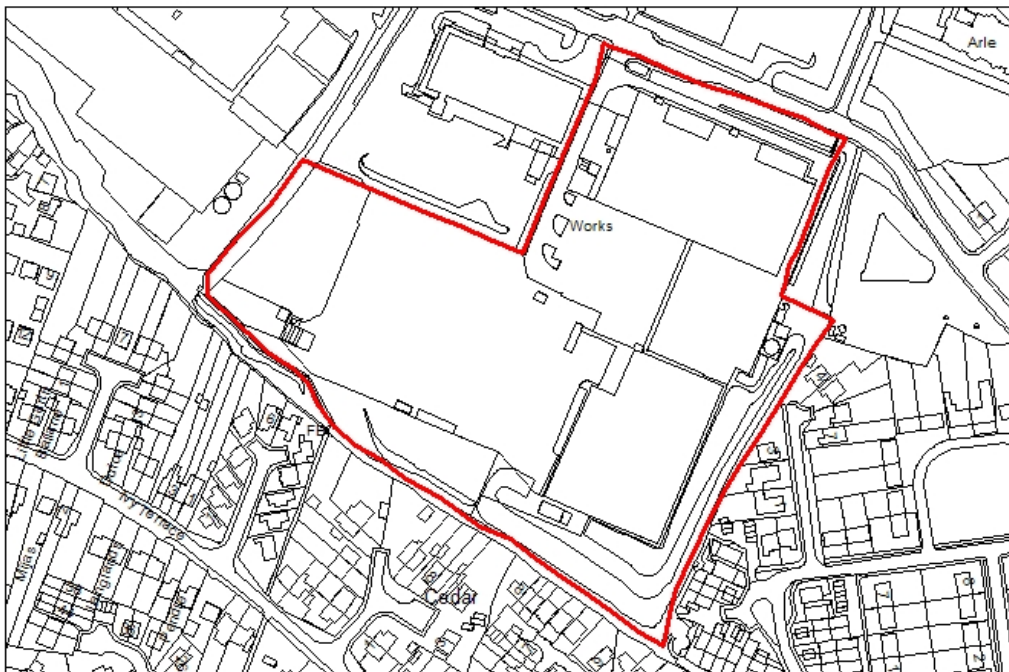


Committee Report for 10/00252/FUL Former Woodward International

APPLICATION NO	10/00252/FUL	DC_MJC
DATE REGISTERED	19th February 2010	
PROPOSAL	Proposed mixed use development comprising 7,608 sq m of class B1 office space and 6,919 sq m of class A1 food store, petrol filling station, ancillary uses and associated works	
LOCATION APPLICANT	Former Woodward International, Hatherley Lane, Cheltenham Cheltenham Office Park Ltd	
AGENT EXPIRY	CgMs Ltd 21st May 2010	
RECOMMENDATION	Recommendation at Committee	

REPRESENTATIONS

No. of Letters Sent Out	351
No. of Letters Received	74



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1. The proposal

- 1.1 This is a full planning application for a mixed use development comprising 7602 sq.m of B1 office space and 6919 sq.m of A1 retail floor space (3876sq.m net sales - Asda) on the former Woodward International site on Hatherley Lane. A petrol filling station also forms part of the proposal.
- 1.2 To accompany the application, a wide ranging suite of documents have been provided to aid the consideration of the proposal. These include;
 - ☐ Design and Access statement
 - ☐ Planning statement
 - ☐ Economic Development Assessment
 - ☐ Landscape statement
 - ☐ Statement of Community Involvement
 - ☐ Arboricultural report
 - ☐ Noise assessment
 - ☐ Outdoor lighting study
 - ☐ Flood Risk Assessment
 - ☐ BREEAM report
 - ☐ Transport Assessment
 - ☐ Travel Plan (one for each aspect of the mixed use scheme)
- 1.3 All of these reports are available to view on-line or are available in the planning reception.
- 1.4 Members will be aware that the site has been empty for over a year now following a comprehensive remediation scheme to decontaminate the site. Outline planning permission was previously granted on the site (ref: 08/1684/OUT) for the erection of a B1 office park comprising a maximum of 24465 sq.m of floorspace but no reserved matters application has followed (this matter will be discussed further into the report).
- 1.5 The site area for this application is 4.95 hectares, half a hectare larger than the previous application. This is because the application site now includes the land locked site to the rear of the Nuffield Hospital. Whilst this land is not within the ownership of the applicant, notice has been served in the correct manner and the site layout shows the spine road abutting the site boundary and a large office building on this parcel of land.
- 1.6 Access to the redeveloped site is proposed from a newly constructed roundabout located on Hatherley Lane. A spine road would then run south from Hatherley Lane and provide vehicular access to the public car park, the service and delivery yard for the food store, and the proposed office space. 371 parking spaces are provided for the retail element of the proposal, and 248 spaces are proposed for the B1 element of the scheme. Both these provisions are within the maximum standards advocated within the Local Plan.
- 1.7 Members may recall that the perimeter of the site, particularly the eastern and southern boundaries benefit from relatively dense, mature landscaping. The bund which wraps around the eastern and southern boundary would be retained and the tree planting reinforced with additional planting, particularly in areas where the landscaping was thinned to aid the remediation.
- 1.8 The architectural treatment of both aspects of the development is contemporary. The proposed food store incorporates a modern palette of materials with large areas of glazing, panels of white composite cladding and areas of timber cladding beneath a large projecting canopy. Beyond the canopy of store is a mono-pitch roof which increases in height moving further into the site. At the front of the store, the building measures 7 metres in height, with the tallest point, at the rear of the building measuring 10 metres.

1.9 The office accommodation continues the contemporary treatment of the buildings, with white render, timber cladding and large areas of glazing at the top floor level. All of the office buildings are proposed to be three storeys in height and are arranged around a central, tree-lined access road, terminated by the largest office building.

1.10 The application has been brought before committee due to its significance not only locally, but borough-wide. Members will visit the site on planning view.

2. History

Reference number	Description	Decision and date
08/01684/OUT	Outline application for the erection of 24465m ² of employment floorspace (Use Class B1) including the provision for small ancillary services including a Creche (Use class D1), Shop (Use class A1), two cafes/restaurants (Use class A3) and gymnasium (Use class D2)	21 July 2010

2.1 This application is an important material consideration in the determination of the current proposal. It will therefore be discussed in greater detail further into the report.

3. Policies and guidance

Adopted Local Plan Policies

CP 1 Sustainable development
 CP 2 Sequential approach to location of development
 CP 3 Sustainable environment
 CP 4 Safe and sustainable living
 CP 5 Sustainable transport
 CP 6 Mixed use development
 CP 7 Design
 CP 8 Provision of necessary infrastructure and facilities
 GE 5 Protection and replacement of trees
 GE 6 Trees and development
 NE 1 Habitats of legally protected species
 NE 4 Contaminated land
 EM 1 Employment uses
 EM 2 Safeguarding of employment land
 RT 1 Location of retail development
 RT 7 Retail development in out of centre locations
 UI 2 Development and flooding
 UI 3 Sustainable Drainage Systems
 TP 1 Development and highway safety
 TP 2 Highway Standards
 TP 3 Servicing of shopping facilities
 TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Flooding and sustainable drainage systems (2003)
 Security and Crime prevention (2003)
 Travel Plans (2003)
 Planning obligations (2003)
 Planning obligations: transport (2004)
 Submission of planning applications (2004)
 Landscaping in new developments (2004)
 Public art (2004)

Planning Policy Guidance/Statements

PPS 1: Delivering Sustainable Development
PPS 4: Planning for sustainable economic growth
PPG 13: Transport
PPG 24: Planning and noise
PPS 25: Development and Flood Risk

4. Consultation responses

4.1 Members will appreciate that, for an application of this nature, consultee comments can be numerous and often lengthy. It is hoped that this section of the report is set out as clearly as possible and in a logical order, but should members have concerns, please contact the case officer directly.

4.2 Retail considerations

To provide summary

4.3 Strategic Land Use Team – Initial response (received 6/4/10)

This response focuses on the above application in relation to National, Regional and Local planning policy and guidance. In particular it focuses on the relationship between the proposed development and Planning Policy Statement 4 – Planning for Sustainable Economic Growth and specific Local Plan policies on the location of development, employment and retail. The response is split into 3 main sections:

- 1. The principle of mixed-use*
- 2. Loss of employment land*
- 3. The impact of retail development on the site*

SUMMARY

The proposal is broadly supported by Strategic Land Use subject to overcoming a number of specific concerns detailed below.

THE PRINCIPLE OF MIXED-USE

This section examines the principle of a mixed-use development on the site in the context of Local Plan Policy EM2 - Safeguarding of Employment Land (Policy EM2) and Planning Policy Statement 4 Planning for Sustainable Economic Growth (PPS4). It focuses on the Planning Statement that the applicant has submitted in support of the proposal.

The proposal is for a mixed-use scheme comprising 7,608 sq. m. of B1 office floorspace, a 6,919 sq. m. foodstore, a petrol filling station and ancillary uses. The site is currently vacant and has been comprehensively decontaminated and remediated since it was last in use as a 14,000 sq.m. diesel engine testing facility – classified as a B2 (general industrial) use and a vacant car park. However, the proposal site currently benefits from an extant permission for 24,465 sq. m. of B1 office floorspace and ancillary uses, which has not been implemented.

Both the previous use of the site and the use for which permission has been granted, were predominantly employment (B-class) uses and therefore protected by Policy EM2. The purpose of Policy EM2 is to retain land in employment use to mitigate against a historically limited supply of employment land across the Borough. Loss of employment land is strictly controlled and normally only acceptable if buildings on the site were originally residential, if employment has been shown not to be viable, if the use is sui generis but ostensibly an employment use, if development for an alternative use will facilitate relocation of an existing business to a more appropriate location in the town and ensures the retention of jobs or if the existing use presents insurmountable environmental or traffic problems. However, for mixed-use development proposals, Policy EM2 is less restrictive and allows development subject to the following criteria:

- (f) Any loss of floorspace is offset by a gain in quality of provision; and
- (g) The loss of part of the site does not have a detrimental impact on the range of sites in the area or any existing business sites; and
- (h) The use is appropriate and adds value to the local area.

The Planning Statement submitted by the applicant considers the appropriateness of the mixed-use proposal against Policy EM2 within the context of the site's previous B2 use. It begins by stating that, if the proposed A1 element of the mixed-use scheme is considered as an employment use, the proposal represents an increase in employment floorspace. However, it – rightly - acknowledges that the A1 use is not a traditional employment use in the context of Policy EM2 and, therefore, relies instead on meeting 3 criteria set out above for mixed-use schemes on existing employment sites.

Criterion (f)

The Planning Statement seeks to demonstrate that the proposal represents an improvement in the quality of employment floorspace on the site, which offsets the overall loss of floorspace. In demonstrating this improvement, the Planning Statement relies on 2 distinct arguments. Firstly, that the built infrastructure on the site represents a significant improvement and, secondly, that the number of jobs to be provided represents a significant increase.

In both cases the Planning Statement considers both the provision of B1 floorspace and jobs and the provision of A1 floorspace against the previous B2 use. This approach is not consistent with the requirements of Policy EM2 as the A1 use is not a traditional employment use. This response therefore only considers the B1 floorspace and jobs in relation to Criterion (f), although it is accepted that the provision of a large modern foodstore is likely to improve the amenity value of the wider site.

It is considered that the provision of modern office accommodation represents a significant improvement in the quality of employment floorspace on the site in comparison with its previous B2 use. However, the loss of employment floorspace that the proposal will produce cannot be justified by this improvement alone. To fully satisfy the requirements of Criterion (f) the applicant also needs to demonstrate that the proposal will create or secure employment opportunities.

The Planning Statement states that a B2 use on 14,000 sq. m. of the site would be likely to generate 412 jobs at a notional density of 34 sq. m. per job. It also calculates that at a notional density of between 19 jobs per sq. m. and 12.8 jobs per sq. m. the 7,608 B1 office use proposed on the site will generate between 401 and 594 jobs, representing at worst a deficit of 11 jobs and at best an increase of 182 jobs. No information is provided as to the nature of the B1 office jobs created by proposal and, therefore, no conclusions can be drawn as to their relative security, permanence or desirability. The proposal, therefore, is likely to improve the quality of the employment floorspace provided on the site without resulting in a significant loss of jobs in employment uses in comparison with the last use of the site.

Notwithstanding the above, when considering the proposal in relation to Policy EM2, the Planning Statement makes no mention of the extant permission for 24,465 sq. m. of B1 office floorspace and ancillary uses, which has already been granted and could be implemented.

In relation to the extant permission, it is considered impossible to justify that the current proposal represents either an improvement in the quality of employment floorspace or an increase in the number of jobs that the site could provide. The extant permission is for a modern B1 office park offering – at the same notional density ratios used in the Planning Statement – in the region of 1300 – 1900 jobs. In terms of Policy EM2 – discounting the A1 jobs created – the proposal therefore represents a potential loss of some 900 – 1300 jobs on the site with no improvement to the quality of employment floorspace provided. In relation to

the extant permission on the site, it is therefore considered that the proposal does not and cannot meet the requirements of Policy EM2 Criterion (f).

In summary, the Planning Statement has successfully demonstrated that the proposal meets the requirements of Policy EM2 Criterion (f) when considered against the last use of the site. However, it has not addressed the proposal against the extant permission or provided any justification for the decision not to do so. In the absence of any evidence, it is therefore considered that the proposal cannot be justified under Policy EM2 Criterion (f) against the extant permission.

It is accepted that there may be valid reasons as to why the extant permission has not proved to be a viable proposition for the applicant and that, as such, the proposal should be considered against the last use of the site. However, in the absence of any explanation of this reasoning, it is impossible justify this decision or to conclude that the proposal is in accordance with Policy EM2 Criterion (f).

Criterion (g)

Notwithstanding the concerns expressed above, it is considered that the Planning Statement has demonstrated accordance with Criterion (g). The applicant's willingness to consider providing incubation units at para. 7.6 is particularly welcomed in this context.

Criterion (h)

Again, notwithstanding the concerns expressed previously, it is considered that the Planning Statement has demonstrated accordance with Criterion (h).

LOSS OF EMPLOYMENT LAND

This section deals primarily with the principle of retention of employment land within the context of local and new national planning policy. It deals with the principles of Local Plan Policy EM2 and the Employment Land target set out in the Gloucestershire Structure Plan before considering how this situation might be altered by the adoption of new Planning Policy Statement 4 – Planning for Sustainable Development (PPS4).

Local Policy

As stated in the previous section of this response, the purpose of Local Plan Policy EM2 is to protect land in existing employment use. This reflects a historical deficiency of employment land – in B uses – across the Borough and, due to constraints on expansion, the difficulty of allocating new employment land. This deficiency is summarised by the 2009 Employment Land Availability Report (ELA), which measures the provision of, loss of and requirement for employment land against the Gloucestershire Structure Plan (see table overleaf).

It is clear from the 2009 ELA that the Borough has consistently suffered from a net loss of employment land and is unlikely to meet its Structure Plan target of 12 additional hectares of employment land by mid 2011. In the context of this perceived shortfall in employment land provision, the Council has sought to protect land in existing employment use and prevent its loss to other uses. Adherence to Policy EM2 has been one of the key elements of this protection. However, as discussed above, Policy EM2 does allow for the loss of employment land to mixed-use schemes – subject to a strict set of criteria that seek to prevent any harm to the wider economy, retain jobs and improve the quality of employment land. This flexibility reflects a long-standing Council view that the quality of employment land and provision is as important a consideration as its quantity.

Table 1 – Extract from the 2009 Employment Land Availability Report

	Area (ha)	
Land developed since mid-1991	12.491	(11.209 + 1.282)
Land Not Started at 01/04/2009	9.185	
Land Under Construction at 01/04/2009	3.53	
Local Plan Allocations to 2011	1.10	
Gross Land Supply	26.306	
	Area (ha)	
Losses since mid-1991	26.038	(24.464 + 1.574)
Expected losses at 01/04/2008	2.669	
Total Losses	28.707	
Net Land Supply	-2.401	(26.306 – 28.707)
Gloucestershire Structure Plan Requirement	12.00	
Residual to mid-2011	14.401	(-2.401 – 12.00)

The proposal comprises a mixed-use development on a former diesel testing facility, falling within the use class B2 General Industrial classification. The entire site also benefits from an extant permission for an office park – a B1 use – and ancillary development. In view of the site’s history, it is impossible to argue that the proposal does not constitute a loss of employment land. However, as detailed in the previous section, the applicant has made the case that such a loss is acceptable under the provisions of Policy EM2 for dealing with mixed-use applications.

