

Mr J Seymour
Planning
Cheltenham Borough Council
Municipal Offices
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GL50 9SA

5 July 2018

18/01004/FUL: Land at North Road West and Grovefield Way, Cheltenham

Dear Mr Seymour,

This letter addresses the concerns raised by Pegasus Group on behalf of ASDA Stores Ltd in their letter to you dated 21st June 2018 ('the letter').

Policy Considerations

The Development Plan

The letter explains that of S38(6) of the Act requires that decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. It then explains that the Development Plan in this instance comprises the Joint Core Strategy ('JCS'), The Cheltenham Borough Local Plan Second Review ('CBLP') and the emerging Cheltenham Plan ('emerging CP').

This is incorrect. Whilst it is accepted that the emerging CP is a material consideration here it is not a part of the statutory Development Plan until it is adopted. This is an important point to note as to consider the emerging CP as a part of the Development Plan would unduly inflate its primacy in the decision making process. The Development Plan in this case is the JCS and CBLP.

The Principle of Development

The letter references paragraph 4.1.4 of the JCS which, in essence advises that the district plans i.e. the Cheltenham Plan here, will contain policies which resist the loss of existing employment land and seek to provide an adequate supply and choice of employment premises. To confirm, the site is not existing employment land nor is it allocated for employment in the JCS whereby there can be no conflict with the Development Plan in this regard. Nonetheless, it is clear that the JCS passes responsibility for safeguarding employment land in Cheltenham to the Cheltenham Plan.

Later in the letter, conflict with Policy SD1 of the JCS is cited but it is never explained how or why the proposal causes conflict therewith.

Turning to the emerging CP, Policy EM3 explains that the site is identified as a location suitable for employment development. The policy confirms proposals for *“traditional B class employment uses or Sui Generis uses that exhibit the characteristics of traditional B class employment will be supported”*. The policy is worded to confirm the acceptability of traditional B class uses here but crucially, it doesn't explicitly preclude development which falls into another use class being appropriate. Indeed, Policy EM1, which is confirmed with safeguarding employment land, confirms that new employment allocations made under Policy EM3 of the Cheltenham Local Plan will only be safeguarded upon completion of development. There is, therefore, nothing in the emerging CP which advises that the development proposal isn't acceptable.

It is also worth considering that the emerging CP has been prepared in the context of the Framework whereby it will inherently comply therewith. Importantly, the Framework indicates a shift away from traditional strategic guidance on what constitutes economic growth. Rather, it promotes economic growth and does not distinguish between development that falls within the B use classes or other employment generating uses. Indeed, the Glossary to the Framework defines 'Economic Development' as *“Development including those within the B use classes, public and community uses and main town centre uses, (but excluding housing development)”*.

The development in its entirety is for 'economic development'. The purpose of the development is clearly to generate employment. Nonetheless, the essence of the development is for traditional employment with just 12% of the development's floorspace having an A1 use class. It is already explained in the Planning Statement how the uses are compatible and how the non-B1 use class development will underpin the vitality and viability of the site.

In terms of the weight to be afforded to the emerging CP as a material consideration, the letter explains that in the context of paragraph 216 of the Framework, the emerging CP should have substantial weight given its stage of preparation and that it's Examination is due later this year.

This is disagreed. The stage of preparation is still an early one with the most recent published iteration being the pre-submission draft. Whilst the LDS advises that the plan will be adopted in late 2018 in reality there is already significant slippage to the timetable. The submission draft has not yet been published and there is not date for the Examination in Public. The LDS advises that the submission to the SoS would be made in early 2018. Crucially, the Examination has not yet taken place whereby the compliance of the policies with the Framework has not yet been tested. It is also relevant that there is significant objection to the emerging CP which also reduces the weight which should be afforded to its policies.

On this basis, the applicant's contention is that limited weight should be given to the emerging CP. This appears to be consistent with the Council's approach to decision taking which, in the most recent set of committee reports for items reported to the 21st June 2018 Planning Committee, did not mention the emerging CP as a relevant policy consideration.

Importantly, we also note that Council's Strategic Land Use Team raise no objection to the current application.

On this matter, it is the Applicant's strong contention that there is no conflict with the Framework, the Development Plan or the emerging CP.

Green Belt matters

The letter suggests that the Joint Core Strategy ('JCS') removed the site from the Greenbelt on the basis of employment need. This isn't correct. At paragraph 176 of her report, the examining Inspector for the JCS is quite clear that the justification for the removal of land at Grovefield Way from the Greenbelt is because of development on the land being built out. This reasoning is carried through into the JCS itself which at paragraph 4.5.21 states that:

"A small change has been made to the Green Belt boundary in the area of Reddings to provide a more appropriate boundary after an implemented permission at Grovefield Way."

Later in the letter it is suggested the proposal does not exhibit exceptional circumstances to justify the lands removal from the Green Belt. The fact of the matter is that the land is not within the Green Belt. To require justification for the development as though it were in the Green Belt would be wholly unnecessary and unreasonable.

Retail Sequential Test and Impact Assessment

The letter alleges that the sequential test is not passed which gives rise to conflict with Policy SD2 of the JCS and paragraph 27 of the Framework. It states that the retail assessment carried out by the Applicant fails to justify its discounting of a site known as 'North Place'. The Applicant maintains that the information provided within the Retail Impact Assessment and Sequential Test robustly demonstrates why 'North Place' has been discounted from consideration and that the letter provides no new information which contradicts that position.

It is also worth noting that the Applicant chose to undertake the Retail Impact Assessment to provide as complete a submission as possible to the LPA. There is no requirement to provide a Retail Impact Assessment as the floor space of the retail element is below the threshold set out in the Framework.

Other matters

It is noted that ASDA Stores Ltd have made separate representations on highway matters. This is dealt with under separate cover in a note authored by TPA which explains that the development proposal has an acceptable impact on the highway network.

Summary and Conclusion

The letter submitted on behalf of ASDA Stores Ltd incorrectly assesses the makeup of the Development Plan, unduly inflating the weight afforded to the emerging CP.

The letter alleges that no evidence has been provided to justify there is no reasonable prospect of the site being used for employment. On the contrary, the Applicant contends that the entire site would generate employment if regard is had for the Framework's advice and that the significant majority of the site would provide traditional employment of the type referenced by now superseded government policy documents. Further, the application submission demonstrates that there is a need for some part of the site to have a non B Class use to underpin the vitality and viability of the development.

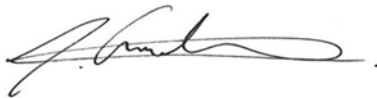
Nonetheless, the crux of the matter is that the principle of development doesn't conflict with any part of the Development Plan, The Framework or the emerging CP there being no requirement to justify the non-traditional employment use of a small part of the site

Despite acknowledging that the site is not in the Green Belt, the letter cites conflict with Green Belt policies. The letter also incorrectly summarises the reasons why the land was removed from the Green Belt. The Applicant simply contends that such considerations are immaterial here.

Finally, the letter sets out that the retail sequential test is not passed. The Retail Impact Assessment and Retail Statement robustly sets out the Applicant's view in this regard and explains that the sequential test is passed.

To conclude, the letter provides no further information which affects the conclusions drawn in the Planning Statement. The proposal complies with the Development Plan in the round and represents Sustainable Development in the context of the Framework. It also complies with the emerging Cheltenham Plan. The application should therefore be approved.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'James Griffin', with a long horizontal flourish extending to the right.

James Griffin MRTPI

Hunter Page Planning