

Application for Planning Permission

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x) Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Darren

Surname

Hill

Company Name

Spectrum Products

Address

Address line 1

7 Eastbrook Road

Address line 2

Address line 3

Town/City

Gloucester

Country

Postcode

GL4 3DB

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

Contact Details

Primary number

Secondary number

Fax number

Email address

Site Area

What is the measurement of the site area? (numeric characters only).

Unit

Description of the Proposal

Please note in regard to:

- **Fire Statements** - From 1 August 2021, planning applications for buildings of over 18 metres (or 7 stories) tall containing more than one dwelling will require a 'Fire Statement' for the application to be considered valid. There are some exemptions. [View government planning guidance on fire statements](#) or [access the fire statement template and guidance](#).
- **Permission In Principle** - If you are applying for Technical Details Consent on a site that has been granted Permission In Principle, please include the relevant details in the description below.
- **Public Service Infrastructure** - From 1 August 2021, applications for certain public service infrastructure developments will be eligible for faster determination timeframes. See help for further details or [view government planning guidance on determination periods](#).

Description

Please describe details of the proposed development or works including any change of use

Has the work or change of use already started?

- Yes
 No

Existing Use

Please describe the current use of the site

Is the site currently vacant?

- Yes
 No

If Yes, please describe the last use of the site

When did this use end (if known)?

29/06/2021

Does the proposal involve any of the following? If Yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated

- Yes
 No

Land where contamination is suspected for all or part of the site

- Yes
 No

A proposed use that would be particularly vulnerable to the presence of contamination

- Yes
 No

Materials

Does the proposed development require any materials to be used externally?

- Yes
 No

Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicular access proposed to or from the public highway?

- Yes
 No

Is a new or altered pedestrian access proposed to or from the public highway?

- Yes
 No

Are there any new public roads to be provided within the site?

- Yes
 No

Are there any new public rights of way to be provided within or adjacent to the site?

- Yes
 No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

- Yes
 No

Vehicle Parking

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

- Yes
 No

Trees and Hedges

Are there trees or hedges on the proposed development site?

- Yes
 No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?

- Yes
 No

If Yes to either or both of the above, you may need to provide a full tree survey, at the discretion of the local planning authority. If a tree survey is required, this and the accompanying plan should be submitted alongside the application. The local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

Assessment of Flood Risk

Is the site within an area at risk of flooding? (Check the location on the Government's [Flood map for planning](#). You should also refer to national [standing advice](#) and your local planning authority requirements for information as necessary.)

- Yes
 No

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

- Yes
 No

Will the proposal increase the flood risk elsewhere?

- Yes
 No

How will surface water be disposed of?

- Sustainable drainage system
 Existing water course
 Soakaway
 Main sewer
 Pond/lake

Biodiversity and Geological Conservation

Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

To assist in answering this question correctly, please refer to the help text which provides guidance on determining if any important biodiversity or geological conservation features may be present or nearby; and whether they are likely to be affected by the proposals.

a) Protected and priority species

- Yes, on the development site
 Yes, on land adjacent to or near the proposed development
 No

b) Designated sites, important habitats or other biodiversity features

- Yes, on the development site
- Yes, on land adjacent to or near the proposed development
- No

c) Features of geological conservation importance

- Yes, on the development site
- Yes, on land adjacent to or near the proposed development
- No

Supporting information requirements

Where a development proposal is likely to affect features of biodiversity or geological conservation interest, you will need to submit, with the application, sufficient information and assessments to allow the local planning authority to determine the proposal.

Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the local planning authority has been submitted.

Your local planning authority will be able to advise on the content of any assessments that may be required.

Foul Sewage

Please state how foul sewage is to be disposed of:

- Mains sewer
- Septic tank
- Package treatment plant
- Cess pit
- Other
- Unknown

Are you proposing to connect to the existing drainage system?

- Yes
- No
- Unknown

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

- Yes
- No

Have arrangements been made for the separate storage and collection of recyclable waste?

- Yes
- No

Trade Effluent

Does the proposal involve the need to dispose of trade effluents or trade waste?

- Yes
- No

Residential/Dwelling Units

Does your proposal include the gain, loss or change of use of residential units?

- Yes
 No

All Types of Development: Non-Residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?
Note that 'non-residential' in this context covers all uses except Use Class C3 Dwellinghouses.

