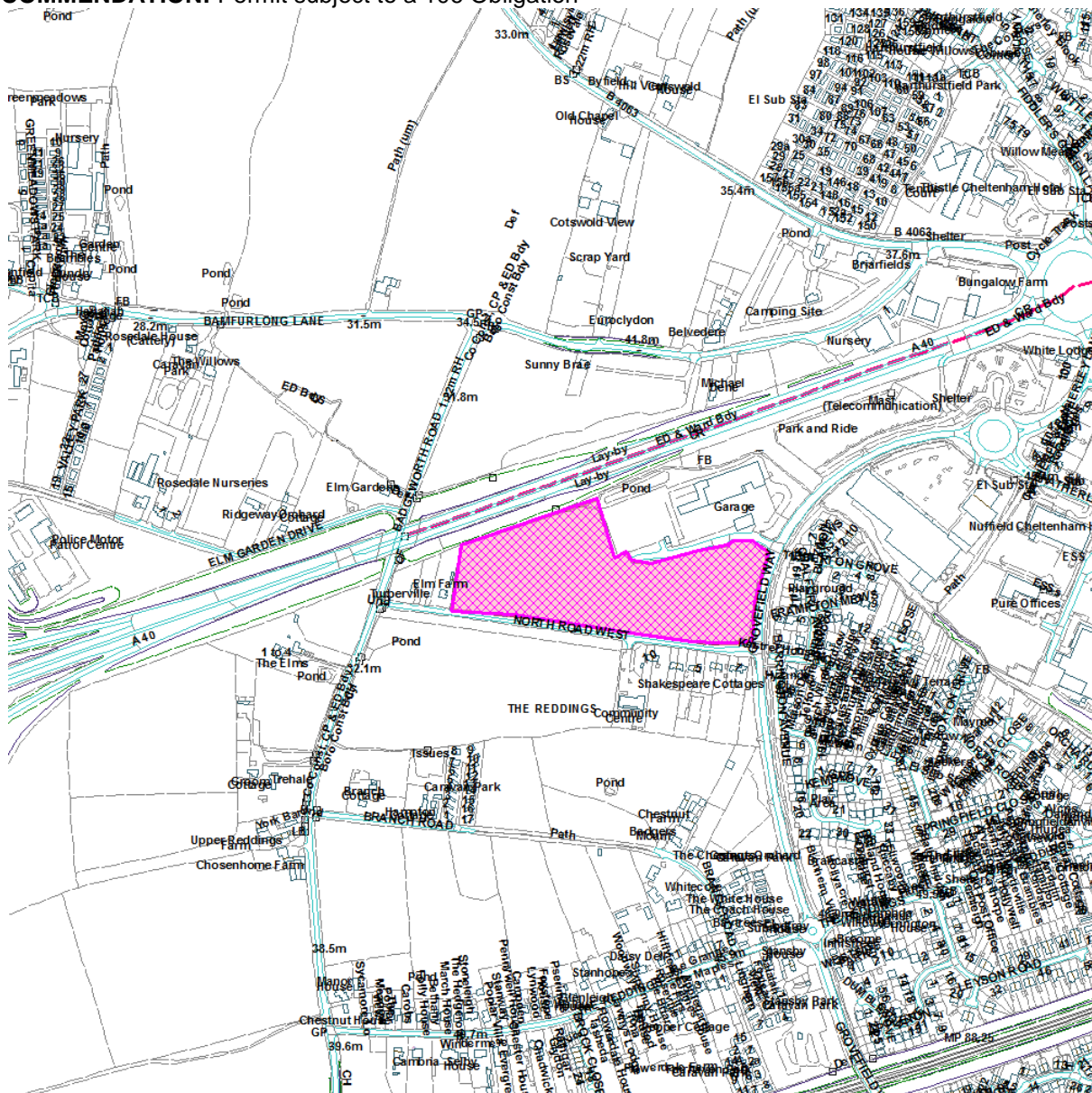


<b>APPLICATION NO:</b> 18/01004/FUL	<b>OFFICER:</b> Mr Joe Seymour
<b>DATE REGISTERED:</b> 23rd May 2018	<b>DATE OF EXPIRY:</b> 22nd August 2018
<b>WARD:</b> Benhall/The Reddings	<b>PARISH:</b>
<b>APPLICANT:</b>	Hinton Properties (Grovefield Way) Ltd
<b>AGENT:</b>	Hunter Page Planning
<b>LOCATION:</b>	Land At North Road West And Grovefield Way Cheltenham
<b>PROPOSAL:</b>	Hybrid application seeking detailed planning permission for 5,914 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m food retail unit (Use Class A1), with associate parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved - except access (resubmission).

**RECOMMENDATION:** Permit subject to a 106 Obligation



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The site occupies a flat parcel of land approximately 6.4ha in area to the north-west of Grovefield Way, The Reddings on the western periphery of Cheltenham. It lies immediately west of the Gloucestershire County Council Park & Ride facility at Arle Court and the site is connected to the strategic highway network along the A40 and to junction 11 of the M5.
- 1.2 The site was previously within the Gloucester-Cheltenham Green Belt but following the adoption of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 ("JCS") in December 2017 the site has now been removed from the Green Belt.
- 1.3 The proposal comprises a hybrid planning application seeking detailed planning permission for 5,914 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m food retail unit (Use Class A1), with associate parking, landscaping and infrastructure works. Outline planning permission is sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved - except access.
- 1.4 Cllr Nigel Britter has referred the application to be determined by the planning committee due to the level of local interest and concerns raised by residents.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

N/A

### Relevant Planning History:

**05/00799/OUT 29th March 2006 REFUSED (ALLOWED ON APPEAL 1st May 2007)**

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

**09/00720/REM 18th December 2009 PERMITTED**

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

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

**10/00468/TIME 22nd June 2012 PERMITTED**

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

**12/01086/REM 21st August 2013 PERMITTED**

Reserved matters in connection with permission 10/00468/TIME. Details of the access, siting, design, external appearance of the buildings and the landscaping of the site. In addition details required by conditions 4,6, 7, 8, 11, 12,13, 15 and 16 (full details of both hard and soft landscape works including proposed finished levels; means of enclosure; car

parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures proposed; and existing functional services above and below ground; retained landscape features; surface water drainage works, incorporating sustainable drainage systems; the positions, design, materials and type of boundary treatment to be erected; landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas; schedule of landscape maintenance for a minimum period of 5 years; detailed waste management strategy for the treatment, recycling, and re-use of waste arising from the construction of the development; renewable energy plan to provide sufficient on site renewable energy to reduce carbon dioxide emissions by at least 10%; Car parking levels on the site overall and for each completed building; secure covered cycle parking).

**13/01101/FUL 14th March 2014 PERMITTED, SUBJECT TO S106**

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 Grovesfield Way

**14/00656/FUL 12th January 2015 PERMITTED**

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

**14/01323/OUT 12th December 2014 PERMITTED**

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

**15/01848/FUL 4th March 2016 PERMITTED**

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

**16/02208/FUL 17th January 2018 REFUSED (APPLICANT HAS APPEALED, INQUIRY TO DETERMINE THE APPLICATION SET FOR JANUARY 2019)**

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

### **3. POLICIES AND GUIDANCE**

Saved Local Plan Policies

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

EM 1 Employment uses

EM 2 Safeguarding of employment land

RT 1 Location of retail development

UI 4 Maintenance strips for watercourses

Adopted Joint Core Strategy (JCS) Policies

SP1 The Need for New Development  
SP2 Distribution of New Development  
SD1 Employment - Except Retail Development  
SD2 Retail and City / Town Centres  
SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD5 Green Belt  
SD6 Landscape  
SD9 Biodiversity and Geodiversity  
SD14 Health and Environmental Quality  
INF1 Transport Network  
INF2 Flood Risk Management  
INF6 Infrastructure Delivery  
INF7 Developer Contributions

National Guidance

National Planning Policy Framework (NPPF)

## **4. CONSULTATIONS**

### **Ward Councillors**

*5th July 2018*

As Ward Councillor for the Benhall & The Reddings Ward in which the above application has been made, I continue to object on the same grounds to this 'revised' application as it does not address any of the concerns that I have already expressed regarding the initial proposal that was refused by the planning committee in December and is now subject to an appeal against that decision.

- I believe Grovesfield Way is not an appropriate site for a retail development. It is not 'out of town' it is adjacent to domestic properties which will be significantly impacted by retail activity. The approved B1 office development is likely to be operating at capacity 5 days per week, 08:00 to 18:00 hours with predictable traffic flows at finite periods. Retail will be 7 days per week, 05:30 to 23:00 hours with 24 hours per day intense lighting and very variable traffic flows all day and every day not forgetting the out of hour's deliveries.

- Many residents believe that this application with only outline permission requested for the majority of the B1 offices, means that neither CBC, nor they can have confidence that the proposals are transparent or coherent, and that the applicant will not subsequently reapply to adjust the proposals once he has secured permission for A and D class development on the site, as he did for BMW. It does not offer adequate security that the whole site will not become a retail park by stealth. Indeed, on the applicant's own Design and Access statement it congratulates itself that "The offices have not been designed with an end user in mind, so the space created needs to adapt easily to changes in need or use. The buildings must be open plan, to allow for easy sub-division to appeal to a wide range of potential occupiers. Taking this approach ensures that the buildings will be versatile and adaptable, ensuring they will remain viable into the future". As such, the architecture and style of the offices that they propose to build can easily be converted to retail in the future.

- Approval of retail development here will inevitably lead to further similar applications for this site and the evolution of a major out of town shopping area resulting in a substantial increase in disturbance, traffic and local congestion. There will be an impact on other businesses in the area, particularly given the proximity of both Asda and other day

nurseries; also no impact assessment has been carried out on other small businesses in the area, in particular, "Springfield Stores" in The Reddings & small shops in both Hatherley and Benhall. They and the Community Centre are concerned that they may not be viable if this proposal is approved.

- There are when reviewing a multitude of reasons why the application conflicts with policies, namely Retail, Local, Greenbelt and the NPPF. With some of the reports submitted significantly out-of-date and use old, flawed data especially traffic. Furthermore and perhaps most important it does not take into consideration the opening of the adjacent BMW site which opened in August 2017

- The National Planning Policy Framework, document champions a "Town Centre First" ethos within its retail chapter and states that new out of town shopping locations must be sustainable in transportation terms - this scheme would be completely reliant upon the car. It also states that key safeguards like Green Belt boundaries should only be altered in exceptional circumstances. This proposal is not an exceptional circumstance with no evidence of a need for the development.

- This proposal is not driven by the local community. It is a commercially driven venture in which the need of the local community and the impact on them has been completely ignored by the developer. There is no evidence that this type of development is actually wanted or needed

The area is already saturated with large supermarkets; this proposed development will have an immense negative impact on local small businesses, which in some cases would put them out of business.

- On examining if there is a demand the proposed services I would make the following points,

Child day nursery; there is a day nursery operating opposite the site plus at least 2 others within a half mile, again this is not B1 use and as previously stated will very likely have an effect on the existing Nurseries.

Supermarket; we have a large supermarket adjacent to the site and another less than 2 miles away along with a number of convenience stores, again this is not B1 use, It is likely to lead to more traffic in an already gridlocked area by diverting users of Aldi who live this side of town to it. There is no guarantee that Aldi will not simply close the other site in Cheltenham having obtained a bespoke premise.

Drive through Coffee shop; we have a number of coffee shops located in supermarkets adjacent to the site and DIY stores; again this is not B1 use. Drive through tend to end up polluting other areas, especially with the addition of 'fast food' you do not have to drive very far to find the discarded cartons and paper cups.

B1 Office Development; the office stock in Cheltenham is in the main modified Georgian buildings which although used are not suitable for modern open plan offices. There is also an abundance of small offices but not A1 quality offices. If a company choose to relocate, centralise or set up a regional office in Cheltenham then the offices on offer to fulfil this purpose are next to zero. Unless land is set aside and offices built the status quo will remain, the previous Planning Inspector in hindsight may have taken this view.

If allowed to go through where will new quality A1 offices be built, or do we simply assign more Greenbelt to fulfil this requirement. As a B1 development is already granted for this site I would suggest that there is still a chance to address this and to provide competitively priced offices to avoid the migration of businesses and maintain a healthy employment sector without taking more land to meet employment targets...

- The release of the land at Grovefield Way from the Green Belt as part of the Joint Core Strategy was supported by the development of the site for employment use. The development of the site for alternative uses including retail, do not represent exceptional circumstances which would justify the release of the land from the Green Belt in this location. Development of this type would be contrary to the Joint Core Strategy and the Green Belt principles outlined in the NPPF and the JCS.

- The BMW development has already removed over 33% of the original site area available and created few, if any, new full time jobs. This proposal will take a further 12% of the site for non-B Class development to create 71 associated new full time jobs. However, that will be at a cost of 132, or more B1 jobs that would be created on the same 2448sq meters of the site. As such, the loss of B1 jobs to the retail/childcare A and D class proposal will remove a potential £588,000 per annum from the local economy compared to the equivalent B1 employment wages that would be generated by the extant B1 permission.

- The proposed development is not 'plan led' It comes before the adoption of the emerging Cheltenham Local and the newly adopted Joint Core Strategy, which together aim to shape the future development of our town. I feel the proposal will create a precedent for the kind of creeping, incoherent, urban sprawl which would damage the townscape and the surrounding area.

- The Joint Core Strategy Plan (Tewkesbury, Cheltenham and Gloucester) has included this site as New Employment Development.

#### Grovefield Way

3.22. The site occupies a flat parcel of land to the north-west of Grovefield Way, The Reddings on the western periphery of Cheltenham. It lies immediately west of the Gloucestershire County Council Park & Ride facility at Arle Court and is extremely well connected to the strategic highway network along the A40 and to J11 of the M5. Measuring approximately 6.4ha, the allocation provides an opportunity for the establishment of a modern business environment at an important gateway location. The site can be categorised as Greenfield and currently benefits from an extant planning consent for B1 employment uses. The Principal Urban Area is being amended to accommodate this allocation and part of the site already houses a flagship car dealership.

- Retail Policy SD2 of the Joint Core Strategy identifies that proposals for retail that are not located within a designated centre and are not in accordance with policy will also be robustly assessed against the requirements of the sequential text and impact test as set out in the NPPF. In this instance the necessary policy requirements of the sequential test are outlined at Paragraph 26 of the NPPF. Within the re-submitted Retail Statement, the applicant outlines at paragraph 7.17 they claim that the North Place site cannot realistically be regarded as an available development opportunity. Whilst it is true Morrison's have withdrawn their interest in the site due to a re-appraisal of their development programme, this does not demonstrate in itself that the site is unavailable or unviable for alternative foodstore proposals.

- I share residents' concerns acutely about the effect of traffic in the approaches to the Grovefield Way (B&Q) roundabout, and knock-on effects to Arle Court, particularly in peak hours. It should be remembered that, at the time of application, the adjacent BMW garage was not operational so the amount of traffic it will add is not yet being experienced; though I would agree with residents that it will likely be at the beginnings and ends of the day, where the roads in this area to and from Arle Court are already at saturation point. It also has the potential to push additional traffic through both Hatherley Lane and Hatherley Road, and the Reddings village, in an attempt to avoid Grovefield Way.

- The route Grovefield Way/Cold Pool Lane/Up Hatherley Way is designated as the A40/A46 feeder roads. The transport infrastructure in this site area is already congested without adding further traffic loads. With huge number of vehicles using this and the adjoining BMW site will only add to the problem. This would be further exacerbated by recent housing development in Cold Pool lane, the new ASDA store and office park in Hatherley Lane and the proposed new care home at Arle Court. This impact will also be felt on all the adjoining roads, in particular the B&Q and Arle Court roundabouts which already have substantial traffic jams at peak periods. The residential roads in the proximity to the site are almost certain to become 'clogged' up with parked cars unable to find a parking space within the development site; again this is not a new problem in the area as the Park & Ride is filled up with GCHQ workers and contractors.

