

# The Reddings Residents' Association

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## A Planning History of the Development Land at Grovelfield Way & North Road West.

### An Independent Assessment of the History, Decisions and Consequences

**A Case for Refusal of Application ref: 16/02208/FUL and for preserving the Greenbelt Status of the site**



Proposed Costa, Aldi, Nursery and Offices



*Design Development, proposed drive thru, carpark and Costa*



*Design Development, proposed carpark and Aldi*

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## Executive Summary

- The report reviews the history of the applications for development on this site, including a detailed review of the 2007 Inspector's report.
- The report has been commissioned because the current application for retail has raised considerable concern amongst local residents, businesses, Parish Councils, Residents Associations and Councillors. Also, because much of the media coverage has demonstrated that there is a great deal of confusion over the designation of the land and the award made by the Inspector in 2007.
- The applicant similarly seeks to raise precedents with reference to limited sections of the Inspector's report in 2007 to support of his application.
- The report sets out what the Inspector's report actually said and what has happened since. A detailed understanding of this is therefore fundamental to the decision-making process for this application.
- This report clearly demonstrates that the Inspector's decision of 2007 can no longer be relied upon for guidance in relation to this site, because the "*exceptional circumstances*" that led to the Inspector's award for "*inappropriate development in the greenbelt*" are no longer present in the proposal and any Park and Ride extension potential is now permanently prevented by the BMW building.
- The Grovefield Way site is still designated "greenbelt". The report finds strong justification that the site must remain in the greenbelt, despite the inclinations to "roll this back" expressed in the current JCS and by the Inspector in 2007. The reason would be to ensure a greater level of control over future inappropriate development on this site and prevent urban sprawl.
- The urgent demand that was thought to exist for a large site offering B1 employment land at the time of the Appeal in 2007 just does not appear to have been realised. The Inspector and the applicant were very clear that the 2007 Appeal was in respect of B1 only, despite any subsequent thoughts that this means "Employment land" in general.
- In a very recent local appeal against the refusal of permission for a change of use for B1 designated land, which is less than 0.5km from this site (adjacent to Asda); the Inspector accepted that despite the owner's best efforts; marketing of the site for employment purposes "*continuously since 2013*" has failed to find any interest from developers or employers. Further, the Inspector noted that no evidence has been provided by the council in respect of developers or employers expressing an interest in sites for any form of new office or alternative employment development, other than a single recent application to construct B1 offices in the town centre.
- In anticipation that the need for B1 employment on this land may not transpire, the Inspector recommended a review after six years. That review is long overdue.

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- The Cheltenham Plan identifies that Cheltenham is not creating high paid jobs. Retail jobs are not high paid. The BMW development on the site, coupled with this proposal, will reduce the total number of potential jobs from 1100 (in the 2007 application and award) to 800. Approximately 35% of the site and the potential for high paid job creation will be reduced by 35%.
- Retail development on the Grovefield Way site should not be permitted. This application should be refused. A clear statement must be made that the land is set aside for B1 usage in the greenbelt and that only B1 usage is appropriate.
- The applicant already has existing permission for a B1 development. The approval granted for that proposal is more appropriate and in keeping with the word and spirit of the Inspector's award than this proposal, for the many reasons that are set out in the following items of this report. If he builds it, perhaps the high paid jobs will be realised?
- The neighbourhood objections show that considerable distress is already being caused by light pollution from the BMW building and there is a strong preference/urgent requirement for increased screening to reduce the visual impact and light pollution (see photographs on the final page of the report). This application, if permitted, will significantly exacerbate those problems. Soft landscape screening (or similar) to replace that removed by BMW is desperately required. Soft/tree landscaping would also greatly add to the biodiversity (which has also been lost to the development), and would be in keeping with the Inspector's original intentions for "*glimpses*" of "*low key*" development on this greenbelt site.
- Over 300 public objections have been submitted (these have been analysed and the numbers summarised below are shown in detail in document 35, pages 63-67 of this report). Objectors include private neighbours, nurseries, businesses, Hatherley Parish Council, The Reddings and Hatherley Councillors and prospective councillors, as well as Alex Chalk MP. In addition to the objections, a petition against the proposal has been raised and has over 800 signatures. The Benhall Residents' Association have complained that they have not been consulted. Benhall residents, and those of Badgeworth and Up Hatherley, will also be adversely affected by this application (if it is approved); and will be even more effected if retrospective aggressive traffic calming measures are then introduced, because the applicant has made no attempt to integrate the proposal with the greenbelt, the nearby dwellings, or the local infrastructure, including, roads, amenities, drainage, etc., or the character of the wider area, contrary to the multiple requirements of the National Planning Policy Framework (NPPF). Objections received include:
  - Overlooking/loss of privacy – 6 objections
  - Visual amenity – 22 objections
  - Adequacy of parking/loading/turning – 74 objections
  - Highway safety – 26 objections
  - Traffic generation – 242 objections mostly in relation to traffic generation which has already occurred, renewed concern over anticipated traffic issues when BMW opens and the potential exacerbation of this that will result from the impact of the proposed Aldi, drive through Costa and a day nursery will have)
  - Light pollution – 42 objections

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- Noise pollution – 83 objections
  - Fume pollution – 93 objections
  - Loss of trees – 41 objections
  - Effect on the greenbelt – 161 objections
  - Layout and density of buildings – 18 objections
  - Design appearance and materials – 56 objections (to the existing BMW building – which the applicants say guides the selection of materials for this proposed development)
  - Design appearance and materials for the proposed buildings – 29 objections
  - Landscaping – 18 objections
  - Road access – 21 objections
  - Planning policies – 1 objection
  - Proposals on the development plans, JCS etc. – 6 objections
  - Previous planning decisions – 12 objections
  - Conservation – 51 objections
- Many of the statutory Consultees including Severn Trent, Civic Society, Highways Agency, Architects Panel, GCC Local Flood Authority, Land Drainage Officer, Environmental Health and others, either recommend refusal, or postponement of a decision to allow further reports and details to be submitted, or highlight deficiencies and inadequacies in the “full and outline” proposal and recommend that (at best) only conditional approval should be granted. As the record of the numerous applications for this site clearly demonstrates – historic conditional approvals have allowed this developer to gain advantage by subsequently submitting detail designs (as a “force majeure” once the construction had commenced). Approval may not all have been granted if he had submitted them with the original application. Other consultees have not responded at all (as at 7 March 2017).
  - This proposal is clearly incompatible with the Inspector’s deliberations and his award for “glimpses” through tree screening of the “low key” development. This proposal will generate further unacceptable amounts of light pollution for many nearby residential properties 24 hours per day, 7 days per week, and 365 days of the year. The retail offering requires lighting for security. That is not a requirement of B1 development, and is entirely inappropriate in the greenbelt and close to residential properties. The applicant makes no submissions in this regard and it was not in contemplation in the 2007 Inspector’s award. The proposals made by the developer at that time included light purging shutters on the windows, to minimise this problem.
  - The applicant seeks trading hours of 05-30 to 23-00, 365 days per year. This is contrary to all previous permissions granted in the area. It is inappropriate in the greenbelt and completely inappropriate close to existing residential properties.
  - Traffic fume pollution, noise pollution and litter will all rise significantly if this application is permitted. The applicant has submitted some very selective and partisan analysis of some of these negative issues in his reports. The conclusions of those reports defy common sense.

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- The consultees and neighbours have raised significant concerns with regard to current traffic management, congestion and under-capacity on the road network. Since 1998, Harvester, Travelodge, KFC, B&Q, Pets at Home, Home Bargains, Asda, Pure Offices, housing developments at Wade Court, Grace Gardens, Oakbrook Drive, Redgrove Park, and Symphony Road and Chalford Avenue have all been built in the area. No additional road capacity, traffic management, foul or surface water capacity or, additional infrastructure facilities have been provided.
- The Highways Authority will be carrying out further amendment and traffic control works to the Golden Valley roundabout, once the similar works on the Elmbridge Court roundabout have been completed. Judging by the significant impact the latter roadworks are having on traffic flows currently, there are likely to be a long periods of traffic issues on the Golden Valley roundabout during the work. Things will get worse, before they get better.
- Once the BMW site is in operation, Highways will have the opportunity of assessing its impact. An overall, informed and holistic approach can then be taken to traffic flows and management in the whole area. With public consultation, a consensus can be reached on local traffic management. Following that, informed, reasoned and compatible building development in the area can be considered on the basis of a “neighbourhood plan”, which must account for the still “semi-rural” postal service, telephone and broadband service that is available to The Reddings area and some parts of Hatherley and Badgeworth.
- Reliance on traffic problems being resolved at a later date by the implementation of traffic calming is not appropriate. It has been identified that the area does not easily lend itself to any such measures and a much wider view of traffic flows in and through The Reddings, Hatherley, Benhall and the Golden Valley is long overdue. Piecemeal approaches cannot be permitted. “Rat-running” through The Reddings/ Reddings Road has already led to several incidents of scraping damage, pets being run over, broken wing mirrors and the like over the past few years. The road layout and properties and many of the older houses that were built before cars were commonplace, do not have a pavement buffer and have poor visibility splays. Encouraging more “unmanaged” traffic onto these “arterial” roads as a consequence of poorly thought-out development or road management is significantly raising the danger of a serious accident.
- Since 1998, and in particular, the past 10 years, developers have ruthlessly exploited the absence of planning policy that the JCS and Inspector have identified is required. The substantial number of objections that were raised to this proposal over the course of just 11 days is testimony to the absolute frustration that the beleaguered private neighbours and businesses in The Reddings, Hatherley, Badgeworth and Benhall areas currently feel.
- The following report sets out a general rehearsal of the extensive development that has been undertaken in the area and the consequential significant alteration to the amenity value of what was once essentially a rural/semi-rural village on the edge of the urban area.

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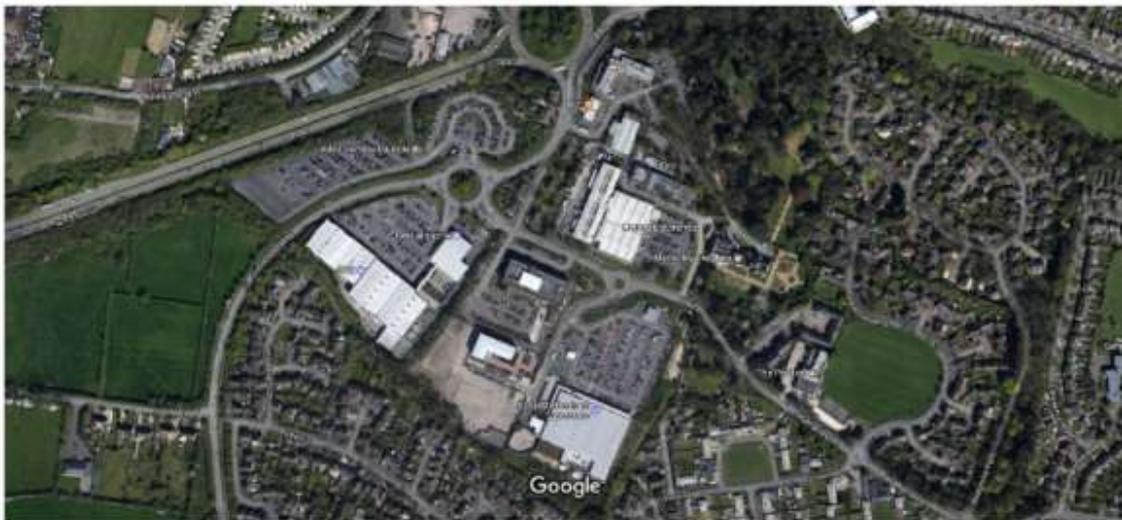
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- The Reddings and district area has been extensively “developed” over the past 20 years and each development leads to increasing comments regarding reduced “worth” as greenbelt amenity. Compare the aerial photographs attached below which show the extent of development in The Reddings between 1998 and 2013 (BMW is not shown):



Document 38 (1998)

Document 39 (2013)



Imagery ©2017 Google, Map data ©2017 Google 50 m

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- Further significant development in the area, including this application, should be resisted; at least until the JCS is finalised, planning policy is settled and a cohesive, integrated and holistic traffic management policy for the A40, Golden Valley roundabout and all of its arms, particularly Hatherley Lane, Grovefield Way and the B&Q roundabout has been developed and any spare traffic capacity properly assessed. This pro-active action is long overdue. It is a requirement of the National Planning Policy Framework (NPPF) planning policy that the developer must integrate his development into the existing area, not rely on others to do the work for him, as seems to have been the historic precedent. This application is incomplete. It is short of detail in many respects. It makes no attempt to integrate with the community or fulfil its wider obligations at all.
- The application should be refused. The applicant must be told to ensure that any re-submission is fully complete, sustainable, and provides accurate dimensions of the proposed buildings, in order that the planners, planning committee, consultees and neighbours can make properly informed decisions. Historic submissions for the BMW development, (which The Architect Panel identified lacked clarity and transparency) has allowed the current wholly inappropriate development that has resulted and which so many people now complain of.
- Grovefield Way was built many years ago as a “bypass” to alleviate traffic from The Reddings and the surrounding areas. North Road East has a covenant to stop it being made into a through road, in order to deter drivers from using The Reddings as a “rat run”. This proposed development, and in particular, a Costa “drive-through”, is almost entirely reliant on “car” users, and will need to actively encourage more vehicles into the area in order to be sustainable. This is entirely contrary to decisions made in the past and to the principals of NPPF.
- The local requirement for these stores and facilities has not been demonstrated in the submission. The damage to existing “local” businesses has not been considered (only Cheltenham town centre is considered). The objections raised to date, make it very clear that they are not required at all in an area that already has an over-supply of such offerings. The immediate and wider areas are already fully served for supermarkets, office space, childcare and beverage provision. In short, the development proposed is not necessary, nor is it wanted. The applicant seeks to impose it upon the community. He does not seek to integrate it in any way with the community, nor does it seek to enhance the local, or the wider community with its offering.
- Despite the intentions of planning policy, the proposed uses are “car” focussed. As such, there is inadequate car parking provision for the A1, A3 and D3 use classes that are being proposed for the site. It is inevitable that users of the site will be forced to use nearby streets to park in, which in turn, will cause parking issues for local residents. This inadequacy is acknowledged by BMW themselves in their approach to a neighbouring business in order to secure car parking spaces for their staff. An objector has also stated that BMW have told their staff that they must secure their own parking spaces, because on-site parking provision will not be adequate.

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- This application must not receive approval now, nor any future consideration be given to a similar proposal, until the applicant submits fully developed designs and drawings for an offering that can be considered to have “exceptional circumstances” sufficient to permit “inappropriate development” in the greenbelt. The applicant must provide proper consideration in respect of connections to local infra-structure (roads, surface water and foul water) and set out a proper environmental analysis of light, fume and noise pollution with screening and sustainable and enforceable travel and transport plans. He must set out the means by which the development will enhance the local area and Cheltenham as a whole and meet his general obligations to be a good neighbour and those set out in the National Planning Policy Framework (NPPF).
- The Reddings Residents' Association objects to the proposal.

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## **Brief Factual Background** (comments are underlined)

### **Section 1**

#### 1.1 **2004 – Outline application for B1 Industrial Uses**

- Constraints on the application were listed as greenbelt and Classified Road.
- 127 letters of objection were received, citing loss of greenbelt, traffic implications on safety and congestion, development wholly out of character with the area, noise and light pollution, dangerous precedent, impact on wildlife and sequentially unacceptable on the basis that brownfield sites should be developed before greenbelt.
- The now-disbanded South West Regional Development Agency (SWRDA) supported the application to deliver the region's economic strategy in support of "Additional B1 Employment Development".
- Highways Agency issued a holding objection.
- BPG2 describes the application as inappropriate development in principle.
- Developer's rationale for the development was that the town is designated as a "principal urban area" with a shortfall of employment land. SWRDA supported the view, but only for the provision of B1 industrial uses on the site.
- The developer claimed exceptional circumstances to permit inappropriate development within the greenbelt.
- CBC planners' view was that "the development is unacceptable in principle and that no special circumstances exist to warrant an approval against national and local planning policy".
- The County Council and Highways Agency were minded to object to the application based on safety, acceptability and capacity of the road network.
- There was concern that granting permission for the development would prejudice future expansion of the park and ride to the detriment of sustainable transport initiatives. The County Council as highway authority and strategic planning authority did not request that a safeguarding policy was made for the site.
- CBC determined that insufficient information was provided by the developer to determine whether an environment impact assessment was required.

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- The Planners' recommendation was to refuse the application, because Cheltenham Borough Council did not consider that exceptional circumstances existed sufficient to remove the land from greenbelt designation. Grovefield Way was considered to be a significant boundary to the urban area, with the park and ride and isolated dwellings having little impact on the rural character of the area (see photograph document 38, pages 6 and 88). The landscape appraisal (document 1, page 20) that was included in the application concluded that the character of the surrounding landscape would not be damaged. This was rejected, as it ignored the lack of urbanised enclosure on the south west of the site and provided no detail on the form and height of the buildings that were likely to be constructed. CBC concluded that the direct and indirect impacts of the proposal on the character and context of both urban form and rural fringe area would be significant.
- Directly, the granting of permission for the proposed development would extend urban form across a significant and clear boundary and damage the existing rural character of the immediate area. Indirectly, it would lead to further development pressures in the rural area to the south and west.
- CBC concluded that *“piecemeal edge of settlement development of this type will lead to ill-considered urban form and poorly co-ordinated infrastructure provision”*.
- The scheme was considered contrary to the advice set out in PPG2: greenbelt, adopted and emerging structure plan policies GB.1 (1999) and SD.8: (2002), Adopted and Emerging Local Plan Policy CO49.
- The application was withdrawn.
- Much/all of the appraisal of CBC in 2004 has proven to be absolutely correct in 2017.

## 1.2 **Application 05/00799/OUT – Outline Planning Application for B1 Use and Extension to the Park and Ride**

- Two constraints are listed: Greenbelt and Primary Route.
- Strategic Planning and Highways objected.
- Environment Agency objected – significant flood risk.
- Urban Design Manager supported the proposed park and ride extension, but questioned *“large piecemeal employment development like this taking place irrespective of any other complimentary development proposals which might help it be a part of a sustainable framework for development of the town. In this regard, it is particularly unfortunate that it is being proposed adjacent to a major motorway junction which is likely to impact upon transport choices to and from the site”*.
- Parish Council objected.
- Cheltenham Civic Society were concerned that the development *“may open the door for the release of adjoining areas of land”*. It also commented that *“the lead taken by landscaping is to be encouraged. The bank of trees screening the site from the Golden Valley bypass must be maintained”*.

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- 110 letters of objection, including two petitions and objection from Ward Councillor Britter were received. The application also received a great deal of exposure in the Gloucestershire Echo. Common themes of objection were loss of greenbelt land, traffic implications for safety and congestion, development out-of-character with the area, noise and light pollution, dangerous precedent, impact on wildlife and sequentially unacceptable.
- Strategic Planning raised concerns about the incremental loss of greenbelt.
- Highways section of the County Council submitted a strong objection to the application.
- SWRDA supported the application as it proposes “an additional B1 employment development”.
- PPG2 determines that the application is “inappropriate development in principle”.
- The applicant again argued that there were exceptional circumstances warranting departure from the greenbelt designation. CBC disagreed.
- The County Structure Plan, third alteration, had been abandoned at the time of the application but did not propose review of the greenbelt up to 2016 because development could be accommodated in urban areas.
- Accessibility and highways safety – The Inspector noted that “*clearly, the traffic generated by development of this size will have an impact upon roads and junctions..... I have no doubt that the impact would be dealt with at the development control stage by the application of policies in the plan; the submission and consideration of a transport assessment; and the use of a travel plan*”.
- CBC considered the applicant’s Transport Assessment, but there was a dispute regarding the capacity of the local highway network and measures required to mitigate the impact of the development. It was acknowledged that the local network “*already exhibits a number of problems, including congestion, primarily on the A40 corridor and “rat running” through residential parts of Hatherley. This can be clearly demonstrated. The increase in traffic from the development can only exacerbate these problems*”.
- CBC sought to engage with the developer about managing those impacts, but the developer chose not to formally revise the application, contrary to PPS1, which advises that developers and local planning authorities should adopt a positive approach to discussion. Consequently, the application did not propose measures to “*address the safety and capacity issues on the network*”.
- The applicant’s travel plan/green travel plan had not been secured by way of legal agreement and no discussions took place because the application was considered flawed in other respects.
- The area for park and ride extension was not considered adequate but, Gloucestershire County Council did not request a safeguarding policy on the site, although the County did raise objections to the submitted application on that specific point.
- Flooding – Measures were identified as being required by the Environment Agency and conditions would need to be attached to any consent.
- Environmental Impact Assessment – It was concluded that the scheme would not be “EIA development” and an assessment was not deemed to be necessary.

