

Our Ref:
Your Ref:

5th June 2019

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

Dear Adam

Redevelopment of Access Park, Eastern Avenue Gloucester

Introduction

I write, as requested, to provide additional advice on main town centre planning policy issues associated with a mixed use development proposal at the above site.

Avison Young provided an initial set of advice to Gloucester City Council ('GCC') on main town centre uses in February 2019 and JLL, on behalf of the applicant, have provided a 'Retail Response' ('RR') dated April 2019. We have also been provided with a copy of an objection letter from WYG on behalf of the Peel Centre.

We assess each of the main points in the RR in turn below.

The applicant's approach to the sequential assessment

Paragraph 2.4 of the RR responds to our observation about the Class A1 retail unit not being a fixed part of the development proposal. JLL do not object to this observation about the potential format of the development but instead reiterate that their assessment in the Retail Sequential Assessment document ('RSA') considers the potential for alternative sites to accommodate the entire development and, as an alternative, each element of the proposal. This is correct but misses the point of our own observation which is that alternatives need to be assessed on the basis of the fixed (main town centre use) parts of the proposal.

The hotel, pub, restaurant use

JLL respond to our comments about the flexibility in the format of the hotel and pub/restaurant elements of the scheme by making specific reference to the self-imposed requirements of Marstons which require a 'stacked model'. This may well be the case although there are other examples of alternative formats for these elements in similar schemes across the country and therefore we do not consider the applicant is being sufficiently flexible in its approach. There is the potential here for

the applicant to follow an approach which was found to be incorrect in the *Mansfield* high court judgement.

The proposed restaurant uses

The JLL response in relation to the restaurant uses also falls into the trap of approaching the sequential test from the self-imposed requirements of a particular operator. In addition, JLL have failed to quote all of the Honiton Road decision and have provided misleading information about that scheme. First, it is not the case that the Honiton Road scheme was speculative. Second, the Inspector did not just rely on the lack of reference to the 'drive through' elements in the description of development to conclude that sites in Exeter city centre could accommodate the restaurant uses. Instead, the Inspector indicated that existing streets and access arrangements could support the restaurant use without the need for dedicated physical drive through arrangements. Therefore, there is nothing in the RR to change our view regarding the proposed restaurant uses.

Kings Quarter

The RR provided by JLL makes 3 points in relation to the potential of the Kings Quarter redevelopment project. First, the level of hotel floorspace in the current Kings Quarter proposal is much higher than the amount of space proposed at Access Park. Second, the timescales of the Kings Quarter and Access Park proposals are materially different, with the inference that the Kings Quarter site is not available. Third, the 'drive through' element is a fundamental part of the Access Park scheme and there is no easily accessible and/or free parking within the Kings Quarter scheme in relation to the proposed food and beverage floorspace.

In response, we make the following points:

- No further response is required in relation to the restaurant unit as this is dealt with above and in our original report.
- Whilst the timescales between the redevelopment of Access Park and Kings Quarter may well be different, the key question posed by the NPPF is whether an alternative site can be made available in a reasonable period of time. GCC is in control of the Kings Quarter site and whilst reserved matters approvals will be required for certain elements of the scheme there is no reason to suggest that they cannot be made promptly following the grant of outline planning permission.
- It is correct that the amount of hotel floorspace in the Kings Quarter planning application is materially higher than the amount proposed at Access Park. However, this is an 'up to' figure.

Therefore, there is nothing in the RR to change our view regarding the Kings Quarter site.

Impact issues

The JLL RR responds to the five points regarding 'impact' raised in our previous advice. In response, we have the following points to make:

- The revised condition provides a positive response to our concerns over the ability of the Class A1 retail unit to take the form of a retail store which isn't primarily focused upon DIY retail sales.
- Whilst it is correct for JLL to provide two alternative scenarios for the occupation of the proposed DIY store (Homebase or an alternative), the financial impact assessment provided by JLL still raises a number of questions. First, why does not all of the existing Homebase turnover transfer to the new store if Homebase occupy that store? Second, the two scenarios presented by JLL do not appear to provide logical assessments in terms of the two alternative scenarios.

- Finally, we should note that, as per our previous comments, based upon the Class A1 retail floorspace remaining as a single DIY store (whether or not it is occupied by Homebase), and controls placed on the amount of food and beverage floorspace to be provided, there are unlikely to be any materially harmful impacts on defined 'town centres' from this proposal by itself. That said, in order to reach a robust and precise conclusion on the issue of impact, particularly as GCC is likely to be faced with issues over the cumulative retail impact of several retail developments, resolution of the above issues is appropriate.

I trust that the contents of this letter are sufficient for your current requirements. However, if you have any queries or require any further advice then please do not hesitate to contact me.

Yours sincerely



Matthew S Morris
Director



For and on behalf of
GVA Grimley Limited t/a Avison Young