



## Appeal Decision

The Inquiry opened on 8 January 2019 and sat for 5 days

Site visit made on 15 January 2019

**by Paul Jackson B Arch (Hons) RIBA**

an Inspector appointed by the Secretary of State

**Decision date: 27 February 2019**

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**Appeal A: APP/B1605/W/18/3200395**

**Appeal B: APP/B1605/W/18/3214761**

**Land at Grovefield Way, The Reddings, Cheltenham GL51 6RF**

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full and outline planning permission.
  - The appeals are made by Hinton Properties (Grovefield Way) Ltd against the decision of Cheltenham Borough Council.
  - The application Ref 16/02208/FUL, dated 8 December 2016, was refused by notice dated 14 December 2017 (appeal A).
  - The undated application Ref 18/01004/FUL, was refused by notice dated 18 October 2018 (appeal B).
  - The developments proposed are hybrid applications seeking full and outline planning permission for:
    - (A) 5,034 square metres (sqm) of commercial office space (Use Class B1), 502 sqm day nursery (Use Class D1), 1,742 sqm Aldi food retail unit (Class A1), a 204 sqm Costa Coffee 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 sqm of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access);
    - (B) 5,034 sqm of commercial office space (Use Class B1), 502 sqm day nursery (Use Class D1), 1,742 sqm Aldi food retail unit (Class A1), a 204 sqm Costa Coffee 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 sqm of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).
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### Decisions

1. Appeal A is dismissed.
  2. Appeal B is allowed and planning permission is granted for 5,914 sqm of commercial office space (Use Class B1), 502 sqm day nursery (Use Class D1) and 1,742 sqm Aldi food retail unit (Class A1), with associated parking, landscaping and infrastructure works. Outline planning permission is granted for the erection of 8,034 sqm of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access) on land at Grovefield Way, The Reddings, Cheltenham GL51 6RF in accordance with the terms of the application Ref 18/01004/FUL, and the plans submitted with it (except in
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respect of those matters reserved for later approval), subject to the schedule of conditions at the end of this decision letter.

### **Preliminary matters**

3. The applications were worded as set out above. Subsequent to the application subject of appeal B, the description of development was revised to '5,914 sqm of commercial office space (Use Class B1), 502 sqm day nursery (Use Class D1) and 1,742 sqm Aldi food retail unit (Class A1), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sqm of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access)'. The description omits the Costa (A1 and A3) and substitutes an additional office building. The Council considered it on this basis and I have considered the appeal similarly.
4. Prior to the Inquiry, the Council withdrew reason for refusal No. 2 in appeal A relating to traffic congestion. Representations on this issue were made by others at the Inquiry.
5. Prior to the Inquiry, the appellant confirmed that financial viability formed no part of its case. I have considered the appeals on this basis.
6. The Reddings Residents Association felt that insufficient time had been provided for full consultation with local residents on Appeal B. However, a large number of written representations were received from individuals and the Association took the opportunity to present their case fully to the Council and at the Inquiry. No prejudice to any party has arisen.

### **Application for costs**

7. An application for costs in respect of both appeals was made by Hinton Properties (Grovefield Way) Ltd against Cheltenham Borough Council. This application is the subject of a separate Decision.

### **Main Issues**

8. The main issues are as follows:

*In both appeals:*

Whether the balance between B1 office use and non-B1 uses including retail would be acceptable, having regard to the development plan;

*And additionally, in appeal A:*

The effect on the character and appearance of the area.

### **Reasons**

*The site and its surroundings*

9. The site comprises around 4.15 hectares (ha) of former agricultural land about 4.4 kilometres (km) west of the centre of Cheltenham and on the edge of the built-up area of the town. The A40 dual carriageway lies to the north of the site and is connected to Grovefield Way through nearby roundabouts. A country lane, North Road West lies to the south. Several dwellings lie on the south side of this road facing the site. A dwelling, Elm Farm, borders the

western end of the site. Grovefield Way forms the boundary to the east. Access to the developments would be from Grovefield Way using an existing turnout provided for a recently completed prestige BMW showroom and vehicle maintenance building. On the opposite side of Grovefield Way is The Reddings, a residential area consisting mainly of 2 storey detached houses.

