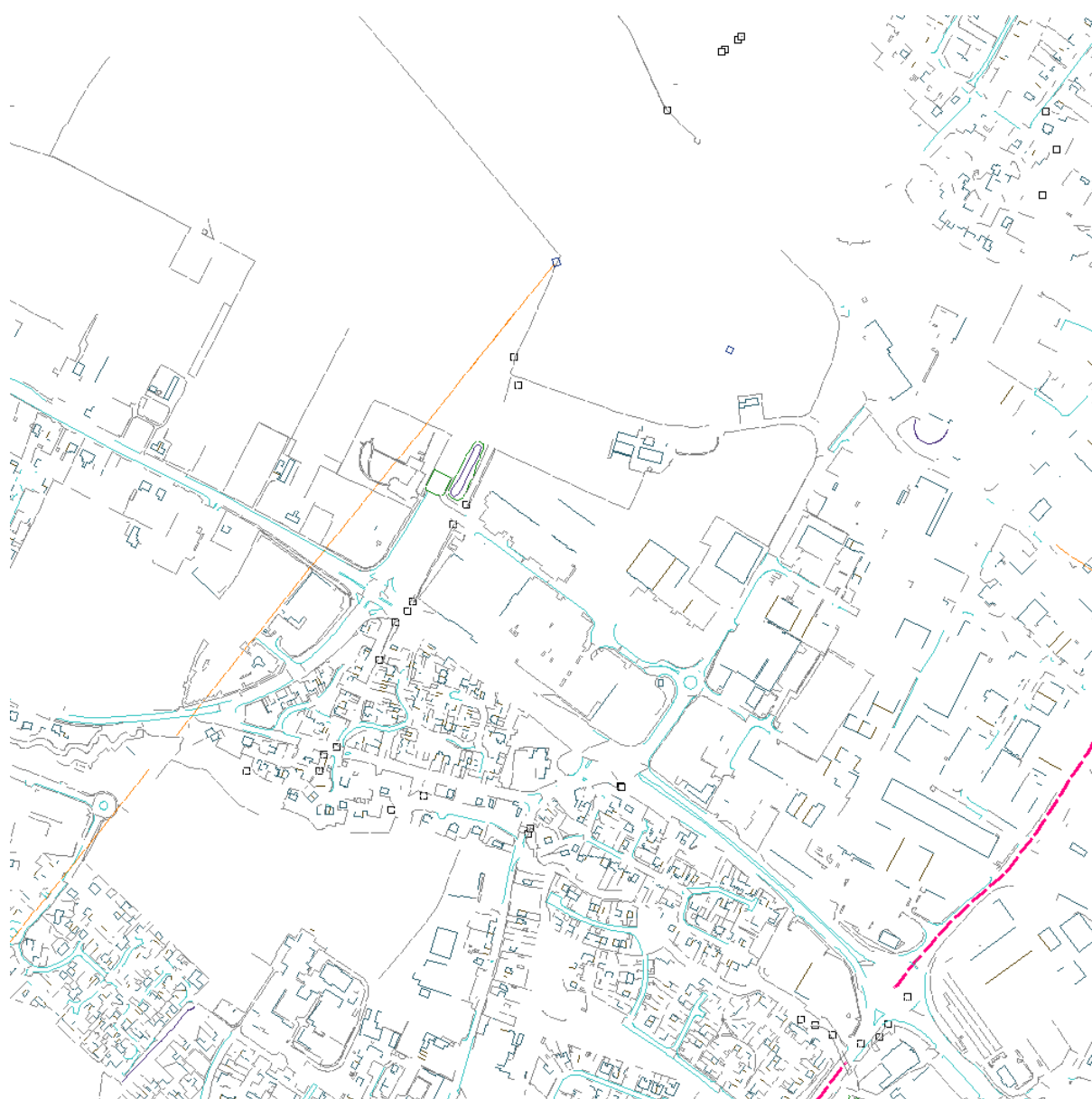


APPLICATION NO: 17/01459/FUL		OFFICER: Mrs Victoria Harris	
DATE REGISTERED: 15th August 2017		DATE OF EXPIRY: 14th November 2017	
WARD: Swindon Village		PARISH: Swindon	
APPLICANT:	The Gibraltar Limited Partnership		
AGENT:	WYG Planning and Environment		
LOCATION:	Gallagher Retail Park, Tewkesbury Road, Cheltenham		
PROPOSAL:	Erection of a Class A1 retail unit comprising 929 sqm at ground floor with full cover mezzanine, car parking, re-alignment of service yard access, renewal / adjustment of service yard drainage, diversion of a Class 5 highway, and associated works to the west of Unit A Gallagher Retail Park.		

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1** This application seeks full planning permission for the erection of a Class A1 retail unit, 9 additional customer parking spaces in front of the unit, and 32 staff parking spaces on land adjacent to the Sainsbury's service yard at Gallagher Shopping Park. The application also seeks to redirect service yard access road around the new retail unit.
- 1.2** The application site comprises of two areas of land within the Gallagher Retail Park. One area is adjacent to unit A1/A2 which is currently in use as Next, the land is currently the service yard entrance and an area of land with over-grown shrubs and trees. The second area of land proposed for the staff parking is behind Sainsbury's and is made up of shrubs and trees. A public right of way runs through the middle of these areas and appears to be regularly used.
- 1.3** The administrative boundary of Tewkesbury Borough Council and Cheltenham Borough Council dissects the site of the proposed development; because of this duplicate applications have been submitted to each Authority. Approximately 64% of the application site is within Cheltenham Borough Council.
- 1.4** The planning application is presented to committee at the request of Councillor Flo Clucas who has concerns with access to the site, anti-social behaviour and the diversion of the public right of way.

1.5 CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m

Relevant Planning History:

91/00319/PF 25th April 1991 PER

Application To Vary Conditions Vi and Viii Of Planning Permission T 198/1/X Dated 16th June 1989

91/00830/AI 26th September 1991 PER

Display Of Illuminated And Non-Illuminated Advertisements

91/01148/AN 19th December 1991 REF

Erection Of Hoarding

92/00051/PF 27th February 1992 PER

Construction Of 4.5 Metre High Boundary Fencing To Proposed Retail Park

93/00167/AI 25th March 1993 PER

Display Of Various Illuminated Signs

94/00865/PM 20th October 1994 PER

Reserved Matters Application (External Appearance, Siting, Design, Means Of Access And Landscaping) For Non Food Retail Units, Car Park And Service Area

05/00225/FUL 6th April 2005 NOTREQ

Provision of steel barriers to three entrances and bollards to lowered kerb pedestrian access

06/00899/ADV 2nd August 2006 WDN

Free-standing, externally illuminated (static) retail park identification totem and free-standing, externally illuminated (static) retail park identification banners

06/01273/ADV 10th October 2006 REF

Free-standing, internally illuminated (Static) retail park identification totems, free-standing, externally illuminated (static) retail park identification banners

07/01381/ADV 29th November 2007 REF

Display of five lamp post mounted 6 sheet illuminated advertisements

08/01287/FUL 7th November 2008 PER

To construct a brick built outbuilding to store an electricity meter

09/00596/CONDIT 23rd June 2009 REF

Application to vary condition 6 attached to planning permission CB19773/00 to allow the sale of footwear

11/00550/CLPUD 15th June 2011 CERTPU

Amalgamation of Units M(2) and N(1) into one Class A1 unrestricted retail unit

91/01333/PF 12th March 1991 PER

Alteration to existing car park and service yard.

