

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 461m² (note new office 1 has an area of 2322m²). 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 22,000m² 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 10,900m² 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 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 18.3m². 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 13.8m² by the applicant. This is a reduction of 25%. Applying the same 13.8m²/employee area to the original 22,000m² application would create 1594 full time jobs, not the 1200 claimed at the time. Similarly, the extant 16,800m² outline application would create 1217 full time jobs. So great care is required in making comparisons. The applicant’s use of both ft² and m² 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 14.9m² per employee, whilst an occupancy of 40 people amounts to 18.6m² 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 461m². With an occupancy density of 13.8m² 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 18.3m² 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 13.8m² 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 2245m², Aldi and Happy Days Nursery generate a projected 51 full time jobs. Using the applicant's occupancy density of 13.8m² 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 permissioned 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 64,000ft² 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 7000ft² on the ground floor to 11,600ft² 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 ft². 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 2756m² 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 Grovefield 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, but have failed to do so. It is suspected that the planning condition that BMW employ a part time travel co-ordinator has also not been complied with. A realistic up-to-date traffic survey and assessment which models actual current traffic (much of it introduced by this applicant on the BMW site), is required before the applicant's traffic analysis, reports and predictions can be accepted by CBC officers and the residents.

46. All of the “expert” projections and predictions are based on assumptions regarding the future of phase 3. However, the applicant does not significantly commit themselves, and only requests outline permission. The previous hybrid application which was refused in December 2017 contained a number of statutory undertakings which this application does not. With a significant history of variation applications on this site having previously been made (to the detriment of residents), statutory undertakings or preferably irrevocable covenants on the site usage to ensure that only B1 development permission and no further classes of development will ever occur on the site would be welcome by residents.
47. Happy Days Nursery receives very little comment from the applicant in support of its introduction, even though its inclusion and location on the site has been a matter of considerable concern to residents and to the planning committee in December 2017. There is presently much debate around the harmful effects of exhaust emissions on young children. It is proposed to introduce a nursery where children from 4 months upwards will be located in a building for up to 8 hours per day (07:00 to 19:00 hours). That building is to be located in the middle of a car park which is flanked by the South West Distributor road (Grovefield Way), the A40, the M5, the Arle Court roundabout, the Park and Ride, BMW garage, an Aldi car park (where up to 90 vehicle movements per hour are predicted). No pollution monitoring has been undertaken despite there being considerable medical concerns for the developmental and mental wellbeing of infants/young children. Similar medical concerns are raised in respect of asthma conditions in young children. Comment from the Environmental Officer, together with pollution monitoring that is modelled to the site (the pollution will be trapped and corralled between these tall buildings) should be requested and verified.
48. It is noted that one of the key aims of the NPPF is to support health and wellbeing. We believe it absolutely vital that a formal assessment of the health and wellbeing of the potential occupants of this nursery and residents is undertaken and submitted to the planning committee for consideration.

Trees, hedges and landscaping

49. As set out above, there is concern as to how the existing hedge on North Road West can be retained with the embankment ground profiling that is proposed to construct Aldi.
50. There is great concern at the comment that the North Road West hedge is to be flailed to a height of 2m. The Tree Officer comments that this will help make the new planting denser. However, it would be unreasonable to maintain the North Road West hedge at anything less than its current height in the future if the applicant is truly concerned with delivering a development that is sympathetic to its greenbelt surroundings (greenbelt origin) and the concerns of residents. If the new “enhanced” planting requires cutting back to encourage more dense growth, this can be done on a tree-by-tree, hedge-by-hedge basis, without prejudicing the existing hedgerow, which also supports much indigenous wildlife and will provide a refuge for wildlife whilst the rest of the development is constructed.
51. The landscape drawings and report do provide some indications of landscaping heights and densities when planted. However, the presentation of the data is misleading. There are some trees proposed which are in the region of 3.5m-4m in height, but these are “Austrian Pines”. They are not 6m high as most of the trees on the landscape drawing and architectural drawings are shown. In this connection, the trees and hedges along North Road West are also shown much higher than the 2m height that they are to be flailed to. All other trees specified by “girth”, i.e., their circumference. Typically, girth of 14cm to 20cm is specified with some having a girth of 25cm to 30cm. For clarity, the diameter/width of a tree with a girth of 14cm would be 6.7cm (or 2.5”). A tree with a girth of 25cm would have a diameter/width of 9cm (or 3.5”). These are not the big, profuse healthy specimens that the applicant represents throughout all of the drawings that he has submitted. Similarly, hedging is generally in the range of 10cm (4”) to 60cm (2ft), occasionally 90cm (3ft) high. Comment from the applicant/Tree Officer/Landscape consultee as follows, would be welcome. Unambiguous drawings should be submitted to show the “as-planted” heights of the trees and shrubs, so that they truly represent the schedule given in the landscaping report and Davis Landscape’s drawings. Applicant/Tree Officer/landscape consultant should be asked to confirm how long it will take for these trees and shrubs to develop to the heights and densities currently shown on the applicant’s drawings.

