

Gloucester City Plan (2011-2031)

STATEMENT OF COMMON GROUND

between

Gloucester City Council

&

Tesco Stores Limited

1. Introduction and background

- 1.1 This Statement of Common Ground has been prepared by Gloucester City Council and Tesco Stores Limited ('the parties'), in relation to 'Land Rear of St Oswalds Retail Park'. The site is allocated under Policy SA11 in the Pre-Submission Gloucester City Plan (GCP), which was subsequently submitted to the Secretary of State and is currently being examined by an independent Inspector.
- 1.2 Policy SA11 allocates the 6.44 hectare brownfield site approximately 300 new homes, along with the provision of new open space to provide for the needs of new residents of the site, as well as to address identified shortfalls within the existing community at Dexter Way and Longhorn Avenue.
- 1.2 The site is located to the rear of an existing Tesco supermarket and represents the remaining significant development opportunity within the 'former cattle market' area, which has been subject to mixed-use development from the late 1990s. The Tesco supermarket was the first redevelopment of the area, opening in 1997.
- 1.3 Subsequent to this, Tesco acquired a long lease interest from Gloucester City Council which included approximately a third of the land that forms allocation SA11, extending to 2.6 hectares and with an unexpired lease of 133 years (land edged red on plan below). The lease also include the former park and ride car park located to the front of the store and next to the existing store car park, which is not included in the allocation (land edged green on plan below). Tesco entered into the lease to facilitate the redevelopment and expansion of its existing store and to this end secured a planning permission in June 2012 for the following:
'Redevelopment comprising demolition of existing buildings on site and their replacement with a new Class A1 foodstore and Class A1 non-food retail store(s); relocated petrol filling station; car wash; new access arrangements; car parking and landscaping' (the 'Retail Permission').
- 1.4 All pre-commencement conditions on the Retail Permission were discharged and the permission was subsequently commenced and therefore remains extant.
- 1.5 In July 2015, in light of market conditions, Tesco determined to market its interest in the land edged red and received a variety of offers for different land uses. Tesco and Gloucester City Council engaged in discussions as to the future of the site. Tesco then selected the Homes and Communities Agency (HCS, now Homes England), as the preferred bidder for a residential scheme and instructed solicitors.
- 1.6 In November 2019 the City Council published the Pre-Submission GCP, which included allocation SA11. In response to this Integer Planning & Development (IPD) planning

consultants, acting on behalf of Tesco met with the City Council in December 2019, where concerns were raised regarding the allocation based on potential viability issues for a residential development of the site. At the meeting, it was suggested by Tesco that the SA11 Site should either remain unallocated with any development promoted determined on its merits as an unallocated site in the usual way or the SA11 site should be allocated for mixed-use development to provide the necessary flexibility to ensure this brownfield site comes forward for redevelopment in the future and is not sterilised as a result of viability issues, where the extent of the remediation costs for the SA11 Site are not yet fully known.

- 1.7 On this basis, Tesco submitted an objection to the SA11 site allocation believing that a question mark existed over its viability and deliverability and Tesco's concern that a solely residential allocation could prevent the SA11 site being redeveloped.

2. Current position and next steps

- 2.1 Since then Tesco has continued in its efforts to secure a purchaser, and Tesco and the City Council have worked together in selecting Rooftop Housing Association (RHA) as the preferred bidder to deliver a residential development in accordance with Policy SA11.
- 2.2 Gloucester City Council, RHA and Tesco have agreed the principle of the various disposals/acquisitions required to dispose of the land edged red to RHA ((forming part of the SA11 Site).
- 2.3 The sole (but integral) element of approval that remains outstanding relates to the granting of a new and unrestricted 250 year lease to Tesco by Gloucester City Council for the former park and ride site (land edged green and located outside of the site allocation) It is anticipated this will be considered by the Council in June 2021 when cabinet meetings reconvene following the recent local government elections. It should be noted that all parties have now instructed solicitors to expedite the complex number of related disposals/acquisition required.
- 2.4 In light of the above, Tesco no longer propose to appear at the hearing session, however are happy and willing to assist the Inspector through the Examination in Public should any further information or clarification be required and undertakes to update the Inspector on progress of the negotiations for disposal of Tesco's interest in the SA11 Site which Tesco recognises will be relevant to any assessment of deliverability of the housing proposed.
- 2.5 A further Position Statement, or addendum to this Statement of Common Ground, will be provided to the Inspector by the parties following the consideration of the proposal by Gloucester City Council's Cabinet in June 2021.