91/01334/PF 12th March 1991 PER

Retail park with non-food retail stores, petrol filling station, car parking, service yards, access road and ancillary facilities.

90/01379/PF 18th December 1990 PER

Construction of access road and junction/highway improvements to A4019

89/01658/PF 16th June 1989 PER

Outline application for the erection of non food retail store on the form of a retail park including parking, service yards, access roads, landscaping, petrol filling station and ancillary facilities.

82/00684/PF 23rd December 1982 PER

Erection of a detached garage for storage purposes

13/02107/FUL 20th January 2014 PER

Provision of new electricity sub station within existing service yard

14/00523/FUL 23rd June 2014 PER

Proposed erection of retail warehouse unit on car parking adjacent to Unit K Gallagher Retail Park

14/01313/FUL 28th August 2014 PER

External alterations involving front and flank elevations; reconfiguration of car parking; provision of 27 staff car parking spaces within the service area (net increase of 11 spaces), and enhancements to the public realm including new pedestrian crossings to units A3, B and E

15/01008/DISCON 19th August 2015 DISCHA

Discharge of condition 3 - construction phasing method statement on planning permission 14/01313/FUL

15/01012/AMEND 23rd June 2015 PAMEND

Non material amendment to planning permission 14/01313/FUL, to alter side of Unit E (change from full height glazing to full height brickwork)

15/02158/AMEND 17th December 2015 PAMEND

Non material amendment to planning permission ref: 14/01313/FUL - amendment to elevations to omit the proposed high level cladding and decorate the existing sloping mansard

16/01897/AMEND 8th November 2016 PAMEND

Non-material amendment to planning permission ref. 14/01313/FUL to replace an element of approved glazing with cladding on the front elevation of Unit A3

17/00028/FUL 9th February 2017 PER

Installation of cameras and supporting equipment in association with car park management (Retrospective)

17/00028/ADV 9th February 2017 GRANT

45 signs associated with the car park management system comprising, 4 entrance signs, 34 internal signs and 7 signs relating to disabled parking (Retrospective)

17/00097/FUL 30th May 2017 PER

Planning permission to allow the erection of temporary Class A1/A3/A5 retail pop-up units within defined areas encompassing 276 sqm of the existing Gallagher Retail Park car park

17/01842/FUL PCO

Temporary siting of a single storey Portakabin building

1. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 5 Sustainable transport

CP 7 Design

GE 2 Private green space

GE 5 Protection and replacement of trees

GE 6 Trees and development

CO 1 Landscape character

CO 5 Definition of green belt

CO 6 Development in the green belt

NE 1 Habitats of legally protected species

NE 3 Biodiversity and geodiversity of local importance

RT 1 Location of retail development

RT 2 Retail development in the core commercial area

RT 7 Retail development in out of centre locations

UI 3 Sustainable Drainage Systems

UI 4 Maintenance strips for watercourses

TP 1 Development and highway safety

National Guidance

National Planning Policy Framework

2. CONSULTATIONS

Minerals And Waste Policy Gloucestershire

11th August 2017

Please accept this correspondence as the initial view of the Minerals & Waste Planning Authority (M&WPA) for Gloucestershire concerning the aforementioned planning application(s).

All major planning applications (10 or more dwellings, residential sites of 0.5ha or more and other development in excess of 1,000m² or over 1ha) should be accompanied by an appropriately detailed Waste Minimisation Statement (WMS).

The production of a WMS is a specific requirement of the development plan for Gloucestershire as set out under WCS Core Policy 02 - Waste Reduction. It is needed to show how waste arising during the demolition (including site preparation), construction and occupation of development will be minimised and managed, and how recycling during the occupational life of the development will be provided for.

Full policy text and supporting information for WCS Core Policy 02 - Waste Reduction can be obtained online at: - <http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-waste-core-strategy/>.

To support applicants preparing planning applications and assist decision makers in their consideration of waste minimisation matters, local guidance has been published - Gloucestershire Supplementary Planning Document: Waste Minimisation in Development Projects (WM-SPD).

The WM-SPD can be obtained online at: - <http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/waste-minimisation-in-development-projects-spd/>.

Please note that a WMS is not the same as a voluntary Site Waste Management Plan (SWMP), although much of the information required for both is very similar. A significant difference of a WMS is the need to consider waste minimisation commitments, which go beyond the construction phase.

Where decision makers are satisfied that the waste minimisation matters of a particular proposal have and / or will be sufficiently addressed in accordance with WCS Core Policy 02 - Waste Reduction, the advice of the M&WPA is to attach relevant conditions to any subsequent planning approval that may materialise. Examples of conditions for outline, full and reserved matters applications can be found in Appendix F of the WM-SPD.

Not engaging or providing insufficient information in respect of waste minimisation matters could put at risk the acceptability of proposed development. The failure to address waste minimisation may be a reasonable ground for a decision maker to refuse planning permission.

The M&WPA for Gloucestershire reserves the right to submit an additional response(s) to that contained in this correspondence with respect of the aforementioned planning application(s).

If you have any further queries regarding this consultation response, please do not hesitate to contact the M&WPA for Gloucestershire via: - m&wplans@gloucestershire.gov.uk.

Building Control

3rd August 2017

No comment.

Parish Council

21st November 2017

Swindon Parish Council is concerned that (1) the height of the proposed new building is greater than that of the neighbouring buildings, and (2) this represents a further significant increase in retail floor area without a significant or commensurate increase in customer car parking.

Severn Trent Water Ltd

15th August 2017

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

Tree Officer

29th August 2017

The Tree Section Objects to this application.

The majority of the trees on the site are proposed to be removed to facilitate the new unit and staff car parking, however, the quantity of trees to be replaced is much less than that removed. More needs to be made of the planting plans to maintain the green screen currently in place. Whilst individually many of the trees are not significant, as a group they have cohesion as well as visual and ecological value. The trees are proposed to be removed from the service yard and no replacement trees planted. Trees which only have a small ultimate size could be planted here for example hawthorns.

The trees provide a screen barrier to the retail park behind and provide an important green visual barrier at the entrance to Cheltenham from the west but also locally. This green façade needs to be maintained to help visually soften the appearance of the retail park behind. Some parking provision could be created behind Sainsbury's whilst maintaining the green border by cutting an entrance through the bund and clearing the scrub behind, leaving the trees in situ around the edges. This would enable staff to park but would not drastically alter the appearance of the site as the retained bund would screen the parked cars and provide the visually important green frontage to the road.

Should this proposal above be considered acceptable, it is strongly advised to create a management plan for the short, medium and long term maintenance of this area. This should be submitted as a part of any modified application.