- Yes
 No

Please add details of the Use Classes and floorspace.

Following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. Multiple 'Other' options can be added to cover each individual use. [View further information on Use Classes.](#)

Use Class:

B8 - Storage or distribution

Existing gross internal floorspace (square metres):

945

Gross internal floorspace to be lost by change of use or demolition (square metres):

945

Total gross new internal floorspace proposed (including changes of use) (square metres):

0

Net additional gross internal floorspace following development (square metres):

-945

Use Class:

Other (Please specify)

Other (Please specify):

Sui Generis (retail members only club)

Existing gross internal floorspace (square metres):

0

Gross internal floorspace to be lost by change of use or demolition (square metres):

0

Total gross new internal floorspace proposed (including changes of use) (square metres):

945

Net additional gross internal floorspace following development (square metres):

945

Totals	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross new internal floorspace proposed (including changes of use) (square metres)	Net additional gross internal floorspace following development (square metres)
	<input type="text" value="945"/>	<input type="text" value="945"/>	<input type="text" value="945"/>	<input type="text" value="0"/>

Loss or gain of rooms

For hotels, residential institutions and hostels please additionally indicate the loss or gain of rooms:

Employment

Are there any existing employees on the site or will the proposed development increase or decrease the number of employees?

- Yes
 No

Hours of Opening

Are Hours of Opening relevant to this proposal?

- Yes
 No

Industrial or Commercial Processes and Machinery

Does this proposal involve the carrying out of industrial or commercial activities and processes?

- Yes
 No

Is the proposal for a waste management development?

- Yes
 No

Hazardous Substances

Does the proposal involve the use or storage of Hazardous Substances?

- Yes
 No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes
 No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- Yes
 No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- Yes
- No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- Yes
- No

Can you give appropriate notice to all the other owners/agricultural tenants? (Select 'Yes' if there are no other owners/agricultural tenants)

- Yes
- No

Certificate Of Ownership - Certificate B

I certify/ The applicant certifies that:

- I have/The applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates; or
- The applicant is the sole owner of all the land or buildings to which this application relates and there are no other owners* and/or agricultural tenants**.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990

Name of Owner/Agricultural Tenant:

***** REDACTED *****

House name:

Number:

2

Suffix:

Address line 1:

Eastbrook Road

Address Line 2:

Town/City:

Gloucester

Postcode:

GL4 3DB

Date notice served (DD/MM/YYYY):

24/03/2022

Person Family Name:

Person Role

- The Applicant
- The Agent

Title

Mr

First Name

Andrew

Surname

Beard

Declaration Date

25/03/2022

Declaration made

Declaration

I / We hereby apply for Full planning permission as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Andrew Beard

Date

25/03/2022

Eclipse Contract Furniture, Unit 2a, Eastbrook Road, Gloucester, Gloucestershire, GL4 3DB



Location Plan shows area bounded by: 385108.68, 217599.29 385250.1, 217740.71 (at a scale of 1:1250), OSGridRef: SO85171767. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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ANDREWBEARD
PLANNING

PLANNING STATEMENT



**Rear of Unit 2A, Eastbrook Road,
Gloucester. GL4 3DB.**



ANDREWBEARD
PLANNING

Chartered Town Planner
Spindrift
83 Main Road
Portskewett
NP26 5UG

On behalf of:

Spectrum Products Ltd.

MARCH 2022

W: ab-planning.co.uk

PLANNING STATEMENT

Rear of unit 2A, Eastbrook Road, Gloucester. GL4 3DB.

Change of use from B8 warehouse to Sui Generis Brethren members only retail club.

Spectrum Products Ltd.

DATE ISSUED: 25/03/2022

JOB NUMBER: ABP/0309

PREPARED and

APPROVED BY:

Andrew Beard MRTPI

Consultant

Andrew Beard Planning

(ABP)



