

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	4 th June 2019
Address/Location:	Parcel I, Kingsway Business Park, Newhaven Road Quedgeley
Application No:	18/01187/FUL
Ward:	Kingsway
Expiry Date:	07.01.2019 Time Extension Agreed to 7 th June 2019
Applicant:	N/A
Proposal:	Mixed use development comprising health and fitness floorspace (Use Class D2) and non-food retail floorspace (Use Class A1), car parking, access arrangements, landscaping and associated works. Parcel I Framework Plan 5 FP5.
Report by:	Caroline Townley
Appendices:	Site Location Plan, Proposed Site Layout, Proposed Elevations and retail advice from Avison Young dated January 2019, February 2019 and 13 th May 2019.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises a vacant site of 1.24 hectares located off Newhaven Road. The site is bounded by the A38 along the western boundary, with Avionics House situated adjacent to the site's southern boundary and an area of land containing a surface water balancing pond to the north.
- 1.2 There were previously three workshops on the site associated with its previous use as an RAF base. These buildings have now been demolished and the site is vacant. The surrounding area is characterised by a mix of retail and commercial units including Asda, Avionics House and a Public House together with residential development and public open space.
- 1.3 The application site forms part of the wider overall former RAF Quedgeley site. The former RAF site comprises two areas of land located on the west and east side of the A38 to the south of the main urban centre of Gloucester.
- 1.4 Outline planning permission for the redevelopment of the site was granted by the Secretary of State on the 26th June 2003 following a public inquiry in September and October 2001. The permission was for a mixed-use development including residential (2650 dwellings), employment uses (B1 and B8) on 20 hectares of land, two primary schools, a local centre, roads, footpaths, cycleways and public open space.
- 1.5 A further outline planning permission was granted by the Secretary of State for additional residential development including a primary school, roads, footpaths and cycleways, and public open space (providing an additional 650 dwellings to the total approved under the earlier outline planning permission to make an overall total of 3,300 dwellings) in 2007. A further permission was then granted under reference 13/00585/OUT to renew the outline permission in relation to the employment land.
- 1.6 The land currently permitted for employment uses is located to the south western end of the wider RAF Quedgeley development site adjacent to the A38, to the rear of existing residential properties in Naas Lane, and includes the current application site. The current application site

forms part of Parcel I of Framework 5 and benefits from an extant planning permission for Class B1 and B8 Use.

- 1.7 The current application seeks full planning permission for a mixed-use development comprising health and fitness floorspace (Use Class D2) and non-food retail floorspace (Use Class A1) to include a garden centre, car parking, access arrangements, landscaping and associated works.
- 1.8 The proposed development would comprise a single double height building split into two commercial units:
- Unit 1 would provide 1,312 sq. m of gym floorspace (Use Class D2) including a mezzanine floor of 383 sq. m.
 - Unit 2 would provide 3,019 sq. m of Class A1 retail floorspace. It is proposed that, as part of the 3,019 sq. m of retail floorspace, 696 sq. m would be provided outside of the building for a garden centre.
- 1.9 The supporting documents state that it is proposed that the units would be occupied by B&M Homestores and Pure Gym.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
00/00749/OUT	Application for Outline Planning Permission: Proposed residential development (2650 dwellings), employment development (20 hectares) and associated infrastructure, open space and community facilities.	Granted outline permission.	26.06.2003
13/00585/OUT	Renewal of outline planning permission for the re-development of the former RAF Quedgeley site (00/00749/OUT) granted 26th June 2003 in relation to the employment area (20 hectares) on Framework Plan 5.	Granted.	03.11.2014
13/00645/FUL	Change of use from existing gymnasium (Use Class D2) to nursery (Use Class D1), internal alterations (replace 2 no. existing shower cubicles in W.C. area with 2 no. W.C. cubicles, and erection of new internal partitions to create 2 no. new rooms and access corridor), erection of single storey extension to connect 2 buildings (comprising new lobby area and office accommodation), and replacement of existing window on rear elevation with doorway.	Granted.	13.08.2013

3.0 RELEVANT PLANNING POLICY

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

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

- 3.3 The NPPF includes relevant policy on;
- Building a strong, competitive economy.
 - Ensuring the vitality of town centres.
 - Promoting sustainable transport, including the statement that development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.
 - Requiring good design and promoting healthy communities.
 - Meeting the challenge of climate change; flooding and coastal change; conserving and enhancing the natural environment; and conserving and enhancing the historic environment.

3.4 **Development Plan**

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

Relevant policies from the JCS (Main Modifications) include:

SP1 - The need for new development

SP2 – Distribution of new development

SD1 – Employment – Except Retail Development

SD2 – Retail and City/Town Centres

SD3 – Sustainable design and construction

SD4 – Design requirements

SD6 – Landscape

SD8 – Historic Environment

SD9 – Biodiversity and geodiversity

SD14 – Health and Environmental Quality

INF1 –Transport network

INF2 – Flood risk management

INF3 – Green Infrastructure

INF5 – Renewable Energy/Low Carbon Energy Development

INF6–Infrastructure delivery

INF7 – Developer contributions

3.5 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 213 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.6 **Emerging Development Plan Gloucester City Plan**

The Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 48 of the NPPF.

3.7 **Other Planning Policy Documents**

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for

development control purposes. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

S.4a –New Retail Developments outside of Designated Centres

E.4 – Protecting Employment Land

S.9 – New District and Local Centres

S.10 –District Centres

- 3.7 All policies can be viewed at the relevant website address:- national policies:
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
Gloucester City policies:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

4.0 **CONSULTATIONS**

- 4.1 **Highway Authority** – The Highway Authority recommends that no highway objection be raised subject to the inclusion of a number of conditions.
- 4.2 **Highways England** – No objection.
- 4.3 **Landscape Adviser** – The car park around the proposed units would contain a good number of trees and the understorey planting provides additional seasonal interest. The proposed planting beds for the trees are narrow and a cellular rooting system will need to be used to provide adequate uncompacted rooting zones. A landscaping condition should be attached to any planning permission requiring the submission, approval and implementation of a detailed planting plan to include specification details for the tree planting pits.
- 4.4 **Ecology Adviser** – Wildlife friendly planting and bird boxes are welcomed. Question whether there is any reason that all of the boxes are proposed to be together on a pole in one location. It is recommended that they are more integrated into the site and if possible on more than one aspect to provide a bit of range in terms of light/warmth. Question whether there is any room to integrate bird/bat boxes into the building (for example, roosting opportunities for bats might be able to be included in any wooden cladding with slight modification) or provide bird boxes closer to tree planting.
- 4.5 **Contaminated Land Adviser** – Records indicate that the proposed development is located within part of the former RAF Quedgeley military site where contamination may be a significant issue. It is recommended that a condition is attached to any planning permission.
- 4.6 **Lead Local Flood Authority (LLFA)** - No objection is raised. The outstanding matters relating to detailed design that can be addressed by condition.
- 4.7 **Severn Trent Water** – No objection subject to the inclusion of a condition.
- 4.8 **Drainage Adviser** – The LLFA has reviewed and commented on the application and no additional comments are made.
- 4.9 **City Centre Improvement Officer (Environmental Protection)** – An assessment of noise (mechanical plant & deliveries) has been submitted and reviewed.