31st October 2017

The Tree Section appreciates the additional information submitted and does not object to the current proposals. However, more could have been made of landscaping to the side of the service yard planting smaller trees in addition to the current proposals, such trees would act as an important boundary screen. Small trees for example; *Crataegus monogyna* may be appropriate additions to this location.

24th November 2017

The Tree Section welcomes the additional trees added to the landscaping to the side of the service yard, as these trees are of mixed ultimate sizes they should not compete for resources and will provide an appropriate boundary screen for the service yard.

Architects Panel

13th October 2017

Design Concept The panel had no objection to the principle of the development but questioned the site layout and in particular the relationship of the staff new parking area and service road adjacent to the west access road and what will become the North Cheltenham access road in due course.

Design Detail

The building design was generally considered acceptable and in keeping with adjoining retail units. The panel felt the screen planting on the east side of the staff car park would be better located on the west side to screen the cars from the west access road.

The alignment of the service road behind the new unit would not be compatible with the future North Cheltenham access road design. Access off this road to the north of the site would greatly improve the south frontage, which might be given over to further soft landscaping and additional parking.

Recommendation: Submit revised design proposals.

GCC Local Flood Authority (LLFA)

27th September 2017

I have reviewed the above planning application on behalf of the Lead Local Flood Authority (LLFA) in respect of surface water drainage and flood risk.

This application is joint with Tewkesbury Borough Council (planning application 17/00827/FUL) and to which I responded on the 10th August, 2017 with an objection due to a lack of any surface water drainage or flood risk information. Cheltenham Borough Council Planning Officers have subsequently been included in subsequent email correspondence with the applicant's drainage consultant's WYG and have received as part of this application the revised Flood Risk Assessment dated September 2017, Second Edition.

As is evident from the email correspondence to date there remains insufficient information to satisfy the LLFA and further information has been sought from WYG on the existing drainage regime of the site and the applicant's proposed drainage strategy.

The LLFA maintains its objection to this application in its current form due to a lack of information.

NOTE 1 :The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

25th October 2017

I have reviewed the revised Flood Risk Assessment and Drainage Strategy document dated 12 October 2017 outlining the existing and post development strategy for the 2 development parcels, identified as north and south. Whilst the document goes some way in clarifying my earlier queries dated 20 September regarding the drainage proposals there still remains some confusion over the proposals for the northern parcel's drainage.

I am satisfied with the proposal that the southern parcel will be drained to the existing surface water sewer and that appropriate attenuation will be provided underneath the permeable paving.

The northern area remains confused. Paragraphs 4.1.5 & 4.1.6 refer to a proposed discharge to a surface water sewer south of the area which seems to contradict paragraph 4.1.13 which states that it 'will be drained in accordance with the existing drainage regime'. The existing regime according to the document relates to there being no formalised flow route.

The proposed discharge rate for both parcels is low, at 0.5 l/s and 1.1 l/s and some confirmation from Severn Trent Water as to their discharge requirements would be welcomed.

28th November 2017

Further to my previous correspondence regarding the above planning application I

have reviewed the additional information provided by WYG on the 22 November, 2017 relating to the proposed surface water discharge arrangements for this development.

The site area is in two sections, divided by the access road which runs North East / South West on the retail park and referred to as 'North' and 'South' in the Flood Risk assessment (FRA).

The applicant has considered the SuDS discharge hierarchy and whilst infiltration testing has not been carried out, intends to do so before discounting this as a drainage strategy. Should infiltration be viable then this could be considered as a strategy.

As there is no convenient watercourse close to the site, the applicant proposes porous paving and underground attenuation in crates, calculated adequate for the 1 in 100 year rainfall event including 40% climate change and discharging to the Severn Trent surface water sewer system close to the North and South sections. Discharge will be restricted by a flow control to 1.1 l/s (N) and 0.5 l/s (S) and in the North section will initially flow into the adjacent ditch West of the site. These are very low discharge rates and the minimum flow rates will need to be agreed by Severn Trent Water Co.

As it is intended that the site will be used to park up to 72 vehicles an oil interceptor will need to be incorporated into the surface water discharge system.

The LLFA does not object to the drainage strategy but recommends that any approval includes the following conditions:

Conditions:

1. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been provided for approval by the Local Planning Authority, this should be in accordance with the proposal set out in the applicant's submission (Gallagher Retail Park, Cheltenham. The Gibraltar Limited Partnership. Flood Risk Assessment (FRA) and Drainage Strategy. September 2017). The SuDS Strategy must include a detailed design, maintenance schedule, confirmation of the management arrangements and a timetable for implementation. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

2. No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

NOTE 1 :The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

GCC Highways Planning Liaison Officer

25th October 2017

I refer to the above planning application received 2nd August 2017 on with Plans Nos: AAA4817-A-P-01, AAA4817-A-P29-02, AAA4817-A-P29-03, AAA4817-A-P29-04, Transport Statement and revised details received 18th October 2017 including AAA4817-A-A29-01 Rev A, AAA4817-A-P29-02 Rev B, AAA4817-A-P29-03 Rev A, AAA4817-A-P29-04 Rev B, AAA4817-A-P29-08 Rev B and Revised Transport Statement.

The proposed development is for the construction of a new Class A1 non food retail store located to the west of the existing Next Home Store to provide an additional 1858 m2 of floorspace. In addition the application proposes a new car park to the south of the new unit which is proposed to provide staff car parking for employees at the stores on the Gallagher Retail Park, this car park will be accessed from the access road to the Retail park separate to the main car park.

Access-

The site is accessed from the internal carriageway and footways of the Gallagher Retail Park with vehicle access to the wider car park area which in turn leads to the small extension to the car park at the front of the new building.

The application site currently includes the access to the service yard at the rear of the retail units. The proposals include the alteration to this access to re-align the access road around the new building. This creates a tight left hand bend for large vehicles approaching from the west which is likely to be the predominate route for delivery vehicles. Vehicle tracking has been submitted which demonstrates that this movement is possible for the largest vehicles requiring access to the service yard however given the nature of this movement the vehicle requires the majority of the access road carriageway to make the turn and therefore would prevent vehicles leaving the service road at the same time. Currently the area between the access road and the retail park spine road is open and therefore on the rare occasion that a HGV arrives at the same time as one is leaving the service yard there would be sufficient opportunity for the vehicle leaving to give way and a vehicle waiting on the spine road for a short period is unlikely to cause a hazard.

Accessibility-

There are two main access points to the retail park firstly on to Manor Road at the south east and the unnamed access road from the Tewkesbury Road (A4019). The surrounding streets have footways providing access to the surrounding network. The A4019 Tewkesbury Road is served by regular bus services to Cheltenham and Tewkesbury meaning that future employees as well as customers have the opportunity to travel to the site by means other than the private car.

Car Parking -

As part of the proposals an additional 9 parking spaces will be provided to the front of the proposed building as an extension to the existing car park. These spaces will

be shared with the other retail units on the park and will add to the overall parking provision of the site. In addition to these extra spaces the proposals also include 32 parking spaces on the south side of the retail park which are intended to be used as staff parking for staff at the retail units. This would free spaces within the main car park for use by customers.

