comparisons from a fixed datum. The heights of the individual buildings themselves are as follows:

- Coffee shop – 6.6m
- Supermarket – 5.5 - 9.1
- Nursery – 5.6m
- Office 1 – 13m
- Office 2 – 13m

6.5.14 The commercial uses at the eastern end of the site are relatively low with the height increasing towards the western end. None of the buildings proposed are as high as BMW and this will remain the most visually prominent element on the wider site. The office blocks are relatively tall however they require a presence within the street scene and if they were too diminutive they would not provide the focus or draw through to the rear of the site which it is hoped they will achieve.

6.5.15 Officers therefore are satisfied that the proposal is acceptable in terms of layout, the design of the buildings and their size and height.

6.6 Impact on neighbouring properties

- 6.6.1 The NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.6.2 Local Plan policy CP4 states that development will only be permitted where it should not cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.6.3 As mentioned above planning permission exists on this site and the impact of the previous proposals upon neighbours will have been fully assessed. However the mix and distribution of development now proposed is markedly different and has the potential to have more of an impact upon neighbour amenity in terms of the presence of the buildings, their construction, servicing and on-going operation. As such it is important that all these aspects are carefully considered
- 6.6.4 In terms of the physical presence of the buildings the shortest distances between the proposed buildings and their nearest residential neighbour are as follows:
- Coffee shop – 44m
- Supermarket – 36m
- Nursery – 88m
- Office 1 – 82m
- Office 2 – 103m
- 6.6.5 The positions of offices 3 and 4 are indicative but indicate approximately 55m from the nearest property.
- 6.6.6 The closest relationship is that of the properties of north road west and the supermarket. However bearing in mind the distances involved, the fact that the building slopes down towards the boundary and the landscape buffer that it is proposed it is not considered that the physical presence of the building would have a significantly harmful impact on amenity in terms of loss of light, privacy or overbearing impact.
- 6.6.7 With regards to construction, any problems which might arise can be dealt with separate legislation, however the Environmental Health officer has suggested that a condition is attached requiring a plan for the control of noise, dust and other nuisances which would include limits on the hours of work. CBC currently recommends the following working hours:
Monday - Friday 7:30AM - 6:00PM
Saturdays 8:00AM - 1:00PM
Sundays and Bank Holidays - No work producing noise audible beyond the site boundary, unless with prior approval.
- 6.6.8 There is also the potential for deliveries to the supermarket to result in disturbance to the neighbouring properties. The loading bay has been located away from the most sensitive location, However the Environmental Health Officer has recommended that a delivery management plan be submitted and this will be required by condition.
- 6.6.9 The requested opening hours are as follows:
- Supermarket – Monday – Saturday – 08:00 – 22:00
Sunday – 10:00- 18:00
 - Coffee shop – Monday – Sunday – 05:30 – 23:00

- Nursery – Monday – Friday 07:00 – 19:00

The Office hours are not yet known, however given the quiet nature of the use these are not normally controlled through the planning process.

- 6.6.9 An acoustic report has been carried out which concludes that the impact on neighbours would be acceptable and the Environmental Health Officer does not disagree with its findings or take issue with the proposed opening hours.
- 6.6.10 Details of a lighting scheme have been submitted with the application which indicate lux levels for the Full element of the proposals. The light spillage is shown to be minimal with a level of 0 at all neighbouring properties with a level of 1 clipping the front gardens of 9 and 10 Grovefield Way. This is well within acceptable levels and should not have an adverse impact upon neighbour amenity. A condition will be required to ensure a similar level of detail is provided for the outline elements of the scheme.
- 6.6.11 As such, subject to the proposed conditions mentioned above officers consider that the impact of the proposal on neighbour amenity would be acceptable.

6.7 Access and Highways Issues

- 6.7.1 Chapter 4 of the NPPF relates to promoting sustainable transport. It says that decisions should take account of whether; the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.7.2 Policy TP1 of the Local Plan states that development will not be permitted where it would endanger highway safety.
- 6.7.3 Policy INF1 of the JCS relates to the transport network. It states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. It states that planning permission will be granted only where the impact of development is not considered to be severe.
- 6.7.4 The planning application was accompanied by a Transport Assessment, Delivery Management Plan and Framework Travel Plan. These have been scrutinised by Highways England and the Local Highway Authority. The comments provided by both organisation will be reproduced in full for members however the main issues raised will be discussed below.
- 6.7.5 Highways England confirm that they have no objection to the proposal, following confirmation of proposed floorspace figures from the applicant. They accept the trip generation figures which have been provided. They confirm that under planning permission 14/01323/OUT the site has an extant 'trip envelope' for 441 and 460 two-way vehicle trips in the AM and PM peak respectively. These can be 'netted off' against the development proposals resulting in an additional impact of 18 and 16 additional two way vehicle trips in the AM and PM peak hours respectively. Based on the level of development trips anticipated to impact on M5 J11, taking into consideration extant peak hour trips Highways England accepts that the proposals do not constitute a severe impact on the SRN.