3. Matters on which the parties agree

- a) Land to the rear of St Oswalds Retail Park, allocated under Policy SA11 of the Pre-Submission Gloucester City Plan, is progressing on the basis of the residential development proposal, akin to the provisions of the policy. At the time of writing, the disposal/acquisition has approval from both the Tesco board and Rooftop Housing Association Board, with partial approval from Gloucester City Council.
- b) Gloucester City Council will seek full approval from its Cabinet in June 2021
- c) Subsequent to this, an update will be provided to the Inspector to support the Inspector in the examination of the Gloucester City Plan.

4. Matters on which the parties are not agreed

4.1 Tesco is of the view that the policy allocation should be amended so as to allow for flexibility for a mixed-use scheme, including residential, should a solely residential scheme be demonstrated to be unviable. Should it become apparent after detailed site and ground investigations that a development comprising circa 300 units is not deliverable then Tesco's position remains that consideration should be afforded to development comprised of a mix of uses that could act as enabling development for the residential element. Given the significant remediation costs for the SA11 Site and Tesco's experience regarding promotion of this site to date should the current deal not progress, Tesco remains concerned whether an alternative developer can be secured who could promote the SA11 Site for a residential development which is both viable and deliverable. The City Council do not believe that reference to mixed use development in the policy is necessary or appropriate.

4.2 Tesco proposes that Policy SA11 be amended to include the following changes (highlighted in red). The City Council does not agree with these amendments:

Gross Site Area: 6.44 ha.

Allocation: Residential: *Upto 300 dwellings subject to viability, should it become apparent after detailed site and ground investigations that a development comprising circa 300 units is not deliverable then consideration should be afforded to development comprised of a mix of uses that could act as enabling development for the residential element.*

Description and overview Large brownfield site to the west of the Tesco superstore at St Oswalds. A railway line runs the length of the southern boundary. To the north is residential development and older people's housing in the form of St Oswalds Village. To west of the site lies Archdeacon Meadow which is in the floodplain of the River Severn.

Site specific requirements and opportunities

Design and layout

- Provide/improve cycleways and pathways, including linkages and integration with the GI network and the provision of level pedestrian access to Westgate Park and Severn Way.
- Opportunities to enhance green corridor along railway and create an appropriate buffer.
- Routes should be created across the site to create a legible link from Westgate park to the adjacent retail uses.
- Residential uses should be carefully sited to avoid conflict with the adjacent retail use *and any commercial uses delivered as part of any mixed-use scheme*
- Buildings located to make the most of views of the Cathedral and surrounding countryside.

Open space

- Provision of new open space to provide for the needs of the new community as well as to address identified shortfalls within the existing community at Dexter Way and Longhorn Avenue. To include a Locally Equipped Area for Play.

Historic environment

- Archaeological Assessment: This is a former unregulated landfill site with made up ground and there is unknown archaeological potential.

Biodiversity

- Retention of some areas of brownfield habitat for brownfield species.
- Creation of:

- o Green habitat / landscaping suitable for invertebrates and reptiles.
- o Nutrient poor dry conditions using rock, gravel, rubble encouraging high flower abundance of native nature rich species.
- o Patches of bare ground, exposed earth banks, seasonally wet areas.
- o Green and brown roofs will be required on some buildings.
- Bat survey: To assess their use of the site.
- Bird survey: None, but vegetation scheduled for removal between March and August must be checked for evidence of breeding birds.
- Reptile survey: To assess presence.

Air Quality

- The site is in close proximity of Priory Road AQMA, all proposals for development should demonstrate their compliance in meeting EU limit values and national objectives for air pollutants. The development must be consistent with the Local Air Quality Action Plan.