The Transport Statement includes the results of a car parking survey of the existing car park on a Friday and Saturday in February 2017. This showed that through the peak Friday afternoon period the occupation of the existing car park peaked at 48% with 243 spaces available.

The Saturday survey showed a much higher level of car park occupation with a peak of 90% occupation in the afternoon.

The development could be expected to add to the car parking demand by around 16 vehicles which could be accommodated within the proposed car park however the actual number is likely to be lower as some vehicles will already be visiting other units on the retail park as part of linked trips.

Traffic Impact -

The submitted Transport Statement has used the industry standard TRICS database to review surveys of other similar sites to calculate a predicted trip rate for the development which gives a development trip rate for the development below-

Time Period	Arrivals	Departures	Total
Friday AM	7	3	10
Friday PM	16	18	34
SaturdayPM	46	41	87

This has been calculated on a floor space of 1858m² which includes the mezzanine floor. The Transport Statement recommends that the mezzanine floor trades at a lower rate than the ground floor area and therefore the associated vehicle trip rate could be considered to be lower however for robustness an unreduced trip rate has been used.

In addition to this the figures stated above are a total number of vehicle movements at the site however research has shown that for retail developments a significant portion of development trips are known as non-primary in that these vehicles are already on the highway network visiting other retail units or as pass-by or diverted trips which call at the site when passing nearby. Given the nature of the Gallagher retail park it is considered likely that a significant number of these movements would not be new to the retail park.

The Transport Statement has undertaken a review of the Manor Road/Rutherford Way roundabout at the south east of the retail park and the Tewkesbury Road/Hayden Road signalised junction at the north west of the development as these are the two routes in to the retail park.

The results of the Manor Road/Rutherford Way junction assessment show that there is a slight decrease in spare capacity and a corresponding small increase in queuing during the peak periods however the junction remains with spare capacity post development.

A similar result is observed for the Tewkesbury Road/Hayden Road junction with a small reduction of spare capacity on the retail park arm of the junction. The results

show that this junction has least spare capacity in the Friday PM peak period however this is likely to be due to an overlap with the commuter peak which generally occurs earlier on a Friday afternoon than other weekdays.

Therefore I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:-

1) The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 5 bicycles has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

2) The building hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan AAA4817-A-P29-04 Rev B and those facilities shall be maintained available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

3) 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. The Statement shall:

- i. specify the proposed route for delivery and service vehicles
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

NOTE: The implementation of this permission will require the stopping up of established highway rights by separate Order before works can commence and the Applicant/Developer is advised to instigate that process as soon as possible.

NOTE: The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

County Archaeology

15th November 2017

Thank you for consulting me concerning the above planning application. I wish to make the following observations concerning the archaeological implications of this scheme.

I advise that I have checked the proposed development area against the County Historic Environment Record. In my view the proposed development in Cheltenham Borough has low potential to have any adverse impact on archaeological remains, since much of the land has been developed previously. I therefore recommend that no archaeological investigation or recording should be required in connection with this application.

You may wish to note that the westernmost part of the application site, which is located in Tewkesbury Borough, has some potential to contain Roman settlement remains. Therefore, in respect of the parallel application (17/00827/FUL) for this development made to Tewkesbury Borough Council I have recommended the attachment of a planning condition to secure archaeological monitoring there.

I have no further observations.

Environmental Protection

29th August 2017

In relation to application 17/01459/FUL for Gallagher Retail Park, Tewkesbury Road, Cheltenham there are no objections from Environmental Protection.

Environmental Health

15th August 2017

I write in relation to the above application and highlight the following to yourselves and request that the concern relating to workplace transport be considered by WYG and also be passed onto the applicant.

I telephoned and spoke briefly to Louise Darch today to highlight this email.

The above planning application was passed for consideration to the Occupational Health and Safety Team, within Public and Environmental Health. I write in the interests of public health and the general health and safety of those who work in our district. Please note any comments are made separate to our pollution (noise / dust) or food safety colleagues and the housing enforcement team also based in Environmental Health.

Health and safety enforcement at the council have no objections to the application but the following health and safety concerns following review of the plans are highlighted:

Workplace Transport

The following detail could not be found on the application and would benefit from being clarified in the interests of potential person and vehicle interaction.

The delivery area in drawings A098132-TS002 & 3 (fig 4.7 & 4.8 in the appendix of the transport statement) and the overall plan of the site is unclear to me in that:

- There is a thickened line between the road and the loading bay but I could not find what this was. I hope it is a barrier offering protection from the road to the loading bay area, as operators of unit AA will be unloading vehicles with their back to the access road.
- The dimensions of the loading area were not clear because on the transport plan a loading bay is designated but on the overall plan a loading bay is not present.

(In addition to the workplace transport concerns consideration should also be made if the position of a loading bay has the potential to affect any fire escape routes from the unit AA.)

There are high risks surrounding workplace transport and so new developments should plan for a safe foreseeable process. Design features that could reduce the risks during delivery and waste removal should be planned and where possible discussed with users of the site so that any appropriate risk reduction elements implemented before operations begin. Please see:

The guide to workplace transport, HSE document HSG136 - <http://www.hse.gov.uk/pubns/price/hsg136.pdf>
and for a brief overview the HSE leaflet workplace transport a brief overview: <http://www.hse.gov.uk/pubns/indg199.pdf>

I hope the above is useful and wish you well in the development.

Strategic Land Use Team

30th August 2017

17/01459/FUL: Land at Gallagher Retail Park, Tewkesbury Road, Cheltenham

Policy considerations in relation to a proposal for the erection of a Class A1 retail unit comprising 929 sqm at ground floor with full cover mezzanine, car parking, re-alignment of service yard access, renewal / adjustment of service yard drainage, diversion of a Class 5 highway, and associated works.

The site

The application site lies to the west of Unit A, Gallagher Retail Park in north-west Cheltenham. It straddles the administrative boundary between Cheltenham and Tewkesbury councils. The site comprises partly undeveloped greenfield land, and is also partly occupied by the service yard and access route to the relevant part of the retail park i.e. brownfield land.

Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. Therefore, in determining this application, the following must be considered:

- The saved policies of the Cheltenham Borough Local Plan (CLP) Second Review 2006, which comprise the adopted development plan, and;
- Relevant material considerations which include:
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

- The emerging Joint Core Strategy (JCS) and its evidence base
- The emerging Cheltenham Plan and its evidence base.

Core issues in this case

The core policy issues in the case of this proposal are considered to be:

- The need for sustainable development
- New retail development
- Development in the Green Belt

These are considered in turn below.

The need for sustainable development

NPPF (2012)

Paragraph 14 of the NPPF states that a presumption in favour of sustainable development is a golden thread running through both plan making and decision taking. When making decisions, this means approving development proposals that accord with the development plan unless material considerations indicate otherwise.