### *Background*

10. Planning permission was granted at appeal in 2007 for 'B1 industrial use' across a wider area which included the (now) BMW site and an extension to the adjacent Arle Court park & ride facility. This permission was extended in 2012. The BMW facility, which replaced 3 separate sites in the centre of Cheltenham, was granted planning permission in 2015. In December 2014, outline planning permission was granted for up to 16800 sqm of B1 Employment Use and this permission is extant until the end of 2019<sup>1</sup>. It is agreed between the parties that the absence of a condition removing permitted development rights means that up to 500 sqm of each B1 unit could be changed to a B8 (storage/distribution) use. No application for approval of any reserved matters has since been made.

### *The proposed developments*

11. A central spine road forms part of both proposals. The Aldi retail outlet with associated parking would occupy the southern part of the site in both. Apart from these common features, there are considerable differences between the schemes subject to appeal (referred to henceforth as A and B). The siting of the nursery and arrangement of parking differs in scheme B, where the building is proposed to be sited more or less parallel to the spine road. In both schemes, outline B1 accommodation is planned for the western area (blocks O3 and O4) near the A40 which in this area is raised on an embankment, but the indicative plans show very different configurations of buildings and parking. Three storey office blocks O1 and O2, the subject of detailed applications, would lie south of the spine road between the Aldi building and blocks O3 and O4, but their siting in scheme B would reflect the curve in the access road. The Costa coffee drive-thru in scheme A would be situated immediately on the corner of the access road where it meets Grovefield Way. In scheme B this building is replaced with a 5<sup>th</sup> 2 storey office block designated O5.

### *Policy*

12. The development plan for the area consists of the overarching Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS) adopted in December 2017 and saved policies of the Cheltenham Borough Local Plan Second Review of 2006 (LP). Following the grants of planning permission in 2007, 2014 and 2015, the site was removed from the Gloucester and Cheltenham Green Belt through the examination of the JCS. It is now recognised as an employment site in the emerging Cheltenham Plan, (eCP) which was submitted for examination to the Secretary of State in October 2018.
13. There remain outstanding objections to the submission version of policy EM3 of the eCP (referred to in the reasons for refusal in both appeals) as the

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<sup>1</sup> Known as Corinthian Way

wording did not change after the pre-submission version was consulted on. At present this policy attracts only moderate weight.

14. The revised National Planning Policy Framework (NPPF) was issued in July 2018 and further revised in February 2019. The parties took this into account in their evidence and the proposals fall to be considered under the revised guidance.

*The balance between B1 office use and non-B1 uses (Appeals A and B)*

15. Much of the existing B1 office floorspace in Cheltenham is in older buildings, often of heritage significance with disadvantages in terms of layout and flexibility. Businesses that wish to expand within the town encounter difficulty finding suitable contemporary open plan accommodation. There is also a persistent shortage of development sites due to the constraints of the surrounding Green Belt and the flood plain, amongst other things. The long-standing need is reflected in development plan policies over the years that seek to encourage B1 office employment. The JCS recognises the need for new peripheral business park development around Cheltenham and the appeal site is allocated as a location for new employment development in draft policy EM3 of the eCP<sup>2</sup>. The Cheltenham Economic Strategy: Developing Cheltenham as a Business Location, prepared by Athey Consulting, notes in Appendix B that the appeal site needs to be maximised as a short term opportunity for a business park environment to meet business needs, but is vulnerable to change of use from retail and sui-generis uses.
16. The rate of job growth has exceeded the national average, and both economic and job growth are forecast to be strong over the next 20 years.<sup>3</sup> The JCS seeks a minimum of 192 hectares of B-class employment land in policies SP1 and SP2, updated in paragraph 3.2.21 to 195 ha. This includes existing capacity of 63 ha, based on the JCS Economic Update Note of February 2016. Now almost 3 years old, the appellant's evidence is that less than a third of that 63 ha is currently available because of alternative schemes coming forward for other purposes including retail and residential. This has not been replaced. The 2006 LP notes at paragraph 9.11 that redevelopment of employment sites for other uses was leading to a reduction in available employment land at that time. The 2007 permission granted on appeal relating to this site and its subsequent removal from the Green Belt, occurred largely because of the scale and urgency of the need for modern business accommodation. There is a critical shortage of B1 space and a pressing need now in Cheltenham.
17. In terms of floorspace, 84% of scheme A would be in B1 office use and in scheme B 86%. Using site area as a measure, scheme A would be 67% B1 and scheme B 74%. The important factor is the number of higher value B1 jobs created, which is the main objective of adopted and emerging policy. Scheme A would offer approximately 1018 FTE<sup>4</sup> jobs of which 71 would be in retail or nursery activity (non-B1). Scheme B would provide about 1040 jobs of which 52 would be in non-B1. I conclude that both schemes A and B could provide a very significant contribution to employment generally and B1 office

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<sup>2</sup> The text requires B1 uses or 'sui generis' uses that exhibit the characteristics of traditional B1 use

<sup>3</sup> Cheltenham Economic Strategy: Developing Cheltenham as a Business Location (January 2015) by Athey Consulting

<sup>4</sup> Full Time Equivalent

employment in particular. In comparison, the permitted all B1 scheme would, in theory, provide 1217 jobs overall. The difference should be seen in the context of strategic development plan policy that expects uses outside the 'B-Classes' to provide over two-thirds of the projected job growth across the area<sup>5</sup>.