No objections are raised subject to the inclusion of conditions requiring the submission of an additional noise assessment following the detail design of external plan and to restrict delivery hours.

- 4.10 **Urban Design Adviser** – No objection. Overall the development would be of a design standard in keeping with the surrounding area.
- 4.11 **Lead Local Flood Authority** – No objection is raised. The outstanding matters relating to detailed design that can be addressed by condition.
- 4.12 **Quedgeley Town Council** –
- The recently adopted JCS 2011-2031 INF2 states flood risk must be considered at all stages in the planning process to mitigate the risk of flooding, there should be no increase in run off from the site over and above green field state to prevent flooding up to 1:100 year + 20% in volume.
 - Increase the size of the adjacent balancing pond to accommodate the additional surface water run off
 - The application should be refused until the flood risk has been assessed and effectively mitigated as required in the Joint Core Strategy 2011-2031 INF2
 - Request a S106/CIL be negotiated for the adjacent Kingsway Sports Pavilion in excess of £50k as required within the JCS 2011-2031, INF7.
- 4.13 **City Archaeologist** – The site has been subject to archaeological evaluation. That investigation has identified no significant archaeological remains. Satisfied that these proposals are unlikely to conflict with significant heritage assets of archaeological interest and no further works or conditions are recommended.
- 4.14 **Policy/DPDS Officer** – On the basis of the advice received from the Council's specialist retail consultant, the Planning Policy Team Leader has recommended that the application be refused on the basis that the sequential test has not been satisfied.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified, press and site notices were published.

5.2 13 letters of objection have been received raising the following issues:

Enough gyms in the area.

- Would be detrimental to local businesses.
- There are well established gyms in the area, owned by local residents who have created jobs and added to the local economy fostering fair competition. Due to the size and business model of Pure Gym local businesses could struggle to compete.
- Rent use of the Body Flex Gym and my business could be under threat. Gloucester is at saturation point with gyms and this type of chain will have a dramatic and damaging effect on existing smaller gyms and local fitness businesses.

Loss of employment land.

- Site was reserved for B2 employment land and it appears that little effort has been applied to secure this prime employment site.
- No clear evidence has been submitted as to why the change of use is necessary.
- Pure Gym operate 24-hour fitness facility. Most of its opening hours are unmanned. Contest the number of employees stated in the supporting statement in relation to the gym.
- This would not generate jobs or improve local employment opportunities which are greatly needed with the growing population.
- This is prime employment land and its loss would be contrary to Policy SD1 of the JCS.
- Key employment sites should be kept for Class B to maintain and promote growth, ensure

adequate local employment opportunities and avoid travel out of the area.

- Two applications for change of use from B1/B8 to D2 within a mile radius were refused by Stroud District Council on loss of employment land.

Need for establishments to meet the needs of the demographic (families with young children).

Drainage

- Strongly object until a suitable alternative sewage system is in place and operational. The current plan shows a further connection to the existing sewage pipe that passes under the A38 dual carriageway to the existing pumping station sited behind a house in Bristol Road. This pumping station was installed many years ago to service a few houses in Bristol Road and Naas Lane. Over many years' failure of this pump due to volume of water has caused several houses to flood. Developers and Severn Trent Water have continually connected new development to this system resulting in sewage overflow running down the verge of the dual carriageway on a regular basis. In 2007 Severn Trent Water stated it would build a new pumping station, but this has not been done. According to the submitted plan it is eventually proposed to build a new station. Any planning permission should only be given for any further development once this pumping station is built, operational and not feeding into the existing system.
- The existing pumping station on Bristol Road is already over capacity. Additional development will increase existing problems.

5.3 **Quedgeley Community Trust** – Object as there are 2 gyms within the community.

- Additional houses are being built and insufficient employment opportunities are being generated to support this meaning that residents are being forced to travel out of the area in search of employment. Roads are extremely congested and efforts should be made to retain as much employment within the development area.
- Further employment land has already been lost to residential development in Rudloe Drive further impacting on loss of employment land.
- Most of the operating hours of the proposed gym are unmanned with minimal staffing levels.
- Supporting information states that the land has been advertised with no uptake. This part of the development has only recently been advertised as being available and appears to have been done quickly without due consideration as to what the area really needs. Prime employment areas should be kept for Class B uses and the change of use should not be permitted in a very short time frame. When developing new areas, it is vital to look at the infrastructure and what the community needs to ensure an adequate supply of employment land.
- Two recent applications for change of use from B1/B8 to D2 within a mile of this site were refused planning permission by Stroud District Council based on retention of employment land.
- We are a local charity that run a gym on a non-profit making basis and provide employment to 14 local staff so overall there would be a net loss of 11 jobs. We offer a gym, classes and outdoor facilities. If this gym is granted permission it is without doubt, we will be forced to close. This would impact on the School who would lose the use of the facilities in the day time as well as our members who would lose their gym and classes and the sports groups circa 30 teams all of whom use our sports halls and outdoor all-weather pitches. We also offer cardiac /stroke rehabilitation classes which require an instructor to deliver this to those who attend. We invest all the profits directly back into our gym and the local Community in the form of grants unlike Pure Gym who main aim is to make profit and invest little back into the community.

5.4 2 letters of support have been received raising the following issues:

- As a resident of Kingsway, I fully support the application.
- Have seen several comments about lack of employment opportunities but no employment

opportunities are offered by a derelict site.

- Have seen other potential employment land in the area could soon be used for residential so anything this site can offer is better than nothing.
- Warehouses and offices do not suit Kingsway and are better at Waterwells.
- Currently travel to the other side of Gloucester for both the types of units proposed. Having them locally would allow me to walk to them and reduce the need for using the car.
- Existing gyms in the area do not have the same offering of classes or equipment or they are more expensive.
- A good priced non-food store and garden centre will be of a huge benefit to the local community.

5.5 11 representations have been received stating that they offer support for the S106/CIL being negotiated for the adjacent Kingsway Sports Pavilion in excess of £50K as required within the JCS 2011-2031 Policy INF7. These community facilities are vital to the continued success and expansion of the cricket club and in encouraging sporting activity in the area.

5.6 In addition to the above a representation has been received from WYG Planning on behalf of Peel Land and Property Investments Plc and Gloucester Quays LLP.