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- CBC did not consider that ad hoc changes to the greenbelt for employment land should be made, before the comprehensive review of the greenbelt and agreement on Regional Planning guidance and Regional Spatial Strategy was reached. Refusal was also recommended on the “*impact of the openness of the greenbelt and highway safety*”. Also, the development would be prejudicial to the strategic expansion of the park and ride.
- CBC concluded that the development would generate a significant amount of traffic, with the local network already having problems with congestion on the A40 corridor and “rat running” through Hatherley. The development would exacerbate these problems. The developer’s travel plan did not include measures to ensure that the site was accessible by a range of alternatives to the car, and that occupiers were encouraged or required to use those alternatives.

## 1.3 Inspector’s Appeal decision - 2007

- Paragraph 1 – The Inspector states “*this is an outline application with all matters of detail, except means of access, reserved for subsequent approval. Although the application was originally described as for B1 Industrial uses, it was made clear at the enquiry that there was no intention to limit the development to any particular types within the B1 use class. I shall determine the appeal on this basis*”. Note the whole of the decision is encapsulated by consideration only of B1 use class.
- A Section 106 agreement was finalised and signed, providing a framework travel plan for various financial contributions to transport improvements. These included:
  - £384,000.00 for a 100 space extension and £119,500.00 for new parking control measures at the Arle Court Park and Ride site.
  - £110,000.00 for CCTV cameras and lighting for the subway.
  - £34,000.00 for real-time information provision at the No94 service bus stops on the A40.
  - £50,000.00 for the installation of an improved control system for the traffic lights at the Arle Court roundabout.
  - £45,000.00 for traffic calming measures on North Road West and The Reddings.
  - £20,000.00 for a signal-controlled puffin crossing on Grovefield Way
  - £20,000.00 for traffic regulation orders to restrict parking within 800m of the site.
  - An option for the County Council to acquire part of the site necessary to increase the size of the park and ride facility up to 1000 spaces in total over a 5 year period.
- The inspector commented:  
“*I have taken the unilateral undertaking into account as a relevant material consideration*”.
- The inspector noted the vacant office space in the town centre premises. Also, that it was mostly in older buildings of small size, that is “*generally less well suited to modern business space requirements in terms of scale and quality*”. Also that guidance PPG4 confirms that “*a range of size and type of employment sites and buildings is required to facilitate local economic growth which cannot rely just on the retail, leisure and tourism sections if it is to remain buoyant*”.

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On the basis that land at Swindon Farm that had been recommended for employment allocation was subsequently being utilised for housing, the Inspector could “*see no realistic alternative to the use of land currently in the greenbelt if any strategic or local significant provision of new employment land before 2011 is to be made in the Borough*”. Note that consideration was being made to provide the land for employment before 2011.

- Paragraph 21 – The Inspector considered that the scale and urgency of the need for B1 land “*outweighs the general desirability of awaiting the completion of the LDF Core Strategy and the conflict with the Cheltenham Borough Local Plan*”.
- Paragraph 22 – The Inspector acknowledged the concerns of the council and local residents that the scheme could set precedence for the further loss of greenbelt land to development until the new Local Area Plan was completed. However, the Inspector considered that, with the exception of the Swindon Farm area, there were no other comparable locations around the town where similar circumstances would apply at that time, and the Inspector pointed out that issues in relation to new housing are clearly different.
- Paragraph 23 – The Inspector concludes that the development of the site within the greenbelt would not establish any form of precedent for development in the greenbelt in respect of nearby land.
- Paragraph 24 – The Inspector concludes that “*the serious shortfall in local employment land provision, up to 2011 at least, is a very special circumstance that justifies the use of this site for B1 development now*”. Note, the Inspector’s considerations are generally focussed only up to 2011 and again, the focus is on B1 development only.
- Paragraph 25 – The Inspector agreed that there was a relative lack of harm to the openness of the greenbelt arising from the proposal and that there would be a limited effect upon the visual amenity of the greenbelt. Great importance is attached to the additional park and ride spaces in connection with the development “thereby assisting implementation of the Local Transport Strategy, also counts as a very special circumstance in favour of the scheme, particularly as it is not likely to be feasible on other adjoining land”. Also, that the scale of the proposal was not so large as to prejudice the comprehensive review of greenbelt boundaries and that taking these issues together “*very special circumstances exist in this case that clearly outweigh the presumption against inappropriate development in the greenbelt and limited harm arising to the purposes of including land within it, justifying the grant of permission for B1 uses in principle*”. Note, the B1 use is only permission granted and that the provision of the additional park and ride spaces was a key determining factor.
- Paragraph 26 – The Inspector envisaged only “*fleeting glimpses*” of the development due to “*traffic speed*” and “*gaps between the present planting*”. The Inspector also notes the large recent B&Q store as justification. Note, if the B&Q store had not been approved, this justification would not be possible. B&Q was probably justified on the basis of the Travel Lodge, Harvester and KFC drive through and in combination, would have spurred on development of Asda and Pure Offices. In turn, the justification for the BMW development and now this application means that urban sprawl continues to grow. Paragraph 26 does seem to conflict with the views expressed by the Inspector in paragraphs 22, 23 and 24.

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- Paragraph 27 – The Inspector says that: “*subject to the detailed design and layout and providing that a suitable landscaping scheme, especially along the southern boundary is included within any detailed proposals, the new B1 buildings here need not be unnecessarily intrusive in the local landscape*”. Note, what is being built for the BMW garage and what is being proposed in this application is entirely contrary to paragraph 27.
- Paragraph 28 – The Inspector notes the probability of parked cars on Grovefield Way as a consequence of the scheme and on balance, agrees that single yellow lines on the surrounding roads for parking control reasons would not be objectionable in principle. Note, there is clear implication that the Inspector recognises that there are inadequate parking spaces and an inadequate transport plan and that imposing parking restrictions on surrounding roads (there are no details of which roads) he considers, would be justifiable.
- Paragraph 29 – A single vehicular access and a new puffin crossing was agreed as necessary by the developer, CBC and also the Inspector. The Inspector notes that no consensus had been reached over the impact of additional traffic likely to be generated on the local road network and the implications for congestion of the Arle Court roundabout.
- Paragraph 30 – Highways Agency was content that there would be no significant effect upon Junction 11 of the M5 motorway. The County Council as highway authority were concerned that extra traffic and especially turning movements off the A40 towards the south would exacerbate congestion of the roundabout during peak hours. The Inspector considered that concern over potential “rat running” through residential areas would be adequately addressed by the contribution to traffic calming measures on North Road West and The Reddings contained in the Section 106 undertaking.
- Paragraph 31 – The Inspector acknowledges “restrained” levels of onsite car parking in the proposal. The Highways Authority did not accept that the travel plan was sufficient to achieve a significant shift to non-car travel modes and would lead to “*increased peak hour congestion and queueing at the already very busy and strategically important Arle Court roundabout*”. The Inspector considered that this could be overcome when the travel plan was formulated in detail and must include effective methods of monitoring and implementation, as well as penalties being applied in the event that the required targets were not met over time.
- Paragraph 32 – Traffic modelling at strategic, rather than localised level by the County Council did not suggest that any of the local junctions, including Arle Court roundabout, operating beyond their practical reserve capacity in the design year of 2011. The Inspector recognised that it may have been preferable if the “sensitivity” of the operation of all arms of the roundabout to further increases in traffic flows had been tested by “*one of the more generally recognised models*”.
- Paragraph 33 – An improved traffic light control system and full implementation of the Travel Plan was concluded by the Inspector not to have a “*materially harmful impact*” on the operation of the Arle Court roundabout. Also, that traffic controls may be capable of improving the practical capacity to cope with the additional movements arising from the developer’s proposal alone.

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- Paragraph 34 – On-site car parking provision of 524 spaces was considered to be consistent with advice in PPG13 and Policy CP5 to reduce reliance on car trips for travel to work. It was anticipated that 1100 new jobs would be created on the site. Note, this was a smaller “employment” site than it now is, because land was set aside for the Park and Ride. The Inspector was satisfied that the level of car parking proposed was appropriate for new B1 use. Note, the car parking provision amounts to one space for approximately two employees. The restricted parking provision is a policy to discourage car travel. The presence of a BMW garage with servicing on the site will encourage car trips. The merger of several current BMW sites across the county into the new BMW site at Grovefield Way will significantly increase travel distances for staff and customers and will encourage new traffic into the area. A drive-through coffee shop, drop-off and pick-up for children in the nursery and, small trips to the proposed supermarket are all entirely contrary to this original proposal and the Inspector’s determination and will significantly increase new traffic into the area still further.
- Paragraph 35 introduces the prospect of traffic regulation orders in the local area if the Travel Plan initiatives were not successful. Note, this seems contrary to the Inspector’s confidence expressed in paragraphs 29-34 that a proper travel plan could be implemented and made to work, without inconveniencing or disrupting or damaging the local environment or amenity for the residents and other businesses in the area.
- Paragraph 36 emphasises the importance of the Section 106 agreement in the total sum of £384,000.00, plus the provision of the extension to the park and ride facility, with an option for a portion of the site to remain undeveloped for a further five years (up to 2012) to allow the County Council to acquire it to further increase the car parking spaces.
- The Councils argued that an increased 1000 car space capacity was essential, but local plans at the time did not note the requirement. It was also noted that if planning permission were granted for B1 development on the site, neither council would be able to purchase the land at “employment use value”.
- Paragraphs 38 and 39 include the Inspector’s comments and speculation on whether the additional spaces could be financed by the councils if permission were granted.
- Paragraph 40 – The proposal was to provide a new crossing at Grovefield Way and the combination of the existing and proposed facilities for pedestrians and cyclists to facilitate opportunities for walking and cycling for future employees from the large residential area adjoining the site to the east as well as for bus passengers.
- Paragraph 41 – Bus services are discussed and it is concluded that there is improved public transport accessibility as a consequence of the park and ride service.
- Paragraph 42 – It is noted that the bus stops are presently further away than recommended in national and regional guidance.
- Paragraph 43 – The Inspector concluded that appropriate requirements of the then-relevant national guidance and regional strategic and local policies on transport would be met and that the proposal would not have a detrimental effect on the local highway network.
- Paragraph 44 – The Inspector concludes that the appeal should be allowed.

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- Paragraph 45 – It is noted that it is an outline application only and that conditions are required for the approval of reserved matters, including detailed considerations in relation to landscaping given the site's relationship to residential areas and securing appropriate treatment on the long frontage to North Road West in particular. Also, that a condition regarding external lighting is essential.
- Paragraph 46 – A waste management strategy, sustainable drainage and provision of at least 10% renewable energy on site are required.
- Paragraph 47 - Car parking levels, provision of cycle parking and pedestrian links to Grovefield Way and the park and ride site are required to assist the implementation of the Travel Plan for the whole site.
- Paragraph 48 – Building heights. CBC argued all new development should be restricted to no more than two storeys in height (7m). The Inspector expressed a view that, subject to detailed design and layout, there may be scope for higher buildings along the A40 embankment (only) and that this would not have significant or detrimental impact in the wider landscape. The Inspector concluded that the matter would be best addressed in the context of fully detailed proposals for specific buildings when all relevant issues could be taken into account.
- Paragraph 49 – Formal decision. The appeal was granted with the following conditions:
  - Reserved matters to be submitted and approved before development begins.
  - Application for reserved matters to be made within 3 years from the date of the permission.
  - Development to begin before the expiration of 3 years from the date of this permission or, before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
  - No development to take place until details of both hard and soft landscaping works have been submitted to Cheltenham Borough Council and approved in writing. Details to include proposed finished levels and contours, means and enclosure, car parking layouts, vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures, functional services above and below ground, retained landscaping features and proposals for restoration.
  - All hard and soft landscaping works to be carried out in accordance with the approved details prior to the occupation of any part of the development.
  - No development to take place until submissions and approval of a plan indicating the positions, design materials and type of boundary treatment to be erected and the boundary treatment to be completed before the buildings are occupied. Development to be carried out in accordance with the approved details.
  - A landscape management scheme, including long-term design objectives, management responsibility and management schedule for all landscape areas to be submitted and approved prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out as approved.

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- No development to take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted and approved. The schedule is to include details of the arrangements for implementation.
- Details of external lighting to be submitted and approved by the planning authority before the buildings are occupied.
- No new buildings or structures to be erected or raised ground levels created within 6m of the top of any bank or watercourse unless agreed in writing.
- No building to be occupied until surface water drainage works incorporating sustainable drainage systems have been carried out in accordance with the details to be submitted.
- No development to take place until a detailed waste management strategy has been submitted and approved.
- No development to take place until a renewable energy plan to reduce carbon dioxide emissions by at least 10% has been submitted and approved.
- Pedestrian access onto the site is to be restricted to Grovefield Way and Arle Court park and ride site frontages only.
- Car parking levels on the site overall and for each completed building individually are to be no greater than the maximum standards set out in policy TP130 and Table 17 of the CBC local plan (2006). No car parking to be permitted on site except in the approved car parking spaces.
- No building to be occupied until secure covered cycle parking to serve that building has been provided in accordance with a scheme submitted and approved in writing.

Note, the outline planning scheme that was put to and approved by the Inspector was never developed into a full submission, so the feasibility of the design principles and statements made by the applicant in 2006/07 have never been tested. Also note that the proposal was for development of the whole site and that no phasing was indicated by the applicant. This is contrary to the “piecemeal” approach that has subsequently been taken by the developers.

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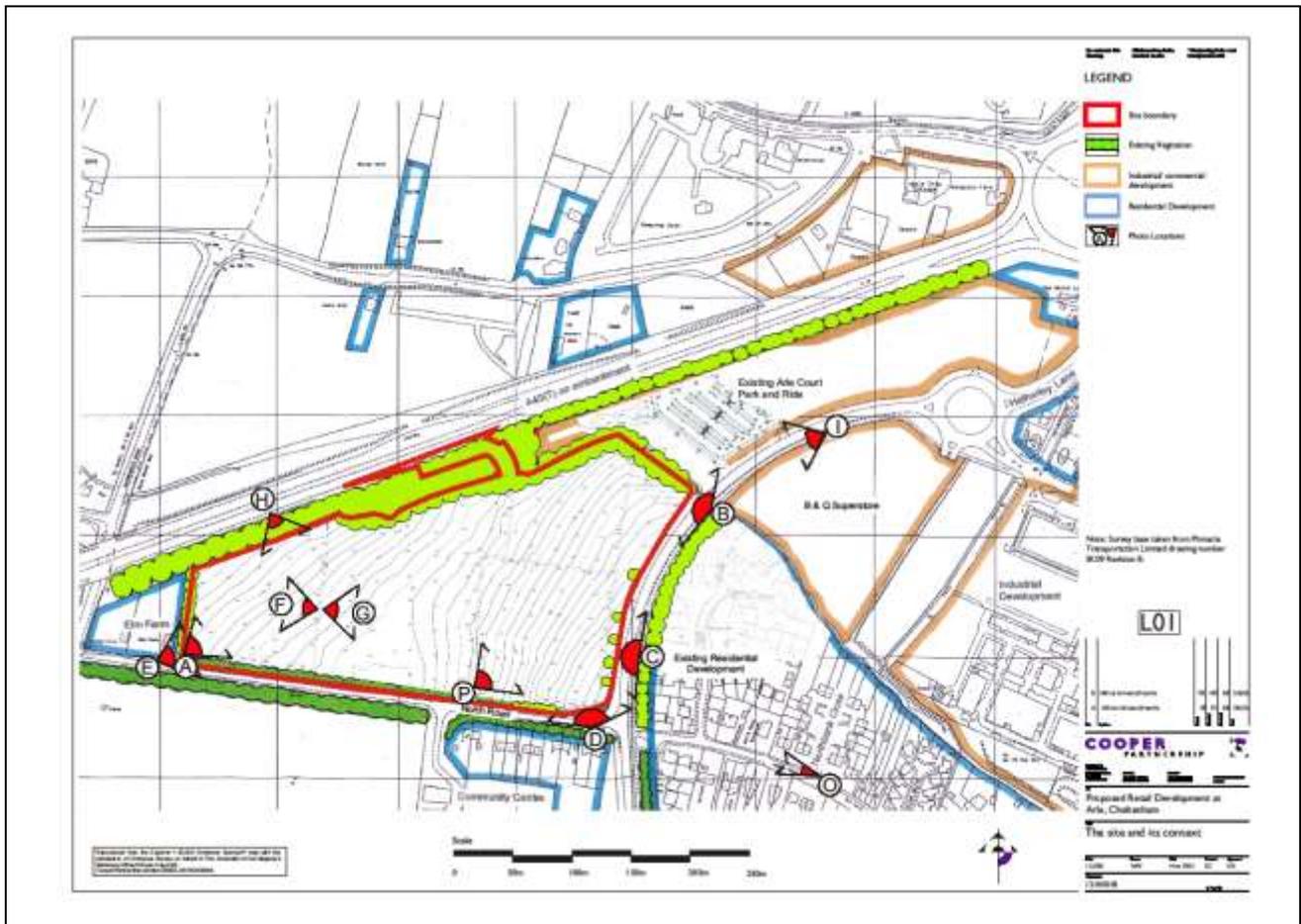
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## Section 2

### Planning permissions granted and evolution of development on the site

#### 2.1 The outline application approved by the Inspector

- The documents provided for the Planning Inspectorate appeal were few. They included a unilateral undertaking in respect of the park and ride and Section 106 payments, as rehearsed in the foregoing factual background.
- Also included were the Transportation Plan prepared by Pinnacle Transportation Ltd.
- The outline application included a landscape appraisal by Cooper Partnership which included a plan (entitled “Proposed Retail Development at Arle, Cheltenham – dated Nov 2001”) and photographs taken from a number of locations across the undeveloped greenbelt field. These are attached below (document 1)



Document 1



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Viewpoint B: View from Goswold Way, looking south.



**COOPER**  
SURVEILLANCE  
This Land at Hatterley Lane, Aylesbury, Bucks, MK45 2JG. Date: 16/06/16  
Checked by: Approved: MK



Viewpoint D: View from North Road, looking west to east.



**COOPER**  
SURVEILLANCE  
This Land at Hatterley Lane, Aylesbury, Bucks, MK45 2JG. Date: 16/06/16  
Checked by: Approved: MK

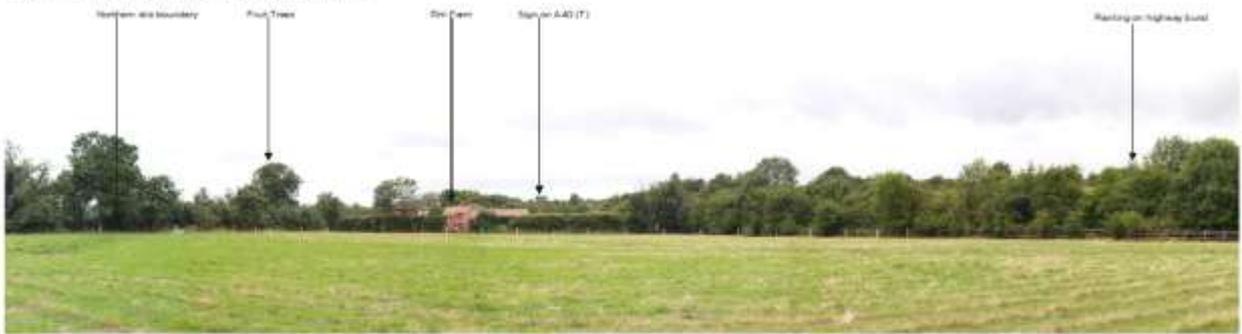
Document 1

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Viewpoint E: View from adjacent to Elm Farm, looking north-east.



Viewpoint F: View from centre of site looking west.



**COOPER**  
PARTNERSHIP  
The Land at Hatherley Lane, Aisle  
JD 10 129 (Plot no. 2/16) Date: 06/06/16  
Checked by: Approved by:



Viewpoint G: View from centre of site looking east.



Viewpoint H: View from A40 (T), looking south-west across site.



**COOPER**  
PARTNERSHIP  
The Land at Hatherley Lane, Aisle  
JD 10 129 (Plot no. 2/16) Date: 06/06/16  
Checked by: Approved by:

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Viewpoint I: View from Grovedale Way, looking south-east.



Viewpoint J: View from Clidley Hill Country Park.



**COOPER PARTNERSHIP**  
 The Land at Hatherley Lane, Arie  
 2014/15/16 - 2014/15/16 - 2014/15/16  
 2014/15/16 - 2014/15/16 - 2014/15/16  
 2014/15/16 - 2014/15/16 - 2014/15/16



Viewpoint K: View from Churchdown Hill.



Viewpoint L: View from west of Radgworth Road, looking north-east.



**COOPER PARTNERSHIP**  
 The Land at Hatherley Lane, Arie  
 2014/15/16 - 2014/15/16 - 2014/15/16  
 2014/15/16 - 2014/15/16 - 2014/15/16  
 2014/15/16 - 2014/15/16 - 2014/15/16

Document 1

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Viewpoint M: View from south of The Reddings, looking north-east.



Viewpoint N: View from south of The Reddings, looking north.



**COOPER PARTNERSHIP**  
 The Land at Hatfield Lane, Arle  
 Job no 1282 - Street no. 3/10 - Date: 06/06/16  
 Checked by: Approved: ME  
 All other drawings, photos and notes are copyright Cooper Partnership  
 01296 412121



Viewpoint O: View from junction of North Road and NorthBank Close, looking north.



Viewpoint P: View from North Road looking north-east across site.

