

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	12 April 2016
Subject:	13/01003/OUT - Land South of the A46 And North of Tirlle Brook, Ashchurch, Tewkesbury
Report of:	Joan Desmond, Senior Planning Officer
Chief Officer:	Rachel North, Deputy Chief Executive
Lead Member:	Cllr D M M Davies
Number of Appendices:	3

Executive Summary:

At the Planning Committee on 15 March 2016 Members resolved to grant outline planning permission (with all matters reserved except access) for a proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access, car parking and landscaping (reference: 13/01003/OUT). The decision was that the Committee was 'minded to permit' the application subject to referral to the Secretary of State, and that the application be brought back to the next meeting of the Committee with recommended conditions and negotiations with the applicant in respect of Section 106 obligations.

A list of suggested conditions is provided along with the s106 contributions suggested by both the applicant and by Officers. Negotiations are continuing with the applicant and an update will be provided at Committee.

Recommendation:

To CONSIDER the report.

Reasons for Recommendation:

To advise Members of suitable planning conditions and to consider the scope and scale of potential s106 obligations.

Resource Implications:

None

Legal Implications:

Completion of S106 legal Agreements

Risk Management Implications:

None

Performance Management Follow-up:

Should the Committee determine to grant permission in accordance with the report then the decision will be issued as soon as possible, depending on the view of the Secretary of State as to whether he wishes to call-in the application to determine the application himself.

Implications for Biodiversity:

None

1.0 INTRODUCTION/BACKGROUND

1.1 At the last Planning Committee on 15 March 2016 Members resolved to grant outline planning permission (with all matters reserved except access) for a proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access, car parking and landscaping (13/01003/OUT) on land South of the A46 and North of Tirl Brook, Ashchurch, Tewkesbury subject to appropriate planning conditions and S106 agreement.

1.2 Members considered that the proposed development would not have an adverse impact on the health of Gloucester City centre and whilst it was felt that it would have an impact on the health of Tewkesbury Town centre, this impact would not be significant and any adverse impact could be addressed through appropriate mitigation measures. County Highways raised no objection to the development subject to a S106 agreement for the following contributions:

- £70,000 towards the provision of GCC scheme 9172 for the footway/cycleway to the east of Northway lane
- £ 289,425 towards the GCC A438/Shannon Way Improvement scheme
- £5000 monitoring fee for a Travel Plan.

1.3 Given the type and scale of the development, the Secretary of State has been notified that the Council intend to permit the application subject to appropriate conditions and S106 agreement and the Secretary of State will decide whether or not to call in the application. A decision on this matter is still awaited.

2.0 SUGGESTED CONDITIONS AND S106

2.1 A list of suggested conditions and reasons is attached at **Appendix 1**.

2.2 Members may recall that the applicant has submitted draft S106 agreements for transportation issues; Town Centre initiatives and a draft Unilateral Undertaking for the safeguarding of land for improvements to the A46 and Junction 9 of the M5. Copies of these agreements are attached at **Appendix 2**.

2.3 The draft transportation agreement accords with the recommendations of County Highways and is considered to be acceptable. Similarly the draft Unilateral Undertaking for the safeguarding of land for improvements to the A46 and Junction 9 of the M5 is considered to be acceptable and accords with advice from Highways England. The

proposed mitigation measures for the town centre are not however, considered to be adequate and would fail to mitigate the harmful impact of the proposed development on the health of the town. Attached at **Appendix 3** is a draft CIL Compliance Statement which sets out the suggested mitigation measures which would include:

- £127,800 - Riverside Links
- £250,000 - Heritage and Riverside Walks
- £375,000 - Riverside Moorings
- £125,000 - Back of Avon Re-development
- £15,000 - Tourism App
- £150,000 - Local Shop/retailer Support Programme
- £150,000 - Public Art Trails
- £150,000 - Town Centre frontages Grant Initiative
- £100,000 - Town Centre Events
- £25,000 - 'Maybe' Shopping App for Tewkesbury
- £50,000 - Evening Economy Contribution
- £52,473 - Electric Cycle Hire/Bike Shared Scheme
- £25,000 - Tourist information provision
- £200,000 - Marketing Campaigns
- Employment and Training Policy

2.4 The total contributions for the Tewkesbury Town centre mitigation measures amount to £1,795,273. The applicant is presently offering £675,000 towards town centre initiatives with all payment to be paid prior to the date of first occupation. As previously stated, the amount of contribution being offered is not considered to be adequate to mitigate the likely impacts of the proposals on Tewkesbury Town Centre and some of the payments should be required to be paid upon the grant of the outline planning permission and/or on commencement of the development. This would enable some of the mitigation measures to be put in place prior to occupation of the Outlet Retail Centre and its inherent impacts.

2.5 The suggested conditions and contributions for town centre mitigation measures are still under discussion with the applicant and Members will be updated at Committee.

3.0 OTHER OPTIONS CONSIDERED

3.1 None

4.0 CONSULTATION

4.1 None

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 The Tewkesbury Borough Local Plan to 2011 - March 2006 - TPT1, TPT9, TPT13, RET6. Tewkesbury Town Centre Masterplan.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 NPPF

Community Infrastructure Levy Regulations 2010 (as amended).

- 7.0 RESOURCE IMPLICATIONS (Human/Property)**
- 7.1 None
- 8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 8.1 None
- 9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 9.1 None
- 10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**
- 10.1 Resolution at March Planning Committee on 13/01003/OUT

Background Papers: Application 13/01003/OUT

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Appendices: Appendix 1 – List of suggested Conditions/Reasons
Appendix 2 – Draft S106 Agreements submitted by Applicant
Appendix 3 – Draft CIL Compliance Statement