Notwithstanding any decision made as to the conformity of the proposal with Policy EM2, the issue of the level of weight given to a loss of employment land should still be addressed.

Planning Policy Statement 4

The publication of the new Planning Policy Statement 4 – Planning for Sustainable Economic Growth (PPS4) has changed the way that economic development is dealt with by national planning policy. The new PPS creates a new definition for economic development:

All B-uses, public and community uses, and main town centre uses as well as any use that either: provides employment, generates wealth or produces a gain in economic output.

This definition is significantly wider than the B use class definition and represents a shift in emphasis away from traditional employment uses and towards a whole economy approach that recognises the importance of non-B uses to the economy. This shift in emphasis also recognises the changing make-up of the UK labour market and the gradual shift towards a service-driven economy.

In terms of this proposal, the change in emphasis in PPS4 requires that the proposal be considered as economic development and has the potential to balance concern about loss of traditional employment land.

In addition to this change of emphasis, PPS4 also encourages local authorities to take a proactive and constructive approach to proposals that will deliver economic development. The PPS states that local authorities should be mindful of a number of considerations in determining proposals for economic development. These criteria can be summarised as follows:

1. Will the development be low carbon throughout its lifetime?
2. Is the development accessible via sustainable modes of transport?

3. *Is the development a quality design*
4. *Does the development have an effect on regeneration aims? and*
5. *What will the impact be on local employment?*

In addition, when the proposed development is not in accordance with an allocation in an up-to-date development plan, LPA should:

- ☐ *Consider the economic, social and environmental impact of the development;*
- ☐ *Take account of longer-term benefits – such as job creation; and*
- ☐ *Consider whether the proposal is in accordance with the wider objectives of the development plan.*

In terms of the proposal's performance against the criteria set out above, consideration of the proposal in terms of its carbon efficiency, transport implications and overall design will be undertaken elsewhere.

Impact on Regeneration Aims

In relation to existing regeneration aims, it should be noted that the proposal brings back into use a currently vacant site and that the applicant has already undertaken significant remediation on site. It is therefore considered that the applicant has demonstrated accordance with regeneration aims at the proposal site. However, the relationship between the proposal and the regeneration aims of other sites within the Borough need to be considered.

The principle regeneration strategy within Cheltenham Borough is Cheltenham Civic Pride. This initiative, which is outlined in policy terms within a Supplementary Planning Document (SPD), deals in the main with the regeneration of underused sites within Cheltenham Town Centre and at its immediate edge. It is unlikely that any of these sites will be adversely affected by the proposal. However, an additional regeneration site – not included within the SPD but considered part of the wider Civic Pride initiative – at Coronation Square could be affected.

Coronation Square is a District Centre approximately 2.5 km from the proposal site. The district centre has been in decline for some time and the Borough Council has been working with partners to develop a regeneration scheme for the area. As part of this scheme, the current leaseholders of the site are proposing the expansion of the retail offer of the centre and are considering submitting a planning application in the near future. Given the proximity of this site to the proposal site, the Council will need to be assured that the proposal is unlikely to hinder its regeneration aims at Coronation Square. The potential retail impact of the proposal on Coronation Square is dealt with elsewhere.

Impact on Local Employment

Taking a positive approach to this proposal, the change in emphasis brought about by PPS4 indicates that the non-B class element of the mixed-use scheme should be considered as economic development as it creates jobs and could create wealth. The A1 element of the proposal is likely to create up to 400 full and part time positions in a range of retail and management roles, complemented by up to 600 jobs within the B1 office element of the scheme. If these employment figures are achieved, the scheme is likely to provide 1,000 jobs. This contrasts favourably with the 412 jobs that could have been supplied on the site by its existing B2 use. However, it should be noted that this figure remains significantly lower than the 1,300 – 1,900 jobs that could have been provided by the extant planning permission for a B1 office park.

Additional Considerations

PPS4 places significant emphasis on the presence of an up-to-date development plan. The Cheltenham Borough Local Plan was adopted in July 2006 and its policies have been “saved” as part of the Local Development Framework. However, the Local Plan predates the new

PPS4 and, therefore, does not reflect its definition of economic development. Instead it relies on the B class definitions of employment uses. In terms of economic development policy, therefore, it could be considered that Local Plan policies are not up-to-date. In that case, the additional considerations set out in PPS4 should apply when dealing with proposals for economic development.

The Council will therefore need to weigh up the effect of the proposal in terms of its economic, social and environmental impact and consider any longer-term benefits that may result from the proposal. The Council will also need to consider the proposal against the objectives of the development plan.

Local Plan Objectives

The proposal is considered to be in accordance with the following Local Plan objectives:

O6 – To create more sustainable patterns of development, with priority use of previously developed land

O16 – To protect and improve the quality of land, air and water

O19 – To maintain and enhance the economic vitality of the borough

O34 – To ensure infrastructure in development is provided to a satisfactory standard.

The proposal is considered to have the potential to be in contradiction to the following objectives:

O21 – To safeguard land and Buildings in existing employment uses, or if unoccupied, last in employment use

O25 – To maintain a diversity of shopping facilities

The proposal is considered to be neutral or to have a minimal effect on remaining Local Plan objectives.

Emerging Planning Policy

Although the policies of the Cheltenham Local Plan are “saved” as part of the LDF, work has commenced on a Joint Core Strategy (JCS) for Gloucester, Cheltenham and Tewkesbury Borough. An Issues and Key Questions JCS was released for public consultation in November 2009. However, although this included a section on the economy of the JCS area, it did not go into significant detail.

The JCS is backed up by a significant evidence base of information and technical studies, including a soon to be published Joint Employment Land Review (ELR). The purpose of the ELR is to determine the extent of employment land that needs to be developed across the JCS area. The draft ELR expresses this need in terms of land (hectares), floorspace (sq.m.) and number of jobs. It also recognises the importance on non-B jobs and a whole economy approach. In the absence of an up-to-date development plan, the ELR should be given weight in the determination of any proposal for economic development.

Findings of the Joint Core Strategy Employment Land Review

The ELR is primarily concerned with the allocation of employment land within the traditional B-use classes. However, it states the following about the importance on non-B jobs:

It is clear that the provision of the appropriate quantum and type of B Class employment land in suitable locations forms only one part of assisting economic growth. A full range of other issues needs to be considered to ensure that both B and non-B jobs are promoted and that the vision for the study area can thereby be met.

Furthermore, the findings of the ELR demonstrate a number of specific trends that are relevant to the proposal. The following table, taken from the draft ELR,

Table 2 – Employment change in Cheltenham 2006 – 2026 – Cambridge Econometrics 2009

Cheltenham Borough	Employment		Change	
	2006	2026	Actual	%
B1	15,570	17,810	2,240	14.40%
B2/B1(c)	8,210	5,970	-2,240	-27.30%
B8	2,180	2,350	170	7.90%
Total B Jobs	25,950	26,130	170	0.70%
Non-B Jobs	37,040	41,570	4,540	12.30%
Total	62,990	67,700	4,710	7.50%

shows Cheltenham Borough is projected to gain 2,240 B1 jobs and 4,540 Non-B jobs over the period 2006 – 2026, meanwhile it is projected to lose 2,240 B2/B1(c) jobs over the same period. The proposal, which entails the replacement of a B2 use with B1 and A1 uses, is therefore entirely in keeping with the trends identified for employment in Cheltenham Borough within the ELR.

The ELR continues to use the above employment trends to identify an employment land requirement for the Borough, expressed in terms of both employment land and floorspace. In doing so, the ELR takes into account 3 economic scenarios: a baseline scenario, a “no recession” scenario and a “policy on” scenario. This last scenario identifies the likely employment land requirements of following the approach set out in the Gloucestershire Integrated Economic Strategy (GIES) within the context of employment data above.

The table below shows how the employment data translates to an employment land requirement for Cheltenham if the policy approach outlined in the GIES is adopted.

Table 3 – Cheltenham Borough Employment Land Requirement – “Policy On” Approach

Use Class	Job change	Less spaceless growth	Floorspace density –sq. m./job	Floorspace required – sq.m.
B1	4,770	4,290	20	85,770
B2/B1(c)	-970	-720	31	-22,430
B8	170	160	50	7,730

1. Allowance of 10% for B1 and B8 and 25% for B2/B1(c).

Using the “policy on” scenario, Cheltenham Borough will need to provide 85,770 sq.m. of B1 floorspace by 2026 but should expect to lose 22,430 sq.m. of B2/B1(c) floorspace over the same period. The ELR continues to show how these floorspace requirements translate into a requirement for employment land. It calculates that the Borough requires an additional 22.7 hectares of employment land to satisfy growth between 2006 and 2026, the vast majority of this land is required for B1 uses. It does not provide a figure for the amount of B2/B1(c) that can be lost as this loss should not be dealt with through allocation. Although the ELR recognises the importance of Non-B jobs, it does not provide floorspace requirements for these jobs. The floorspace requirements of non-b growth will need to be dealt with by the Joint Core Strategy.

The proposal represents a loss of B2 floorspace and a gain in B1 floorspace and is therefore consistent with the findings of the ELR. However, the proposal site also benefits from an extant permission for 24,465 sq. m. of B1 office floorspace and the proposal could, therefore, be viewed as a loss of B1 floorspace. As previously discussed, there may be reasonable and valid reasons as to why the extant permission is no longer appropriate for the site – these will need to be addressed by the applicant.

Summary – Loss of Employment Land

It is clear that the proposal represents a loss of land in traditional employment – B class – use and is therefore contrary to the intention of Local Plan Policy EM2 and will be detrimental to the achievement of the employment land target set for the Borough in the Gloucestershire Structure Plan. However, new national planning policy – reflected in national and regional guidance – and local evidence, shows a shift in emphasis away from traditional employment uses and towards a “whole economy” approach. PPS4 requires local authorities to consider applications for economic development and does not restrict this to traditional employment uses. It requires that proposals for economic development be considered constructively and proactively in light of the jobs that they are likely to create and the wealth that they will generate.

Evidence gathered in the preparation of the Joint Core Strategy shows that – if the policy approach set out in the GIES is to be followed - there is likely to be a decline in the need for B2 floorspace within Cheltenham Borough and an increase in demand for B1 floorspace to 2026. In addition it recognises the increasing importance of non-B uses to the local economy and that a significant increase in non-B jobs is likely over this period.

The proposal will result in a loss of B2 floorspace and a replacement with B1 and A1 floorspace – and ancillary uses. The applicant has demonstrated that this will result in an increase in the number of jobs created by the site. It is considered that this increase in total employment on the site could outweigh the loss of B2 floorspace, which evidence shows is no longer required in the Borough. However, as previously outlined, the applicant has not demonstrated why the extant permission on the site – for 24,465 sq. m. of B1 office floorspace – is no longer viable and this will need to be addressed.

IMPACT OF RETAIL DEVELOPMENT ON THE SITE

Planning Policy Statement 4 – Planning for Economic Growth has replaced previous national planning policy on retail development. It removes the “needs” test for new retail development and replaces it with a series of “impact” tests that need to be met. The “sequential test” – originally included in Planning Policy Statement 6 – Planning for Town Centres and included in Local Plan Policy RT1 – is retained.

The Council has engaged DPDS Consulting Group to consider the proposal from a retail perspective. Their report considers the proposal against the retail policies in PPS4 and against Local Plan Policy RT1 and Policy RT7. In particular, it deals with the likely impact of the proposal on other district centres such as Caernarvon Road and Coronation Square.

The conclusions of this report will need to be considered in the wider context of the application as advocated by PPS4.

4.4 County Council – Strategic Planning response

Thank you for consulting Gloucestershire County Council (GCC) on the above application. I have the following comments to make.

Town Centres

Whilst the application site is within the Cheltenham urban area, it is not in a central location. The application is for the development of a previously developed site. The publication of

PPS4: Planning for Sustainable Economic Growth advises that main town centre uses are included within the definition of economic development.

According to PPS4, planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan should be assessed against a number of impacts upon centres, one of which is the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. It is considered that the proposal will have an impact on the planned redevelopment scheme at Coronation Square, which will need to be assessed with care.

The proposed development of 6,919 m2 for class A1 food store conflicts with Policy TC.2 of the adopted Gloucestershire Structure Plan (Second Review) insofar as it potentially affects the vitality and viability of a district centre within the catchment area.

Sustainability of Location

The site poses some concerns relating to the sustainability of its location. The applicant acknowledges that the distances of the site from the nearest stops for traditional bus services are greater than those advocated by RPG10. The only bus service which is within the walking distance guidelines is the park and ride service at Arle Court providing a service to and from Cheltenham town centre.

PPG13 refers to the potential for walking to replace short car trips of less than 2 km and when this more relaxed standard is applied to the application site, the site fares better in terms of its sustainability.

Ecology

The large majority of the site was previously car park and buildings. The site has already been cleared and there is a planning history associated with the site. No information is submitted which describes the original site or ecological surveys or mitigation which may have been required. I can only assume that possible protected species issues were appropriately dealt with (the ecologist letter refers to several visits).

It is stated, in the planning statement, that the consultant ecologists see no benefit in undertaking an ecological survey to support this application. Although I would agree it appears that general surveys may not be required (notwithstanding the bats comments below), a brief survey to confirm no material change is recommended (particularly with mobile species such as badgers).

An ecological report should be included which draws together the issues raised in the ecology section of the planning statement: as well as ensuring issues raised elsewhere (in the arboricultural report regarding bats) are properly dealt with. Such a report should also include mitigation and enhancement measures, currently not covered in this application.

Bats

The planning statement, paragraph 6.69, states that the remaining trees on site have a low potential for bats. However the arboriculture report refers to a block of poplar trees (T98) which may have bat activity. In addition, in the papers (May 2009 committee report) relating to the previous application 08/01684/OUT, the tree officer states that there appears to be a bat roost within the trees. However, no information is submitted which details any site visit by an ecologist since 2008 in order to assess the trees. It is possible that the situation has changed since the 2008 visits.

Bats are a European Protected Species under the Habitats Regulations. I recommend that this apparently conflicting assessment of the trees is resolved. A suitably qualified bat ecologist should produce a written report to clarify if a roost is present or if mitigation is required. If these trees are suitable for bats and contain a roost then any trees works may impact the bats. In addition construction activity may cause disturbance and the lighting scheme would need to be bat friendly. If bats are present then a mitigation strategy would be required.

To be able to consent this application Cheltenham Borough Council must ensure it has engaged with the provisions of the Habitats Directive: to have due regard to the Habitats Regulations duty under Reg 3(4) of the 1994 Regulations by giving consideration to the three derogation tests contained in the species protection provisions of the 1994 Regulations.

Badgers

From the submitted information no site visits relating to badgers has been made since 2008. The letter from Natural England is dated December 2007. I would recommend that the area is re-visited to ensure the situation has not changed. In addition as a badger sett is located on site I would expect to see information relating to where the animals are foraging to ensure the development does not isolated the sett. I recommend a statement be required detailing the current situation regarding badgers so that an appropriate condition (including mitigation and enhancement) could be attached to any planning permission given.

Biodiversity Mitigation and Enhancement

If there is bat activity in the general area a biodiversity enhancement scheme aimed at strengthening the existing linking habitat is recommended. Indeed in general terms this could form part of a general biodiversity enhancement. Other bat enhancement measures could be incorporated into the scheme. The lighting scheme should form part of the biodiversity mitigation to ensure there is little light spill into the habitats fringing the site.

A mitigation and enhancement scheme has already been recommended for badgers to ensure the sett and animals are not compromised by the development.

Additional biodiversity enhancement measures could be incorporated into the scheme. I note that in the BREEAM report the category Mitigating Ecological Impact has not reached the minimum required value. I recommend that a biodiversity enhancement scheme is conditioned

Archaeology

I advise that Charles Parry has already written to Cheltenham Borough Council concerning the archaeological implications of this scheme. These are reiterated below:

I advise that the application site is situated in the locality of Arle Court, where previous archaeological investigation has revealed evidence for later prehistoric settlement. In addition finds of Roman coins have also been made in this locality. In view of the large size of the application site there may have been some potential for similar archaeological remains to be present there.

However, I note that the application site has undergone intensive development previously, and I understand that further ground disturbances have been undertaken in connection with contamination remediation works. Against that background it is my view that there is a high probability that any archaeology which may formerly have been present on this site has been truncated or destroyed.

Therefore, I am pleased to recommend that no archaeological investigation or recording should be undertaken in connection with this planning application, and I have no further observations.

Minerals and Waste

There are not any mineral issues on the proposed site. The planning application contains a detailed WMS covering all of the sections stated within the County Councils Waste Minimisation SPD.