Enforcement

52. Planning conditions are routinely attached to maintain planting to the first five years of the project. With respect to the BMW application, such a condition is in force and variation application to remove listed trees were specifically made conditional upon replacement planting and maintenance of same. Many residents have commented that many of the trees and shrubs planted by BMW have died and have not been maintained. CBC have not enforced the condition. The planting is a key feature of this application and the applicant highlights it. If conditions are attached, it will not be acceptable to residents if they are not enforced.

NPPF

53. NPPF states that only the minimum number of planning conditions should be imposed, and any conditions which are imposed, must be enforceable. Local failure to enforce conditions on a number of permissioned sites, including BMW, has been the cause of much local anger, and has accounted for many hours of discussion between TRRA, the ward councillors, residents and officers. The drawings submitted must be transparent in representing what will be planted, how it is expected to grow, when it is expected to mature and relevant stages of street scene should be insisted upon so that the condition can be properly enforced. The applicant also invites conditions on some difficult areas of land drainage in phase 3. This is not considered acceptable in terms of the NPPF requirements.

Traffic

54. As discussed, traffic around the Park and Ride roundabout, backs up along the South West Distributor road (Grovefield Way), past BMW and often up to The Reddings roundabout, along Hatherley Lane, past the Asda roundabout and from the Park and Ride to the A40 daily, Monday to Friday for lengthy periods. Mornings are bad, but the afternoon rush hour period is worse. A resident has submitted a portfolio of photographs which also demonstrate a number of concerns for road traffic safety.
55. It is accepted that traffic into the area will increase with the extant outline permission for the B1 development. It is also accepted that comparison can be made between the outline permission granted and the hybrid permission that is being requested. The traffic analysis report does its best to show that the residual impact will be minimal, and Gloucester Highways appear to have been convinced. However, the reports significantly suppress the different traffic flows that will be generated by the nursery and Aldi supermarket, particularly in relation to evening and weekend traffic, but also through the day. The nursery traffic will comprise a heavy concentration during peak periods in the mornings, either as bespoke trips or linked trips to the new B1 offices, Aldi, other local or remote employers, or to drop other children at school. The afternoon traffic flows will be more spread, ranging from lunchtime collections, collections coinciding with end-of-school or coinciding with business hours. The afternoon traffic will peak in a similar way to that of Aldi and will considerably exacerbate the current afternoon problems. In terms of Grovefield Way, the applicant's analysis shows that beyond the initial B1 traffic flows into the site during rush hour, traffic is relatively modest until the late afternoon. A maximum, only 134 vehicle movements per hour are predicted with an average of around 78 vehicle movements per hour. In contrast, with quoted average shopping cycles of 30-40 minutes duration, the Aldi car park will be generating up to 188 vehicle movements per hour (average circa 130 per hour), turning left and right into the site and left and right out of the site, on a 40mph road Monday to Friday, at weekends, this rises to a maximum prediction of 272 arrivals and departures per hour (with an average of 168 per hour). This will have a significantly adverse effect upon the flow of traffic on Grovefield Way/South West Distributor road which it does not currently experience and which is unlikely to be experienced with the extant B1 permission. This requires comment from the applicant and GCC Highways.
56. We have researched planning applications made by Aldi across a number of Local Authority planning areas. There are applications to build new stores, but many more applications are subsequently made to provide increased car parking, to extend store hours and to extend delivery hours. In some instances, applications for 24 hours opening have been made. This is very troubling given that this application has reduced the car parking for Aldi "significantly".
57. The Aldi and Happy Days Nursery car parks are combined. There is no obvious segregation of dedicated spaces for either. This appears to be poor design. Children's safety will be significantly protected and enhanced if parents are able to park in front of a nursery and then escort their children inside. Without dedicated parking, parents may have to park on the far side of the car park and escort their children across it. This is contrary to the intentions of the NPPF in general, and paragraph 110 specifically.