6.7.6 The County Highways Officer has also provided detailed comments. The main points arising from these are:

- Sustainable travel services and opportunities are available on Grovefield Way to the south of the site, A40 east and west bound carriageways to the north east and Hatherley Lane, opposite ASDA to the east. There is a network of footpaths and cycleways servicing the site
- There are bus services available at the stops located 350m to the south of the development site on Grovefield Way and 550m east on Hatherley lane. There are further stops on the A40 750m north east of the site. These services provide a reliable sustainable transport alternative to that of the private motor car and have the potential to encourage modal shift. A desirable distance to a bus stop is 500m, with up to 1000m being regarded as acceptable. Therefore the site is sustainably located and accessible via a number of non-car based alternative transport methods.
- There is a new footway on the western side of Grovefield Way which was granted permission as part of the access arrangements for the BMW car sales garage.
- over a 5 year period from January 2012 there were 13 recorded personal injury collisions of which 9 were recorded as slight injury and 4 were recorded as serious injury. The reports attributed the causation as driver error or misjudgement rather than blame upon the highway and its layout. Therefore there are no highway safety deficiencies.
- The proposal makes use of the existing access constructed for BMW which is suitable for the expected levels and type of traffic. The internal junctions provide adequate emerging visibility splays. Vehicle tracking drawings have been provided for each element which demonstrates that they can be accessed by suitable delivery and refuse vehicles. Delivery management plans for the Supermarket, coffee shop and nursery will be secured via condition.
- Gloucestershire no longer has parking standards. Parking provision should be determined using the methodology set out in the NPPF. Office blocks 1 and 2 have parking provision of 222 spaces. The accumulation study determined a weekday peak demand of 22 spaces. The site is accessible to sustainable transport opportunities and regular bus services available within a reasonable walking distance. The site provides cycle parking and links with the cycle facilities. There would be a travel plan to encourage and support alternative means of travel.
- The supermarket, coffee shop and nursery provide 154 spaces. The weekday peak demand was established as 69 spaces and the max weekend demand was recorded at 109 spaces. The development provides adequate levels of parking in accordance with the NPPF.
- The outline element of the application provides access via a continuation of the main access road from Grovefield Way to a car park at the south western point of the development. This provides suitable access.
- In terms of trip generation the proposed development will generate an additional 18 vehicle trips in the AM (to 459) and an additional 16 trips in the PM (to 476) weekday peaks compared to the extant permission. The impact is

being considered in the weekday peaks due to the background traffic that occurs at weekends being lower.

- Surveys have demonstrated that vehicle flow is high within the Local Highway Network. The additional vehicle trips mentioned above on top of the base flow and previously consented trips would not be regarded as a significant increase given the high levels of background flow. The previous planning history cannot be ignored and the sites extant permission will generate additional vehicle movements within the Grovefield Area. The impact of the previous proposals was considered to be acceptable and the current proposals do not result in significant levels of additional trips.
- The concluding remarks are as follows:

“Grovefield Way and the local network to Arle Court Roundabout are constrained with high traffic flow and queues/delays at peak times. This may make the additional vehicle traffic generated by this development seem significant when assessed or viewed in isolation, however the previous extant permission carries significant weight in planning terms and must be considered when assessing the current proposal. Although each application has to be assessed on their own merits, this site has previously been deemed acceptable for development in planning terms for B1 Office Use. The number of additional trips generated by this current application compared to the extant permission, which can be implemented at any time, is not significant. There have also been no material changes in national and local planning policy since the previous applications permission was granted. It is for that reason that the highway authority finds no reasonable grounds for the refusal of permission to this application.”