- Residents confirm that traffic fumes are very noticeable due to the standing traffic and yet it is proposed to build a pre-school nursery in the middle of it. What of the health risks to the children, residents and drivers who are now in stationary traffic? How is this being assessed? The applicant fails to do so in the documents submitted.

- The car parking for all the offices is not suitable for the expected volume of workers. The result of this is that parking of cars in residential areas including North Road West, North Road East and connecting roads will become the norm.

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

- Historically the development site has acted as soakaway and in more recently a run off for Grovefield Way. Since the adjacent BMW development has taken place localised flooded has occurred on many occasions not just as a result of heavy rain storms. Bearing in mind all the problems associated with the existing drainage infrastructure to cope, it is surprising that a more robust design was not requested or that the developer's agreement to cover the cost of any infrastructure upgrades that may be required.

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

- The flood assessment report for BMW is included but this was compiled in 2013 well out of date and as we know there have been local problems since its construction. The inclusion of the STWL drain record in North Road West, only confirms drains are in the area not whether they can take additional load. This needs to be reviewed now it's too late to address these issues once permission is granted even if it is made a condition of approval.

- I personally believe the proposed development will dominate the skyline; the new layout does little to redeem the proposals which are still unsuitable for the site. The buildings are too high and too large for the rural setting the current landscaping proposals do not provide

adequate screening or noise reduction properties. A high level bund has again been omitted. This is what is needed along the entire length of North Road West and should be heavily planted with mature trees and evergreens to a depth of several metres to enable a suitable screen.

- The hedgerows are one of the defining features of this area especially adjacent to North Road West and are vitally important to wildlife. The loss of the hedgerow that is indicated as part of the proposals means that not only is there a negative impact on the local wildlife but also on residents living in homes adjacent to the site. The noise and light pollution in that area is currently low despite close proximity of the A40 and M5. Any increase will therefore be detrimental to the area.

This proposal does not offer anything back to the community in terms of improved or additional amenities. The developer has gone against the clear indications of the inspector at the 2007 appeal in many ways. This behaviour would not be tolerated from domestic owners, and a great many residents feel it unfair that different rules seem to be being applied to developers.

It will not surprise you that many local residents feel that their original objections lodged with Cheltenham Borough Council (CBC) are still very valid and if local means local, as the government have suggested, then the community has spoken, and their wishes and concerns should be listened to.

For these reasons, the application should be refused.

### **The Reddings Residents Association**

*27th September 2018*

We refer to our previous correspondence regarding the latest submission on the 18/01004/FUL | Hybrid application at Grovefield Way.

As we set out in our previous email, although the consultation period commenced when the drawings were added to the web page on 18 September 2018, they were essentially meaningless without the substantive documentation and that was not subsequently added until 7 days later on 25/9/18, meaning that this is now effectively a 14 day consultation.

The action will prejudice Consultees' and the public's opportunity to properly examine and comment on the submission.

We note your previously-stated opinion that you have only consented to a further consultation as a courtesy. Whilst we note item 11.4 of CBC's SCI, we consider the discretion afforded to run contrary to a viable democratic process, perhaps this is the reason that the "Council is drawing up an amended plans procedure which will set out a standard approach in this matter." as item 11.4 states?

On 25/9/18, we received an approach from Mr Fong to meet with us because " We have new plans emerging and I would like to table these with you".

We made a substantive response (copied below), to Mr Fong to facilitate such a meeting. In reply (copied below) Mr Fong has simply set out an offer to meet on 10/10/18, which is the day following the closure of the consultation period.

This the very first attempt that has been made at any sort of contact or consultation with the local community, since this saga began in December 2016. We are doing our best to be equitable in our deliberations, but, in order to make the meeting between us and Mr Fong have any useful purpose, we will need time to consult with the residents following the



meeting. As you will see from the email below, we offered to try and arrange a public meeting shortly thereafter to which officers and Mr Fong would also be invited.

Whilst we will continue to meet with Mr Fong, we presently find that the new documents continue to make a very poor economic case to support retail on site, because most of the new jobs will simply reflect trade taken from the Asda, Morrisons & other small local stores. This is not "job creation"

First: Aldi is expected to create 16 full time equivalent jobs generating wages of £320,000. This equates to an average of £20,000 per employee. We have checked Aldi and the store assistant hourly rate which varies between £8.85 and £10.41. Although Aldi workers generally work 25 hours per week, if you used a 35 hour week as a comparison the annual salary would range would be £16,017 to £18,946.

The figures quoted therefore seem a bit high, unless they are including the employer contribution to the employee pension scheme, any other benefits, an adjustment for any managerial post or a longer full time week. Notwithstanding, they are still lower paid jobs, when the purpose for development on this "prized" greenbelt land was to create high paid "quality" jobs paying an average of £35,000 per annum.

Second, we have considered the economic net benefit to the community/Cheltenham Borough:

The total rates payable by Aldi would be £141,700. This equates to £2,725 per week or £389 per day. This represents 10.55% of the total net rateable value for the site. ( £141,700/ £1,342,600). CBC's audited final accounts for the 2017/2018 year and total income was around £105m. The Aldi contribution would represent 0.13% of total income.

Thirdly, the latest economic assessment does not include trade forecasts for Aldi, with reference to the applicant's submission which shows the anticipated trade which will be diverted to the new Aldi.

The table seems to suggest that total trade for the new Aldi is £11.47m , but this includes £1.6m diverted from the existing Asda. For an effective analysis, this transfer of trade from the same company needs to be deducted.

The new total is £9.87m.

The new Aldi is predicted to divert £3.45m from Asda. So 35% of the new Aldi's business will be taken from an existing store, which is situated across the road.

If you add £2.87m predicted to be diverted from Morrisons, then the total of diverted trade becomes £6.32m. So 64% of Aldi's business will be diverted from 2 stores both within 5 minutes drive.

Any retail development will serve an existing surrounding area, and food retailing spending is fairly consistent, compared to luxury goods or capital expenditure.

The proposed over-provision of food retailers in one area will only dilute the amount of existing trade amongst the retailers present, and not lead to any more jobs. Rather, it can only lead to uncertainty and possible restructuring within the existing stores.

So, purely from an economic value, an Aldi cannot be justified on this prime B1 site, especially as the site was identified as being key to the economic "B1" future of Cheltenham, when permission was granted in the 2007 appeal. The contribution it will make to CBC's annual income is negligible and the majority of Aldi's business on this site

will be at the detriment of the existing supermarkets and established jobs and trade patterns.

Further, in order to attract new business from outside the area, it is beyond doubt that it will generate more traffic and pollution than an equivalent B1 office standing on this plot, because there will be so many journeys by so many different people for a single short period. The developers have also said they have reduced the car parking for Aldi and will put up barriers for the office car parks. That also limits Aldi's capacity and the risk of over-spill to carparks of others, the park and ride site and residential streets, which are already suffering greatly from the BMW staff parking issues. The current proposal to limit the Aldi parking to this extent will exacerbate the already significant local traffic issues. This outcome is eminently foreseeable, is contrary to the NPPF and is not dealt with by the applicant in his submission.

The Park & Ride's ability to serve the community, visitors to the town and the Cyber Park will be compromised by the additional traffic and parking, which again makes Aldi unviable on this site.

Statistics are being manipulated by the applicant in the presentation of B1 jobs created by reducing the area for each worker from the standard 18.3m<sup>2</sup> per person to 13.6m<sup>2</sup> per person. The BMW building is "retail" & has already removed a substantial number of potential B1 jobs from the original site. It is disingenuous to say 86% of the site is now B1. It is closer to 45% when including BMW. Before the Phase 2 B1 units are constructed and occupied, it will be closer to 80% retail. The applicant has only removed a small Costa unit from the retail element; the substantive application and case for any A class or D class on the site has not been made.

In summary we just cannot see that creating 16 lower paid jobs is a strong justification for building an Aldi.

#### Planning considerations

This is an 'out of town' location for Retail; and Cheltenham's Retail Plan (JCS Review) has not even been drafted, therefore the unofficial Arle Court/The Reddings 'shopping area' cannot be extended (along Grovefield Way) with support from current planning policy.

No updated accurate traffic modelling, has been provided & the surveys supplied are not valid, as they were conducted in a non-neutral month. However many of the applicant's consultants may seek to justify this breach, the fact remains that the data is not valid and there has been a huge amount of time available to the applicant to correct this.

Traffic impact was a reason for refusal in December 2017 and has not been addressed at all by the applicant since that date.

We have yet to complete our assessment of the site drawings, landscaping and revised drainage proposals, and will forward our comments once we have done so. We have followed the scrutiny to which application "18/01180/FUL | Erection of three storey B1(a) office building with associated car parking, landscaping and infrastructure | Land To Rear Of Nuffield Hospital Hatherley Lane Cheltenham Gloucestershire" (that we are supporting) has been subjected to by GCC Local Flood Authority, Environmental Health and GCC Highways Liaison Officer, which we applaud. However, this is in marked contrast to the scrutiny that this application has been subjected to. We also note your agreement that the whole presentation of the scheme is confusing.

We still have grave misgivings about placing a childrens' nursery, with almost no "green areas" in which to play safely within a carpark, next to the A40 trunk road and the South West Distributor Road (Grovefield Way) when there is so much current concern being

expressed about the effect that fumes and pollution have on the mental health and lung development of infants. This concern is exacerbated by the immediate proximity to the Aldi car park where there will be such a huge turnaround of vehicles associated with short duration shopping trips. Several members of the planning committee raised similar concerns. We do not see how the applicant has addressed these in the latest submission. This must be a matter upon which the Environmental Health officer must have an opinion.

The NPPF is clear that new developments must support health and well being; we do not presently see that the applicant makes this case at all.

#### Summary

We welcome the approach for community consultation. However, if that consultation is to be after the consultation has closed, then we have no alternative but to maintain our objection as set out above, supplemented by the detail in our previous objections and scrutiny of the drawings and drainage details submitted on 25/9/18.

If the consultation is extended by a further 2 weeks to 23 October 2018, we will have the opportunity to consult with Mr Fong, consider his presentation, arrange a public meeting and take residents' opinions, before commenting either with objection/neutral/or, support.

In order for the other consultees to properly consider the new submission we aver that they will also need greater time to make an adequate assessment.

This email has been copied to Mr Fong and by copy, we request his agreement to an extension of the consultation period, in order that we may take the consultation into account in our comments.

We look forward to hearing from you.

#### **Wales And West Utilities**

*4th June 2018*

Letter and plan available to view on line.

#### **Gloucestershire Centre For Environmental Records**

*5th June 2018*

Biodiversity report received.

#### **GCC Highways Planning Liaison Officer**

*4th October 2018*

I refer to the above planning application received on the 22nd May 2018 with submitted details;

Application Form,  
Design and Access Addendum,  
Corinthian Park Letter,  
Letter from Hunterpage,  
Transport Assessment - Technical Note 03,  
Illustrative Masterplan Rev E,  
178-70 Rev A - Location Plan,  
178-71 Rev A - Existing Site Plan,

178-59 Rev D - ALDI HGV Tracking,  
178-60 Rev E - HDN Refuse Tracking,  
178-63 Rev F - Office Refuse Tracking,  
178-96 Rev F - Proposed Block Plan,  
Hard Landscaping Proposals Sheet 1 - 3 Rev D,  
Hard Landscaping Proposals Sheet 2 - 3 Rev D,  
Hard Landscaping Proposals Sheet 3 - 3 Rev F.

**Location:**

The application site is situated adjacent to Grovefield Way, a class 3 highway subject to a 40mph speed restriction. The site falls within Greenbelt land to the West of Cheltenham with the A40 "Golden Valley" bordering the Northern boundary. Grovefield Way adjoins the A40, to the north, at the strategically important Arle Court Roundabout. Connection to the Strategic Road Network is via Junction 11 of the M5 located to the West. Grovefield Way is bordered to the east by retail, commercial and residential developments of The Reddings and Up Hatherley. Grovefield Way becomes Cold Pool Lane to the South East before adjoining Up Hatherley Way which provides connection to the A46. North Road West is a class 4 highway and abuts the sites southern boundary and links to the class 3 Badgeworth Road to the west.

**History:**

The site has a detailed planning history with a number of previous granted permissions, Outline Planning permission (ref 05/00799/OUT), was granted for the erection of 22,000sqm of B1 employment use in 2007 across the entirety of the 6.4ha site. The approval of reserved matters (ref 09/00720/REM, 10/00468/TIME, and 12/01086/REM) was granted in 2013.

Since 2007, the North East portion of the site has been subject to separate planning applications, ref 13/01101/FUL and 14/00656/FUL for the erection of a flagship BMW car sales and servicing garage comprising 7595sqm. This site has been fully built out.

Extant permission was granted for the remaining portion of the site for 16,800sqm of B1 employment use in 2014 under ref 14/01323/OUT and provides the site with a fall-back position that will be considered as material when assessing the current proposal.

The current application is a very similar to a previous application under ref 16/02208/FUL which was refused planning permission 14th December 2017. That submission is currently going through the appeal process. The difference between the 2018 and 2016 proposals is the removal of the drive-thru coffee shop which has been replaced by a further office block to create 5 B1 office units.

**Overall Site Access:**

The proposed access road and junction with Grovefield Way was agreed and deemed acceptable as a part of the adjoining 2014 BMW Car sales application. The 160m access road that serves the car sales will form the access road for this application and will be extended into the proposed site.

Pedestrian access will be provided by the extension of the footways that are to serve the BMW car sales garage.

**Accessibility:**

Sustainable Travel services and opportunities are available on Grovefield Way to the South of the site; A40 East and West bound carriageways to the North East and Hatherley Lane, opposite ASDA, to the East. Grovefield Way features a shared footway/cycleway on the Eastern side. The cycleway leads to Arle Court roundabout with access to the northern arms provided by a subway. The subway also allows access to the eastbound bus stops on the A40, Cheltenham Side. To the South the cycleway/footway connects to The Reddings

and the A46. Pedestrian movements south of the site are supported by a pelican crossing which allows access to The Reddings from North Road West and the proposed development site. The cycle facilities form part of NCR 41.

#### Public Transport:

Bus services are available at the stops located 350m to the south of the development site on Grovefield Way and 550m East on Hatherley Lane. This stop is served by the J and K service running on a frequency of 1 every 90 minutes. Further stops are available on the A40 east of Arle Court Roundabout some 750m North East. The Stops are served by Stagecoach service 94/94U which provide regular services to Gloucester and Cheltenham Centres every 10 minutes during peak periods and 30 minutes approximately off peak, with services running 7 days a week 24hours (94). These services provide a reliable sustainable transport alternative to that of the private motor car and have the potential to encourage a modal shift. The IHT Providing for Journeys on Foot document table 3.2 states that a desirable walking distance to a bus stop is 500m, with a distance of up to 1000m being regarded as acceptable. The development site is therefore sustainably located and accessible via a number of non-car based alternative transport methods.

#### Local Highway Network:

##### Grovefield Way:

Grovefield Way is a class 3 highway with a 40mph speed restriction. It connects with the A40 to the North, Cold Pool Lane and The Reddings to the South East. The highway is a single carriageway with a width approximately 7.3m. Grovefield Way is street lit with a combined cycleway/pedestrian footway with small grass verge creating a buffer to the carriageway on the eastern site. There is a new footway on the Western side of Grovefield Way, approximately 85m in length, and terminates at a pedestrian tactile crossing to the Eastern side. This crossing was granted permission as a part of the access arrangements for the BMW car sales garage.

##### A40:

The A40 is located approximately 500m to the North East of the development site and is accessed via the Arle Court Roundabout. The East and West bound carriageways are duelled with two through lanes in either direction. The Arle Court Roundabout is signal controlled on the major A40 approach arms but is not signalled on the Hatherley Lane, B4063 Gloucester Road and Fiddlers Green Lane approach arms.