Overall, it is requested that the above concerns and suggestions of the County Council are taken into account regarding the future determination of the planning application.

If you would like to discuss any of the points raised in this letter please do not hesitate to contact me.

4.5 South West RDA

The Regional Economic Strategy and The Way Ahead (the region's response to the sustainable communities plan) both recognise Cheltenham as a strong driver of the South West economy. However, Cheltenham's shortfall of employment space is amongst the most pronounced in the region and the town's current growth expectations centre around low skills jobs.

There is an ongoing need to address a potential decline in Cheltenham's relative proportion of regional employment. The development site represents one of Cheltenham's best large-scale, brownfield and short-term deliverable employment development opportunities. The provision and retention of employment space, and in particular offices, will be critical to Cheltenham achieving its full economic potential and sustaining the town's share of regional GVA and employment.

Against a backdrop of a chronic and well evidenced shortage of land for high value added business sites and premises in the town, the proposed development would result in a net reduction in Cheltenham's available employment land. The proposals cannot be seen to sufficiently contribute towards the efficient achievement of the town's full economic potential. The South West RDA is therefore unable to support the application.

Background

You will be aware that the South West RDA responded in support of a previous application for the erection of 24,465 sq m of employment floorspace at the former Woodward International (08/01684/OUT) in January 2009 (copy enclosed).

The Agency's response to this application is set in the context of a strong planning policy framework that incorporates PPS1, PPS4, RPG10, the draft Regional Spatial Strategy, Cheltenham's Local Plan Second Review and its emerging Local Development Framework. However the application has been assessed on the ability of the proposal to help deliver the Regional Economic Strategy (RES) and it is within this context that our response should be considered.

Delivery of the Regional Economic Strategy 2006 – 2015

Strategic Objective SO1: Successful and Competitive Business

Regional Priority 1A: Support Business Productivity

Delivery Activity 1A.7: Deliver sustainable sites and premises for business growth

Confirmed Activity: **Deliver a suitable supply of employment land and business premises to meet the needs of new or growing businesses at the market rate.**

Cheltenham's economy has the potential to grow by 10,750 jobs and £2.58Bn by 2026. However, 'Spatial Implications – Place Matters' (the RES Spatial Annex) identifies clear challenges to that potential associated with delivering sites and premises for business growth, economic diversification and that ensure Cheltenham maintains its share of regional employment.

'The Demand and Supply of Employment Land and Premises in the South West' (DTZ, 2007), which was prepared for the South West RDA, highlights a lack of available employment land in Cheltenham at the time of study. The report explains that, 'the shortage of employment is considered to be a significant constraint which could seriously harm Cheltenham's economy'. It finds that a shortfall exists both in short and long terms and that this is particularly

pronounced in relation to B1 uses. This may result in an otherwise firm growth potential within growth sectors that include ICT and Business Services being diverted away to other centres.

The Cheltenham Employment Land Review (2007) supports and refines this view. It finds that there is insufficient office space to meet market demand or to provide adequate levels of flexibility and choice. The Review also explains the absence of business and enterprise parks and losses of existing employment sites to be key areas for concern.

In view of this context, and twinned with the more recent need to create the conditions for economic recovery, we are conscious that the proposed development represents a net reduction in employment land and space over that which was previously offered at the former Woodward International. Whilst the nature of the proposed office elements of the scheme might be better attuned to modern market demands, it is clear that the development site holds the potential to do far more for the local economy and provide for a significantly greater quantum of employment floorspace.

The aforementioned studies highlight a keen need to avoid further displacement of employment land provisions in Cheltenham. There is a firm opportunity at the former Woodward International to contribute towards addressing Cheltenham's employment and, particularly, office space shortfall much beyond the current proposals of Cheltenham Office Park. Given this and the pressing need to provide a business environment that will stimulate economic recovery, we would expect to see the scheme build upon the site's historic employment use to be predominated by the efficient provision of (office) business space in order to provide for business growth and, in turn, facilitate economic diversification to strengthen Cheltenham's role in the regional economy.

4.6 Gloucestershire County Council – Highways

Introduction

Please note this response must be read in conjunction with the submitted application information and in particular the submitted documents; **Transport Assessment**, the **Supplementary Report to the Transport Assessment** and the **Travel Plan**.

Relevant Planning History

The site was an existing engineering site, Woodward Engineering (14,000 sq m), and previously formed part of the area wide Dowty complex. The site has extant permission for 24,465 sq m of B1 office, permitted in 2009, therefore in planning terms the site will generate traffic. In the Transport Assessment and the Supplementary Report to Transport Assessment (Local Road Network), these planning fall back and scenarios are referred to as;

Scenario 1 – Previous planning use at Hatherley Lane site (Woodward Engineering)

Scenario 2 – Permitted development at Hatherley Lane site (Planning permission 08/01684/OUT)

Scenario 3 – Proposed mixed use development at Hatherley Lane site (Proposed Asda and offices)

Scenario 4 – Proposed mixed use development at Hatherley Lane site plus local network traffic calming

Non Technical Summary

Trip Rates

Trip rates have been assumed using the nationally recognised Trip Rate Information Computer System (TRICS). The proposed trips will increase above those assumed for the permitted scheme. However the Transport Assessment has demonstrated that not all this

trips are new trips, (see Retail Impact Assessment and Trade Diversion from Existing Stores in Technical Summary)

SATURN model

The SATURN (Simulation and Assignment of Traffic in Urban Road Networks) traffic model is a network analysis program developed at the Institute for Transport Studies, and distributed by WS Atkins. The GCC model is jointly owned by GCC and Atkins, and is used for strategic network analysis. This model has been used to predict the traffic distribution based on a Gloucestershire strategic model and includes permitted development and RSS draft proposals.

Junctions

The Transport Assessment has assessed 6 junctions (including the site access), which shows 2 junctions over capacity; the Arle Court roundabout, and the Hatherley Lane / Hatherley Road roundabout. The Arle Court roundabout will experience delays, but the installation of MOVA on the signals will reduce queue delay, and the Hatherley Lane / Hatherley Road roundabout, is only slightly over capacity when compared with scenario 1 and 2.

Accidents

An accident analysis was undertaken by the applicant and verified by GCC, a diagram at Appendix Pin the Transport Assessment shows Personal Injury Accidents at;

- the A40 roundabout ,and slip roads,
- the Park and Ride Roundabout and slip roads
- Hatherley Lane from the Park and Ride Roundabout to the Redgrove Park roundabout
- Hatherley Lane from the Redgrove Park roundabout to the mini roundabout with the junction of Hatherley Road.

GCC has expanded the area of study and looked at the serious and slight accidents along Redding's Road. In summary the accidents record is relatively good, with none of the accidents being particularly associated with speeding vehicles.

Road Capacity

The capacity of Hatherley Lane and Hatherley Road can be assessed using the Department of Transport Design manual for Roads and Bridges – Traffic Capacity of Urban Roads (TA 79/99). From this guidance it is shown that both Hatherley Road/ Hatherley Lane will be under capacity even in the worst peak hour.

Traffic Flows

GCC have looked at historical traffic survey data, when this site was part of the Dowty Engineering Group, in 1992, and also data from 2005 and 2008. The figures show that both Hatherley Lane and Hatherley Road have experienced a reduction in overall traffic.

Local Journey Log

GCC carried out a weekday journey log through the site, to manually record visual queuing and time delays. A summary of the results and table are in the Technical Summary.

Travel Plan

A Travel Plan has been submitted, for the A1 Retail element, and a Framework Travel Plan for the B1 Business development (proposed on behalf of Cheltenham Office Park Ltd). In

general Gloucestershire County Council are pleased with the submissions, and the travel plan measures outlined within. However, there were some points of concern which the application has now addressed. Therefore GCC confirms that all issues relating to the travel plan have now been resolved.

Parking

Parking for both the offices and the mixed use are below the maximum standards in the Local Plan and the Local Transport Plan.

Retail Impact Assessment and Trade Diversion from Existing Stores

A Retail Impact Assessment was submitted as part of the application, and has been assessed by independent consultees for CBC. The assessment concurs that there will be some trade diversion from existing stores and this would then concur that some of the trip attraction to the store will be diverted trips already on the network.

Accessibility

The site is located within the residential areas of Reddings, Hatherley and Benhall, and has over 2300 dwellings within the 1000m walking isochrone, (PPG13 walking distance). The location therefore together with a robust Travel plan, provides acceptable access to the development by other modes of travel.

Contributions – Baseline

A1 – £2,433,182.10 (discounted A1 use) + £130,543.60 (discounted B1 use) = £2,563,725.70

Contributions – Discounted

A1 retail –£3,244,242.10 less 25% + £326359 less 60% = £2,563,725.70, less 14000m² of B1 use £601,188. Total SPG contribution = **£1,962,523.70**

Local Highway works

A scheme (Phase 1), to reduce speeds to 20mph and traffic calm three corridors in the local area, to improve the public footpath that currently links Hatherley Road, and the Reddings Road, improve walking and cycling routes in the surrounding area.

Proposed Corridor works via the SPG contribution

The contribution will be used primarily to further reduce speeds to 20mph and traffic calm corridors in the local area, Contribution towards Elmbridge Major Scheme Bid Park and Ride, Park and Ride improvement of parking strategy, installation of MOVA for the existing signal controlled roundabout at Arle Court.

Recommendation

I recommend no highway objection, and that planning permission not be granted until legal agreement securing Transport Corridor contributions of £1,962,537.70 has been secured, and I recommend that no highway objection be raised subject to highway conditions being attached to any permission granted.

Technical Summary

Trip Rates

Trip rates have been assumed using the nationally recognised Trip Rate Information Computer System (TRICS). The figures should be read in conjunction with the Retail trip Characteristics in section 6.5 and 6.6 of the submitted Transport Assessment. The table below compares the proposed trip rates with that already permitted

Traffic Generation Comparison Two-way trips

<i>Time Period</i>	<i>Permitted</i>	<i>Mixed Use</i>	<i>Net Difference</i>
<i>Weekday am(8:00-9:00)</i>	<i>472</i>	<i>660</i>	<i>+188</i>
<i>Weekday pm(5:00-6:00)</i>	<i>401</i>	<i>1210</i>	<i>+809</i>
<i>Saturday (11:00-12:00)</i>	<i>0</i>	<i>1044</i>	<i>+1044</i>

SATURN model

The SATURN (Simulation and Assignment of Traffic in Urban Road Networks) traffic model is a network analysis program developed at the Institute for Transport Studies, and distributed by WS Atkins. The GCC model is jointly owned by GCC and Atkins, and is used for strategic network analysis. This model has been used to predict the traffic distribution based on the strategic model and including permitted development and RSS draft proposals. The model even includes the 57,000 dwellings as part of the RSS draft proposals.

*Like all traffic models, SATURN is a tool; its function is to try to robustly predict the potential traffic flows and distribution from a development. The aim of the model is to provide predicted flows on the network, but more importantly these figures are then used to assess using other modelling programmes the effect on local junctions, primarily queuing. The model can never be perfect, but errs on the side of caution, by providing higher than would be expected figures or **robust**, to effectively provide a worst case scenario. As part of my assessment of the proposal I have carried out a weekday journey log through the site to record visual queuing and time delays, and as was expected no 2 days were the same, some were busier than others, and due to a number of factors, some unknown, for example travelling through Hatherley Lane during half term shows dramatic reduction even at peak times, in the region of 20%.*

There have been suggestions that the model does not include all development, but the model includes the total RSS allocation of circa 56,000 houses by 2026, a build out rate that I expect not to be achievable, there fore again the figures will be a large over estimate.

The SATURN outputs, in scenario 4, suggests that there would be a decrease in traffic flows on the 'traffic calmed' local road network and a re-assignment of traffic flows on to the more appropriate Grovefield Way/Cold Pool Lane and A40.

Junction Assessment

Turning demand flows have been extracted from the CSV Traffic Model, to enable a detailed capacity analysis of 5 existing junctions and the new site access;

- 1. Site Access Junction – Table 3.1, and 3.2*
- 2. Grovefield Way / Hatherley Lane roundabout – Table 3.3 and 3.4*
- 3. Grovefield Way / Reddings Road roundabout – Table 3.5 and 3.6*
- 4. Arle Court roundabout – Table 3.7 and 3.8*
- 5. Reddings Road / Hatherley Lane roundabout - Table 3.9 and 3.10*
- 6. Hatherley Lane / Hatherley Road roundabout – Table 3.11 and 3.12*

*The junction capacity results are based on a future year of **2016**, and assume current permitted and RSS committed developments, these figures are therefore a worst case scenario, required for a robust analysis, each table on each junction refers to AM peak and PM peak.*

1. *Site Access Junction – This shows a reduction of flow eastwards along Hatherley Lane from the site, in the PM peak hour, with queuing on the arm into the development, with or without traffic calming on the local network.*
2. *Grovefield Way / Hatherley Lane roundabout – This shows the junction operating under capacity.*
3. *Grovefield Way / Reddings Road roundabout – This shows the junction operating under capacity.*
4. *Arle Court roundabout – This shows that during the AM and PM peak hours, the A40 west and east link of the junction would operate over capacity under scenarios 2, 3 and 4. However as part of the CBC SPG contribution improvements to the signalled roundabout can be made with MOVA to improve the signal timings*
6. *Reddings Road / Hatherley Lane roundabout – This shows the junction operating under capacity.*
7. *Hatherley Lane / Hatherley Road roundabout – This shows the Hatherley Lane arm and the Hatherley Road (north) arm operating over capacity. However the capacity is compared against the scenario 2, the queuing increase is very small.*

The effect of the development, when compared to the fall back, and permitted development, in 2016, and with the new traffic calmed local network, some traffic flows should re-assign from the Hatherley area onto the A40 corridor.

Accidents

An accident analysis was undertaken by the applicant and verified by GCC for a period from 1st January 2004 to 31st January 2010, a diagram at Appendix P of the submitted Transport Assessment, shows Personal Injury Accidents at;

- the A40 roundabout ,and slip roads,*
- the Park and Ride Roundabout and slip roads*
- Hatherley Lane from the Park and Ride Roundabout to the Redgrove Park roundabout*
- Hatherley Lane from the Redgrove Park roundabout to the mini roundabout with the junction of Hatherley Road.*

Four accidents were recorded on Hatherley Lane and Hatherley Road with the rest concentrated on the A40 and slip roads. The Hatherley Lane and Hatherley Road accidents are all slight, 3 involve cyclists, 2 on the carriageway, one on the pavement, and the fourth accident involved a driver blacking out.

The 2 serious accidents on the Arle court roundabout involved a cyclist under the influence of drink and drugs and a HGV overturning.

The fatality involved a motorcyclist travelling from Cheltenham towards the Arle court roundabout that changed lanes and was hit by a car in the next lane.

I have expanded the area of study and looked at the serious and slight accidents along Redding's Road, which included a 2 serious and 3 slight, between 2000 and 2010. The 2 serious accidents involved a builder's lorry shedding part of its load of timber, which hit a windscreen of a car; the other involved a child running out from behind a stationary bus.

In summary the accidents record is relatively good, with none of the accidents being particularly associated with speeding vehicles.

Road Capacity

The capacity of Hatherley Lane and Hatherley Road can be gauged using the Department of Transport Design manual for Roads and Bridges (DMRB) – Traffic Capacity of Urban Roads (TA 79/99). Hatherley Lane would be described as a UAP3, generally 7.3 metres wide, a variable standard road carrying mixed traffic with frontage access side roads, bus stops and at grade pedestrian crossings. The one way capacity hourly flows are 1300, the worst PM peak CSV one-way flows on Hatherley Road or Hatherley Lane is 885, thus Hatherley Road/Hatherley Lane is under capacity even in the worst peak hour.

Traffic Flows

The traffic flows associated with this development have been compared by GCC against historical data in 1992 (Dowty era), 2005, and 2008.

1992 - Historical traffic flows from the GCC Transport Monitoring team showed two way 12 hour flows on Hatherley Lane east of the junction of Reddings Road Hatherley Lane, (Redgrove Park roundabout) as **8437**.

2005 - Flows on the same section of Hatherley Lane, at the Hatherley Lane/ Hatherley Road junction revealed two way 12 hour flows as **8048**.

2009 - A new survey taken in July shows two way 12 hour flows of **7289**

This GCC data shows an overall reduction in flows in this period. The introduction of this development would increase the flows above the 2005 survey, but as the capacity of the roads are within Department of Transport Design manual for Roads and Bridges – Traffic Capacity of Urban Roads (TA 79/99), see section on Road Capacity below, the increase is acceptable, in highway terms.