6.7.7 The extant consent for the site was subject to the following condition (Condition 4):

6.7.8 *The B1 Employment Use development hereby granted Outline Planning Permission shall not be occupied until such time as the contributions specified in the Section 106 Agreement completed in respect of Planning Permission reference 13/0110/FUL, granted 14 March 2014, for the erection of a flagship BMW, Mini and Motorrad dealership (or any subsequent planning permission(s) on the same land and subject to a similar Agreement) are triggered OR a separate Agreement under S106 is entered into to secure the delivery of the site-wide sustainable transport contributions on occupation of the B1 scheme hereby granted permission and the adoption of the Joint Core Strategy. Reason: To ensure that the development is not carried out and occupied in the absence of any guarantee that the consequential site-wide sustainable transport contributions are delivered.*

6.7.9 The decision referred to in that condition was: *Proposed erection of a flagship BMW, Mini and Motorrad dealership including vehicle sales and servicing facilities and will include the creation of an access from Grovefield Way.*

6.7.10 This was granted subject to a s.106. It involved a contribution of £503,000 to be used towards improvements to the South West Cheltenham Corridor. This was due in three equal instalments, the first of which is due on the date which the JCS is adopted or on occupation of the development (Development is already occupied).

6.7.11 A revised scheme was made for the BMW site as follows: **14/00656/FUL (Granted 21/1/15)** : *Erection of a flagship BMW, Mini and Motorrad Dealership including vehicle sales and servicing facilities including an access from Grovefield Way (Revision to scheme approved 14 March 2014 under reference 13/01101/FUL - 1.Raising height of building by 1 metre to allow adjustments in floor levels to provide a mezzanine floor below ground level: 2. Rotation of vehicle ramp to allow access: 3. Increase in*

Motorrad element from 160 sq m to 190 sq m: 4. Revised highway layout to relocate BMW customer access point to west of approved position)

- 6.7.12 This was granted subject to a s.106 which is attached to this email. This repeated the requirement for £503,000 to be used towards improvements to the South West Cheltenham Corridor.
- 6.7.13 The legal agreement defines the South West Transport Corridor as The transport corridors in and out of Cheltenham including:
- a) The A40 west of the M5
 - b) Grovefield Way
 - c) Up Hatherley Way
 - d) Hatherley Way
 - e) Hatherley Road
 - f) The Reddings
 - g) Reddings Road and
 - h) Extension of the Park and Ride.
- 6.7.14 Given that the extant consent against which this application is being compared in transport terms was subject to these contributions, it is considered that the current application needs to be linked also. The applicant is in agreement to this. Given that the first instalment falls due upon adoption of the JCS with the second and third instalments in the future legal advice is being sought as to the appropriate mechanism to secure this and this matter will be updated.
- 6.7.15 It is acknowledged that the proposal will have an impact upon the road work however it has been demonstrated that the additional impact over and above that of the consented scheme is insignificant. The proposal meets all the technical requirements of new development, provides sufficient parking and provides options for sustainable travel. For these reasons the proposal is considered to be acceptable in terms of traffic, transport and accessibility.

6.8 Flooding and Drainage

- 6.8.1 The NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere.
- 6.8.2 Policy UI2 states that development will only be permitted where it would not increase the quantity or rate of surface water run-off.
- 6.8.3 The planning application was accompanied by a Flood Risk Assessment (FRA) and surface water drainage strategy. The surface water drainage strategy for the full elements of the proposal incorporates the balancing pond approved and constructed for the BMW development. Surface water runoff from roofs and impermeable areas will be managed via a combination of permeable paving and cellular storage with a controlled discharge through a balancing pond at the pre-development greenfield runoff rate.
- 6.8.4 Detailed comments have been provided by the Local Lead Flood Authority (LLFA). They have confirmed that the proposed discharge of 8.4 l/s, which will combine with the 1.8 l/s entering the balance pond from BMW is acceptable. Discharge is to the unnamed watercourse at the northern boundary of the site.
- 6.8.5 The proposed permeable paving will accommodate surface water for storage only. The remaining storage requirement will be held in geocellular crates with the final amount to be determined in the detailed design stage.

- 6.8.6 The outline element of the proposal is subject to a strategy of discharging surface water at the pre-development greenfield rate. Again further information would be required by condition.
- 6.8.7 It is normal with large scale proposals for the detailed design of drainage strategies to be submitted via conditions when the technical construction designs are prepared. However it is necessary to set out a strategy which confirms that the proposal is capable of adequately handling surface water runoff. In this instance the LLFA have confirmed that this is the case.
- 6.8.8 As such it is considered that the scheme is compliant with the technical requirements and as such is acceptable in terms of flooding and drainage.