#### Personal Injury Collisions:

I have undertaken an interrogation of all recorded personal injury collisions between the period 1st January 2013 and October 2018. During that study period there has been 12 recorded personal injury collisions of which 9 were recorded as slight injury and 3 were recorded as serious injury.

The collisions reports attributed the causation factor as driver error or misjudgement rather than attributing blame upon the highway and its layout. Therefore, there are no highway safety deficiencies in the proximity of the proposed development.

#### Detailed application Access and Layout:

The development is to make use of an existing priority junction with Right turn holding lane constructed for the BMW car sales garage. The access is suitable for the expected levels and type of traffic, with footways extending into the site either side of the main access road which has a width of 7.2m complying with the local design guidance as shown by dwg 178-96 Rev F. A number of dropped kerb, tactile crossing points are located along the access road at points of pedestrian desire to the surrounding uses. The internal junctions provide adequate emerging visibility splays to ensure that the layout minimises conflict between traffic, cyclists or pedestrians.

Drawing 178.59 Rev D - ALDI HGV Tracking demonstrates the vehicle manoeuvre required for a 16.5m articulated HGV to access, turn and egress the site in forward gear. The HGV will require a reverse manoeuvre through the western portion of the ALDI car park in order to access the service yard, this will not take place without a suitably trained banks-person ensuring that vehicles and/or pedestrians do not come into conflict with the HGV. To ensure that direct contact cannot occur between the HGV and nursery occupants a fence has been installed between the nursery and car park to ensure that children are prevented from directly entering the car park. The Tracking plan is supported by a delivery management plan which can be secured by planning condition. The Articulated HGV can adequately enter, turn and egress the site to and from Grovefield Way with out conflicting kerb-lines, vertical structures, trees or formal parking spaces.

Office block 5, which sits on the area previously dedicated for a drive-thru coffee shop, has a layout consisting of two cul-de-sac's with parking on either side of them. There is a central pedestrian footway that links to the footway adjacent to the main Estate access road to the north as well as a link to the Aldi store to the south. Drawing 178-116 demonstrates that Office block 5 can be adequately serviced by a 3 axle refuse vehicle. This is the largest expected vehicle to need to enter this part of the development.

The Happy Days Nursery can also be adequately serviced as demonstrated by plan 178.60 Rev E - HDN Refuse Tracking. A Delivery Management Plan has also been submitted and will be secured by condition.

Drawing 178-63 Rev G - Office Accommodation Refuse Vehicle Tracking has demonstrated that two HGV's can adequately pass one another on the internal access road. The refuse vehicle can adequately enter, turn and egress the office car park without conflict, with sufficient inter-visibility between vehicles.

Detailed application Parking Provision:

Gloucestershire no longer has parking standards. Proposed development parking provision should be determined using the methodology set out by Paragraph 39 of the NPPF. A parking accumulation study has also been undertaken to demonstrate the suitability of the proposed parking arrangements.

Office block 1 and 2 has a parking provision of 222 spaces. The accumulation study 'Parking Accumulation Feb 17' determined a weekday peak demand of 222 spaces. The Additional Office Block contains 32 spaces. Based on a review of TRICS a 936sqm office block may generate a parking demand of 40 spaces, some 8 spaces more than provided.

The site is accessible to sustainable transport opportunities with regular bus services available within a reasonable walking distance, particularly the services on the A40 to the north east. The development site provides cycle parking and links with the existing cycle facilities on Grovefield Way to ensure safe cycle access and to encourage additional cycle users. Furthermore the office aspects of the development has means of limiting and/or controlling the number of employees that can access the car park which can be supported with Travel Plan measures to encourage alternative travel means and reduce parking demand from the Office Blocks. Furthermore, the end user has the means of managing car parking arrangements on site to minimise the impacts of any displaced employment parking.

The ALDI and Nursery have provided a provision of 104 spaces containing 7 disabled, 12 parent/child and 2 electric charging spaces. The development has provided adequate levels of parking and it is unlikely that any retail traffic will be displaced upon the wider highway network. An additional demand generated by the proposal can be accommodated within the site access road.

A parking management scheme can be conditioned to ensure that the parking is maintained available for customers of ALDI and the nursery only and not to be used by the office employees.

#### Outline Application Access:

B1 office 03 and 04 are subject to Outline planning permission with access being considered at this point. Access is provided by a continuation of the main access road from Grovefield way to a car park at the south-western point of the development serving office block 3. A further priority T-junction provides access to a northern car park to serve office block 4. The extension of the access road to provide access is suitable. The priority junction can support two-way working and provides adequate visibility. It must be noted that landscaping plan DLA-1755-L.09. Rev C demonstrates tree planting within the visibility splay. The splay should be maintained clear with any planting and landscaping being located behind the splay. This can be secured by way of planning condition.

The internal layouts and parking provisions for office block 3 and 4 will be agreed at reserved matters stage and details of can be secured by planning condition.

#### Permitted Trip Rates Vs Proposed Trip Rates:

The following table outlines the difference in trips between the consented (2014) and proposed (2016/2017) and current 2018 development proposal as outlined in TA Technical Note 03.

#### Overall Trip Rate Summary:

2014 AM (Consented) 441	2014 PM (Consented) 460
BMW Garage (Committed) 111	BMW Garage (Committed) 111

Total AM Trips	Total PM Trips
Consented/Committed 552	Consented/Committed 571

2016/7 AM (Proposed) 459	2016/7 PM (Proposed) 476
Total AM Trips 2016/7 570	Total PM Trips 2016/7 587
Total AM trips 2018 565	Total PM Trips 2018 581
2016/7 Difference +18	2016/7 Difference +16
2018 Difference +13	2018 Difference +10

The table above demonstrates that the proposed mixed used development will generate an additional 13 vehicle trips in the AM and an additional 10 trips in the PM weekday peaks compared to the extant permission. This is an improvement on the 2016/7 application which would have seen an additional 18 AM and 16 PM peak hour trips. The previous proposal was deemed acceptable, therefore the current proposal is also deemed acceptable as it generates fewer development trips. The impact is being considered in the weekday peak periods due to the background traffic that occurs at weekends being lower as well as the office blocks unlikely to be occupied at those times.

#### Base Traffic Flow Review:

I have obtained traffic flow data for Grovefield way and Hatherley Lane (North) between the Grovefield Way and Arle Court roundabouts. The traffic flow data was undertaken by GCC. The Grovefield way and Hatherley Lane north surveys were undertaken during the month of March 2017. I have not considered the week 13th - 19<sup>th</sup> March as this is Cheltenham Gold Cup week and the area may have been subject to extra-ordinary traffic flows which would not be representable of a typical day in that location.

The Grovefield Way ATC recorded a 5 day (workday) average of 920 movements in the AM peak (8-9am) and 928 movements in the PM (5-6pm) peak. 624 (67.8%) were routed northbound towards the Grovefield Way roundabout in the AM peak. 579 (62.39%) were routed southbound in the PM peak.

The Hatherley Lane (North) ATC recorded a 5 day (workday) average of 1872 in the AM peak and 1941 in the PM peak. 882 (47.11%) vehicles were routed eastbound towards the Arle Court roundabouts in the AM peak whilst 989 (49.5%) were routed westbound towards the Grovefield Way roundabout in the same period. During the PM peak 924 vehicles were routed eastbound and 1017 westbound.

The GCC ATC survey undertaken on Hatherley Lane (North) is comparable in terms of traffic pattern to the survey undertaken by the applicant and attached as appendix A of the Transport Assessment.

The ATC surveys have demonstrated that vehicle flow is high within the Local Highway Network. The development will generate an additional (13) vehicles in the AM and (10) in the PM peak hours as a result of the removal of the coffee drive-thru, giving a small network benefit compared to the previous 2016 application. The additional vehicles on top of the base flow and previously consented trips would not be regarded as a significant increase given the high levels of background flow. The previous planning history cannot be ignored and the sites extant permission will generate additional vehicle movements within the Grovefield Area. The previous permission can be implemented at anytime and the impact of which was deemed acceptable. The current proposals additional vehicle trips on top of what could occur is not significant.

#### Travel Plan:

A framework Travel Plan has been submitted as part of the application. The aim of framework Travel Plan is to act as an 'umbrella plan' for the site as a whole. Each individual use of the site will be required to provide their own site/use specific Travel Plan prior to occupation. To comply with GCC's Travel Plan Guide, monitoring should occur on an annual basis. Details of a Travel Plan can be secured by way of planning condition.

#### Summary Comments:

Grovefield Way and the local network to Arle Court Roundabout are constrained with high traffic flow and queues/delays at peak times. This may make the additional vehicle traffic generated by this development seen significant when assessed or viewed in isolation, however the previous extant permission carries significant weight in planning terms and must be considered when assessing the current proposal. Although each application has to be assessed on their own merits, this site has previously been deemed acceptable for development in planning terms for B1 Office Use. The number of additional trips generated by this current application compared to the extant permission, which can be implemented at any time, is not significant.

I recommend that no Highway Objection be raised subject to the following condition(s).

#### Full Application Conditions:

##### Condition #1 Construction Method Statement:

Throughout the construction [and demolition] period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.



**Condition #2 Car Parking:**

Prior to beneficial occupation of the proposed development, the car parking, turning, loading and unloading facilities shall be provided in accordance with the approved plan and shall be maintained available for that purpose thereafter.

Reason: To minimise hazards and inconvenience for users of the development by ensuring a safe and secure layout that minimises scope for conflict between pedestrians, cyclists and vehicles in accordance with Paragraph 110 of the NPPF.

**Condition #3 ALDI Delivery Management Plan:**

Upon beneficial occupation of the development, the submitted ALDI Delivery Management Plan shall be adhered to in all respects unless amendments to the plan have first been agreed in writing by the Local Planning Authority.

Reason: To minimise hazards and inconvenience for users of the development by ensuring a safe and secure layout that minimises scope for conflict between pedestrians, cyclists and vehicles in accordance with Paragraph 110 of the NPPF.

**Condition #4 Happy Days Nursery Delivery Management Plan:**

Upon beneficial occupation of the development, the submitted Happy Days Nursery Delivery Management Plan shall be adhered to in all respects unless amendments to the plan have first been agreed in writing by the Local Planning Authority.

Reason: To minimise hazards and inconvenience for users of the development by ensuring a safe and secure layout that minimises scope for conflict between pedestrians, cyclists and vehicles in accordance with Paragraph 110 of the NPPF.

**Condition #5 Cycle parking:**

Prior to beneficial occupation of the proposed development, the cycle parking/storage facilities shall be provided in accordance with the approved plan and shall be maintained available for that purpose thereafter.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

**Condition #6 Personal Planning Permission:**

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the premises shall not be used other than as a Discount Food-Store and shall not be used for any other purpose falling within Use Classes A1; without express planning permission.

Reason: Alternative use would require further consideration by the Local Planning Authority because of traffic/parking implications, having regard to the provisions of the Paragraph 109 of the NPPF.

**Condition #7 Car Parking Management Scheme:**

Details of a car parking management scheme for any B1 office building on site, to limit office employment parking occurring within the retail element of the development during Office opening hours shall be submitted to and approved in writing by the Local Planning Authority. The approved plans shall then be implemented on first occupation of any B1 Office block and adhered to in all respects unless amendments to the plan have first been agreed in writing by the Local Planning Authority.

Reason: To minimise hazards and inconvenience for users of the development by ensuring a safe and secure layout that minimises scope for conflict between pedestrians, cyclists and vehicles in accordance with Paragraph 110 of the NPPF.

Condition #8 Travel Plan:

No works shall commence on the development hereby permitted until a Travel Plan has been 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. means of funding of the travel plan, and;
- v. an implementation timetable including the responsible body for each action.

The approved Travel Plan and any associated site/use specific Travel Plans 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 ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraph 111 of the NPPF.

Condition #9 Bus Stop Improvements:

Prior to works commencing on the development hereby permitted, details of improvements to the bus stops located to the south of the development on Grovefield Way shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be constructed in accordance with the approved plan and made available for public use prior to first occupation of the buildings hereby permitted.

Reason: To ensure appropriate opportunities to promote sustainable transport modes have been taken up and to give priority to pedestrian and cycle movements with appropriate facilities that encourage public transport use in accordance with Paragraph 108 and 110 of the NPPF.

Condition #10 Highway Works, Pedestrian Crossing Points:

Details of pedestrian dropped kerb tactile crossing points across Grovefield Way in the proximity of the bus stops south of the development site shall be submitted to and agreed in writing by the Local Planning Authority, the works shall then be constructed in accordance with the approved plan and made available for public use prior to first occupation of the buildings hereby permitted.

Reason: To ensure that safe and suitable access to the site can be achieved for all users and to give priority first to pedestrian and cycle movements to facilitate access to high quality public transport in accordance with Paragraph 108 and 110 of the NPPF.

Condition #11 Estate Roads:

No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that building(s) 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, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 the National Planning Policy Framework.

Outline Application Conditions:

#### Outline Condition #1 Estate Roads:

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. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling 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, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

#### Outline Condition #2 Future Maintenance:

No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 127 of the Framework.

#### Outline Condition #3 Priority Junction Visibility Splays:

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 43m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To ensure that safe and suitable access to the site can be achieved for all users in accordance with Paragraph 108 of the NPPF.

#### Outline Condition #4 Vehicular Parking, Turning and Loading/Unloading:

The details to be submitted for the approval of reserved matters shall include vehicular parking and turning and loading/unloading facilities within the site, and the building(s) 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 create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles in accordance with Paragraph 110 of the NPPF.

#### Outline Condition #5 Cycle Parking:

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities have been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the NPPF.

Outline Condition #6 Fire hydrant:

No development shall commence on site until a scheme has been submitted to, and agreed in writing by the council, for the provision of fire hydrants (served by mains water) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 110 of the National Planning Policy Framework.

Outline Condition #7 Travel Plan:

No works shall commence on the development hereby permitted until a Travel Plan has been 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. means of funding of the travel plan, and;
- v. an implementation timetable including the responsible body for each action.

The approved Travel Plan and any associated site/use specific Travel Plans 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: The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with paragraphs 108 and 111 of the NPPF.

NOTE: Estate Roads - maintenance note

The applicant is advised that to discharge 'Outline Condition #2' that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

NOTE: Fire Hydrant - Informative

The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

### **Highways Agency**

*5th October 2018*

Council's Reference: 18/01004/FUL

Referring to the notification of Hybrid Planning Application dated registered on 24 September 2018; in connection with the A40 (T) / M5 J11 - seeking detailed planning permission for a 5,034 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m Aldi food retail unit (Use Class A1), 204 sq.m Costa Coffee retail unit and drive-thru (Use Classes A1 and A3), with associate parking, landscaping and infrastructure works and Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved - except access (resubmission) on land at North Road West and Grovefield Way, Cheltenham,

Gloucestershire, notice is hereby given that Highways England's formal recommendation is that we:

:

- a) offer no objection;
- b) DELETE
- c) DELETE
- d) DELETE

Highways Act Section 175B is not relevant to this application. (1)

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015, via [transportplanning@dft.gsi.gov.uk](mailto:transportplanning@dft.gsi.gov.uk).

(1) Where relevant, further information will be provided within Annex A.

Annex A Highways England recommended no objections

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to planning application reference 18/01004/FUL and has been prepared by Gemma Mckeown, Planning Manager - South West.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current requirements as detailed in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development " and the DCLG National Planning Policy Framework (NPPF).

#### Statement of Reasons

Highways England has previously submitted a planning response to the Local Planning Authority - Cheltenham Borough Council on 7 February 2017, 12 April 2017 and 24 August 2017, regarding the Planning Application submission (16/02208/FUL). This included 5,034m<sup>2</sup> of commercial office space (Use Class B1), 502m<sup>2</sup> day nursery (Use Class D1), 1,742m<sup>2</sup> supermarket food retail unit (Class A1), a 204m<sup>2</sup> coffee shop retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works, with all matters reserved (except access).