Local residents have been concerned that the proposed use will increase traffic flows on the existing network. Therefore the above survey data from 1992 (historical data when this site was part of the Dowty Engineering Group) sets a baseline for comparison against traffic both existing use (Woodward) and proposed development. The figures show that both Hatherley Lane and Hatherley Road have experienced a reduction in overall traffic (a trend not experienced in other parts of the Cheltenham network). The introduction of this development would increase the flows above the 2005 survey, but as the capacity of the roads has been demonstrated previously and with the proposed traffic calming this increase is within design limits and assessed to be safe.

Local Journey Log

GCC carried out a weekday journey log through the site during a 2 week week-day period (see below), to manually record visual queuing and time delays. The survey showed that no 2 days were the exactly the same, with some days busier than others, and due to a number of factors, some known some unknown, for example travelling through Hatherley Lane during half term shows dramatic reduction even at peak times, in the region of 20%.

Distance/Time log through Hatherley Lane past site (Distance 11.5 miles)					
Date	Origin	Site	Destination	Time	Comments
25/02/2010	07:46	07:59	8.11	00:25	No delays thro Hatherley Lane
26/02/2010	07:32	07:44	07:51	00:27	No delays thro Hatherley Lane
26/02/2010	16:59	17:15	17:28	00:29	No delays thro Hatherley Lane
01/03/2010	08:03	08:18	08:35	00:32	No delays thro Hatherley Lane

02/03/2010	08:01	08:17	08:42	00:41	Queuing on Hatherley Lane approaching Hatherley Road, queing on A40 at Arle Court Roundabout and on Gloucester Northern Bypass
02/03/2010	17:38	17:53	18:08	00:30	No delays thro Hatherley Lane
03/03/2010	07:59	08:14	08:30	00:31	No delays thro Hatherley Lane
03/03/2010	11:13	11:22		00:09	Site visit
04/03/2010	07:47		08:19	00:32	Not via site but via A417 as comparison
05/03/2010	07:59	08:15		00:16	Origin to Site only
08/03/2010	08:09	08:22	08:37	00:28	Queing at approach to Arle court Roundbout from Park and Ride
08/03/2010	18:02	18:17		00:15	Origin to Site only
09/03/2010	18:11	18:21	18:36	00:25	No delays thro Hatherley Lane
10/03/2010	07:42	07:55	08:08	00:25	No delays thro Hatherley Lane
11/03/2010	07:53	08:07	08:21	00:28	No delays thro Hatherley Lane
12/03/2010	07:52	08:05	08:17	00:25	No delays thro Hatherley Lane
Average total journey time				00:28	

Travel Plan

A travel plan has been submitted for the A1 Retail, and a Framework Travel Plan for the proposed class B1 Business development is proposed on behalf of Cheltenham Office Park Ltd.

In general Gloucestershire County Council are pleased with the submission and the travel plan measures outlined within. However, there were some points for which required more clarification.

There is existing data (such as census) with which to establish an interim target for the travel plan. Gloucestershire County Council would rather see either a 10% reduction over 10 years; or a target of 50% for single occupancy vehicles (SOV) to match the Gloucestershire Local Transport Plan targets for the central Severn vale (CSV), whichever is lower.

Further to the above, the County Council feels that in paragraph 4.1, 10 years is a more appropriate time for the post of Travel Plan Coordinator if targets will be based on a 1% reduction per annum.

We also suggest that the onus for maintaining measures and reporting annually back to Gloucestershire County Council be devolved to occupiers after the initial monitoring period of 5-10 years (depending on the agreement reached).

In table 7.1 'Action Plan', Gloucestershire County Council would prefer to see some guide timelines suggested rather than dates to be confirmed.

The transport consultant has responded to these comments and added the following to the target section of both Travel Plans.

"Whilst the exact mode share for journeys to work cannot be known until the baseline survey is carried out, the Transport Assessment that accompanied the planning application predicted that without mitigation it might be expected that the mode share for journeys to work to the proposed mixed use development would reflect that of the 'edge of town' employment areas

in the vicinity of Tewkesbury Road (cf TA paragraph 3.19), which was found to be 68.9% based on 2001 Census data.

Based on a car driver mode share of 68.9%, if the above target is achieved, the car driver mode share on the 5th anniversary of the baseline survey being carried out would be 63.9%”.

GCC therefore confirms that all issues relating to the travel plan have **now been resolved**.

Parking

Parking for both the offices and the retail use are below the maximum standards in the Local Plan and the Local Transport Plan. However the numbers are close to these maximums as the highway authority is keen that parking is not displaced inappropriately on the surrounding network. A Travel Plan will be secured on this application by a legal agreement and will seek to achieve modal share targets for office workers and staff at the superstore.

Retail Impact Assessment

A Retail Impact Assessment was submitted as part of the application, and has been assessed by independent consultees for CBC. The assessment concurs that there will be some trade diversion from existing stores and this would then concur that some of the trip attraction to the store will be diverted trips already on the network.

Accessibility

The site is located within the residential areas of The Reddings, Hatherley and Benhall, and has over 2300 dwellings within the 1000m walking isochrone, (PPG13 walking distance). Additionally the site will be well located for existing local businesses in the area, including the adjacent film studios, Nuffield Hospital and B & Q, plus the committed residential and office developments at the former M & G site and Grovefield Way respectively. Furthermore the office development proposed with this development offer obvious potential for linked trips. Therefore I consider given the potential customer base within 1000m, the good links to the existing 94, and 97/98 bus service, and good cycle links, the opportunity for staff from both the food store and the offices to access the development by other modes of travel, together with a robust Travel plan, and potential improvements delivered by the SPG contribution the development is considered to be accessible.

Contributions – Baseline

A1 – £2,433,182.10 (discounted A1 use) + £130,543.60 (discounted B1 use) = £2,563,725.70

Contributions in line with reductions outlined within adopted SPG

Public Transport - the edge of the development site is within the 400 m walking distance of two 2 regular bus services, (94 and 97/98), and therefore, to be consistent with the approved development the County agrees to the following discounts;

- 10% discount for public transport (A1 and B1 uses)
- Travel Plan discount for B1 office use contribution – (using the same principles agreed for the previous permission; 15% discount for the Framework Travel Plan, and further discount if the modal share targets are achieved. (Total possible maximum discount is 60%)
- Travel Plan discount for A1 retail use - the main function of a superstore is to cater for car borne shoppers. The discount for a travel plan would therefore be for staff only (circa 400 full and part time). Agreed to be 15%.

Consistent with the previous approved, it is agreed that the trip generation of the previous use should be taken into account when considering the potential contributions for the proposed development. The previous use was 14000sq.m of commercial floorspace.

The contributions are therefore;

A1 retail – £3,244,242.10
B1 offices - £326359

With the discounts outlined above (25% for the A1 use and 60% for the B1 use) the contributions are reduced to;

A1 retail – £2,433,181.50
B1 offices - £130543.60

When the trip generation of the previous use of the site is further discounted, the total, combined SPG contribution is **£1,962,523.70**

Proposed Corridor works facilitated by the SPG contribution

A scheme (indicative area shown below), to reduce speeds to 20mph and traffic calm three corridors in the local area, is currently being progressed by Gloucestershire Highways. The proposed plan is due by May 2010, but must be built prior to the beneficial occupation of the offices or superstore; this element of the contribution must therefore be secured before works start on site to enable GCC to place the works into the Capital Works programme.

The public footpath that currently links Hatherley Lane, adjacent to the Nuffield Hospital, and Reddings Road, is to be upgraded to improve its usability and security for potential users.

Improve walking and cycling routes in the surrounding area.

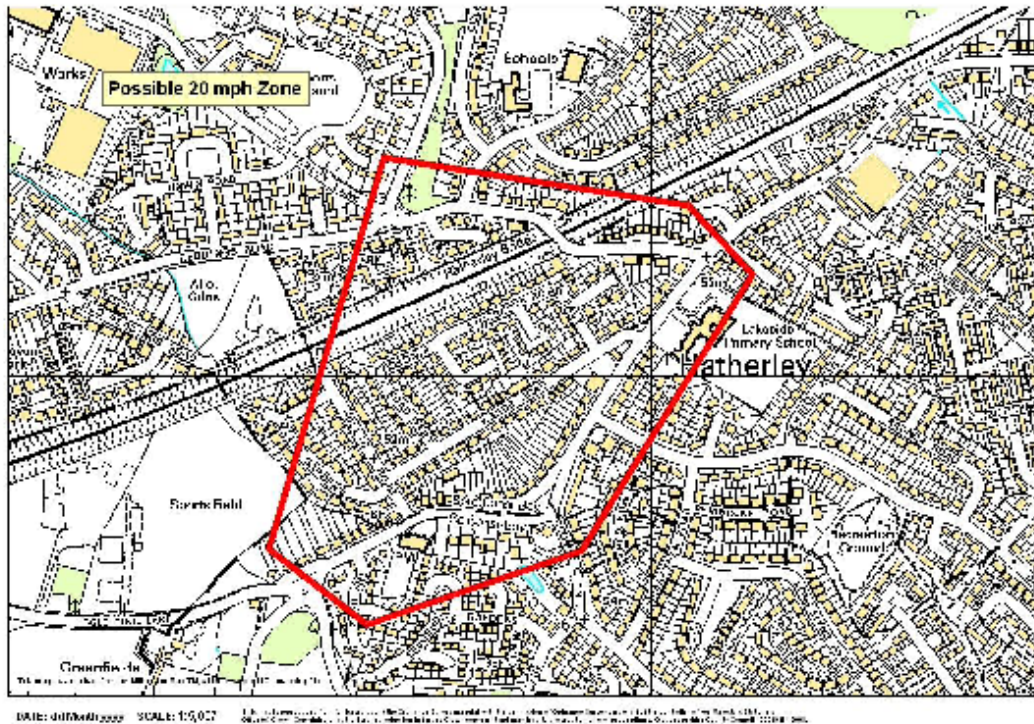
A scheme to further reduce speeds to 20mph and traffic calm corridors in the local area.

Contribution towards Elmbridge Major Scheme Bid Park and Ride, to improve the congestion, capacity and bus lanes long the A40 corridor from Arle court Roundabout to the town centre.

Park and Ride - improvement of parking strategy to ensure delivery of more spaces and greater control on use by town centre commuters and shoppers.

Installation of MOVA for the existing signal controlled roundabout at Arle Court.

Indicative network area for Traffic Calming Scheme (Phase 1)



Recommendation

I recommend that planning permission should be granted subject to a legal agreement to secure Transport Corridor contributions of £1,962,537.70, and the following conditions being attached to any permission granted:-

1. No works shall commence on site until full details of site access have been submitted to and approved by the Local Planning Authority. The access shall then be completed in all respects in accordance with those details before the development is brought into use and shall be maintained as such thereafter.

Reason: In the interests of highway safety.

2. Prior to the beneficial occupation of the proposed development the access road shall be surfaced in bituminous macadam or other approved material for at least the first 50.0 metres from the exiting carriageway edge and thereafter similarly maintained.

Reason: To prevent loose material being carried onto the highway in the interests of highway safety.

3. Prior to the beneficial occupation of the proposed development the car parking shall be provided in accordance with the submitted plan, and shall be retained available for the parking of vehicles associated with that part of the development thereafter.

Reason: In the interests of highway safety.

4. No works shall commence on site until details of a pedestrian link from the development to the existing Public Right of Way network (CH/10/1) have been submitted to and approved by the Local Planning Authority. The link shall then be completed in all respects in accordance with those details before the development is brought into use and shall be maintained as such thereafter.

Reason: To ensure that adequate walking provision is provided in line with the Governments declared aims towards sustainable development.

5. No works shall commence on site until full details of secure covered and well located cycle storage for the retail and the offices have been submitted to and approved by the Local Planning Authority. The cycle facilities shall then be completed in all respects in accordance

with those details before the development is brought into use and shall be maintained as such thereafter.

Reason: To ensure that adequate walking provision is provided in line with the Governments declared aims towards sustainable development.

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- the parking of vehicles of site operatives and visitors;*
- loading and unloading of plant and materials;*
- storage of plant and materials used in constructing the development;*
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, and;*
- wheel washing facilities;*
- measures to control the emission of dust and dirt during construction;*
- a scheme for recycling/disposing of waste resulting from demolition and construction works.*

Reason: - In the interests of highway safety.

NOTE:

1. The Local Highway Authority will require the developer to enter into a legally binding agreement to secure the proper implementation of the proposed access onto the highway, including an appropriate bond.

2. Where the development does not directly involve a public right of way, it may be likely that ancillary works, such as the storage of materials and plant, or vehicular access routes, may do so.

(i) Planning Approval does not authorise use of motor vehicles on public rights of way, either during building operations, or thereafter, by private occupancy.

(ii) Planning Approval does not authorise the position or width of public rights of way to be varied in any way on development sites.

(iii) Planning Approval does not authorise the erection of new boundaries, across public rights of way, whether stiles or gates are provided or not. You are advised to consult the Highway Authority on these matters

4.7 Environmental Health

Noise:

The application includes an acoustic report which identifies various sources of noise which may cause disruption to local residents. The report also identifies suitable mitigation schemes for control of this noise, although some specific details will require further clarification as the project progresses.

Roof Plant

The report identifies that roof plant specifications will only be finalised later in the project, which is quite normal for such a development.

Condition: The final design of all roof mounted plant shall be submitted to the Local Planning Authority for approval before use of the development commences.

Reason: To protect residents of local property from loss of amenity due to noise from roof mounted plant.

Informative: Design should be completed in accordance with the acoustic data provided in ANV report of February 2010 and the guidance in BS 4142.

Loading Bay Canopy

The report identifies a loading bay cover which will be subject to further detailed design and is intended to produce a reduction in noise level of 25dB.

Condition: The final design of the loading bay cover shall be submitted to the Local Planning Authority for approval before use of the development commences.

Reason: To protect residents of local property from loss of amenity due to noise from loading bay operations.

Informative: Design should be completed in accordance with the acoustic data provided in ANV report of February 2010 and the guidance in BS 4142.

Noise management scheme

The acoustic report has indicated that the operators of the supermarket will operate a noise management plan in order to control noise generated by activities in the loading bay area.

Condition: A suitable and sufficient plan for the control of noise from loading bay operations shall be submitted for approval by the Local Planning Authority before the store is brought in to use and the provisions identified in that plan used for the duration of the development.

Reason: To protect residents of local property from loss of amenity due to noise from refrigerated vehicles, loading equipment etc.

Informative: The scheme should include measures to control noise from all sources involved with the loading bay area, including: Vehicle movements, use of chiller units on vehicles, handling of cages, use of dock levellers and lifts, voices of staff, vehicle radios etc. The plan should be subject to regular review.

Construction

The construction of the proposed development is likely to give rise to noise and dust affecting nearby residential properties.

Condition: A scheme for controlling the effects of noise, dust and other nuisances must be provided to the Local Planning Authority and approved before site construction work commences.

Reason: To protect residents of local property from loss of amenity due to noise and other nuisances from construction works.

Piling (if required)

Condition: All methods for piling foundations shall be submitted and approved by the Local Planning Authority before construction commences.

Reason: To protect residents of local property from loss of amenity due to noise and other nuisances from construction works using piled foundations.

Informative: This condition can be deleted if piled foundations are not to be used in this development.

Odour:

Kitchen extraction

The proposed development includes a café/restaurant which will require the installation of an air extraction system, including suitable odour abatement plant.

Condition: The design of the kitchen extraction system shall be submitted to the Local Planning Authority for approval before first use of the development.

Reason: To protect

residents of local property from loss of amenity due to odours from the kitchen air extraction system.

Information: Such a system should be designed to specifically meet the needs of the volume of cooking and type of food being prepared. The discharge of the system should be positioned at least 1.5 m above the eaves of the building and discharge vertically upwards without a cap, cowl or other restriction.

Permit for Petrol Station

The application includes a new petrol filling station. I anticipate that the annual sales of the facility will surpass the 0.5 million litres limit which will require the installation of a stage II petrol vapour recovery system, to be permitted under the Environmental Permitting Regulation 2007 by this department.

4.8 Urban Design Manager

Layout Principles

The character of Hatherley Lane at this point is large buildings and a green frontage. There is no consistent building line and the depth of landscape frontage varies. The arrangement is most successful on the north side of the lane (opposite the site) where landscape with some height gives enclosure to the Lane, whether backed by the GE factory or the film studios car park (with building beyond). Landscape at the hospital is less dominant, but the setting of the building behind a narrow parking forecourt in the landscape setting does create a sense of enclosure.

For this proposal to succeed using the proposed approach to layout (building set well back beyond a large car park, with only the pfs on the frontage) there needs to be a strong landscape strategy which both gives enclosure to the street and settles the building in a landscaped setting.

