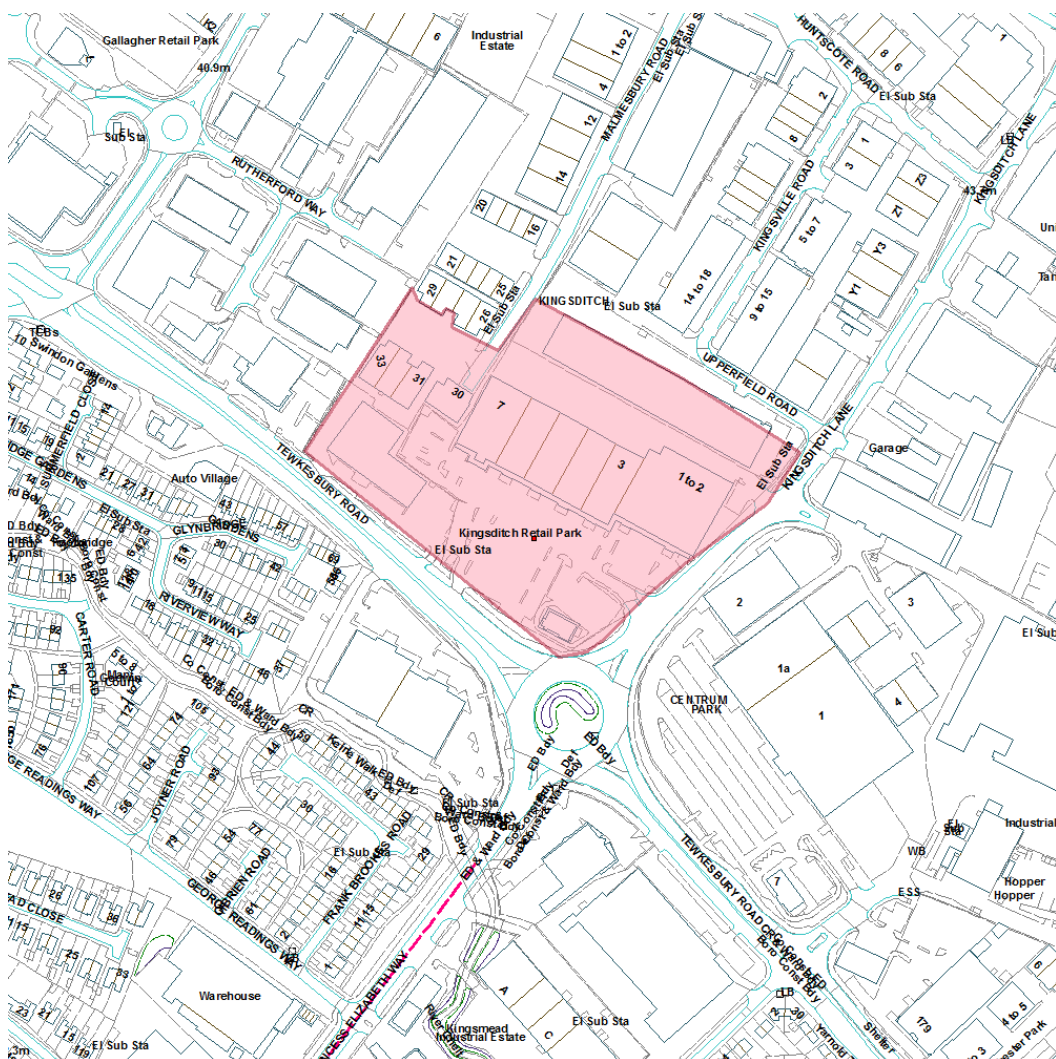


APPLICATION NO: 18/00872/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 9th May 2018		DATE OF EXPIRY: 8th August 2018 (extended until 30th November 2018 by agreement with the applicant)
WARD: Swindon Village		PARISH: Swindon
APPLICANT:	Glasgow City Council	
AGENT:	Savills (UK) Limited	
LOCATION:	Kingsditch Retail Park, Kingsditch Lane, Cheltenham	
PROPOSAL:	Erection of two new retail units (Class A1) and associated works	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to the Kingsditch Retail Park at the junction of Kingsditch Lane and Tewkesbury Road; the application site also includes part of the Kingsditch Industrial Estate at Malmesbury Road which is also largely within the applicant's ownership.
- 1.2 The application proposes the erection of two new retail units (Class A1) following the demolition of a vacant industrial building which backs onto the retail park and sits between M&S Home and M&S Foodhall. The new retail units would provide for a total of 2,138 square metres of new retail floor space.
- 1.3 The application has been submitted alongside two other applications; one for the erection of an A1/A3 drive-thru within the retail park car park (18/00869/OUT), and one for external alterations to the existing retail units and associated works (18/00870/FUL). A site-wide masterplan has accompanied the application.
- 1.4 The application is before Planning Committee following receipt of a lengthy objection from Swindon Parish Council – see Section 4 below.
- 1.5 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m

Relevant Planning History:

17/01523/FUL

PERMIT

12th September 2017

Demolition, reconfiguration and extension of part of an existing class A1 retail building to create two new class A1 retail units and associated works