Adopted Cheltenham Local Plan (2006)

The land which is subject to this proposal is not allocated for any particular use but lies primarily within the Principal Urban Area as defined on the Proposals Map of the adopted Cheltenham Local Plan. The purpose of the Principal Urban Area (PUA) is to help concentrate development to sustainable locations within the Borough.

Policy CP1 - Sustainable Development states:

"Development will be permitted only where it takes account of the principles of sustainable development. In particular, development should:

- a) conserve or enhance natural resources and environmental assets, and
- b) give priority to the use of previously developed land, and
- c) make the most efficient and effective use of land."

The emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy - Main modifications version (2017)

Policy SA1 of the JCS outlines the planned provision of approximately 4285 new homes and 23.4 hectares of employment land at the North-West Cheltenham strategic allocation. The boundary of this urban extension (site A5) includes part of the area of land that is the subject of this proposal and the indicative site layout for the allocation denotes the area as being for employment and related infrastructure.

New retail development

NPPF (2012)

Para 24 states:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale".

Para 26 states:

"When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate,

locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m)....."

Adopted Cheltenham Local Plan (2006)

Policy RT1 - Location of Retail Development states:

"Retail development will be permitted, subject to the availability of suitable sites or buildings suitable for conversion, which relate to the role and function of retailing centres and their catchments only in the following sequence of locations:

- a) the Central Shopping Area, subject to Policy RT2
- b) the Montpellier Shopping Area or the High Street West End Shopping Area, subject to Policy RT2
- c) elsewhere within the Core Commercial Area, subject to Policy RT2
- d) district or neighbourhood shopping centres, subject to Policy RT3
- e) out-of-centre sites which are accessible by a regular choice of means of transport, subject to Policies RT7 and CP5.

In considering the location of retail development, developers and operators should demonstrate flexibility and realism in format, design, scale and car parking."

Policy RT7 - Retail Development in Out of Centre Locations states:

"Subject to Policy RT1, retail development outside defined shopping areas will be permitted only where:

- a) a need for additional floorspace has been demonstrated, and the proposals:
- b) individually or in conjunction with other completed and permitted retail development would not harm the vitality and viability of the town centre as a whole or of a district or neighbourhood centre."

Whilst Local Plan Policy RT7 deals with the demonstration of retail need, it is noted that this policy is now out of sync with the national directive. Consequently, RT7 should be disregarded in favour of the NPPF.

Policy CP5 - Sustainable Transport states:

"Development will be permitted only where it is located and designed so as to:

- a) minimise the need to travel; and
- b) provide adequate accessibility to the site for vehicles, including public transport, pedestrians, cyclists and people with disabilities; and
- c) meet travel demands in safe and energy efficient ways; and
- d) provide a level of parking space that will encourage walking, cycling and public transport and discourage use of the private car; and
- e) meet Local Transport Plan targets for the proportion of trips to the site by each mode of transport."

The emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy - Main modifications version (2017)

Policy SD3 relates to the retail hierarchy and indicates that proposals for retail uses that are not located in a designated centre or in accordance with a policy either under the JCS or District Plans, will be assessed against the requirements of the sequential test and impact test as set out in National Planning Policy Guidance or locally defined impact assessment thresholds as appropriate.

Development in the Green Belt

NPPF (2012)

Para 87 states:

"As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

Para 88 states:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

Para 89 states:

"A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

Para 90 states:

"Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order."

Adopted Cheltenham Local Plan (2006)

Policy CO6: Development in the Green Belt, states:

"Within the Green Belt, except in very special circumstances, there will be a presumption against the construction of new buildings for purposes other than:

- agriculture and forestry; or
- essential facilities for outdoor sport and outdoor recreation, for cemeteries, or for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it; or
- limited rebuilding, replacement, or extension of existing dwellings, subject to policies CO7 (Rebuilding or replacement of dwellings in the green belt) and CO8 (Extension of dwellings in the green belt); or
- limited residential infilling within existing and previously undeveloped gaps in built up frontages along The Reddings, Shaw Green Lane and Bowbridge Lane, if there is no adverse impact on the openness of the Green Belt.
- development in accordance with policy CO9 (Cheltenham Racecourse).

Engineering or other operations or any material change of use will not be permitted unless they maintain the openness of the Green Belt and do not conflict with the purposes of including land in it."

The emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy - Main modifications version (2017)

The JCS is now well advanced in its preparation with adoption anticipated at the end of the year. It therefore should be taken into account as a significant material consideration in decision making on planning matters.

Policy SD6: Green Belt, states:

"To ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF unless very special circumstances can be demonstrated....."

Assessment

The need for sustainable development

Whilst the site is located out of town and on the edge of Cheltenham, it comprises partially of brownfield/previously developed land and is close to the strategic highway network which is well served by public transport. The proposal, though comprising a free standing retail unit, is located in close proximity to a terrace of existing retail units and relates reasonably well to the immediate surroundings. Nevertheless, the proposal is partly located in the Green Belt where there is a strong presumption against development unless in very special circumstances (see below).

New Retail Development

The sequential test

The NPPF requires local authorities to ensure that the sequential test has been followed and that developers adequately demonstrate that no sequentially preferable sites could accommodate the proposed development in or closer to town centres. The policy team is content that the applicant has adequately demonstrated compliance with this requirement to show that there are no suitable, available and viable sequentially preferable sites available on this occasion.

Retail impact

There is currently no locally set threshold for retail impact assessments to be undertaken in Cheltenham, so the default threshold of 2,500 sq. m set by the NPPF applies. However, as the proposal is somewhat smaller than this, there is no requirement for a retail impact assessment to be submitted on this occasion. Notwithstanding, it is noted that the applicant has undertaken a brief assessment of the proposal's impact based on likely turnover rates. If considered necessary and appropriate, the accuracy of this assessment should be evaluated by the Council's retail advisor.

Development in the Green Belt

The proposal falls within the Green Belt where there is a strong presumption against development unless in very special circumstances. The erection of a retail unit does not constitute acceptable green belt development as set out in the NPPF and, consequently, it is not considered that this proposal outweighs the overriding importance of Green Belt policy.

Whilst the applicant draws attention to the fact that the Inspector conducting the JCS examination has indicated that comprehensive redevelopment as part of a significant urban extension would be acceptable and that exceptional circumstances exist to justify this urban extension (with corresponding Green Belt removal), it does not follow that exceptional circumstances exist for the construction of a single retail unit.

The proposal therefore contravenes national planning policy and is also contrary to the Green Belt policies of the adopted Cheltenham Borough Local Plan and the emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy as set out above.

Other matters

The proposed development would have the effect of extending the retail park and encroaching into an undeveloped area beyond the Principal Urban Area as defined in the adopted Local Plan. This area is currently being advanced for new housing and employment generating development in the indicative layout of a large-scale urban extension at North-West Cheltenham contained within the emerging JCS.

The JCS is a well advanced plan that is currently moving towards the conclusion of its examination, where discussions before an independent planning inspector have proved largely positive in relation to progressing the proposed allocation.