- The submitted Retail and Leisure Statement has overlooked the 2017 planning permission for the redevelopment of the former Cineworld cinema building. Phase 1 involved the demolition of the A3 units and the erection of the new Next store. Completion of Phase 2 is subject to securing occupier/s and involves the conversion and extension of the former cinema building into retail warehousing with a total of 5,303 sq. m gross retail floorspace.
- The Peel Centre also contains existing vacant units comprising the former Toys R Us store (Unit 1) and Unit 4B. The existing vacant units together with the Phase 2 development would provide a total of 11,083 sq. m of retail floorspace which is currently being marketed.
- Paragraphs 86 and 87 of the NPPF require the local planning authority to apply the Sequential Test to planning applications for main town centre uses.
- The proposed development is well out-of-centre, with no connections to the City Centre. It is unable to offer linked walking trips or connection with the City centre. The Peel Centre is located adjacent to the defined City centre boundary and just circa 750 metres walking distance from the City centre's defined primary shopping area. It is served by a choice of means of transport and benefits from an attractive, active, accessible, legible and well-trodden pedestrian link/route through the Historic Docks into the primary shopping area.
- In leisure terms, being located adjacent to the defined City centre boundary, the Peel Centre is as an edge-of-centre site and is therefore sequentially preferable to the application site. In retail terms, in accordance with paragraph 87 of the NPPF, the Peel Centre, is clearly well connected to the City Centre and is therefore also a sequentially preferable out-of-centre retail location to Kingsway Business Park.
- There are a number of retail or leisure units at the sequentially preferable Peel Centre suitable for the proposed development and are available or can be available within a reasonable period. Accordingly, the proposed retail and leisure development at Kingsway fails the sequential approach retail policy test and; under paragraph 90 of the NPPF there is therefore a presumption of refusal.
- The Peel Centre is a considerable asset to the City and following the completion of St Ann Way bridge is a key city gateway site. There is a real prospect that the cinema building will remain vacant for the foreseeable future, if it is not given preference to other out-of-centre retail/leisure parks. As a result, the remainder of the Peel Centre is likely to suffer and the established linked trips from the Peel Centre to the City centre and associated knock on benefits will diminish.
- The approved proposals for conversion of the cinema to retail were considered to be key in improving this part of the public realm canal side corridor and helping to meet the Council's policy aspirations. If Phase 2 of the proposals cannot proceed due to lack of

occupiers, this will have a significant harmful impact on the Council's policy aspirations for the canal-side.

- The proposals clearly do not comply with the sequential test of the NPPF and will prejudice the re-occupation of existing and proposed units/space at the sequentially preferable Peel Centre. There is therefore no sound basis in which to approve the planning application.

5.7 The full content of all correspondence on this application can be viewed on:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 OFFICER OPINION

Legislative background

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regards to this application are as follows:

- Principle of Development
- Design, Layout and Landscaping
- Traffic and Transport
- Drainage and Flood Risk
- Land Contamination
- Ecology
- Economic Considerations

Principle of Development

6.5 In determining the principles there are two key considerations, the principle of retail and leisure development in an out of centre location and the loss of employment land.

Retail Policies

6.6 The proposed A1 retail use and gym are defined as a main town centre uses by the National Planning Policy Framework. Policy SD2 of the Joint Core Strategy sets out the requirements for new retail floorspace in Gloucester. The Policy identifies the Primary Shopping Area, primary and secondary frontages and the City Centre boundary, and which uses will be supported in the different locations. The application site is located outside of the City Centre boundary and primary shopping area boundaries.

6.7 Policy SD2 provides that proposals for retail development and other main town centre uses located outside of the Primary Shopping Area will be assessed in accordance with the sequential test and impact test as set out in the National Planning Policy Framework and Planning Practice Guidance. This provides that proposals for retail and other main town centre uses that are not located in a designated centre, will be robustly assessed against the requirements of the sequential test and impact test. The Council has commissioned a retail consultant, Avison

Young, to advise on the retail considerations and the consultant's advice is included in relevant sections of the report

6.8 The current application is supported by the following retail information:

- Planning Statement
- Retail and Leisure Statement (RLS)
- GVA Assessment dated January 2019 ('the Response Note')
- Response to Assessment of retail Leisure Planning Policy dated February 2019

Sequential Test

6.9 The sequential test requires '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. It follows that when considering edge and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre, (NPPF Section 7 – Ensuring the vitality of town centres, paragraphs 85-90). Assessments should be undertaken on a 'fascia blind' basis, i.e. based on the broad type of retailing proposed, rather than a particular occupier.

6.10 The application site lies outside of both the primary shopping area and city centre boundary as shown on the policies map of the JCS and any local/district centre as identified in the 2002 Local Plan. Consequently, there is a need to consider whether there are any suitable and available premises in sequentially preferable locations that can accommodate the proposal, taking into account the national policy requirement for flexibility in scale and format. In this particular instance, sequentially preferable locations will be in-centre and edge-of-centre locations, together with out-of-centre locations which are more accessible and better connected to 'town centres'. It should also be noted that edge-of-centre classifications differ between retail and leisure land uses, with edge-of-centre classifications for retail uses measured from the primary shopping area whilst leisure uses are measured from the city centre boundary.

6.11 The applicant's search for alternative sites and premises initially concentrated upon the City Centre, Quedgeley District Centre and Kingsway Local Centre. The applicants were subsequently requested to include the retail parks at Westgate, the Peel Centre and St Oswald's as 'out of centre' retail parks that are in a more accessible location to the primary shopping area than the application site. These locations are considered appropriate for the sequential test assessment for this particular proposal and it is also considered that the search for alternatives should cover the whole of the City given the scale and likely catchment of the proposal.

Quedgeley District Centre

6.12 There are currently two vacant units in Quedgeley District Centre comprising the former Next store and Brantano with a combined floorspace of 2,450 sq. m, with the potential for additional floorspace by adding a mezzanine floor in the Brantano unit. The total floorspace of the proposed development is 4,331 sq. m including the outdoor garden centre.

6.13 The applicant has dismissed Quedgeley District Centre as being a suitable alternative site for the proposed development. The issues that remain unresolved between the applicant and the City Council's retail advisors are:

- Whether the garden centre should always be included in the assessment of alternatives.
- The amount of car parking provision in this part of the District Centre and the demand generated by the proposed land uses.
- The amount of floorspace which could be provided in the former Next and Brantano retail units.

6.14 The Response to Assessment of Retail and Leisure Planning Policy dated February 2019, prepared by RPS on behalf of the applicant sets out that: "...the available floorspace at

Quedgeley District Centre equates to just 55% of the Kingsway application proposals. Even if a full cover mezzanine floor (for which there are no known proposals) is added to Unit 1 at Quedgeley District Centre this would still only increase the ratio to 76% - i.e. below the very flexible 20% floorspace reduction upon which we had considered alternative sites under the sequential test. If, theoretically, the garden centre floorspace is omitted as suggested by AY, the available floorspace at Units 1 & 1A would be able to accommodate 65% of the proposed floorspace.” It is further stated that “...even on the theoretical basis it is clear that the units at Quedgeley District Centre are not of a suitable scale for the proposed development. This is without further considering the unsuitability in format”.