18. There is no JCS or LP policy that indicates whether business parks should be solely in office use or what proportion of non-B1 uses might be acceptable. The eCP objective that uses should be B1 or 'exhibiting the characteristics of traditional B1 use' is the subject of objections from the Local Enterprise Partnership for Gloucestershire (LEP)<sup>6</sup> on the basis that this precludes non-B1 uses. Paragraph 118a of the NPPF advises that policies should encourage multiple benefits from both urban and rural land, including through mixed use schemes. The Cheltenham Borough Council Employment Land Review (ELR) of 2011 notes at paragraph 1.7 the shift in regional and national planning policy that has sought to no longer restrict the consideration of employment uses to B use classes only. The appellant provided evidence from developers and agents that business occupiers prefer some non-B1 uses on or near offices for reasons of convenience. This was not seriously questioned by the Council, which acknowledged in the Statement of Common Ground (SOCG) that some ancillary uses on an employment site can be acceptable and desirable in planning terms<sup>7</sup>. The LEP specifically make the point that non-B class uses are required to secure the delivery of B class uses. Moreover, there are examples of non-B1 use on other current developments. The only B1 development without any non-B1 on site, at Hatherley Place, benefits from a neighbouring ASDA and numerous other facilities very close by.
19. In contrast, the appeal site is around 870 metres (m) from ASDA, 782m from the local KFC and 816m from a Harvester restaurant.<sup>8</sup> None of the local facilities are in close proximity. Whilst not great distances, walking there and back in a lunchtime would not be an attractive prospect for many. This lends weight to the argument that a lack of non-B1 ancillary uses on site has made the development less attractive to occupiers.
20. Turning to the detail of the relevant policies, the proposals would meet the relevant criteria listed in JCS policy SD1. The land is not already in employment use: no application has been made for discharge of any pre-commencement conditions. The site should be regarded as being in the 'wider countryside', where criteria (vi) indicates employment related development will be supported adjacent to a settlement. Seen in the context of the existing BMW building, the developments would be of an appropriate scale.
21. With regard to the LP, no change of use from any existing employment use would be taking place. This is resisted by the first limb of LP policy EM 2, the overall aim of which is to safeguard existing employment land. There is no current employment use. To address the Council's point that the B1 allocation and existing permissions must be relevant, the second limb advises that mixed use development will be permitted providing that (g) the loss of part of

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<sup>5</sup> JCS para 4.1.15

<sup>6</sup> Set up by central government in 2011 to create opportunities and led by the business community, in partnership with voluntary, education and public sectors, to help Gloucestershire realise its economic potential

<sup>7</sup> List of non-B1 uses as part of other Business Parks at Doc 8

<sup>8</sup> See Docs 5 and 14. Doc 14 figures measured from centre of site

the site to other uses does not have a detrimental impact on the range of types and sizes of sites for business uses in the area...; and (h) the use is appropriate to the location and adds value to the local community and area. It is retail use that has reduced the amount of B-class use within the scheme, but retail still contributes valuable employment opportunities. The proportion of the floorspace allocated to retail is sufficiently small to not overwhelm the prospects for future B class jobs.