There were a large number of concerns initially that the proposal would not achieve this. Officer comments have been primarily directed at strengthening planting around and through the site (in terms of density, colour, variety, function); defining pedestrian routes to the north and the south of the site; and establishing a meaningful central café/hub space. However, the comments of trees, landscape and urban design officers seem to have been largely taken on board in the latest drawings. These comments seem to have been largely taken on board – though there remain detailed concerns about

- o suitability of the feature tree species;*
- o the need to better define the southern pedestrian approach through the B1 site by avenue planting (this would also help to soften the car park);*
- o the treatment of the interface between the site and the southern footpath/stream beyond its boundary;*
- o the creation of a comfortable space at a human scale in the café/hub – narrowing landscaped entrances and using landscape to create more intimate spaces; and*
- o clarifying surface material details.*

Buildings

Issues relating to the retail building seem to have been addressed – modulating the northwest corner to make the entrance more legible; making the café an active and prominent part of the NW corner; making the bike parking more usable and safe. The main issue remaining here is ensuring that there is a usable entrance between the café and the outdoor space (although shown, it is not clear that the doorway will be available for use).

There have been minor alterations to elevations of the B1 buildings. An attempt has been made to address previous concerns about bin storage – but although a bin location is now identified adjacent to units, but in an inconvenient location for users at the east of the site.

There is a need to ensure that no bins are left in public areas. There are no arrangements for showers/changing for the office facilities – this needs to be addressed.

4.9 Architects Panel

1. Observations on Presentation.

Presentation very good - interactive 3D presentation on line as well to support the application

2. Principle of Development.

The increase in the volume of traffic is a concern but it seems an appropriate form of development for the site.

3. Quality of Design.

ASDA - Large food retail store, externally the design does what it says on the tin, very crisp and formalised appearance, the relationship between some of the internal spaces of the store and the external spaces around the store could be improved particularly the cafe.

We would like to see more information on the green credentials of the building and how these will actually be put into place on the site.

Office units - Very poor, neither successfully modern nor reflecting Cheltenham style architecture, they could be proposed for a site anywhere. The elevations try to imply that the top floor is set back but clearly this is not the case. The fenestration is bizarre as are the indicative internal arrangements.

The scale of the buildings is very difficult to gauge and they appear large and clunky when viewed against the super store.

There is no continuity across the site between the proposed office buildings and the super store.

The landscaping is weak and the external spaces appear to be just those that are left over rather than having been designed.

4. Summary.

The super store seems a sensible and appropriate use for the site. The offices are poorly designed and need reconsidering.

5. Recommendation.

*ASDA - Approve
Offices - Refuse*

4.10 Civic Society

We regard this as an appropriate development for this site, and are generally content with the layout. Careful landscaping will be needed to minimise its visual intrusion and to retain the character of the area.

4.11 Tree Officer

The proposed tree planting looks generous in terms of size of proposed trees and the quantity. I endorse the tree species selected.

However please could you ask for a detailed planting specification so that the trees will be given the best opportunity to establish and thrive. This planting specification must include

tree planting pit details (size, soil amelioration, mulch, fertiliser etc) tree protection (stake/underground guying, cage etc or landscaped as for trees within car parks), aftercare and maintenance and guarantees. Specification of the trees root type (I would anticipate that trees of the size that they are proposing should be container grown). As there has been much soil contamination on the site I would anticipate soil amelioration within the tree pits.

Trees at the perimeter of the site should be planted during the next available planting season and should be protected from future incursion onto this area by non removable protective fencing (ie to BS 5837 (2005)). Please could you ask for such protection details. This would also protect retained trees on the site.

Fencing around the protected oak must remain in situ during the course of construction and not removed without prior written consent from this LPA. The proposed walkway under the canopy should be of a "no-dig" design so as to avoid damage to roots. This must not be installed until construction elsewhere has finished and there is negligible threat to the tree.

The timing of the planting needs some detail. Please could you ask for this detail so that we can be assured that all other tree planting takes place in good time.

4.12 Up Hatherley Parish Council – Initial comments (received 5 March 2010)

Having studied the proposals in consultation with the planners we wish to raise no serious objections, indeed we are broadly in favour of the scheme.

We do, however, wish to flag up two areas of concern:

1. We are not in favour of 24 hour opening, especially for the petrol station, manned or unmanned.
2. We are concerned about the likely traffic congestion and would urge you to do everything in your power to alleviate potential problems.

We know you will consider these points very carefully.

4.13 Up Hatherley Parish Council – Revised comments (received 4 April 2010)

The Parish Council has previously commented on this proposed development under the caveat that the impact of traffic would have be properly researched and the traffic congestion proven to be acceptable to the local and wider community.

In a similar vein we have been worried that this and other proposed developments in the vicinity are being treated in isolation from one another. As you are aware the main arterial road network of Up Hatherley Way, Cold Pool Lane and Grovefield Way has feeding off it outline planning permission for up to 30 plus houses on the Rusty Shilling site, 370 houses on the former M&G / Middle Farm site, a large B1 Industrial Park with car spaces for 800 vehicles at land on North Road West / Grovefield Way and an extension to the Park and Ride.

These developments when complete will add significantly to the traffic in the area and the only access to these sites is from this main arterial route.

We have studied the two supplementary traffic reports provided by the applicant and conclude:

- ② The reports make no mention to the traffic increase from the Rusty Shilling site, M&G / Middle Farm site, B1 Industrial Park on Grovefield Way or extension to the Park and Ride.
- ② On the evidence presented the traffic growth predicted up to 2016 in the reports takes no account of these future developments.

- ❑ *Ignoring the impact of future developments is particularly worrying as the reports indicate that some of the local roads will be operating at capacity without factoring them in.*
- ❑ *An Asda is likely to attract significant numbers of people who live in Hesters Way, St Marks, Fiddlers Green and Springbank. This will impact the A40 with more traffic and as indicated in the reports the A40 is already operating over saturation level.*
- ❑ *The reports make the assertion that only 5% of traffic attracted to the store would be new trips, the remaining would be diverted from competing stores. This may be true but misses the crucial fact that it concentrates traffic in an area that is already congested.*
- ❑ *Traffic calming measures to deter traffic from residential areas will no longer be effective if Grovefield Way is congested.*
- ❑ *The reports mitigation against the traffic increase resulting from an Asda is to make great emphasis on provision for cyclists and pedestrians. We have some experience in Up Hatherley as we have a Morrisons Supermarket in our Parish, and can report that we do not see many cyclists doing a weekly shop because its very difficult to cycle with even a small number of loaded carrier bags!*

Given the failure of the applicants traffic reports to convince us that traffic issues are being properly researched and addressed we cannot support the change of use of this site from B1 to mixed use development until a credible traffic plan is submitted that includes the growth of traffic resulting from the Rusty Shilling site, M&G / Middle Farm site, the B1 Industrial Park on Grovefield Way and the extension to the Park and Ride.

5. Publicity and representations

5.1 Letters were sent to 351 neighbouring properties on 25 February 2010 advising them that the application had been received. In addition to this, four site notices were put up in locations in close proximity to the application site and an advert was placed within the Gloucestershire Echo.

5.2 In response to this publication, a number of residents criticised the submitted Transport Assessment given its lack of analysis on the impact on the local road network. Additional statements were provided by the applicant on 19 March 2010 to elaborate on this impact, and residents were again consulted on 22 March 2010. Site notices advertising this additional information were also put up in the same locations as the original site notices.

5.3. In response to this publicity, 50 letters of objection and 11 letters in support of the scheme have been received. The objections received can be summarised as follows;

- Increased level of traffic on Hatherley Lane would be unacceptable;
- The park and ride roundabout already queues at peak times, the proposed development would make this worse;
- Parking provision for the food store is unrealistic;
- No mitigation proposed to reduce the impact of traffic movements;
- Unrestricted hours of trading and delivery would result in unacceptable impact on neighbouring amenity;
- Noise pollution and light pollution caused by 24 hour operation would be unacceptable;
- No mention of Petrol Filling Station at public consultation event;
- Location of recycling area would have unacceptable impact on properties in Unwin Close;
- The height of the proposed ASDA building would be overbearing on neighbouring properties;

- Proposed plans do not show the location of food waste;
- Proposed development will harm the regeneration proposals for Coronation Square;
- Proposed development would harm existing shops within the locality e.g Benhall Avenue, Caernarvon Court, Windermere Road;
- The change from office use to mixed use has not been justified;
- Does the traffic modelling system used include committed developments?;
- Is there a need for another supermarket within the town?;
- Flood risk given proximity to Brook and the amount of hardstanding proposed;
- The proposal will provide increased opportunity for crime and anti-social behaviour, including joy riding.

5.4 The comments in support of the application can be summarised as follows;

- Good use of a brownfield site;
- Increased competition for existing food stores;
- Will bring jobs to the local economy in a time of economic downturn;
- Will enable residents to walk to store, rather than drive to other stores;
- Traffic will come to store via Grovefield Way and therefore impact on Hatherley Lane will be limited.

5.5 All of these concerns are material planning considerations and will therefore be given due consideration in the following section of this report.

6. Officer Comments

6.1. Determining Issues

6.1.1 In determining this application, there are two fundamental policy areas that need to be addressed successfully if the principle of a mixed use development of this nature can be supported by this Authority. These relate to the retail implications of the proposal and the employment land/economic development argument. Members will be aware that the application is supported by detailed assessments relating to both these matters and these will be considered thoroughly in this report.

6.1.2 In addition to these policy constraints, other key considerations relate to access and highway matters, potential impact on neighbouring amenity, the design, layout and landscaping of the proposed development and the sustainability credentials of the scheme, a point on which the recently published PPS4 places significant weight.

6.2. The site and its context

6.2.1 The application site is a large parcel of land which has historically been used for B2 industrial purposes. The site has now been cleared to allow for the remediation work.

6.2.2 The application site is bounded by residential development to east and south, although an earth bund wraps around the majority of these boundaries (it does not travel the full length of the southern boundary as members will appreciate on site.)

6.2.3 Adjacent to the site to the west is the Nuffield Hospital and its associated car parking. Further to the west is B&Q.

6.2.4 Opposite the site are large commercial buildings in employment use, and further residential properties are located to the north west of the application site.

6.3 Retail impact considerations

6.3.1 Members will be aware that retail implications of this proposal hold considerable weight in the determination of the application. The scheme was accompanied by an Economic Development Assessment (EDA) which considers the proposal in light of Local Plan policies RT1 (Location of Retail Development) and RT7 (Retail development in out of centre locations). In addition to these policies, the EDA considers the application against the requirements of the recently published PPS4: Planning for sustainable economic growth.

6.3.2 The Council has instructed DPDS Consulting Group to assess the EDA and discussions have been ongoing with the applicant as a result of this assessment. The applicant has been asked to provide further information to more fully explain their analysis and this information is currently being assessed.

6.3.3 The initial conclusions on the retail implications suggest that the turning issues relate to the sequential test and potential for disaggregation of the comparison and convenience goods offers, and also the impact on Coronation Square, both in its current form and the regeneration proposals.

6.3.4 A comprehensive update relating to this matter will be provided to members before the meeting.

6.4 **Employment Land**

6.4.1 Members will be well aware of the requirements of Local Plan Policy EM2, Safeguarding of employment land. The application site was last used for General Industrial purposes and therefore this policy is a very relevant consideration. In addition to the previous use, members will be aware that planning permission was recently granted on the site for a large amount of B1 office accommodation; it is therefore also important to assess the proposed development against the consented scheme.

6.5 **EM2 and the previous use**

6.5.1 In response to the application, the Strategic Land Use Team has provided detailed comments on the proposed development. These comments have already been set out within this report (4.3) and members will note that the response is broadly supportive of the proposal from an employment land perspective.

6.5.2 The relevant part of policy EM2, as set out within the policy response, is the mixed use aspect, criteria f, g and h. These state that development will not be permitted unless;

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

(g) The loss of part of the site to other uses does not have a detrimental impact on the range of types and sizes of sites for business uses in the area nor the continuing operation of existing business sites; and

(h) The use is appropriate to the location and adds value to the local community and area.

6.5.3 The use of the word 'and' at the end of each criterion means that for a development to be acceptable, it should comply with each requirement.

6.5.4 In response to criterion 'f', it is evident that the amount of proposed B1 floorspace is less than the previous provision on the site; the previous use provided for 14000 sq. m of B2 floorspace and the proposal is for 7608 sq. m of B1 floorspace. It is therefore important that there is a gain in the quality of this provision to satisfy criterion 'f'.

6.5.5 To demonstrate that the proposal represents an improvement in the quality of this floorspace, the applicant has relied on two arguments; that the built infrastructure on the site represents a significant improvement to that which previously existed, and, that the number of jobs to be provided represents a significant increase.

6.5.6 The comments provided by the Strategic Land Use Team are useful when considering these arguments;

It is considered that the provision of modern office accommodation represents a significant improvement in the quality of employment floorspace on the site in comparison with its previous B2 use. However, the loss of employment floorspace that the proposal will produce cannot be justified by this improvement alone. To fully satisfy the requirements of Criterion (f) the applicant also needs to demonstrate that the proposal will create or secure employment opportunities.

The Planning Statement states that a B2 use on 14,000 sq. m. of the site would be likely to generate 412 jobs at a notional density of 34 sq. m. per job. It also calculates that at a notional density of between 19 jobs per sq. m. and 12.8 jobs per sq. m. the 7,608 B1 office use proposed on the site will generate between 401 and 594 jobs, representing at worst a deficit of 11 jobs and at best an increase of 182 jobs. No information is provided as to the nature of the B1 office jobs created by the proposal and, therefore, no conclusions can be drawn as to their relative security, permanence or desirability. The proposal, therefore, is likely to improve the quality of the employment floorspace provided on the site without resulting in a significant loss of jobs in employment uses in comparison with the last use of the site.

6.5.7 Members will note that these comments go on to criticise the scheme when assessed against the consented scheme, and this will be addressed further into the report.

6.5.8 When assessed against criterion 'g', it is considered that the proposed mixed use development is acceptable, and this has been confirmed by the Strategic Land Use Team in their response. The applicant's Planning Statement states that *'The use of part of the site as a food store and petrol filling station is not prejudicial to the use of the remainder of the site for Class B1 offices. Moreover, the two elements of the proposed mixed use scheme complement each other to create a working environment that is pleasant, interactive and sustainable.'* The statement comments further that the proposed improvements to the local road network that will result from the mixed use scheme (**Officer note – these will be discussed further into the report**) are likely to lead to an improvement in the attractiveness of the nearby Grovefield Way site.

6.5.9 Officers consider that the scheme complies with the requirements of criterion 'g'. Of particular note in this respect is the applicant's willingness to provide business incubation units within the scheme; a direct result of discussions with the Council's Economic Development Officers and a much needed provision within the Borough.

6.5.10 Criterion 'h' requires the proposed mix of uses to be appropriate and add value to the local area. Certainly the B1 aspect of the proposal is appropriate in this location, but there are other important retail policies that will determine the appropriateness of a food store in this location.

6.5.11 Notwithstanding the appropriateness of the retail use, it is considered that the proposed mixed use scheme compares favourably with policy EM2 when assessed against the previous use on the site. The proposal will result in a clear increase in the quality of employment floorspace across the site and there will certainly not be a significant decrease in the number of jobs provided and probably an increase in the number of jobs (**Officer note – these job number comparisons do not include the number of jobs created within the foodstore; this will be considered further into the report**).

6.6 EM2 and the extant permission

6.6.1 The recently approved scheme on this site (ref: 08/01684/OUT) is an important material consideration in the determination of this application. Whilst it is considered that the proposed development represents an improvement when assessed against the previous use on the site, it is not such a clear argument when considered against the approved scheme. The response from the Strategic Land Use Team highlights this point where it states that;

In relation to the extant permission, it is considered impossible to justify that the current proposal represents either an improvement in the quality of employment floorspace or an increase in the number of jobs that the site could provide. The extant permission is for a modern B1 office park offering (at the same notional density ratios used in the Planning Statement) in the region of 1300 – 1900 jobs. In terms of Policy EM2 (discounting the A1 jobs created) the proposal therefore represents a potential loss of some 900 – 1300 jobs on the site with no improvement to the quality of employment floorspace provided. In relation to the extant permission on the site, it is therefore considered that the proposal does not and cannot meet the requirements of Policy EM2 Criterion (f).