18/00935/AMEND

PERMIT

12th September 2018

Non-material amendment to planning permission ref. 17/01523/FUL for minor alterations to the approved scheme

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 5 Sustainable transport

CP 7 Design

EM 2 Safeguarding of employment land

RT 1 Location of retail development

Adopted Joint Core Strategy (JCS) Policies

SD2 Retail and City / Town Centres

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD14 Health and Environmental Quality

INF1 Transport Network

National Guidance

National Planning Policy Framework (NPPF)

4. CONSULTATION RESPONSES

Tree Officer – revised comments

1st August 2018

The Tree Section appreciates the information submitted following previous comments. Please could the method statement for the construction of the new path around the retained *Catalpa bigonoides* be submitted and agreed before determination.

There would be scope to plant the *Carpinus betulus* 'Frans Fontain' which was listed but not marked on the original planting plans, or a tree of another species, within the site. Along the boundary with Tewkesbury Road there would be potential for tree planting, along this border trees with an upright habit may be more appropriate for example *Quercus robur* Fastigiata (upright oak). Please could details (species, size) of any proposed trees be submitted.

Tree Officer

13th June 2018

The Tree Section does not object to this application following clarification of certain points.

To the West of the current M&S Home store (to the west of proposed Unit 1) are two existing *Catalpa bigonoides* trees. Only one of these trees is marked on the landscaping plan as being retained the other (the more southerly of the two) is not marked on the plan. Please could the location of this tree be marked on the map as well as its retention/removal status.

On the planting schedule a *Carpinus betulus* 'frans fontain' is listed to be planted but this tree is not marked on the landscaping plan. Please could the location of this tree be indicated on the landscaping plan.

Architects Panel

12th June 2018

Design Concept

The panel had no objection to the design in principle which appears to make better use of existing space on the site.

Design Detail

The design was considered an enhancement to the existing architecture.

The landscape improvements are particularly welcome.

Recommendation

Support

Land Drainage Officer

6th June 2018

Betterment proposed plus a 30% allowance for climate change. No objections.

Parish Council

31st May 2018

The two units are a proposed replacement for the single unit to the side of the existing M&S Food Hall.

Documents

The presentation of the submitted documents and drawings has resulted in a confusing application. It is apparent that the drawings and documents have been produced for the benefit of the applicant who has obviously decided that one document to cover a number of buildings and applications saves them time, money and effort. However, the end result is extremely confusing. It should be obvious when looking at the application which units are the focus of the drawings and documents. This application is for proposed units 3 and 4 but for many of the drawings the illustrations show proposed units 1, 2, 3 and 4. The submitted documents should be revised to ensure that there can be no mistake with regard to which units this application is for.

The red and blue boundaries are both drawn around the same areas. Shouldn't the red boundary be drawn around the proposed buildings (application site)?

Objections to the Proposal

1. Impact on the Viability of One of the Retained Industrial Units

If this proposal is consented the Existing Industrial Unit that will remain between the north-west of Proposed Unit 3 and the North of Proposed Unit 2 will cease to be viable as an independent unit for the following reasons.

- Lack of Adequate Parking. The North end of Proposed Unit 2 will encroach on the parking area that has clearly been designated for use by the Retained Industrial Unit behind Unit 2. The Existing Retained Units will not have access to the larger parking areas available to the Proposed Units.
- Inadequate space between the Proposed and The Existing Units. The Existing Retained Unit is in close proximity to its west boundary.

The Proposed Unit three is at a different angle on the plan to that of the Existing Retained Unit. The resulting tapering of the space between the two units will make it very difficult to access the south and east elevations of the Existing Retained Unit. Because of the Existing Unit's close proximity to the East boundary there work for maintenance and repair and routine maintenance such as gutter cleaning will be very difficult.

It will also be difficult for emergency services to gain safe access to the rear of the building for firefighting and other purposes.

- Provision For Fire Escape from the Building - The provision of fire escape exits from the Existing Retained Units will depend on the future use to which that building is put, but is our opinion that it will not be possible to provide any form of egress from the rear of the building because the escape route that could be available will be made inadequate by the proximity of Proposed Unit 3 and the narrowness of the 'neck' of the tapering space between the Existing Retained Unit and Proposed Unit.

2. Objection to the Proposed de-adoption of Malmesbury Road

The Parish Council objects to the proposed de-adoption of part of Malmesbury Road so that it can be integrated into the development to provide the applicant with additional commercial space.

The additional land is not required to maintain the viability of the Retail Park. The only reason for building over the end of the road is to allow the applicant to enlarge the potential square footage of the proposed building(s).

3. Objection to the Removal of an Adequate Turning Head at the End of Malmesbury Road

This proposal will build over the existing end of Malmesbury Road which will deprive other road users of an adequate turning head and will remove a required manoeuvring facility.

4. Access For Emergency Vehicles and Fire Escape to Proposed Buildings

The combined arrangement of all four proposed units 1, 2, 3 and 4 will not include adequate space around them for firefighting appliances or for fire fighters.