Flood risk

- A site-specific Flood Risk Assessment is required if any development located within Flood Zones 2 or 3 or is greater than one hectare. Other sources of flooding should also be considered.
- Assessment and implementation of Sustainable Drainage Systems (SuDS) in accordance with general advice and site-specific recommendations in the Strategic Flood Risk Assessment (SFRA) Level 2 (September 2019)

Signed on behalf of Gloucester City Council



Ian Edwards – Head of Place

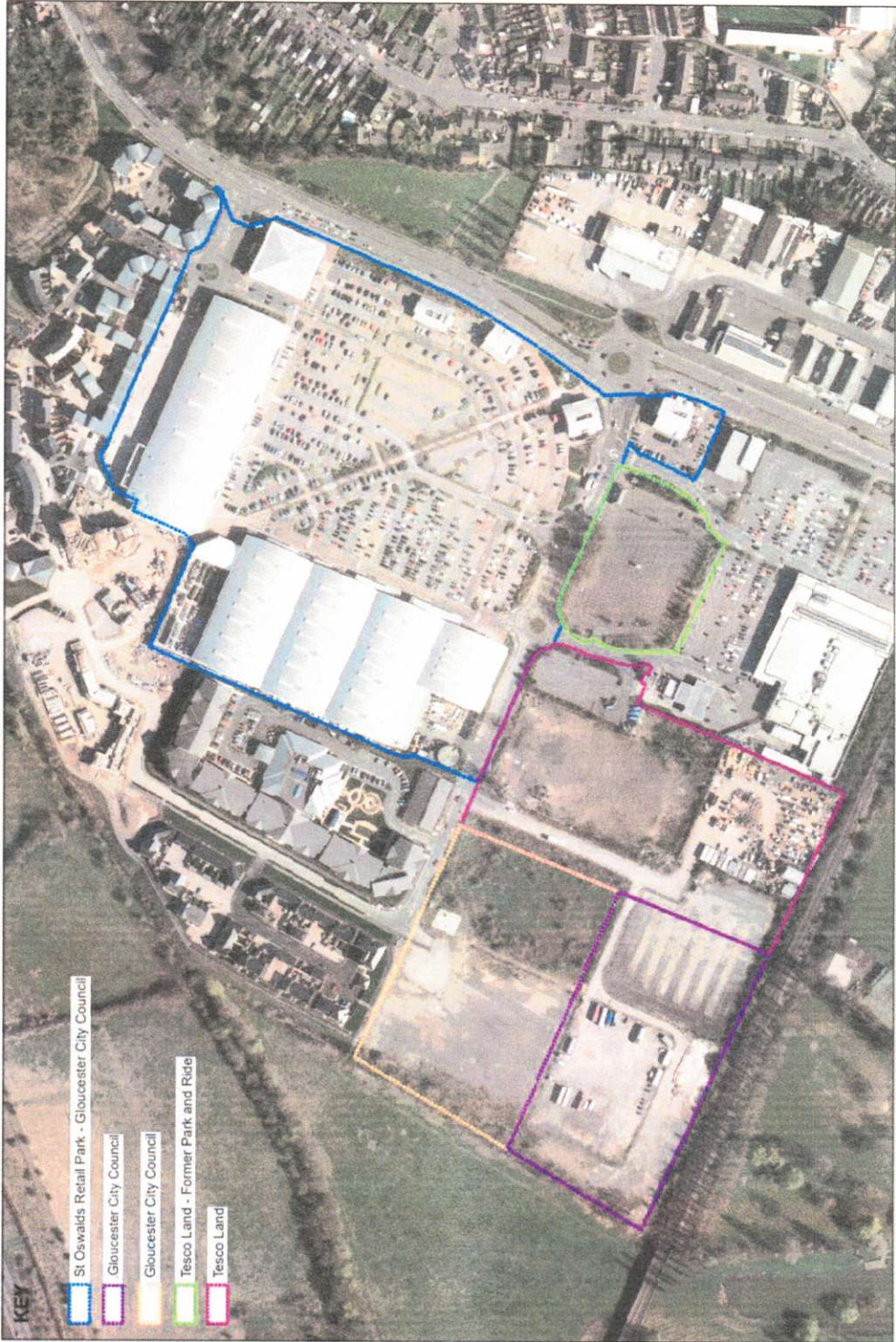
Signed on behalf of Tesco Stores Limited



Louise Ford – Town Planning Manager

Dated

17th May 2021



KEY

- St Oswalds Retail Park - Gloucester City Council
- Gloucester City Council
- Gloucester City Council
- Tesco Land - Former Park and Ride
- Tesco Land

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