As the access road to the existing retail park is also planned to be the main access into the North-West Cheltenham allocation, the policy team is concerned that development on or in close proximity to this highway could have the effect of prejudicing the realisation of this important strategic allocation thus undermining the JCS and eradicating many of the anticipated benefits to Cheltenham and the wider JCS area.

North West Cheltenham as a concept has been under discussion for several years to the extent that an outline planning application for the development was submitted to the Council during the latter part of 2016 and is still under determination. (1602000.OUT - Land at Elms Park refers)

For the above reasons, it is considered that the proposal for a freestanding retail unit at this location remains inappropriate at this stage. As submitted, the scheme does not sufficiently take into account the context of north-west Cheltenham and the potential impacts thereupon, particularly, the effect on the access to the proposed strategic allocation (yet to be approved) and the appropriateness of developing on Green Belt land.

Natural England

18th August 2017

Natural England has no comments to make on this application.

Gloucestershire Centre For Environmental Records

16th August 2017

Report available to view online.

Cheltenham Civic Society

21st September 2017

Our opinion regarding this application was divided; some considered that development was within a pattern of development already established in this area. Others considered that more 'out of town' retail would only undermine Cheltenham town centre even further. The building is the usual 'nowhere realm' architecture.

3. PUBLICITY AND REPRESENTATIONS

Number of letters sent	21
Total comments received	3
Number of objections	2
Number of supporting	0
General comment	0

3.1 The application was publicised by way of letters to 21 properties, a site notice and a notice in the Gloucestershire Echo. 2 objections were received which relate to the following issues:

- Public right of way should be retained
- Inappropriate development in the Green Belt
- Loss of trees and shrubs
- Increased traffic congestion

4. OFFICER COMMENTS

4.1 Determining Issues

4.2 The key issues in determining this application are considered to be principle, design and layout, impact on neighbouring properties, access and highways issues, and ecological impact.

4.3 The site and its context

4.4 Gallagher Retail Park is located adjacent to Tewkesbury Road, a key approach road into Cheltenham, with the main vehicular access from Manor Road. The retail park is located in an established retail park which is characterised by large retail warehouses.

4.5 The application site straddles the administrative boundary between Cheltenham and Tewkesbury Borough Councils. The boundary line runs along the east side of the two areas of land with dense vegetation. The service yard, service yard entrance, a small part of the land to the side of the service yard entrance and small part of land to the rear of Sainsbury's is within CBC. Most of the two vegetated areas of land and the public right of way are within TBC.

4.6 Land to the west of the retail park is allocated in emerging policy documents for the large North West Cheltenham urban extension comprising of homes, employment land, hotel, mixed use centre providing retail, community uses, transport hub, primary and secondary school; alongside green infrastructure. This allocation is currently the subject of a live outline planning application, known as Elm's Park (LPA ref: 16/02000/OUT). The outline application has means of access as an unreserved matter, including proposed Site Access C, which is positioned at the location of the western vehicular access into the Gallagher Retail Park. It is currently proposed that this access is upgraded to form a five lane highway off of Tewkesbury Road with a roundabout providing access into the retail park.

4.7 There are no specific constraints which cover the land within Cheltenham, but at the time of writing this report the land within Tewkesbury is within the Green Belt.

4.8 Principle

4.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. Therefore, in determining this application, the following must be considered:

- The saved policies of the Cheltenham Borough Local Plan (CLP) Second Review 2006, which comprise the adopted development plan, and;
- Relevant material considerations which include:
 - National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance (nPPG)
 - The emerging Joint Core Strategy (JCS) and its evidence base
 - The emerging Cheltenham Plan and its evidence base.

4.10 The core policy issues in the case of this proposal are considered to be:

- The need for sustainable development
- New retail development
- Development in the Green Belt

4.11 These are considered in turn below.

4.12 The need for sustainable development

4.13 NPPF (2012)

4.14 Paragraph 14 of the NPPF states that a presumption in favour of sustainable development is a golden thread running through both plan making and decision taking. When making decisions, this means approving development proposals that accord with the development plan unless material considerations indicate otherwise.

4.15 Adopted Cheltenham Local Plan (2006)

4.16 The land which is subject to this proposal is not allocated for any particular use but lies primarily within the Principal Urban Area as defined on the Proposals Map of the adopted Cheltenham Local Plan. The purpose of the Principal Urban Area (PUA) is to help concentrate development to sustainable locations within the Borough.

4.17 Policy CP1 - Sustainable Development states:

4.18 "Development will be permitted only where it takes account of the principles of sustainable development. In particular, development should:

- a) Conserve or enhance natural resources and environmental assets,
- b) Give priority to the use of previously developed land, and
- c) Make the most efficient and effective use of land."

4.19 The emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy - Main modifications version (2017)

4.20 Policy SA1 of the JCS outlines the planned provision of approximately 4285 new homes and 23.4 hectares of employment land at the North-West Cheltenham strategic allocation. The boundary of this urban extension (site A5) includes part of the area of land that is the subject of this proposal and the indicative site layout for the allocation denotes the area as being for employment and related infrastructure.

4.21 New retail development

4.22 NPPF (2012)

4.23 Para 24 states: "Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale".

4.24 Para 26 states: "When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m)....."

4.25 Adopted Cheltenham Local Plan (2006)

4.26 Policy RT1 - Location of Retail Development states:

4.27 "Retail development will be permitted, subject to the availability of suitable sites or buildings suitable for conversion, which relate to the role and function of retailing centres and their catchments only in the following sequence of locations:

- a) The Central Shopping Area, subject to Policy RT2
- b) The Montpellier Shopping Area or the High Street West End Shopping Area, subject to Policy RT2
- c) Elsewhere within the Core Commercial Area, subject to Policy RT2
- d) District or neighbourhood shopping centres, subject to Policy RT3
- e) Out-of-centre sites which are accessible by a regular choice of means of transport, subject to Policies RT7 and retail CP5.

4.28 In considering the location of development, developers and operators should demonstrate flexibility and realism in format, design, scale and car parking."

4.29 Policy RT7 - Retail Development in Out of Centre Locations states:

4.30 "Subject to Policy RT1, retail development outside defined shopping areas will be permitted only where:

- a) A need for additional floorspace has been demonstrated, and the proposals:
- b) Individually or in conjunction with other completed and permitted retail development would not harm the vitality and viability of the town centre as a whole or of a district or neighbourhood centre."

4.31 Whilst Local Plan Policy RT7 deals with the demonstration of retail need, it is noted that this policy is now out of sync with the national directive. Consequently, RT7 should be disregarded in favour of the NPPF.

4.32 Policy CP5 - Sustainable Transport states:

4.33 "Development will be permitted only where it is located and designed so as to:

- a) Minimise the need to travel;
- b) Provide adequate accessibility to the site for vehicles, including public transport, pedestrians, cyclists and people with disabilities;
- c) Meet travel demands in safe and energy efficient ways;
- d) Provide a level of parking space that will encourage walking, cycling and public transport and discourage use of the private car;
- e) Meet Local Transport Plan targets for the proportion of trips to the site by each mode of transport."