- 6.15 RPS are clear that in their view the current proposals “... do include provision for external garden space and do not propose a mezzanine floor within the retail unit. To impose these changes on the proposed development would fundamentally alter its character taking it beyond any reasonable definition of development which is ‘similar’ to the application proposals.”
- 6.16 B&M as the intended occupier has provided a letter stating that it would not pursue its interest in the Kingsway development if it did not include a garden centre and does not trade from mezzanine floors in the newer format stores. For these and other reasons it is stated that B&M would not seek to occupy ‘compromised’ floorspace at Quedgeley District Centre.
- 6.17 Avison Young respond that in relation to the size of space now, and possibly in the future with the insertion of a mezzanine floor in Unit 1 at the District Centre, the RPS note is a more accurate reflection of the potential. If the garden centre space is included in the calculation, then RPS are correct to note that the district centre could accommodate 76% of the proposed floorspace. They note that this is below the 20% reduction for flexibility. Nevertheless, the figures are very similar, and Avison Young suggest that the District Centre could well accommodate the proposal with flexibility. The difference between 76% and 80% is only 173 sq. m. If the garden centre is removed from the proposal, then the District Centre could accommodate 91% of the proposed floorspace.

Car parking

- 6.18 The applicant has stated that the amount of parking demand associated with the proposed development is too great for available parking spaces in this part of the District Centre and has provided a parking accumulation analysis based on a 2008 car parking survey.
- 6.19 There is a total of 253 car parking spaces at Quedgeley District Centre with 176 provided in the main car park in front of the units, together with a further 27 spaces in the rear car parking area and 15 staff spaces. The total existing retail floorspace at the District Centre is 6,368 sq. m. On this basis the existing car parking ration is 1 space per 25 sq. m the applicants have indicated that the existing 15 car parking spaces in the service yard would need to be removed to accommodate the HGV turning circle which would result in a car parking ratio of 1:26 sq. m.
- 6.20 The proposed development would provide 205 car parking spaces based on a parking ration of 1:22 sq. m for the retail unit and 1:20 sq. m for the gym. Using these ratios there would be a shortfall of some 96 spaces available at Quedgeley District Centre on the total floorspace currently proposed. Initial advice from the Local Highway Authority recommends that an up-to-date parking accumulation survey (encompassing the weekend retail peak too) should be undertaken. The peak parking demand could then be calculated from the TRICS data provided to ensure that there would be adequate provision. However, as no AM peak TRICS data was provided in support of the current application, as the trip generation for the proposed land uses would not be expected to exceed that of the extant permission of the on the Kingsway site, this would need to be provided and agreed.
- 6.21 As outlined in the section 6.65 of the report the Local Car Parking Standards have been superseded by the current National Planning Policy Framework (NPPF) and therefore were only

used as a guide.

6.22 Parking demand can also be accommodated in other parts of the District Centre.

The Peel Centre

6.23 The Peel Centre is considered to be a sequentially preferable site. Based on national planning policy in the NPPF and recent case law, preference can be given between out of centre sites where it can be demonstrated that one site is more accessible and better connected to a 'town centre'.

6.24 The applicant has challenged that the Peel Centre should be considered sequentially preferable and has also stated that the site could not accommodate the proposed development for the following reasons:

- There is a restriction preventing other discount retailers from occupying space more than 929sq m.
- B&M state that they have no intention of occupying space at the Peel Centre on the basis that it would not be viable having regard to their existing representation in the City and the format of floorspace that is available.

6.25 There are currently two vacant existing units at the Peel Centre together with an extant planning permission for the conversion and extension of the former Cineworld site, providing a total of 11,083 sq. m of A1 of available retail space.

6.26 In relation to these points Avison Young note that, whilst they have not seen the Home Bargains lease, WYG (acting on behalf of Peel) has stated that the restriction only relates to the existing retail units at the Peel Centre and therefore the proposal could be accommodated in Phase 2 of the Peel Centre development. On this basis 'availability' is not an issue. In relation to the letter from B&M, this contradicts the earlier statement from the applicants that the sequential test should be undertaken on a fascia-blind basis.

6.27 The agent for the planning application considers that they have presented a clear case as to why the sites at Quedgeley District Centre and the Peel Centre are not sequentially preferable for the proposed development adopting the requisite flexibility on issues such as format and scale as required by the NPPF and the PPG.

6.28 Having considered all the information and analysis submitted on behalf of the applicant, Avison Young remain of the view that the applicant has not demonstrated that this proposal complies with the sequential test and consider that the Peel Centre and Quedgeley District Centre offer suitable and available sequentially preferable locations when reasonable flexibility and scale and format is taken into account. The proposal is therefore considered contrary to the relevant parts of Policy SD2 of the JCS and paragraphs 86 and 87 of the NPPF.

Retail Impact Assessment

6.29 The NPPF states that impact assessments should be required for retail developments over 2,500 square metres or any local threshold for out-of-centre retail developments that are not allocated in a local plan. Given the location and planning policy status of the application site, along with the scale of floorspace proposed, there is a requirement to consider whether the proposed development is likely to have a significant adverse impact upon the health of, and investment within, defined 'town centres'. The submitted RLS recognises the need for such an assessment.

6.30 Avison Young has concluded that subject to a suitably worded condition to control the goods sold, overall whilst there will be a small amount of trade diversion from Quedgeley District Centre and Gloucester City Centre it is not considered that the proposal would be likely, on its own, to lead to a significant adverse impact upon the vitality and viability of defined 'town centres' in Gloucester. It is considered that there are a number of existing commitments in Gloucester and

the surrounding area which, in their opinion, would have a harmful impact upon the health of the City centre. However, subject to the current proposal being suitably controlled by condition to restrict the goods sold, it is not considered that the current application should be resisted on the basis of impact when the threat to the health of the City centre comes from other sources.

Retail Policy Conclusion

6.31 As outlined above, having considered the information and analysis provided the applicant has not demonstrated that this proposal complies with the sequential test and it is therefore contrary to the relevant parts of Policy SD2 of the JCS and paragraphs 86 and 87 of the NPPF. In particular it is considered that the Peel Centre and Quedgeley District Centre offer suitable and available sequentially preferable locations to the application site when reasonable flexibility in scale and format is taken into account.

6.32 The City Council's retail advisor has concluded that so long as the Kingsway proposal is suitably controlled to reflect the content of the submitted impact assessment, they do not consider that there are grounds to resist the application based upon retail impact reasons. It is considered that the revised draft condition from the applicant is, subject to a few changes and additions, appropriate to the form of retail proposed and satisfactorily addresses concerns over the impact assessment. The agent has confirmed that the applicant would be agreeable to the suggested changes to the wording of the condition to restrict the goods sold from the retail unit should it be determined that conditional planning permission be granted.