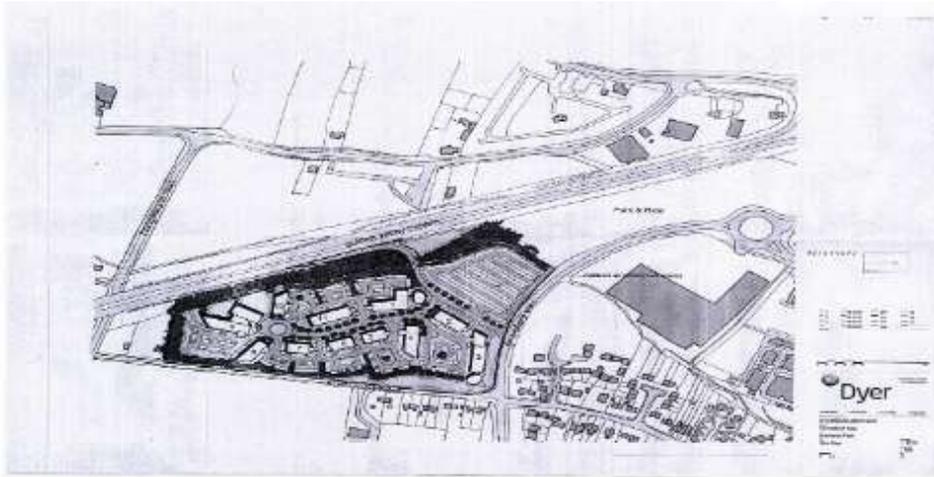


**COOPER PARTNERSHIP**  
 The Land at Hatfield Lane, Arle  
 Job no 1282 - Street no. 3/10 - Date: 06/06/16  
 Checked by: Approved: ME  
 All other drawings, photos and notes are copyright Cooper Partnership  
 01296 412121

Document 1

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Document 2

- In support of the outline planning permission, a proposed plan of the site was shown, indicating the location of the park and ride extension, the inclusion of 12 two storey B1 offices and a roadway linking Grovefield Way with the park and ride, the B1 offices and the Golden Valley bypass (document 2 above).
- The Traffic Management Plan included agreement for a micro-processor optimised vehicle actuation system (MOVA) to control traffic light signals at isolated junctions. Details are attached (document 3 below). This was considered to be important then and seems to be important now, but both it and the puffin crossing have never been provided.

### **Microprocessor Optimised Vehicle Actuation - Controlling traffic light signals at isolated junctions**

Originally designed by TRL during the 1980s, MOVA is now a very well established strategy for the control of traffic light signals at isolated junctions. It can also be used at stand-alone pedestrian crossing, i.e. Puffin and Pelicans. Over 4000 sites have been equipped with MOVA with each year seeing around another 250 installations. MOVA is now often deployed as a linked scheme.

MOVA is designed to cater for the full range of traffic conditions, from very low flows through to a junction that is overloaded. For the major part of the range - before congestion occurs, MOVA operates in a delay minimising mode; if any approach becomes overloaded, the system switches to a capacity maximising procedure. MOVA is also able to operate at a wide range of junctions, from the very simple 'shuttle-working', to large, multi-phase multi-lane sites.

MOVA is particularly well suited to the following:

Sites with high traffic flow, particularly where these are seasonal or intermittent (for instance, motorway diversion routes and holiday routes).

- Sites experiencing capacity difficulties under VA control with congestion on one or more approaches.
- Sites with high speed approaches and/or red compliance problems.
- Where additional capacity is required to allow pedestrian facilities or safer staging structure to be introduced.
- Where more than one junction is situated too close to be considered as isolated, there are ways in which two or more junctions can be linked by the use of MOVA control. Partially or even fully signalised roundabouts are a good example of a MOVA linking opportunity.
- Puffin crossings where the call-cancel demands from kerbside detectors can be dealt with correctly and the identification of gaps in traffic can be considerably more effective than D-system VA.

MOVA is being used by almost all Authorities who have responsibility for traffic signals, and is a requirement on new signal installations and major refurbishments on trunk roads. MOVA can be used in conjunction with any controller conforming to Departmental Specification TR2500 .

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- The application did not seem to mention a footpath across the field, although subsequent to the planner's decision, an application was made by the developers and approved in 2009 for a "stopping-up order" of public right of way ZCH98 running north from opposite No9 and No10 Shakespeare Cottages.
- Subsequent to the appeal ruling in 2007, there have been several further applications, variously for outline planning permission, approval of reserved matters and extensions of time as well as change of use for the BMW building and, more recently, in respect of the current application for hybrid B1, A1, A3 and D1 usage. A summary of the applications made is included below (Document 4):
- [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 \(except access\). Land At North Road West And Grovefield Way Cheltenham Gloucestershire Ref. No: 16/02208/FUL | Received: Sat 10 Dec 2016 | Validated: Tue 13 Dec 2016 | Status: Pending Consideration](#)
- [Creation of attenuation pond for car showroom and erection of green 2.4m 358 type fence along the boundary of the A40 Land At North Road West And Grovefield Way Cheltenham Gloucestershire Ref. No: 15/01848/FUL | Received: Wed 21 Oct 2015 | Validated: Thu 22 Oct 2015 | Status: Permit](#)
- [Non material amendment to planning permission 14/00656/FUL - to update and amend the landscaping scheme Land At North Road West And Grovefield Way Cheltenham Gloucestershire Ref. No: 15/00788/AMEND | Received: Tue 05 May 2015 | Validated: Wed 06 May 2015 | Status: Allow](#)
- [Outline application for up to 16,800 sq.m. of B1 Employment Use \(on part of site already having the benefit of an extant planning permission for 22,000 sq.m. of B1 Employment Use, granted permission under applications 05/00799/OUT and 10/00468/TIME\) Land At North Road West And Grovefield Way Cheltenham Gloucestershire Ref. No: 14/01323/OUT | Received: Tue 22 Jul 2014 | Validated: Thu 24 Jul 2014 | Status: Permit](#)
- [Erection of a flagship BMW, Mini and Motorrad Dealership including vehicle sales and servicing facilities including an access from Grovefield Way \( Revision to scheme approved 14 March 2014 under reference 13/01101/FUL - 1.Raising height of building by 1 metre to allow adjustments in floor levels to provide a mezzanine floor below ground level: 2. Rotation of vehicle ramp to allow access: 3. Increase in Motorrad element from 160 sq m to 190 sq m: 4. Revised highway layout to relocate BMW customer access point to west of approved position\) Land At North Road West And Grovefield Way Cheltenham Gloucestershire Ref. No: 14/00656/FUL | Received: Mon 14 Apr 2014 | Validated: Tue 06 May 2014 | Status: Permit](#)
- [Proposed erection of a flagship BMW, Mini and Motorrad dealership including vehicle sales and servicing facilities and will include the creation of an access from Grovefield Way Land At North Road West And Grovefield Way Cheltenham Gloucestershire Ref. No: 13/01101/FUL | Received: Fri 28 Jun 2013 | Validated: Sat 29 Jun 2013 | Status: Permit](#)
- [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 \(full details of both hard and soft landscape works including proposed finished levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures proposed; and existing functional services above and below ground; retained landscape features; surface water drainage works, incorporating sustainable drainage systems; the positions, design, materials and type of boundary treatment to be erected; landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas; schedule of landscape maintenance for a minimum period of 5 years; detailed waste management strategy for the treatment, recycling, and re-use of waste arising from the construction of the development; renewable energy plan to provide sufficient on site renewable energy to reduce carbon dioxide emissions by at least 10%; Car parking levels on the site overall and for each completed building; secure covered cycle parking\). Land At North Road West And Grovefield Way Cheltenham Gloucestershire Ref. No: 12/01086/REM | Received: Mon 16 Jul 2012 | Validated: Wed 25 Jul 2012 | Status: Approved](#)  
[Application for the approval of revised reserved matters previously approved under references 09/00369/REM \(approved 29.05.2009\), 09/00720/REM \(approved 18.12.2009\) and 10/00690/REM \(approved 27.07.2010\) all following the grant of Outline Permission ref 05/00799/OUT \(dated 01.05.07\) The revision to the reserved matters relates to revised details to the already approved Design Handbook. Cheltenham Business Park Grovefield Way Cheltenham Gloucestershire Ref. No: 10/01562/REM | Received: Wed 22 Sep 2010 | Validated: Thu 03 Feb 2011 | Status: Unknown](#)
- [Application for the approval of reserved matters following the grant of Outline Permission ref 05/00799/OUT dated 01.05.07: Phase 2 - Design and external appearance of buildings to be constructed and details of hard and soft landscaping Cheltenham Business Park Grovefield Way Cheltenham Gloucestershire Ref. No: 10/00690/REM | Received: Thu 29 Apr 2010 | Validated: Fri 30 Apr 2010 | Status: Approved](#)
- [Extension of the time limit for implementation of planning permission reference 05/00799/OUT. \(Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and Ride facility\) Land At North Road West And Grovefield Way Cheltenham Gloucestershire Ref. No: 10/00468/TIME | Received: Tue 23 Mar 2010 | Validated: Tue 04 Oct 2011 | Status: Permit](#)

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- [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.](#) Cheltenham Business Park Grovefield Way Cheltenham Gloucestershire Ref. No: 09/00720/REM | Received: Mon 18 May 2009 | Validated: Tue 08 Sep 2009 | Status: Approved
- [Approval of reserved matters - layout of access road and parking details and the siting of the proposed buildings - following the grant of outline permission under reference 05/00799/OUT \(appeal allowed 01.05.2007\).](#) Cheltenham Business Park Grovefield Way Cheltenham Gloucestershire Ref. No: 09/00369/REM | Received: Tue 17 Mar 2009 | Validated: Fri 20 Mar 2009 | Status: Approved
- [\(STOPPING UP ORDER CONFIRMED AS UNOPPOSED 16.07.2009\) Application under Section 257 of the Town and Country Planning Act 1990 for the stopping up of public right of way ZCH98 \(running north from opposite numbers 9 and 10 Shakespeare Cottages, North Road West for a distance of approximately 195 metres\)](#) Land At North Road West And Grovefield Way Cheltenham Gloucestershire Ref. No: 08/01733/FTP | Received: Wed 17 Dec 2008 | Validated: Thu 18 Dec 2008 | Status: Permit
- [B1 Business Park, extension to the Arle Court Park and Ride facility, new access, and exit slip road to A40 \\*\\*\\*PLEASE NOTE - THIS APPLICATION IS A NON-DETERMINATION PLANNING APPEAL\\*\\*\\*](#) Land At North Road West And Grovefield Way Cheltenham Gloucestershire Ref. No: 06/01427/OUT | Received: Tue 12 Sep 2006 | Validated: Tue 30 Jan 2007 | Status: Unknown
- [Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and ride facility](#) Land At North Road West And Grovefield Way Cheltenham Gloucestershire Ref. No: 05/00799/OUT | Received: Tue 17 May 2005 | Validated: Tue 10 Jan 2006 | Status: Refused
- [Outline application for B1 industrial uses](#) Land At North Road West And Grovefield Way Cheltenham Gloucestershire. Ref. No: 04/01790/OUT | Received: Tue 12 Oct 2004 | Validated: Wed 13 Oct 2004 | Status: Withdrawn.

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## Section 3

### 2009 – Approval of reserved matters on application reference 05/00799-OUT (29 May and 18 December 2009)

- Submissions were made in respect of the following:
  - Layout of access road and parking details and the siting of the proposed buildings.
  - The landscape masterplan for the whole site together with a Landscape Management Plan and Schedule of Landscape Maintenance.
  - A designer handbook to provide guidance against which the design and external appearance of future phases of the development will be assessed.
  - Details of boundary treatment.
  - The design of external appearance of the buildings to be constructed in phase 1.
  - Details of hard and soft landscape design for phase 1.
  - The car parking provisions for all phases of the development.

#### 3.1 Summary of applications

- Unlike the application that the Inspector ruled upon, the details that were approved by Cheltenham Borough Council now included a mix of two and three storey buildings. The maximum height was 12m and was located at the A40 (Elm Farm) end of the site. The number of buildings on the site had increased to 13 and the park and ride provision was no longer shown. The two storey buildings were approximately 7.7m high. The conceptual site layout is attached (document 5 below :09\_00369\_REM-CONCEPTUAL SITE LAYOUT).



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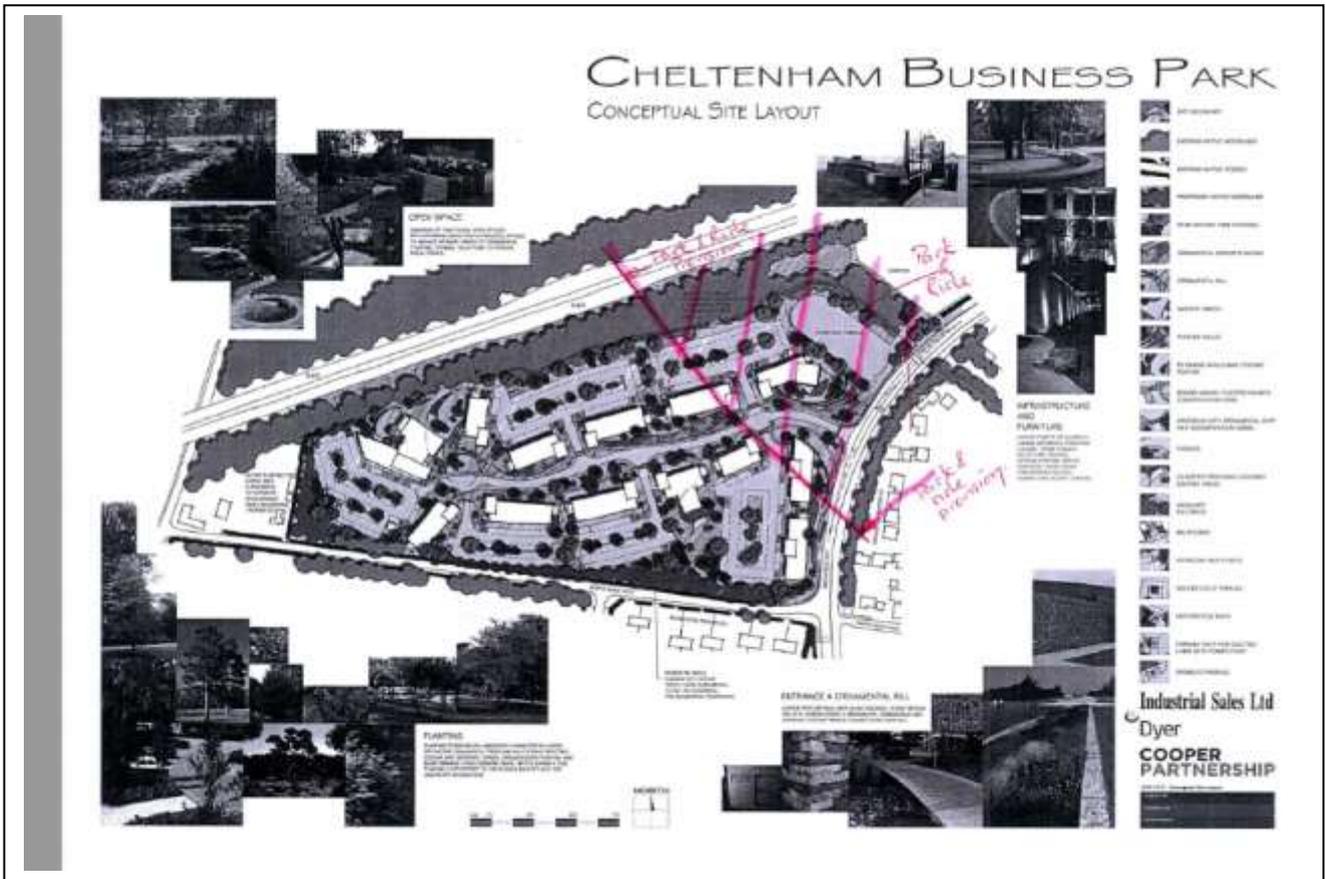
- All buildings to the North Road West and Grovefield elevation are two storey. Building no 8 at the far end of the site is three storey. Building no 10 may be three storey, although it is difficult to tell from the drawings available (document 7 below: ref: 09\_00369-REM-SUPERCEDED PROPOSED SITE LAYOUT provides building reference numbers).



- Note the emphasis of the whole application is placed upon public open space, planting, infrastructure and furniture as a concept. Also note that the woodland screening along the A40 which was referred to by the Inspector is called up on the drawing as “area to be enhanced for habitat diversification and screening of the development from the A40”. BMW thinned it out to display their building! Along the boundary with Grovefield Way, the omission of the park and ride land has allowed an additional building to be placed fronting directly onto Grovefield Way, together with a new building no13, which is located wholly within land previously dedicated to the Park and Ride. The application now refers to the creation of 1200 new jobs on the site. Building no13 is now located to the right of the access road and faces onto Grovefield Way. Along the frontage with Grovefield Way, the buildings are set back some way and softened by the use of soft landscaping and trees. The proposal seems to be generally in line with the Inspector’s remarks about “glimpses” and the “sites relationship to residential properties” with B1 buildings that “need not be unnecessarily intrusive in the local landscape”. The BMW development and the proposal being made in this application are entirely contrary to the Inspector’s considerations.
- The boundary with North Road West is enhanced by “raised 2m bund, planted with native trees and 30% evergreens to act as screening for residential properties”. As the Inspector anticipated.
- Along the boundary with Elm Farm at the rear, “native planting copse with evergreens to separate development from residential properties” is called up on the drawing.

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- On document 6 (above), the approximate extent of the original Park and Ride provision is shown marked in red.
- Note that the entrance to the park has effectively been relocated closer to the park and ride/B&Q roundabout, and that a right turn lane has been introduced on Grovefield Way. Comparison between the drawings approved by the Inspector (document 2 page 26) and this document now shows the residential properties that were constructed in 1997/98 along Chalford Avenue and Bladon Mews on the plan. Properties in Tibberton Grove and Frampton Mews are not shown.
- The plan (document 5, page 29) for the landscaping survey shows the residential properties in light grey, and they are called up as “existing residential development”. The Inspector’s comments with regard to the non-obtrusive nature of the development on the residential area is becoming less secure. The properties in Chalford Avenue, Frampton Mews, Tibberton Grove and Bladon Mews (many of whom have objected to the current hybrid scheme) are now significantly affected by pollution from noise, light and fumes from the BMW development and other development in the area since 2007. The BMW development (nearing completion) and the proposed retail units are located much closer to the dwellings than was in the contemplation of the Inspector in 2007 and are (will be) very brightly lit 24 hours per day, 365 days per year. The current BMW development and the proposal are entirely contrary to the Inspector’s considerations, recommendations and report.