Following submission of an additional Transport Technical Note dated 25 September 2018 Highways England understands that the current proposals include a revision to the proposed development schedule, which replaces the 287 sq.m Costa Coffee drive thru with a 936 sq.m B1 Office.

This change in quantum results in a five vehicle reduction (two-way vehicle trips) in both the AM and PM peak hours and 79 vehicle reduction during the Saturday peak hour.

Overall, the B1 office space would generate 21 two-way vehicle trips in the AM peak hour and 18 two-way vehicle trips in the PM peak hour.

The detailed development now comprises the following:

- Three B1 office buildings (7,529sq.m. GFA) with ancillary parking;
- A1 Aldi discount food retail (2,037sq.m. GRA); and
- D1 day nursery (800sq.m. GFA).

The outline development comprises the following:

- Two B1 office buildings (8,736sq.m. GFA) with ancillary parking.

The development proposals generate a reduced traffic generation of 5 two-way vehicle trips in the AM and PM peak hour respectively and a reduction of 79 two-way trips in the Saturday peak. It should be noted that B1 office trips are likely to comprise new trips as opposed to pass by trips associated with an A3 drive through, however based on the scale of additional B1 use intended, the revised proposal is not considered to be a capacity or safety concerns for the SRN.

Recommendation

Highways England has no objection to the proposal.

### **The Reddings Residents Association**

*5th October 2018*

CBC planners have confirmed that this application will be placed before the planning committee on 18 October 2018 (2 weeks today).

We have prepared another detailed document which sets out the questions and comments that the residents have regarding the proposal. Such as:

- 1) What about the weekend and evening traffic that the Aldi will generate on Grovefield Way? The applicants transport analysis predicts up to 282 vehicle arrivals and departures every hour for much of the weekend, all into a carpark with a maximum of 102 car park spaces
- 2) What provisions are being made to reduce fume pollution?
- 3) Is it safe for young children to be in a nursery, up to 12 hours a day, in the middle of a carpark, next to the Aldi & office car parks, BMW garage, the congested Grovefield Way, A40 & M5, breathing in fumes?
- 4) What measures are in place to control noise pollution from air conditioning plant on offices, shops, etc., the new queuing traffic, the reversing sirens of delivery lorries?
- 5) How is light pollution to nearby houses to be controlled?
- 6) What opening hours are actually proposed, because none are given.
- 7) When will deliveries be made? Will it be early morning, or late at night and wake me, or my children up?
- 8) How does the economic argument to build Aldi & create 26 jobs compare to being able to create 118 more jobs in an office of the same area?
- 9) Where will all the wildlife go when the proposed planting will be non-native species and very small when planted.

There are many issues that we as residents see with the scheme. There are 5 days left for you to leave your comments, before the consultation closes next Tuesday 9/10/18 and the planning officer writes his report and makes his recommendations to the committee.

Our document is long but there are so many questions that need to be asked to ensure that residents are not ignored and get lumbered with another BMW type problem. In 2 weeks time, the opportunity for you to ask these questions and influence the planning committee may be lost.

Please make a few minutes to read the attached document, make up your own mind, then leave your comments on the CBC website as soon as possible.

Below we have attached links to the CBC comments page for this application. If the CBC page isn't working, please send your comments by email to the CBC officer addresses given below, or just post them to Cheltenham Borough Council.

<https://publicaccess.cheltenham.gov.uk/online-applications/applicationDetails.do?activeTab=neighbourComments&keyVal=P94N53ELL7S00>

joe.seymour@cheltenham.gov.uk

planning@cheltenham.gov.uk

dccomments@cheltenham.gov.uk

The Reddings Residents' Association

*4th October 2018 - The Reddings Resident's Association*

Introduction

1. There is no objection to a B1 development on this site. To date over this and the previous application there have been well over 500 objections raised by residents. The removal of Costa is welcomed, but we must refer to all of our previous comments submitted in respect of this application, the previous application, where they remain unaddressed in the evidence and detail submitted in support of this application. We discuss our concerns below:

Extant outline permission for B1

2. It is accepted that the submitted reports and analysis are based on comparison with "fall back" extant 2014 permission for B1. However, that permission is OUTLINE only. A FULL application is required before any work can start on site and that application would be subject to the same scrutiny as this detailed application is. We also note that the extant OUTLINE permission expires on 23 July 2019.

3. Since 2014, the NPPF has been revised, and the JCS adopted. A new Local Plan has been prepared and forwarded to the inspector. However, the existing 2006 retail policies for Cheltenham are retained.

4. The JCS will have significant repercussions for traffic on Grovefield Way arising from doubling of Park and Ride capacity to 1000 cars, to service the Cyber Park. The Park and Ride is adjacent to this site and is relevant to considerations on this application

5. The Cyber Park traffic evidence to the JCS identifies that a 4-way Junction 10 is required for the development to be viable. CBC Cyber Park team identify that it won't happen until 2025 at the earliest and is likely not to be complete before expiry of the JCS in 2031. In the interim, as the development progresses, the A40 and Grovefield Way (GFW) will have the equivalent of do-nothing/do-minimum scenarios, which will raise traffic flows through Arle Court Roundabout (ACR) to 187% of capacity, and has no proposals for mitigating this impact. There is no account taken for recent variations in traffic conditions on Grovefield Way arising from BMW on this site or from other permissions granted since 2013, which is the date from which the GCC traffic evidence is derived.

6. The 2007 inspector report on this site was strictly restricted to B Class development in the greenbelt, at the request of this applicant. No extrapolation is possible. The inspector anticipated a low rise development with occasional glimpses through trees and hedges. An appeal on the previous application is in progress. It would be wrong to second-guess the

inspector on the current appeal. The examination will commence for 6 days on 8 January 2019.

7. If the extant 2014 permission was "FULL", then the site would be deliverable and would represent a viable fall-back position. However, it is OUTLINE only and a full application would still need to pass the same "detail" tests as this application. Only limited credence can be paid to it.

8. In the light of the above, we make our comments:

Is there a policy case for non-B1 use on this B1-approved site?

1. The 2007 appeal is restricted to B1 only.

2. The outcome of the inspector's hearing on previous refused hybrid application is not known and must not be second-guessed.

3. The retail policy review/evidence for the JCS has not yet been written. The extant retail policies are saved. The JCS states that until the "immediate retail review" is ready "there should not be a policy vacuum", i.e., Cheltenham's carefully-evolved retail policies and shopping centre selection hierarchy is saved and is not summarily scrapped by the JCS, or the emerging Local Plan.

4. This site is outside any defined "shopping area".

5. There is presently no JCS or Local Plan proposal, or designation, for a "shopping district" at Arle Court. Conformity with Policy RT1 for this hybrid proposal is therefore contested

6. In respect of hierarchy of shopping centres, i.e., town, then district then neighbourhood, the existing policies create an important policy to preserve the orderly townscape of historic Cheltenham. The NPPF does not invalidate "saved policies", and no conflict between the Cheltenham saved policies and the NPPF has been demonstrated.

7. The existing retail areas near to the site are not a defined "shopping centre" and this site is physically separated from that area by the South West Distributor Road (Grovefield Way). So there are no precedents set.

8. This application is incorrectly described as "Full", because the key B1 job-creating portion (Phase 3) is all outline only. A significant portion of the site approved by the inspector in 2007 for B class usage has already been given over to Sui Generis in the form of the much-maligned BMW garage and show room.

9. BMW has resulted in the loss of land earmarked by the inspector the Park and Ride extension, which was the key reason for determining an "exceptional reason" to permit the B class development. The other key feature in the inspector's decision was the apparent need for a large B class site in Cheltenham. Subsequent studies suggest that the need for B Class sites in Cheltenham has become more acute since then.

10. Accordingly, this application should be Full only, not be Hybrid and outline, especially as the applicant's submitted reports identify some difficulties with the Phase 3 OUTLINE portion, particularly in relation to surface water.

11. The Hybrid portion of the application offers significant potential to secure wider retail use on the site, to the detriment of the office element.

12. On the nearby site, adjacent to Pure Offices and Asda, there is a current application for B1 offices instead of the extant permissioned 27 houses. TRRA are supporting that application following a pre-application consultation with them. In this application and in support of the previous refused application, the developer/agent reported to us significant



B1 interest, hence the proposed change of use. In the interim, overwhelming interest in B1 offices is reported on Honeybourne Place offices, and Ecclesiastical Insurance are relocating after a long search for suitable alternative B1 offices.

13. There are 2 named users for office Nos 5 and 1 on this application site. One of those is the agent. The other is Bloor Homes, whose existing regional headquarters are in Tewkesbury, purpose-built by them in 2007, occupying an area of 461m<sup>2</sup> (note new office 1 has an area of 2322m<sup>2</sup>). In 2014 Bloor Homes employed approximately 37 people.

14. At the planning committee on 15 December 2017, the previous hybrid scheme was rejected with wide agreement that the site "had not decided what it wanted to be". It still hasn't, and that is a significant concern for residents.

15. In 2007 the whole site was granted permission for an area of Park and Ride extension and 22,000m<sup>2</sup> of B1 office, generating 1100 jobs. When the option on the Park and Ride expired, an application for more B1 offices was approved, with a predicted 1200 new full-time jobs. That proposal extended to the whole 6.35 Ha site. BMW occupies 2.2 Ha or 34.6% of the original site as Sui Generis class. The balance of B1 on the site in this application is 4.15 Ha. The non-B1 use area of this application, including the Aldi, Happy Days Nursery and their associated parking is approximately 10,900m<sup>2</sup> or 1.1 Ha. The phase 2 site area for which detailed permission is sought is approximately 2.5 Ha. The claim that A and D class use will occupy only a small percentage of the site is not understood. BMW, Happy Days Nursery and Aldi will occupy 2.2 Ha plus 1.1 Ha = 3.3 Ha of the whole site, i.e.  $3.3/6.35 = 52\%$ . If phase 2 is built, Aldi and Happy Days Nursery will occupy  $1.1/2.5 \text{ Ha} = 44\%$  of the phase 2 area of the site. Until Phase 3 B1 offices are built, non B1 (Sui Generis, A and D class) will occupy 77% of the developed site. If Phase 3 is developed as B1 offices, then A, D and Sui Generis class will still occupy 52% of the whole site. We do not believe that these were the exceptional reasons for B class development in the greenbelt that the inspector envisaged or permitted in 2007.

16. There seems to be a circular argument relating to non-B1 use in respect of retail. No policy reasons for the D class childcare are advanced by CBC, any of the consultees or the applicant that we can see.

17. The application of the retained retail policy RT1 to this site can only relate to "out of centre sites accessible to regular means of transport, subject to RT7". RT7 says "permission outside defined shopping areas will only be permitted where it will not harm a district or neighbour centre". However, the RT7 policy is said to have been deleted in the JCT. This site is very close to 2 large "destination" supermarkets (Asda and Morrisons) and also to a number of small "top-up" shops in Benhall and Up Hatherley. None of these "top up" shops are mentioned in CBC or the applicant's reports, and none are classified as district or neighbourhood shopping areas. CBC and the applicant say that no consideration need be given to them because they are not designated district or neighbourhood shopping centres, so they are not protected by policy, even though many of these shops have served the residents in the area well for 50 years or more. The applicant's economic report for Aldi identifies that 80% of its trade will be "stolen" from these stores. Job losses at those existing stores are inevitable if Aldi succeeds. The sequential test of the retail policies is then used in an attempt to justify this B1 site for retail use on the previous application. It fails the test. The NPPF clearly states that if the sequential test is failed, then the site is inappropriate, yet this is waived. The only remaining policy justification for the use of this site for retail then turns on "accessible by a regular choice of transport". The applicant and Strategic Land Use Team make a case for this. The same agent and experts that represented BMW now submit reports and argument in support of this application, including another travel plan. However, the submitted travel plan for BMW then failed completely within weeks and has caused unresolved severe road congestion, street parking problems for residents and well-publicised problems at the adjoining Park and Ride. Ultimately, this is

now resulting in the need for public expenditure to fit barriers there to try and overcome the problem.

18. The tests for RT1 are therefore not met and we suggest are also completely inappropriate for this non-designated area, until such time that new retail policies have been drafted, consulted upon and a retail policy for this area of Cheltenham is agreed.

19. On 24 July 2018, ie prior to the applicant making his latest submission on 18 September and 25 September, the NPPF was revised. Strategic Land Use Team comments on 28 June 2018 do not now relate to this scheme and use the superseded NPPF to support the application. As such, the Strategic Land Use Team report needs to be revised and made relevant to this application.

20. NPPF paragraph 92d states that it should be ensured that local shops, facilities and services are able to develop and be retained for the benefit of the community. We believe that permitting D and A class development on the site will severely prejudice the survival of many local businesses and will certainly not allow them to develop.

21. Other local established shopping areas, such as Coronation Square, require an anchor store. Aldi would surely be welcome; further it would be located on a well-established commuter road where many journeys would be linked and has a barely-used car park at the rear of the centre which would easily accommodate shoppers.

22. If this "large" Aldi store is meant to service the offices, it is disproportionately large. Residents have been clear that the area is already well served by supermarkets. There will be no "linked" trips associated with the B1 offices and Aldi over the weekend/evening periods, so vehicles will be being attracted into the area, contrary to the principals of modal shift. If the supermarket is intended to service the B1 development, it should be strictly restricted to 08:00 hours to 19:00 hours, Monday to Friday only.

#### Summary - planning policy

23. If a planning policy case is to be made for variation from B class to A and D classes, then we believe it has not yet been presented either in compliance with the retained retail policies, or the NPPF, for the reasons set out above.

#### Economic impact

24. As we have previously set out, the applicant's claim to create 1039 jobs is misleading. The recognised sqm area per B1 full time employee is 18.3m<sup>2</sup>. This is the allowance made in all previous calculations made for this site, until the first hybrid application was made in December 2016. In order to support the applicant's claim for employment numbers in the B1 offices, the space per employee has been reduced to 13.8m<sup>2</sup> by the applicant. This is a reduction of 25%. Applying the same 13.8m<sup>2</sup>/employee area to the original 22,000m<sup>2</sup> application would create 1594 full time jobs, not the 1200 claimed at the time. Similarly, the extant 16,800m<sup>2</sup> outline application would create 1217 full time jobs. So great care is required in making comparisons. The applicant's use of both ft<sup>2</sup> and m<sup>2</sup> figures is also confusing. The applicant's submitted letters of intent do not indicate the number of employees that will actually be occupying office numbers 5 and 1. Ridge/Hunter Page refer to "potential to accommodate between 40-50 people in office no 5". Fifty person occupancy would translate to 14.9m<sup>2</sup> per employee, whilst an occupancy of 40 people amounts to 18.6m<sup>2</sup> per employee. In 2014, the prospective occupants of office no 1, Bloor Homes, told planners that they were employing 37 people in an office with an area of 461m<sup>2</sup>. With an occupancy density of 13.8m<sup>2</sup> per employee, office 1 should provide 168 full time jobs by the applicant's reckoning. We note that Bloor's current regional office is in Tewkesbury and that the Ridge/Hunter Page office is in Cheltenham. Relocation of Ridge/Hunter Page is therefore job-neutral for the area in all respects, whilst the relocation of Bloor is from within

the JCS area. We are mindful that there was much publicity about new job creation in the applicant's previous scheme, BMW. In the event, most of the jobs weren't in fact actually new, but came from other branches which were closed (with one being turned into a Lidl and Starbucks).