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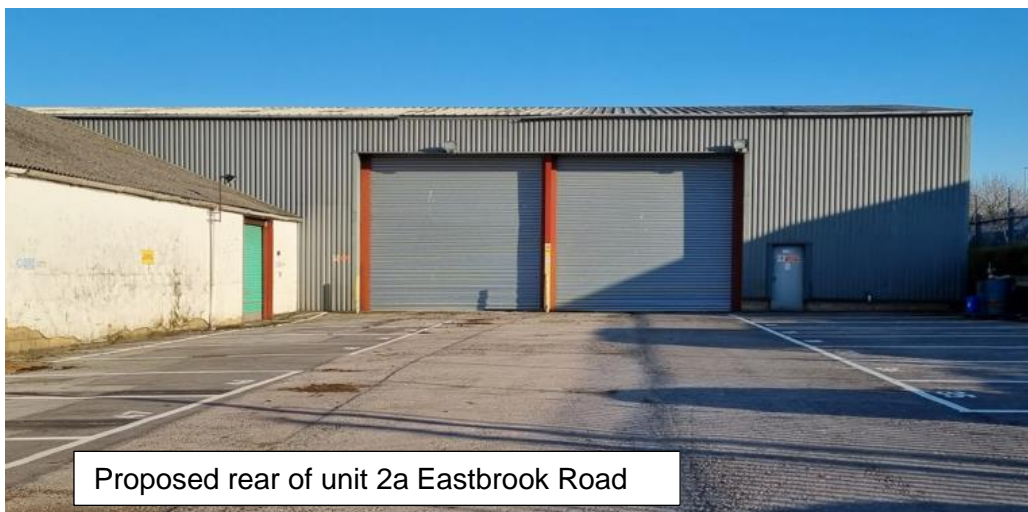
Appendix 1 – Legal Opinion



1. INTRODUCTION

- 1.1 This Report has been prepared to support a formal application on behalf of Spectrum (UK) Ltd to deliver a change of use from wholly B8 to a Members only retail club for Plymouth Brethren Christian Church Members in the Gloucester area.
- 1.2 The retail club is Sui Generis, not E(a) retail and will be run by Spectrum (UK) Ltd trading as 'Campus & Co'. branding, with profits from the charitable use going towards supporting the regional Brethren school. The school is immediately adjacent the site.
- 1.3 The site is an existing industrial unit in Gloucester known as unit 2a Eclipse Contract furniture, in a sustainable urban location with a history of permissions for employment use and is ideally suited centrally to serve the congregation which is based within Gloucester and next to the school and other Brethren businesses enabling linked trips.
- 1.4 The proposal will ensure continued full and effective use of an existing building as previously developed land.
- 1.5 The proposal is to –
 - Deliver a gross 945m² for the retail club. Net customer area of 350m².
 - On site car parking will provide 10 spaces for the retail club.

- The club will share and utilise the access, and servicing area with eclipse (adjoining unit) currently vacant.
- There are no external alterations proposed. The exterior will retain its industrial appearance.
- There will be no signage or advertising of the club.



- The private members retail club is Sui Generis not an E(a) shop, see Legal opinion at Appendix 1. This is for a Brethren retail members only club by Campus & Co. to provide goods to members only to cross fund education facilities within the Plymouth Christian Brethren Church. (PBCC)