Loss of Employment Land

6.33 As set out in the planning history, the application has outline planning permission for employment use within Classes B1 and B8. The site is not, however allocated for employment use in any adopted plan.

Local and National Planning Policy

Joint Core Strategy

6.34 Policy SP1, 'The Need for new development' states:

Criteria 1 'During the plan period, provision will be made to meet the needs for approximately 35,175 new homes and a minimum of 192 hectares of B-class employment land to support approximately 39,500 new jobs.'

Criterion 2 'This will be delivered by development within existing urban areas through district plans, existing commitments, urban extensions to Cheltenham and Gloucester, and the provision of Strategic Allocations at Ashchurch. This strategy aims to locate jobs near to the economically active population, increasing sustainability, and reducing out-commuting thereby reducing carbon emissions from unsustainable car use.'

6.35 Policy SP2, 'Distribution of new development' Criterion 9 states: *'To support economic growth in the JCS area, the JCS will make provision for at least 192 hectares of B-class employment land. At least 84 hectares of B-Class employment land will be delivered on Strategic Allocation sites as detailed at Policy SA1. Any further capacity will be identified in District plans.'*

6.36 Policy SD1 'Employment – except retail development' sets out where employment development will be supported.

Paragraph 4.1.8 in the explanation of this policy sets out that allocations are made at the strategic allocations *'...in addition to the existing capacity of available employment land and any remaining land for previous development plan allocations within each authority area, extant planning permissions, as well as any employment land allocations that may be made through the City and Borough District Plans.'*

6.37 Paragraph 4.1.3 and 4.1.4 further state: 'In the NPPF, employment is considered in a wider sense than the traditional industrial, office and warehousing (B1, B2 and B8) uses. For example, uses such as retail, hotels, tourism, leisure facilities education, health services and residential care (referred to as non-B use classes) can also be large employment providers. This policy covers job generating uses such as business, industry and tourism. Retail and other uses, including those within use class 'A' are not covered by this policy and are dealt with in SD2. More detailed policies will be included in District Plans.'

6.38 In order to prevent the incremental loss of existing employment land to non-employment uses, and to ensure an adequate supply and choice of employment land and premises for the employment market, district level plans will contain policies to safeguard existing employment sites. These policies in District Plans will only permit changes of use in certain appropriate circumstances to be defined by those plans. This policy is intended to be read alongside these district plan policies when considering development proposals for any area.'

Gloucester City Plan 2017

6.39 The Gloucester City (GCP) plan is still emerging; it is intended the Pre-Submission version of the Plan will be consulted upon over the summer of 2019. The last published version of the Plan (Draft) included policies to protect employment land, including the application site. At present, given the stage of preparation, the GCP is given very little weight.

Second Deposit City of Gloucester Local Plan (2002)

6.40 This Plan reached an advanced stage of preparation and has been adopted by the Council for development control purposes. The majority of the policies have now been replaced by the Joint Core Strategy, but several remain of relevant, including Policy E.4 'Protecting employment land'. This policy states 'Planning permission will not be granted for new development that involves the loss of employment land unless the following criteria are met (1) The land has limited potential for employment and (2) The developer is able to demonstrate that an alternative use, or mix of uses, offers greater potential benefit to the community.'

National Planning Policy Framework 2018

6.41 Paragraph 80 sets out '*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.*'

6.42 Paragraph 121 further sets out that '*...authorities should also take a positive approach to proposals for alternative uses of land that are currently developed but not allocated for a specific purpose in plans, where it would help to meet identified development needs. In particular, support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.*'

Local Evidence

6.43 The JCS policies were informed by a significant amount of evidence, prepared both before and during the public examination. The most pertinent of these documents are (1) Employment land assessment update (NLP, October 2015, EXAM138) and (2) JCS Economic Update Note (February 2016, EXAM 180). The latter was informed by a significant amount of debate at the examination and roundtable discussions with, amongst other participants, the Gloucestershire Local Enterprise Partnership. It interrogated, amongst other things, the amount of employment land available within each of the district areas in order to meet the 192 hectare requirement for B use employment land that is now in Policy SD1 (itself aligned with the needs set out in the LEP

Strategic Employment Plan (SEP). For Gloucester City, it established that at the time, there were circa 20 hectares of employment land subject to a previous allocation or with extant planning consents, and a further seven hectares from other sites that would be considered for allocation through the GCP. Appendix 2 provides details of the sites that make up this figure and Section C of this (extant consents) includes 'Kingsway Framework 5' (00/00749/OUT) – the site subject to this proposal.

- 6.44 The JCS identifies this extant consent as a part of the supply of sites that supports the delivery of the 192 hectares of B use employment land. Equally, criterion 2 of Policy SP1 states 'This will be delivered by development within existing urban areas through district plans, existing commitments, urban extensions to Cheltenham and Gloucester, and the provision of Strategic Allocations at Ashchurch'. This was part of the rationale that allowed the tests of soundness to be passed and the JCS to be found sound.
- 6.45 The JCS therefore sets out a strong position in terms of the overall need for employment land and meeting the needs of the SEP. The NPPF is equally clear that in setting out its aspirations for building a strong and competitive economy. However, it is also important to understand what the demand for employment land is now and to ensure that the site is required and attractive for B class employment development. The applicant has submitted details of the length of time the site has been marketed, details of the marketing undertaken and expressions of interest received. Their view is that the land has been marketed for a significant period of time and that there has not been any genuine interest in the land. However, it is also important to note that the 192 hectares of land is for B class employment and there are very few opportunities for this left in the city.
- 6.46 The information submitted indicates that an extensive period of marketing activity has been delivered for the site, stretching back to 2005 (prior to the completion of infrastructure works at Kingsway). Two agents were appointed- Alder King and Bruton Knowles- both of whom hold national reputations for securing site tenancies for large, significant developments. This marketing information has been considered and reviewed by the City Growth and Delivery Officer.
- 6.47 Marketing literature in the form of development brochures have been produced for the site, the first of which was produced in 2007. In 2014 this was subsequently updated, with two 2016 revisions and another for 2017 (the one currently being used). The City Growth and Delivery Officer is satisfied that that the marketing of the site has been carefully considered and adjusted accordingly, to broaden its appeal to potential tenants. It should be noted that the past five years specifically has seen four separate revisions, and the design settled on in 2017 is considered to be of sufficient quality that no additional information could be added that would necessarily improve it. Indicative layouts for feasible development schemes have also been generated, again providing clear evidence that the marketing of the site has been appropriately structured to attract attention.
- 6.48 Website listings have also been completed and as such, the site has high visibility across property search websites.
- 6.49 The evidence submitted in relation to the interest received for the site since it has been marketed (in the case of four individual case examples) indicates that the marketing activity undertaken has been of a sufficiently high standard to generate leads.
- 6.50 Overall, the City Growth and Delivery Officer is satisfied that the marketing activities undertaken for the site are enough to suggest that over a 12-year period clients should have been secured as long as there were no extenuating issues surrounding the site and its overall quality. The application site has enjoyed the benefit of outline planning permission for some years. The evidence submitted by the applicant in respect of the marketing of the site does indicate that,

despite the existence of planning permission, it has not proven attractive to investors/companies. Whilst the development would not provide employment opportunities within use classes B1 or B8 it would provide a number of on-going employment opportunities in the retail and leisure market together with temporary employment generated during the construction phase. The applicant has indicated that it is envisaged that Unit 1 (gym) would provide for 12 full time and 4 part time members of staff with 42 full and part time job opportunities associated with Unit 2 (retail unit).