Provision of alternative means of escape may not be adequate or available from the proposed buildings due to their close proximity to each other and the proposed installation of screening which will seal one end of the corridor between Proposed Unit 4 and Marks and Spencer Simply Food.

5. The Unprotected Area of Proposed Unit 3 is too close to Proposed Unit 2

The closeness of the proposed tall glazing of the front elevation of Proposed Unit 3 to the corner of Proposed Unit 2 will need to be adequately fire rated to prevent a fire in Proposed Unit 2 effecting Proposed Unit 3 and also a fire in Proposed Unit 3 effecting and/or causing a fire in Proposed Unit 2.

6. Inadequate Access To Some Parts of the Proposed Buildings

Due to the close proximity of the proposed Units to each other it is difficult to see how adequate access can be obtained on all sides of the building for maintenance and repairs.

7. Buildability

There does not appear to be adequate space around Proposed Units 3 and 4 to be able to erect scaffolding or towers to assist in the erection of the buildings or the securing of the finishes and panels to the outside.

8. External Lighting

Proposals for external lighting on or around the proposed units should be submitted for consideration and approval.

9. Signage

Proposals for signage including illuminated signage on or around the proposed units should be submitted for consideration and approval.

10. Inadequate Provision For Cyclists

Facilities should be included for purchasers who are cyclists and at the rear of the premises there should be provision for staff who wish to cycle.

11. Waste Management

This application should not be considered without the inclusion of a full waste management strategy.

The proposals should include in drawn and written form a description of the storage facilities for waste and the waste management proposals. The Parish Council had expected this to be shown on the Masterplan or on individual block plans for the units. Waste has been a concern in the past where inadequate storage for boxes and other commercial waste has been provided and it has been blown around the area.

12. The Loss of Parking Spaces Resulting in an Inadequate Parking Provision

Proposed Units 3 and 4 will be constructed on an existing area of parking which will result in a loss of parking bays.

We note from the Masterplan that the applicant intends to submit a proposal for a drive through dining facility which will, if approved, result in a loss of more spaces.

We object to the loss of parking spaces and do not believe that building over customers parking provision whilst increasing shopping facilities and commercial floor areas is acceptable.

13. Proposed Drive Through Dining Facility Should Not Be Included on The Submitted Drawings

The Masterplan shows a proposed drive through facility which is the subject of a separate application and will therefore be commented upon separately.

14. Removal Of the Security Gates

We object to the proposed removal of the security gates which were originally installed to ensure that the site will be secured out of normal hours and to allow the customers of the drive through McDonalds to park around the McDonalds allocated parking area but not to penetrate into the rest of the site.

In recent years parking courts in the area have become a display and performance facility for the boy-racers and therefore maintaining the gates is an important facility in keeping the cars away from the extended parking areas.

GCC Highways Planning Liaison Officer

30th August 2018

Introduction

A Transport Assessment (TA) has been submitted to Gloucestershire County Council (GCC) in respect of planning application refs. 18/00872/FUL and 18/00869/OUT for the erection of two new retail units (Class A1) and the erection of a drive-thru (Class A1/A3) at Kingsditch Retail Park, Cheltenham.

This note outlines GCC's response to the TA in relation to development trip generation, distribution and assignment, junction modelling and land ownership only.

Trip Generation

Trip generation has been derived using ATC traffic surveys of the retail park accesses. Surveys have been conducted at the main access from Kingsditch Lane in addition to the accesses available from the A4019 Tewkesbury Road. The servicing access from Kingsditch Lane has not been included. We request that the Applicant provides the traffic survey data for review so that the trip generation can be approved.

The surveyed traffic flows have been apportioned to each of the existing retail uses, classified under food, fast food and non-food. The proportions have been based on the

percentage of total site trip generation to/from each retail classification. The total site trip generation has been determined using donor sites identified from the TRICS database.

These sites provide trip rates per hour for each retail classification, which have then been applied to the existing floor area for each classification to provide the existing trip generation. Note TRICS has only been used to apportion surveyed flows to the existing land uses, as opposed to deriving the site trip generation. The sites used from the TRICS assessment are considered reasonable for this purpose.

We note that only weekday surveys have been included within the TRICS trip generation calculations. This is not appropriate for deriving weekend traffic generation. The Applicant should revise the trip weekend trip generation calculations using weekend surveys from the TRICS database to ensure that the proportion of trips to non-food classes and the subsequent trip rates accurately reflect weekend travel behaviours.

The TRICS trip rates used in the calculations do not match those shown in the TRICS output reports (as shown in Appendix D). However, as the trip rates used in the calculations are greater than those in the output reports, and the TRICS outputs are used to support the derivation of site-specific trip rates rather than the development trips in their own right, this is not considered to be a significant issue.

Once the surveyed traffic flows have been apportioned to each retail class, they have been divided by the existing land use floor area to produce site-specific trip rates for each assessment period. The resulting non-food class trip rates have been applied to an assumption of proposed development floor area to determine development traffic generation.

It is likely that much of the traffic generation for the proposed development will be linked trips with the existing retail units available at the site, rather than entirely new trips to the local highway network. We welcome the approach to not discount such trips from the development traffic generation in order to produce a robust assessment of impact.

