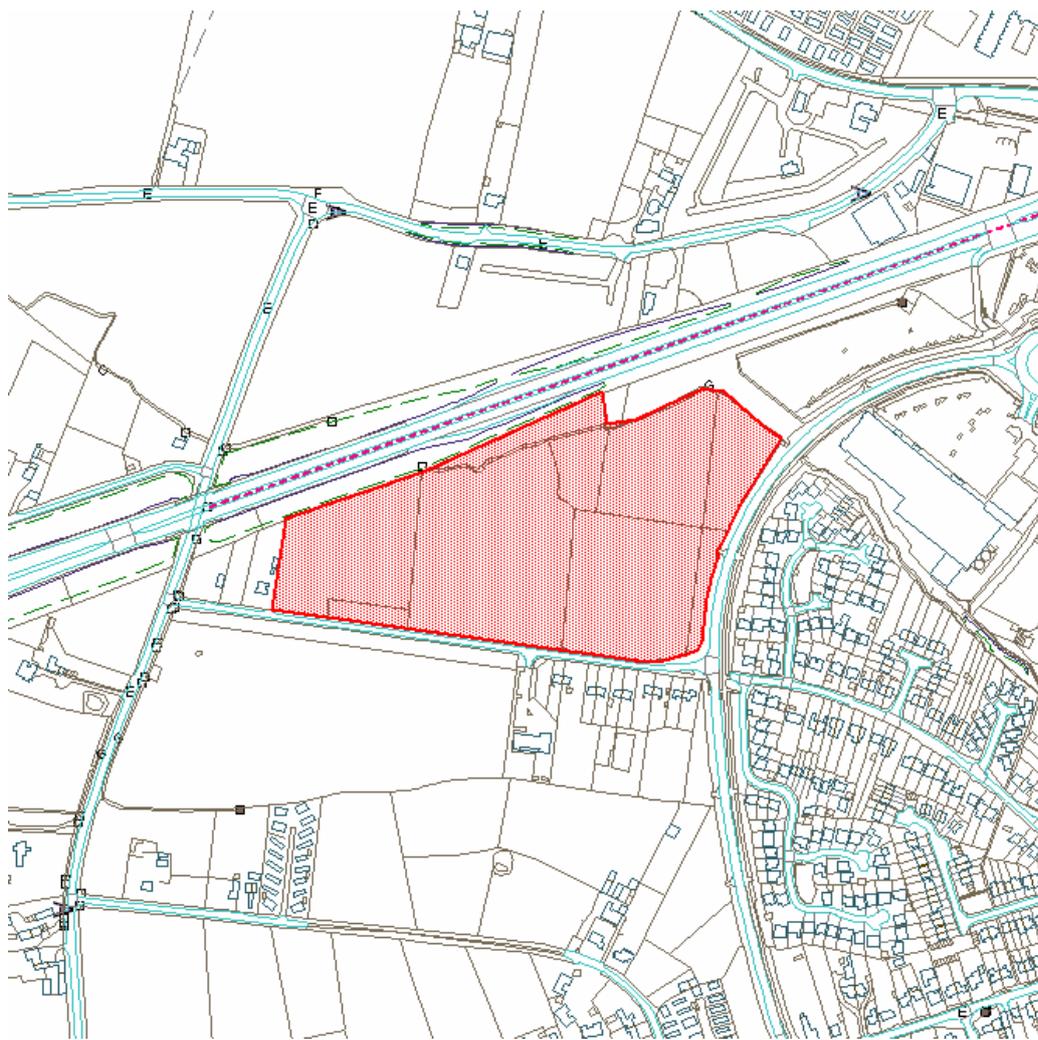


APPLICATION NO: 13/01101/FUL		OFFICER: Mr Ian Crohill	
DATE REGISTERED: 29th June 2013		DATE OF EXPIRY: 28th September 2013	
WARD: Benhall/The Reddings		PARISH: None	
APPLICANT:	Mr Peter Harris		
AGENT:	Mr Ian Gilbert		
LOCATION:	Land at North Road West and Grovefield Way, Cheltenham		
PROPOSAL:	Proposed 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.

