

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

REPORT UPDATE

The local Member, Councillor Nigel Britter, has sent an e-mail to the case officer expressing objection to the proposal; unfortunately this was not referred to in the original report.

His e-mail reads as follows:

"In my role as local ward councillor I have received many concerns / objections regarding this application from local residents. I have waited until now to gain as much feedback as possible.

I am aware that some residents have written to you directly within the consultation period. But from all the comments I have received I feel I must express objections to this Planning Application.

Resident's objections and concerns to this proposal are as follows:

1. Building within the Green Belt

The Regional Spatial Strategy (RSS) for Gloucestershire has yet to be confirmed so this application is premature. The current Cheltenham Borough Local Plan confirms that the Green Belt between Gloucester and Cheltenham will be maintained. The main purpose of the Green Belt is to protect the land from urban sprawl and keep the area permanently open not to mention protecting the unique character of this semi rural community. This application is very much an 'inappropriate' development

2. Creating a precedent

Residents fear that approval of this development will create a precedent allowing other similar businesses to follow, with all that it entails in terms of impact on the infrastructure, environment and quality of life. This proposal is simply the thin end of the wedge and is likely to turn the whole site into a retail park, as well as the neighbouring open areas south of Grovefield Way.

3. Turning the area into a potential retail park

The site in question is very close to a highly populated and predominantly residential area. Historically an application on the same site for a B1 development was granted at appeal where Sadly the Inspector decided that the objection of hundreds of local people was not enough and overturned the Council's refusal for the planning

application. The main thread for overturning the original application was that the town did not have sufficient employment allocated land what has changed?

4. Use Brownfield sites

The best towns and cities constantly renew themselves organically for the benefit of their citizens and it is common sense to make best use of the existing infrastructure. Developers always choose Greenfield development regardless of the environmental and social consequences because it makes them the most profit. There are plenty of Brownfield sites and derelict properties across the town that should be considered first before destroying this green area.

5. Unacceptable Noise

The local neighbourhood especially homes adjacent to Grovesfield Way already suffer from noise generated by heavy road traffic. The application, if approved will create even more not to mention the noise that the development itself will generate doing what it does especially if delivery vehicles are unloaded outside normal working hours. Excessive noise can have a serious impact on the health and well being of local residents.

6. Pollution

The introduction of further motorised traffic into this residential neighbourhood will inevitably lead to pollution being deposited on the environment. The transport infrastructure in this area is already heavily congested with traffic tailbacks frequently stretching back from Arle Court roundabout along Grovesfield Way as far as the proposed new entry road in to the development. This queueing further traffic will not only increase the noise levels but the monoxide deposited into the environment. With traffic turning right from Grovesfield Way into the development site, this is likely to increase the risk of more road traffic accidents not only by the poor sight lines but also the current speed of traffic.

7. Building Design

The design is not in keeping with the surrounding pastoral area and would not only be an eyesore to the residents but also to persons using the A40. This is an important gateway site into Cheltenham and a proper assessment should be undertaken before any major decision is taken.

8. Flooding

Flooding is already a concern to residents bordering a tributary of the Hatherley brook which runs adjacent to the proposed site. If the development is permitted the potential flooding issue is likely to be exaggerated.

9. Staff Parking

The planning brief suggests that new employment will be created by this proposal yet in the consultation exercise undertaken by Hunter Page it was confirmed that many jobs on the new site are merely transferred roles from other sites and it appears that many of the new jobs created are likely to be part time. This is likely to create a problem of staff car parking no less similar to the problems already encountered by residents with GCHQ parking, the end result being that many local residential roads

will become further congested with staff having to park their vehicles somewhere.

10. Environment

The applicant proposes to remove much indigenous planting and hedgerows to the detriment of local wildlife, contrary to the Countryside & Wildlife Act. Every effort must be made to ensure compatibility with the surrounding areas for residents / wildlife and vegetation. Wildlife habitat and plant life must be protected replaced as and where appropriate. The loss of mature trees by this development is again a demonstration of the damage to not only the character of the area but also the local environment. The whole development is not in sympathy with its surroundings and remains inappropriate development in the Green Belt.