4.34 The emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy - Main modifications version (2017)

4.35 Policy SD3 relates to the retail hierarchy and indicates that proposals for retail uses that are not located in a designated centre or in accordance with a policy either under the JCS or District Plans, will be assessed against the requirements of the sequential test and impact test as set out in National Planning Policy Guidance or locally defined impact assessment thresholds as appropriate.

4.36 The application was accompanied by a report from the agent, addressing these points and this has been assessed by an independent consultant, who has produced a report.

4.37 The report confirms that the sequential test is relevant and appropriate to the application and the proposal does have the potential to significantly affect the town centres vitality and viability.

4.38 The independent consultant has made the following conclusion below;

"The sequential test is relevant and appropriate to the application. The applicant has in our view approached the test in line with recent Court judgments and it is a matter of planning judgement whether the test is met in any particular situation. The main town centre alternatives are the former BHS unit in Regent Arcade, North Place/Portland Street and the unoccupied units at the Brewery. It appears to us that refurbishment works now under way together with the applicant's research indicates that the BHS unit is no longer available. In relation to the North Place/Portland St, there are no current proposals which could provide an alternative to the proposed unit so far as we are aware. We would of course comment further if the Council can up-date us. The units at the Brewery are available now and capable of providing similar floorspace to the proposal. However, they would not, in our judgement, be suitable for bulky goods retailing because the parking is rather remote. We therefore conclude that, provided a condition such as that proposed by applicant is applied, the sequential test is passed.

The proposal does have the potential to significantly affect the town centres vitality and viability because it could prove attractive to a leading town centre retailer which would either otherwise consider a town centre location or which is already present in the town centre and would consider moving out. An open A1 unit in this location would also create a precedent which the Council would find it difficult to resist on the Gallagher Retail Park and elsewhere and there is very considerable of centre floorspace in the town. This objection would not apply if a sale of goods condition as suggested by the applicant were applied.

We also consider that a non-subdivision condition would be necessary to make the development acceptable.

Subject to these conditions we consider the proposal complies with the relevant retail policies.”

- 4.39** The part of the proposal within Tewkesbury at the time of writing this report falls within the Green Belt. There is a strong presumption against development within the Green Belt unless in very special circumstance. The Planning Policy Officer has objected to the proposal on the grounds that the erection of a retail unit does not constitute acceptable green belt development as set out in the NPPF and, consequently it is not considered that this proposal outweighs the overriding importance of Green Belt policy.
- 4.40** The land will be removed from the Green Belt once the JCS is adopted.
- 4.41** The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) has been examined in public to establish if the plan meets the tests of legal compliance and soundness as set out in the National Planning Policy Framework (NPPF). On 26th October 2017 the Planning Inspector issued the final report, which states:
- 4.42** “I conclude that with the recommended main modifications set out in the Appendix the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.” 1
- 4.43** The three Council's now intend to move towards adoption, and the JCS will be taken to Cheltenham full Council meeting on the 11th December 2017.
- 4.44** Once the JCS is adopted the site will no longer be in the Green Belt and the object will no longer relate to the site.
- 4.45 Design and layout**
- 4.46** Policy CP7 of the Local Plan states that Development will only be permitted where it is of a high standard of architectural design, adequately reflects principles of urban design, and complements and respects neighbouring development and the character of the locality and/or landscape.
- 4.47** 6.6.2 Chapter 7 of the NPPF also places great emphasis on the importance of the design of the built environment, stating that good design is indivisible from good planning. It goes on to state that decisions should not attempt to impose architectural styles or particular tastes although it is proper to reinforce local distinctiveness. The NPPF also talks about the importance of integration of new development into the existing environment.
- 4.48** The design of the new unit is considered to be appropriate; it will be a detached building that will sit to the side of unit A1/A2 and step forward of the building line of the existing terrace. The building design has a more contemporary approach to the existing terrace. It is taller, will be clad in vertical dark grey cladding with a variety of panel widths, will have areas of brickwork to match the existing terrace and have a large entrance feature surround to the front and side.
- 4.49** Officers were concerned that the design of the new unit failed to respect the character and scale of the existing building. The Design and Access Statement explains the reason behind this approach and states,

“The proposed façade of the new unit is a similar design to that approved as part of the original Master-plan for this overall development, with the exception of the height of the proposed building and cladding design; which have been updated to provide a more

useable and generous space at mezzanine level and visually to provide a stronger and more purposeful contemporary design. The increase in height also provides an opportunity to punctuate the end of the terrace.

In order to adequately address the issues presented by the design of the principle façade, a new concept has been developed to create a more contemporary version based on the entrance features on the other units A to E, which will be sympathetic to the new entrance recently delivered by Next in Unit A1.

Entrance features are formed to serve each unit using a rendered board to create a uniform surround in a contrasting stone coloured finish to the adjacent cladding, which frames the Tenant's signage zone above each shop entrance. The proposed elevation has a brickwork plinth at low level but looks to introduce new vertical cladding panels in place of the continuation of the brickwork and mansard detail which is not contemporary and in need of replacement at some point in the future. The entrance features are repeated using the same family of materials to provide a simple solution as required by the proposed Tenant."

4.50 Both the Civic Society and Architects Panel felt the design was acceptable and did not have an objection.

4.51 A dense vegetation strip will be removed to accommodate the new access road for the service yard and the new retail unit. The new service road is located close to the new road proposed as part of the NWC urban extension. Officers were originally concerned about this close relationship and if it had an impact on the resulting setting of the area. To mitigate this impact a stronger vegetation/landscape buffer has been proposed. 13 new trees are proposed in the landscaping strip, and drawing no. P-29-008-REV C (Proposed Alternative Road Layout Plan) highlights an area of potential further landscape screening that exists as road-side verge in the NWC Urban Extension. This additional land for further landscaping is not within the red line and therefore out of the applicant's control however the agent has made the following comments,

"In practice, this area of land could not be materially used for any other purpose ('access' is not a reserved matter) and as such a swath of highway-verge of up to circa 5m will be available for landscaping. This zone will further strengthen the additional landscaping provided as part of the Unit AA application, creating a substantial buffer between the retail park and the urban extension, ensuring that the character of the locality is not harmed."

4.52 This is not an unrealistic assumption that an additional 5m strip of land will be available to the side of the proposed landscaping strip and therefore on balance subject to a landscaping condition the new landscape buffer is acceptable.

4.53 The dense vegetation strip behind Sainsbury's will be partly removed to accommodate 32 Staff Parking Spaces with access from the North. A large number of trees will be retained to the east, south and west with two additional trees to the south. The retained trees will ensure the land still helps to provide a soft transfer from a semi-rural context to the urban area of Cheltenham along with providing a potential green buffer between the strategic allocation and the retail park. The trees will also screen the car park and the unsightly service area and rear elevations of the Sainsburys building.

4.54 The Tree Officer does not object to the loss of the trees and welcomes the additional trees added to the landscaping to the side of the service yard. The new trees are a mix of sizes that should not compete for resources and will provide an appropriate boundary screen for the service yard.