- 6.51 Overall, whilst the concerns of the local community are noted, it is considered that, given the lack of interest in the site despite long-term marketing, that the principle of the loss of employment land is acceptable in this instant.

Design, Layout and Landscaping

- 6.52 The NPPF emphasises the importance of high quality and inclusive design for all development. JCS Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design while Policy SD6 requires development to protect or enhance landscape character.
- 6.53 The proposed building would be sited towards the rear of the site set back from Newhaven Road behind the car park, with the service yard and garden centre adjacent to the A38. The building is double height with red brick to the lower walls on the front façade incorporating brick piers with metal and timber cladding above and glazed entrance features. The rear elevations comprise of steel cladding. The proposed materials have been amended to incorporate red brick and an upgraded cladding to the rear elevations and overall are considered to be in keeping with the Asda store.
- 6.54 The scale and massing of the proposed units is what you would expect to see in this type of location. There is a good amount of landscaping proposed within the car park and along the roadside. The car park would be well laid out with well-considered pedestrian movement routes and links from the main road. The car park would contain a good number of trees and the understorey planting provides additional seasonal interest and no objection is raised by the Urban Design or Landscape Officers subject to the inclusion of conditions.
- 6.55 Overall the design, layout and landscaping of the proposed development would be of a design standard in keeping with the surrounding area and is considered acceptable.

Traffic and transport

- 6.56 The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.

Location

- 6.57 The application site is located approximately 5 kilometres south of Gloucester and is accessed from Newhaven Road. Newhaven Road routes along the site's eastern boundary, adjoining Kingsway and Woodvale to the north via a three-arm roundabout. To the south Newhaven Road joins Naas Lane, Rudloe Drive and Telford Way via a four-arm roundabout. The carriageway of Newhaven Road comprises a two-way single lane carriageway and is subject to the sign posted 30mph speed limit.

Accessibility

- 6.58 The site is sustainably located with a shared 3m wide footway/cycleway provided along the eastern side of the Newhaven Road carriageway with a 2m wide footway provided on the western side of the carriageway. Street lighting is present throughout with dropped kerbs and tactile paving provided at existing access points along the length of Newhaven Road. A central refuge island which facilitates traffic calming and incorporates a pedestrian crossing is located

approximately 40m north of the application site.

- 6.59 The site is also accessible to high quality public transport facilities located nearby with the nearest bus stops located on Newhaven Road approximately 100-150m from the centre of the site. The Stagecoach 66R gold bus service operates regularly at peak hours with services connecting Gloucester City Centre and Stroud Town Centre.

Access

- 6.60 The site is currently accessed via two existing priority junctions taken from Newhaven Road. The southern junction links with the existing private access road routing along the site's southern boundary that provides access to the south-west corner of the site as well as the neighbouring Avionics House to south and will provide access to the service yard located to the rear of the proposed development on the site's western boundary. The northern junction provides direct access into the north-eastern corner of the site and will form the main access into the site and will serve the main site car park.
- 6.61 The required Sight Stopping Distances commensurate with the sign posted speed limit would require visibility splays of 54m in both directions from a 2.4m setback along the centre line of each point of access. The required visibility can be achieved within land under applicant's control and highway verge.
- 6.62 Three pedestrian access points are proposed along the site's southern, eastern and northern boundaries, connecting the existing footway along the western side of Newhaven Road.

Layout

- 6.63 Drawing ref. SP01 has adequately demonstrated two private estate vehicles measuring 4.71m long simultaneously entering, manoeuvring within and egressing the site without coming into conflict with any upright kerb-line structures, trees or formal parking spaces.
- 6.64 The submitted plan demonstrates that the service yard is large enough to enable a 16.5m long articulated vehicle to enter and manoeuvre off the highway before egressing in a forward gear.

Parking

- 6.65 The proposed development includes provision for 205 car parking spaces including 10 disabled spaces.
- 6.66 Local car parking standards have been superseded by the current National Planning Policy Framework (NPPF), and therefore carry very little weight; however, using the local car parking standards as a guide, an A1 non-food retail use should provide 1 space per 22sqm GFA for a food store over 1000sqm and 1 space per 20 sqm for D2 gymnasium. The discount non-food store would have a GFA of 3019sqm and therefore should have a parking provision of 137 spaces. The gymnasium would have a GFA of 1313 sqm, requiring 67 spaces. The proposal therefore provides suitable car parking space provision. The site is also conveniently located to high quality public transport facilities which can provide a suitable alternative mode of transport.
- 6.67 Given the sites sustainable location and access via alternative means of transport, the level of parking provision would be deemed acceptable in accordance with the NPPF.
- 6.68 The disabled parking spaces are conveniently located close to pedestrian entrances and feature suitable hatched transfer zones located either side and to the rear of each bay.
- 6.69 The parking layout is suitable for the proposed use with spaces complying with the local standards of 2.4m x 4.8m with in excess of 6.0m drivable surface in front of them to allow for ease of access.

- 6.70 46 cycle spaces are suitably located within the car park and provide opportunity for an alternative sustainable means of travel other than the private car.

Vehicle Trip Generation

Extant Permission

- 6.71 The site currently has the benefit of an outline planning permission for B1/B8 employment uses (13/00694/REP). It is assumed that a B1/B8 office development of circa 5,580 sqm could be built on the site under the existing planning permission. This represents a gross floor area to site area ratio of 45%. These are the same proportions used in the application for the adjacent ASDA development.
- 6.72 The applicant has not presented trip attraction for the AM peak hour and this period is also not included in the traffic impact assessment. This is because the trip generation for the proposed land uses would not be expected to exceed that of the extant permission. The Highway Authority have confirmed that this is the case, based on the TRICS reports provided, and therefore accept the exclusion of an AM peak hour assessment from the TA. It has also been assumed that the extant permission would not generate trips during the Saturday peak hour. This is a reasonable approach considering the employment land uses, and the robust traffic impact assessment this will produce (i.e. lower baseline for weekend retail peak assessment results in greater traffic impact).
- 6.73 The trip rates for the extant employment permission have been derived using TRICS, as taken from the B1 Office TRICS output used for the planning application for the adjacent ASDA development (application ref: 12/00423/FUL).
- 6.74 It is noted from the TRICS report that the surveys used to determine weekday trip rates are from between May 2004 and September 2010. The Highway Authority have performed a sense check using more contemporary survey dates (January 2010 to current) for the same land use within the TRICS database. This analysis demonstrates that more up to date surveys will produce marginally higher trip rates; and would result in a maximum of seven additional two-way trips generated by the extant permission, which is not considered material for the purpose of this assessment.