We note that the trip generation has been based on a slightly greater floor area than that specified within the planning application (2,230sqm modelled vs approx. 2,138sqm proposed). This produces a robust assessment of development trip generation.

The TA has not considered development Heavy Good Vehicle (HGV) trip generation arising from servicing and deliveries at the proposed development. The traffic surveys which have been used to derive traffic generation have only been conducted at the general traffic accesses and therefore do not consider the existing or proposed HGV movements at the site. The Applicant should include quantification of the likely increase in HGV movements which would result from the proposed development, particularly as they will have a bearing on the capacity assessment modelling contained later within the TA.

Traffic Distribution and Assignment

Development traffic distribution to/from the proposed development has been based on 2011 Census Journey to Work data as a proxy for retail trip distribution. The TA states that this approach has been agreed with GCC through the pre-application scoping process; however this is not the case as the scoping note response contained at Appendix B of the TA states that use of data from a Retail Impact Assessment would be preferable. However, in the absence of a Retail Impact Assessment for this application, the use of 2011 Census Journey to Work Data is agreed. We request that Retail Impact Assessment data is used to inform the TA if data becomes available.

The TA has not provided any information on how the routes between origin and destination wards have been determined. It is assumed that these have been based on judgement and a principle of shortest journey time. This approach is reasonable, but should be confirmed

by the Applicant. It should be noted that there appear to be some anomalies in the distribution as presented in Table 5-7 of the TA. For example, it is unlikely that vehicles to/from Prestbury would access the Retail Park from the west. There are a number of similar anomalies presented. Having said this, a sense check of the distribution, using the Google Maps route planning application, indicates that the general distribution of traffic to the north, south, east and west is reasonable and therefore is accepted.

The assignment of development traffic to the study network is shown in Table 5-8. We understand that the proportion of traffic using each of the three retail park access points has been assigned based on the relative difference in traffic flow, based on the ATC surveys. This approach is considered reasonable, although we request sight of the raw survey data so the resultant distribution can be approved.

The TA should also consider the distribution and assignment of HGV traffic generation associated with the proposed development, noting the service access from the A4019, Kingsditch Lane and the proposed access via Malmsbury Road. This should consider the routes to/from any local distribution centres and/or the Strategic Road Network (SRN).

Junction Modelling

The highway impact assessment within the TA includes junction capacity modelling of the A4019 Tewkesbury Road / Princess Elizabeth Way / Kingsditch Lane roundabout and the main Retail Park access junction. Sensitivity tests of the retail park access junctions are also presented.

Scenario Composition

Capacity modelling has been completed for the weekday AM peak hour (08:00-09:00), weekday PM peak hour (17:00-18:00), weekday inter-peak hour (13:00-14:00) and Saturday peak hour (12:00-13:00) for 2017 (current year), 2018 (opening year) and 2023 (five years after opening year). This is as per standard assessment methodology. The capacity modelling includes with and without development scenarios in future year assessments to determine development impact.

Scenarios have been built up from traffic surveys across the local network. Manual Classified Counts (MCC) surveys were completed at the A4019 / Princess Elizabeth Way / Kingsditch Lane roundabout on 7th June 2017 (the survey year is not stated, but assumed to be 2017 based on the assessment scenarios). ATC surveys on the Retail Park accesses were completed during week commencing 5th June 2017. Saturday ATC flows from 2013-2014 have been sourced from GCC for Kingsditch Lane, Princess Elizabeth Way and A4019 Tewkesbury Road north and south of the roundabout.

The weekday MCC survey results at the roundabout junction have been factored up from the survey day flows (Wednesday) to Friday flows to represent the weekday peak on the study network. This produces a more robust assessment.

Weekend turning counts at the roundabout have been derived by applying factors derived from the weekend surveys, to the weekday PM MCC turning matrix using a method known as furnessing. This is considered a reasonable approach in the absence of a current year weekend MCC survey; however we require justification for the use of the weekday PM matrix for this process (as opposed to the AM or an average of the AM and PM MCC surveys). We also require information on how the 2013-2014 surveys have been growthed to the 2017 current year baseline. If this has been done using growth factors derived from TEMPro, we require the Applicant to confirm the factors used, with reference to our comments on the growth factor methodology below.

The raw MCC and ATC survey data have not been provided with the submission. Therefore, we have not been able to confirm the traffic flows used for modelling purposes.

Traffic Growth

Background traffic growth from the 2017 survey year to the future assessment years of 2018 and 2023 has been applied to the surveyed traffic flows through means of a growth factor derived from TEMPro. The TEMPro growth factors have been adjusted to local levels using the National Transport End Model (NTEM). No information about the area type (i.e. urban/rural) or road type (i.e. trunk, principal, minor) has been provided.

We note that the Applicant has used dataset 62 within TEMPro. This is now superseded by dataset 72 which has revised growth forecasting. The use of area 'Cheltenham (23UB1)' is also not considered appropriate as this covers a large area of the Cheltenham urban environment and more local data for the site is available within dataset 72. We have derived our own growth rates from TEMPro (version 7.2) using dataset 72 for the 'Cheltenham 001' and 'Cheltenham 005' MSOAs, each showing significantly higher growth forecasts than those used in the TA. We request that the Applicant updates the assessment using dataset 72. We suggest that growth factors for 'Urban' and 'Principal' roads are the most appropriate for this study area. An average of the 'Cheltenham 001' and 'Cheltenham 005' MSOAs should be used.