58. Aldi developments seem to generally start with 1 parking space per 11.5m² of retail space. In this proposal 25 unprotected parking spaces are provided adjacent to Happy Days Nursery (HDN). There are a further 77 spaces available in the rest of the car park, making a total of 102 for both businesses. Parking must accommodate staff, visitors, electric charge points, parent and child and disabled spaces. Delivery vehicles will also be using the same car park for deliveries and there will be refuse collections. If all 102 spaces are used by Aldi (leaving none for HDN) this equates to 1 parking space per 17.1m² of retail. The normal Aldi formula would require 109 spaces for them alone for the 1254m² of retail space that is proposed. Whilst residents are pleased to see the improved landscaping along Grovefield Way, the car parking reduction which results appears woefully inadequate. This is because Aldi is being “shoehorned” into a front-of-site location when it could sit much more comfortably in the phase 3 area where more usual sized car parking could be provided. If Aldi have used all of the parking spaces (as seems to be foreseeable given the frequent variation applications for more parking once stores have been opened), there will be significant problems when parents call to collect their children at HDN, at times which the analysis shows will peak with Aldi’s demand. At weekends with maximum arrival rate of up to 140 vehicles per hour during a 5 hour peak period (when an average of 128 vehicles per hour, plus delivery vehicles) the car parking capacity provided is woefully inadequate. Simply, the proposed store is too large for this site.
59. If HDN parking is segregated/designed to comply with common sense, NPPF paragraph 110 and basic health and safety requirements, then the shortfall in Aldi parking becomes very acute. Extension of parking is not possible in the constricted portion of the site due to changes in site levels and parking allocations for the adjoining office 1 and 2 buildings. As such, either the landscaping would need to be sacrificed, or residents and B1 users would be subjected to an almost constant traffic nightmare.
60. Any observer of an Aldi store and car park will be able to verify the very congested and difficult traffic movements that occur during peak times due to a shortage of parking spaces. Queues of stationary traffic waiting to turn into the store or manoeuvre out of the car park are long-lasting and commonplace. The location of the Aldi store at the front of the site provides very little “buffer” room for “stacked parking” during peak periods. Stacking of vehicles on Grovefield Way is likely, increasing congestion, pollution and travel times, all contrary to the purpose of the South West Distributor road. Comment and analysis is required please.
61. It has already been rehearsed in the foregoing that the scale of the supermarket is inappropriate to the site and that destination and top-up supermarkets are already very close and very accessible to this site. Fast food outlets (KFC and burger van), Asda café and a Harvester are also available within 5 minutes’ walk of the site. Sandwiches and snacks can be purchased at Home Bargains or Asda. The likely requirements for occupiers of the extant permissioned B1 business park are more than adequately catered for and enhance the attraction of the site. If an on-site shop is required, a small boutique shop/café, keeping the same hours as the offices, incorporated into one of the B1 buildings would be far more appropriate. The proposed Aldi is simply too large for this location on the site, and the site is therefore being over-developed.
62. If the D class nursery is thought to be appropriate, it could possibly be located to be as far as possible from the Arle Court Roundabout, B&Q, the Aldi car park, all of the other car parks, Grovefield Way and the M5. The hedges could be incorporated into the design to provide a more appropriate green open space to service the nursery.
63. Lighting specifications, intensities, times of operation etc, for car parks and headlight beam tracks relative to existing residential properties in North Road West and along Grovefield Way are required.
64. Pollution analysis/monitoring above that which is required to predict stationary traffic created by BMW’s failure to implement its travel plan is necessary to predict likely increases in pollution resulting from this proposal to ensure that thresholds are not breached.
65. Analysis of additional background noise from existing and new stationary traffic is required for a new acoustic report.
66. Parking for Aldi and Happy Days should be redesigned to segregate bespoke safe parking for parents and children to use, so that they can directly access the nursery, without crossing the car park.
67. Transport assessment refers to safe manoeuvres for delivery vehicles as they will be escorted onto and off site to be provisioned by a banksman/marshal. This raises a number of questions. If the marshal has to be called, the large delivery lorries will need to park safely somewhere before contacting the marshal, then meeting him/her and being escorted onto the site (past the nursery). Further detail is required to assess viability. No such provision is provided on the present layouts, and the suggestion is thought untenable and unsafe.
68. Viable and enforceable travel plans are required for the supermarket, nursery and B1 offices and they must be enforced.