In summary, the Planning Statement has successfully demonstrated that the proposal meets the requirements of Policy EM2 Criterion (f) when considered against the last use of the site. However, it has not addressed the proposal against the extant permission or provided any justification for the decision not to do so. In the absence of any evidence, it is therefore considered that the proposal cannot be justified under Policy EM2 Criterion (f) against the extant permission.

It is accepted that there may be valid reasons as to why the extant permission has not proved to be a viable proposition for the applicant and that, as such, the proposal should be considered against the last use of the site. However, in the absence of any explanation of this reasoning, it is impossible justify this decision or to conclude that the proposal is in accordance with Policy EM2 Criterion (f).

6.6.2 The applicant has responded to this criticism by providing an addendum to the original Planning Statement. This addendum seeks to clarify why the extant permission is no longer a viable alternative and should therefore be given limited weight when determining the current application. The addendum states that;

The extant planning permission is outline for employment floor space within Class B1. It is not limited solely to Class B1(a) offices and includes Class B1(b) and (c). The decision notice confirms Appearance, Landscaping, Layout and Scale are reserved matters.

The planning consent is not for exactly 24,465 sq m of floor space. This figure was a maximum designed to give flexibility for marketing and to ensure that if there were high demand or a large occupier requiring space, the consent could be flexed to suit. Less floor space can be proposed and built via the submission and acceptance of phased reserved matters applications.

Applying B1(a) occupation densities to the maximum floor space permitted by the extant consent to assess potential job creation is potentially misleading. The floor areas are a maximum potential, rather than a likely actual figure and the consented use is 'open' B1 rather than solely B1(a). The B1 element for the proposed full application does not include B1(b) and (c) and as such realistic job projections are considered to be more reasonable and accurate.

The extant consent is outline rather than full. The outline planning permission was sought as there were no firm offers for B1 space from potential occupiers. This allowed the applicant flexibility in a time of considerable uncertainty to assist the marketing of new buildings on the site. Should demand for a substantial amount of office floor space have existed, this could be provided for.

Perhaps the most interesting and illustrative statistic of the local office market according to independent research contained within the Cheltenham PROMIS report (April 2010) is that at

the end of 2009 the development pipeline in Cheltenham equated to some 503 years of development at the take up rate seen over the last 5 years. It is also estimated by the same source that there was 387,000 sq ft of vacant office space in Cheltenham at the end of 2009. Given this plethora of supply the applicants experience is, that despite marketing the property openly for over two years, there is not sufficient interest to progress a large scale Class B1 scheme in light of competition from buildings and sites working from a lower cost base. This is the principal reason why the extant permission has not been commenced. A position that, as highlighted by the independent PROMIS report, is not likely to change in the short to medium term.

6.6.3 The addendum goes on to state that;

Given the healthy state of Cheltenham's supply of office floor space, the proposed scheme needs to ensure that the office element is competitive within the market and provides accommodation that is required. The proposed retail element includes a new site access, cycle paths and service road to enable it to operate. These are significant and costly items which the office element of the scheme would benefit from. This infrastructure increases the competitiveness of the office element. The applicant has (via a planning condition) ensured that infrastructure will be in place to serve the entirety of the office part of the mix. This has the added benefits of releasing an additional 1.5 acres of inaccessible land (currently used as a car park) for future employment purposes and providing an additional pedestrian access.

The Cheltenham Borough Council economic development team have identified a need for "incubator" space which would appeal to start up and small businesses. The applicants have established the specification and size of such units and agreed via a planning condition to offer office space which would appeal to such businesses.

6.6.4 The comments set out within the submitted addendum are considered to be relevant. It *is* important to be mindful that the extant permission is for a maximum amount of floorspace and if the scheme were implemented, there is no guarantee that such a large provision would be built. As quite rightly identified, therefore, it is difficult to compare a scheme for a maximum amount of floorspace, with a scheme which proposes a definite figure. In response to this addendum, the Strategic Land Use Team has provided the following comments;

It is considered that, on balance, the applicant has provided sufficient justification to support the view that the proposal should be considered against the last use of the site; 14,000 sq m of buildings falling within Class B2 (General Industrial) including ancillary uses/functions, and not the extant but unimplemented permission for a maximum of 24,465 sq. m. of B1 floor space. It is accepted that the economic situation in Cheltenham, as shown by the PROMIS report, has deteriorated since the permission was granted. This has resulted in a loss of demand for office floorspace and rendered the extant permission no longer viable. Furthermore, the applicant has demonstrated that the extant permission represents a maximum acceptable development of the site and not a final floorspace figure.

In light of the above, it is agreed that the proposal should be considered against the last use of the site.

6.6.5 It is stated further that;

The applicant's proposal to provide the infrastructure required to serve the entirety of the site and release and provide access to 1.5ha. of inaccessible land is welcomed. Provision of this infrastructure from the outset of the redevelopment of the site should ensure that the B1 element of the application is competitive and will assist in bringing a derelict site into use. In addition, the decision to develop "incubator" units on site, to address a need identified by the Council, is also welcomed. These undertakings are in accordance with the wider ambitions of the Council and are accordance with Policy EC10.2 in PPS4.

6.6.6 It is the view of your officers, that the addendum to the Planning Statement adequately addresses the requirements of Local Plan Policy EM2. It is evident that in the current economic climate, the extant planning permission is unlikely to be pursued due to the existing

amount of B1 floorspace available within the Borough, and also the large infrastructure costs involved with the necessary new junctions and access roads. The proposed mixed use development reduces this burden and therefore makes the office aspect more competitive in the current climate.

6.6.7 It is quite clear that the extant permission is for a maximum amount of floorspace, not a guaranteed provision. In light of this, and the other uncertainties identified within the addendum, it is considered appropriate to assess the proposed development against the historic use of the site, and as already acknowledged, the scheme compares favourably with such an assessment.

6.6.7 A further important material consideration when assessing the application against policy EM2, is the proposed access road which will release a previously land locked site to the rear of the Nuffield Hospital (this land did not form part of the previous approval). This land comprises 1.5 hectares of currently inaccessible land, now included within the application site, and the applicant has accepted the need for the proposed access spine road to be provided up to this land as a condition of any planning permission. In addition, following discussions with the Economic Development Team, the proposal includes the provision of 'Business Incubator' units to help address an identified need within the borough.

6.6.8 To summarise, it is considered that the proposed mixed use development does comply with the objectives of policy EM2, when assessed against the mixed use criteria. It has been established that the extant planning permission is unrealistic in the current economic climate and therefore that the proposal should be assessed against the historic use of the site. In this respect, the proposal represents a clear gain in the quality of the employment floorspace provided and a probable gain in the number of jobs (criterion 'f'). Furthermore, the proposal will not have a detrimental impact on the range of types and sizes of sites for business uses in the area nor the continuing operation of existing business sites (criterion 'g'). Finally, it is quite clear that the proposed B1 use is appropriate to the location and will add value to the local community. The impact of the retail element of the proposal is still being assessed.

6.6.9 Notwithstanding the above, Members should be aware that the recently published PPS4: Planning for Sustainable Economic Growth, provides important guidance when considering applications for economic development. The guidance within this document is particularly relevant when considering the objectives of Local Plan Policy EM2.

6.7 PPS4: Planning for Sustainable Economic Growth

6.7.1 PPS4 provides a more comprehensive, whole economy interpretation of economic development and represents an important shift away from the traditional 'B' uses (B1, B2 and B8), as referred to within local plan policy EM2. The document states that;

Economic development includes development within the B Use Classes, public and community uses and main town centre uses. The policies also apply to other development which achieves at least one of the following objectives:

- 1. provides employment opportunities*
- 2. generates wealth or*
- 3. produces or generates an economic output or product*

6.7.2 The document goes on to advise (in policy EC10 'Determining applications for economic development') that;

Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

6.7.2 In light of the advice contained within PPS4, It is quite clear that the retail element of the proposed development should carry weight as a form of economic development as it will provide employment opportunities and generate wealth. The applicant has argued that the

retail element is an integral aspect of the mixed use development which will have a significant positive impact on the economy of Cheltenham and has advised [that the proposed food store will create approximately 130 full time jobs and 270 part time jobs. It is suggested that approximately 5% of these jobs will be management roles.](#)

6.7.3 Within the addendum to the original Planning Statement, the applicant states that;

Given the proposal includes a Class A1 retail element, which according to PPS4 is within the definition of economic development, the PPS encourages the provision of such jobs as a means of generating economic development. This being the case, it is clear that the provision of retail jobs on the application site should be afforded the same amount of weight as the provision of jobs within the B Classes.

6.7.4 This document goes on to state that;

It is considered that both the tone and policies of the PPS have shifted emphasis away from a more fixed view, that only Class B uses result in employment. This shift results in a less rigid and more flexible view of employment sites, encourages a range of uses (particularly in cases such as the application site) where a large single use is not likely to be implemented.

6.7.5 The view that PPS4 has shifted the emphasis away from the rigid, Class B, employment land argument is one that is shared by Development Control officers and the Strategic Land Use Team. In their consultation response, it is stated that;

This definition [of economic development] is significantly wider than the B use class definition and represents a shift in emphasis away from traditional employment uses and towards a whole economy approach that recognises the importance of non-B uses to the economy. This shift in emphasis also recognises the changing make-up of the UK labour market and the gradual shift towards a service-driven economy.

In terms of this proposal, the change in emphasis in PPS4 requires that the proposal be considered as economic development and has the potential to balance concern about loss of traditional employment land.

6.7.6 It is set out earlier in this report that officers are of the opinion that the mixed use proposal complies with the objectives of policy EM2, notwithstanding the appropriateness of the retail element. When the scheme is considered in the light of the advice contained within PPS4, it is quite apparent that the proposed development should be considered favourably against the economic development policies. Both aspects of the scheme will provide employment opportunities; indeed, when assessed against the historic use the employment across the site will be significantly higher and both aspects will also generate wealth and produce or generate an economic output or product. This view is supported by the Strategic Land Use Team who state, in response to the addendum provided by the applicant, that;

It is considered that the applicant has adequately addressed the issue of how the change to Planning Policy Statement 4 (PPS4) alters the way in which Local Plan Policy EM2 is considered in this context. The applicant has successfully demonstrated that both the proposed B1 and A1 uses on the site contribute to "economic development" as defined in PPS4 and has shown that employment provided by both uses should be considered against the previous use on the site.

6.7.7 In light of the considerations set out within this section of the report, officers consider that, notwithstanding the appropriateness of the proposed retail use, the proposed mixed use development complies with the objectives of Local Plan Policy EM2, particularly when considered against the recently published PPS4. The proposed development will result in a significant number of jobs across the mix of uses, releases a previously land-locked site to be used for employment purposes, and proposes 'business incubator' units to meet an identified need within the borough.

6.8 Response to the South West RDA comments

6.8.1 Members will note at 4.5 above, that the South West RDA has objected to the proposed development based on the shortage of employment land within the borough. In their response, it is stated that;

There is an ongoing need to address a potential decline in Cheltenham's relative proportion of regional employment. The development site represents one of Cheltenham's best large-scale, brownfield and short-term deliverable employment development opportunities. The provision and retention of employment space, and in particular offices, will be critical to Cheltenham achieving its full economic potential and sustaining the town's share of regional GVA and employment.

6.8.2 It goes on to suggest that;

Against a backdrop of a chronic and well evidenced shortage of land for high value added business sites and premises in the town, the proposed development would result in a net reduction in Cheltenham's available employment land. The proposals cannot be seen to sufficiently contribute towards the efficient achievement of the town's full economic potential. The South West RDA is therefore unable to support the application.

6.8.3 It is accepted that there is a shortage of traditional employment land within the borough, and that the proposed mixed use development will result in a net reduction in the amount of employment land for the 'Class B' employment uses, but as outlined above, it is quite clear that the publication of PPS4 demonstrates an important shift away from this traditional view. The proposed development has been thoroughly assessed against the requirements of policy EM2 and it is considered that the proposal satisfies the mixed use aspect of this policy. Furthermore, when the advice contained within PPS4 is considered, it is apparent that the economic activities associated with the proposed food store should be given significant weight. In light of the response from the Strategic Land Use Team, and the advice within the PPS4, officers are of the view that the response from the South West RDA is not of sufficient weight to withhold planning permission. The proposed mixed use development complies with the mixed use objectives of policy EM2 and the advice within PPS4. The development is therefore considered to be an appropriate form of economic development on this site.

7.0 Access and highway issues

7.1 Members will be well aware that the Highway considerations have been significant in the assessment of this planning application. A number of residents have raised concerns relating to the increase in traffic movements to and from the site should the proposed development proceed.

7.1.1 The application was submitted with a Transport Assessment as well as Travel Plans for both the B1 element of the scheme and the proposed food store. Two supplementary reports to the Transport Assessment were subsequently submitted to address the impact on the Strategic Road Network (M5 and A40) and the Local Road Network.

7.1.2 The County Council, as Highways Authority, have reviewed these documents and discussions have been ongoing with the applicant throughout the consideration of this application. The County Council have provided a very thorough response which is set out above in full (para 4.6), and have raised no objection to the scheme subject to suggested conditions and the requirement to enter into a S106 legal agreement.

7.1.3 To summarise the County response, it is considered that there are three key areas that need to be reviewed. These are; Road capacity and Traffic flows, SPG contributions, and impact on existing junctions. In addition, it is important to consider the accessibility of the site and parking provision within the proposed layout.

7.2 Road capacity and Traffic Flows

7.2.1 The County Council response (set out at 4.6 above) states that the capacity of Hatherley Lane and Hatherley Road is gauged from the Department of Transport Design Manual for Roads and Bridges (DMRB) – Traffic Capacity of Urban Roads (TA 79/99). This document suggests that the one way capacity hourly flows on roads such as Hatherley Lane and Hatherley Road is 1300.

7.2.2 The analysis within the Transport Assessment suggests that the worst PM peak flows along these roads would be 885. This suggests that both roads are operating under capacity even in the worst peak hour.

7.2.3 The County Council have gone on to provide historical data for the two way 12 hour traffic flows along Hatherley Lane which suggests that the traffic flows in 2009 were actually less than that recorded in 1992 (when the application site was part of the Dowty Engineering Group). It is accepted that should the proposed development go ahead, these flows will increase, but this will not be to an extent that is beyond the capacity of the existing roads.

7.2.4 To support this analysis, the County Council carried out a weekday journey log past the site for a 2 week period. Whilst the figures suggest each journey time was different, on the majority of days, no delays were experienced when driving through Hatherley Lane. This journey log would therefore support the suggestion that the local roads are operating at a rate that is below capacity. Notwithstanding this issue of capacity, the proposed development does require financial contributions to mitigate the impact of the proposed development in line with adopted SPG; this matter is discussed below.

7.3 SPG Contributions

7.3.1 The response from the Highways Authority details the calculations for the sustainable transport contribution. The overall contribution is £1,962,523.70, which is the combined total for both elements of the scheme and includes the relevant discounts for travel plans and proximity to bus stops and takes into account the trip generation of the previous use on the site.

7.3.2 The applicant has accepted this figure and is currently working on a unilateral undertaking to agree the timing of the payments. The applicant is aware that this agreement has to be finalised before the grant of planning permission, should the development be approved.

7.3.3 The County Council has advised that the contribution will be used in the following ways;

- A scheme to reduce speeds to 20mph and traffic calm three corridors in the local area. (A scheme is currently being progressed by Gloucestershire Highways and the proposed plan is due by May 2010. Phase 1 is identified within the diagram within the County Council response and primarily relates to Hatherley Lane and Hatherley Road. This must be implemented prior to the beneficial occupation of the offices or superstore and therefore this element of the contribution must be secured before works start on site to enable GCC to place the works into the Capital Works programme.);
- Improvements to the public footpath that currently links Hatherley Lane, adjacent to the Nuffield Hospital, and Reddings Road, to increase its usability and security for potential users;
- Improve walking and cycling routes in the surrounding area;
- A scheme to further reduce speeds to 20mph and traffic calm corridors in the local area, beyond the phase outlined above;

- Contribution towards Elmbridge Major Scheme Bid Park and Ride, to improve the congestion, capacity and bus lanes along the A40 corridor from Arle Court Roundabout to the town centre;
- Park and Ride - improvement of parking strategy to ensure delivery of more spaces and greater control on use by town centre commuters and shoppers;
- Installation of MOVA for the existing signal controlled roundabout at Arle Court.

7.3.4 It has been estimated that the initial traffic calming scheme will cost within the region of £250,000 and therefore the Unilateral Undertaking will need to agree to provide this sum (which is yet to be confirmed) prior to the commencement of development. This will enable the County Council to implement the necessary traffic calming to allow it to be in place prior to the occupation of the food store. The balance of the payments would be secured prior to the occupation of the food store.