No committed developments have been considered within the traffic growth forecasts. GCC does not identify committed development sites and this information would need to be provided by the LPA. We request that the Applicant provide evidence within the TA of pre-application discussions with the LPA which demonstrate that no consideration for committed development is required.

Junction Modelling Review

GCC has undertaken a review of the junction capacity modelling assessments contained in the TA, including the information provided in Appendix E (traffic flow diagrams) and Appendix F (modelling output reports). The issues already identified relating to traffic generation and traffic growth will mean that the capacity modelling will need to be updated as the requested changes will be likely to result in changes in traffic flow on the study network for each scenario which will also affect the level of impact arising from the proposed development. We request that the Applicant re-models the junctions in respect to these changes.

We have undertaken a preliminary review of the modelling assessments in relation to the model parameter entry and traffic flows used. We have also identified further issues which should be considered within any future re-modelling exercise.

1. A4019 / Princess Elizabeth Way / Kingsditch Lane roundabout

Assessment of the A4019 / Princess Elizabeth Way / Kingsditch roundabout has been completed using a LinSig network model, which includes the roundabout as well as the main Retail Park accesses on Kingsditch Lane (Zone G), a secondary access on the A4019 (Zone H), the Retail Park servicing access (Zone F) and the access to the industrial units to the south (Zone E).

The TA submission has not included full LinSig output reports. The results of the modelling are presented however key information crucial to our review has been omitted. We therefore cannot confirm the model parameters are appropriate. We require the Applicant to provide the full model files in addition to the full output reports to facilitate review of the following:

- o Lane and connector lengths;
- o Saturation flow data (unclear how saturation flows have been derived);
- o Give Way data;
- o Cruise Times;
- o Phases/Phase Delays;
- o Intergreens;

- o Stages/Stage Sequences;
- o Signal Timings; and
- o Traffic Flow Groups.

Appendix E includes a series of pages illustrating the derivation of the LinSig model Origin-Destination (O-D) matrices for each scenario. We note that these O-D matrices do not assign any traffic to Zones E and F in either base or base + development scenarios. We appreciate that delivery/servicing trips to the Retail Park will be infrequent, however it seems unlikely that no traffic will arrive/depart from these zones during any of the four assessment periods considered. Zone E includes some car parking for businesses which would be expected to receive some traffic during the weekday AM and PM peak hours. Some development HGV traffic (once confirmed) may also be assigned to Zone F. It is important that these arms and corresponding signal timings are modelled as accurately as possible within the LinSig network to ensure that any influence on the operation of the roundabout is effectively represented. To our knowledge, no MCC survey of this junction has been conducted to support the inclusion of this junction within the model network and to determine baseline traffic movements which will assist with providing a realistic assessment of the level of green time afforded to each arm.

Furthermore, it is not clear how base traffic turning movements have been calculated at the site access junctions. None of the surveys listed within the TA would provide sufficient information to determine turning movements. We request that the application provide clarification on this before the traffic flows can be agreed.

Traffic flows have been converted into PCUs for the purposes of modelling. The general approach to this is considered reasonable however; as we have not had sight of the raw survey data the percentage HGV assignment across the network cannot be verified. This compromises the PCU conversion exercise. Furthermore, the use of a HGV-PCU conversion factor of 1.5 is not acceptable; we would require the Applicant to use a conversion factor of 2.0-2.3, as per standard practice. This lower conversion factor results in an underestimation of traffic flows at this junction.

Paragraph 6.7.4 of the TA indicates that the model has been validated against queue length surveys, which is considered to be a reasonable approach for model validation. However, queue surveys have not been submitted, and therefore the acceptability of model validation cannot be confirmed. Furthermore, as the weekend turning counts have been derived from 2013-2014 ATC flows, we assume no queue length data is available for the weekend model. We therefore see no evidence that the weekend model has been effectively validated.

In the 2018 Base + Development Inter-peak scenario, the traffic flows between Zone B and Zone B is -24. This should be 0.

The results of the assessment have not been reviewed in detail in light of the required changes to and/or required information on trip generation, traffic growth, model parameter entry and scenario composition. It is clear that based on the submitted assessment the junction is approaching/exceeding capacity limits within the range of assessment, making the junction sensitive to even small changes in traffic flow. The requested changes to the modelling approach will affect these results and therefore we reserve judgement on the highway impact of the proposed development at this junction until this has been completed.

2. Main Retail Park Access

Assessment of the Main Retail Park access has been completed using PICADY 5; this has since been updated to Junctions 9, but is acceptable. The main access is the junction via Kingsditch Lane. Many of the comments relating to traffic flow composition stand for the capacity assessment of this junction and should be addressed prior to resubmission.

Modelling output files for the Saturday 2017 Base, 2018 Base and 2018 Base + Development scenarios as well as the Friday Inter-Peak 2017 Base scenario have not been provided. We require sight of these files before we can agree the modelling approach and results.