For ease of understanding, please replace the previous report (13th November) and report update (15th November with this entire report



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1** 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.
- 1.2** 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.
- 1.3** 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.
- 1.4** 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.
- 1.5** 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.
- 1.6** 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.
- 1.7** 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.
- 1.8** 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.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Greenbelt
Landfill Sites boundary

Relevant Planning History:

04/01790/OUT 15th December 2004 WITHDRAWN

Outline application for B1 industrial uses

05/00799/OUT 29th March 2006 REFUSED

1st May 2007

GRANTED PLANNING PERMISSION ON APPEAL

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

06/01427/OUT PDE (Undetermined)

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

08/01733/FTP 16th July 2009 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)

09/00369/REM 29th May 2009 Approval Reserved Matters

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

09/00720/REM 18th December 2009 Approval Reserved Matters

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.

10/00690/REM 29th July 2012 Approval Reserved Matters

Approval of reserved matters for Phase 2 - Design and external appearance of buildings to be constructed and details of hard and soft landscaping

10/00468/TIME 22nd June 2012 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).

Subsequently an application for permission to apply for a Judicial Review of this planning decision was REFUSED 15th July 2013

10/01562/REM 24th October 2011 QUASHED FOLLOWING JUDICIAL REVIEW

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.

12/01086/REM 21st August 2013 Approval Reserved Matters

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).

3. 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

4. CONSULTATIONS

a) Contaminated Land Officer

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.

b) GCC Highways Planning Liaison Officer

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.

c) Planning Policy Team

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.

Policy Considerations

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.

Relevant Evidence Base Documents and consideration of the need to retain the site for (only) B1 use

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 relevance of Draft Joint Core Strategy Employment Land Allocations

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.

Conclusion

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.

d) Urban Design

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.

e) Tree Officer

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.

f) Crime Prevention Design Advisor

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) Cheltenham Civic Society

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) Architects Panel

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 on revised drawings

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.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	49
Total comments received	25
Number of objections	24
Number of supporting	0
General comment	1

- 5.1** 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.
- 5.2** 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.
- 5.3** 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.
- 5.4** The e-mails and letters that have been received are attached to this report for members' information.

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.1.2 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.

6.2 The site and its context

6.2.1 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.

6.2.2 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.

6.2.3 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.

6.3 Planning History

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

6.3.2 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.

6.3.3 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.

6.3.4 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.

6.3.5 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.

6.3.6 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.

6.3.7 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.

6.3.8 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.

6.3.9 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.

6.3.10 Planning permission to develop the larger site for the purposes of a Business Park is therefore extant and will not lapse until whichever is the later of the following dates:- 5 years from the date of the outline permission (22nd June 2017) or 2 years from the date of the REM decision (21st August 2015).

6.3.11 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.

6.3.12 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."

6.3.13 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.

6.3.14 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.

6.3.15 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.

6.4 Design and Layout

6.4.1 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.

6.4.2 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.

6.4.3 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.

6.4.4 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.

6.4.5 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.

6.4.6 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.

6.4.7 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.

6.4.8 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.

6.4.9 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.

6.5 Planning Policy Considerations

6.5.1 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.

6.5.2 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.

6.5.3 The comments of the Planning Policy team included in section **4(c)** 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."*

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

6.6 Transport Issues

6.6.1 The Highways advice from Gloucestershire Highways, the Highway Authority is laid out in detail in **4 (b)** 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.

6.7 Impact on Neighbouring properties

6.7.1 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.

6.7.2 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.

6.7.3 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.

7. CONCLUSION AND RECOMMENDATION

- 7.1** 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.
- 7.2** 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.
- 7.3** 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.
- 7.4** 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.