69. NPPF is very clear on the requirement for sustainable transport. Paragraph 102d provides a requirement for a full environmental impact study of traffic to avoid and mitigate adverse effects and achieve net environmental gains. Paragraph 110a requires priority to be given to cyclists and pedestrians in car parks and shared spaces. Paragraph 110d requires design for efficient delivery of goods, collection of refuse, etc. These conditions have not been met by the submitted designs and supporting documents. Clarity is required and the proposals must be enforced.
70. The NPPF requires design to encourage modal shift. The Aldi supermarket will derive the vast majority of its business by taking existing custom from the existing stores that are all within a few minutes' walk or drive from the site. At best, modal shift is neutral. Additional car journeys will be encouraged with the business transferred from Aldi's existing Tewkesbury Road store with the balance (approximately 20%) attracting new trips into the area. As the applicant's assessment shows, and as we discuss, there will be many, many special trips throughout the day to visit Aldi, in contrast to the trips that would be derived from a B1 only development. The effects of this require careful and thorough modelling please.
71. The committee will be aware that Gloucestershire County Council is now set to take control of the new £22 million scheme to deliver the infrastructure for the 45 acre Cyber business park on the west side of Cheltenham (the opposite side of the A40 from this site) because they are both the transport and highway authority. They will also progress the bid to Homes England to fund £249m upgrade scheme for Junction 10 of the M5. This will create a new link road between M5 junction 10 and west Cheltenham, expand Arle Court Park and Ride and include a "smart motorway upgrade" on the M5 between Junctions 9 and 11A. Residents are mindful that these are very large infrastructure projects which have the potential to make a huge contribution to the economic prosperity of the county for decades and the development on this site should not prejudice it. The traffic implications for the South West Distributor road (Grovefield Way) and this site requires and deserves much better traffic analysis by both the applicant and particularly from Gloucestershire Highways to model actual traffic flows at present and the predicted traffic flows arising from the extant B1 outline scheme in the context of the Cyber Park. This hybrid proposal is radically different from the extant B1 proposal and as yet is undefined with regard to the future of phase 3 where only outline permission is sought. The site is immediately adjacent to the Park and Ride. The parking and congestion problems that have arisen since BMW opened and the parking issues that have been created for the existing Park and Ride (associated with BMW/GCHQ staff using it as a "Park and Walk"), as well as the significant impact on residential street parking has already resulted in a number of minor accidents and near-misses. If further ad-hoc development is granted permission, it may well prejudice the progress of the Cyber Park, particularly in relation to the Park and Ride. We are mindful that if the option for a Park and Ride extension onto this site had been taken, millions of pounds to create a multi-storey car park at Arle Court to service the Cyber Park would have been saved. Some "joined-up thinking" is required as a matter of urgency. As a minimum, a properly-conducted traffic survey along Grovefield Way must be undertaken during a neutral month.
72. With the exception of pollution increase and frustrating congestion and journey times, the most significant impact on residents will be the introduction of retail weekend and evening traffic. Currently, the extant B1 proposal would result in only negligible traffic movements during the evenings and weekends, leaving residents free to enjoy their gardens, walks and open their windows without traffic noise, background noise and pollution associated with a supermarket. Similarly, the applicants own analysis proves that traffic entering and leaving a business park will be substantially less than the extensive traffic which will be visiting Aldi every hour, but very particularly during evening and weekend periods. This weekend/evening traffic will significantly destroy the residents' ability to enjoy their gardens, open their windows and engage in walks or cycle along the National Cycleway (which runs along Grovefield Way and North Road West) with their children, without encountering significant traffic hazards, pollution, the noise associated with the Aldi supermarket. The Aldi supermarket is considerably too large and is inappropriate for this site for all of the reasons rehearsed by us and individual residents.