25. The discussions in the previous paragraph show that the claims for numbers of jobs created are somewhat subjective on this site, and the economic report must be treated with caution. Whatever the "correct" density for full time employment on the site might be, it is not equitable to compare predictions of full time employment between the extant outline permission and this proposal using different occupancy area rates for employees. If the 18.3m<sup>2</sup> rate is correct, B1 employment for this proposal will only provide 322 full time jobs. Adding the 25 predicted jobs for Happy Days Nursery and 26 jobs for Aldi, this makes a total of 373 full time jobs, not 428 that Hardisty Jones Associates predict. If an occupancy rate of 13.8m<sup>2</sup> per employee is correct, then a direct comparison with the extant B1 outline permission would create 1217 full time jobs (not 1100), meaning that the hybrid proposal results in a net loss of 178 full time jobs, relative to the extant permissions. This represents a loss to the local economy of £6.134m in annual wages (using the figures given in table 1 of the applicant's economic impact assessment).

26. Over a combined floor area of 2245m<sup>2</sup>, Aldi and Happy Days Nursery generate a projected 51 full time jobs. Using the applicant's occupancy density of 13.8m<sup>2</sup> per job for B1, 163 full time B1 jobs would be created, i.e., an increase of 111 jobs for the same footprint. The inclusion of the A class and D class buildings on this site does not therefore seem to provide any obvious economic benefit to Cheltenham or JCS area compared to the extant B1 business park that has been granted permission already.

27. The construction phase impacts are considered neutral between the extant outline permission and the proposed hybrid scheme. Both will generate broadly similar impacts and revenue.

28. It is suggested by the applicant that the Aldi supermarket and nursery are necessary to bring forward and promote the B1 development. However, the area is already served by existing nurseries and childminders and has an abundant supply of destination and top-up supermarkets. Most are available within a maximum 5 minutes' walk of the site and all are available within 5 minutes' drive on a "linked trip".

29. Adjacent to the existing Pure Offices/Asda site, 5 minutes' walk away from this site, developers, Robert Hitchens, are seeking permission to build B1 offices, instead of the permitted 27 houses because of interest in B1 in the area. On the previous hybrid application for this site (refused in December 2017), the applicant advised that there was a great deal of interest in the proposed B1 offices on the proposed site. In September 2018, more than 45 property agents from Bristol, Swindon and the South West came to Cheltenham to tour the construction of 64,000ft<sup>2</sup> of B1 office space which is being constructed at Honeybourne Place. The B1 offices will be ready in 2019 and are located in an area which is roughly equal to The Reddings and no retail or childcare elements are included. The Honeybourne Place development is described as having potential occupiers from within the town and new entrants to Cheltenham. It will offer available space ranging between 1000 and 7000ft<sup>2</sup> on the ground floor to 11,600ft<sup>2</sup> on upper floors. Both Honeybourne Place and this site are in locations with good transport links and both have similar architectural features, including limestone, large glass screens and cladding. Honeybourne Place is also close to existing supermarkets, and similar the facilities to those that already exist close this proposed site. It is predicted to attract rents of £30 per ft<sup>2</sup>. The significant difference is that the developers of Honeybourne Place have "backed themselves" and constructed the building to attract the tenants. In the Ridge/Hunter Page letter of 21 September 2018, Mr Fong says that "there are limited opportunities to acquire modern office accommodation within Cheltenham simply because very little has been built over the previous years..... as a consequence of the existing stock that does remain is

quickly taken up and office rents have risen considerably and become prohibitively expensive for many businesses". In the December 2017 committee debate, Councillor Wheeler identified sources at GCHQ which said if it was built they would be very interested. All of the foregoing suggests that there is considerable demand for B1 offices. This was recognised by the inspector in 2007 and formed one of the exceptional reasons for permitting development in the greenbelt. If this hybrid application is approved then at completion of phase 2, 77% of the site will be occupied by Sui Generis, A and D class buildings and only 23% will be B1. Bloor will be relocating within the JCS area to occupy office 1 and Ridge will be relocating from a Cheltenham town centre office to office 5, leaving only office 2 as a speculative development offering 2756m<sup>2</sup> of B1 office. We are concerned that this demonstrates little determination on the part of the applicant to develop a B1 business park.

30. Since the hard-won permission to build prime B1 offices on prime greenbelt was awarded in 2007, 33% of the site has already been given over to Sui Generis purposes for the BMW garage and showroom. It was said this would bring forward B1 development and create jobs. It has not. Subsequently, the applicant has sought to make a case that a drive-through Costa, an Aldi supermarket and childcare facility are necessary to bring forward B1 offices, but they only suggest that they will build phase 3 at some time, following completion of the A class and D class buildings. Further, having constructed the BMW building on a part of the site that the applicant seeks to separate from this application, the applicant has managed to wrestle this portion of the site out of the greenbelt before it has been built. Following granting of planning permission for the BMW development, numerous variations were then applied for and permitted including to: make the building higher; longer; vary the fencing; cut down protected trees; and redesign the stormwater storage and disposal because the "experts" reports submitted to the planning committee were wrong. With the applicant committing to only constructing a small percentage of offices as a part of the full application whilst leveraging the figures to promote and advocate it by promising "jam tomorrow" with the B1 development in phase 3, there is very real concern that once A class and D class as well as Sui Generis have been permissioned on this important B1 site, further use classes will be introduced at the expense of the B1 employment for which this important greenbelt boundary buffer was sacrificed.

## RESIDENTS' CONCERNS AND ABSENCE OF CONSULTATION

### Application form

31. There is no application form available on CBC website. As such, residents and others, including the officers and planning committee, are unable to determine the opening hours proposed. Previously the opening hours for Costa (A3 class) were 05:30 to 23:00 daily. This was considered unreasonable and excessive and must not be implied in any permission that may be granted in respect of this application.

32. Confirmation of opening hours for Aldi, Happy Days and the B1 offices and the proposed delivery times and schedules must be clearly stated by the applicant.

### Environmental

33. Since the site strip and stockpiling of soil on this site associated with the BMW works, those areas of the site that have not been used as a builders' yard have re-established their former greenbelt condition and some of the wildlife and fauna that was displaced during the BMW works has returned. These include deer, hedgehogs, slow worms, bats and many insects and protected bird species. It is noted that there has been no environmental report submitted or requested, and no environmental consultee request has been made. This is not acceptable and a new report/consultation is required.

34. The proposal does not seem to include provision of any bat/mammal/insect boxes or habitats, save for gabions, to replace the lost natural habitats.

35. The BMW works on this site led to extensive removal of natural habitat hedging and trees. The applicant seems to state that the existing mature, dense, tall and well-established hedging and trees along the North Road West boundary can and will be retained and enhanced. However, reference to the applicant's drawings, in particular, Section B-B, J-J (2/2), Section H-H (2/2), section G-G (2/2) and section D-D (2/2), Section C-C (2/2), clearly show that North Road West will be at considerably higher level than the excavated ground level that is proposed for Aldi. This is achieved by forming a sloped embankment between them. This is best illustrated on the Bayley's Landscape Architect's drawing entitled "Landscape sections" (drawing reference DLA.175.L.13.RevB). This drawing shows Aldi and profiled embankment, together with North Road West. The site boundary position is marked, but the re-profiling of the soil to form an embankment extends beyond the site boundary to the kerb edge. It seems that an embankment of between 1.5-2m depth is being formed. It is not understood how this can be formed, and the existing hedge can still be retained. The excavation work will surely require removal of the native hedge, but in any event, excavation this close to the existing hedging and trees is contrary to the relevant BS5837-2012 Trees in Relation to Building. Comments from the Tree Officer and applicant are requested.

36. Non-native trees and shrubs seem to be being proposed. There are no comments regarding the effect of this policy which will result in the loss of indigenous environment. Will the non-indigenous planting that is proposed have a positive effect upon the existing native mammals, flora, fauna, insects and birds? We would be pleased to hear from an appropriate consultee on the matter.

37. Light intrusion is a significant concern. Vehicle lights traversing the Aldi and office 5 car parks and those leaving the site, will shine directly into the houses and gardens opposite. This will be exacerbated in winter when daylight hours are shorter and the deciduous hedgerow on the opposite side of Grovesfield Way has shed its leaves. Proposed tree screening for the site will not mitigate the problem as it is currently shown.

38. Background light pollution from the visibility and security lighting on the car parks and buildings is similarly of concern. Aldi in particular will require high levels of security compared to B1 offices, and the extended opening hours beyond those of a B1 office, particularly into the evenings and over weekends are a significant concern. Consequently, retail will require much greater external lighting than the extant B1. No details are provided with regard to the provisions to mitigate light pollution from the car park lighting, nor whether buildings will remain lit overnight, as unenvironmentally-friendly BMW currently do. The scheme approved by the inspector in 2007 included light purging shutters to protect residents from light pollution. Comment from the Environmental Health office and applicant would be welcome.

39. Reflection of headlights and sunlight of the glazed facades, particularly of office 5, require consideration in terms of potential road hazard/nuisance to residents.

40. No roof plans have been submitted. This is of concern. The offices have much glazing and will attract a good deal of solar gain. There is no indication of how this will be dealt with. Lifts are shown in the building, but there is no indication of where plant will be located.

41. There is no indication of how ventilation is to be provided to the buildings. It seems very likely to us that air conditioning will be required and air source heating may also be provided. Certainly, we would expect some Photovoltaic cells to be provided on the roofs to offset carbon emissions and comply with Part L of the Building Regulations. Presently, there is no acoustic screening shown on the roofs, only a small partial parapet, so there is no architectural detailing of how acoustic screening would be provided. Further, the acoustic report deals only with the external freezer plant for Aldi and there is no mention of mechanical or electrical equipment requirements and noise for the offices or Happy Days

Nursery. A revised acoustic report is required. Comment should be sought from the Environmental Health team.

42. A current application 18/01180/FUL for the erection of three-storey B1 office buildings to the rear of Nuffield Hospital/adjacent to Asda and Pure Offices has been subjected to considerable, vigorous environmental investigation. Drainage calculations, noise assessments, external light assessments, sun path assessments, amongst other specialist reports and drawings have been requested by CBC officers and consultees, and they have been provided. In that application, the roof heating and cooling plant is to be screened by the provision of 3m high louvered panels on the roof around the plant area. Unscreened, the plant noise emission is in the region of 70 decibels when heating and 64 decibels when cooling. With the acoustic screening, this is reduced to a range of between 40 decibels to 34 decibels. Further design statements and submissions are required from the applicant and the Environmental Health team to clarify please.

43. The present acoustic assessment report refers to background noise monitoring that was derived prior to the opening of BMW. Since BMW opened, Grovefield Way is regularly backed up from the Park and Ride roundabout to The Reddings roundabout and it can take over 20 minutes to make that short journey during rush hour. Grovefield Way is often congested for between 3-4 hours each day (Monday to Friday) during rush hour, most significantly, during the afternoon periods between 15:30 to 16:30 hours. This can be verified by simple reference to traffic data on googlemaps). The noise from the stationary/slowly-moving traffic is considerable and beyond the level at which normal conversation can be held walking along the pavement. In some instances, the pavement is not very far from some of the residents' houses. The acoustic report is therefore now out-of-date and misleading. A further updated report must be submitted.

44. The acoustic report does not detail the noise intrusion of reversing vehicle sirens. This omission must be rectified and the effect on residents should be determined in relation to the delivery plan proposals for the A class and D class buildings. Presently no firm details are provided in respect of delivery times.

45. The stationary traffic referred to above will be significantly exacerbated by the "fall-back" extant outline permission for a B1 development. The traffic analysis projects in the region of an additional 600 vehicle movements during the rush hour period on Grovefield Way for this development. The congestion on Grovefield Way (which is the South West Distributor road) will inevitably become worse and the increase in stationary traffic over longer periods of time will further raise the local pollution levels, which are already causing a significant concern for residents. There is no analysis or comment offered by the applicant or Environmental Health officers in this connection. Residents' concern is further exacerbated by the applicant's traffic monitoring having been undertaken prior to BMW opening and during a non-neutral month (early July) when people that are not tied to school holidays by children take their holidays (as they do in September), thereby significantly reducing the traffic. Further, the figures reported in the traffic assessment analysis assume a modal shift. These same consultants produced a broadly similar report and modal shift projections, based upon the travel plan submitted for BMW. However, BMW reported to councillors shortly after opening that they have been unable to implement it. Consequently, there are very many more traffic movements, more stationary traffic and parking issues than these "experts" predicted then, and more than they model now. CBC have been asked to enforce the travel plan with BMW ...

**Please note, the remainder of this consultation is available to view as a separate document, attached to the agenda.**

## **GCC Local Flood Authority (LLFA)**

*9th August 2018*

Further to my earlier response to the above application dated 14 June, 2018 (Comments viewable in documents tab) I have reviewed the additional information received and have discussed the issues arising with the applicant's engineering consultants.

I am satisfied that the surface water runoff from Phase 2 of the development will be discharged at the controlled rate equivalent of the Greenfield QBar runoff rate of 8.4 l/s and will be attenuated in the balancing pond together with the runoff from the access road from Phase 1. The controlled discharge will be amended from this pond to the total of these two rates at 10.2 l/s.

It is proposed that the surface water discharge from Phase 3 of the development is also restricted to the appropriate Greenfield QBar runoff rate of 5.7 l/s and that this is also discharged into the ditch north of the development. This rate is also acceptable to the LLFA with attenuation being provided on site sufficient for the 1 in 100 year rainfall event plus climate change.

It is understood that the ditch situated on the northern boundary of the site which is proposed to receive the developments surface water subsequently discharges into a 1250mm culvert underneath the adjacent A40 highway. It is understood that this culvert is maintained by the Highway Agency.

Following discussions with the applicant's engineering representatives it is clear that there is some concern regarding exceedance flow routes in excess of the 1 in 100 year storm for the Phase 3 development. There will be some relatively minor exceedance flows for the 1 in 100 year event which can be accommodated within the planned car parking area to this Phase but no detail is yet known of a satisfactory flow route for the greater events. It is understood that with the current design, exceedance flows for Phase 3 could enter a private underpass beneath the A40 highway.

The LLFA has no objection in principle to this application but the route of the exceedance flows remain unknown for Phase 3 and in order to protect this overland route the LLFA seeks additional information that exceedance flows can be managed safely, either with sufficient capacity within the existing culvert or that they do not pose a danger to the public.

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

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

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

## **Natural England**

*12th June 2018*

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

#### Badgeworth Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

##### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites.

Natural England's advice on other natural environment issues is set out below.

#### Sites of Special Scientific Interest Impact Risk Zones

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

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

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

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

*28th September 2018*

Thank you for your consultation. Natural England has previously commented on this proposal and made comments to the authority in our letter dated 12 June 2018.

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

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

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

**Tree Officer**

*14th June 2018*

Following application no 16/02208/FUL, several of the tree related comments have been satisfactorily addressed.



1) New evergreen oak, and hornbeam have been described in planting proposals plan Drawing no 2 of 3 of drawing no DLA PL07 Revision D). Similarly hedgerow planting details alongside North Rd West are acceptable. However there is no aftercare or maintenance plan to accompany such planting proposals. Such aftercare and maintenance is essential if this hedge is to promptly establish and thrive.

Similarly, no details are apparent regarding pruning proposals regarding the existing hedge. This hedge is ecologically diverse but is not in a good condition and management proposals need to take account of proposed new planting as well as for the long term health and effectiveness of the hedge (in terms of its use as a barrier, screen, and ecological diversity).

2) It is noted that there are no planting proposals for new trees along the A40. Whilst it is recognised that the existing wooded strip is both on and outside the boundary of the site, arrangements must be made for new planting of suitable native species (eg hornbeam, holly, oak, hawthorn, blackthorn, field maple etc). This will pre-empt the area becoming most apparent when viewed from the A40. Such new planting will also reduce perceived traffic noise and air pollutants from the adjacent A40 onto nearby residential areas.

As stated previously, this existing woodland is chiefly composed of ash and elm trees and as such are facing an uncertain future as a result of Dutch Elm Disease and Ash Die-back. Local agreement must be reached with Glos County Council so as to address this future problem now as well as enhance the appearance of the site into the future.

3) There are still no soft landscaping details evident for the westernmost (ie adjacent to Elmfarm) part of this site. Such landscaping details must be submitted and agreed.