22. The appeal schemes would generate about 200 fewer jobs compared to the permitted scheme (marginally less in scheme B) but the overall benefit of bringing forward a large mixed use scheme where there is currently no employment at all is persuasive. It is understood that local residents may not appreciate the appropriateness or the value of an Aldi supermarket and nursery where the land was previously used for agriculture, but in scheme B, these uses would be noticeably subservient to the predominant office use, which is supported locally. I deal with the issue of character separately.
23. The schemes would meet the requirements of emerging policy EM3 in that they would be predominantly B class employment. The proposed non-B1 uses would not be sui-generis or exhibit the characteristics of traditional B class employment but would facilitate the development of this important gateway site which is sufficiently far away from local facilities as to deter potential occupiers. In considering this matter I have taken account of the existing nursery facilities at the Reddings Community Centre in North Road West and others nearby which already serve the local community. No firm evidence has been provided to suggest that existing facilities would be able to accommodate demand from the new employment site or, conversely, that they would be under threat from new competition. This issue is neutral in the overall balance.
24. It is unclear why no marketing information has been provided to demonstrate any effort put into attracting business occupiers to the 2007 scheme allowed at appeal or the smaller 2014 outline scheme. However, the investment climate was poor in the years after 2008 due to recession and the preferences of business users has since evolved. The appellant has succeeded in attracting firm offers for occupation of two of the B1 office buildings with the proposed mixed use approach. The site lies in a sustainable location adjacent to Gloucestershire's park and ride facility and is extremely well connected to the strategic highway network.
25. I conclude on this issue that both schemes A and B would provide a substantial boost to employment within Cheltenham including a very significant number of potential B1 jobs. Mixed uses are recognised as attractive in business parks and non-B1 jobs are important to overall economic growth. The proposals would not conflict with the overall employment aims of development plan policies set out in JCS policy SD1 or LP policy EM 2. The conflict with eCP policy EM3 attracts only moderate weight whilst specific objections remain on the need for wholly B class employment or uses that demonstrate B class characteristics.

*The effect on character and appearance (Appeal A)*

26. The SOCG says at paragraph 6.11 that the parties agree that the proposals would be of 'appropriate scale and character', an expression derived from paragraph (vi)(a) of JCS policy SD1. I have considered appeal A on the basis

that reason for refusal 3 relates to visual impact and the quality of the business environment under policies JCS SD4 and LP CP 7.

27. Seen from the A40, the character of both schemes would be of a business park, similar to the permitted proposal. The Aldi, Costa and nursery would not be prominent features. It would serve the desired purpose of being a 'gateway' development for motorists entering Cheltenham by this route. The existing 4 storey BMW development is particularly prominent and the intention to carry across some design characteristics and materials into the appeal schemes would give the whole area a consistent appearance.
28. Seen from North Road West, there would be a change of levels across the site which would be ameliorated by landscaping, in time. The Aldi roof would be relatively low and would not be unacceptably out of character with the other buildings, if it also has some common materials and design detailing. The materials and detailed design could be controlled by condition.
29. From Grovefield Way, the BMW building dominates the street scene. In scheme A, this, together with the addition of the drive-thru Costa and the Aldi building would present an overwhelmingly retail character. This would send a confusing message as to the purpose of the development, in other words, the development would lack legibility. Whilst the business park part of the development would be visible, the office buildings would be too far away from the access to define the character of the eastern part of the site or to create a distinctive identity. Moreover, the siting of the Costa building would appear cramped beside the main entrance in comparison to the spacious setting of the BMW building. It would be a poor corner feature at the key 'gateway' entrance to the business park. The fact that it might allow visual permeability across the Aldi car park does not compensate for the disadvantages of the siting on a prominent corner.
30. By contrast, its replacement with an office (O5) in scheme B would be of sufficient bulk and height to define the entrance to the business park, which is the main purpose and function of the development. It would be more appropriate seen on this important corner opposite the BMW building. It would be visually related to the office buildings at O1 and O2 further along the spine access road and linked to them through the siting of the nursery which would also share a common palette of detailing and materials. The layout would be easier to understand and navigate. Additionally, the layout of O1, O2 and the nursery along the spine road would reinforce the identity of the business park and create an attractive vista for pedestrians and people in vehicles.
31. The uncertain nature of the development in scheme A would lead to a poor sense of place. This would not be helped by the moving queue of traffic around the perimeter of the Costa coffee outlet (including a large binstore attached to the building) with little in the way of a landscape buffer along Grovefield Way. Given the drive-thru use and the adjacent footways, planting here is likely to be vulnerable.
32. I have taken account of the suggestion that the drive-thru Costa would be used by business park occupiers for meetings. Whilst this might occur, its convenient location does not outweigh the detrimental consequences of the chosen site in terms of functioning well and adding to the overall quality of the area. I conclude that scheme A would fall short of the design quality aims of JCS policy SD4 and LP policy CP 7.