Drainage

73. There are well-documented problems with water flowing off the hybrid site onto North Road West in a number of areas. This has caused extensive damage to the newly-laid road surface (which is also a national cycleway). This has cost much of our time, council time, residents' time and public money trying to resolve. It is still not resolved. We understand that the county council believe that BMW's operations have disrupted an existing pipe. BMW have been un-cooperative in abating the nuisance.
74. During heavy rain, manhole covers in North Road West regularly lift discharging foul water. It is a fact that this happens. It is lamentable that proper records of it do not seem to be kept by the utility.

75. As was discussed in great detail at the planning committee meeting in December 2017, that prior to the building of BMW, local flooding of residents' houses and gardens did not occur. Since BMW's construction, flooding occurs regularly. This is well-documented by the ward councillors. Again, the fact that the utilities keep inadequate records is lamentable.
76. Within our detailed booklet report we include a copy of a letter from Andrew Hulcoop, Managing Director of BMW, which refers to the flooding that occurred on the BMW site shortly before it opened. This occurred because there was insufficient stormwater storage on site as the "experts" had got it wrong. Run-off from Grovefield Way also entered the site due to poor interception drainage design. BMW subsequently applied for and constructed a second attenuation pond to alleviate the problem on their site.
77. The applicant's expert acknowledges that surface water drainage for phase 3 would be difficult. The local flood authority (LLFA) also raises concerns. It is not equitable to simply "condition" this. Full design treatment must be undertaken to establish whether phase 3 and the B1 jobs that the applicant claims is viable before outline permission is granted.
78. The LLFA raise doubts regarding the discharge to the surface water ditches which in peak times will need to receive flows from the site which are close to the discharge from 2 x fire engine hoses running at full pressure. Extensive analysis of discharge into the same drainage ditch has been required for the nearby B1 office development adjacent to Asda and behind Nuffield by LLFA, together with analysis of surface water flows. The LLFA requirements for this site should be no less rigorous, particularly as development of the site has already caused an increase in local flooding and because preliminary analysis suggests that phase 3 in particular may be problematic.
79. The public sewer on North Road West into which discharges from these new buildings will flow is already close to capacity (taking account of the storm surges which lift the manholes). Analysis of the residual capacity of the foul sewer to accept the new flow from this development should be undertaken to avoid the need for the sewer to be upgraded by the utility, with those costs being passed onto residential bill-payers. The developer will derive pecuniary benefit from the construction of the estate, and should not be relying upon public funding or the utility to sponsor his development.
80. Again, reports prepared by the applicant's experts for the BMW project have proven to be incorrect. Remedial work has been required, has been carried out and some is still required. The same experts are again making predictions that are contrary to local knowledge and experience. This is not acceptable.

Developer contributions to the community

81. We are surprised that no CIL or other contribution is being required to help offset the damage that this development and loss of the greenbelt will cause to the local community.

Community consultation

82. It will be seen from the TRRA and the 500 or so residents' own comments and submissions in respect of the previous application and this application, as well as from the foregoing comments, that this hybrid proposal and the absence of detail/site history, is of considerable concern to residents. There has been much reporting of this in the press in relation to the development, parking issues, traffic speeds, congestion, problems with the Park and Ride, etc.
83. There have been 5 iterations of the project from the applicant since it was first submitted in December 2016. With each iteration, the scheme has been improved in some way that is agreed. On this iteration, the removal of the Costa drive-through is welcomed. In granting a further consultation period, the planning officer acknowledged that this was because of the high local interest.
84. It is clear from the comments submitted across the 5 iterations that broadly similar questions and points of clarification are being raised each time.
85. NPPF paragraph 40 requires that parties other than the applicant and the planners should participate in the pre-application stage consultations, particularly the local community.
86. Paragraph 128 NPPF requires applicants to work closely with the local community, and take account of their views.
87. NPPF paragraph 129 requires local authorities to engage with the local community.
88. The applicant and local authority have clearly engaged in much negotiation and the various reports and documents submitted by the applicant confirm this.