4) Trees 43, 45 + 46 of the tree survey need to be replaced.

5) Whilst there is no objection to the removal of trees 28 and 35, this is a good opportunity to increase tree planting stock locally-as such, details of tree planting adjacent to as well as south east of T28 should be submitted and agreed. Native trees tolerant of existing ground conditions should be planted. It would be preferable of such trees are of a species which spend long periods in leaf (eg oak, alder, holly, hornbeam etc)

6) Appendix D of Treework Environmental Practice describes fencing for low intensity activity. This is not acceptable and all protective fencing must be to Fig 2 of BS 5837 (2012). *20th July 2018* - Following receipt of email including aftercare and maintenance plan from Hinton Group 10/7/18, CBC Trees are content that aftercare and maintenance should be sufficient to ensure trees, hedges establish and prosper until maturity. Please use condition:

TRE01C - Existing trees to be retained in any permission granted.

The proposal to flail the hedge running along-side North Road West to 2 metres will remove screening temporarily but will help ensure the hedge becomes more dense and also help facilitate the new planting along this hedge line.

CBC Trees are content that Elm Farm landscape proposals are submitted as reserved matters.

Please use condition TPO04A - Replacement Trees Required to ensure the replacement of trees to be removed as shown within Treework Environmental Practice report.

*13th July 2018*

Following receipt of email including aftercare and maintenance plan from Hinton Group 10/7/18, CBC Trees are content that aftercare and maintenance should be sufficient to ensure trees, hedges establish and prosper until maturity. Please use condition:

TRE01C - Existing trees to be retained in any permission granted.

The proposal to flail the hedge running along-side North Road West to 2 metres will remove screening temporarily but will help ensure the hedge becomes more dense and also help facilitate the new planting along this hedge line.

CBC Trees are content that Elm Farm landscape proposals are submitted as reserved matters.

Please use condition TPO04A - Replacement Trees Required to ensure the replacement of trees to be removed as shown within Treework Environmental Practice report.

New more robust tree protective Fencing is to be confirmed.

### **Environment Agency**

*30th May 2018*

Thank you for referring the above application to us for consultation.

Based on the information submitted this appears to be a lower risk planning consultation which does not require direct consultation with us; it does not fall within our 'consultation filter'. Our checklist that was submitted with the application suggested the site was within 8m of a main river, however, having reviewed the site using our Flood Map for Planning we can confirm that the adjacent water course is designated as an ordinary watercourse. Therefore, this comes under the jurisdiction of your Lead Local Flood Authority.

#### **INFORMATIVES**

1. For our flood risk comments please refer to our Area Flood Risk Standing Advice.
2. For contaminated land matters, you are advised to seek the comments of your Environmental Health Officer or Contaminated Land Officer, with reference to our 'Developer Guidance' sheet.
3. For foul drainage matters, you are advised to seek the completion of the 'Foul Drainage Assessment Form' for your consideration.
4. For Pollution Prevention and Environmental Permit requirements (separate to planning) you are advised to refer to our 'Developer Guidance' sheet.

I trust that the above confirms our position.

### **Strategic Land Use Team**

*28th June 2018*

(Comments viewable on line)

*9th October 2018*

Updated policy considerations in relation to application 18/01004/FUL: Land at North Road West /Grovefield Way, Cheltenham. This is a hybrid application seeking detailed planning permission for:

- o 5,914 sq.m of commercial office space (Use Class B1),
- o a 502 sq.m day nursery (Use Class D1),

- o a 1,742 sq.m supermarket food retail unit (Class A1), with associated parking, landscaping and infrastructure works.

And outline planning permission for:

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

This is a resubmission of the previous application reference 16/02208/FUL.

#### The site

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

On the western edge of Cheltenham this site is surrounded by a mix of residential, commercial and employment uses including Arle Court Park & Ride facility to the north east, commercial development including an ASDA Supermarket to the east, and residential development at the Reddings to the east and south east. A new BMW Dealership to the north east of the site has recently been completed. The site no longer falls within the Green Belt, since the adoption of the Joint Core Strategy in December 2017.

The site already benefits from an extant planning permission for B1 employment use but according to the applicant, this revised application (which reflects two distinct development phases) is now necessary to allow a more flexible approach to the timing of development on the site. The application being considered here is a resubmission of application 16/02208/FUL, which is currently being considered through the appeals process.

#### Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. Since the previous application was submitted for this site, the policy situation has changed with the adoption of the Joint Core Strategy (JCS) in December 2017. Therefore, in determining this application, the following must be considered:

- o The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, 2017 and its evidence base.
- o The saved policies of the Cheltenham Borough Local Plan (CLP) Second Review 2006, which comprise the adopted development plan, and;
- o Relevant material considerations which include:
  - o National Planning Policy Framework (NPPF)
  - o National Planning Practice Guidance (nPPG)
  - o The emerging Cheltenham Plan and its evidence base.

#### Core issues in this case

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

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

## The need for sustainable development

### NPPF

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

Paragraph 11 sets out the presumption in favour of sustainable development, for plan making this requires LPAs to positively seek opportunities to meet the development needs of their area. In meeting these needs, the Framework requires that LPAs should objectively assess their needs with sufficient flexibility to adapt to rapid change. For decision-taking this means:

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

Paragraphs 80-82 seek to build a strong, competitive economy and re-iterate and expand on the core principles.

### Gloucester, Cheltenham, Tewkesbury Joint Core Strategy

Policy SD14 requires development that does not have an adverse impact on the health and environmental quality of the area, including that of the neighbouring occupants.

Policy INF1 relates to impacts of development on the transport network, and encouraging use of sustainable modes of transport both within the development and adjoining to the existing network.

### Cheltenham Borough Local Plan

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

## Development of a retail establishment on an out-of-centre site

### NPPF

Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

Paragraph 89 states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment subject to the proposal meeting a 2500m<sup>2</sup> floorspace threshold.

### Gloucester, Cheltenham, Tewkesbury Joint Core Strategy

Policy SD2 Identifies the Key Urban Area of Cheltenham and encourages this area as the focus of the community. Furthermore the policy sets out the retail floor space requirements for each of the JCS authorities. However, more detailed retail policies are not provided in the JCS, but will be in the retail review of the JCS.

#### Cheltenham Borough Local Plan

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

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

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

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

The site's retention solely for B1 uses

#### NPPF

Paragraph 80 states that:

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

#### Gloucester, Cheltenham, Tewkesbury Joint Core Strategy

SD1 states the locations where employment related development will be supported.

#### Cheltenham Borough Local Plan

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

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

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

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

- a) 'any loss of existing floorspace would be offset by a gain in the quality of provision through modernisation of the existing site. This should secure or create employment opportunities important to Cheltenham's local economy, and

- b) the loss of part of the site to other uses does not have a detrimental impact on the range of types and sizes of sites for business uses in the area nor the continuing operation of existing business sites; and
- c) the use is appropriate to the location and adds value to the local community and area.'

The site is currently proposed for allocation in the emerging Cheltenham Plan for employment uses (site E3), which was publically consulted on in early 2018. However, in line with the NPPF paragraph 216 in Annex 1 and nPPG relating to Determining a planning application paragraph 014, limited weight should be given to the plan at this stage.

#### Assessment

##### The need for sustainable development

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

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

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

##### Development of a retail establishment on an out-of-centre site

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

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

This is accepted and it is noted that several sites including 4 in the town centre have been discounted on the basis of a variety of constraints including the existence of existing permissions.

In this instance, the applicant is not required to undertake an impact assessment because the proposal is smaller than the default threshold of 2500m<sup>2</sup> (gross) stipulated in the NPPF. However, it is noted that an impact assessment has been undertaken to assist in the determination of the proposal and consider the effect on planned in-centre development and in-centre vitality and viability.

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

The site's retention solely for B1 uses

The proposed development contains elements which do not fall within the B1 use. As such, a key consideration in determining the acceptability of the proposed development is whether or not the proposed uses (B1, D1, A1 and A3) sufficiently contribute to meeting the employment needs of the Borough.

#### JCS Employment Land Review (2011)

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

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

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

#### Previous planning decisions

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

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

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

The previous application of the same description was refused by planning committee in December 2017, currently subject to appeal.

#### Miscellaneous

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

The site will be accessed from Grovefield Way which runs between the A40 to the north east of the site, alongside the eastern site boundary and then southwards through the Reddings towards Up Hatherley. The A40 provides access to the M5 Motorway some 2km to the west and Cheltenham town centre approximately 4km to the east. It is noted a Transport Assessment also accompanies the application and details impacts on the surrounding road network together with implications on walking, cycling and public transport.

#### Summary Conclusion

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

- o There remains a shortfall in B-class employment land across the Borough as evidenced by both the 2011 Employment Land Review (undertaken for the JCS), and the 2015 Economic Strategy (undertaken for the new Cheltenham Plan).
- o The JCS and its evidence base recognise the overriding importance of B-class employment to the Borough whilst acknowledging that other uses may also have some employment generating characteristics.
- o The retail element of the proposal equates to a very small amount (approximately 12%) of the overall floorspace to be provided, and this small amount is job generating.
- o As it has not proved possible to identify sequentially superior sites at this time, it is accepted that the proposal offers conformity with the priorities of the NPPF (Para 86) and Policy RT1 of the adopted Cheltenham Borough Local Plan.
- o Sufficient evidence has been provided to demonstrate limited impact on town centre and neighbourhood centre retailing arising from the scheme thus affording compliance with the NPPF (Para 89).
- o The application site is situated within close proximity of a number of public transport routes, a number of shops and opportunities for employment, schools and hospitals. It is therefore situated within a sustainable location and conforms to the thrust of national planning policy embodied within the NPPF together with the spatial priorities of the adopted Cheltenham Borough Local Plan, including Policies CP1 and CP6.
- o The emerging Cheltenham Plan proposes allocation of this site in the Pre-Submission version of the plan which was publically consulted on earlier this year.

#### **Historic England**

*25th May 2018*

Thank you for your letter of 24 May 2018 regarding the above application. On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions.

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

#### **Severn Trent Water Ltd**

*5th June 2018*

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



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

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

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

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

### **Cheltenham Civic Society**

*14th June 2018*

The Planning Forum considers the scheme to be broadly acceptable. It is acknowledged that Aldi and Costa are proposing to use what appear to be their standard corporate models but they nevertheless appear unimaginative and bland, as do the boxy office buildings.

We are disappointed, however, that the nursery building appears bleak and austere and we regret the opportunity has not been seized to create an exciting, welcoming building for young people. We would also prefer better provision of outdoor amenity space for the nursery, at a time when young people's physical and mental health is under scrutiny.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>340</b>
Total comments received	<b>178</b>
Number of objections	<b>175</b>
Number of supporting	<b>0</b>
General comment	<b>2</b>

**5.1** The application was publicised by way of letters to 340 nearby properties, site notices and a notice in the paper. Over 175 letters of objection were submitted which can all be read in full on the Council's Online Planning Register, however to briefly summarise the main issues raised were as follows:

- Unacceptable loss of B1 office space compared to the previous permission (economic impact).
- More office space unnecessary in Cheltenham.
- No need for additional supermarket or drive-thru coffee shop as other similar facilities already exist nearby.
- Impact on the viability of nearby supermarkets and other retailers.
- Unsuitable location for a nursery. Impact on existing providers and unsuitable for children to be near polluted/congested roads.

- Impact on congestion on local roads and the development would lead to parking on nearby streets. Insufficient parking on site.
- Unacceptable to build on greenbelt.
- Noise from delivery vehicles and other vehicles generally.
- Light pollution.
- Impact on general amenity of neighbouring properties.
- Cumulative impact with the construction of the BMW dealership
- Unacceptable visual appearance and inadequate landscaping.
- Impact on wildlife and ecology.
- Inadequate drainage and potential for increased flooding and run-off.
- Lack of community engagement.

## **6. OFFICER COMMENTS**

### **6.1 Background**

- 6.1.1** The most relevant planning applications that have been determined at this site are outlined in section 2 of this report. The principle of developing the site was first established by the appeal decision in 2007 allowing B1 office development and an extension to the Arle Court Park & Ride.
- 6.1.2** Although the site was in the Gloucester-Cheltenham Green Belt at the time, the Inspector for the 2007 appeal decision found that there were very special circumstances due to the serious shortfall in local employment land provision in the borough. This justified the granting of permission of a B1 office development on a Green Belt site.
- 6.1.3** The permission of subsequent planning applications has maintained the principle of development at this site. These permissions include the BMW dealership, which has been fully constructed, and application 14/01323/OUT for 16,800 sq.m of B1 offices, which has not been implemented, but is still extant until 11 December 2019.
- 6.1.4** On 11 December 2017 the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 ("JCS") was adopted. The JCS confirmed the removal of the application site from the Green Belt following a ten-year period since the 2007 appeal decision where the site had the benefit of planning permission for development via a combination of time-extension and revised applications.
- 6.1.5** On 14 December 2017 Members resolved to refuse a hybrid (part full, part outline) planning application (16/02208/FUL) for a total of 13,068 sq.m of B1 office space, a 502 sq.m day nursery (use class D1), a 1,742 sq.m supermarket food retail unit (use class A1), and a 204 sq.m drive-thru coffee shop. This refused application is now subject to an appeal which is set for determination at a public inquiry in January 2019.
- 6.1.6** The application in question that was registered in May 2018 is a similar hybrid application for effectively the same development as the refused application. However,

it was since been revised by the applicant as the proposal now includes a two-storey B1 office building in place of the drive-thru coffee shop near the vehicular entrance to the site adjacent to Grovefield Way.

- 6.1.7 The proposed development would now comprise a total of 13,948 sq.m of B1 office space (880 sq.m more than originally proposed), a 502 sq.m day nursery and a 1,742 sq.m supermarket food retail unit. The applicant has also disclosed the named occupiers of two of the proposed office buildings: Bloor (national house builder) and Ridge (multi-disciplinary planning/property consultants).
- 6.1.8 The following sections of this report will address the main issues associated with the proposed development and the concerns raised by local residents. Comparisons will be drawn with the extant planning permission which must be taken as a significant material consideration in the determination of this application.
- 6.1.9 The Reddings Resident's Association (RRA) have argued this is not the case on the basis the extant permission is an outline permission and not a full one. However, the 14/01323/OUT permission establishes the principle of development at the site, it was a key driver in justifying the removal of the site from the Green Belt and the fact that the extant permission is outline instead of full does not make the development any less deliverable or viable. Thus, the extant outline permission still carries significant weight with regard to determining this application.
- 6.1.10 The first three main issues to be discussed comprise the three refusal reasons of the 16/02208/FUL application.

## 6.2 Employment / Loss of B1

- 6.2.1 This issue comprised the first refusal reason for the previous application. The extant permission is entirely for B1 office use and the introduction of non-B1 uses was judged by Members to be a reason to refuse the development. The refusal reason stated:

*The proposed non B1 uses will result in a reduction in the amount of the site available for B1 office development along with the high quality jobs this would provide. The amount of the site given over to non B1 uses in combination with the prominent position they would occupy on the site would result in a dilution of the character and function of the site as a business and represent in inappropriate balance between B1 and non B1 uses. For these reasons the proposal is considered to be contrary to policy SD1 of the Joint Core Strategy, policy EM2 of the adopted Local Plan and emerging policy EM3 of the Cheltenham Plan (Pre-submission version, December 2017).*

- 6.2.2 The key issue in terms of the principle of the latest proposed development is the introduction of non-B1 uses and whether these are acceptable. The proposed uses for the site (with proposed end occupiers in brackets) and their respective floor areas are set out below.