# The Reddings Residents' Association

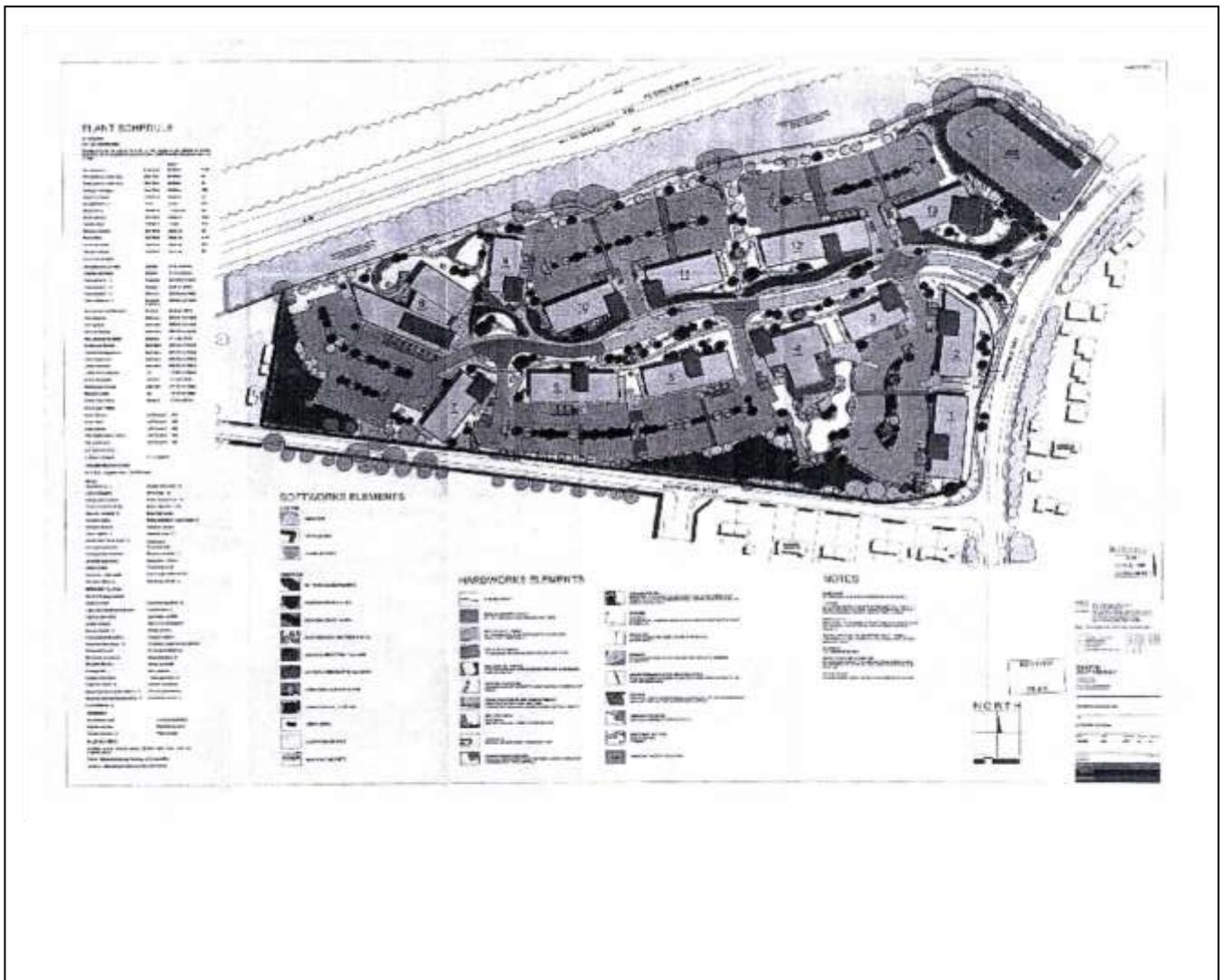
Email: [thereddingsresidentsassoc@gmail.com](mailto:thereddingsresidentsassoc@gmail.com)

- The 2007 appeal decision made it clear that the option to retain and purchase land for the park and ride should be retained for a period of 5 years, ie, until 2011/2012. The appeal decision very clearly placed great emphasis on the overall “benefit” of the park and ride scheme in the context of the county and the extant planning policies and was one of the key elements in the Inspector’s decision that there were “*exceptional circumstances*” to permit “*inappropriate development in the greenbelt*”. This important factor is no longer a relevant consideration because the BMW building is now constructed on the land that was earmarked for the Park and Ride extension and is of such a size that it prevents any future chance of this useful public facility being incorporated into the development.
- As can be seen from the plan drawing (document 2, page 26), the appeal decision was based upon a “*low key*” development which would not intrude visually into the area, or the greenbelt where they would “*only be occasional glimpses*”.
- The 2009 submissions by the applicant, was made in respect of the reserved matters on the Inspector’s award. Again, the applicant seeks to make the development as “*low key as possible*” with only 1 building at the far extreme of the site being three storey (12m in height). The other 12 buildings are mostly 7.7m in height, except for a narrow atrium portion on each building which extends the height in that section to approximately 9.7m (to screen the plant and machinery). The planting schedules, softwork elements and hardwork elements were approved and are detailed on the drawings attached in documents 5 (page 29) and 7 overleaf.

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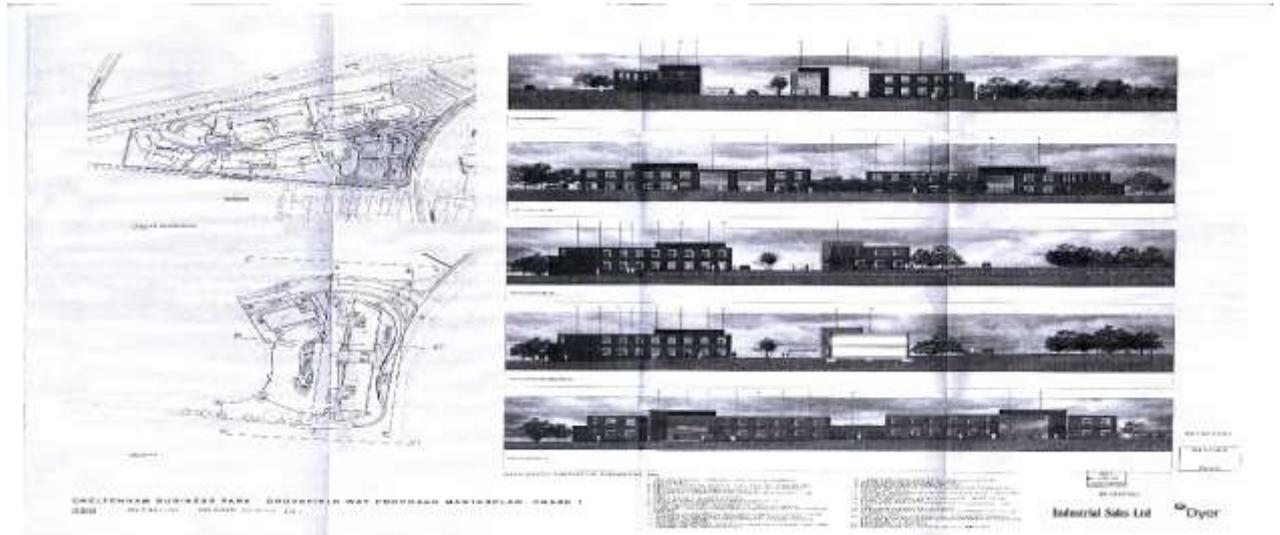
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- The buildings detailed (document 7 below) were shown to be of a simple contemporary design with key elevational treatments in red brickwork, with cedar hardwood screens, a copper-coloured metal cladding trim to the higher “plant room element” above the atrium. Polyester powder-coated aluminium cladding louvres extended downwards to the roof level of the main building, beneath which, there was a clear double glazed screen and revolving entrance door. Some of the louvre features are picked out around other windows and doors to provide solar shading. **The design, importantly, included anodised aluminium automatic louvres for “night purging”, i.e., prevention of light from the development spilling out into the residential area which** the inspector highlighted as being as an essential consideration. Details are on document 7 (below) and documents 8-12 (overleaf) inclusive:

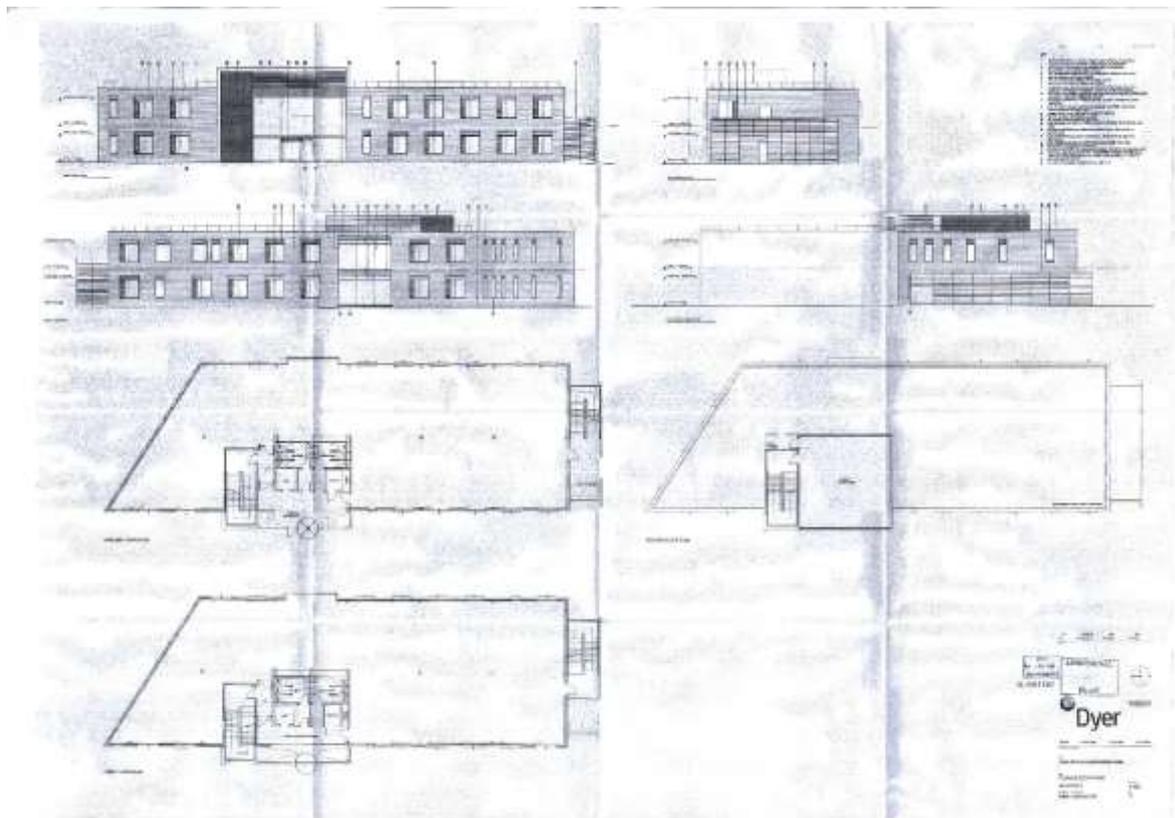


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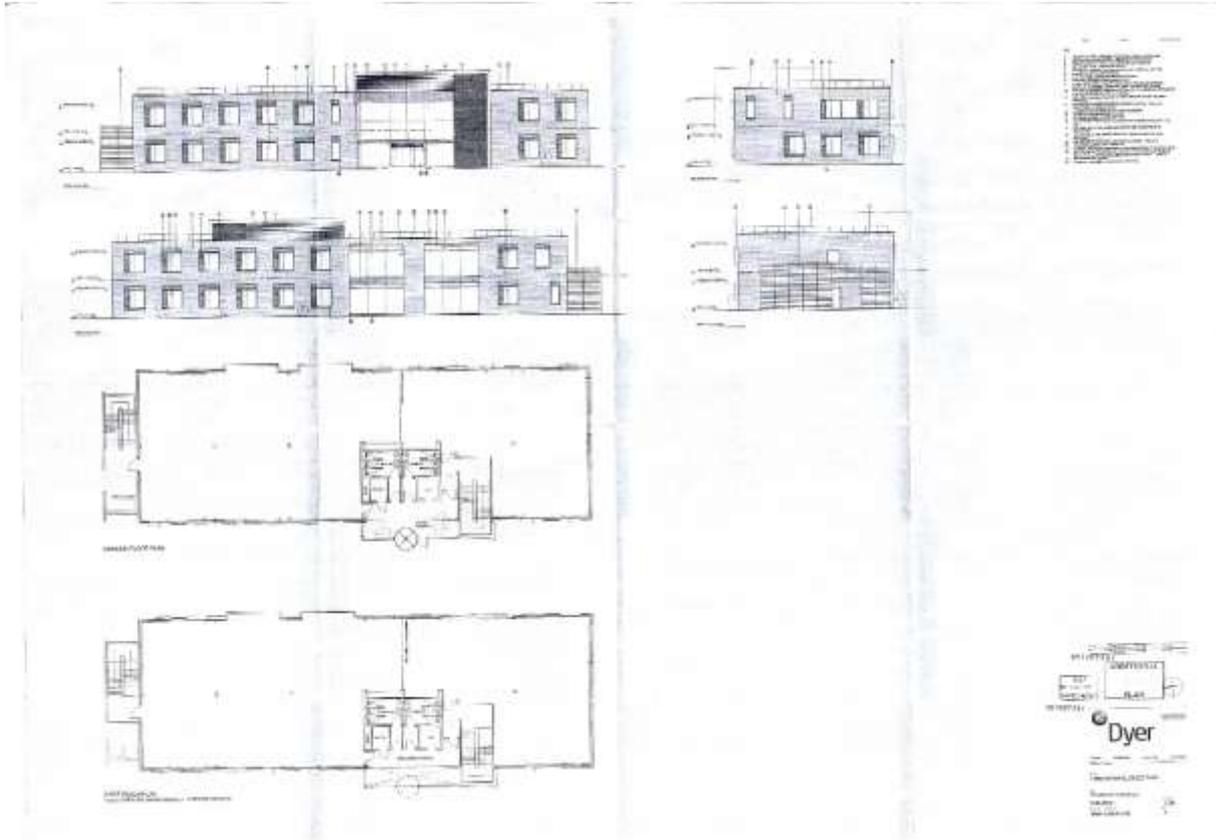
Document 8 – ref: 09/00720 REM\_PHASE 1



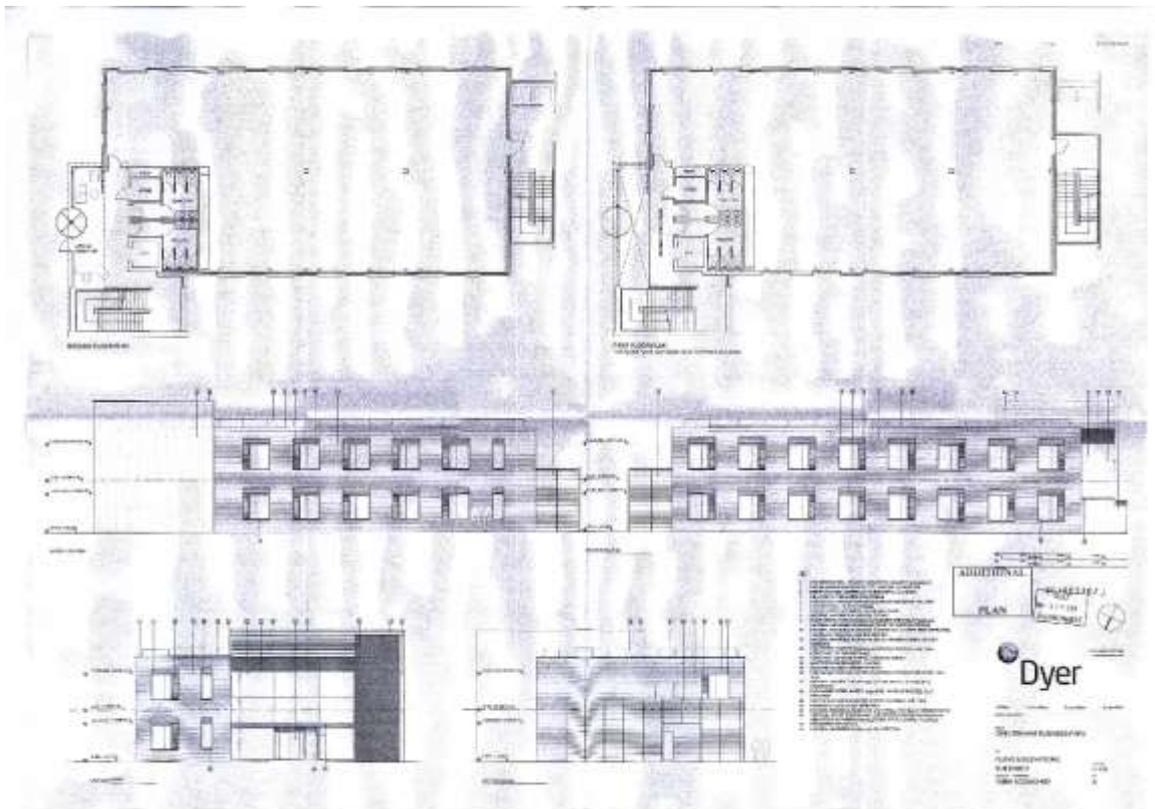
Document 9 – ref: 09/00720\_REM\_BUILDING 2

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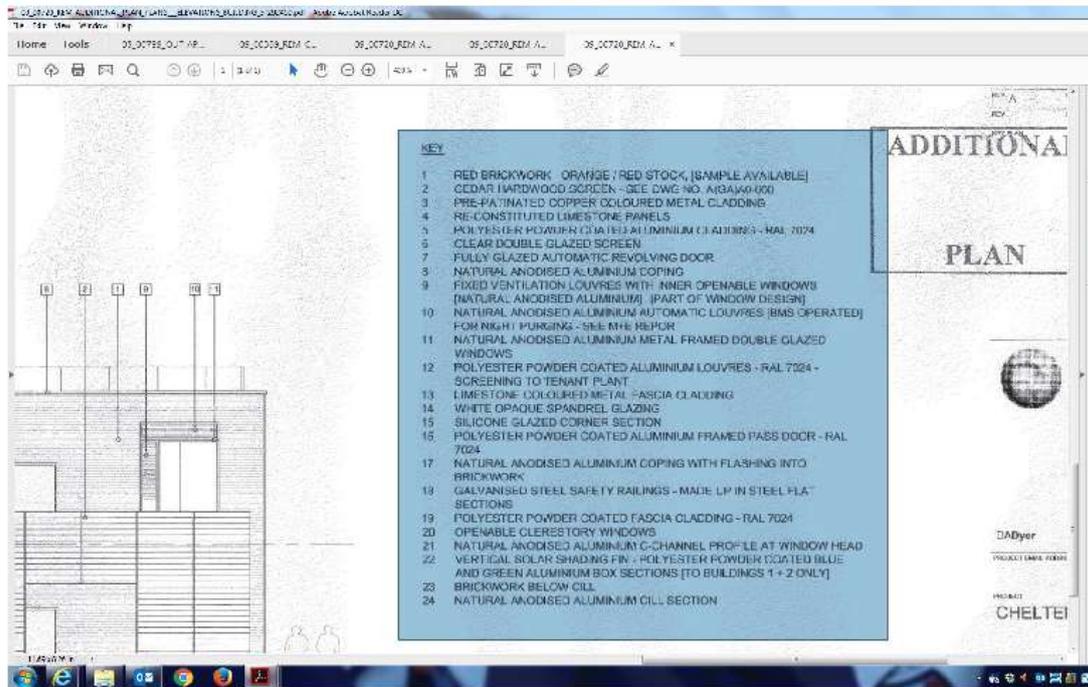
Document 10 – ref: 10/00720\_REM\_BUILDING 1



Document 11 – ref: 10/00720\_REM\_BUILDING 3

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Document 12 – Extract of drawing with materials description

# The Reddings Residents' Association

Email: thereddingsresidentsassoc@gmail.com

## Section 4

### 2010 – 2012 applications

- It is fair to say that the matter of submissions and approvals now becomes very confusing.
- An application for the approval of reserved matters connected with planning permission 05/00799/OUT dated 1 May 2007 was submitted to Cheltenham Borough Council on 29 April 2010. The application concerned design and external appearance of buildings to be constructed and details of hard and soft landscaping. The application includes 2 (No) three-dimensional views of the site which are attached (documents 13 and 14 below):



Document 13: Ref: 10\_00690\_REM-APPROVED\_-\_ILLUSTRATIVE\_VIEW\_FROM\_EAST-322223

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Document 14 -10\_00690\_REM-APPROVED\_- \_ILLUSTRATIVE\_VIEW\_FROM\_SOUTH-322224

- A further “Proposed master plan” drawing is also submitted (document 15, page 39). The gross area is calculated at 22,000m<sup>2</sup> and with a parking guide standard of one space per 30m<sup>2</sup>. A parking provision requirement of 733 bays is calculated, including disabled bays and electric cars. However, a footnote on the table beneath the drawing states that a total of 700 spaces has been agreed with the planners, and the table is adjusted to show the reduced number. The residential areas opposite the developments, in Chalford Ave, Frampton Mews, Bladon Mews and Tibberton Grove, are now clearly shown on the drawings. It is assumed that the drawing submitted is a development of a drawing prepared by Luxton Architects also entitled “Proposed master plan”. This calculates the total achieved parking space ratio of 754 spaces. 1200 new jobs are to be created by the development which now has an internal floor area of 22,000m<sup>2</sup> (with the loss of the Park and Ride extension). This is an increase of 1800m<sup>2</sup> from the application upon which the Inspector made his decision in 2007.

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Document 15 – Ref: 10\_00690\_REM-APPROVED\_-\_PROPOSED\_MASTER\_PLAN-322218

Further master plan contextual elevation drawings are included (documents 16 and 17 below). The drawings are in colour and combine the original proposed phases 3, 4 and 5 into a single phase 3.

Document 16 - 10\_01562\_REM- approved\_proposed\_masterplan\_and\_contextual\_elevations along Golden Valley elevation.



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Document 17: Ref: 12\_01086\_rem-approved\_proposed\_masterplan\_and\_contextural\_elevations\_with\_site\_plan\_and\_key\_p-478304. Elevations to Phase 1 along Grovefield Way and North Road West. Note all buildings are “low key” and all no more than 2 storey in height .

- A further Luxton Architects three dimensional view of the site from Grovefield Way is included in the application and is copied below:  
(Document 18 below - 12\_01086\_REM-APPROVED\_AERIAL\_VIEW\_FROM\_THE\_EAST-477881).



Grovefield Way Proposed Masterplan  
Aerial View From The East - A(GA)ASD-003  
LUXTON ARCHITECTS  
g.luxton@luxtonarchitects.com  
+64 (0) 771 823187 / +64 (0) 742 91286

Document 18

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- Luxton Architects' three dimensional view of the site from North Road West is included in the application, and is copied below:



Document 19: Ref: 12\_01086\_rem-approved\_aerial\_view\_from\_the\_south-477882

- An increased number of three storey buildings (buildings, 8, 10, 11 and 12) now extend along the whole of the A40 elevation, with the exception of the smaller building, no 9. Again, however, three dimensional views show the emphasis placed by the applicant upon “glimpses” of “low key” development in the Inspector’s 2007 award, and includes much landscaping to soften the impact of the building site. Green roofs are included, there are strongly defined tree boundaries and trees along the Grovefield Way elevation, particularly around the entrance off Grovefield Way to break up the hard elevations and to retain the “rural” character of the greenbelt. Windows facing onto Grovefield Way are screened, in keeping with the Inspector’s award, to minimise impact on existing residential properties when he permitted the development. The development has however substantially grown in scale from purely two storey (2007), to a significant number of three storey buildings. The park and ride facility is now completely lost with a single phase 3, and the design is becoming more “contemporary”.
- There then follows a series of judicial reviews, culminating in a hearing on 15 July 2013 at which time, application 10/00468/TIME was approved under application reference 12/01086/REM as a reserved matters application on 21 August 2013.

