

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	10 th May 2016
Subject:	13/01003/OUT - Land South of the A46 And North of Tirle Brook, Ashchurch, Tewkesbury
Report of:	Joan Desmond, Senior Planning Officer
Chief Officer:	Rachel North, Deputy Chief Executive
Lead Member:	Cllr D M M Davies, Lead Member for Built Environment
Number of Appendices:	5

Executive Summary:

To consider the suggested additional planning condition to secure the provision of a shuttle bus service to be attached to the outline planning application (with all matters reserved except access) for proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access, car parking and landscaping on land South of the A46 and North of Tirle Brook, Ashchurch.

Recommendation:

That Members PERMIT the proposed development subject to the suggested planning conditions and S106 agreements to mitigate the impact on Tewkesbury Town Centre; to address transportation issues and to ensure that land is safeguarded for potential highway improvements to the A46 and junction 9 on the M5.

Reasons for Recommendation:

At the Planning Committee on 15 March 2015 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 Tirle Brook, Ashchurch, Tewkesbury subject to appropriate planning conditions and S106 agreements. The suggested planning conditions and S106 agreements were considered by Members at the last Planning Committee and Members resolved to defer consideration of the application subject to the provision of a shuttlebus service.

Resource Implications:

None

Legal Implications:

Completion of S106 legal Agreements

Risk Management Implications:

None

Performance Management Follow-up:

None

Implications for Biodiversity:

None

1.0 INTRODUCTION/BACKGROUND

- 1.1** 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 (13/01003/OUT) on land South of the A46 and North of Tirl Brook, Ashchurch, Tewkesbury subject to appropriate planning conditions and S106 agreement. (Copy of Committee report is attached at **Appendix 1**).
- 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; and
 - £5000 monitoring fee for a Travel Plan.
- 1.3** In terms of Tewkesbury Town Centre mitigation it has been agreed that a sum of £1.2M would provide for mitigation that obviates harm in accordance with the tests set out at CIL Regulation 122. The contributions would be used towards measures which increased footfall and spend within Tewkesbury Town Centre (i.e. mitigated adverse impacts of the proposed development) to include, but not necessarily limited to (to introduce flexibility for any further evolution of these plans), the initiatives listed in **Appendix 2** of the report. It was agreed with the applicant that trigger points for payments in the S106 should ensure that the appropriate mitigation measures are in place to address the impact from the proposed development.
- 1.4** 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 3**. It should be noted however, that the suggested agreement for Town Centre indicatives has been superceded by the recent agreement of the applicant as detailed above in Paragraph 1.3.
- 1.5** At the last Planning Committee on 12 April 2016, Members resolved to defer consideration of the application subject to the provision of a shuttlebus service to run between the proposed development and Tewkesbury town centre.
- 1.6** 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 PROVISION OF A SHUTTLE BUS SERVICE

- 2.1 At the last Planning Committee, Members considered that a shuttle bus service should be operated between the proposed Factory Outlet Centre (FOC) and Tewkesbury town centre. The applicant had previously indicated a commitment towards providing enhanced bus services between Ashchurch railway station, the proposed FOC and Tewkesbury town centre or otherwise funding those service enhancements for a period of 5 years, to encourage visits to Tewkesbury town centre. Members considered however, that a shuttle bus service should be provided between the FOC and town centre and that this service should be included as part of the agreed mitigation measures.
- 2.2 The applicant has agreed to the provision of a shuttle bus service which would operate between the FOC, Tewkesbury Town Centre and Ashchurch railway station. The proposed service would complement those bus services which route between Northway and Tewkesbury. Details of the proposed shuttle bus service are attached at **Appendix 4**. The intention is that the shuttle bus would operate on weekends and bank holidays when the numbers of visitors to the retail outlets are predicted to be at their highest. The shuttle bus would operate throughout the day commencing prior to the retail outlet's opening times and ending after the retail outlet's closing times on each day. It is envisaged that the type of bus would be a low emission, midi size 'Optare' type bus with a carrying capacity of 25-30 seats. The timings of the shuttle bus would be co-ordinated with rail services arriving at Ashchurch railway station to reduce waiting times and encourage trips by rail.
- 2.3 The advice in the PPG on the 'Use of Planning Conditions' states that, where it is possible to overcome a planning objection to a development proposal, either by way of imposing a condition on the planning permission or by entering into a planning obligation, then the local authority should use a condition rather than seeking to deal with the matter by means of a planning obligation. As such it is suggested that a condition is attached to any permission granted to secure the provision of a shuttle bus service as detailed below:
- "Prior to the commencement of building works a scheme shall be submitted to and approved in writing by the Local Planning Authority for the provision of a Shuttle Bus Service linking the development hereby permitted with Ashchurch Railway Station and Tewkesbury town centre. The scheme to include: days of operation, hours of operation, frequency of service, ticketing arrangements, thresholds for its provision and mechanism for review (after three years). The Shuttle Bus Service shall thereafter be provided and run in accordance with the approved scheme."*
- Reason: To protect the vitality and viability of Tewkesbury town centre and to encourage visitors to travel to the proposed development by rail."*
- 2.4 A full list of suggested conditions and reasons is attached at **Appendix 5**. The additional shuttle bus condition is listed at number 42.

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**
PPG on the use of planning conditions
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** Planning Committee Minutes - 15 March 2016 and 12 April 2016

Background Papers: Planning Committee Report and Minutes – 15 March and 12 April 2016.

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Appendices: Appendix 1 – Committee Report
Appendix 2 – Draft CIL Compliance Statement
Appendix 3 – Draft S106 Agreements submitted by Applicant
Appendix 4 – Details of proposed Shuttle Bus Service
Appendix 5 – List of suggested Conditions/Reasons