1.6 The submission comprises –

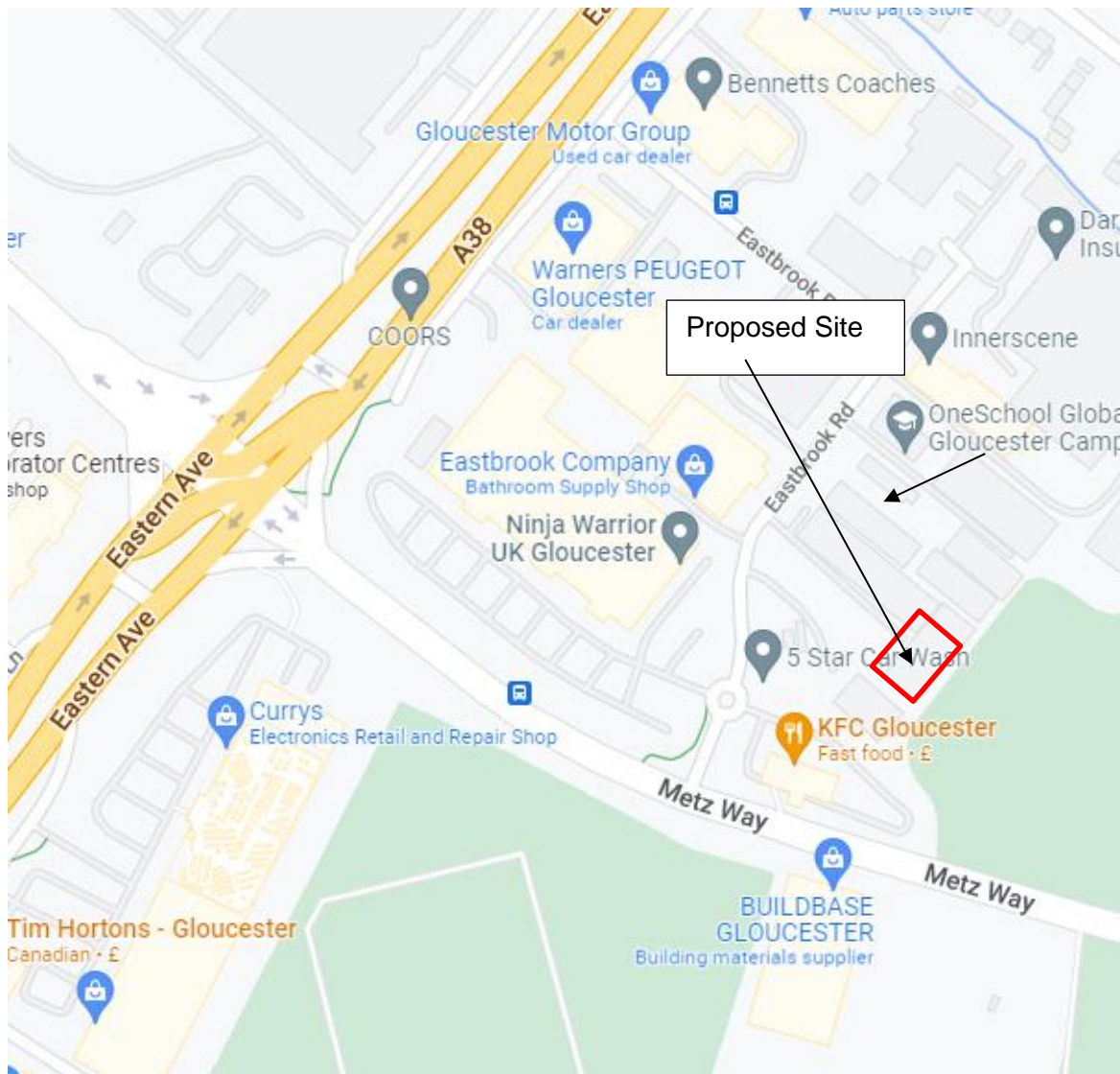
- Application forms & certificates (Planning Portal submission PP-11139000)
- Site Location Plan (red line)
- Proposed Site Layout
- Existing and proposed floor plans
- Planning Statement

2 SITE LOCATION & DESCRIPTION

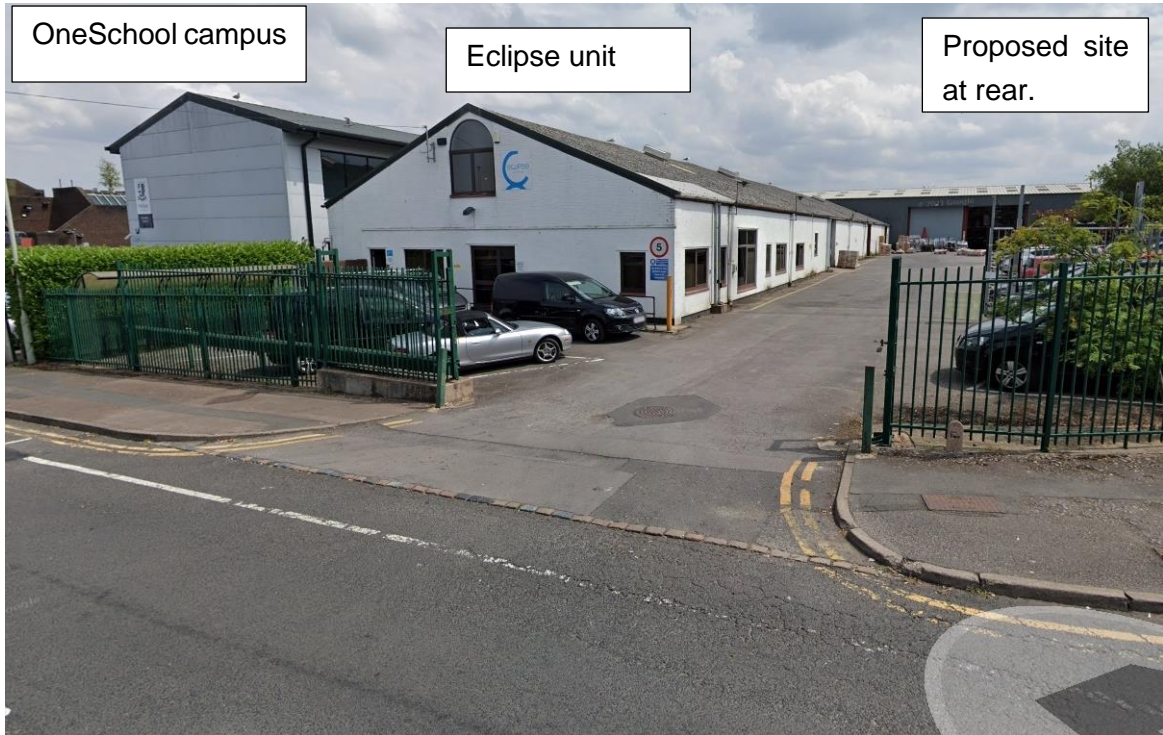
2.1 The application site is located on Eastbrook Road within the Barnwood ward and is part of an existing industrial estate. The site is on the east side of Gloucester half way between the city centre and the M5.



