

Our Ref:

Your Ref:

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St Catherine's Court
Berkeley Place
Bristol
BS8 1BQ

T: +44 (0)8449 02 03 04
F: +44 (0)117 988 5344

avisonyoung.co.uk

Adam Gooch
Planning Policy Team Leader
City Growth & Delivery
Gloucester City Council
Herbert Warehouse
The Docks
Gloucester, GL1 2EQ

Dear Adam

Kingsway Business Park, Gloucester

Further to your recent instructions, I write to provide supplementary advice in relation to retail and leisure planning policy issues associated with the above planning application at Kingsway Business Park. This is the third set of written advice that Avison Young ('AY') has provided to Gloucester City Council ('GCC') on this application. The previous advice is dated January 2019 and February 2019. Following the completion of our February 2019 advice, RPS, on behalf of the applicant, has submitted an additional document entitled 'Response to Assessment of Retail & Leisure Planning Policy dated February 2019' (hereafter referred to as the February RPS document'). The February 2019 document deals with the following issues:

- The wording of the proposed condition(s) and controls over the range of retail goods in the Class A1 unit
- The suitability of alternative sequential sites at Quedgeley District Centre and The Peel Centre
- The consistency of the retail impact assessment to the proposed controls in the February 2019 Response Note

We provide our response to the above issues in turn below.

The wording of the proposed retail goods condition

Within our February 2019 advice we raised concerns over the potential for a wide variety of retailers to occupy the proposed retail unit based upon the wording of the retail goods condition provided by RPS in their February note. As a consequence, RPS have revised the wording of the suggested condition and it now reads as follows:

"Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (and any subsequent amendment), the retail unit hereby approved (Unit 2) shall only be used for Class A1 purposes with no more than:

20% of the gross internal floorspace used for the display and sale of convenience goods

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Regulated by RICS

- 80% of the gross internal floorspace used for the display and sale of comparison goods
- 3% of the gross internal floorspace used for the display and sale of 'non fashion' clothing and footwear (socks, slippers etc)

No sports goods or equipment shall be sold from the unit.

No more than 20% of the gross internal floorspace of Unit 2 shall be comprised of any one of the following categories of goods:

- DIY (paint, tools, wallpaper)
- Toys and Games
- Bedding (duvets, pillows, sheets)
- Furniture
- Home Accessories (clocks, mirrors, picture frames, decorative accessories, lighting)
- Soft Furnishings (curtains, cushions, throws)
- Kitchenware (saucepans, utensils, tableware, bakeware)
- Electrical goods (excluding lighting and DIY/garden tools)
- Pet products

The associated garden centre shall only be used for the display and sale of garden products and related goods. The retail unit and garden centre shall only be operated as a single retail business and shall not be sub-divided without the prior approval of the local planning authority."

We consider that the revisions place the trading profile of the proposed retail unit much closer into line with a retailer such as B&M or one of its direct competitors. As a consequence, we consider that GCC can now have greater confidence that the trading impacts of the retail unit will match the forecasts made by RPS and ourselves. The only revisions/additions to the controls should be as follows:

- There should be control over the net sales floorspace which should be limited to 2,415sq m net across the retail unit and garden centre elements.
- Whilst there is a suggested control over the sale of "non fashion" clothing and footwear (3% of floorspace) this should be applied to all clothing and footwear.
- The percentage figures in the suggested condition should relate to the net sales area outlined above.
- Whilst the sub-division of the retail unit and the garden centre is prohibited, the condition should be made clearer to state that the sub-division of the retail unit itself is also prohibited.

The sequential test

Quedgeley district centre

The issues between RPS and AY in relation to Quedgeley district centre are as follows:

- 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.

In relation to the garden centre, RPS make the point that we are suggesting that the garden centre could be removed on the basis of the personal circumstances of B&M and the potential for other retailers to occupy the proposed retail unit. RPS note:

"That prospect is considerably reduced in the light of the proposed condition above but should be the basis of assessing sequential sites on a fascia blind approach".

RPS are correct that the sequential test should be operated on a fascia blind approach and we were simply noting that a similar type of store exists in Gloucester without a garden centre. That similar type of store is able to operate without a garden centre with the confines of that particular retail park/unit.

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 text in paragraph 3.11 of 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. This is the case although the figures are very similar and suggest that the district centre could well accommodate the proposal with flexibility. The difference between 76% and 80% is only 173sq m.

In addition, if the garden centre is removed, then the district centre can accommodate 91% of the proposed floorspace.

The final point made by RPS is that the amount of parking demand associated with the proposed development is too great for the amount of available parking spaces in this part of the district centre. We will leave GCC to liaise with the County Council's highways department in order to consider whether the method of assessment is robust although we would note the following:

- The assessment is based upon a parking survey that is now 8 years old. GCC and the County Council will need to satisfy themselves that this is a robust evidence base for the assessment.
- Parking demand can also be accommodated in other parts of the district centre.

The Peel Centre

RPS make two additional points in relation to the Peel Centre:

- First, there is a restriction preventing other discount retailers from occupying space in excess of 929sq m.
- Second, that B&M (in a letter attached to the RPS note) state that they have no intention of occupying space at the Peel Centre.

In relation to these points we would note that, whilst we have not seen the Home Bargains lease, we understand 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. Therefore, 'availability' is not an issue. In relation to the letter from B&M, this contradicts the earlier statement from RPS that the sequential test should be undertaken on a fascia-blind basis.

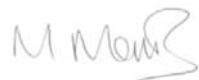
In light of the above, we continue to consider that the Peel Centre and Quedgeley district centre offer suitable and available sequentially preferable locations when reasonable flexibility in scale and format is taken into account.

Impact assessment

In our previous advice we advised GCC that so long as the Kingsway proposal is suitably controlled to reflect the content of the RPS impact assessment we do not consider that there are grounds to resist the application based upon retail impact reasons. As set out above earlier in this letter we consider that the revised draft condition from RPS is, subject to a few changes and additions, more appropriate to the form of retail proposed and therefore this satisfactorily addresses our concerns over the impact assessment.

I trust that the content of this latest advice letter is sufficient for your current purposes. However, if you have any queries, or require additional advice, then please do not hesitate to contact me.

Yours sincerely



Matthew S Morris
Director
0117 9885334
matthew.morris@avisonyoung.com
For and on behalf of
GVA Grimley Limited t/a Avison Young