

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	17 August 2021
Site Location:	Land At Ashville Business Park Commerce Road Churchdown
Application No:	21/00515/FUL
Ward:	Churchdown St Johns
Parish:	Churchdown
Proposal:	Erection of temporary automobile showroom and wash building with associated access, parking and landscaping for a two year period.
Report by:	Helen Stocks
Appendices:	Site Location Plan (drawing no: PL-000 P01) Existing Block Plan (drawing no: PL-001 P01) Proposed Block Plan (drawing no: PL-50 P01) Proposed Elevations – Smart Space Building (SS33440 Rev A) Proposed Elevations – Wash Building (drawing no: PL-452 P101) Proposed Floor Plans (drawing no: PL-151 P01)
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to approximately 0.45 hectares of land to the east of the Ashville Business Park and on the northern side of Cheltenham Road East (B4063). The site is currently an open field but comprises part of the wider Jaguar Land Rover (JLR) dealership site which benefits from planning permission for the redevelopment of the site and construction of a new showroom and associated facilities (ref: 17/01262/FUL and 18/01082/FUL). The site is accessed off Commerce Road, which serves the existing business park.
- 1.2. To the south of the site is Meteor Business Park with Gloucestershire Airport beyond. To the north of the site is an access road which will serve the recently permitted Spectrum Medical site which is located immediately east of the application site. To the northern side of the new access road is a vehicle compound, which is used by Strathstone Land Rover, and an area of undeveloped field. Beyond this to the north is open countryside.
- 1.3. The existing showroom site is designated as a 'Major Employment Site' in the Tewkesbury Borough Local Plan to 2011 (March 2006) whereas the application site is located within the Green Belt. The application site is not subject to any other statutory or non-statutory landscape or ecological designations and is located in Flood Zone 1.

- 1.4. The current application seeks temporary planning permission for the erection of a temporary automobile showroom and wash building, with associated access, parking and landscaping, for two-year period. This is being sought to allow for the JLR dealership to continue its motor sale operations while the new permanent showroom is under construction. The temporary showroom and wash building would utilise the eastern most part of the approved car park (ref: 18/01082/FUL) with access to be provided onto the newly constructed northern access road extending from Commerce Road.
- 1.5. The proposed layout of the temporary facilities has been restricted by the current site layout and the proposed construction works. The temporary showroom would be positioned along the east site boundary and stepped back from Cheltenham Road East. It would be single storey, with a ridge height of circa. 5.45 metres, and would measure 30 metres by 15 metres giving a total footprint / floorspace of 450 square metres.
- 1.6. The wash building would be located in the north-east corner of the application site, close to the new access road, and would provide three valet bays with a total footprint of 138 square metres.
- 1.7. On-site vehicle display / customer parking provision would total 105 spaces, including 1no. accessible space.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
13/00420/FUL	Construction of temporary vehicle storage compound on land adjacent to Stratstone Land Rover, Staverton.	PER	08.07.2013
13/00957/OUT	Outline application for the extension of Ashville Business Park to include B1, B2 and B8 uses comprising of up to 16,000m ² of additional floorspace (all matters to be reserved for future consideration).	REF	08.01.2014
15/00755/FUL	Extension to Ashville Business Park to provide accommodation for Spectrum Medical and Stratstone Land Rover.	PER	27.01.2016
16/00702/FUL	Variation to condition 2 attached to application 15/00755/FUL to allow for a material minor amendment to the internal road layout.	PER	20.10.2016
17/01262/FUL	Construction of a new Jaguar Land Rover showroom and associated facilities.	PER	14.03.2018
17/01263/FUL	Ancillary preparation building and car compound associated with Jaguar Land Rover.	PER	14.03.2018

18/00485/FUL	Planning Application for alterations to approved Spectrum Medical Building following approved and implemented consent 15/00755/FUL	PER	24.08.2018
18/01082/FUL	Demolition of existing Land Rover car showroom and workshop. Erection of new Jaguar Land Rover car showroom with workshop facilities and parking.	PER	21.06.2019

3.0 RELEVANT POLICY

3.1. The following planning guidance and policies are relevant to the consideration of this application:

National guidance

3.2. National Planning Policy Framework (NPPF)

3.3. National Planning Practice Guidance (NPPG)

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

3.4. Policies: SP1, SD1, SD3, SD4, SD5, SD6, SD9, INF1, INF2

Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

3.5. Policies: EMP1

Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)

3.6. Policies: EMP1, EMP5, GRB1, NAT1, TRAC1, TRAC2, TRAC9

Churchdown and Innsworth Neighbourhood Development Plan 2011-2031

3.7. Policies: CHIN9, CHIN12

3.8. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

3.9. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

4.1. **Churchdown Parish Council** – Objection. This development infringes the Green Belt. It is requested that TBC take immediate action to suspend all works pending approval by the Local Planning Authority. The Parish considered the period of 3 years far too long for a temporary permission.