11. No gain for the Community

The applicant has not followed the appeal inspector's recommendation for this site which would have seen the Park and Ride extended. This application clearly does not serve the local community or even the wider community. There is no gain for the neighbourhood-only more misery and disruption.

OFFICER RECOMMENDATION

That permission be granted subject to the applicant entering into a Section 106 Agreement to secure a financial contribution of **£503,000 towards ensuring that modal shift occurs along the South West Cheltenham transport corridor by either extending the existing Park & Ride facility or measures to increase modal shift. The Gloucestershire Highways Officer has made it clear that the measures to increase modal shift, along transport corridors in and out of Cheltenham, shall include but not necessarily 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. He also confirms that 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.**

Upon completion of the above S106 Agreement planning permission would be granted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004..

- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 2784-02E; 2784-04A; 2784-05; M999.01.D; M999.02.D; M999.03.D; M999.04.D; M999.05.D; M999.06.D; M999.07.D; M999.08.D; M999.09.D received 28 June 2013.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

- 3 Prior to the commencement of development, samples of all the proposed facing materials and the roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 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.
- 5 Details of the layout and access 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.
- 6 Details of vehicular parking and loading/unloading facilities within the site, shall be submitted to and approved in writing by the local planning authority before any development begins and the development hereby permitted shall not be occupied until those facilities have been provided in accordance with the details so approved 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.
- 7 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.
- 8 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.

- 9 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.

- 10 In the event that any 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 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.

- 11 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 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.

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

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

- 13 Details of the landscape management proposals for the woodland area (identified 2 on the illustrative landscape master plan) comprising mainly elm and ash shall be submitted to the Local Planning Authority prior to any work commencing on site. Such proposals shall identify those trees to be retained, those to be removed and any new planting along with a management plan covering the short, medium and long term.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site to ensure that the woodland is managed, thereby securing its establishment and at the same time meeting the objectives of Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 14 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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

- 15 No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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

- 16 No new buildings or structures shall be erected or raised ground levels created within 6 metres of the top of any bank of any watercourse or culverted watercourse inside or along the boundary of the site unless otherwise agreed in writing by the local planning authority.

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

- 17 Prior to the commencement of development, the surface water drainage system shall be designed in accordance with the principles of Sustainable Drainage Systems (SUDS). This shall include a maintenance strategy and full details (including calculations) shall be submitted to and approved by the Local Planning Authority. Prior to the first occupation of any part of the development, the surface water drainage system shall be completed in all respects in accordance with the details approved and shall be retained as such thereafter.

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

- 18 Details of the on going maintenance regime for the support, clearance of silt/blockages and repair where necessary of the permeable paving areas, any permeable paving and surface water attenuation tanks, and associated sewer runs shall be submitted to the Local Planning Authority before any work on site is commenced. The surface water drainage system shall be maintained in accordance with the details so approved.

Reason: To ensure that the development is provided with a satisfactory means of drainage to reduce the risk of creating or exacerbating a flooding problem and to maintain the risk of pollution.

- 19 Details of any external lighting within the development (other than street lighting) that shall be agreed shall be submitted to and approved by the Local Planning Authority before any of the buildings are first occupied. The development shall be carried out in accordance with the approved details.

Reason: In the interests of security and at the same time to ensure that any lighting does not impact on amenity of neighbouring users.

- 20 Prior to the commencement of work on the water feature indicated on the submitted plans full details (including design, materials and the future maintenance regime) of the proposed gateway water feature shall be submitted to the Local Planning Authority for approval. The water feature shall be installed and maintained in accordance with the details so approved.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

Informatives;

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

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

relation to planning applications to enable the applicant, and other interested parties, to track progress.

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

- 2 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.