From the remaining output reports provided, the major road visibility parameter is higher than what we consider achievable on-site due to the trees and retail park boundary wall. Visibility should be measured to the furthest point all approaching traffic can be observed which in this instance is the left turn lane onto Kingsditch Lane from the A4019 N arm. The model set-up also states that right turning traffic does not block mainline flow. Although there is a right turn ghost island available, this has capacity for approximately 5 PCUs which once exceeded will require traffic to queue into the offside lane of Kingsditch Lane. Therefore 'Partial Blocking' should be included within the parameter entry, with the number of PCUs which can be stored before blocking occurs set at five.

There is no evidence of validation of the 2017 Base models. We require the model to demonstrate a reasonable level of validation against on-site observations or queue surveys. Validation of the current year model is important to ensure that the future year models correctly assess future year impact.

We note that generated development traffic has been assigned to each access based on ATC data. This approach is reasonable. However, it is not clear how base traffic turning movements at this junction have been derived, based on the traffic surveys listed within the TA. This information should be provided before any of the O-D matrices can be accepted. There are some discrepancies between the modelled O-D matrices for the Saturday peak hour assessment and the traffic flow diagrams provided in Appendix E. This is the case for the 2023 Base and 2023 Base + Development scenarios. However, in both instances the disparity is not considered sufficient to fundamentally affect the conclusions of the capacity assessment.

The results of the assessment have, again, not been reviewed in detail although it is clear that based on the submitted assessment that the junction is approaching/exceeding capacity limits within the range of assessment. The requested changes to the modelling approach will affect these results and therefore we reserve judgement on the highway impact of the proposed development until this has been revised.

3. Main Site Accesses Sensitivity Testing

The TA has included a series of sensitivity tests which assess the capacity of the retail park accesses in the event that the main access via Kingsditch Lane exceeds capacity limits and vehicles re-distribute within the site to use other accesses.

A sensitivity test has assigned an additional 100 vehicles to one of the secondary site accesses onto the A4019 Tewkesbury Road. The results presented within the TA demonstrate that re-assignment of 100 vehicles could be achieved. This being said, we cannot accept the results of this assessment as the modelling output report has not been included within the submission and as such the model parameter entry, traffic flow entry and results cannot be agreed. We request that the Applicant provide this information. Furthermore, it is likely that the changes required for the main access junction capacity assessment will alter the requirements and sensitivity thresholds for this test. We welcome a resubmission of the sensitivity test once these have been addressed.

The results of the current capacity assessment at the main junctions indicate that the capacity constraint is the minor arm, which will lead to queuing within the retail park access. It should be noted that queuing traffic into the Retail Park car park may cause a blocking effect on traffic, which would prohibit the efficient re-distribution of traffic to alternative accesses.

We also request that for each of the sensitivity tests, a test of the performance of the A4019 / Princess Elizabeth Way / Kingsditch Lane roundabout is completed. This is important due to the re-distribution effect of traffic, which, whilst possibly demonstrating capacity at the Retail Park access, could be causing further issues at the roundabout junction. This is particularly important considering the roundabout is approaching capacity limits.

Other Issues

The developer needs to be able to show that they are either the land owner of the highway subsoil or that he has agreement in principle to acquire it.

A proposal would then need to be forthcoming on addressing the turning issues through the loss of this section of highway.

It should be noted that the Local Highway Authority can't sell the land under the highway, as we don't own it; it's only the surface which we currently have control of in accordance with Section 263 of the Highways Act.

Key Issues to resolve (for information)

Issue Area	Summary
Traffic Surveys	Applicant to provide survey data and any calculations to furnish/growth to 2017 baseline. Should also include HGV movements and queue length surveys when used for validation of models.
Trip Generation	Weekday surveys from TRICS used to apportion weekend surveys to existing site uses.
Trip Generation	Errors in transposition trip rates to calculation spreadsheet from TRICS output reports.
Trip Generation	Applicant to consider HGV trip generation
Trip Distribution	Applicant to clarify route selection for distribution.
Trip Distribution	Applicant to address errors within distribution table
Trip Distribution	HGV Trip Generation assignment
Traffic Growth	Applicant to provide details on traffic growth for 2013/2014 weekend surveys to 2017 base. Should be in accordance with additional traffic growth comments
Traffic Surveys	Information on/justification for furnishing process
Traffic Growth	Unacceptable growth rates used - should be updated using up to date data and methodology.
Capacity Modelling	Provide full reports/model for LinSig to allow for a full review.
Capacity Modelling	Confirmation of Zone E and Zone F distribution at the A4019/Princess Elizabeth Way/Kingsditch Lane roundabout model - there is likely to be some traffic using these zones.
Capacity Modelling	Clarification on how turning movements for site accesses and other arms have been derived. Unclear how this has been achieved using listed surveys.
Capacity Modelling	PCU conversion factor is considered to be too low. Applicant should justify or revise.
Capacity Modelling	LigSig validation - cannot confirm as no sight of queue data
Capacity Modelling	Traffic flow error - 2018 Base + Dev for LinSig Model
Capacity Modelling	Applicant to provide missing PICADY modelling files
Capacity Modelling	PICADY modelling visibility and blocking parameters are not agreed.
Capacity Modelling	No evidence of PICADY validation
Capacity Modelling	Errors in traffic flow entry – PICADY
Sensitivity Tests	Missing secondary access model outputs - cannot approve capacity results shown in TA.
Sensitivity Tests	Sensitivity assessment of roundabout junction to account for local re-