4.2. **Environmental Health Officer** – No objection in terms of noise nuisance or air quality.

4.3. **Flood Risk & Drainage Officer** – No objection.

4.4. **County Highways Authority** – No response received at time of writing.

- 4.5. Full copies of all the consultation responses are available online at:
<https://publicaccess.tewkesbury.gov.uk/online-applications/>

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of site notices for a period of 21 days. No representations have been received.

6.0 POLICY CONTEXT

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3. The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required.
- 6.4. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.5. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of development (including Green Belt)

- 7.1. The application site relates to a parcel of unallocated land in the Gloucestershire Green Belt which immediately adjoins a Major Employment Allocation as identified in the Tewkesbury Borough Local Plan to 2011 (March 2006). Policies EMP1 and GRB1 of the Tewkesbury Borough Plan Pre-Submission Version (TBPPSV) made provision for the application site to be released from the Green Belt and to form an extension to Ashville Business Park for employment purposes. However, following the Inspector's post-hearing Main Modifications letter, these policies can be afforded very limited weight. Notwithstanding the previous grant of planning permission, the Inspector considered the Green Belt in this location as being vulnerable and "one of the last vestiges of open land separating Gloucester and Cheltenham along this road [which] makes a major contribution towards the purposes of checking unrestricted sprawl of large built-up areas and preventing neighbouring towns merging into one another". The Inspector has therefore advised that it order for the TBP to be found 'sound' this proposed employment allocation (along with others) should be deleted and the Green Belt designation reinstated.

- 7.2. The changing policy context has obvious implications in terms of assessing the current application and establishing the principle of development. However, the earlier planning permissions relating to the application site cannot be disregarded and these are material planning considerations which must be given due weight accordingly.
- 7.3. JCS Policy SD1 offers support for employment related development where it allows for the growth or expansion of existing businesses, subject to all other policies of the development plan. The 2018 planning permission is extant and is the sole reason for the current proposal whereby the proposed temporary facilities would allow for construction works to begin on the new car showroom and still enable the business to operate. As such, the principle of development is deemed to be established by virtue of the site's planning history and the clear functional link between the current proposal and the extant planning permission. That said, the application site remains located in the Green Belt and an assessment must be undertaken as to whether the proposal constitutes 'appropriate development' to comply with Green Belt policy at the national and local level.

Does the proposal constitute appropriate development?

- 7.4. JCS Policy SD5 makes clear that development in the Green Belt will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated. Paragraph 148 of the NPPF makes clear that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 149 states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt subject to a number of exceptions. None of those exceptions are considered to apply in this case and the proposal is therefore inappropriate development in the Green Belt which is harmful, by definition, having regard to the NPPF. It is on this basis that the Parish Council have raised an objection to the proposal.
- 7.5. As well as the harm by reason of inappropriateness, the harm to openness and the purposes of including land as Green Belt must also be considered along with any other harms.

Harm to Openness and Green Belt Purposes

- 7.6. The proposed development would result in a reduction to openness, changing the land from present open grass to a commercial use. The site does, however, already benefit from planning permission for a commercial use and this part of the site would be used as a vehicle display area in connection with the JLR dealership. The proposed buildings would have greater physical and visual presence in comparison to the parking of vehicles but the level of harm to openness would be tempered by their temporary nature which is controllable by way of planning condition.
- 7.7. The loss of open land would inevitably reduce the gap between Ashville Business Park and Barmfurlong Industrial Estate and would contribute to the merging of settlements, albeit to a limited degree. In addition, planning permission has been granted for development (Spectrum Medical) to the east of the application site which will also have had an impact on reducing the gap. This does reduce the overall level of harm upon the Green Belt to some extent but does not remove the full harm from loss of openness.

Other Harms

- 7.8. When considering proposals for development in the Green Belt, consideration must be given to the other harms that may arise from the proposal. Other material planning

considerations, which may give rise to 'other harms', are discussed in the following sections of this report.

Very Special Circumstances

- 7.9. The application site benefits from an extant planning permission which presents a realistic fall-back position. The proposed development is required in connection with this earlier permission and is being sought on a temporary basis to allow the business to continue operating once construction of the new car showroom is underway. As such, there are clear economic benefits arising from the proposal which would support the specific needs of JLR to ensure the continued growth of the business without needing to temporarily re-locate during construction.
- 7.10. The Council has previously accepted through the grant of earlier planning permissions (ref: 15/00755/FUL and 17/01262/FUL) that the retention and expansion of the car dealership in the area and the associated economic benefits amounted to very special circumstances. This assessment would similarly apply to the current application with the added benefit of the proposed buildings being required for a temporary period only thus limiting the identified harms to the Green Belt.