Use	Floor Area	Percentage of total floor area
B1 office (Ridge, Bloor and others)	5,914 m <sup>2</sup> (full) + 8,034 m <sup>2</sup> (outline) = 13,948 m <sup>2</sup>	86.15%

A1 retail (Aldi)	1,742 m <sup>2</sup>	10.75%
D1 non-residential institutions (Happy Days nursery)	502 m <sup>2</sup>	3.1%

- 6.2.3** The table above shows that 86.15% of the total floor area of the proposed development would be for B1 office use. This is following the substitution of the drive-thru coffee shop (A1 use, floor area 204 sq.m) for another office building. The residual non-B1 uses now comprise 13.85% of the total floor area.
- 6.2.4** For comparison, the refused application proposed 84.2% of the total floor area to be for B1 office use. The current proposal would therefore result in an increase in the proportion of B1 development. It is acknowledged that this is a modest increase and the proposal is still not 100% B1, however it still represents a high proportion of the site being used for the use that already has extant permission. Furthermore, the residual uses proposed for the site, while not B1, are still themselves employment-generating uses.
- 6.2.5** For the previously refused application it was estimated that 1,018 full time jobs would be created across the site. For the current application following the substitution of the coffee shop for an office, the estimated number of full time jobs created by the development would increase to 1,039.
- 6.2.6** The numbers have been created using data from the Homes and Communities Agency<sup>1</sup> (H&CA) which calculates the average number of jobs created per square metre for different uses. B1 office uses have a tendency to create more jobs per square metre than any other use, which is a significant reason behind the perceived preference for the creation of B1 office employment over other employment types.
- 6.2.7** It is important to highlight at this point that the extant permission for B1 development did not include a condition removing permitted development rights. This means that if it was implemented and each individual office unit was occupied as B1, up to 500 sq.m of each building on site could be changed to a B8 use (storage and distribution) as this change is permitted by Schedule 2, Part 3, Class I of the Town and Country Planning (General Permitted Development) Order 2015 (“Class I”).
- 6.2.8** This has implications regarding the argument against allowing non-B1 uses such as retail and a nursery at the site because the amount of employees per square metre typically found at B8 uses is far less than any of these uses. For instance, the H&CA data states that B1 offices employ one person for every 10-13 sq.m of floor area; for A1 retail it is one employee for every 15-20 sq.m of floor area and for B8 it is one employee for every 70-95 sq.m of floor area.
- 6.2.9** Taking the median value for B1 (11.5 sq.m per employee) and B8 (82.5 sq.m per employee), for an employment space with an area of 500 sq.m a change of use from B1 to B8 could on average experience a reduction from 43 employees down to 6. It is important to highlight that this is not a precise calculation and due to differences in employer practices, potential future changes in occupants of office buildings and changes allowed under permitted development, pinpointing a precise number of jobs

<sup>1</sup> Employment Density Guide 3<sup>rd</sup> Edition, November 2015

that would be created by a development is extremely difficult. Hence why the H&CA data is used as a guide only.

- 6.2.10** To avoid the possibility of losing unacceptable levels of B1 floor space to B8 uses via Class I permitted development changes, Officers would be minded remove permitted development rights by condition if planning permission is granted. This would give the local planning authority greater control over the B1 uses at the site allowing it the ability to prevent future B1 to B8 changes, where appropriate.
- 6.2.11** The RRA and other local residents have expressed concerns with the loss of the total number of jobs by allowing non-B1 uses at the site. The RRA estimate that 92 jobs could be gained if the 1,742 sq.m for the proposed Aldi store was used for office space instead.
- 6.2.12** Officers do not dispute that a 1,742 sq.m office would typically employ more people than a retail store of the same floor area when assessed against the H&CA data. However, the following sub-section outlines the local and national policy context in which the proposed development can be supported despite the inclusion of non-B1 floor space.

#### *Policy Context*

- 6.2.13** It is important to highlight that in the last year a revised version of the NPPF has been introduced and the JCS has been adopted. The emerging Cheltenham Plan (eCP) has also been submitted to the Planning Inspectorate so its policies now carry a limited amount of weight, but not full weight because it has not yet been adopted. All of these policy documents are not so prescriptive that the site in question must be developed entirely for B1 purposes unequivocally. The need for some flexibility in the type of employment-generating uses is recognised.
- 6.2.14** Policy EM3 in the emerging eCP states for new employment allocations like the site in question (known as E3) that: proposals for traditional B class employment uses or Sui Generis uses that exhibit the characteristics of traditional B class employment will be supported.
- 6.2.15** However, it also states that Policy EM3 reflects the evidence bases of the JCS and eCP. The Cheltenham Borough Council Employment Land Review (ELR) 2011 was an evidence base document that was prepared by Nathaniel Lichfield and Partners on behalf of Cheltenham Borough Council. The ELR notes (paragraph 1.7) the shift in regional and national planning policy that sought not to restrict the consideration of employment uses to the B use classes only.
- 6.2.16** The ELR notes that this shift “represents an important departure from previous strategic guidance which has tended to only consider B Class employment land. Accordingly, and recognising that job creation outside of the B Class sectors make a significant contribution towards employment and economic well-being, other non-B Class employment generating uses are considered as part of this study.” The updated version of the Employment Land Assessment document published in October 2015 further confirms the continued lack of B-class employment land supply compared to anticipated future need.
- 6.2.17** The Cheltenham Borough Local Plan 1991-2011 (“existing Local Plan”) is a time-expired local development plan but it is still a material consideration in decision-making until the eCP is formally adopted.
- 6.2.18** Policy EM2 of the existing Local Plan does not support any proposed change of an employment (B1, B2 or B8) site away from any of these uses in its entirety (except in

certain specific situations) but that is not what the proposal involves. The proposal is an employment-led (B1) scheme (86.15% of the total floor area) with a smaller proportion (13.85%) of A1 and D1 uses.

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

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

**6.2.20** The explanatory notes for this policy state that "a great variety of activities can operate satisfactorily within the limits of the B1 use class... and the fact that a business is non-conforming is not sufficient justification for enforcement or refusal of planning permission". Therefore, Officers consider that in light of Policy EM2 the proposed A1 and D1 uses that do not conform to the B1 use class are suitable in this context. As with the previous application, this is an on-balance decision based on the proposed layout, which is discussed in more detail in a sub-section below.

**6.2.21** The increase in B1 floor space is now proposed in a more prominent location on the site adjacent to Grovefield Way which, in Officer's opinion, is sufficient to overcome the previous concerns regarding the mix of uses at the site and the prominence of the non-B1 uses. The revised layout with a new office proposed at the entrance to the site reinforces the fact that the non-B1 uses would be subservient to what is predominantly a B1 development.

**6.2.22** The existing Local Plan is time-expired (as it ran until 2011) and the eCP has not been adopted at the time of writing. The only local development plan that is both adopted and in time is the JCS. Policy SD1 of the JCS is used for determining applications for employment development (except retail). It is acknowledged that 10.75% of the total proposed development is for a retail unit; the analysis of this element of the scheme is carried out in a separate section of this report below.

**6.2.23** The JCS is consistent with the existing Local Plan and eCP in the sense it is not overly prescriptive about supporting only all-B1 developments on employment sites. The application site is not a strategic allocation in the JCS (policy SA1). For other sites JCS policy SD1(iii) says that employment-related development will be supported for the re-development of land already in employment use.

**6.2.24** Paragraph 4.2.15 of the JCS explains why employment sites like the application site in question should not be limited solely to the B classes:

*"Employment uses, such as retail (covered in policy SD2), leisure facilities, education, health services and residential care (uses outside the 'B classes') are predicted to provide over two-thirds of the projected job growth across the area. Whilst these sectors do not usually generate a specific employment land requirement, the mix of future job opportunities generated will be as important as specifically allocating parcels of land for employment provision. Employment forecasts show that the greatest B-class employment growth will be in the office, research and development sectors (Use Class B1a/b) with a decline in manufacturing and industrial jobs (B2) and with minimal growth in warehousing (B8) sector jobs."*

- 6.2.25** In addition to the three relevant local development plans that have been discussed, the National Planning Policy Framework (NPPF) is also a material consideration in planning decisions. Section 6 of the revised NPPF (introduced in July 2018) sets a policy context to help build a strong, competitive economy. It states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.2.26** The NPPF does not differentiate between the various types of employment uses, as it talks in more general terms so that it can apply to different parts of the country. It is considered that the proposed creation of over 1,000 full time jobs (which all of the proposed buildings/uses generating employment) is a significant benefit in terms of helping to achieve the NPPF's aim of building a strong, competitive economy.

### *Summary*

- 6.2.27** Concluding on the issue of employment and the loss of B1 office floor area compared to the extant planning permission, it is considered that the policy context is not so prescriptive that employment sites must be used exclusively for uses that fall within Class B of the Use Classes Order.
- 6.2.28** Policy EM2 of the existing Local Plan states that the presence of other employment uses that are not B1 should not justify a refusal of an employment-generating mixed-use development. Policy EM3 of the eCP was informed by an evidence base that acknowledges job creation outside of the B Class sectors make a significant contribution towards employment and economic well-being.
- 6.2.29** Policy SD1 of the JCS or section 6 of the NPPF does not differentiate between the various employment-generating uses, with the former recognising that non-B class employment-generating uses are set to play a significant role in economic growth for the JCS area.
- 6.2.30** In any event, the proposed development is still a B1-led development with over 86% of the total floor area to be committed to this use. It is acknowledged that the non-B1 uses typically produce a lower ratio of jobs per square metre of floor area, however they are still employment-generating uses and this application is predicted to create 21 more full time jobs than the previous application that was recommended for permission by Officers.
- 6.2.31** The reader is reminded that the applicant could also exercise their permitted development rights to change 500 sq.m of the extant permission from B1 to B8 uses, the latter of which typically produces a lower ratio of employees per square metre than the non-B1 uses being proposed.
- 6.2.32** Having regard to the background of this site, the extant planning permission and the policy context, the proposal is considered to be acceptable in terms of the employment opportunities it will generate. In this instance, the loss of B1 uses compared to the extant permission is not a reason to justify preventing the development. In fact, the policies that have been adopted since the extant permission was granted (in addition to the eCP) are now more encouraging of a mixed-use employment-generating development, instead of insisting on a 100% Class B development.
- 6.2.33** Officers consider that the proposed development is in accordance with the three policies that were cited in the first refusal reason of the previous application at this

site, namely JCS policy SD1, existing Local Plan policy EM2 and eCP policy EM3, in addition to section 6 of the NPPF.

### **6.3 Impact on the Highway Network**

**6.3.1** The second refusal reason for the previous application at the site reads as follows:

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

**6.3.2** The previous refused application is now subject to an appeal which is set for determination at a public inquiry in January 2019. Following agreement from the Chair and Vice-Chair of the Planning Committee, Cheltenham Borough Council has confirmed to the appellant that they will not be contesting this refusal reason at the inquiry on the grounds that the local highway authority, in this case Gloucestershire County Council, and the Highways Agency, did not object to the previous application (subject to conditions).

**6.3.3** Acting on legal advice, it was considered unwise for Cheltenham Borough Council to contest a refusal reason that contradicted the professional judgement of the local highway authority. There have been recent cases where this has been deemed unreasonable behaviour by the Planning Inspectorate and has resulted in the award of costs to the appellant. Costs can be awarded to the appellant even if an appeal is ultimately dismissed.

**6.3.4** Notwithstanding the above, the proposed development differs from the previous application so an assessment of its impact on the highway network is still required. The response from the local highway authority can be read in full in section 4 above; the main points from their response are summarised below.

#### *Local Highway Authority*

**6.3.5** Gloucestershire no longer has parking standards. Proposed development parking provision should be determined using the methodology set out in the NPPF. A parking accumulation study has also been undertaken to demonstrate the suitability of the proposed parking arrangements.

**6.3.6** Office block 1 and 2 has a parking provision of 222 spaces. The accumulation study 'Parking Accumulation Feb 17' determined a weekday peak demand of 222 spaces. The Additional Office Block contains 32 spaces. Based on a review of TRICS a 936 sq.m office block may generate a parking demand of 40 spaces, some 8 spaces more than provided.

**6.3.7** The site is accessible to sustainable transport opportunities with regular bus services available within a reasonable walking distance, particularly the services on the A40 to the north east. The development site provides cycle parking and links with the existing cycle facilities on Grovefield Way to ensure safe cycle access and to encourage additional cycle users. Furthermore, the office aspects of the development has means of limiting and/or controlling the number of employees that can access the car park which can be supported with Travel Plan measures to encourage alternative travel means and reduce parking demand from the office buildings. Also, the end user has the means of managing car parking arrangements on site to minimise the impacts of any displaced employment parking.



- 6.3.8** The Aldi and nursery have provided a provision of 104 spaces containing 7 disabled, 12 parent/child and 2 electric charging spaces. The development has provided adequate levels of parking and it is unlikely that any retail traffic will be displaced upon the wider highway network. The Aldi located at the junction between Tewkesbury Road and Hayden Road in Cheltenham has a similar floor area and a similar number (103) of parking spaces and it trades without any perceived parking issues.
- 6.3.9** The proposed mixed used development will generate an additional 13 vehicle trips in the AM and an additional 10 trips in the PM weekday peaks compared to the extant permission. This is an improvement on the 2016/7 application which would have seen an additional 18 AM and 16 PM peak hour trips. The previous proposal was deemed acceptable, therefore the current proposal is also deemed acceptable as it generates fewer development trips. The impact is being considered in the weekday peak periods due to the background traffic that occurs at weekends being lower as well as the office blocks unlikely to be occupied at those times.
- 6.3.10** Grovefield Way and the local network to Arle Court Roundabout are constrained with high traffic flow and queues/delays at peak times. This may make the additional vehicle traffic generated by this development seen significant when assessed or viewed in isolation, however the previous extant permission carries significant weight in planning terms and must be considered when assessing the current proposal. Although each application has to be assessed on their own merits, this site has previously been deemed acceptable for development in planning terms for B1 Office Use. The number of additional trips generated by this current application compared to the extant permission, which can be implemented at any time, is not significant.

#### *Summary*

- 6.3.11** Although each application has to be assessed on their own merits, this site has previously been deemed acceptable for B1 office development. Many comments were received from the RRA and other local residents that raised concerns regarding increased traffic congestion that would result from the development. However, the fact remains that even though higher traffic volumes would be created by the development, the number of additional trips generated by this current application compared to the extant permission is considered not to be significant enough to justify refusing the application. This position is also taken by the Highways Agency which has not objected to the application.
- 6.3.12** Cheltenham Borough Council's decision not to contest the highways refusal reason at the upcoming inquiry for the refused application is also a significant material consideration for this proposal. For these reasons, the proposal is considered to be in accordance with the guidance outlined in JCS policy INF1 and section 9 of the NPPF.

## **6.4 Design and Layout**

- 6.4.1** The third refusal reason for the previous application at the site reads as follows:

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

- 6.4.2** It is considered that the substitution of the drive-thru coffee shop for a two-storey office building addresses the above refusal reason to a significant extent. The hardstanding of the drive-thru and any additional signage/paraphernalia that is typically found at a drive-thru is no longer part of the proposal.
- 6.4.3** Locating an office building on this part of the site at the main entrance off Grovefield Way helps to emphasise the fact that this is an employment site. The previous application has the Aldi and the drive-thru coffee shop as the two buildings closest to Grovefield Way, therefore it would not have been immediately obvious that this was an employment site because all of the office buildings would have been situated further into the site away from Grovefield Way.
- 6.4.4** The location of an office building at the main entrance to the site significantly addresses these concerns that were highlighted in the refusal reason in terms of the removing harmful design elements of the drive-thru coffee shop and helping to emphasise the use of the site for employment purposes.
- 6.4.5** The newly proposed office building in place of the drive-thru coffee shop (labelled office 5 on the drawings) would be occupied by Ridge, a multi-disciplinary planning and property consultants. The elevation drawings show the company logo on the north, east and south elevations. The walls of the office 5 building would be constructed in a variety of grey-coloured cladding materials including stone and polyester. The building would appear as a contemporary office building helping to underline that it is part of a wider employment site.
- 6.4.6** It is acknowledged that the Aldi would still occupy a position in the south-east corner of the site near Grovefield Way. It is considered that this position visible from the roadside (although still set back by approximately 25 metres) is justified as a retail unit would benefit from passing trade whereas the offices and nursery do not because they would typically be attended either by employees or customers by appointment only. The Aldi would be viewed in its wider context of a business park and its proposed location would not be inherently detrimental to the overall layout of the development.
- 6.4.7** The revised scheme also includes improved landscaping on the eastern boundary to screen the hardstanding and parking areas that surround Aldi and office 5. The Aldi would be set back approximately 25 metres away from Grovefield Way and whilst it would be closer to North Road West, the landscaping on this southern boundary would be stronger again to help visually screen the development from the houses on this road, supplementing the existing strong hedgerow that already encloses the south-east corner of the site.
- 6.4.8** The proposal includes various other landscaped areas throughout the site with soft landscaping separating the various office units and parking areas. A dense landscape buffer is proposed for the north-west boundary of the site to screen the development from the A40. The Tree Officer has confirmed that the majority of the existing trees on the site are of a low category but some are to be retained as part of the soft landscaping proposal where possible (to be controlled by landscaping conditions).
- 6.4.9** The third refusal reason of the previous application mentions a 'predominance of hardstanding'. Considering the amount of hardstanding that is inevitably required for an employment-led development for infrastructure such as parking and turning areas, this is something that would be difficult to overcome entirely. It is considered that there is sufficient soft landscaping both enclosing the edges of the site and within the site to mitigate concerns about this particular issue.