7.3.5 The County Council are satisfied that the proposed mitigation enabled by the contributions makes the highway implications acceptable. The package of measures are designed to reduce flow along Hatherley Lane, Hatherley Road and Reddings Road and encourage traffic onto the more suitable A40 and Grovefield Way and the modelling results confirm that this is would be the response.

7.3.6 The Transport Assessment models the impact that the proposed development will have on the local road network. Members will be aware that the model includes all current permitted developments and RSS allocations and therefore the figures generated are a worst case scenario. The model has been conducted under four different scenarios;

- Scenario 1 – The previous on the site (Woodward Engineering);
- Scenario 2 – The extant planning permission (ref: 08/01684/OUT);
- Scenario 3 – Proposed mixed use development;
- Scenario 4 – Proposed mixed use development including the local network traffic calming.

7.3.7 The figures generated by the model show the traffic calming to be working well and this is best demonstrated when the impacts on existing junctions are considered.

7.4 Impact on existing junctions

7.4.1 The Transport Assessment has reviewed traffic flows at five existing junctions and also the proposed site access. The junctions assessed are;

- Site access junction;
- Grovefield Way/Hatherley Lane roundabout;
- Grovefield Way/Reddings Road roundabout;
- Arle Court roundabout;
- Reddings Road/Hatherley Lane roundabout;
- Hatherley Lane/Hatherley Road roundabout;

7.4.2 The County Council response summarises the impact on each junction and the following extract is taken from this response (the tables showing the breakdown of flows are set out within the Supplementary Report to the Transport Assessment);

- *Site Access Junction – This shows a reduction of flow eastwards along Hatherley Lane from the site in the PM peak hour, with queuing on the arm into the development, with or without traffic calming on the local network;*
- *Grovefield Way / Hatherley Lane roundabout – This shows the junction operating under capacity.*
- *Grovefield Way / Reddings Road roundabout – This shows the junction operating under capacity.*
- *Arle Court roundabout – This shows that during the AM and PM peak hours, the A40 west and east link of the junction would operate over capacity under scenarios 2, 3 and 4. However, as part of the CBC SPG contribution, improvements to the signalled roundabout can be made with MOVA to improve the signal timings*
- *Reddings Road / Hatherley Lane roundabout – This shows the junction operating under capacity.*
- *Hatherley Lane / Hatherley Road roundabout – This shows the Hatherley Lane arm and the Hatherley Road (north) arm operating over capacity. However when the capacity is compared against the scenario 2, the queuing increase is very small.*

7.4.3 These comments suggest that the two key junctions are the Arle Court roundabout, and the Hatherley Lane/Hatherley Road junction. Members will note that the Arle Court roundabout would operate over capacity during the AM and PM peak hours under scenarios 2, 3 and 4, but the results of the TA suggest that with the introduction of MOVA, the junction would operate better under scenario 4 than if the extant permission was implemented (scenario 2). MOVA is therefore clearly an important aspect of the proposed traffic mitigation.

7.4.4 The performance of junctions is measured using a Ratio of Flow to Capacity (RFC) and a junction is deemed to be operating above capacity if the ratio is greater than 0.85. The relevant figures for the Hatherley Lane/Hatherley Road roundabout (which is identified as operating over capacity in Scenarios 2 and 4) are;

AM Peak - Hatherley Lane, Scenario 2 – 0.87 RFC
 AM Peak – Hatherley Lane, Scenario 4 – 0.84 RFC

PM Peak – Hatherley Road (North), Scenario 2 – 0.92 RFC
 PM Peak – Hatherley Road (North), Scenario 4 – 0.78 RFC

PM Peak – Hatherley Lane, Scenario 2 – 1.08 RFC
 PM Peak – Hatherley Lane, Scenario 4 – 1.09 RFC

7.4.5 These figures make it clear that the traffic calming measures (scenario 4) will have a positive impact on this junction except at the PM Peak on the Hatherley Lane arm. Members will note, however, that the difference between the extant permission and the proposed development is only 0.01 RFC and it is the view of the County Council that such a small increase does not justify withholding planning permission.

7.4.6 The analysis within the submitted TA and the response provided from the County Council makes it quite clear that whilst the proposed development will have an impact on the local road network, the mitigation measures facilitated by the Sustainable Transport SPG contribution, ensure that this impact will not be push the network beyond capacity. The traffic flows along Hatherley Lane will remain within the capacity levels advised for a road of its nature, and will also remain lower than historic figures suggest. Furthermore, whilst the Hatherley Lane/Hatherley Road junction will be operating beyond capacity at the PM Peak,

the difference between the proposed development and the extant permission is unlikely to be noticeable.

7.4.7 Given the nature of the proposed development, issues of accessibility and car parking are also important considerations when determining this application. PPS4 places a significant emphasis on the accessibility of sites proposed for economic development. It is stated within Policy E10 (Determining applications for Economic Development) that all planning applications for economic development should be assessed against;

the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured.

7.4.8 In response to this, the County Council has advised that;

The site is located within the residential areas of The Reddings, Hatherley and Benhall, and has over 2300 dwellings within the 1000m walking isochrone, (PPG13 walking distance). Additionally the site will be well located for existing local businesses in the area, including the adjacent film studios, Nuffield Hospital and B & Q, plus the committed residential and office developments at the former M & G site and Grovefield Way respectively. Furthermore the office development proposed with this development offers obvious potential for linked trips. Therefore I consider that, given the potential customer base within 1000m, the good links to the existing 94, and 97/98 bus service, and good cycle links, the opportunity for staff from both the food store and the offices to access the development by other modes of travel, together with a robust Travel plan, and the potential improvements delivered by the SPG contribution, the development is considered to be accessible.

7.4.9 It is considered that the site is located in an accessible location. Whilst it is accepted that the majority of trips to the food store will take place by car, this is not the only choice for people visiting the site. The Highways Agency have confirmed that they are happy with the proposed Travel Plans submitted, and the proposed office space is very accessible by means other than private car. It is therefore considered that the site scores favourably against PPS4 requirements regarding accessibility.

7.4.10 With regard to parking provision across the proposed development, the County Council is happy with the proposal. 371 parking spaces are provided for the retail element of the proposal, and 248 spaces are proposed for the B1 element. Both these provisions are within the maximum standards advocated within the Local Plan. Within the County Council response, it is stated that;

Parking for both the offices and the retail use are below the maximum standards in the Local Plan and the Local Transport Plan. However the numbers are close to these maximums as the highway authority is keen that parking is not displaced inappropriately on the surrounding network. A Travel Plan will be secured on this application by a legal agreement and will seek to achieve modal share targets for office workers and staff at the superstore.

7.4.11 In addition to the car parking provision, 80 covered and secure cycle spaces are proposed for the staff of the food store, and a further 38 spaces (under the canopy of the food store) are proposed for customers. This level of provision (118 spaces) exceeds the minimum standards required by Local Plan policy which is 1 space for every 60 sq. m of floor space, suggesting an overall minimum total of 115 spaces.

7.4.12 This level of provision is continued in the B1 element of the proposal. Space for 100 bicycles, spread across the site, is provided which comfortably exceeds the minimum standards within the Local Plan of 46. Should planning permission be granted, full details of these cycle storage areas should be required by way of condition.

7.4.13 In summary, it is considered that the proposed development is acceptable in terms of its impact on highway safety and access. The County Council have conducted detailed discussions with the applicant given the numbers of movements associated with a development of this scale and the applicant has agreed to the necessary contribution which will fund the necessary mitigation measures outlined within this report. Subject to the drafting of an acceptable legal agreement, no objection is raised on highway grounds.

8.0 Design and layout

8.1 Local Plan Policy CP7 requires development to be of a high standard of architectural design which reflects principles of urban design and complements and respects neighbouring development and the character of the locality. The proposed development has been reviewed by the Council's Urban Design Manager with input from a Graduate Landscape Architect and the conclusion is that the proposed layout of the development is of a high standard.

8.2 The comments from the Urban Design Manager are set out above at 4.8 above and members will note that the concerns previously identified have been largely resolved.

8.3 Officers were originally concerned that the location of the food store towards the back of the site would create a poor setting for the development. It was originally considered that the proposed car parking would be the most prominent aspect of the development which would relate poorly to Hatherley Lane.

8.4 The character of the site is well described by the Urban Design Manager's comments;

The character of Hatherley Lane at this point is large buildings and a green frontage. There is no consistent building line and the depth of landscape frontage varies. The arrangement is most successful on the north side of the lane (opposite the site) where landscape with some height gives enclosure to the Lane, whether backed by the GE factory or the film studios car park (with building beyond). Landscape at the hospital is less dominant, but the setting of the building behind a narrow parking forecourt in the landscape setting does create a sense of enclosure.

8.5 These comments go on to state that;

For this proposal to succeed using the proposed approach to layout (building set well back beyond a large car park, with only the pfs on the frontage) there needs to be a strong landscape strategy which both gives enclosure to the street and settles the building in a landscaped setting.

8.6 Discussions with the applicant to improve the scheme have largely focussed on strengthening the planting proposals around the perimeter of the site, and within the site (in terms of density, colour, variety and function); defining pedestrian routes through the site and establishing a meaningful central 'hub' to the site, adjacent the proposed café and entrance to the B1 office space.

8.7 Revised plans were received on 23 April 2010 which successfully incorporate officer advice into the scheme. The perimeter landscape proposals look generous and the pedestrian routes from both the north and south are well integrated into the overall layout; providing logical routes to both elements of the proposal for both pedestrians and cyclists.

8.8 The central 'hub' has now become a much more generous and inviting space which lifts the overall layout. The internal layout of the food store has been amended which allows for spill out from the proposed café into the pedestrian area and the Landscape Architect input suggests that;

This is a good improvement on the previous submission with clear, extended and legible boundaries of the hub area as well as refinement of surface materials indicating usage and space. The 'greening' of the corner of the Asda building will anchor the building into the landscape and link well with the surrounding soft landscape.

8.9 Despite these acknowledged improvements, concerns still remain over the function of this space. The improved space would benefit further from a more intimate scale through the creation of smaller, human scale areas which would allow spaces for tables, chairs and

benches. These concerns have been raised with the applicant and officers await their response.

8.10 Members will note that both the Architects Panel (4.9) and the Civic Society (4.10) have raised the importance of the proposed landscaping. In this regard, it is important to note the Tree Officer comments (4.11) which state that the proposed planting looks generous in terms of the size of trees proposed and the quantity. Officers endorse these comments and feel that the landscaping proposals for both the perimeter and within the site will make for a good setting for the proposed development, successfully reducing the prominence of the proposed car park. Importantly, the applicant has accepted the need for the perimeter planting to be the first thing to take place on the site should planning permission be granted. A condition requiring this would be necessary.

8.11 Despite the general endorsement of the landscaping proposals, upon receipt of the additional information requested, the Tree Officer has raised concern regarding the proposed planting of five semi-mature Oak Trees within the car park. It is suggested that;

The planting spec looks very comprehensive. However, upon reflection and after consultation with a large tree supplier, I have concerns regarding the planting of the 5 large oaks (Quercus robur) within the car park. Whilst the only other oak tree on the site has grown well over the years I suspect that quick establishment of the trees in what we know is heavy clay, could prove difficult. As such I recommend that another species is also planted which would be likely to compliment the oak and still provide the same aesthetic function within the car park but which would have a greater chance of prompt establishment success. The species I suggest is Common ash (Fraxinus excelsior). I suggest that 3 oak and 2 ash are planted instead of the 5XQuercus robur as initially agreed.

Due to the nature of the heavy clay on site I am also concerned that the trees' future rooting medium is far from ideal. Whilst the trees will be installed with a very large rootball attached, fibrous roots may have difficulty penetrating the heavy clay soil surrounding the tree pits. As such I suggest that a further 1 meter on each side of the tree pit is excavated and infilled with the same planting medium as is recommended in the planting spec.

8.12 The applicant has responded to these comments, and having consulted with their Landscape consultants, has accepted the majority of these amendments, but have proposed a further 0.5 metres on each side of the tree pit is provided rather than the metre requested. Officers are satisfied with these amendments but should planning permission be granted, conditions requiring the maintenance of the landscaping will be necessary.

8.13 With regard to the external appearance of the proposed buildings, the applicant is proposing a contemporary approach with a design ethos that runs throughout the scheme, and despite criticism from the Architects Panel, officers consider this to be a suitable approach.

8.14 The Architects Panel has commented that;

externally the design [of the food store] does what it says on the tin; very crisp and formalised appearance, the relationship between some of the internal spaces of the store and the external spaces around the store could be improved particularly the cafe.

We would like to see more information on the green credentials of the building and how these will actually be put into place on the site.

8.15 Regarding the B1 element of the scheme, the comments on the office buildings were less complimentary;

Very poor, neither successfully modern nor reflecting Cheltenham style architecture, they could be proposed for a site anywhere. The elevations try to imply that the top floor is set back but clearly this is not the case. The fenestration is bizarre as are the indicative internal arrangements.

The scale of the buildings is very difficult to gauge and they appear large and clunky when viewed against the super store.

There is no continuity across the site between the proposed office buildings and the super store.

8.16 Officers would agree with the comments provided about the food store building; the elevations submitted do suggest a very crisp external appearance with a simple pallet of materials. The relationships between the internal and external spaces have been successfully improved as outlined above and officers are content with the appearance and layout of this building. Officers are less convinced by the criticism of the office buildings.

8.17 The Architects Panel suggest that the elevations imply that the top floor is set back, but it is quite apparent from the floor plans that this is not the case. Moreover, there is no reason for the top floor of the office units to be set back; there is little context to respond to and the height of the buildings is appropriate for this large, commercial site. The large elements of glazing add to the crisp, contemporary form of development that the application seeks to achieve and officers see no reason why this is not appropriate for the site.

8.18 Regarding the internal arrangements, whilst these do not appear overly imaginative, the applicant has considerable experience in developing sites of this nature and is therefore unlikely to propose a scheme that would not appeal to the market. In response to the criticism that the buildings would appear '*large and clunky when viewed against the super store*' the applicant has introduced a greater degree of articulation in to the buildings, incorporating steps within the footprints to relieve the bulk of these structures.

8.19 To summarise, it is considered that the proposed design and layout of the proposal does achieve the high standard expected by policy CP7. The applicant has been responsive to the constructive criticism provided by officers and the scheme has been suitably adjusted and improved as a result. Whilst it is recognised that the central 'hub' could be improved further, a matter that the applicant is duly considering, this issue is not so significant that it would warrant withholding planning permission.

8.20 The landscaping scheme, so important in an application of this nature, has been well received by the Tree Officers and Urban Design Team and if this is executed successfully, the site will benefit from a high quality redevelopment. It is recommended that no objection be raised to the design and layout of the proposal.

9.0 Impact on neighbouring amenity

9.1 Local Plan policy CP4 states that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users and the locality. Members may be aware that the application is for an unrestricted consent in terms of hours of opening and hours of delivery and it is this matter that has caused a number of the objections with residents concerned about the noise and light pollution associated with a large food store. Some residents have also suggested that the height of the proposed food store will be unacceptably overbearing. This section of the report will therefore consider each of these three important aspects.

9.2 Height

9.2.1 Regarding the height of the food store, as outlined in section 1, the front of the building measures 7 metres in height, with the tallest point, at the rear of the building measuring 10 metres; a shallow, mono-pitched roof runs from the front of the building to the back. The food store is located in a very similar position to a previous industrial building which stood on the site (it is anticipated that this will be clearly demonstrated for members on planning view) and measured 6.8 metres to eaves height, and 10 metres to the ridge. The closest dwelling to the

previous building was 3 Unwin Close, located 23 metres away; the proposed food store is 27 metres away from this house.

9.2.2 It is acknowledged that the proposed building is taller than the building which previously stood on the site in this location, but importantly, the food store is located further away from the properties in Unwin Close. In light of this separation distance, the comparable bulk with the previous structure, and the bund which lies between the residential properties and retail building, it is not considered that the proposal will be unacceptably overbearing on these dwellings.

9.3 Lighting

9.3.1 Whilst the properties in Unwin Close will not be unacceptably affected due to the size and location of the proposed food store, the necessary lighting scheme to illuminate the proposed car park on an unrestricted basis is another important consideration. The application is accompanied by a lighting assessment which has subsequently been updated and amended following discussions with the Council's lighting consultant.

9.3.2 The overall summary of the proposed lighting scheme, as commented by the Council's lighting consultant is that;

The fittings are all types having good light control...and are well suited to this type of use to maximise light where needed, limit spill as far as possible and create very little direct upward light.