6.9 Trees and Landscaping

- 6.9.1 Policy GE5 of the Local Plan states that the LPA will resist the unnecessary felling of trees on private land.
- 6.9.2 Policy CP3 states that development should conserve or enhance the best of the built and natural environments.
- 6.9.3 The tree officer has confirmed that the majority of the trees are of a low category and are also proposed to be retained as part of the soft landscaping proposal.
- 6.9.4 The soft landscaping proposals are generally considered to be of a high quality however there are certain areas where inappropriate species are proposed and/or further details are required in relation to maintenance and planting as outlined in the comments above. It is considered that these matters can be dealt with appropriately through conditions.

6.10 Wildlife and Ecology

- 6.10.1 Policies NE1 and NE2 of the Local Plan relate to ecology and states that development which would harm protected species or a designated conservation site will not be permitted unless safeguarding measures can be put in place or other material factors override nature conservation considerations.
- 6.10.2 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of the development in that location clearly outweigh the loss.
- 6.10.3 The proposal was accompanied by an ecological assessment. The site was originally surveyed in 2006 and updated surveys were carried out in 2011, 2013 and 2016. Specific bat and badger surveys were also carried out. The report concludes that there are no overriding constraints to development. However it is proper to provide habitat opportunities and as such bat and bird boxes will be secured through the development and required by condition. Native planting will also be used within the landscaping scheme to provide enhancement in these areas.

7 CONCLUSION AND RECOMMENDATION

- 7.1 It is acknowledged that this is a controversial application which has attracted a high level of objection, not least from the Reddings Residents Association who have set out their concerns in detail. However a decision must be made on planning merits bearing in mind the relevant policies as set out above and the fall back position of the applicant in terms of the extant outline consent for B1 development on the site.

7.2 As mentioned above the NPPF makes it clear that the presumption in favour of sustainable development should underpin decision making and, in this instance that can be interpreted as meaning that planning permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

As mentioned at 6.6.18 the NPPF identifies a key role for the planning system in contributing to building a strong, responsive and competitive economy.

7.3 As such the determination of this application comes down to considering the planning balance. Given that the site is to be removed from the Green Belt and has extant consent the key issues upon which this application turn are considered to be the inclusion of non B1 uses in principle, the implications of retail on the site and the acceptability of the individual buildings and layout.

7.4 It has been demonstrated that the provision of a retail use in this location would not have an adverse impact in terms of retail impact. The application has been the subject of a significant amount of negotiation in terms of the layout which has resulted in a much improved scheme which officers support. The inclusion of non B1 uses on the site, through the provisions of the s.106, will facilitate the provision of employment provision on the site, do not dilute the principle purpose of the site to an unacceptable degree and in themselves provide employment opportunities.

7.5 As such it must be concluded that there are no over-riding concerns in terms of the uses proposed or in the technical considerations which warrant the refusal of the application.

7.6 Therefore the recommendation is to permit the application subject to conditions and the signing of a s.106 agreement.

8 CONDITIONS / INFORMATIVES

To follow as an update.



TS0461b17

28th March 2017

J Hinton Esq - Development Director
Hinton Group
Reims House
8 The Croft
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JOHN RYDE
COMMERCIAL



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Dear Mr Hinton

Proposed Development at Grovesfield Way, Cheltenham

I refer to our previous discussions regarding the above site which adjoins the new Cotswold BMW/Mini development and for which you have submitted a planning application for a mixed commercial scheme to include an Aldi Supermarket, a day nursery and a drive-thru Costa Coffee outlet.

In addition, the planning application includes two office buildings, one of which we are discussing regarding a potential occupier.

The remainder of your planning application proposes an outline consent for office development without being specific on the design, layout and size of the buildings.

In my opinion, this is a sensible way of dealing with the overall planning for the site at the current time as in my experience, potential office occupiers either for small or larger amounts of space prefer to understand the nature of the development and nature of other occupiers before they are likely to commence discussions in earnest.

It makes sense for this element of the scheme to allocate the land for office development but for full detailed applications to be developed once the main scheme has been established in accordance with the detailed planning application.

It is very difficult to get office occupiers to engage in discussions before receipt of a planning permission as in our experience, most office occupiers, when they decide to move, will want to ensure a scheme is deliverable before committing resource to negotiations. Unlike retailers, most office occupiers do not have a dedicated property team searching for suitable sites – it tends to be directors or employees who are challenged with this task, which takes them away from their day to day role.