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- The reviews established that the planning permission to develop the larger site for the purposes of a B1 business park would lapse on the latter of the following dates: five years from the date of the outline permission (22 June 2017) or, two years from the date of the reserved matters decision above (21 August 2015). The Inspector had also determined that the previous planning application in 2006/2007 should be revisited after a period of 6 years. In this connection, the outline permission was renewed by Cheltenham Borough Council in 2012. Extending that argument, a further five years have now elapsed since that 2012 permission was granted and a further review is due in 2017/2018. A review now is broadly in line with the current timescales for the implementation of the revised JCS, issued for consultation February 2017.
- During the period 2007 to 2011; planning permission and construction of the Asda retail and "B1" Pure Office development was made and completed. The latter subsequently sold a portion of the site to Kier for a new head office (which the contractor has subsequently not developed and that site is now to be developed for housing, following a very recent Inspector appeal hearing which established that there is no demand for B1 offices in the area (see Section 7). The Asda store was opened in September 2011.
- Gloucestershire Highways held public exhibitions in May and December 2011 in respect of traffic calming proposals and the Section 106 agreement reached with Asda. On 7 August 2012, Gloucestershire Highways issued drawings to residents for consultation. Highways advised that the most recent traffic survey indicated increased traffic flows on some roads in the area and that there was an intention to undertake a more detailed survey in September 2012, after the summer holiday (document 20 below).

**Important Highways Information – we need your views**

**Gloucestershire HIGHWAYS**  
Gloucestershire Highways  
Tropisil Way  
Comins Avenue  
Barnwood  
Gloucester  
GL4 3BW

www.gloucestershire.gov.uk  
Email: [Highways@gloucestershire.gov.uk](mailto:Highways@gloucestershire.gov.uk)  
Fax: 01452 526465  
Tel: 01202 414814

Date: 7<sup>th</sup> August 2012  
Our Ref: 772848

Dear Sir/Madam,

**Traffic Calming Proposals for the Hatherley Area, Cheltenham**

Over recent months Gloucestershire Highways have been investigating the possibility of introducing traffic calming measures on the main routes through the Hatherley area of Cheltenham. The initial aim of these proposals was to alleviate local traffic pressures and reduce the anticipated increase in traffic related to the Asda superstore and office development on Hatherley Lane.

Gloucestershire Highways held public exhibitions in May and December 2011. At these, a large number of comments were received from local residents. Based on these, a scheme was prepared and then further consultation carried out earlier this year. In response to this, a significant number of residents questioned the detail of the proposal and the need for calming as their perception of traffic flow following the opening of Asda was that nothing had really changed. The comments received also indicated that there were varying levels of support to the different elements of the proposed scheme.

The Asda store has now been open since September 2011 and Gloucestershire Highways has carried out traffic surveys and compared them to the traffic data before Asda opened. The latest traffic survey indicates that there has been some increase in traffic flows on some roads in the area whilst vehicle speeds are about the same. It is intended to undertake a more detailed survey in September, after the summer holiday period, to establish more detailed information (i.e. which roads have seen an increase) a year on from the store opening. This will further aid the development of the scheme.

Based on the information to date, we have updated the proposed scheme which aims to make the route less appealing to through traffic whilst continuing to provide access to residents. The scheme is also designed to minimise any detrimental effect on bus services whilst still maintaining the safety and quality of life for local residents. We have also tried to take on board as much as possible the residents' comments from the previous consultations.

I have enclosed plans of our latest proposals detailing the features which may be included in any final scheme, along with a questionnaire that I would ask you to complete and return by 7th September 2012. It is very important that you complete the questionnaire in order for us to know your views on whether there is a local need for the scheme to continue. There is a helpful booklet for you to return the completed questionnaire to us.

I would emphasise that the features shown are only an indication of what may, based on the questionnaire received, form part of any final scheme.

At this time I would like to thank local residents for their cooperation and patience on this matter. Whilst it is not possible for us to acknowledge every individual questionnaire we receive, please do contact us if you have any additional queries.

Our next milestones to this Autumn when, following analysis of the traffic data due to be collected in September and the returned questionnaires, we will write to each resident with the consultation results. We will also inform you of our proposed next steps and a timeline for implementation of any measures supported by the consultation.

You can also get the latest updates for the scheme on our website. You can find this at: [www.gloucestershire.gov.uk/trafficschemes](http://www.gloucestershire.gov.uk/trafficschemes)

Yours faithfully,

David Wilson  
Project Programme Team  
Gloucestershire Highways

**Important information – how we use your information**  
Any comments that you make concerning this proposal cannot be treated as confidential. For further details about how we deal with your comments and your personal details, please go to <http://www.gloucestershire.gov.uk/trafficschemes> or alternatively contact the originator of this correspondence.

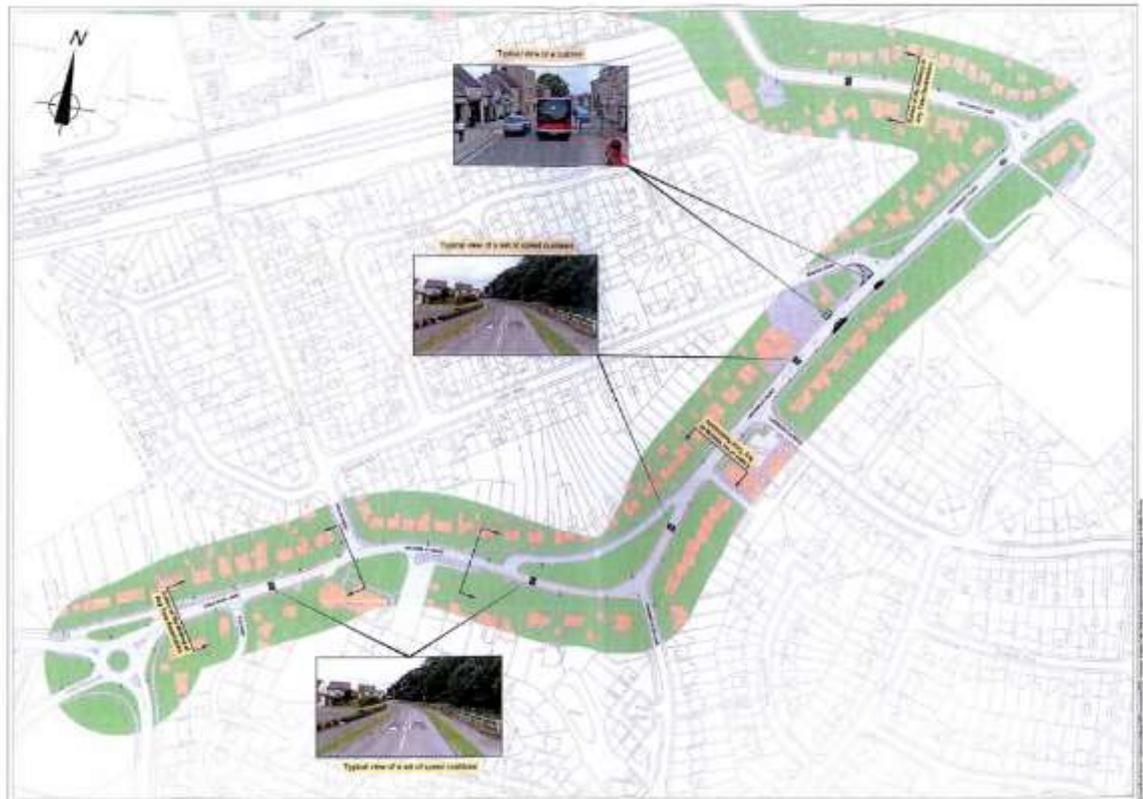
If you'd Asda a copy of our scheme regarding this, please contact Gloucestershire Highways on 01452 526474 or [Highways@gloucestershire.gov.uk](mailto:Highways@gloucestershire.gov.uk)

www.gloucestershire.gov.uk

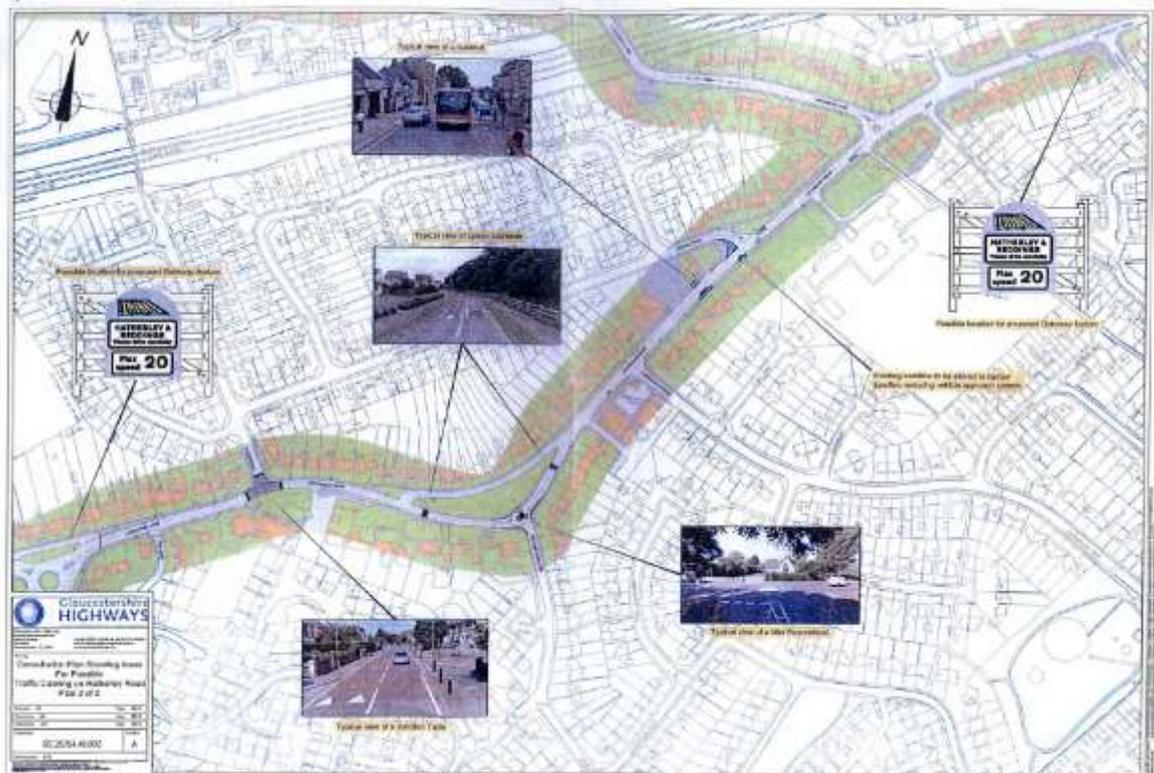


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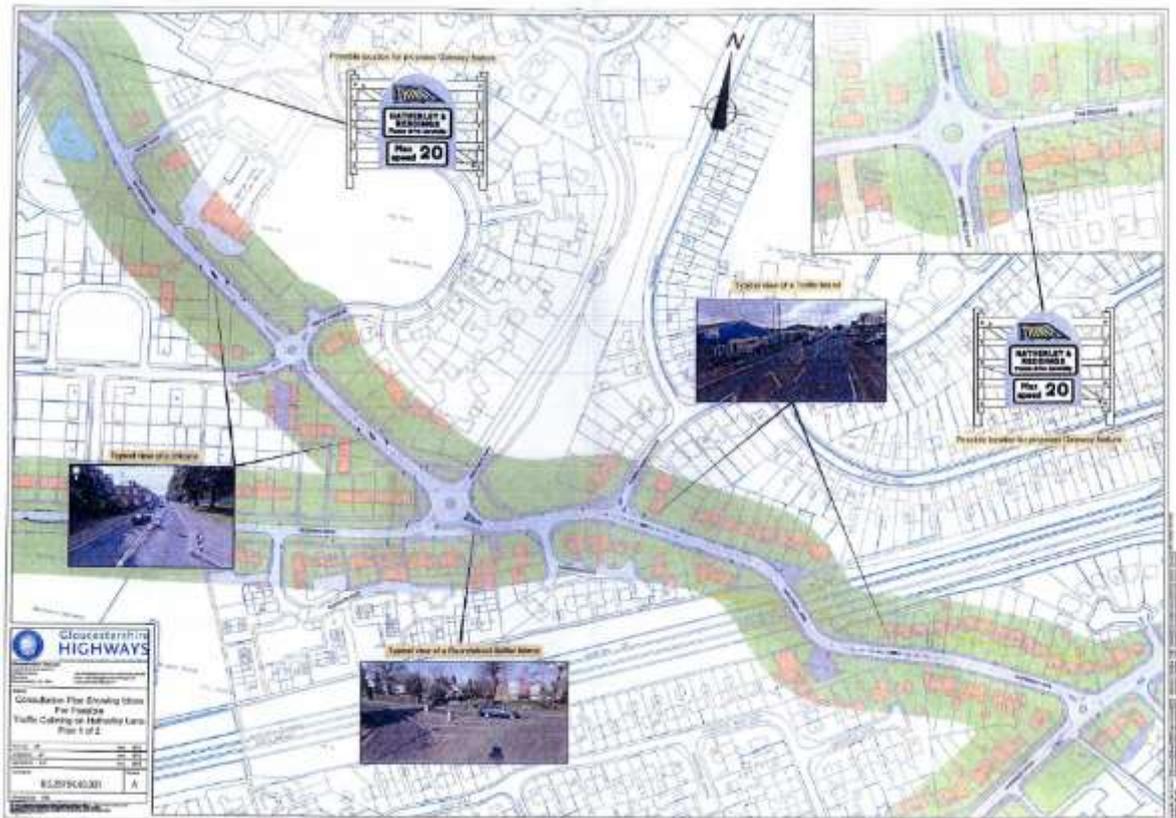
Document 23 – Detail View



Document 24 – Detail View

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Document 25 – Detail View

- The proposals were roundly rejected by the businesses and residents in the whole of the Reddings and Hatherley areas and the scheme was withdrawn as being inappropriate. Elemental mistakes, such as failing to recognise the bus route; the issues that would be raised by the removal of on-street parking for many properties that have no off-road parking facility; inappropriate locations for aggressive measures such as chicanes, cushions and the like; all led to the scheme being withdrawn. No subsequent attempts have been made to introduce traffic calming, although other subsequent local developments, including the additional retail provision of Home Bargains and Pets at Home on the “B&Q site” have since been built and congestion is increasing at peak times. The effects of the BMW site on local traffic are not yet known. There are regular congestion issues on the Golden Valley Roundabout with traffic waiting to turn right past Harvester, KFC, Travelodge towards Asda, B&Q, Pets at Home, Home Bargains, Pure Offices, Park and Ride, for both residential and business traffic, as well as through-traffic (Grovefield Way was designed to facilitate the latter). Congestion also occurs at the B&Q roundabout which is trying to distribute traffic from Hatherley Lane, Park and Ride, Grovefield, B&Q, Pets at Home and Home Bargains. This then creates a backlog on the Golden Valley and prevents effective traffic movement.

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- Some of the local “rat run” traffic is created to avoid this local congestion, or by trying to avoid the A40. If the A40 was more effective at distributing traffic, the problems would not be so acute and some of the “rat run” traffic would be relieved, without the need for traffic calming to local roads.
- It is understood that Highways are developing a scheme for this, but this cannot start work until the works to the Elmbridge Court Roundabout are complete (circa February 2018). When road improvement work does start, it is assumed that the disruption created will significantly exacerbate the current traffic management issues within The Reddings area. A detailed traffic survey (once BMW is open and running “normally”) is essential, for the designers to understand the “existing” traffic flow patterns and requirements and create an integrated design (such as MOVA – document 3, page 26), which was proposed by the applicant to the Inspector. An integrated design will also allow capacities to be modelled for any future applications for new development.
- The local area (and Benhall) is currently being used for parking by GCHQ staff. Similarly GCHQ parking is said to be using up spaces at the park and ride, making it less effective than it should be.
- Planning policy guidance “Travel plans, Transport Assessments and Statements” states that: *“while travel plans are intended to promote the most sustainable forms of transport, such as active travel, they should not be used to justify penalising motorists – for instance through higher parking charges, tough reinforcement or reduced parking provision (which can simply lead to more on-street parking) nor should they be used to justify aggressive traffic calming measures such as speed humps. Maximum parking standards can lead to poor quality development, congested streets. Local planning authorities should seek to ensure parking provision is appropriate to the needs of the development and not reduced below a level that should be considered reasonable”*.
- Since 2007, the potential future expansion of the park and ride and the consequent potential for reduced reliance on the car has been prevented by the planning permissions granted for the BMW development. A competent, area-wide transport assessment is urgently required to manage the developments that have already been approved/constructed, in order to provide a realistic assessment of residual capacity for any proposed future developments. National Planning Policy Framework makes it clear that assessment should identify the measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car, such as walking, cycling and public transport and to identify what measures will need to be taken to deal with the anticipated transport impacts of the development.
- The very nature of BMW’s business will mean increased car, associated transporter lorry and similar traffic into an already congested area. Worse, much of the new traffic will be concentrated at peak flow times.
- As will be set out in the following sections, the proposal for a “drive through” Costa, an Aldi, and a nursery, will bring new traffic into the area. It will be concentrated on Hatherley Lane and Grovefield Way, particularly around the B&Q roundabout and the Park and Ride exit route.

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There is no potential whatsoever to “improve accessibility and safety for all modes of travel, particularly for alternatives to the car, such as walking, cycling and public transport” as set out in the planning requirements documents as an integral feature of this application.

- Traffic calming measures along Grovefield Way, Hatherley Lane, The Reddings and Redding Road will adversely affect the residents as was demonstrated by the rejection of the 2012 proposals. The neighbour consultation for the proposed scheme has clearly established that the local residents do not want or need a Costa, Aldi, or Nursery, because the local area is exceptional well served already in this respect. Traffic calming, will not therefore create a “modal shift” for local residents, because it will be people from outside the area that will be driving to them. Similarly, the applicant’s proposals contain no local measures, such as tree planting, footpaths, cycleways, to enhance the area and will most likely discourage any alternative forms of local transport, particularly use of the existing National Cycleway that passes the Grovefield site, because of the unattractive aesthetic, the increased pollution, noise, fumes and the increased traffic hazard around the site, particularly for traffic turning right into or out of the proposed development.
- Consultee Highways, identify that a proper travel plan has not been submitted by the current applicant.
- Since the time of the Inspector’s report in 2007: substantial residential development has been completed in the area; Asda and Pure Offices have been constructed; car parking has been lost to Manor by the Lake and Cheltenham Film Studios as a result of further development and changes of use; Pets at Home and Home Bargains have also been constructed. The exceptional conditions that the Inspector took into account at the appeal (including a Park and Ride extension) have changed very significantly, and it is now wholly inappropriate to refer to the Inspector’s judgement for any precedent in this respect.

# The Reddings Residents' Association

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## Section 5

### **Application No 13/01101/FUL – 29 June 2013**

#### **Proposed flagship BMW dealership, including vehicle sales and servicing facilities with the creation of an access from Grovefield Way**

- At the time of the application, planning permission for 22,000m<sup>2</sup> gross floor area B1 industrial use had been granted. The application was for the creation of 7500m<sup>2</sup> gross floor area of car sales showroom, warehousing and servicing facility. The location of the building was on land previously allocated for the extension to the Arle Court park and ride in the 2007 appeal decision. Whilst the applicant suggested that the park and ride was underperforming, Highways confirmed that this was factually incorrect and that the park and ride was performing well. A subsequent technical review concluded that by 2031, the park and ride would require circa 220 extra spaces to maintain the all-day vehicle demand. The applicant agreed that the park and ride demand would increase and agreed to contribute £503,000.00 towards future extension of the park and ride facilities or measures to encourage residents to use other methods of transport, rather than relying on their own personal vehicles. As set out in Section 4 of this report, it is a little curious that the emphasis here is on changing the behaviour of those that already live and work in the original rural/semi-rural village of The Reddings!
- Prior to 1998, this rural/semi rural village was surrounded by greenbelt. The development of Redgrove Park, Grace Gardens, Wade Court, Asda, the 260 dwelling Symphony Road development, B&Q, Travel Lodge, Harvester, KFC drive through, B&Q, Home Bargains, Pets at Home, Park and Ride and, various smaller infill developments have all consumed the greenbelt surroundings over the past 20 years. This existing over-development is now being used against The Reddings and surrounding areas in an attempt to justify further reduction of the greenbelt for the development of the Grovefield Way site. Locally, we are now at the “thick end” of this “thin entering wedge” argument.
- In the case of the BMW application, it is for the benefit of a business that is concerned solely with the sale and maintenance of motor cars. Some of the £1.3m Section 106 money that was generated by the Asda development has been allocated to a new bus service to Asda, introduced in 2014 and most of the balance being has been spent on the now-abandoned A40 Golden Valley bus lane scheme.
- Neighbourhood consultation objections at the time of the application for planning permission included: traffic generation concerns, loss of wildlife habitat, inappropriate style of architecture, scale and height of proposed building too great, lack of sufficient parking within the development and that BMW would constitute the “thin end of the wedge” and would allow future retail to be established on the site.