The identified network peak of 16:45 to 17:45 overlaps three TRICS output periods:

1. 16:30-17:00;
2. 17:00-17:30; and
3. 17:30-18:00.

- 6.75 The applicant has derived trip rates using half of the trip rate for 1), all of the trip rates for 2) and half of the trip rate for 3), covering the whole peak period. Typically, the Highway Authority would expect the most robust hour either side of the network peak to be taken from the TRICS output (e.g. 16:30-17:30 or 17:00-18:00). This approach would result in three additional trips being generated during the PM peak hour. This is not considered to be a significant increase and therefore this methodology is accepted.
- 6.76 It is also noted that if the additional three trips from the TRICS hour selection and seven trips from the more contemporary surveys dates in TRICS were to be included, this would cause an increase to the baseline scenario for the weekday PM peak hour traffic impact assessment, reducing the level of impact from the development proposals and the approach used is therefore considered to be robust.

Projected Trip Rates

- 6.77 Trip attraction for the proposed development has been calculated using trip rates derived from TRICS, using surveys for Use Class A1 (DIY superstore with garden centre) and D2 (private fitness club).

- 6.78 For the purposes of the TRICS criteria selection the Highway Authority did not accept the use of TRICS category 'DIY Superstore with Garden Centre', as it is understood from the Retail Impact Assessment (RIA) for the application that the end occupier is likely to be B&M, a discount retailer.
- 6.79 A review of the trips rates compared to other relevant TRICS land uses shows these are comparatively low. It is recognised that no TRICS category is a perfect fit but following a request from the Highway Authority for revised traffic generation for the A1 development using TRICS category 'Other Individual Non-Food Superstore' to provide a more acceptable assessment of A1 land use at this site the applicant provided revised trip rates. This was established by removing the DIY with Garden Centre land use selection criteria and replacing it with 2,400sqm GFA of "other individual non-food superstore", and a separate trip rate for the 696sqm 'garden centre' for both weekday and Saturday.
- 6.80 Trip attraction for the proposed development has only been determined for the network weekday PM peak (16:45-17:45) and weekend retail peak (12:00-13:00) hours on the basis that the extant trip envelope during the AM peak hour exceeds the proposed development's trip generation.
- 6.81 The weekday and weekend trip rates for the D2 Development are considered reasonable. The D2 weekend surveys are from 2001, but it is noted that there is a lack of suitable surveys contained within the TRICS database.

Linked and Pass by Trips

- 6.82 The applicant has provided a robust assessment by not accounting for linked trips for the development site (e.g. trips combining visits to A1 and D2 land uses). However, the applicant has reduced the total development traffic generation by 20% to account for pass by trips (i.e. trips already on the network adjacent to the development which turn into the site). This reduction has been justified using TRICS report 14/1. However, the figure used to determine this reduction (14/1 - Figure 5.1) is just a part of the overall narrative regarding linked, pass by and diverted trips, and relates specifically to a single study of Sommerfield Supermarkets. This is not considered to be directly comparable to the non-food retail / leisure uses proposed at this site. Furthermore, the 21% stated in the TRICS report relates to linked trips, not trips diverted into the site as used in this assessment. TRICS report 14/1 states that "*it is [therefore] recommended that a **site by site approach** is taken in justifying the proportion of pass by and diverted trips that are to be attributed to the proposed development.*"

The Highway Authority has performed a sensitivity test of the worst-case development impact scenario (weekend peak hour development traffic impact at the Woodvale / Newhaven Road / Kingsway roundabout), without reducing total development traffic for diverted trips. This shows that the impact would increase by 2% from around 8% to 10% and the proportion of pass by trips included in the TA is therefore agreed.

Traffic Impact Assessment

- 6.83 The results of the percentage impact assessment currently indicate an immaterial increase in junction traffic demand during the PM peak hour. The results for the Saturday peak hour assessment demonstrate a just over 8% increase in traffic on the Woodvale / Newhaven Road / Kingsway roundabout. This is considered a material impact. It is noted that the overall traffic demand at this junction is lower than that experienced during the weekday PM peak hour and based on the site's extant uses capacity assessments are not needed due to the relatively small increase in junction percentage increases.
- 6.84 Through assessing the numbers presented, the Highway Authority has identified some small discrepancies in the PM peak hour calculations which subsequently mean that the revised projected trips are slightly under-estimated in comparison with the Transport Assessment; however, the net effect is still negligible.

6.85 In the Saturday peak, it is considered that the applicant has underestimated both the inbound trips by 20, and the outbound trips by 20. This is because they have used the 11-12 peak, rather than the 12-1 retail peak. However, when assessing the total junction flows, the 2023 Saturday peak hour numbers are still well below the 2017 PM peak hour numbers in most cases. The only exception is Woodvale Roundabout, where the Saturday flows are very slightly higher (by 9 vehicles).

Personal Injury Collisions

6.86 Although personal injury collision statistics have been presented for the local highway extending to junctions' subject to capacity analysis which identify a number of collisions, there have been no recorded personal injury collision recorded along Newhaven Road, which fronts the site, within the last 5 years

Travel Plan

6.87 The NPPF Paragraph 111 states that all significant generators of traffic movements should be required to provide a Travel Plan. JCS Policy INF1 provides that applications may be required to be accompanied by a Travel Plan. The Travel Plan should be formulated in accordance with the GCC Travel Plan Guidance for developers.

6.88 The Department for Transport (DfT) defines a travel plan as “a long-term management strategy that seeks to deliver sustainable transport objectives through positive action”. Such plans could include; car sharing schemes, commitment to improving cycle facilities, dedicated bus services or restricted parking allocations. A successful Travel Plan should offer users whether they are employees, residents or visitors a choice of travel modes from sites or premises.

6.89 The submitted Travel Plan for this application aims to reduce the dependence upon single occupancy private car travel when accessing the site and in order to do so the Travel Plan aspires to:

- Reduce the percentage of residents travelling by single occupancy private car to and from the site.
- Generate increase in the percentage of residents utilising active modes (walking/cycling), public transport and car sharing.

6.90 In order for the Travel Plan to achieve these aims a number of actions and measures will need to be implemented. The applicant will appoint a Travel Plan Coordinator, whose duty it is to oversee the implementation and monitoring of the Travel Plan. The Coordinator would be appointed prior to the buildings being occupied.