### **Other matters**

33. I have taken account of the objections made by third parties and the detailed response contained in Technical Note no. 2 by Transport Planning Associates. Whilst I recognise the concerns of local occupiers and there is no doubt that traffic levels would increase, as they would in connection with the existing permission, there is no indication that the effects would be unacceptable. Paragraph 109 of the NPPF indicates that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. That is not the case in respect of the appeal schemes.
34. I have also taken account of local residents' concerns with regard to the internal layout of the car parking relative to the nursery and HGV delivery and reversing areas. However there is no evidence that the proposals would lead to unacceptable or unsafe manoeuvring, providing a delivery and servicing arrangements are subject to a Delivery Management Plan which could be assured by condition.
35. With regard to flooding, it is understood that water flows off the site have changed since regrading took place. Local occupiers and farmers are concerned that the drainage system will not be able to cope with the anticipated flow from new buildings and hardstandings. However, the permanent drainage solution for the developments, which would follow the principle of a sustainable urban drainage system (SUDS) would incorporate storage in the existing balancing pond and cellular storage structures under the car parking areas with controlled release<sup>9</sup>. There is no evidence that this would not be effective in preventing local flooding. I appreciate that there are obstructions further along in the system which have not been cleared, but this is the responsibility of others including Highways England. These difficulties do not constitute a reason to refuse planning permission.
36. A signed and dated Section 106 Unilateral Undertaking (UU) has been submitted which sets out the functional and aesthetic objectives of the landscape scheme and how the landscaping, car parking and planting will be maintained. The UU refers to the Council approving these plans, which a UU is unable to assure. The Street and Car Park Management and Maintenance Plan and the Landscape Management Plan are therefore also made the subject of a condition. With that proviso, the UU is directly related to the proposed development, fairly and reasonably related in scale and kind, and would be necessary to make it acceptable. It meets the tests set out in paragraph 56 of the NPPF and Regulation 122 of the CIL Regulations. As such I give it significant weight.

### **The overall balance**

37. New business park development is a longstanding important objective in Cheltenham. Given the ongoing failure to attract occupiers for the permitted outline scheme and the evidence that an element of non-B1 is attractive to occupiers, I find that the proposed proportion of non-B1 use in either scheme does not conflict with the adopted development plan policy aim to promote employment in general and B1 office jobs in particular. The proposals would

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<sup>9</sup> A new system based on the same principles would be provided for the outline portion (offices O2 and O3)

not conflict with JCS policy SD1 or LP policy EM 2. The conflict with emerging policy EM3 attracts only limited weight at this time.

38. The siting and appearance of the Costa coffee drive-thru in appeal A would define the site as being primarily retail seen from its only access and would seriously diminish the perception of the business park for its prime purpose. It would also appear cramped and would be out of keeping seen in the same context as the existing BMW building. For this reason, scheme A would not meet the design quality aims of JCS policy SD4 and LP policy CP 7. There would also be less B class employment opportunities provided in scheme A, but the disadvantage of the siting of the Costa building is decisive. Appeal B complies with development plan policy.

### **Conditions**

39. A list of conditions was agreed between the parties and was discussed at the Inquiry and adjustments made in the interests of precision and enforceability. The appellants submitted their agreement to the agreed pre-commencement conditions (or conditions which need to be discharged before starting a particular section of work). Pre-commencement conditions are necessary in respect of: a construction management plan in the interests of local amenity; the provision of a pedestrian road crossing; the provision of fire hydrants, details of all fixed plant and equipment for reasons of noise emissions; foul and surface water drainage; external and roofing materials, landscaping and external lighting in the interests of the character of the development; and phasing, in view of the hybrid nature of the scheme. The latter condition includes the requirement that the office buildings designated O1, O2 and O5 should be capable of occupation before the retail element comes into operation. This is to ensure that the prime purpose of the business park is achieved. The measures required in the Construction Method Statement include the need to prevent flooding of Elm Farm and North Road West. As referred to above, the Street and Car Park Management and Maintenance Plan and the Landscape Management Plan are to be approved before any occupation takes place, to ensure that common areas are maintained in the long term.
40. Arrangements need to be made in advance to deal with contamination that may be present. Having regard to policies of the development plan, other conditions are necessary at this stage to control the hours that the retail use is open to customers, ecological enhancement, car parking management, completion of the carriageways; and the provision of a delivery management plan for the A1 store. A Travel Plan is necessary to encourage, incentivise and monitor use of public transport. A BREEAM rating of at least 'very good' is necessary in the interests of sustainable construction and energy conservation. A restriction is placed on the use of the food store as a food supermarket operator because of the highways implications of including other purposes such as a pharmacy or post office. A restriction on permitted development is placed on the office buildings to prevent them becoming for purposes other than for office use (B1a and B1b). This is in recognition of the prime purpose of the development as office employment in accordance with the longstanding aim of the development plan. A design code is to be submitted and agreed with the aim of ensuring a high quality development.