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- The architect's panel commented that the plans and elevations were difficult to read and get an understanding of the depth of the build form. The small three dimensional views were thought of as helpful, but the elevation lacks depth and the clarity to show the transparency of the building.
- The development means that several local BMW dealerships in the county are now being merged onto the site.
- The construction of the BMW building is nearing completion and there are only 49 staff parking spaces allocated. The BMW website does, however, advise that there will be "generous customer parking". Is this in line with the National Planning Policy Framework?
- Objectors' comments in respect of the current hybrid/retail application include reference to BMW memos to staff stating that there are insufficient parking spaces on the site and that they will need to make their own provision. One local business has confirmed that they have been approached by Cotswold BMW with a view to securing parking spaces on their site (which they declined due to the lack of parking for their own staff and visitors).
- The BMW "Sui Generis" application included a transport assessment and travel plan. Condition 6 of the Cheltenham Borough Council approval granted includes provision to ensure that adequate parking and manoeuvring facilities were available on the site in the interest of highway safety. Condition 8 of the approval requires that "*six months prior to beneficial occupation of the development hereby permitted a travel plan shall be submitted to and agreed in writing by the local planning authority setting out:*
  - *Objectives and targets for promoting sustainable travel*
  - *Appointment and funding of a travel plan co-ordinator*
  - *Details of an annual monitoring and review process*
  - *Details of annual reporting to GCC*
  - *Means of funding of the travel plan*
  - *An implementation timetable, including the responsible body for each action*"

*The approved travel plan shall be implemented in accordance with the details and timetable therein and shall be continued thereafter, unless otherwise agreed in writing by the local planning authority."*

*"Reason: to encourage non-car modes".*

- Condition 12 included Tree Protection Orders on an ash tree and an oak tree, although the developer subsequently removed the oak tree by means of a further "dripping tap" application.
- During the development, local flooding has occurred. The developer has also needed to make further application for relocation and alteration to the attenuation pond because "*no aquifer beneath the site could be located*".
- The front barrier fencing along Grovefield Way has also been amended since the development began.

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- Many of the objections from the neighbourhood consultation included complaints regarding the lack of publicity afforded to the application. The same criticism has been made again in respect of the current “hybrid” application.
- The BMW application was for a change of use from the designated approved classes of B1, B2, or B8, which the 2007 Inspector appeal had been solely concerned with. The proposed use was classified as Sui Generis. The planners noted that the application exhibited “*characteristics of B1, B2 or B8 inasmuch as there is café and offices within it*”. Much of the decision was based upon policy EM2 of the local plan. The application also includes car storage space which, it was argued would “*also generally fall under a B class usage*”.
- Reference is made by the applicant to the draft Joint Core Strategy document (JCS). The draft that was current at that time has subsequently been amended significantly and was reissued for further public consultation in February 2017. At the time of writing, the JCS has still not been adopted.
- The planners note that granting of permission to the Grovefield Way site “*represents an important source of supply of office space and the granting of this permission may lead to an eroding of the full value of this; however there has not been to date any physical progress on the delivery of the original scheme on the site and this must be taken into account*”.
- The planners considered that the application did not impact the greenbelt “*in any greater way than the existing permission which could be enacted*”. The objectors thought otherwise and now that the bulk can be seen, it is a matter of opinion as to who is correct. However, when lit up at night, residents have remarked that it resembles a cruise ship waiting to embark and is not at all “*low key*” as the Inspector had envisaged in his award (see photographs on the final page of this report).
- The permission granted by the appeal in 2007 made much of the “green buffers” around the site boundaries. As specifically set out on the drawing documents 5, 6 and 7 in respect of the 2009 applications, in the spirit of the 2007 appeal decision, the proposals made much of enhancing these green buffers. In contrast, this application removed much of it, in order to “*display the building*”. The Inspector anticipated “*fleeting glimpses*” of “*low key*” development as being appropriate in his reasoning for permitting this development in the greenbelt.
- The planners noted that, the allocation of additional employment land in urban extensions set out in the draft JCS “*will address the shortfall in employment land which the Inspector identified in the 2007 appeal decision. It could therefore be argued that the need for the Grovefield Way development is becoming harder to justify*”. In his appeal decision, the Inspector refers to the “*scale being not too large*” and at paragraph 24 of the Inspector’s award, he clearly anticipated an urgent need to start construction in 2007, not wait until 2013 and ask if an obtrusive BMW dealership could be built! The Planner’s report continues “*This application, if permitted, may also be able to provide jobs early in the plan period and could enable the remaining parts of the Grovefield Way site to come forward by acting as a gateway and a catalyst*”.

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- With hindsight, the thin entering wedge argument is now at its “thick end”, and has, as forecast by the objectors led to an application for yet more retail and the loss of the “urgently need B1 office space” that persuaded the Inspector to permit the development.
- The nature of BMW’s business meant that there was a good deal of input from the Crime Prevention Design Advisor in the planning consultation. This has led to a good deal of security lighting and fencing being incorporated into the design, as well as security hoops, telescopic and rhino bollards. This was not in the contemplation of the Inspector at the time of the 2007 appeal in respect of “*low key*”. The Inspector was very specific about the requirement for consideration of light pollution for residential neighbours.
- The retail aspect of Costa, Aldi and Happy Days Nursery will include an even greater requirement for cash/money handling on the site and consequently, it also introduces an additional crime deterrent requirement for lighting, exacerbated by the trading hours that are being requested. These requirements are analogous to “the tail wagging the dog” and have spilled over into soft landscaping, resulting in recommendations to maintain ground level plants below 1m in height and lower branches to a height of 2m and not to locate trees and taller shrubs that could provide climbing aids. None of this is sympathetic to greenbelt/edge of greenbelt considerations and was not in the contemplation of the 2007 Inspector appeal.
- Once the planning permission had been granted, the applicant submitted a further application to increase the mass of the building still further by raising the height by 1m, to allow the incorporation of a mezzanine level, rotation of the vehicle ramp, increasing the Motorrad element by 30m<sup>2</sup> to 190 m<sup>2</sup> and a revision to the highway layout to relocate the BMW customer access point. In other words, the applicant is “making it up as he goes along”. This is not consistent with a coherent planning policy and results from an over-reliance on “outline permissions” and manipulation of planning law and evolving policy on the part of the applicant.
- Approval was granted. It should be noted that out of the 300 or so objections made to the current hybrid scheme application, 56 have been very negative about the size and scale of the BMW building. Forty two objections have been specifically raised in respect of light pollution that is already occurring and many express concerns that the hybrid proposal will exacerbate this further. Eighty three objections are raised specifically with concern regarding noise pollution, 93 objections are raised specifically in respect of fume production in respect of the permissions that have already granted. How are these being monitored? A full summary of the objections is included in the following section 6 (document 35, pages 63-67), which relates specifically to the hybrid application.

# The Reddings Residents' Association

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- Work commenced on site in January 2015. Document 26 below is an article published in the Gloucestershire Echo where Kevin Davidson, Retailer Development Director of BMW UK confirms that “the new site will create 20 more jobs with all staff moving to the new site”. This is not the 100 new jobs that were claimed at the time that the application was submitted.

Flagship BMW showroom set to be built on key road between Gloucester and Cheltenham

By Catherine Hoyle (http://www.glocestershireecho.co.uk/page/LocalNews/10166.html) | Posted: January 28, 2015

2 COMMENTS 0 SHARES



Peter Harris, Company chairman of the Cotswold group, Kevin Davidson, Retailer Development Director of BMW UK and Andrew Hulse, Managing Director of Cotswold Motoring Group, are at the site of the £15 million showroom for the new BMW garage on Grovefield way in Cheltenham.

Comments (2)  
 Visitors to Cheltenham will be greeted by a huge, multi-million pound motor showroom as soon as next spring.

**BUILDING** work is set to start next week on Cotswold Motor Group's new base in Grovefield Way, selling new and used BMW and Mini vehicles.

The flagship store, described as a landmark site, will be the biggest BMW dealership in the UK, outside of Greater London.

Yesterday, Kevin Davidson, retailer development director of BMW UK, gave his glowing endorsement to the plan.

"When you look on that sort of scale, you need a flagship store and where else better than Cheltenham and Gloucester?"

"I believe we have got the best site in Cheltenham, being that close to the A40 and the M5. It's brilliant and a great opportunity for us to showcase what we have to offer."

"It will be the biggest site in the UK and this is certainly us there for us."

"We always had a great reputation in Gloucestershire and we would like that to continue."

"We are looking at the customer experience and how we can improve that."

Diggers are clearing up the site, preparing for building work to start next week.

It will take about a year to complete and will cost around £15 million.

Andrew Hulse, managing director of Cotswold Motor Group, said it has been four years in the works.

"It's taken a lot of planning but we finally have a space in the ground," he said.

"As you can see from the artist's impression, the facility promises to be stunning."

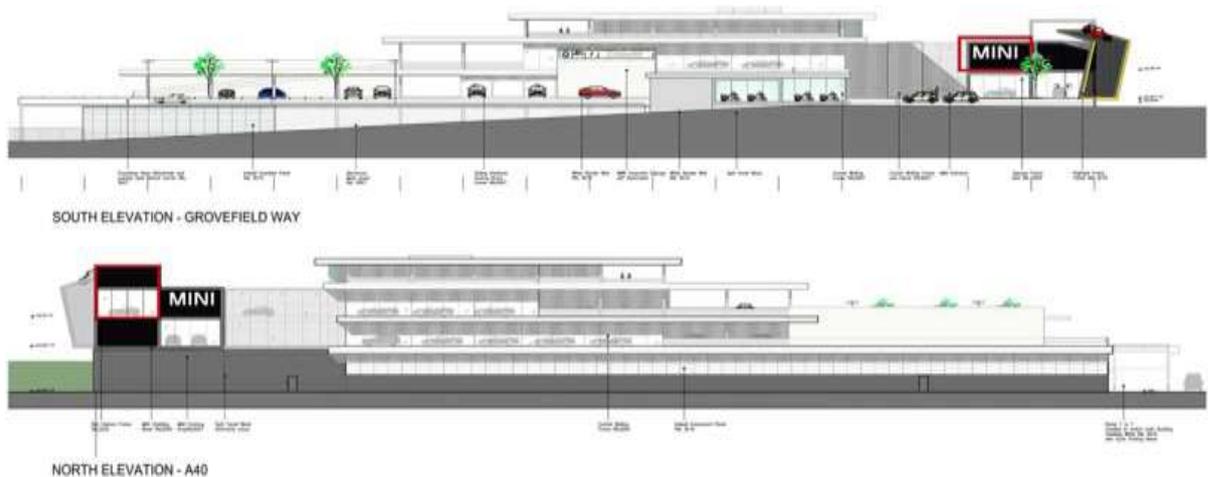
"It will be four stories high and designed especially to provide an environment where our customers can explore the BMW, Mini, and Motorrad ranges with ease and in comfortable surroundings."

"We'll be easy to find and there will be generous customer parking."

It is thought the new site will create 20 more jobs, with all staff moving to the new site.

Report this article

Document 26



Planning Elevations, BMW Mini Dealership Document 27

- Based upon the drawings submitted for approval in 2013 and the additional 1m height approved in 2014, the overall height of the BMW building is 17.825m. This is measured from a reduced level, excavated by BMW, of 35.0m. At the entrance to the site, Grovefield Way level is shown as 38.75m, meaning that the top of BMW towers 14.75m above Grovefield Way, approximately opposite Tibberton Grove. It is fully lit 24 hours per day and 365 days of the year for no obvious good reason, or benefit to the neighbourhood, or the environment.

# The Reddings Residents' Association

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- A following selection of five photographs (Documents 28 – 32, inclusive) shows the dominance of the building, which many objectors refer to:



Photo 1 - View from Community Centre Entrance

Document 28



Photo 2 - View from Badgeworth Lane near Junction with North Road West

Document 29

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Photo 3 - View from Badgeworth Lane near Junction with The Reddings Road

Document 30



Photo 4 - View on Grovefield Way near junction with The Reddings Road

Document 31

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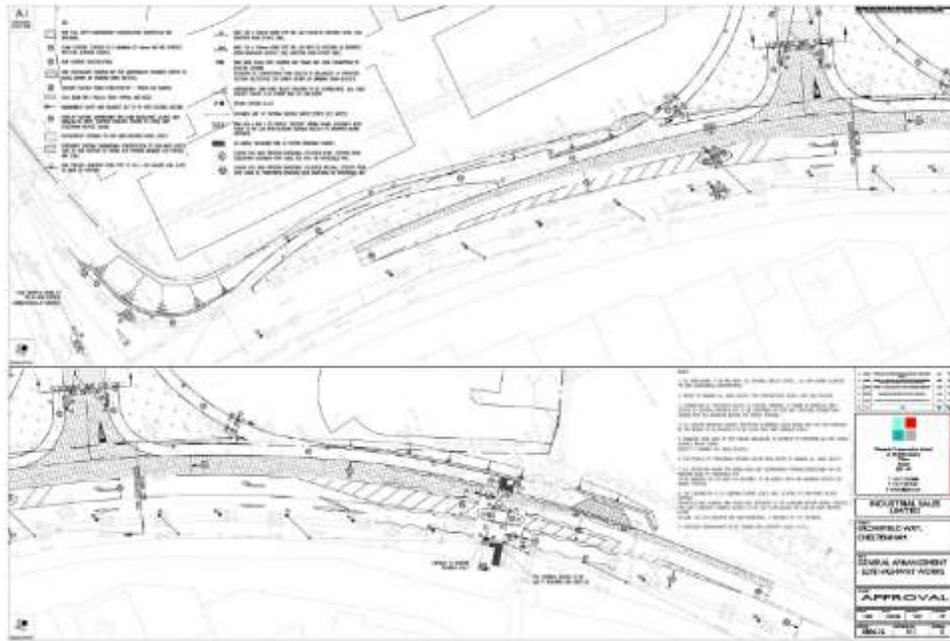
Photo 5 - View on Grovefield Way midway to North road West

Document 32

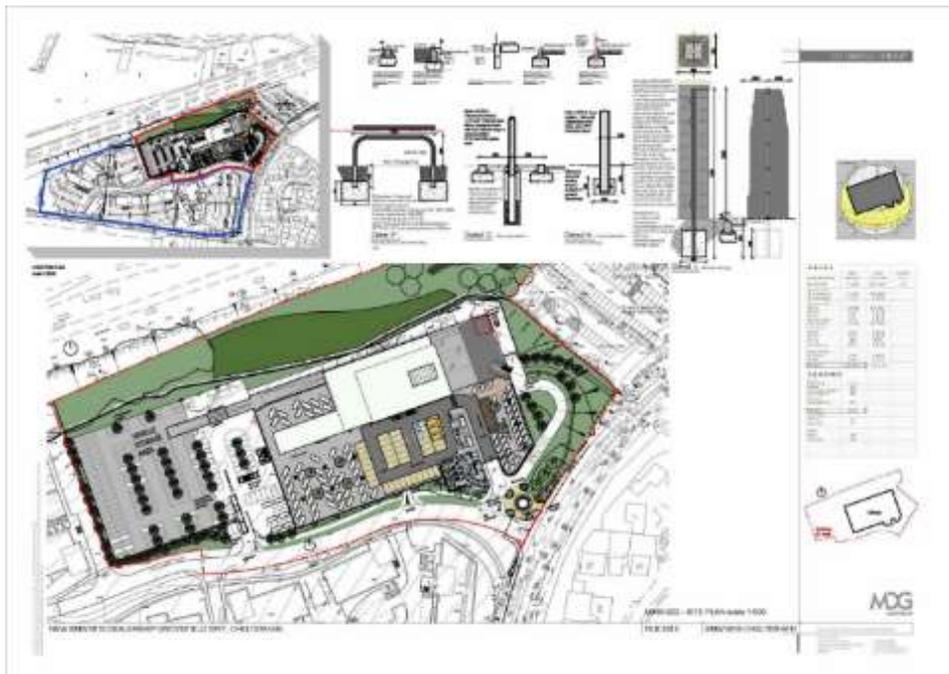
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- The level of Grovefield Way falls towards the park and ride and thus the BMW building is even more dominant for the homes in Bladon Mews and Nos 21, 23 and 25 Chalford Avenue. The plan drawings below (documents 33 and 34) for the road entrance illustrate the proximity of the dwellings to the “fully illuminated” 24/7 BMW building. This does not constitute being a good neighbour, neither does it show consideration, nor does it fit with the Inspector’s “fleeting glimpses” of “low key” development, neither is it appropriate nor unobtrusive in a greenbelt, rural/semi-rural environment.



Document 33



Document 34

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## Section 6

### **2014 application 14/01323/OUT – Outline application for up to 16,800m<sup>2</sup> of B1 employment land granted permission under 05/00799/OUT and 10/00468/TIME**

- The undeveloped (non-BMW) portion of the Grovefield Way site was the subject of this application for B1 employment use. The only drawing submitted is the approved illustrative landscape masterplan (below). The plan is identical to that submitted under application 10/00468/TIME which was approved in 2012. The overall scale of two storey, relatively unobtrusive, screened, B1-designation buildings (which would help hide the BMW building) is as shown on documents 18 and 19 (the 3-D views below).
- Two storey buildings are proposed along the Grovefield Way elevations (building nos 1-7) along the southern/North Road West boundary. Building nos 8 and 10 on the A40 boundary are assumed to remain as three storey. Building no 9 is assumed to remain at two storey. The heights of the two storey buildings are approximately 7.7m and three storey buildings are no more than 12m. Approval was granted and the applicant remains at liberty to construct them until expiration of the approval.

*Illustrative Masterplan, Outline Scheme 14/01323/OUT*



# The Reddings Residents' Association

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## Section 7

### **Current application for determination – 16/02204/FUL**

**Hybrid full application for 5034 m<sup>2</sup> of commercial office space (B1); 502m<sup>2</sup> day nursery (class D1); 1742m<sup>2</sup> supermarket food retail (class A1); drive-through coffee shop and retail unit (classes A1 and A3) with associated parking, landscaping and infrastructure works). First outline planning permission for 8034 m<sup>2</sup> of commercial office space (class B1) together with associated car parking, landscaping and infrastructure works with all matters reserved (except access).**

- Over 300 public objections have been submitted (these are summarised in document 35, pages 63-67). Once again, there is overwhelming condemnation of the consultation process. Objectors include private neighbours, nurseries, businesses, Hatherley Parish Council, The Reddings and Hatherley Councillors and Alex Chalk MP. In addition to the objections, a petition against the proposal has been raised. The Benhall Residents Association have complained that they have not been consulted because their residents, and those of Badgeworth and Up Hatherley will also be adversely affected by this application (if it is approved and even more so if aggressive traffic calming measures are then introduced), because the applicant has made no attempt to integrate the proposal with the greenbelt, the nearby dwellings, or the local infrastructure, including, roads, amenities, drainage, etc., or the character of the wider area. It is an entirely selfish proposal.

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Compare the above with the “low impact” entrance, architecture, landscaping and enhanced Park and Ride buildings anticipated by the Inspector in 2007, as illustrated below.



*Illustrative Masterplan, Outline Scheme 14/01323/OUT*

# The Reddings Residents' Association

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Document 5 – original 2007 concept for the site following the Inspector's award



Illustrative Site plan for phase 2 hybrid scheme

Note the contrast with Document 5 (2009 approval) which sought to integrate the development into the area, not impose it as the applicant has done.

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- There are many common themes within the objections made during the consultation period. The relatively crude analysis (set out in document 35, pages 63-67) summarises the comments under the headings which are listed as being valid objections to planning applications as follows:
  - Overlooking/loss of privacy – 6 objections
  - Visual amenity – 22 objections
  - Adequacy of parking/loading/turning – 74 objections
  - Highway safety – 26 objections
  - Traffic generation – 242 objections mostly in relation to traffic generation which has already occurred, renewed concern over anticipated traffic issues when BMW opens and the potential exacerbation of this that will result from the impact of the proposed Aldi, drive through Costa and a day nursery will have)
  - Light pollution – 42 objections
  - Noise pollution – 83 objections
  - Fume pollution – 93 objections
  - Loss of trees – 41 objections
  - Effect on the greenbelt – 161 objections
  - Layout and density of buildings – 18 objections
  - Design appearance and materials – 56 objections (to the existing BMW building – which the applicants say guides the selection of materials for this proposed development)
  - Design appearance and materials for the proposed buildings – 29 objections
  - Landscaping – 18 objections
  - Road access – 21 objections
  - Planning policies – 1 objection
  - Proposals on the development plans, JCS etc – 6 objections
  - Previous planning decisions – 12 objections
  - Conservation – 51 objections

# The Reddings Residents' Association

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- *Design Development, proposed drive thru, carpark and Costa*













# The Reddings Residents' Association

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- Many of the objections echo the list above, but unless specific “buzzwords” are included in the objector’s submissions, the crude analysis within this document does not include them as objections under those headings. No doubt the planners and planning committee will undertake a much more detailed analysis.
- The architect’s panel, as consultees, comment that “*the quality of the architecture proposed was generally poor and a wasted opportunity*”. Also, “*the panel felt the design layout of the approved masterplan (document..... 14/01323/OUT) was more successful than the submitted scheme which is dominated by a sea of car parks. The architecture is very bland and uninspiring. The spaces around the building provide no amenity value and the panel questions the suitability of a nursery in the location proposed. The recommendation is rejection*”. Many other objectors similarly question the suitability of a nursery in this location.