2.2 The site is north of the Eastbrook Road junction with Metz way and is surrounded by other commercial uses, including retail and employment.



2.3 The site is at the rear of the Eclipse unit within a general B2/B8 industrial area, which includes trade counters, retail wholesale (Curry's / Buildbase / Bathrooms / Peugeot) and other uses such as the school and fast food.





3. SITE HISTORY & CONTEXT

- 3.1 The site is the former warehouse element to the Eclipse site which is currently vacant. The Eclipse site dealt in contract furniture, with offices, assembly and storage.
- 3.2 The eclipse unit was a B1/B2/B8 use of poor older accommodation within the industrial area. It is currently vacant.
- 3.3 There is currently no information available from Gloucester City Council regarding historic applications on the planning website.

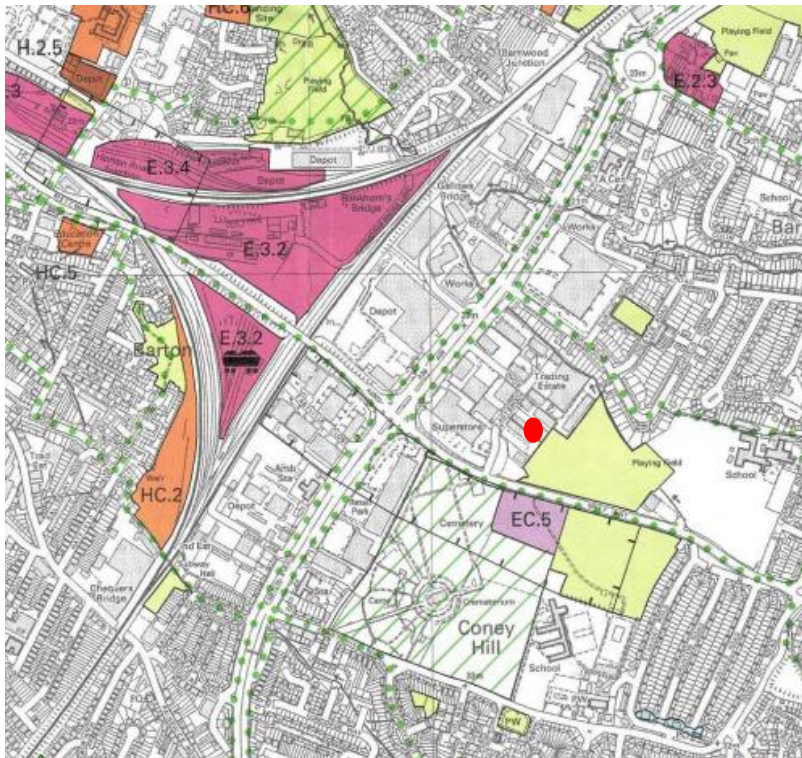
4. POLICY CONTEXT

- 4.1 The site falls within the administrative area of Gloucester City Council.
- 4.2 The Development Plan is made up of the –