**Conclusions**

41. For all the above reasons, appeal A should be dismissed and appeal B should be allowed.

*Paul Jackson*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Gary Grant	Of Counsel, instructed by the Solicitor to the Council
He called	
Dr Glenn Athey PhD BA (Hons)	Athey Consulting Ltd (trading as My Local Economy)
Wilf Tomaney BA(Hons) DipUD MRTPI	
Philip Staddon BSc DTP MBA MRTPI	PJS Development Solutions Ltd

### FOR THE APPELLANT:

Killian Garvey	Of Counsel, instructed by Ridge and Partners
He called	
Stuart Hardisty BSc(Hons) MIED	Hardisty Jones Associates
Paul Fong BA(Hons) MRTPI	Ridge and Partners
Michael Davies BA(Hons) DipLA CMLI	Davies Landscape Architects
Stephen Tucker BA(Hons)	Barton Willmore
Philip Pratt BSc MRICS	Alder King
James Griffin MA MRTPI	Ridge and Partners

### INTERESTED PERSONS:

Ben Pullen	Local resident
Gary Fulford	The Reddings Residents' Association
Peter Swales	Local resident
Lorraine Fulford	Local resident
Rosemary Bubb	Local resident
Ken Pollock	Local resident

### DOCUMENTS

- 1 Copy of Mr Fulford's submissions
- 2 Copy of Marketing information for Hatherley Place, supplied by the Council
- 3 Drawings 178-25 Revisions D and H, 178-27 Revision B, 178-32 Revision E showing evolution of the design of the Costa unit
- 4 Design and Access Statement Addendum
- 5 Distances and locations of sites pertinent to Corinthian Way development, submitted by Mr Fulford
- 6 2007 outline plan and photographs of site prior to topsoil removal, submitted by Mr Fulford
- 7 Email correspondence regarding Gloucester Business Park, submitted by the appellant
- 8 Table of amenities on other business parks, submitted by the Council
- 9 Delegated Officer Report for development at Jessop Avenue, Cheltenham, submitted by the Council

- 10 Delegated Officer Report for development at Hatherley Lane Cheltenham, submitted by the Council
- 11 Comments on draft schedule of conditions, submitted by Mr Fulford
- 12 Photograph of the BMW building at night, supplied by Mrs Bubb
- 13 Copy of Mr Fulford's final remarks
- 14 Appellant's estimate of distances to local facilities from the centre of the site
- 15 Statement by Mr Pollock

### **Schedule of conditions**

1. Any development comprising the full application (5,914 sqm of B1 office, 502 sqm D1 day nursery, 1,742 sqm A1 food retail unit and associated works) shall commence no later than three years from the date of this decision.
2. Applications for approval of the reserved matters relating to the outline part of the application shall be made to the Local Planning Authority not later than three years from the date of this permission.
3. Prior to the commencement of any development associated with the outline application (8,034 sqm B1 office and associated works) details of appearance, landscaping, layout and scale ('the reserved matters') must be submitted to and approved in writing by the Local Planning Authority. The development associated with the outline application shall be carried out as approved.
4. The non-B1 class uses hereby permitted shall not be open to customers outside the following hours:
  - A1 retail food store Monday to Saturday: 0800 – 2200 hrs.  
For no more than 6 continuous hours between 1000 – 1800 hrs on Sundays and Bank Holidays.
  - D1 nursery Monday to Friday: 0700 – 1900 hrs.
5. The food store hereby permitted shall only be used by a food supermarket operator and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). The following services shall not be open for customers at the food supermarket:
  - Banking facilities (excluding ATM);

- Dispensing Pharmacy;
  - Dry cleaning or Post Office service;
  - Photographic shop or booth;
  - Café / restaurant;
  - Sales of cigarettes or tobacco
6. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details throughout the construction period. The Statement shall contain:
- i. Details of the on-site parking arrangements for contractors, other operatives and visitors;
  - ii. Proposals to minimise harm and disruption to the adjacent local area due to ground works, construction noise and site traffic; and protecting North Road West and Elm Farm from flooding during construction;
  - iii. Details of routes that delivery and muck away vehicles serving the development will take and how they will be loaded and unloaded;
  - iv. Details of measures to avoid dust and discharges into watercourses or ditches;
  - v. Details of the arrangements for the loading and unloading of plant and materials;
  - vi. Details of the storage of plant and material used in constructing the development;
  - vii. Details of the provision for wheel washing facilities to control the emission of dirt or dust; and
  - viii. Complaints and complaints response procedures.
7. Prior to first occupation of any building, a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be managed in accordance with the approved plan.
8. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a foul and surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the NPPF and PPG, and the results of the assessment provided to the local planning authority in writing. The submitted details shall be in accordance with the Flood Risk