9.3.3 Notwithstanding these comments, the report goes on to raise concern over the impact on the properties in Unwin Close during the curfew time, which in a development of this nature is 21.00pm to 07.00 am. Post curfew time, the maximum light level reaching neighbouring residential properties should be no greater than 2 lux; the lighting scheme achieves a value of 1.95 lux when assessed from 3 Unwin Close. In response to this, it is stated within the consultant's response that;

Because the Unwin Close properties are those closest to the main ASDA car park area, which may be fully lit throughout the hours of darkness, this could be a source of complaint. The design has already been amended in this area to minimise off-site lighting, but the potential remains.

9.3.4 Officers consider that the impact on the properties within Unwin Close is too great with the current lighting scheme and therefore cannot support this part of the proposal. The applicant is currently considering whether there is scope to manage the lighting arrangements in a manner that reduces the impact on Unwin Close to a more appropriate level. A revised lighting scheme, which is likely to include proposals to turn off specific lights before the curfew time, is anticipated in advance of the committee meeting and members will be updated accordingly.

9.4 Noise

9.4.1 The application has been submitted with an accompanying Noise Assessment which has been reviewed by Environmental Health. The Noise Assessment identifies the principal noise sources as; noise from the operation of fixed plant and services; noise from the operation of the service yard and noise associated with vehicle and trolley movements within the car park. It is therefore important to consider each of these noise sources within this report.

9.4.2 With regard to noise from the operation of fixed plant and services, it is anticipated that the majority of the external units would be located on the roof. The applicant is aware of the importance that such units do not give rise to potential disturbance to surrounding residents, and have therefore identified target levels which the equipment should not exceed. The Environmental Health team are content with this approach, and have suggested a condition requiring the information to be submitted prior to the installation of this equipment. Furthermore, the condition also requires the equipment not to exceed the noise levels set out within the report. The applicant is happy to accept such a condition.

9.4.3 The operation of the service yard has been a matter of concern for many residents, although it is the properties in Tylea Close that are closest to this area of the site. The Noise Assessment submitted identifies the principal noise sources associated with the operation of the service yard as; vehicle arrivals and departures; vehicle refrigeration plant operating whilst

unloading (on chilled and frozen food vehicles); unloading activities and the occasional use of the compactor (to compact waste). The design of the service yard has therefore sought to reduce the impact of these noise sources. The Noise Assessment states that;

The design of the store has sought to minimise activities carried out externally, with two dock loaders proposed so that the majority of the vehicles unload directly into the warehouse. The entrance to the service yard has also been designed to simplify vehicles turning, which minimises manoeuvres.

There will be a small external raised area between the two dock loaders, which would be used principally for the storage of empty crates. It is also anticipated that a waste compactor would be located at the end of this raised area, which is understood to be used once per day for a short duration, as the majority of the store's recycling would be taken from site by the vehicles delivering to site.

9.4.4 It is apparent from this assessment, that the service yard has been designed with neighbouring amenity in mind. In addition to the well designed unloading area, which is enclosed by a sedum roof, the yard is proposed to be screened by a means of enclosure with good acoustic performance to mitigate the noise within the yard. It was originally proposed to enclose the southern boundary with a 5 metre tall acoustic fence, which drops to 4 metres on the western boundary, and 3 metres to north, but following discussions with Environmental Health and the occupier of 10 Tylea Close (the closest property to the service yard) the southern boundary will now be formed by a dense concrete block wall to improve the acoustic performance of this enclosure. Should planning permission be granted, the final details of this enclosure should be secured by way of condition.

9.4.5 Members will note that the applicant seeks an unrestricted consent in terms of hours of trade and hours of delivery. The hours of trade issue has been discussed above, but an unrestricted consent on hours of delivery will require the delivery yard to perform well on a consistent basis. Regarding delivery times, the applicant has advised that the likely number and times of delivery would be;

- 3 fresh deliveries between 22:00 – 08:00 hours;
- 2 ambient deliveries between 08:00 – 14:00 hours;
- 2 ambient deliveries between 14:00 – 22:00 hours;
- 1 frozen food delivery between 12:00 – 21:00 hours;
- 1 George delivery at 20:00 hours

9.4.6 The applicant has further advised that delivery vehicles would typically be on site for one hour (30 minutes to unload, and 30 minutes to reload with empties and materials for recycling) and the figures outlined above suggest that only 3 deliveries out of 9 would take place during the night-time period.

9.4.7 Environmental Health officers are satisfied with the proposals for the service yard, subject to a noise management plan to control noise generated within the delivery yard. The applicant has also advocated such an approach and has suggested the following measures within their Noise Assessment;

- Ensure drivers switch off engines whilst unloading;
- Ensure radios within the cabs of vehicles are switched off whilst vehicles are stationary;
- Careful handling of cages, particularly during the night-time and early morning periods;
- Ensure noise levels from activities within the service yard are generally maintained at a minimum;
- Regular review of operation procedures, particularly should a complaint be received

9.4.8 In light of the comments provided by Environmental Health, and the details provided by the applicant, officers do not consider it necessary to impose restrictions on the hours of delivery to the proposed food store. The proposed service yard has been successfully amended to reduce the impact of noise with the introduction of a concrete block wall, and subject to conditions requiring full details of this enclosure, and the noise management scheme, officers are satisfied with this element of the proposal.

9.4.9 The final aspect to consider from a noise perspective is the noise associated with the operating of the car park. The key elements with this are vehicle movements, the use of trolleys and the location of the proposed recycling area. The closest residential properties to the car park are those within Unwin Close and this is where the noise measurements within the Noise Assessment have been taken from. The Noise Assessment summarises the impact of moving vehicles as follows;

The car park noise levels are lower than the existing ambient (L A eq) noise levels monitored at the property. There would be an increase in noise levels as a result of the operation of the car park, however, this increase would give rise to a change in L A eq noise levels of less than 3dB(A).

A 3dB(A) change is normally considered to be the lowest perceptible under normal listening conditions, although, as the character of the slow moving vehicles and doors opening/closing would be different to that associated with the existing noise environment, it is likely that the occupants of the closest property may notice the change in the noise environment.

The noise levels associated with the operation of the car park, would remain low and an assessment against the PPG24 guidance for new dwellings would indicate that the noise environment at the dwelling [in Unwin Close] would remain in Noise Exposure Category (NEC) A, which is the lowest classification and a level at which noise mitigation would not normally be necessary when assessing road traffic or mixed use development.

9.4.10 Given these comments within the Noise Assessment, officers are satisfied that the movement of vehicles within the car park will not give rise to unacceptable levels of noise and the Environmental Health are also content with this aspect of the scheme.

9.4.11 The movement of trolleys is given due consideration within the Noise Assessment. It is stated that Asda's policy is to use modern trolleys in store which have a new wheel design which reduces noise levels associated with their operation by around 10dB(A), when compared against the 'older style' trolley. Given that the car park is to be surfaced with a low noise surface, it is anticipated that the noise levels associated with trolley movements will be lower than those associated with the movement of vehicles, which as outlined above, is considered to be at an acceptable level.

9.4.12 The location of the recycling area is another aspect of the proposed development that has caused concern with neighbouring residents. Members will note from the site layout, that the recycling area is located to the north east corner of the application site. It was originally located where the staff cycle storage is proposed, but the public consultation exercise raised concern over this location. In response to this concern, the recycling area has been moved and is now over 55 metres from the nearest residential property. This distance compares favourably with other food stores located in residential areas, with the recycling area at Morrisons sited some 50 metres from the nearest property, and the recycling area at the new Sainsburys on Priors Road located 40 metres from the nearest property (albeit with Priors Road between the two).

9.4.13 Officers consider that the distance between the recycling area and the nearest residential property is acceptable and will not give rise to noise related complaints. The Environmental Health team have also not raised any objection to this aspect of the proposal.

9.4.14 To summarise the comments set out in this section, officers are satisfied that the size and scale of both the food store and office buildings will not give rise to any loss of light or privacy and will not constitute an overbearing form of development. Further to this, it is not considered that the proposals will give rise to unacceptable levels of noise given the well designed delivery yard. Officers do, however, have concerns over the proposed lighting scheme and await further comments from the applicant on this matter. Subject to this issue

being satisfactorily resolved, no objection is raised to the proposal based on the impact on neighbouring amenity.

10.0 Sustainability

10.1 Members will be aware that Local Plan policy CP1 requires developments to take adequate account of the principles of sustainable development. This matter has been given further weight within the recently published PPS4. Policy EC10 of this document (Determining planning applications for economic development) sets out a number of impact considerations against which all planning applications for economic development should be assessed against. One of these considerations requires the assessment of;

Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change.

10.2 In response to the requirements of this policy, the applicant has undertaken an initial BREEAM assessment to establish how successful the scheme is in terms of limiting carbon-dioxide emissions and provide resilience to climate change. The applicant is seeking to achieve a 'Very Good' BREEAM rating and the initial assessment suggests that this is achievable. The applicant has also indicated that they are willing to accept a condition to require this target be achieved.

10.3 Measures proposed to achieve this 'Very Good' rating include;

- A patented standing seam, mono pitched, highly insulated metal roof with roof lights providing natural light into the store – directly linked to the sales floor artificial lighting to reduce energy use;
- High quality, highly insulated white wall cladding panels, thermally sealed to prevent heat loss;
- Enhanced landscaping to increase the bio-diversity of the site and ecological value;
- External lighting which meets the British Astronomical Association campaign for 'Dark Skies' criteria limiting upward light pollution;
- Use of high efficiency hand driers;
- Low flushing toilets and aerated taps.

10.4 In addition to these measures, Asda have a target of sending zero waste to landfill by 2010 and compared to stores in 2005, all new Asda stores are more than 35% more energy efficient, and emit 35% less green house gases. Furthermore, the applicant has confirmed that at the end of the stores life, a team from the 'Asda Consolidation Centre' will remove all equipment from the store, refurbish and re-use. Where it cannot be re-used, it will be sent to the appropriate recycling facility.

10.5 It is apparent from the measures outlined above, that the proposed development has been designed with carbon emissions and climate change in mind. The supplement to PPS1: Planning and Climate Change raise a number of other issues that are considered to be important when reviewing the sustainability credentials and environmental performance of a proposed development. These include;

- delivering patterns of urban growth that help secure the fullest possible use of sustainable transport for moving freight, public transport, cycling and walking; and, which overall, reduce the need to travel, especially by car;
- conserve and enhance biodiversity, recognising that the distribution of habitats and species will be affected by climate change;

- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption, including maximising cooling and avoiding solar gain in the summer; and, overall, be planned so as to minimise carbon dioxide emissions through giving careful consideration to how all aspects of development form, together with the proposed density and mix of development, support opportunities for decentralised and renewable or low-carbon energy supply;
- provide public and private open space as appropriate so that it offers accessible choice of shade and shelter, recognising the opportunities for flood storage, wildlife and people provided by multifunctional greenspaces;
- give priority to the use of sustainable drainage systems, paying attention to the potential contribution to be gained to water harvesting from impermeable surfaces and encourage layouts that accommodate waste water recycling;
- provide for sustainable waste management;
- create and secure opportunities for sustainable transport in line with PPG13 including through the preparation and submission of travel plans;
- provide for safe and attractive walking and cycling opportunities including, where appropriate, secure cycle parking and changing facilities; and
- demonstrate an appropriate approach to the provision and management of car parking.

10.6 Many of these issues outlined within PPS1 have already been addressed within this report. The County Council are satisfied with the proposed travel plans, and consider that the proposed development is accessible by a variety of modes of transport. Furthermore, the proposed layout provides safe and attractive walking and cycling opportunities to and within the site and provides areas of usable open space throughout the site to make the development a pleasant and interesting place to visit and work.

10.7 Members will note that the list provided above makes reference to wildlife and habitats and members will also note that the Strategic Planning response provided by the Council Council (set out at 4.4 above) was critical over the lack of recent site visits relating to bat and badger surveys. In response to this criticism, the applicant commissioned a further site visit. The results of this visit suggest no evidence that the Badger sett located at the back of the site (behind the existing bund) has been used recently. The holes have become overgrown with no fresh bedding, tracks, pathways or latrines recorded within proximity of the sett or elsewhere within the site. The report goes on to state that;

The only identified change to the ecological baseline was a new fox den, situated within the vegetated bund to the south of the development area. The use of this feature by fox (as opposed to badger) was confirmed in recognition of the size and shape of the den entrance, the abundance of fox scats and a characteristic odour.

10.8 Regarding bats, the recently commissioned report state that;

Pre-felling checks of the poplar trees for evidence of use by roosting bats were undertaken by Vilas Anthwal of WSP in 2008. No historical or current evidence of bats was identified and consequently no further survey works or mitigation measures were deemed necessary. These trees were subsequently felled. No other features with the potential to support bats have been identified on the recent site inspection and consequently bats are not considered further within this report.

10.9 Given this recent site inspection, officers are satisfied that the proposed development adequately considers the ecological value of the application site. Should planning permission be granted, this should be subject to a condition relating to a construction management plan

requiring a precautionary strategy to development which is considerate of the potential for Badgers to return to the sett.

10.10 One final issue identified within the supplement to PPS1 which has not already been addressed by this report is the use of Sustainable Drainage Systems. The application has been submitted with a Flood Risk Assessment (FRA) and Drainage Strategy. Despite the sites location within Flood Zone 1 (the lowest probability of flooding) due to the site area 4.95 hectares requires the submission of an FRA.

10.11 The Environment Agency suggest that the key point for developments in Flood Zone 1 relates to surface water runoff and that this should not increase flood risk to the development or to third parties. This should be done by using Sustainable Drainage Systems (SuDS) to attenuate to at least Greenfield runoff or where possible achieving betterment in the surface water runoff regime.

10.12 The drainage strategy proposed for this development will implement SUDS and two separate systems are proposed; one for the access road and petrol filling station (due to the potential for contamination) and a second for the buildings and car parking. The car parking areas are to be constructed using permeable paving with a series of perforated pipes to discharge surface water to the ditch to the south of the site. The conclusion to the drainage strategy states that;

The proposed development would result in less impermeable area on the site, taking into account the proposed areas of landscaping and permeable paving. As a consequence the volume of runoff discharging to the ditch would be reduced. Therefore, the proposed development would not increase flood risk elsewhere and would actually reduce flood risk overall.

10.13 Officers consider that the drainage strategy complies with the guidance given from the Environment Agency and are satisfied with the proposals. Should planning permission be granted, a condition requiring specific details of the scheme should be imposed.

10.14 It is quite clear from this section of the report that the applicant has duly considered the proposal over the course of its life time to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change. Both aspects of the scheme have been designed to achieve a BREEAM rating of 'Very Good' and the proposed site layout seeks to enhance the landscaping on the site which will add to its ecological value. Further to this, the application is accompanied by Travel Plans for both aspects of the scheme which have been endorsed by the County Council has Highways Authority and also the Highways Agency. It is therefore considered that the proposed development complies with the objectives of Local Plan policy CP1 and policy EC10 of PPS4.

11.0 Other considerations

11.1 Members will be aware that a Section106 legal agreement will be required for a development of this scale. The Highway obligations have already been outlined within this report, but a second obligation relating to public art is also necessary. The applicant has agreed to contribute a figure of £25000 for the provision of a piece of public art and this will be paid prior to the commencement of the retail element of the development.

12 Conclusion and recommendation

12.1 In conclusion, officers are satisfied that the proposal represents a high quality development that will make good use of a large, previously developed, brownfield site. The proposal responds successfully to the constraints of the site and, subject to conditions (particularly relating to the proposed lighting scheme), will not harm neighbouring amenity. Furthermore, the proposed design, layout and landscaping has been greatly improved following discussions with officers and it is considered that the proposal will now make a positive contribution to the locality.

12.2 The applicant has responded well to the discussions with the County Council as Highways Authority and the mitigation measures proposed for the local road network will ensure that the trips generated by the development will not cause the roads and junctions to exceed capacity to an unacceptable degree. A legal agreement, to secure the necessary financial contributions, is currently being drafted and members will be fully updated when this matter is finalised.

12.3 The proposal is considered to comply with the objectives of Local Plan Policy EM2 (notwithstanding the suitability of the retail use) and will make a positive contribution to the local economy. This conclusion is particularly relevant when assessed against the advice within PPS4. Furthermore, it is considered that the proposal pays due regard to the principles of sustainable development, in accordance with policy CP1 and the advice within PPS4.

12.4 The turning issue, therefore, relates to the retail implications of the proposed development. A significant amount of information has been submitted to justify the proposal and DPDS Consulting Group has been instructed to review this. Members will be fully updated in advance of the committee meeting to clarify this matter, and a full recommendation will also accompany this update.

RECOMMENDATION

Recommendation at Committee