4.55 On balance the design is acceptable, given the context of the site and the existing buildings, the proposal is considered to represent an acceptable form of development which will enhance the site and preserve its contribution to the Tewkesbury Road.

4.56 Impact on neighbouring property

4.57 Policy CP4 of the Local Plan states that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users.

4.58 The building is surrounded by commercial development and therefore has no residential neighbours. It is not considered to result in any adverse impact upon neighbouring uses or properties. As such the application is in accordance with policy CP4 of the Local Plan development to protect the existing amenity of neighbouring land users and the locality.

4.59 Access and highway issues

4.60 The application has been accompanied by a transport statement. A full and detailed response has been provided by Gloucestershire County Council which has been reproduced above.

4.61 The transport statement concluded that the development could be expected to add to the car parking demand by around 16 vehicles, which could be accommodated within the proposed car park. The Highways Officer concluded that the actual number would likely be lower as some vehicles will already be visiting other units on the retail park as part of linked trips.

4.62 The Transport Statement undertook a review of the Manor Road/Rutherford Way roundabout at the south east of the retail park and the Tewkesbury Road/Hayden Road signalised junction at the north west of the development as these are the two routes in to the retail park.

4.63 The Highway Officer concluded that the results of the Manor Road/Rutherford Way junction assessment showed that there was a slight decrease in spare capacity and a corresponding small increase in queuing during the peak periods however the junction remains with spare capacity post development.

4.64 A similar result was observed for the Tewkesbury Road/Hayden Road junction with a small reduction of spare capacity on the retail park arm of the junction. The results show that this junction has least spare capacity in the Friday PM peak period however this is likely to be due to an overlap with the commuter peak which generally occurs earlier on a Friday afternoon than other weekdays.

4.65 The Highway Officer has confirmed that they have no objection to the proposal. Therefore subject to conditions the proposal is considered to be acceptable from a highways and parking point of view and is therefore in accordance with policy TP1(Development and highway safety) of the Local Plan.

4.66 Ecological impact

4.67 An extended Phase 1 Habitat Survey has been submitted as part of this application. The site was inspected for evidence of and its potential to support protected or notable species. Following this a Bat Emergence and Re-entry Survey report, Hazel Dormouse Presence/ Likely Absence Interim Report and Reptile Report have been submitted.

4.68 The reports showed that no reptiles or hazel dormice were recorded.

4.69 The Bat Emergence and Re-entry Survey report showed that no bats were recorded roosting within the trees. However small numbers of common bat species (common pipistrelle and soprano pipistrelle) and two single passes of rarer bats (noctule and myotis genus likely whiskered or natterer's) were recorded foraging and commuting within the habitats.

4.70 To minimise the risk of disturbance to bats and potentially improve current levels of artificial lighting, the report recommended mitigation that included external lighting will be carefully designed to minimise disturbance to foraging and commuting bats that use the adjacent habitats.

4.71 Also the report recommended six bat boxes should be installed on retained trees, to provide alternative roosting features for bats on the site.

4.72 Therefore subject to a condition to mitigate the impact to the Bats the proposal is considered to be acceptable and is therefore in accordance with policy NE3 (Biodiversity and Geodiversity of Local Importance) of the Local Plan.

4.73 Other considerations

4.74 The proposed development will require the footpath which runs through the site in a north-south alignment to be stopped up and diverted by way of an order under section 247 of the Town and Country Planning Act 1990. The proposed route of the diverted footpath will run on the pavement from Tewkesbury Road and then adjacent to the reconfigured service yard access.

4.75 There would not appear to be any significant implications with regards to the proposed footpath diversion; the new route would be similar in location/length and should not inconvenience pedestrians. However, GCC are the determining local authority for this element of the proposal.

4.76 Concern has been expressed in relation for the potential of the site to attract 'boy racers'. The agent has been asked how 'boy racers' will be mitigated and this response will follow in an update to members.

5. CONCLUSION AND RECOMMENDATION

5.1 For the reasons outlined above the application is considered to be acceptable and is therefore recommended for approval subject to the following conditions.

6. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No external facing or roofing materials shall be applied unless in accordance with
 - a) a written specification of the materials; and
 - b) physical sample/s of the materials,The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 The retail unit which is the subject of this permission shall be used only for the sale of carpets, furniture, electrical good, DIY, maintenance and improvements for the home, garden and car, and the sale of ancillary goods which are part of the usual product mix of retailers of the foregoing and for no other purpose.
Reason: To ensure that the sale of goods at this site does not harm the integrity of the town centre in accordance with policy RT7 of the Adopted Cheltenham Local Plan and Section 2 of the National Planning Policy Framework 2012.
- 5 The retail unit which is the subject of this permission shall not be subdivided without express planning permission.
Reason: Any further subdivision requires consideration to ensure that the sale of goods at this site does not harm the integrity of the town centre in accordance with policy RT7 of the Adopted Cheltenham Local Plan and Section 2 of the National Planning Policy Framework 2012.
- 6 The development shall be carried out in strict accordance with the recommendations and requirements of the Extended Phase 1 Habitat Survey report dated March 2017, Bat Emergence and Re-entry Survey Report dated July 2017 and Reptile Report dated July 2017, submitted with the planning application.
Reason: To safeguard ecological species, having regard to Policies NE1 and NE 3 of the Cheltenham Borough Local Plan (2006).
- 7 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected by the applicant and subsequently inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance). It shall remain in place until the completion of the construction process.
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 8 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 9 The works hereby approved shall not be carried out unless in accordance with the approved Tree Protection Plan. The measures set out in the Tree Protection Plan shall remain in place until the completion of the construction.
Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).
- 10 All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority. Reason: To ensure that the planting becomes established, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (2006).

- 11 No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been provided for approval by the Local Planning Authority, this should be in accordance with the proposal set out in the applicant's submission (Gallagher Retail Park, Cheltenham. The Gibraltar Limited Partnership. Flood Risk Assessment (FRA) and Drainage Strategy. September 2017). The SuDS Strategy must include a detailed design, maintenance schedule, confirmation of the management arrangements and a timetable for implementation. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.
Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.
- 12 No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.
Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.
- 13 The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 5 bicycles has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason:- To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.
- 14 The building hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan AAA4817-A-P29-04 Rev B and those facilities shall be maintained available for those purposes thereafter.
Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 15 No development shall commence on site unless a Highways Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Management Plan shall:

- a) specify the type of vehicles used during construction
- b) provide for the parking of vehicles of site operatives and visitors
- c) provide for the loading and unloading of plant and materials
- d) provide for the storage of plant and materials used in constructing the development
- e) provide for wheel washing facilities; and
- f) specify the access points to be used and maintained during the construction phase.

The development shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of highway safety, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006). This information is required up front because highway safety could otherwise be compromised at the beginning of construction.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The applicant will need to enter into a Building over Sewer Agreement with Severn Trent Water PLC as the development lies over or within 3 metres of a public foul sewer.
- 3 The implementation of this permission will require the stopping up of established highway rights by separate Order before works can commence and the Applicant/Developer is advised to instigate that process as soon as possible.
- 4 The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.