Furthermore, one of the considerations that office occupiers considering space on a business park have to make is the trade-off between more open plan space, with their own front door and a better parking provision against the retail and leisure convenience that a town centre offers. Providing some form of on-site retail provision, such as that proposed, significantly minimises the impact of this. If there were to be no such complimentary uses on the site, it would likely be too big a shift in environment for many businesses (including the occupier who I am representing in discussions for a unit on the site) and their workforce.



I therefore feel the approach taken in securing a consent and delivering complimentary uses before commencing formal marketing of the office space is the best way in which to bring this scheme forward.

I trust the above comments are of assistance to you,

Kindest regards,

Yours sincerely



T C Smith

tmsmith@johnryde.co.uk

28 March 2017

Jon Hinton
Reims House,
8 The Croft,
Buntsford Drive,
Bromsgrove
B60 4JE

Dear Jon,

CORINTHIAN PARK, GROVEFIELD WAY, CHELTENHAM

Further to our discussion in respect of the proposed office accommodation at the above site, I confirm that the process typically undertaken to secure office occupiers off plan encompasses the following sequential stages: -

- Obtain an office use planning consent (ideally at least part detailed rather than just outline)
- Secure named complimentary users within the estate to provide companies with ancillary facilities and create a destination rather than a sterile business park.
- Demonstrate to potential occupiers the developer's credibility through track record, detailed development program, appointed contractor and secured funding.
- Undertake a comprehensive suite of marketing to target occupiers through boards, brochures, occupier mailing, website, PR, site launch etc.

The gestation period for office enquiries between opening discussions to delivering a completed property is typically far longer than other sectors including retail, industrial and roadside uses. This is due to office requirements often being based upon more subjective factors and/or of a bespoke element, whether they be fit-out or mechanical and electrical related. Accordingly, it is extremely rare that we have secured one named occupier for the above park, given where we are in the aforementioned process.

Please let me know if the above requires any further elaboration.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Douglas Bonham".

Douglas Bonham MRICS
DIRECTOR



PM104ldp18

29 August 2018

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Dear Jon

CORINTHIAN PARK, CHELTENHAM

As you know I am retained by Bloor Homes to seek a new regional headquarters office building in North Gloucestershire circa. 25,000 sq ft gross.

I refer to a meeting held with you and Bloor Homes and respective advisors and, subsequent receipt of development drawings and draft heads of terms on which further detailed advice is being taken.

I am in a position to confirm that Bloor Homes are seriously interested in this opportunity and of the options available this is definitely their preference. Clearly, there is more work to do in finalising an agreement, but it is my client's intention to endeavour to progress this acquisition and if you wish a copy of this letter can be realised to the Local Planning Authority.

Yours sincerely

Paul Maguire
paulmaguire@johnryde.co.uk

Subject to Contract

cc Adrian Bloor Esq Bloor Homes
Steve Roberts Esq Bloor Homes
Douglas Bonham Esq Colliers



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Pf/eds/

24th August 2018

Jeremy Williamson Esq
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Dear Jeremy,

New Office Accommodation, Grovefield Way, Cheltenham

I write to express our strong interest and commitment to taking office accommodation at the new office development on Grovefield Way, promoted by Hinton Developments.

By way of background, you will be aware that Hunter Page Planning has been looking for new premises for a considerable period, because in the 15 years that we have been in our existing building; we have used and filled all the space available. We therefore have limited opportunity to grow our business within the existing premises.

We initially explored the possibility of expanding with an extension to the rear of the building. Whilst this was plausible, the historic nature of our building and the limited accessibility to the rear made this difficult.

We have also retained Paul Maguire at John Ryde Commercial to look for suitable alternative premises for our relocation. Over the last few years there has been limited stock available and those premises that do come up are generally of poor quality and not suitable for modern business purposes. Regrettably this is typical of a lot of the existing Georgian office buildings within the town.

You will also be aware that Hunter Page Planning was recently acquired and merged with Ridge and Partners LLP. This is an exciting opportunity for Hunter Page and provides greater opportunities for the business to grow and offer different services within Cheltenham. As a company we have therefore recognised that we will need to move premises within the next 18 months in order to grow the business and stay in Cheltenham. We are currently looking for premises of up to 8,000ft² with the potential to accommodate between 40-50 people. The current preference is for modern, accessible accommodation to foster greater internal communication between the Cheltenham staff as well as making travelling to the company's 10 other offices easier to achieve.