**6.4.10** Office buildings 1 to 4 and the nursery would retain the same size, scale and positioning as the previous application, where there were no perceived issues as they did not feature in the third refusal reason.

**6.4.11** The removal of the drive-thru coffee shop in place of an office has been welcomed by many local residents (even if they are still opposed to the development overall). It is considered that the revised proposal has addressed the concerns that were outlined in the third refusal reason of the previous application as the design and layout shows more emphasis on the employment uses. Thus, the proposal is now judged to be in accordance with JCS policy SD4 and existing Local Plan Policy CP7.

## **6.5 Retail Impact**

**6.5.1** As the proposed development is located out of Cheltenham's centre, the NPPF requires the applicant to demonstrate that there are no suitable, available and viable sequentially preferable sites that could accommodate the proposed development. This is to ensure that the proposed Aldi store does not have a detrimental impact on the vitality and viability of Cheltenham's town centre and its other local shopping centres. The retail impact of the development was not a reason for refusal for the previous application, but an assessment of this issue has been undertaken nonetheless.

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

**6.5.3** In this instance the applicant is not required to undertake an impact assessment because the proposal is smaller than the default threshold of 2,500 sq.m stipulated in the NPPF and there is no locally set threshold in the existing Local Plan or eCP. However, an impact assessment has been undertaken to assist in the determination of the proposal and consider the impact on the vitality and viability of Cheltenham's town centre.

**6.5.4** Cheltenham Borough Council has commissioned an independent assessment of the Retail Impact Assessment. The assessment agrees that subject to the Council's own knowledge of the North Place site and the proposed relocation of the Council offices from the Promenade there are no suitable sites available in sequentially preferred locations and therefore the test is met.

**6.5.5** The approved scheme (ref: 12/01612/FUL) at North Place was for:

*Erection of a mixed use development comprising; 5,792sqm (gross external floor space) of class A1 food store, 739sqm (gross) of class A1 shops and 19sqm (gross) of class A2 within atrium space and 336sqm (gross) of class A3 (customer restaurant); multi-storey car park providing 634 spaces over 5 floors (300 spaces for public use and 334 spaces for food store customers); 143 no. residential units within a mix of 1, 2, 3, and 4 bedroom houses and flats, (57 units to be affordable) with associated 143 car parking spaces at ground and basement level; creation of new public open spaces; provision of new parking bays for buses and erection of a passenger information kiosk and waiting room; associated other operations to facilitate the mixed use development including alterations to and from the existing highway for vehicular, pedestrian and cycle access. All following the demolition of existing buildings and other built structures on the site.*

**6.5.6** Officers are aware that this scheme will not be going ahead in its current form and that Morrisons are no longer involved in the site. The application 12/01612/FUL lapsed in

August 2018, as such it seems likely that an alternative proposal will come forward for this site, however it is not clear at this stage what form this will take or what mix of uses it will entail.

- 6.5.7** The applicant is in a position where it is seemingly impossible for them to pass the sequential test because of the lack of information over the intentions for North Place. However, not passing the sequential test is not an adequate reason for refusal in its own right. It is necessary to consider whether the proposal would have any unacceptable retail impacts.
- 6.5.8** The retail impact assessment concludes that the impact on the town centre would not be significant. Caernarvon Road is a district centre in the existing Local Plan which largely comprises the Morrisons store in Up Hatherley that is situated approximately 1.5 miles to the south-east of the application site. Some smaller retail units and a pub are also located at this district centre. The proposal must have regard to the potential impact it would have on this district centre pursuant to Local Plan policy RT7 (criterion b).
- 6.5.9** The retail impact assessment concludes that there is no realistic risk of its closure as a result of the proposals. It also concludes that the trade diversion from Bath Road would be very small. The assessment also concludes that there might be a small amount of trade diversion from Coronation Square however it could not be concluded to be a significant adverse impact. The impact tests are therefore passed.
- 6.5.10** The RRA and other local residents have expressed concerns that the proposal conflicts with criterion (a) of Local Plan Policy RT7 which states out-of-centre retail should only be permitted if a need of additional floor space has been demonstrated. The word 'need' is clarified in Note 3 and it refers to a definition contained within a Ministerial Statement dated 14.02.1999.
- 6.5.11** The introduction of the NPPF in 2012 (later revised in 2018) superseded all preceding Planning Policy Statements, Planning Policy Guidance and Ministerial Statements and the NPPF does not request that a need for retail floor space has to be demonstrated. RT7 (a) is therefore deemed to be out of date due to lack of consistency with the NPPF.
- 6.5.12** Providing it can be demonstrated that out-of-centre retail development does not harm the vitality and viability of existing designated retail areas, e.g. Caernarvon Road, it can be accepted in principle. The fact that the proposed Aldi may compete with other out-of-centre retail units, such as the nearby Asda, is not for the planning system to control, despite objections from the RRA and other local residents. In a free market economy competition and choice for consumers is considered to be healthy and an essential characteristic of a growing economy.
- 6.5.13** The overall conclusion of the retail impact assessment is "that the proposal is in accordance with national and local policy for retail development. In relation to the restaurant development, the proposal would serve a largely local need and the sequential test would be of little assistance in determining the application."
- 6.5.14** Officers have no reason to conclude differently and as such it is considered that in terms of retail impact the development of a supermarket in this location is acceptable in accordance with Local Plan policy RT7 and NPPF section 7. Members did not disagree with this conclusion in determining the previous application.

## **6.6 Impact on Neighbouring Residents**

**6.6.1** The NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy CP4 states that development will only be permitted where it should not cause unacceptable harm to the amenity of adjoining land users and the locality.

**6.6.2** As mentioned above planning permission exists on this site and the impact of the previous proposals upon neighbours will have been fully assessed. However, the mix and distribution of development now proposed is markedly different and has the potential to have more of an impact upon neighbour amenity in terms of the presence of the buildings, their construction, servicing and on-going operation. As such it is important that all these aspects are carefully considered.

**6.6.3** In terms of the physical presence of the buildings the shortest distances between the proposed buildings and their nearest residential neighbour are as follows:

Supermarket – 36m  
Office 5 – 44m  
Office 1 – 82m  
Nursery – 88m  
Office 2 – 103m

**6.6.4** The positions of offices 3 and 4 are indicative but the nearest property would be located approximately 55m away.

**6.6.5** The closest relationship is that of the properties of North Road West and the supermarket. However, bearing in mind the distances involved, the fact that the building slopes down towards the boundary and the landscape buffer that it is proposed it is not considered that the physical presence of the building would have a significantly harmful impact on amenity in terms of loss of light, privacy or overbearing impact.

**6.6.6** With regards to construction, any problems which might arise can be dealt with separate Environmental Health legislation, however a condition is attached requiring a plan for the control of noise, dust and other nuisances which would include limits on the hours of work. The Council currently recommends the following working hours:

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

**6.6.7** There is also the potential for deliveries to the supermarket to result in disturbance to the neighbouring properties. The loading bay has been located away from the most sensitive location on the west elevation of the proposed supermarket building. A delivery management plan will be required by condition which will ensure that deliveries take place in a manner that minimises noise and disturbance.

**6.6.8** The requested opening hours are as follows:

Supermarket – Monday – Saturday – 08:00 – 22:00; Sunday – 10:00- 18:00  
Nursery – Monday – Friday 07:00 – 19:00

**6.6.9** The office hours are not yet known, however given the quiet nature of the use these are not normally controlled through the planning process as they are typically between 07:00 and 19:00. An acoustic report has been carried out which concludes that the impact on neighbours would be acceptable and the Environmental Health Officer does not disagree with its findings or take issue with the proposed opening hours.

**6.6.10** Details of a lighting scheme have been submitted with the application which indicate lux levels for the Full element of the proposals. The light spillage is shown to be minimal with a level of 0 at all neighbouring properties with a level of 1 clipping the front gardens of 9 and 10 Grovefield Way. This is well within acceptable levels and should not have an adverse impact upon neighbour amenity. A condition will be required to ensure a similar level of detail is provided for the outline elements of the scheme.

**6.6.11** Officers consider the size and scale of development to be similar to the extant planning permission in terms of its relationship with neighbouring properties subject to the proposed conditions mentioned above. Members were seemingly in agreement with this assessment as the impact on neighbouring properties was not a reason for refusal for the previous application.

## **6.7 Air Pollution**

**6.7.1** The RRA and many other local residents have expressed concerns that the proposed development would lead to an increase in vehicle traffic to the extent the pollution would begin to impact upon people's health. In particular, there is concern for the proposed nursery being located in an area which such high traffic volumes and the affects this would have on children. The Member of Parliament for Cheltenham Alex Chalk has also written to express his concerns about air pollution.

**6.7.2** The last measurements of air quality that were taken in the vicinity of the site were at Telstar Way (approximately 900 metres from the site) in 2013 as shown on the interactive map on the Council's website<sup>2</sup>. This states that annual average nitrogen dioxide (NO<sub>2</sub>) levels in the area for 2013 were 34.5 micrograms per cubic metre (µg/m<sup>3</sup>). The EU Directive referred to in Mr Chalk's letter states that safe levels of NO<sub>2</sub> are defined as an annual average no higher than 40 µg/m<sup>3</sup>. This threshold is also included in the Council's 2017 Air Quality Annual Status Report.

**6.7.3** More recent figures were taken at the Princess Elizabeth Way roundabout in 2016 and the annual average levels of NO<sub>2</sub> for that year were 25.7 µg/m<sup>3</sup>. The Council's 2017 Air Quality Annual Status Report shows Cheltenham's worst affected areas for air pollution are in the town centre, particularly sites on Gloucester Road, Swindon Road, Bath Road and the highest recording of NO<sub>2</sub> was 48.47 µg/m<sup>3</sup> on the Lower High Street.

**6.7.4** Officers do not dispute the high traffic volumes that are experienced in the vicinity of the site in and around Grovefield Way and the Arle Court roundabout. The development would increase vehicle journeys to and from the area which would likely see a rise in NO<sub>2</sub> levels. However, there is no evidence available to indicate that the proposed development would raise NO<sub>2</sub> levels to unsafe levels above an annual average of 40 µg/m<sup>3</sup> on a regular basis, as experienced in the town centre locations where the urban density is higher than the application site.

**6.7.5** Once again, we must also compare the proposed development with the extant planning permission and there is nothing to suggest that the pollution levels would be materially higher for this application. Moreover, Members did not cite air pollution as a reason for refusal in the previous application and there have been no material changes to the scheme that should result in a change to this stance, in fact, the removal of the drive-thru coffee shop represents a modest improvement compared to the previous scheme. For these reasons, the proposal is considered to be in accordance with the guidance outlined in JCS policy SD14.

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<sup>2</sup> [https://www.cheltenham.gov.uk/info/66/environmental\\_protection\\_and\\_pollution/288/air\\_quality\\_and\\_pollution/2](https://www.cheltenham.gov.uk/info/66/environmental_protection_and_pollution/288/air_quality_and_pollution/2)

## **6.8 Flooding and Drainage**

- 6.8.1** JCS policy INF2 and NPPF section 14 state that development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere.
- 6.8.2** The site is located within a Flood Zone 1 area as identified by the Environment Agency, which is the lowest risk category for flooding (Flood Zone 3 is the highest risk category).
- 6.8.3** The planning application was accompanied by a Flood Risk Assessment (FRA) and surface water drainage strategy. The surface water drainage strategy for the full elements of the proposal incorporates the balancing pond approved and constructed for the BMW development. Surface water runoff from roofs and impermeable areas will be managed via a combination of permeable paving and cellular storage with a controlled discharge through a balancing pond at the pre-development greenfield runoff rate.
- 6.8.4** Detailed comments have been provided by the Local Lead Flood Authority (LLFA). They have confirmed that the proposed discharge of 8.4 l/s, which will combine with the 1.8 l/s entering the balance pond from BMW is acceptable. Discharge is to the unnamed watercourse at the northern boundary of the site.
- 6.8.5** The proposed permeable paving will accommodate surface water for storage only. The remaining storage requirement will be held in geocellular crates with the final amount to be determined in the detailed design stage.
- 6.8.6** The outline element of the proposal is subject to a strategy of discharging surface water at the pre-development greenfield rate. Again further information would be required by condition.
- 6.8.7** It is normal with large scale proposals for the detailed design of drainage strategies to be submitted via conditions when the technical construction designs are prepared. However it is necessary to set out a strategy which confirms that the proposal is capable of adequately handling surface water runoff. In this instance the LLFA have confirmed that this is the case.
- 6.8.8** As such it is considered that the scheme is compliant with the technical requirements and as such is acceptable in terms of flooding and drainage.

## **6.9 Ecology**

- 6.9.1** JCS policy SD9 relate to ecology and states that The biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. The NPPF section 15 states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of the development in that location clearly outweigh the loss.
- 6.9.2** The proposal was accompanied by an ecological assessment. The site was originally surveyed in 2006 and updated surveys were carried out in 2011, 2013 and 2016. Specific bat and badger surveys were also carried out. The report concludes that there are no overriding constraints to development. However it is proper to provide habitat opportunities and as such bat and bird boxes will be secured through the development and required by condition. Native planting will also be used within the landscaping scheme to provide enhancement in these areas.

**6.9.3** Natural England was consulted for this application and they have raised no objections. Thus, the proposal is considered to be in accordance with the guidance outlined in JCS policy SD9 and the NPPF.

## **6.10 Green Belt**

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

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

**6.10.3** Local residents have raised the issue of the proposal being inappropriate development in the Green Belt. However, in light of the above, these concerns are no longer applicable because the site is now outside of the Green Belt.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** The proposed development has attracted a high level of objection from local residents and the Reddings Residents' Association who have set out their concerns in detail.

**7.2** However a decision must be made on planning merits bearing in mind the relevant policies as set out above and the demonstrable fall-back position of the applicant in terms of the extant outline planning permission for B1 development at the site.

**7.3** Members voted to refuse the previous application, which was similar in character and scale to this application, for three reasons. This report has found that this application features revisions that address the three refusal reasons.

**7.4** When this is taken in consideration in conjunction with other factors such as the site's allocation for employment development in the emerging Cheltenham Plan and the extant permission for B1 development at the site, the argument in favour of permitting the development is considered to be sound, notwithstanding concerns raised by local residents.

**7.5** The proposed development has been found by Officers to be acceptable when assessed all the relevant local and national planning policies. Thus, the recommendation is to permit the application, subject to conditions and the signing of a Section 106 agreement.

## **8. CONDITIONS**

To follow in an update prior to the planning committee meeting.