Conclusion on Green Belt Matters

- 7.11. The proposal relates to the erection of new buildings, which do not comply with any of the exceptions listed in paragraphs 149 and 150 of the NPPF and would therefore be considered inappropriate development in the Green Belt which is harmful by definition. There would also be harm to openness and purposes of including land within the Green Belt, albeit limited. Given the specific circumstances of this case, there are matters which weigh in favour of the application and are capable of amounting to very special circumstances to justify inappropriate development in the Green Belt. However, the overall conclusion in respect of Green Belt harm is dependent upon the identification of any other harms arising from the proposal. This requires full analysis of all other material planning considerations which are discussed in turn below.

Design, Layout and Landscape impact

- 7.12. The NPPF sets out that the Government attaches great importance to the design of the built environment. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Planning decisions should ensure developments will, inter alia, function well and add to the overall quality of the area, and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Similarly, JCS Policy SD4 seeks to encourage good design which, respond to the context and character of the area in terms of scale, density and materials. JCS Policy SD6 sets out that landscape character will be protected and that applications will consider the landscape and visual sensitivity of a site.
- 7.13. The design and layout of the proposed buildings has been heavily influenced by their temporary lifespan and the wider redevelopment of the site. In particular, the temporary showroom has been positioned close to the eastern site boundary so as not to interfere with the planned construction works for the new permanent showroom. The building is of simple design and not overly attractive; however, this must be considered in the wider context and the fact that the building is a temporary structure required for a limited two-year period. The building would be most prominent from Cheltenham Road East but would be read in the context of ongoing construction works.
- 7.14. The proposed wash building would be located to the north of temporary showroom which would obscure it from views along Cheltenham Road East. Again, this building is of simple

design with a mono-pitched roof and roller-shutter doors. It is not of high quality design but it would be perverse to seek design revisions when both buildings would be deconstructed once the new JLR showroom has been completed.

- 7.15. For these reasons, it is concluded that the design and layout of the proposed buildings are not strictly policy compliant but it is accepted that the design response is commensurate to their temporary use. There would also be landscape harm, but this would be limited when viewed in context of on-site construction works and tempered by the short lifespan of the buildings which is to be strictly controlled by way of planning condition.

Access and highway safety

- 7.16. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should provide for safe and efficient access to the highway network for all transport modes; encourage maximum potential use of walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. Planning permission will be granted only where the impact of development is not considered to be severe.
- 7.17. Access to the proposed development would be taken from the new access road serving the Spectrum Medical Site. This extends from Commerce Road which is an unclassified internal road serving Ashville Business Park.
- 7.18. The proposed point of access has already been approved through the grant of earlier planning permissions and the current proposal does not seek any alterations to the approved access. The County Highways Authority had previously assessed this new access, raising no objections and commenting that the required visibility splays could be achieved from the site egress onto the new estate road. The County Highways Authority has been consulted on this application but has not provided a response at the time of writing and an update will be provided to Members at Planning Committee.
- 7.19. Given the current application does not propose any changes to the approved access, it is not anticipated that the County Highways Authority will raise any concern and the proposal would likely have an acceptable impact in terms of highway safety in accordance with the requirements of JCS Policy INF1.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. For the aforementioned reasons, the proposed development is deemed acceptable in principle and would provide temporary facilities to allow for construction works to begin on the new car showroom while still enabling the car dealership business to operate. However, the proposal does amount to inappropriate development in the Green Belt which is harmful by definition. This must be afforded substantial weight against the proposal. There would also be limited harm to openness of the Green Belt and the purposes of including land within it. Other harms have been identified in respect of the buildings' design and associated landscape impact. These must also be taken to weigh against the proposal although the level of harm is recognised to be limited given the temporary two-year period for which the buildings would be required.
- 8.2. A case has been made for very special circumstances. This is founded upon the site's planning history, the temporary nature of the proposed development and its clear functional link with the wider redevelopment of the site whereby the temporary buildings would allow construction works to begin on site while still supporting the existing business. This is a clear economic benefit which weighs in favour of the development.

- 8.3. On balance, it is considered that the identified harms arising from the proposal are clearly outweighed by other considerations and the case for very special circumstances is hereby accepted. It is therefore recommended that planning permission is granted subject to conditions.

CONDITIONS:

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:

- Site Location Plan (drawing no: PL-000 P01)
- Proposed Block Plan (drawing no: PL-50 P01)
- Proposed Elevations – Smart Space Building (drawing no: SS33440 Rev A)
- Proposed Elevations – Wash Building (drawing no: PL-452 P101)
- Proposed Floor Plans (drawing no: PL-151 P01)
- Preliminary Drainage and External Works (drawing no: 45653/001 Rev A)

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. The buildings hereby permitted shall be removed from the site no later than two years from the date of this permission.

Reason: To define the terms of the permission as the buildings have been granted on the basis that they are required for a temporary period and would otherwise constitute inappropriate development in the Green Belt.

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.