At the present time there are limited opportunities to acquire modern office accommodation within Cheltenham simply because very little has been built over the previous years and many of the existing office buildings in key locations have been converted to residential use utilising the Government's permitted development rights. As a consequence, the existing stock that does remain is quickly taken up and office rents have risen considerably and becoming prohibitively expensive for many businesses.

Whilst it is encouraging to see that new employment land is coming forward in the JCS, (North West Cheltenham and West Cheltenham) these are large strategic sites and will take longer than 18 months to deliver.

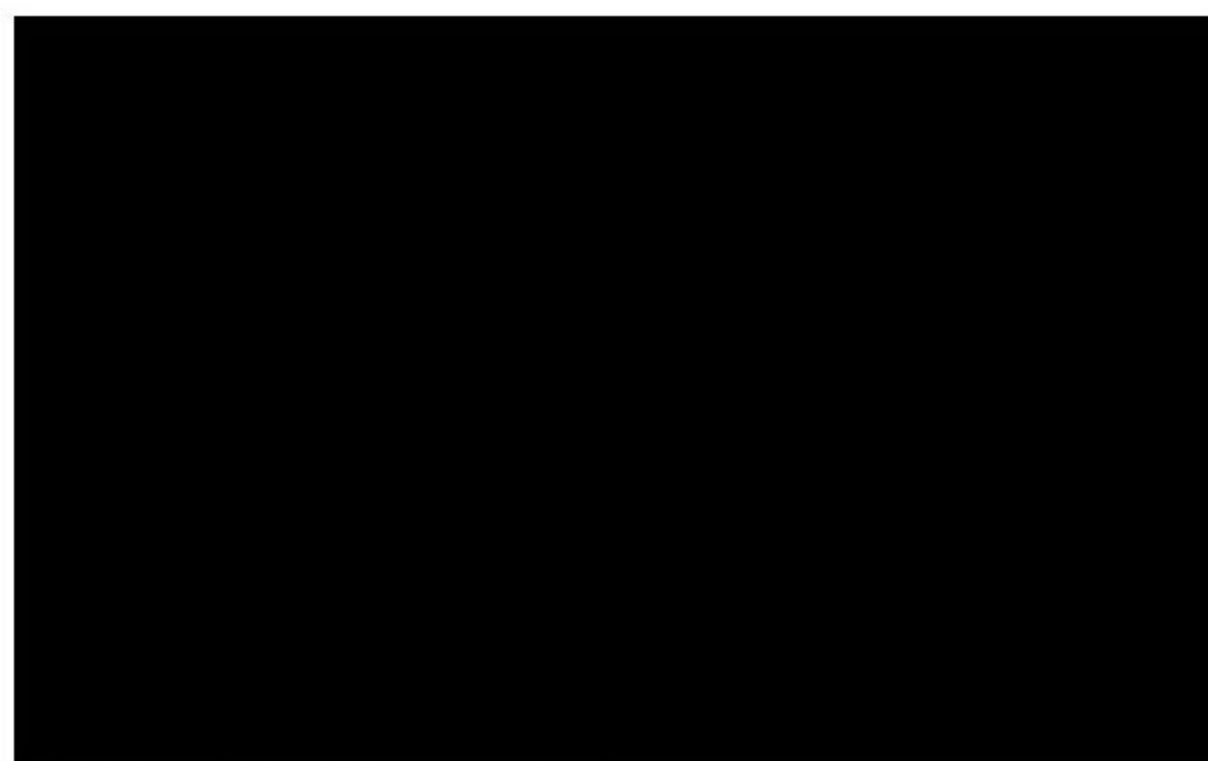
The Grovesfield Way development does provide a prestigious and accessible office location with complimentary facilities and services on site and in the immediate locality for staff. As a consequence we have been in negotiations with Hinton Developments and agreed terms for us to occupy a new office building within the development of 8,000ft².

This is an exciting opportunity for Hunter Page/Ridge as it will allow us to be involved in the design process of the internal space. However, we are mindful that if planning permission is not forthcoming within the next 18 months, we will have to look elsewhere for suitable accommodation.

I write this letter simply to provide the decision maker with the understanding that we would commit to relocate our business to this office development for our future growth. At the same time I also confirm that I currently own our existing office premises (Thornbury House) and I would retain this in office use to allow another small/medium size business to occupy the premises and to ensure that we have a range of suitable premises in the town.

Please do not hesitate to contact me should you require any further information.

Yours sincerely,



Paul Fong MRTPI
Hunter Page/Ridge