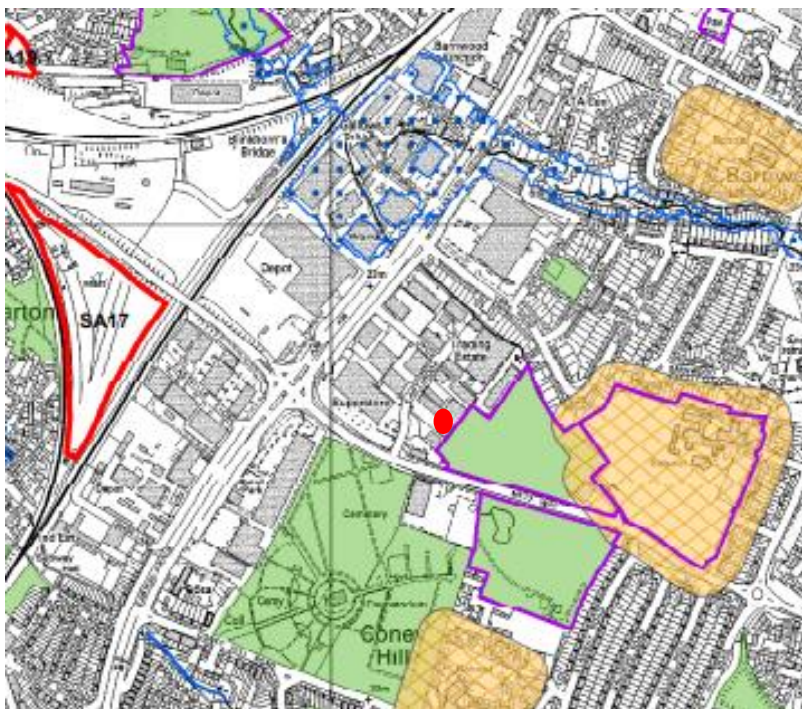
Joint Core Strategy (adopted 2017)

Gloucester Local Plan (2002) endorsed relevant policies 2018

- 4.3 A new Gloucester City Plan is being prepared to cover 2016 to 2031, but has not yet been formally adopted although progressed through for examination in 2020. The plan cannot yet be afforded full weight, but shows the 'direction of travel' for policies.
- 4.4 The site is shown within the Proposals Map 2002 as undesignated overleaf.



2002 adopted



emerging GCP

4.5 Key Policies are –

- SD1 Employment – except retail development
- SD2 Retail and city / town centres
- E.4 Protecting employment land

SD1

Employment-related development will be supported:

- i. **At Strategic Allocations, in line with Policy SA1, where it is expected that employment land should normally be used for B-Class uses, except where it can be demonstrated that non B-Class uses would support the residential and B-Class development at that Strategic Allocation. In order to support key growth sectors or other key local economic drivers, on some Strategic Allocations, priority will be given to specific sectors as set out in the SA site policies;**
- ii. **At locations allocated for employment use within the Development Plan;**
- iii. **For the redevelopment of land already in employment use, or when the proposal involves a change of use from non B-Class employment uses to B-Class uses where the proposal is of appropriate scale and character;**
- iv. **For the development of new employment land within Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town;**
- v. **In rural service centres and service villages where proposals for small- scale employment development will be supported if they are of an appropriate size and scale;**
- vi. **In the wider countryside when it is:**
 - a) **located within or adjacent to a settlement or existing employment area and of an appropriate scale and character;**
 - b) **employment-generating farm diversification projects, which are of an appropriate scale and use, particularly where they involve the re-use of appropriate redundant, non-residential buildings;**
- vii. **Where it allows the growth or expansion of existing business especially in the key growth sectors, subject to all other policies of the plan;**
- viii. **Where it would encourage and support the development of small and medium sized enterprises, subject to all other policies of the plan.**

SD2

1. Settlement Hierarchy

The area's city and town centres as defined below will be supported and strengthened to ensure that they continue to be the focus of communities. Initiatives which safeguard and enhance their role and function will be supported. The hierarchy of centres in the JCS area is:

Key urban areas

Gloucester City Centre and Cheltenham Town Centre

Proposals for A1 retail development located outside of the primary shopping area, and for other main town centre uses where they are proposed in locations outside of the City Centre boundary, will be assessed in accordance with the sequential test and impact test as set out in the National Planning Policy Framework and Planning Practice Guidance (see criterion 6 below).