	distribution of traffic.
Land Ownership	Demonstrate land ownership rights/ agreement in principle to acquire it.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Given the nature of the site and the proposal, individual letters of notification were not sent out on this occasion; however, a site notice was posted and an advert published in the Gloucestershire Echo. No representations have been received in response to the publicity.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The key considerations in the determination of the application are the principle of development in relation to the provision of new retail floorspace and the loss of employment land; the design, layout and architectural treatment of the new retail units; and parking, access and highway safety.

6.2 Principle

6.2.1 Paragraph 11 of the NPPF states that “decisions should apply a presumption in favour of sustainable development”. For decision-taking this means (unless material considerations indicate otherwise) approving development proposals that accord with the development plan without delay. Further advice at paragraph 88, sets out that local planning authorities (LPAs) should approach decisions in a positive and creative way, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

6.2.2 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006; and adopted policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) 2017.

6.2.3 Material considerations include the National Planning Policy Framework (NPPF), Planning Practice Guidance, and the emerging Cheltenham Plan Pre-Submission Document.

Provision of new retail units

6.2.4 Saved local plan policy RT1 (*location of retail development*) states that retail development will be permitted where it relates to the role and function of retailing centres and their catchments 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.

6.2.5 In this instance, the application relates to (e) an out-of-centre site; however, it should be noted that policy RT7 (*retail development in out of centre locations*) was deleted on

adoption of the JCS, and policy CP5 (sustainable transport) has been superseded by JCS policies SD4 (*design requirements*) and INF1 (*transport network*).

6.2.6 Policy RT1 is consistent with paragraph 86 of the NPPF which also sets out the need to “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”. Main town centre uses should 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 out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

6.2.7 In order to demonstrate compliance with the sequential test the application has been accompanied by a Planning, Retail and Economic Statement which at Section 6 concludes that there are no available sites in the town centre or at its edge that are suitable for bulky goods retailing. The statement makes reference to recent decisions on similar planning applications whereby the same conclusion has been reached. Officers are therefore content that the sequential test has been satisfied. The site is located immediately adjacent to an established retail park on the edge of Cheltenham close to the strategic highway network which is well served by public transport.

6.2.8 A retail impact assessment is not required to be submitted for this application. There are no locally set floorspace thresholds for new retail development outside town centres, and therefore the default threshold of 2,500m² set out within the NPPF (paragraph 89) applies. The proposed floorspace is 2,138m² and therefore falls below this threshold, even in combination with the proposed drive-thru retail floorspace of 223m² which is the subject of a separate application.

6.2.9 Officers therefore consider that there is no fundamental reason to suggest that the principle of providing two new bulky goods retail units in this location would, in itself, be unacceptable. There are, however, a number of other material considerations which need to be addressed and these are set out in the remainder of the report.

Loss of employment land

6.2.10 Saved local plan policy EM2 (*safeguarding of employment land*) states that a change of use of land or buildings in, or last in use as, a B1, B2 or B8 use will not be permitted, except where:

- (a) buildings on the land were constructed and first occupied for residential use; or
- (b) the retention of the site for employment purposes has been fully explored without success (note 1); or
- (c) the proposed use is sui generis but exhibits characteristics of B1, B2 or B8 employment uses and which should appropriately be located on employment land (note 2); or
- (d) development of the site for appropriate uses other than B1, B2 or B8 and criteria (c) will facilitate the relocation of an existing firm to a more suitable site within the Borough (note 3); or
- (e) employment use creates unacceptable environmental or traffic problems which cannot be satisfactorily resolved.

6.2.11 In this instance, it is acknowledged the proposed change of use does not clearly meet any of the above exceptions; the building is a purpose-built industrial unit that has not been actively marketed for any length of time since becoming vacant some 12 months ago. Therefore, although the applicant states in their Economic Statement addendum dated August 2018 that they consider the proposal accords with exception (b) to policy EM2, officers do not agree. Note 1 to the policy advises that evidence will be required to demonstrate demand, to include details of past advertising, vacancy level, and rent levels;

in the absence of any marketing having taken place for this unit, compliance with exception (b) cannot be demonstrated.

6.2.12 It is noted that a survey of the vacant unit was undertaken in September 2017 which identified the building as being in poor condition, with various structural issues, and no longer fit for purpose, and that it has always been the intention of the applicant to demolish the building to facilitate this development; prior notification of the intent to demolish the building having been received by the Council in February 2018. Notwithstanding this, it is important to acknowledge that the policy relates to both the land and building; and as such, the proposed development conflicts with policy EM2.

6.2.13 However, planning law requires applications for planning permission to be determined in accordance with the development plan *unless material considerations indicate otherwise*. It is therefore necessary to consider whether or not there are material considerations in this instance that would outweigh the identified conflict with the development plan.