*Design Development, proposed drive thru, carpark and Costa*

- Like the BMW application in 2013, the application submitted is short on actual detail in a number of respects. The objectors and consultees note this, no doubt the planners and committee will do likewise. The drawings that are submitted are not dimensioned, so visualisation of the scale is difficult.
- Offices 1 and 2 are three storey and are located where previously only two storey buildings have been proposed and approved. In 2007 the Inspector’s advice was for only two storey buildings in these locations. Levels and dimensions for the buildings are not shown. Scaled measurements show the actual height at the highest point to be 12.3m, this is very obtrusive. The traditional brickwork and cladding on the previous applications has been replaced with “fashionable” white stone cladding and profile plastic-coated cladding to mimic the architecture of the BMW building. The architecture, which is generic to BMW (and has drawing so many complaints) will date very quickly. The applicant acknowledges the mimicry and seeks to applaud themselves for it.

# The Reddings Residents' Association

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- The applicant seeks to base much of his case for approval on the 2007 appeal, but the applicant is “cherry picking” from the Inspector’s report. The whole design which the applicant has submitted ignores the Inspector’s principal reasoning that there were extraordinary reasons for permitting inappropriate development in the greenbelt (in 2007), in particular, “*provision of park and ride space and a low key development shielded by green boundaries*” with “*window shutters to prevent light pollution to neighbours*”. These features are also not present in the applicant’s proposal.
- All of the buildings proposed in 2007 were no more than two storey in height and much thoughtful soft landscaping was incorporated into the schemes. These features are also not present in the applicant’s proposal.
- The BMW building contrasts very badly with all local architecture (for example, the site is adjacent to Shakespeare Cottages, which were built in the early 20<sup>th</sup> century). This hybrid application seeks to extend the inappropriate, bulky, unimaginative and generic design of a car showroom, garage and parking lot, to the whole site. This is the “thick end” of the concerns expressed in the objections to the BMW scheme in 2013; that it was a “thin entering wedge” for more inappropriate retail units. None of the principal features of this hybrid application were presented to, nor were in the contemplation of, the Inspector. The Inspector was very clearly directed only to consider “sympathetic” B1 development on the site in very specific circumstances that were thought to require a large site for B1 units. The Inspector’s report stated that the award should be reviewed after 6 years.
- Since work on the BMW site development commenced, the local residential area has experienced increased water levels in drainage ditches and on one occasion significant flooding of property (this is set out in detail in one of the objections).
- GCC Local Flood Authority (LLFA) as consultee calculates and comments that currently, the BMW balancing pond is discharging 1.8L per second into the watercourse at the northern boundary of the site. Phase 2 (this “full permission” proposal) will add a further 8.4L per second, making a total discharge of 10.2L per second. Phase 3 (outline proposal) will add a further 5.7L per second, making a total of 15.9L per second being discharged into an existing watercourse. It should be noted (for comparison) that a fire hose connected to a hydrant discharges 10L per second. If permitted, the current watercourse will need to deal with a discharge equivalent to nearly two fire hoses 15.9 litres per second from a single site (that was formally a green field, with no discharge to the watercourse) is a considerable volume and there are no apparent checks being made on the capacity of the channel.
- Phase 2 of the application sets out that a quantity of 487m<sup>3</sup> of attenuation is attributed to the site’s permeable paving, but it is not clear whether this is also discharged to the balancing pond and hence directly into the watercourse. Bearing in mind that the BMW developer’s plan for pond and discharge to an aquifer at the time of the 2013 application has proven not to be possible. The case for compliance with the current regulations is not made by the applicant sufficient for “full permission” to be granted, and the application should be rejected until this point is cleared.

# The Reddings Residents' Association

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- The proposed scheme does not make any calculation with regard to foul water flows and it does not trouble itself explaining its intentions. Severn Trent (as consultee) advise that the developer would need to contact them to assess the proposed plans because Severn Trent Water are unable to assess whether the foul water drainage in the area has the capacity to receive the additional sewage from either phase 2, or phases 2 and 3 on the basis of the developer's submission in this regard.
- The application for phase 2 is "a detailed/full planning application". Without the drainage details, the assessment of capacity is therefore left to the planners, or to pass that responsibility to others after planning permission has been granted. This would be "history repeating itself" where the applicant "makes things u" as he goes along and seeks piecemeal permissions. If planning permission is to be granted without at least some outline of the applicant's intention, it will be for the planners/committee to estimate the capacity and viability of the proposal. Alternatively, reject the application, or require that the developer provides the calculations and detailed designs before contemplating the application any further.
- The objections made to date set out recent occurrences of flooding and lifting of manhole covers following heavy rain in the area around the BMW site following its construction. As such, it is unlikely that the drainage network now has adequate capacity for the "normal" current usage, following the BMW development. No doubt, the under-capacity also results from all of the local development that has been undertaken over the past 20 years.
- On the assumption that a foul water drainage connection into North Road West will eventually be proposed by the applicant, the invert level of the drain in North Road West imposes a physical limit, because the ground profiles fall away from the sewer.
- It is therefore entirely possible that a gravity flow system will not prove to be possible, unless the ground levels on the site are raised, thereby increasing the overall height of the development still further. The applicant has previously sought planning permissions, with incomplete information, then "tweaked it" e.g. raising the roof height of the BMW building by a further 1m, felling trees, moving balancing ponds, etc., or "made it up as he goes along". On this basis, although the details may not be a matter for planning permission, the application should be rejected until sufficient proposals and calculations are submitted to prove sustainable development.
- Highways England recommend that planning permission should not be granted for three months due to the deficiencies in developer's traffic analysis submission, in order to provide the applicant with sufficient time to address the concerns raised and to protect the operation and safety of the A40 and M5 junction 11. The reader is also referred to the comments under section 6 of this report regarding the need for a coherent traffic plan for the neighbourhood and integration with the A40/Golden valley Roundabout improvement works that are planned.

# The Reddings Residents' Association

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- Consultation in respect of the natural environment is poor. The consultee comments are disappointing and factually incorrect. The existing trees and hedges will be further thinned and lost to the proposed development. This is contrary to the intention of the original scheme presented to the Inspector, and his decision in 2007. The concept of the submission is incompatible with the greenbelt designation of the site. Prior to the BMW development work starting, the site and the surrounding area was home to badgers, slow worms, deer, bats, amphibians, buzzards, hedgehogs and kestrels.
- The Gloucestershire Centre for Environmental Records (consultee) are clearly not up-to-date and almost nobody in the local area has heard of them. It is suggested that all residents should update the Gloucestershire Centre for Environmental Records in respect of the biodiversity in the area, albeit it that it is rapidly being lost and which will be further compromised if the aged woodland at nearby Arle Court is cut down to construct the proposed nursing home (planning application 16/02302/FUL).
- The Cheltenham Civic Society oppose a development of this scale in the greenbelt and are not convinced that a further supermarket is required. Again, there is acknowledgement of substantial traffic congestion in the area and the need for detailed analysis and consideration.



*Proposed Elevations, Aldi*

- The hours of operation for the site extend Monday to Sunday, 05:30 to 23:00 hours. This will intrude significantly into the greenbelt and the surrounding dwellings and natural wildlife habitat. It is excessive and entirely inappropriate for a residential area. It exceeds the previously-permitted opening hours for other retail stores nearby. Light, noise and fume pollution will increase unacceptably and many objectors raise this concern. The applicant has “spun” the limited analysis that he has submitted, and a much more rigorous objective appraisal should be required by the planners. No doubt the planners and committee will recognise this.

# The Reddings Residents' Association

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*Proposed Elevations, Happy Days Nursery*

- There is no acoustic screening or light screening included in the application. The nature of the developments will encourage crime and as such, additional lighting and security devices will be required to deal with the risks, as was the case for the BMW development. Once again, “the tail is wagging the dog”. There are no precedents for A1, A3 or D1 class usage on the site and no authority or consideration of retail is included within the Inspector’s report.

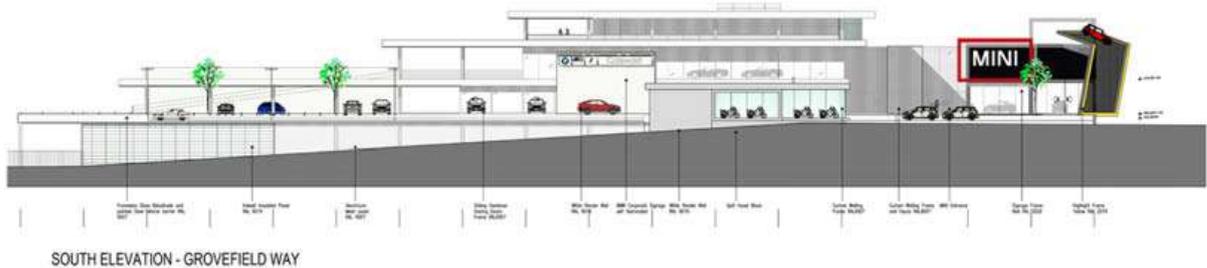
# The Reddings Residents' Association

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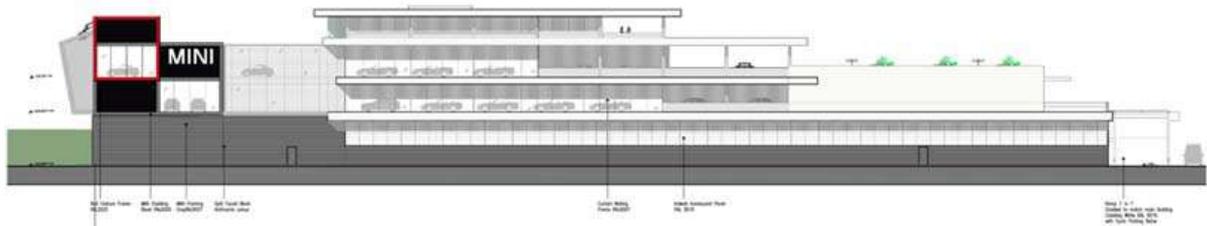
- Many of the objections to the application for the BMW development in 2013 were that it was a “thin entering wedge”. This has proven to be the case and this is the “thick end of it”. Retail instead of B1 is now being proposed. The Inspector was very clear in 2007 that the appeal was only in relation to B1, based upon a perceived real need for B1 land in 2007. The Inspector made it clear that the need should be reassessed in six years if the applicant chose not to proceed with the development and “back the arguments that they had put forward in the appeal”.



*Design Development, proposed carpark and Aldi*



SOUTH ELEVATION - GROVEFIELD WAY



NORTH ELEVATION - A40

*Planning Elevations, BMW Mini Dealership*



*Design Development, proposed drive thru, carpark and Costa*

- Is any of the architecture shown above really suitable for a rural greenbelt location, or the gateway to Regency Cheltenham?

# The Reddings Residents' Association

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- Car parking provision on the site is wholly inadequate and will generate significant traffic safety and congestion issues for the nearby roads and most likely the A40 and M5 junctions. With the previously-approved 22,000 m<sup>2</sup> of office space, the calculated number of car park spaces required was 735. At the planner's insistence, this was pared back to 700. 152 car parking spaces are being allocated to Aldi and Costa drive through in the proposal. 194 are being allocated to offices 1 and 2, which have a combined gross internal floor area of over 5000m<sup>2</sup>. Staff employment forecasts are based upon on full-time posts, but it seems very unlikely that staffing will not contain a considerable part-time element. The extended hours of the retail offering (18 hours per day) and the nursery will require shift working with "handover periods" when, at least, two sets of staff will be on site. The competition for car parking spaces, (BMW's own website boasts of "*generous customer parking*") together with those using the drive through coffee shop and supermarket parking will, at some point, almost certainly lead to queues of cars at the entrance to Costa or Aldi. In turn this will most likely then block the entrance to the development and cause congestion onto Grovefield Way and then, very quickly, back up onto the B&Q roundabout and Golden Valley roundabout. The potential for this is exacerbated, by the limited length of the right turn lane that has been constructed to enter the Grovefield Way site, on an almost blind bend in the road. This is foreseeable and it will interfere significantly with the park and ride operation, contrary to the planning policy of encouraging "modal shift" in travel. Currently, during peak times, park and ride buses (once they have finally managed to exit onto the "B&Q" roundabout against all traffic having priority over its entrance) now divert along Hatherley Lane to avoid the Golden Valley roundabout. This is not in accordance with planning policies. If retail development on the site is considered to be appropriate at all, the site location for the units at the front of the site is entirely inappropriate.



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*Design Development, Office 1*

- The applicant suggests that 1018 jobs will be created if this application is approved and built. Previously, the applicant made projections of 100 new jobs at the BMW site. These are dispelled by a BMW director (document 26 page 52) who refers to the creation of 20 new full-time jobs associated with the BMW development. The applicant details the number of new jobs for Costa as 20. For Aldi, 26 new jobs are predicted, and 25 new jobs for Happy Days nursery. The applicant's transport assessment is based upon the Oxford Business Park with a gross floor area of 33,105m<sup>2</sup> housing, 1793 employees, giving a density of 18.5m<sup>2</sup> of gross floor area per employee. The previous applications for this site suggested 1200 employees and 22,000m<sup>2</sup> of development, giving a density of 18.3m<sup>2</sup> of gross floor area per employee. This is matched to density in the 2007 Inspector's approval for 1100 jobs in 20,200m<sup>2</sup> area. Applying these ratios to the office development provides the following predicted employment rates:
  - Office 1 – 123 full-time employees
  - Office 2 – 149 full-time employees
  - Office 3 – 334 full-time employees
  - Office 4 – 100 full-time employees

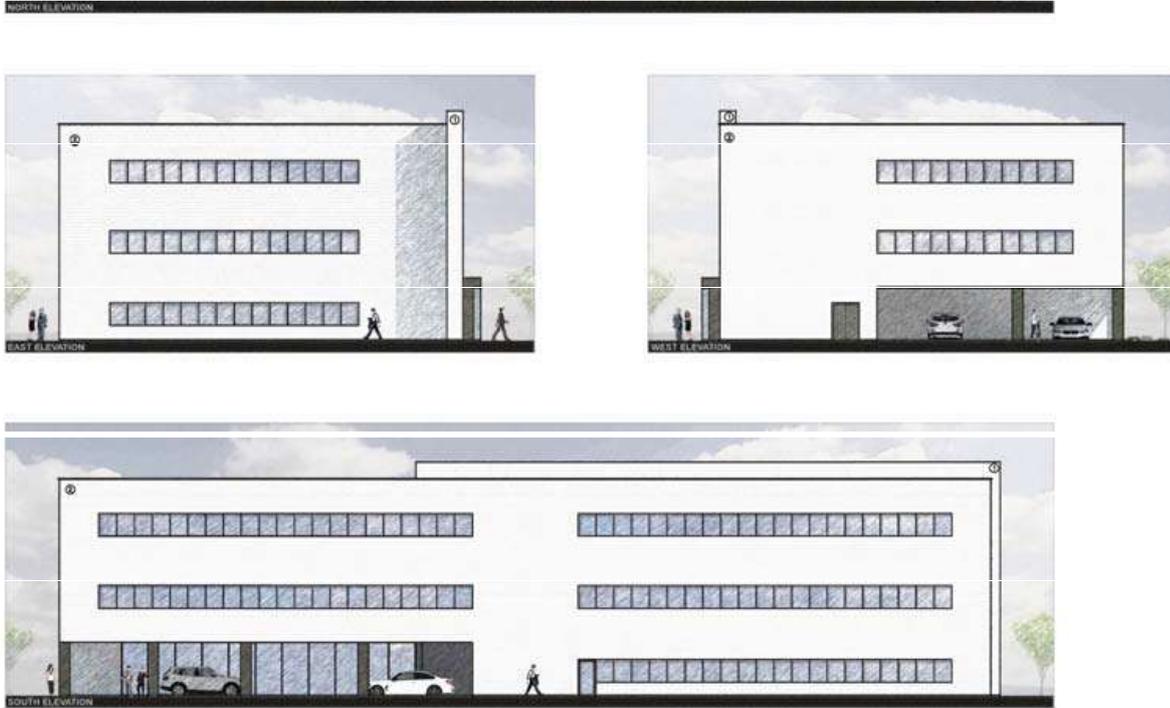
Giving a total of 777 full-time employees on the whole site (but only if the 4 (No) B1 offices in phase 2 and 3 are ever built).

Adding the additional 20 new full-time employee jobs (which it is suggested by the Cotswold BMW director will be created at BMW), gives total projected employment at the site as 800 full-time jobs (not 1018). The inspector singled out the Grovefield site as the only available size of site in Cheltenham that could provide adequate B1 employment in 2007; this was one of the exceptional circumstances that led to his award. The introduction of BMW and the proposed retail elements have already reduced the number of jobs by a third (from 1200 to 800). If the applicant makes a future case for conversion of B1 to retail, or to change Phase 3 to retail, there will be further substantial reduction in the employment created on the site.

# The Reddings Residents' Association

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Another Inspector has just determined (2017) that B1 land less than 0.5km away from the site should be approved for residential usage because the owner has been unable to attract any interest at all over a 3 year period of sustained advertising for B1 usage. If there was demand for B1 – the applicant would have built the B1 in line with the applications that he has made over the last 13 years.



*Proposed Elevations, Office building 2*

- The parish councillors and ward councillors for The Reddings and Hatherley have objected to the proposal and have set out the same concerns as the local residents and businesses in respect of traffic, pollution (of all kinds) and that the effects of the day-to-day operation of the BMW site have not yet been felt. Also, that the site is being overdeveloped for the size of the plot and the infrastructure supporting it.
- The applicant makes no assessment on the impact of other businesses in the local area, particularly the smaller stores such as Springfield Provisions and the Caernarvon Court stores, or child minders, existing nurseries, or, the playgroup facility that is located in the community centre on the adjoining site. Both the playgroup and the community have raised objection to these proposals, with the community centre raising grave concern over its own future if this proposal were approved and the playgroup became unviable as a consequence.
- There is supermarket saturation in the local area.
- The BMW development includes a café for its customers and staff. There is also; a “takeaway van” located in the B&Q carpark; a café located in Asda; a drive-through KFC which sells coffee and snacks and the Harvester pub/restaurant. Coffee and snacks, as well as other food and beverages can be purchased from all of these, and also from the Home Bargains “mini supermarket”.

# The Reddings Residents' Association

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- Many local objections are raised on the basis that neither Costa, nor Aldi, will add any value to the local area. All objectors are concerned that the proposal would have a disproportionately high negative impact on the amenity value of the area. There is an ongoing local litter problem local to the existing take-away offering and the proposed Costa will exacerbate it. The applicant makes no submissions in this regard.
- The applicant makes much of the Inspector appeal in 2007 and the shortfall of employment land. Much of the applicant's argument is centred upon a now out-of-date version of the JCS. The applicant extends these arguments to express a view that, even though the terms of the 2007 appeal were very clear that only B1 class employment was in contemplation (the Inspector and award made it clear that his considerations were limited to B1), some 10 years on, the applicant suggests that the Inspector would now agree to any type of employment as being appropriate within this greenbelt site, even though most of the "*exceptional circumstances*" (including the potential for a future park and ride extension) is no longer a part of the development scheme. There is no "greater good" now associated with the current proposal and it should not be approved on the basis of any perceived precedent.
- The applicant looks to support their arguments for a change to D1, A1 and A3 usage via the out-of-date draft JCS. The Grovefield Way site is referred to on page 26, item 4.85. The site is still categorised as "greenfield that currently lies within the greenbelt" (albeit it is anticipated that the existing greenbelt designation will be removed by the ongoing JCS process). Proposed policy EM3 states "*traditional B1 class employment uses or Sui Generis uses that exhibit the characteristics of traditional B class employment will be supported, subject to the proposal being in accordance with other relevant policies within the plan*". There is no apparent support in this statement for the classes A1 and A3 which the applicant proposes. The branding of a nursery as "educational" with B1 characteristics seems to be stretching a point to and beyond its absolute limit.
- There is much speculation by the applicant on the views of the Planning Inspectorate. There is also much comment from the objectors to this scheme that the B1 offices constructed next to the Asda store ("Pure Offices") are not yet fully leased and that the other two adjoining sites where two further office blocks were to be built have not been developed. The objectors express considerable concern that there is no proven requirement for offices in the area, and that the thin entering wedge argument is driving ever deeper to support retail, which is wholly inappropriate development in the greenbelt. It is not too great a leap to suppose that the applicant may build the two office blocks, but then apply to convert them to retail if there are no takers and that the applicant may then seek to justify abandonment of the office constructions in phase 3 all together and make a further proposal for retail. Retention of the greenbelt designation is essential to curb further selfish and inappropriate development proposals for this site and neighbouring sites. The Reddings Residents' Association will be making this case to the JCS.