Convenience goods

Location	Convenience goods (net sales area, sq m)		
	2021	2026	2031
Cheltenham	577	1,252	1,805
Gloucester	2,120	2,967	3,664

6. Proposals for retail and other main town centre uses that are not located in a designated centre, and are not in accordance with a policy in either the JCS or District plans, will be robustly assessed against the requirements of the sequential test and impact test, as set out in National Planning Policy Framework and national Planning Practice Guidance, or locally defined impact assessment thresholds as appropriate



Policy E.4 Protecting Employment Land

Planning permission will not be granted for new development that involves the loss of employment land unless the following criteria are met:

- 1. The land has limited potential for employment, and**
- 2. The developer is able to demonstrate that an alternative use, or mix of uses, offers greater potential benefit to the community**

4.6 In terms of the emerging GCP the following policies are relevant –

B2 Safeguarding employment sites and land

Employment sites and buildings will be safeguarded for B class employment uses and change of use/redevelopment to non-B class uses will generally be resisted. Such proposals will only be supported where the following criteria are met:

- a. The site or premise is redundant or no longer fit for purpose or capable of meeting employment needs; and**
- b. The proposal would not adversely impact on the continued use of adjacent employment uses; or**
- c. The proposal would bring significant benefits to the local economy and/or community that would demonstrably outweigh the loss of employment land.**

4.7 National policy in respect of retail is set out in NPPF 2021. The relevant element to this application is set out below.

88. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

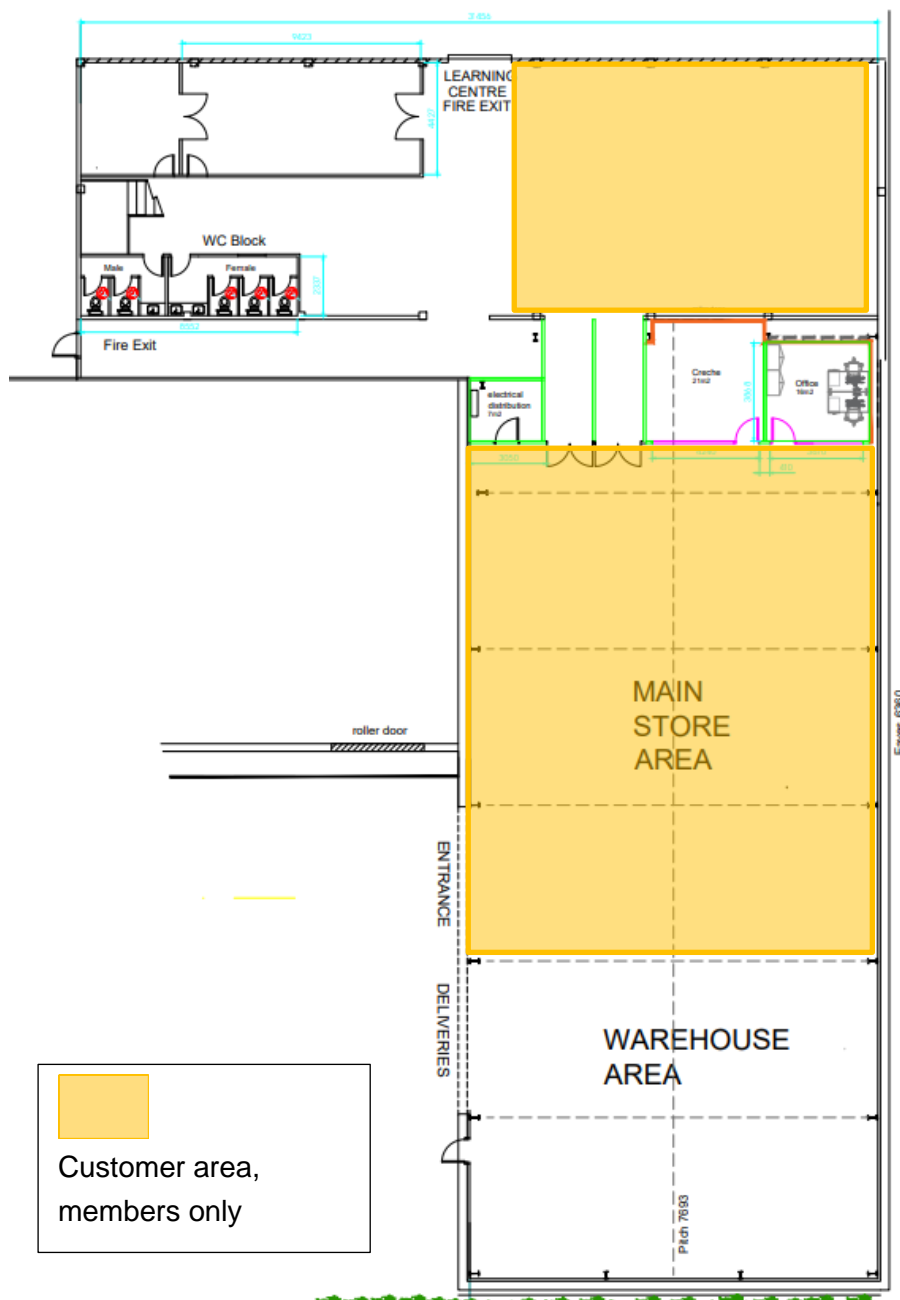
90. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