6.2.14 Planning Policy Guidance (PPG) identifies that a material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission); and that “The scope of what can constitute a material consideration is very wide”, and “Whether a particular consideration is material will depend on the circumstances of the case”.

6.2.15 In this respect, it is important to note that the building/land has been purposefully excluded from the Runnings Road key existing employment site on the emerging Cheltenham Plan (CP) Proposals map; the boundary shown to run around the building.

6.2.16 Relevant policy EM2 in the emerging plan, which relates to non-designated employment land and buildings, is more flexible in its approach than current policy EM2 and recognises the benefits and importance of other ‘job generating’ uses, including retail; the policy states that proposals for a change of use of land and buildings currently or last in a B class employment use will be permitted where the loss of the site to another use would not have a detrimental impact on the continuing operation of other businesses in the vicinity and; the proposed use is job generating with any loss of existing provision being offset by a net gain in the quality and / or the number of jobs provided on site. However, bearing in mind that the CP is still at an early stage, it is acknowledged that only limited weight can be afforded to the emerging policy at this time.

6.2.17 Notwithstanding this, NPPF paragraphs 49 and 50 state that, in the context of the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission unless the proposed development is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process, and the emerging plan is at an advanced stage but not yet part of the development plan. If planning permission is refused on grounds of prematurity, it is necessary for the LPA to indicate clearly how granting permission would prejudice the outcome of the plan-making process.

6.2.18 In terms of job generation, the Planning, Retail and Economic Statement submitted in support of the application suggests that the proposed retail units would generate 19 full time equivalent in-store jobs; retail jobs being socially inclusive as they provide a range of full and part time positions.

6.2.19 Additionally, despite the parish council’s suggestion otherwise, officers do not consider that the loss of this existing industrial unit would be detrimental to the ongoing operation of other businesses within the remaining Kingsditch Industrial Estate; Unit 30 represents only a small percentage of the employment floorspace and is located at its edge. Sufficient parking provision and access would still be available to the remaining

units; the proposed retail building would be some 1.2 metres from the adjacent industrial building at its closest point.

6.2.20 In conclusion, officers therefore consider that whilst the proposal would conflict with the current development plan, it would be in accordance with the emerging plan, and the clear direction the Council is taking in relation to other 'job generating' employment uses.

6.3 Design

6.3.1 Paragraph 127 of the NPPF requires decisions to ensure that new developments *"will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to...the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible"*.

6.3.2 Adopted JCS policy SD4 sets out the local design requirements for development proposals and highlights the need for new development to *"respond positively to, and respect the character of, the site and its surroundings"*; the policy reflects the aims and objectives of saved local plan policy CP7.

6.3.3 As noted at paragraph 1.3 above, this application has been submitted alongside an application for external alterations to the existing retail units and associated works; the existing retail units now tired and dated in their appearance. The design of the new retail units therefore reflects the external alterations proposed to the existing parade of shops; which itself picks up on the external changes to the existing M&S Home unit, granted in September last year which includes the part demolition, reconfiguration and extension of this existing retail unit to create two retail units.

6.3.4 The new units will effectively fill a gap in the corner of the retail park and, when read in conjunction with the approved works to the existing M&S Home unit, will successfully read as a continuous L-shaped terrace of shops. Externally, the materials proposed in the construction of the retail units, and across the wider site, include aluminium rain screen cladding at high level, structural masonry piers with low level brickwork plinth, glazed curtain walling, aluminium louvres to provide solar shading, integrated signage panels, and bespoke LED lighting to the underside of the eaves. A 3m easement between the existing terrace and the new retail units will be screened by demountable look-a-like glazing panels and louvres.

6.3.5 The design and external finishes are considered to be wholly appropriate within this context; and as a whole, the proposed works would represent a significant enhancement and modernisation of this retail park, and would have a positive impact on the visual amenities of the area, creating uniformity across the site.

6.3.6 The new retail units, together with the external alterations to the existing retail units, form part of a wider package of works to include alterations to the existing car park configuration which will allow for new pockets of soft landscaping to be introduced within the retail park.

6.3.7 The Architects Panel support the proposal stating: *"The panel had no objection to the design in principle which appears to make better use of existing space on the site. The design was considered an enhancement to the existing architecture. The landscape improvements are particularly welcome."*

6.4 Parking, access and highway safety

6.4.1 A final response on highway matters is still awaited at this time but confirmation has been received that, following lengthy negotiations, the Highways Officer is now in a position to issue a positive recommendation. This response will be circulated to Members prior to the committee meeting as part of an update; the update will also include a schedule of suggested conditions.

6.5 Other matters

6.5.1 In addition to matters relating to the viability of the retained industrial unit (addressed at paragraph 6.2.19 above) and highway matters, the parish council raises a number of additional concerns, many of which fall outside the remit of the planning application and would be addressed by the Building and/or other Regulations, such as fire protection and buildability. Additionally, matters such as external lighting on or around the retail park, and waste management, can be dealt with by condition; whilst signage, where applicable, would be covered by the Control of Advertisements Regulations.