Assessment & Surface Water Management Plan issue 5 ref 16-6953 dated September 2018 and shall provide:

- (i) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/ or surface water;
- (ii) Details of a management and maintenance plan for the lifetime of the development;
- (iii) A timetable for the provision of the surface water drainage scheme;
- (iv) The means by which the drainage systems are to be effectively cleaned.

The development shall be carried out in accordance with the approved details.

- 9. If during the course of development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for a remediation strategy detailing how the contamination shall be dealt with including a timetable. The remediation strategy shall be implemented as approved.
- 10. Prior to commencement of the development, a scheme for a pedestrian road crossing of Grovefield Way shall be submitted to and approved by the Local Highway Authority. The development shall be carried out in accordance with the approved scheme before any occupation takes place.
- 11. Prior to first occupation of any building, the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that building shall be fully completed.
- 12. Prior to occupation of the A1 use, a Delivery Management Plan for the A1 food retail use shall be submitted to and approved in writing by the Local Planning Authority. All deliveries pertaining the A1 food retail shall then be managed in accordance with the approved management plan.
- 13. Prior to occupation of any part of the development a scheme for the provision of fire hydrants (served by mains water) shall be submitted to and agreed in writing by the Local Planning Authority. The proposed scheme shall then be implemented in accordance with the approved details before the relevant part of the development is occupied..

14. Prior to commencement of development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, setting out the following:
- i. objectives and targets for promoting sustainable travel;
  - ii. appointment and funding of a travel plan co-ordinator;
  - iii. details of an annual monitoring and review process;
  - iv. means of funding of the travel plan, and;
  - v. an implementation timetable including the responsible body for each action.

The approved Travel Plan and any associated site/use specific Travel Plans shall then be implemented in accordance with the details and timetable therein.

15. The development shall be carried out in strict accordance with the recommendations and requirements of the Ecological Survey Report dated March 2018 (ref: 4087.EcoAss.vf2) submitted with the planning application.
16. Prior to commencement of development, full details of all fixed plant and equipment on site, including details to demonstrate that noise levels will be at least 5 decibels below the existing background noise level when measured from the nearest receptor, shall be submitted to and approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 - methods for rating and assessing industrial and commercial.
17. The office and retail elements of the development hereby permitted shall be constructed to achieve not less than BREEAM 'Very Good' in accordance with the relevant BRE standards (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme). The Developer shall within six months of occupation of the office and retail floorspace submit final certification to the local planning authority demonstrating that not less than 'Very Good' has been achieved.
18. Prior to commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

Hard Landscaping

- Earthwork section, ground, finished and slab levels
- Means of enclosure

- Car parking layouts, surface materials and kerbs
- Finished heights of retaining walls (including gaps or breaks in retaining walls to facilitate pedestrian access)
- Step and ramp details including surface materials
- Other pedestrian access and circulation areas to facilitate safe and direct means of access to each building from within and adjacent to the site
- Hard surfacing materials of footpaths, cycle ways and public realm areas including how inspection covers are to be incorporated
- Refuse or other storage units, signs, lighting.

Soft landscaping:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- Implementation timetables.
- Tree, hedge(s) or hedgerow(s) heights (including any breaks in hedges/hedgerows to facilitate pedestrian accesses)

All hard and soft landscape works shall be carried out in accordance with the approved details.

19. Prior to commencement of the development, details pertaining to the following elements of the scheme shall be submitted to and approved in writing by the Local Planning Authority:
- Windows and external doors (including details of materials, colour, finish, cill, reveal, opening mechanism and glazing)
  - Roof overhang/coping detail
  - Roof plant, lift overrun and other enclosures
  - Roof plant louvres
  - Covered and secure refuse and cycle stores

The development shall then be implemented in accordance with the approved details.

20. Prior to commencement of the development, details of the external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. The details shall include a written specification of the materials.

The development shall then be implemented in accordance with the approved details.