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- The current opinions of the Planning Inspectorate are perhaps best guided by the appeal decision dated 18 October 2016 (appeal ref APP/B1605/W/16/3152390) in respect of the nearby land to the rear of Nuffield Hospital, Hatherley Lane, Cheltenham (referred to above as adjoining the “Pure Offices/Asda development”). The site is one where B1 class development for offices, specifically new head offices for Kier Construction, were to be constructed. The recent appeal to the Inspector regarding this neighbouring site followed the refusal of Cheltenham Borough Council to grant permission to abandon the B1 office development permission that was granted in 2011, in favour of the construction of 27 dwellings. In the appeal decision, the Inspector takes account of the same policy documents that the applicant for the Grovefield Way site uses to support their application. In particular, reference to EM2 is made.

EM2 states that a change of use of land, or building in an existing employment use or if unoccupied, to use outside of classes B1, B2 or B8 will not be permitted, except where stated criteria are met. In this instance, the Inspector accepted that despite their best efforts, marketing of the site for employment purposes “*continuously since 2013*” has failed to find any interest from developers or employers. Further, the Inspector notes that no evidence has been provided by the council in respect of developers or employers expressing an interest in sites for any form of new office or alternative employment development, other than a single recent application to construct B1 offices in the town centre. In view of all the circumstances, the Inspector allowed the appeal for the change of use for the site from B1 to housing. It is therefore averred that granting permission for this proposed development on the Grovefield Way site will eventually lead to the development of a retail park by stealth, and that is wholly inappropriate in the greenbelt.

- Although it has been suggested in the JCS that the greenbelt status should be lifted from the site, it is strongly suggested that it should be retained in order to allow the planners an overall control mechanism to prevent further applications for “*inappropriate development in the greenbelt*”, and that the JCS should be amended accordingly.

## **Planning Policy Consideration Document(s).**

- Within the Planning Policy Considerations document section of the online application website, there are documents dated 26 January 2017 described as “planning policy” and 13 January 2017 described as “policy comments”. The author of both reports appears to be the Cheltenham Borough Council Planning Department. The wording in both versions of the document varies slightly and this is assumed to reflect the issue of the draft JCS document between 13 January and 26 January 2017. Following his review of the research and facts set out in this report, it is respectfully suggested that the planners may wish to review and update the contents of this report, to ensure that the arguments raised are properly balanced.

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- The analysis in the planner's report is centred upon the historic granting of B1 permission and general planning policy considerations to determine whether "B1" can be interpreted to mean "employment land" per se. Any such determination must take account of the fact that granting permission for these A1, A3 and D1 usage classes provides significantly less employment (800 full-time jobs, compared to the previous 1200 full-time jobs projected) than would the B1 offices for which planning approval has already been granted. The 2007 Inspector's report was also solely concerned with the pressing need for a large B1 site to promote high-paid employment opportunities to boost Cheltenham's prosperity and future. As this report sets out, the applicant's retail proposal seems contrary to paragraph 79 of the NPPF.
- Paragraph 87 of the NPPF states that inappropriate development which is harmful to the greenbelt should not be approved, except in very special circumstances. Paragraph 88 of the NPPF sets out those special circumstances. This report clearly demonstrates that the harm caused to the greenbelt and in particular, the local area, very clearly outweigh the benefits of the proposed development.
- The currently-redundant district centre at Springbank would seem to be an obvious alternative location, as would Edinburgh Place on Princess Elizabeth Way. These do not seem to have been properly considered by the applicant.
- Contrary to policy CP6, the proposed retail uses are not compatible with adjoining residential and business land uses. This is adequately set out within the objections raised (and summarised within this document), particularly in respect of light, fume and noise pollution. Policy EM1, which is concerned with employment uses, states that development or change of use will be permitted where the development involves land already in employment use. This land is not already in employment use. Whilst it may now form part of a mixed use development, it only does so because of the previous thin entering wedge permission that was granted for sui generis. That mistake must not be repeated to establish precedents for A1, A3 and D1 classes, which could ultimately lead to an application for a megastore store on the site.
- Policy EM2 seeks to retain land that is currently or was last in use for employment purposes. EM2 is not relevant because the land is in no such use. If it were considered relevant, the tests set out in EM2 are not met.
- The loss of existing floor space would not be offset by a gain in the quality of provision through modernisation of the existing site. The loss of part of the site to other uses will have a very detrimental impact on the range of types and sizes of sites for business use in the local area and would be entirely contrary to the Inspector's award in 2007. Most significantly, the proposed mixed use is entirely inappropriate to the location and will add no value to the local community and area whatsoever.

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- The assessment of the study undertaken for this report, is that would be that the development is not sustainable. The final paragraph on page 5 of the planners' report quotes the JCS Employment Land Review (ELR) 2011 which has identified that the "B" Class employment land deficit had increased since the time of the 2007 appeal. This statement appears entirely contradictory to the recent appeal ruling by the Inspector in 2017 which agreed that there was no demonstrable demand for B1 in this area/Cheltenham at large, in respect of evidence offered on a B1-designated use site less than 0.5km away (adjacent to Asda). Despite the owner and his agents having advertised it continuously since 2013, no interest has been found. The planners offered no evidence to the contrary. The Inspector therefore agreed to remove the B1 designation.
- The conclusion of this study and report is that the applicant's proposal does not offer an opportunity for economic growth, because each of the retail opportunities and childcare offering simply competes with 2 or 4 very similar businesses, all within 0.5km of it. The local community has made it very clear that childcare needs are fully met in the area at present and the introduction of an additional facility will prejudice these businesses. As such, it is averred that the NPPF would recommend against granting permission.
- The planner's report does seem to simply adopt the applicant's submission that the Grovefield site is "*demonstrably the most appropriate location for the proposed development*". This report sets out that the proposal is entirely inappropriate in this location; is entirely contrary to "*low key*" development; is entirely inappropriate for the local area; entirely inappropriate development in the greenbelt (with no special circumstances) and that it is completely out-of-step with the 2007 Inspector's report.
- The business links and shared directorships between the agent developer (Hinton) and Cotswold BMW (the owner of the site) are thought to be much greater influences in the applicant's advocacy of the Grovefield site. The Hinton website also demonstrates that they have a particularly history with Costa and Aldi developments.
- Whilst the proposed development may have an imperceptible impact on the town centre, it will have a very perceptible impact on the local economy. On page 7 of the planners' report, the final paragraph suggests that the proportion of floor space proposed is approximately 12% and that is sufficiently small not to overly affect future prospects for B Class job provision. This does not take account of the B1 land use lost to the BMW development where only 20 new jobs will be created (see page.....), Kevin Davidson, Retail Development Director of BMW UK, confirms that "*the new site will create 20 more jobs with all staff moving to the new site*". The applicant's assessment of new jobs associated with this application is not accepted. Supportable calculations suggest that the total number of jobs on the site would be reduced from 1100 proposed in 2007 (on a smaller site because of the land given over to the Park and Ride), rising to 1200 new jobs with the loss of the Park and Ride extension and a new office block in 2009-2012, to only 800 if this application is permitted. As such, the percentage of B1 employment land lost to retail development will be closer to 35% and over 400 potential full-time jobs associated with the original B1 lost will have been lost if permission is granted.

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*Design Development, proposed drive thru, carpark and Costa*



*Design Development, proposed drive thru, carpark and Costa*



*Design Development, proposed carpark and Aldi*

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*Proposed Elevations, Aldi*



*Proposed Elevations, Happy Days Nursery*

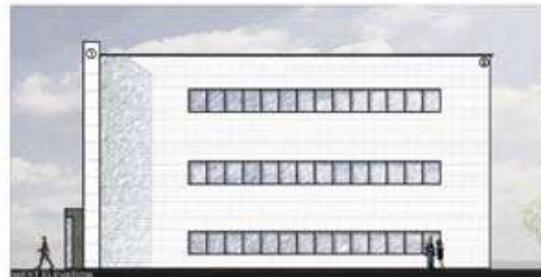


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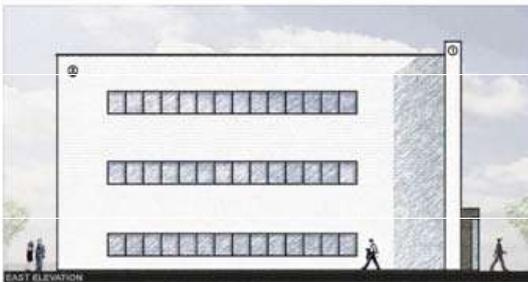
*Design Development, Office 1*



*Proposed Elevations, Office Building 1*

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*Proposed Elevations, Office building 2*



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Grovefield Way Proposed Masterplan  
Aerial View From The East - AUGUST 2013  
LUXTON ARCHITECTS  
01206 850000  
www.luxtonarchitects.co.uk

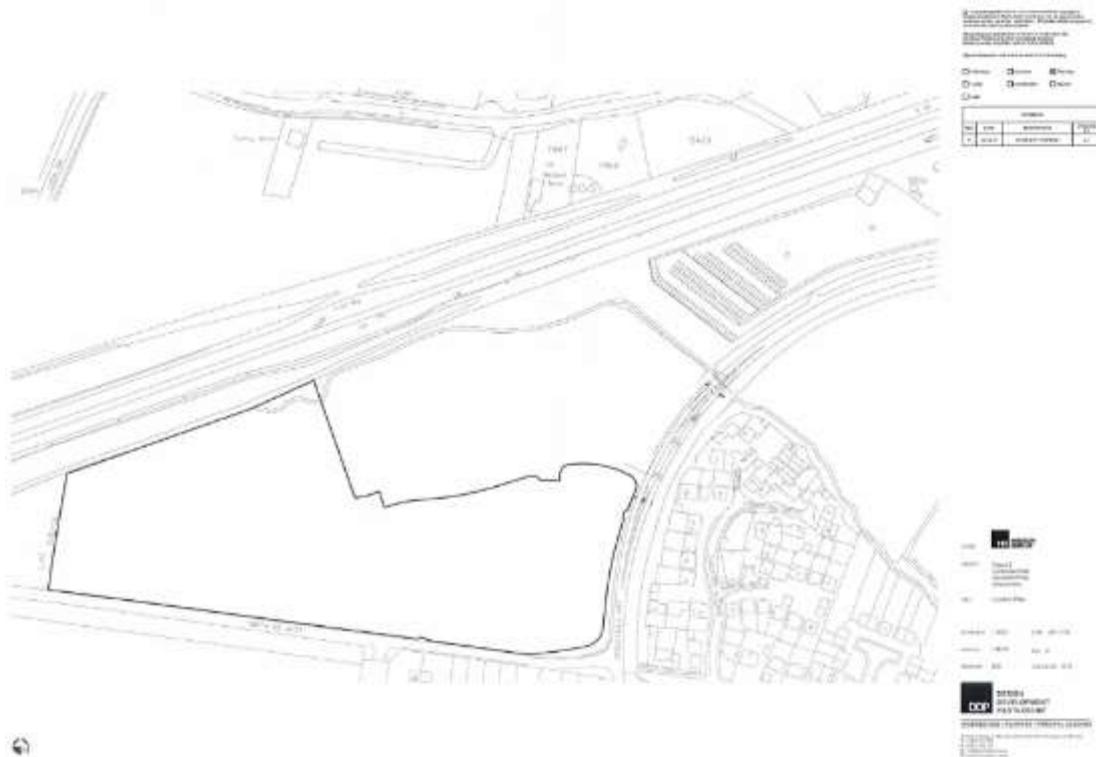
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## Section 8

### Conclusions

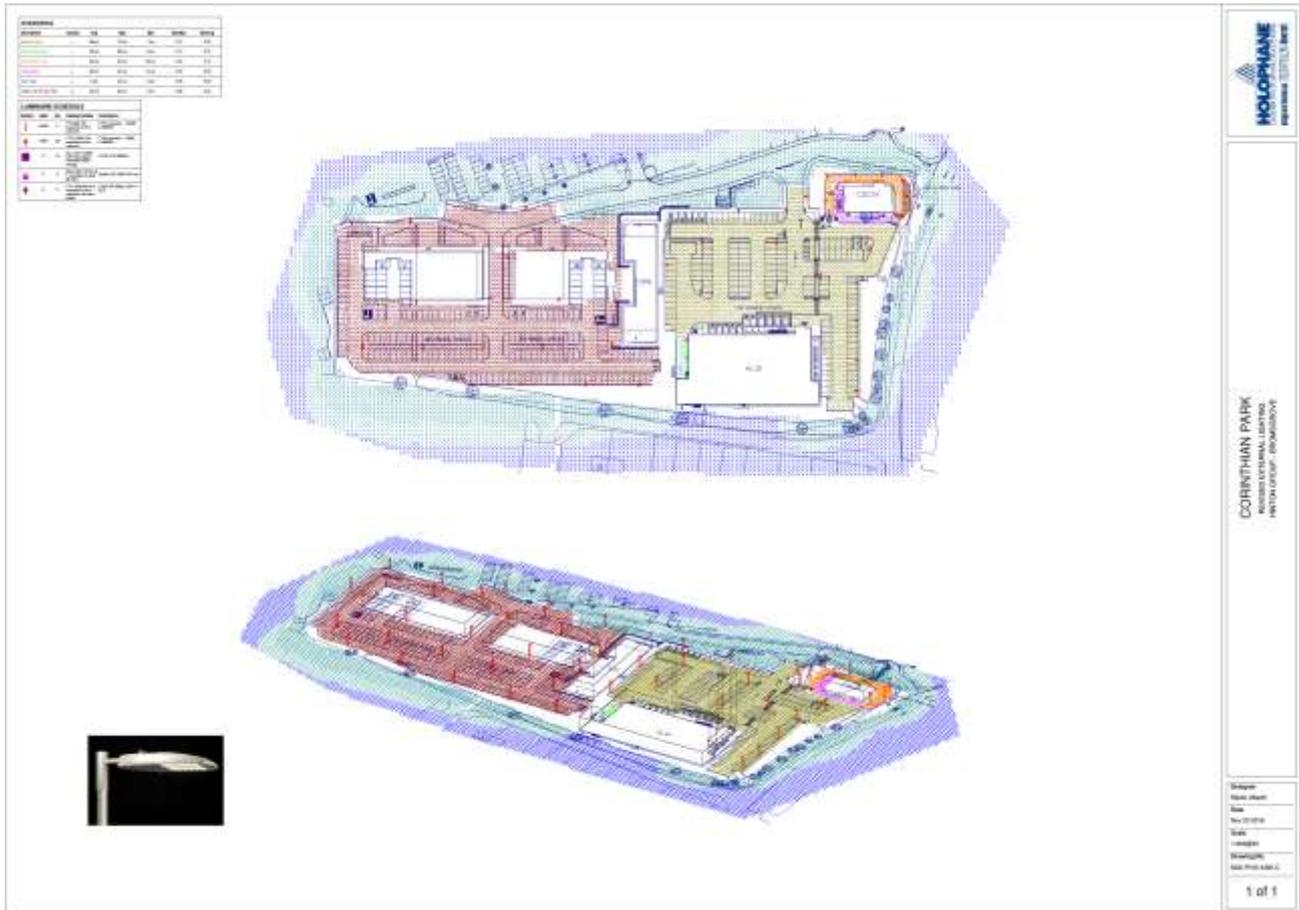
- The appeal decision of 2007 can no longer be relied upon for guidance in relation to this site in view of the copious amendments that have been put forward over the past 10 years.
- The site is still “greenbelt” and it is strongly recommended that it should remain in the greenbelt, despite the inclinations expressed in the JCS and by the Planning Inspectorate. The reason would be to ensure a greater level of control over inappropriate development on this site.
- The urgent demand for employment land in 2007 just does not appear to have been realised, and the Inspector suggested a review after six years. That review should be made now.
- Retail development on the site should not be permitted and this application should be refused, with a clear statement that the land is set aside for B1 and that only B1 usage is appropriate.
- The neighbourhood objections show that considerable distress is already being caused by light pollution from the BMW building and there is a strong preference/urgent requirement for increased screening to reduce the visual impact and light pollution. Soft landscape screening to replace that removed by BMW, would also greatly add to the biodiversity which has been lost to the development, and would be in keeping with the Inspector’s original intentions of “*low key*” development on the site.
- Document 36 below shows the proximity of the dwellings to the site and document 37 (page 87) show the proposed external lighting scheme.



Document 36

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Document 37

- This proposal is clearly incompatible with the Inspector's 2007 deliberations, reasoning and his report. It will generate unacceptable amounts of light pollution for many residential properties 24 hours per day, 7 days per week and 365 days of the year.
- The consultees and neighbours have raised significant concerns with regard to current traffic management, congestion and under-capacity on the road network. Since 1998, Harvester, Travelodge, KFC, B&Q, Pets at Home, Home Bargains, Asda, Pure Offices, housing developments at Wade Court, Grace Gardens, Oakbrook Drive, Redgrove Park, Symphony Road and Chalford Avenue have all been built in The Reddings area. No additional road capacity, traffic management, foul or surface water capacity or, additional infrastructure facilities have been provided.
- Twenty seven new homes have now been approved adjacent to Asda and there is a concurrent application for a large care home to be built in the woods on the nearby Arle Court site.
- The Hayloft development on The Reddings/Badgeworth Road junction has also become significant.

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- Nearby current agricultural fields have been identified as prime housing land behind and around the community centre on North Road West and Flowerdale Farm. The sites are within the greenbelt but have not been incorporated into the JCS. If the greenbelt is rolled back off the Grovefield site a further “thin entering wedge” precedent of applications and appeals citing the permissions granted nearby would seem to be inevitable and uncontrolled urban sprawl will result.
- The foregoing report sets out the extensive development that has been undertaken in The Reddings area and the significant alteration that has resulted to the amenity value of what was once essentially a rural/semi-rural village on the edge of the urban area. Each development is cited as justification for another development and the increasing comments of reduced “worth” as greenbelt amenity. Compare the aerial photographs attached below. They show the extent of development in the Reddings between 1998 and 2013 (The BMW/hybrid is still shown as a green field in both photographs)



Document 38

(dated 1998)



Document 39

(dated 2013)

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- Since 1998, and in particular, over the past 10 years, developers have ruthlessly exploited the absence of planning policy that the JCS and Inspector has identified is urgently required. The substantial number of objections that were raised to this proposal over the course of just 11 days is testimony to the absolute frustration that the beleaguered private neighbours and businesses in The Reddings, Hatherley, Badgeworth and Benhall areas currently feel.
- The Highways Authority will be carrying out further amendment and traffic control works to the Golden Valley roundabout once the similar works on the Elmbridge Court roundabout have been completed. Judging by the significant impact those roadworks are having on traffic flows currently, there are likely to be a long period of traffic issues on the Golden Valley roundabout during the work. Things will get worse, before they get better.
- Further significant development in the area, including this application, should be resisted, at least until the JCS is finalised, planning policy is settled and a cohesive, integrated and holistic traffic management policy for the A40, Golden Valley roundabout and all of its arms, particularly Hatherley Lane, Grovefield Way and the B&Q roundabout can be developed and any spare capacity assessed. This pro-active action for The Reddings and District area is long overdue. It is a requirement of the National Planning Policy Framework (NPPF) planning policy requirements that the developer must integrate his development into the existing area, not rely on others to do the work for him after he has built it, simply by making payment in lieu.
- Once the BMW site is in operation, Highways will have the opportunity of assessing its impact. An overall, informed and holistic approach can then be taken to traffic flows and management in the whole area. Following sensible public consultation, a consensus can be reached on local traffic management. Following that, informed, reasoned and compatible development in the area can be considered on the basis of a “neighbourhood plan”, which must account for the still “semi-rural” postal service, telephone and broadband service that is available to The Reddings area and some parts of Hatherley and Badgeworth. The strain that development has placed on foul and surface water infrastructure and networks must be properly assessed and improved where necessary.
- Reliance on traffic problems being resolved at a later date by the implementation of traffic calming is not appropriate. It has been identified that the area does not easily lend itself to any such measures and a much wider view of traffic flows in and through The Reddings, Hatherley, Benhall and the Golden Valley is long overdue. Further piecemeal approaches to local planning policy must not be permitted.
- This application should certainly not be considered any further until fully developed designs are submitted in respect of infrastructure, drainage, travel, transport plans and pollution control. Any future application must also clearly set out why it will not be a nuisance or burden upon the existing residents and businesses.

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- The application is inappropriate and contrary to NPPF and must be refused.
- The greenbelt status must be maintained.
- No retail can be permitted on the site.
- A neighbourhood plan for future development in The Reddings and District area must be incorporated into the JCS.



BMW from North Road East/West 21-00 - 7 March 2017



BMW from The Reddings roundabout 21-00 - 7 March 2017

Document 40