

**Our Ref:** 2016-058

**Your Ref:** 17/00405/FUL

Ms K Townend  
Shropshire Council  
The Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

13<sup>th</sup> December 2017

Dear Ms Townend,

**Proposed retail unit, Meole Brace Retail Park: 17/00405/FUL  
Clarification of application matters**

In advance of the application being considered at planning committee, we write to address requested points of clarification regarding:

1. Toys R Us unit; and
2. Options for new access from Oteley Road.

We also reaffirm our position regarding retail policy matters.

**Toys R Us unit**

The Toys R Us unit at Meole Brace Retail Park does not merit consideration. In the context of this application it is not sequentially preferable to the proposed development. Notwithstanding the above, we have considered the commercial position.

As the council is aware, Toys R Us has announced it will close 26 UK stores including Shrewsbury. However, these closures are linked to an, as yet, un-agreed Company Voluntary Arrangement (CVA) which itself will dictate the company's longer term future.

The Shrewsbury unit is not owned by Coal Pensions Properties and they have no control over the ongoing use. The unit is in freehold ownership of Toys R Us and is subject to a complex long term leasehold and sub-lease arrangement which therefore links to the CVA. Even following a CVA there will be delays while an administrator decides the best strategy for the portfolio.

Therefore, notwithstanding the unit is not sequentially preferable, it is simply unrealistic to, at this time, consider it.

Conversely, given the forthcoming Toys R Us closure and subsequent loss of established retail jobs, the proposed development here will create much needed employment in the area thereby offsetting potential losses associated with Toys R Us.

### **Access from Oteley Road**

We have also been asked to comment on an additional retail park access point off Oteley Road to the rear of the proposed unit.

Again, in the simplest of terms, our application has Highways Authority support and officers have concluded there would be no adverse effect on the highway. Notwithstanding, the applicant is willing to undertake car park works (including the removal of speed humps and reconfigured roundabout lanes) which improve vehicle flow at the retail park.

Setting aside the proposed development is entirely acceptable as submitted, an additional entrance from Oteley Road is both unfeasible and unviable. There is no deliverable route from Oteley Road given the landownership, adjacent railway, existing Meole Brace Golf Course access loop road, levels changes, safety considerations for existing retail park customers and tenant servicing requirements.

Additionally, and of note, the Council's own development brief for the adjacent Meole Brace pitch and putt site does not favour access from Oteley Road.

In summary, the proposed development is entirely acceptable.

### **Retail planning and town centre investment**

As officers are aware, retail matters have been discussed in significant detail with the only matter of disagreement being a perceived impact on town centre investment and officer's imposition of an onerous condition. The planning submission is clear that a condition which restricts occupation specifically Sports Direct and/or reverts to a bulky goods use after first occupation of the unit is onerous and cannot be accepted by the applicant.

There is no justification or sound reasoning for officers to impose a personal condition and even less justification for imposing a bulky goods restriction following first occupation by said user. The aforementioned condition is imposed by officers due to a perceived impact on town centre investment.

However, there is no active town centre investment proposal for the application to impact. Although the town centre site (New Riverside) is identified in the Development Plan, the most recent planning consent has expired and no alternative proposal are forthcoming. In the meantime, UKCPT (Standard Life) is actively looking to sell the assets and Shropshire Council has initiated a purchase strategy. No decision has been made on future development aspirations and given the complexities of the site, development is a very long term proposition.

The recent Secretary of State decision at Tollgate (Colchester) considers impact on town centre investment. The decision content, particularly the assessment of impact on town centre investment, has clear parallels with current case in Shrewsbury. Of note, the Inspector concludes, at paragraphs 12.4.34 to 12.4.36:

*"Vineyard Gate is important in retailing and regeneration terms. To some extent the future of retailing and its growth in the Town Centre is linked with the regeneration of the St. Botolph's area. Vineyard Gate is a key part of the area which would link with the Curzon, the Building Partnerships' St Botolph's development, the reuse of the Co-op, and Priory Walk, linking the core through to the new First Site Art Gallery.*

*Objectors argue that Vineyard Gate has made progress since the Council ended its agreement with Caddick last year and maintain that it can be considered planned investment despite a CPO possibly being required. They state there is little basis for the contention that Vineyard Gate would have to be at "a very advanced stage" to be considered as planned development*

*Notwithstanding this the SoS's decision in Scotch Corner indicates that a project must be 'at a very advanced stage'. The PPG states that a key consideration in assessing whether investment is sufficiently advanced is whether contracts are established. There are no contracts in place in respect of Vineyard Gate. There is no overall land ownership and there is no developer, confirmed scheme, or planning permission. Moreover there is no timetable for delivery."*

[NJL Consulting emphasis]

There is a clear read-across between the Vineyard Gate case cited above and the current progress of investment in New Riverside.

Therefore, it is no tenable argument that a retail unit at Meole Brace Retail Park would have a *significantly adverse* impact on the town centre investment, in particularly as there is no town centre development option or investment strategy to assess. Officers have not provided evidence for refusing an Open A1 retail proposition and rely on conjecture and supposition regarding the town centre 'investment'. This lack of counter evidence is particularly telling given the council's own strategy to lead the investment.

We welcome your swift and considered response to these matters.

Yours sincerely,



Mark Saunders  
Director  
**On behalf of NJL Consulting**

Cc: LaSalle Investment Management