21. Prior to commencement of the development a full external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall then be implemented in accordance with the approved details before occupation and maintained as such thereafter.
22. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification) the five buildings proposed for office use as shown on drawings 178 - 96 B and DLA.1755.L.09 D shall only be used for office use as defined by Use Classes B1a and B1b of the Town and Country Planning (Use Classes) Order 1987 (as amended).
23. As part of the reserved matters submitted pursuant to condition 3, a document setting out the design principles (hereafter referred to as a 'Design Code') for the development hereby approved shall be submitted to the Local Planning Authority for written approval. The Design Code shall set out how the principles and objectives of the Design and Access Statement by Design Development Partnership (including office building O5 in place of the Costa building referred to therein) shall be met by the development hereby approved and shall include the following matters:
  - (i) The design, form and general arrangement of external architectural features of buildings including the walls, roofs and fenestration;
  - (ii) The hierarchy for roads and public spaces;
  - (iii) The colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
  - (iv) The design of the public realm to include the colour, texture and quality of surfacing of footpaths, streets, parking areas and other shared surfaces;
  - (v) The design and layout of street furniture.
  - (vi) Waste and refuse bin storage arrangementsThe development shall be carried out in accordance with the approved Design Code.
24. The A1 food retail unit shall not be occupied until B1 office units labelled 'office 1' and 'office 2' and 'office 5' have been constructed and are capable of occupation.
25. No occupation of the development hereby approved shall take place until a Street and Car Park Management and Maintenance Plan and a Landscape Management Plan have been submitted to and approved in writing by the Local Planning Authority. The approved Street and Car

Park Management and Maintenance Plan and the Landscape Management Plan shall be implemented thereafter.

26. Except where varied by other conditions above, the planning permission hereby granted shall be carried out in accordance with the following approved plans:

178 – 70 Rev A Site Location Plan  
178 – 71 Rev B Existing Site Plan  
178 – 96 Rev B Proposed Block Plan  
DLA.1755.L.09 Rev E Illustrative Masterplan

178 – 86 Rev H Site Section A-A, B-B  
178 – 88 Rev C Site Section C-C  
178 – 89 Rev C Site Section D-D  
178 – 90 Rev C Site Section E-E  
178 – 91 Rev C Site Section F-F  
178 – 97 Rev B Site Section G-G  
178 – 98 Rev B Site Section H-H  
178 – 99 Rev B Site Section J-J

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178 – 34 Rev F Aldi Proposed Elevations  
178 – 33 Rev D Aldi Proposed Floor Plans  
178 – 65 Rev A Aldi Proposed Sections  
178 – 59 Rev D Aldi Proposed HGV Tracking

178 – 27 Rev J Nursery Proposed Elevations  
178 – 26 Rev F Nursery Proposed Floor Plans  
178 – 66 Rev C Nursery Proposed Sections  
178 – 60 Rev E Nursery Proposed Refuse Tracking

178 – 20 Rev F Office 1 Proposed Elevations  
178 – 19 Rev F Office 1 Proposed Floor Plans  
178 – 68 Rev A Office 1 Proposed Sections  
178 – 63 Rev G Office Proposed Refuse Tracking

178 – 42 Rev D Office 2 Proposed Elevations  
178 – 41 Rev D Office 2 Proposed Floor Plans  
178 – 69 Rev A Office 2 Proposed Sections

178 – 95 Rev A Office 3 Indicative Elevations  
178 – 94 Office 3 Indicative Floor Plans

178 – 92 Rev A Office 4 Indicative Elevations  
178 – 93 Office 4 Indicative Floor Plans

178 – 113 Rev C Office 5 Proposed Elevations  
178 – 114 Rev B Office 5 Proposed Floor Plans

178 – 115 Rev A Office 5 Proposed Sections  
178 – 116 Office 5 Proposed Refuse Tracking

DLA-1755-L-03 Rev D Hard Landscaping 1 of 3  
DLA-1755-L-04 Rev D Hard Landscaping 2 of 3  
DLA-1755-L-05 Rev E Hard Landscaping 3 of 3

DLA-1755-L-06 Rev E Soft Landscaping 1 of 3  
DLA-1755-L-07 Rev E Soft Landscaping 2 of 3  
DLA-1755-L-08 Rev D Soft Landscaping 3 of 3

DLA-1755-L-10 Rev B Landscape Sections  
DLA-1755-L-11 Rev B Landscape Sections  
DLA-1755-L-12 Rev B Landscape Sections  
DLA-1755-L-13 Rev B Landscape Sections

DLA-1755-L-14 Tree Pit Detail  
DLA-1755-L-15 Tree Pit Detail  
DLA-1755-L-16 Rev A Tree Pit Detail