Conclusion on Highway Matters

6.91 In light of the above, the Local highway Authority has recommended that no highway objection be raised, subject to the inclusion of a number of conditions being attached to any permission.

Residential amenity

6.92 The NPPF (section 12) provides that good design is a fundamental aspect of sustainable development. Development should ensure that developments are visually attractive and create places with a high standard of amenity for existing and future users. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.93 There are a number of residential properties located to the west of the A38 on Bristol Road. The design and layout of the proposed development would result in the rear facades of the buildings and the service yard facing towards residential properties in Bristol Road. The closest properties are approximately 75 metres from the rear boundary of the proposed service yard.

- 6.94 An assessment of noise (mechanical plant & deliveries) has been undertaken to establish the impact of this development on nearby noise sensitive receivers. The submitted Noise Assessment concludes that the daytime operations would not result in any adverse noise impacts. However, overnight, noise from the operation of the external plant would have the potential to generate noise impacts without appropriate noise mitigation measures implemented prior to first use.
- 6.95 The submitted report states that the noise mitigation measures required to reduce noise levels from the external plant would be finalised during the detailed design stage, once the plant requirements have been fixed. Subject to appropriate mitigation it is considered that noise levels would be reduced to a satisfactory standard to ensure any potential adverse impacts were minimised and would fully comply with the requirements of the NPPF.
- 6.96 On this basis, once the suitable plant has been identified at the detailed design stage an additional assessment of noise will need to be undertaken to establish whether mitigation is required to ensure that any noise levels attributed to the operation of the external plant is reduced to an acceptable limit.
- 6.97 The Environmental Protection officer has reviewed the submitted Noise Assessment and is satisfied that the development could be designed to avoid unacceptable impact on the living conditions of the occupants of the closest residential properties and no objection is raised to the application subject to conditions.

Drainage and flood risk

- 6.98 The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.
- 6.99 The application is supported by a Flood Risk Assessment and Drainage Strategy (FRA) and a Foul Water Assessment. The FRA concludes that the site is entirely in Flood Zone 1, (area at the lowest risk of flooding), and the proposed development would not be at risk of flooding from all sources. The site would be served by the approved Drainage Strategy for the wider RAF Quedgeley (Kingsway) site which deals with surface water and foul drainage.
- 6.100 A number of objections have been received from residents in houses on Bristol Road raising concerns about the capacity of the existing pumping station adjacent to their properties.
- 6.101 The application site foul water drainage has been designed in accordance with the approved drainage strategy for the Kingsway development as a whole. Foul flow rates would be less than the designed capacity for this parcel of land and therefore it is concluded that the proposals would not increase flood risk to existing infrastructure or properties.
- 6.102 It is understood that Quedgeley Urban Village Limited, the consortium which includes Taylor Wimpey, Robert Hitchens and Persimmon, the developers of the housing and employment land at Kingsway have been working closely with Severn Trent Water to identify a suitable location for a pumping station. A location has now been identified behind Avionics House and discussions relating to design and operation are ongoing with Severn Trent.
- 6.103 The Drainage Engineer is satisfied that the design of the proposed drainage system is in accordance with the approved scheme for the wider development at Kingsway. The requirement for a pumping station is secured as part of the agreed drainage strategy for Kingsway and it is not appropriate to require its provision as part of the current application.

Land contamination

- 6.104 Policy SD14 of the JCS requires that development proposals incorporate the investigation and remediation of any land contamination.
- 6.105 The site is part of the former RAF base and records indicate that contamination maybe present and as the City Council's contaminated land advisor has recommended that a condition be attached to any planning permission to ensure that this is suitably addressed.

Ecology

- 6.106 Policy SD9 of the JCS provides that the biodiversity and geological resource of the JCS area will be protected and enhanced.
- 6.107 The application is supported by an Ecological Assessment which includes the results of a site survey based around an extended Phase 1 survey methodology. In addition, specific surveys were undertaken within the site in respect of bats, badgers and Great Crested Newts. The site provides negligible potential to support any habitats or species of significance. In line with national and local policy, biodiversity enhancement measures should be incorporated where possible to create net gain once the development is complete.
- 6.108 A Biodiversity Enhancement Scheme Briefing Note has also been submitted. This Briefing Note confirms that the proposed new tree planting will comprise native species and species of benefit to wildlife together with new areas of amenity grassland and native planting of local provenance or species of known value to wildlife. It is also proposed to provide new pole mounted bat and bird boxes. The recommendations of the ecological assessment and briefing note could be secured by an appropriately worded planning condition.

Economic considerations/benefits

- 6.109 The proposed retail and leisure use will provide a number of full and part time jobs. The construction phase would also support employment opportunities and therefore the proposal would have some economic benefit. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some weight to the case for granting permission.
- 6.110 The applicant sets out that the proposed development would provide new retail and fitness opportunities to the local community and contribute towards greater consumer choice. Furthermore, the applicant considers that the proposals would deliver a sustainable development opportunity on a brownfield site which has lain vacant for a considerable number of years and experienced no meaningful market interest for 'B' Class uses since 2005.

Other Issues Raised

- 6.111 Quedgeley Town Council and a number of individual representations requested a contribution of in excess of £50K from the development towards the Kingsway Sports Pavilion. This request does not meet the legal tests for a s106 obligations set out in the CIL Regulations as it is not directly related to the development or necessary to make the development acceptable in planning terms. The type of development proposed does not attract a CIL charge having regard to the Council's CIL charging schedule.

Conclusion

- 6.112 This application has been considered in the context of the policies and guidance referred to above.

Benefits

- 6.113 There would be clear economic benefits arising from the proposal both during and post construction. It would also lead to the development of what has been a vacant site for many years, despite the existence of planning permissions for commercial use.

Neutral Impacts

- 6.114 The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, drainage, impact upon the amenity of any neighbours and the local area and loss of employment land.

Harms

- 6.115 The applicant has not demonstrated that this proposal complies with the sequential test and it is considered that there are suitable and available sequentially preferable locations for the proposed development. The proposal is therefore contrary to the relevant parts of Policy SD2 of the JCS and paragraphs 86 and 87 of the NPPF.

Overall Conclusion

- 6.116 Taking into account the above issues, overall, officers conclude that the proposed development would conflict with the Development Plan and it is not considered that there are material considerations which justify a departure from policy in this instance.

7.0 RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER

- 7.1 That planning permission is **Refused** for the following reason:

- 7.2 The proposed development would comprise of main town centre uses and would be located outside any recognised centre. The application has failed to demonstrate that there are no suitable and available sequentially preferable sites for the proposed uses. The proposed development is therefore contrary to Policy SD2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and paragraphs 86 and 87 of the National Planning Policy Framework.

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Committee Date: |