89. However, until 21 September 2018 neither the planning officers, nor the applicant had approached TRRA for any form of consultation. Following the approach to TRRA from Ridge/Hunter Page, the committee immediately offered to meet with Paul Fong at their offices. On the assumption that a meeting would lead to some agreement, TRRA offered to arrange a public meeting for residents, the applicant and the planning officers to attend. Ridge/Hunter Page advised that they would meet us on 10 October 2018. Shortly thereafter, the planning officer confirmed that the application was to be presented to the planning committee on 18 October 2018 and that the consultation would close on 9 October 2018 (the day before the meeting with Ridge/Hunter Page). Although we were informed that comments could still be submitted up to the date of the planning committee hearing, they would not be incorporated into the officer's report. TRRA made a detailed request for deferment of the planning committee meeting/an extension to the consultation period but this has been denied by the officer. We have expressed extreme regret to CBC. Following correspondence between us and Ridge/Hunter Page, Paul Fong also approached the officer with a similar request for an extension. On 3 October 2018 we received confirmation from Ridge/Hunter Page that TRRA can submit comments within the consultation until 16 October 2018. However, if the matter is to be placed before committee on 18 October 2018, the officer will be unable to account for our questions and points in his report and will be unable to refer them to other consultees. It is regrettable that after 20 months, the planning officer should deny due process in the consultation, as set out in the NPPF and also in the Localism Act 2011 Part 6 requiring interested parties to co-operate in the preparation of development plans. The preparation of this submission will have taken in excess of 100 hours, as did our previous submissions. This could be avoided with proper consultations.
90. At the date of preparing this document, comments from other consultees have not been submitted. Notably, the Architect's Panel, Landscape Architect, Environmental Health and Tree Officer. The Strategic Land Use Team references to the NPPF are out-of-date and redraft is required. The GCC Highways comments need to be reviewed in relation to actual road conditions and in particular the Cyber Park and extension to the Park and Ride. Some critical analysis of the applicant's submission is necessary. The absence of an application form is a significant omission that means that the full impact of the proposal in terms of opening times is not obvious. The land drainage teams seem not to know of recent relevant foul water and surface water flooding events in the area. Since the Elmbridge Court "hamburger" roundabout improvements, Junction 11 entrance/exit roundabout is regularly blocked during rush hour yet Highways Agency make no comment. There are comments that we have raised in respect of the landscaping scheme which need to be referred to the Tree Officer, whilst input from Building Control would also have identified the need for mechanical plant (heating and cooling) for the offices which is not located and which will have significant environmental impact on residents. Many of these concerns also need to be referred to the Environmental Health office. This submission is simply not ready for a decision, or in the alternative, must be refused.

Summary

91. There are fundamentally important pieces of the applicant's evidence which are missing, incomplete, out-of-date, or provide only a selective view. The problems with the existing BMW development on the site and the severe adverse impact upon residents and the Park and Ride are well known and have been well publicised in the media and discussed by councillors. Public funds now need to be spent trying to resolve the problems of the full Park and Ride car park. The empty buses at the Park and Ride testify that it now fails in its primary purpose. The inclusion of retail in this scheme is not trivial as the applicant suggests, and will have profound repercussions locally on residents' wellbeing, on local businesses, and will adversely affect the road network and interactions with the A40 Arle Court roundabout as well as the South West Distributor road. This proposal and the detailed examination of the fall-back extant outline permission requires careful consideration in tandem with the proposed Park and Ride extension to support the Cyber Park.
92. All of these points have been raised by residents and TRRA many times in our previous comments and reports; most are still not addressed in this application. Many of points and concerns detailed above, were raised by the planning committee members in the debate on the last hybrid application in December 2017, and are not addressed in this application. Community involvement and consultation is required pursuant to the NPPF and the Localism Act. Proper community consultation may well have resulted in agreement on a scheme that would satisfy local concerns and the designers and officers would benefit from local knowledge. That opportunity seems to have been lost by this rush to planning committee and by excluding residents and TRRA from effective pre-application discussions and consultations on this scheme.

Given all of the circumstances, and the foregoing concerns and comments, we have no alternative but to maintain residents' objection despite there being elements of this scheme that are preferable to the previous submission which is now the subject of an appeal.

For The Reddings Residents' Association

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