5. PROPOSED SCHEME

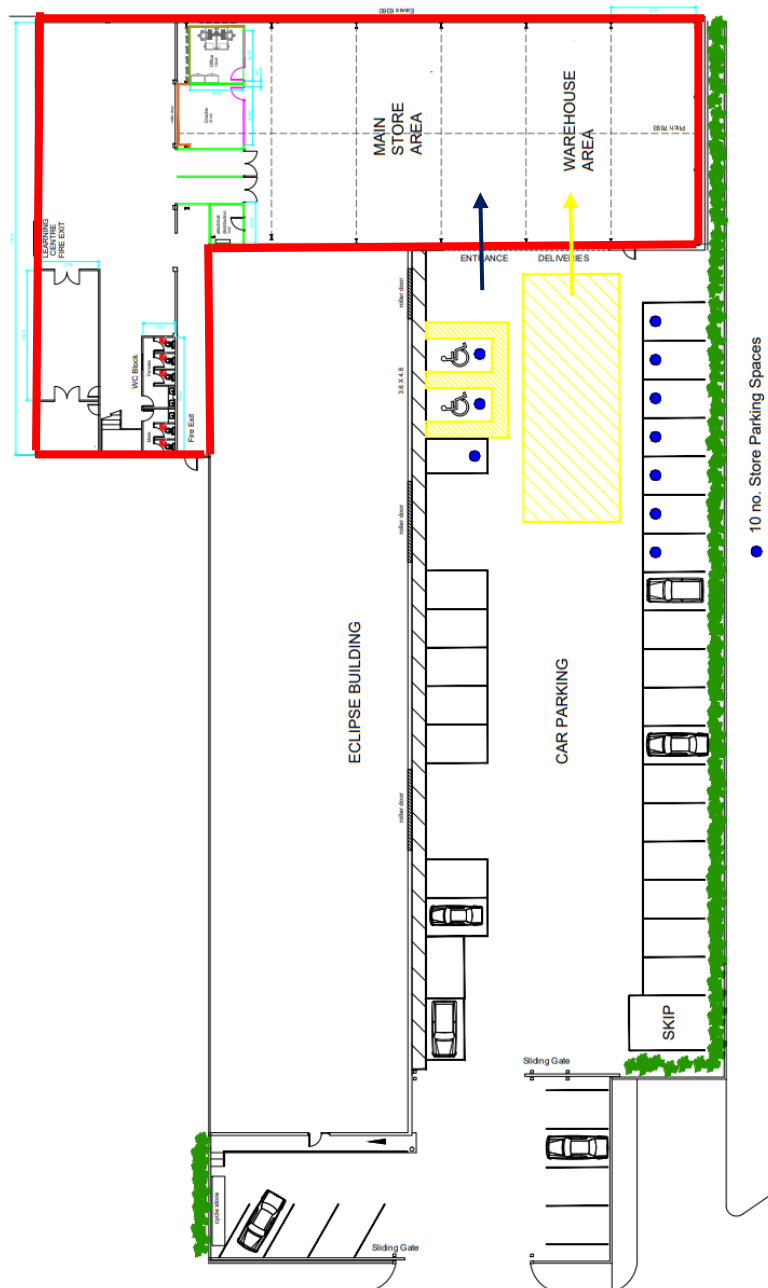
5.1 The proposal is to provide for a members retail club (Sui Generis) comprising 350m² customer area along with warehouse storage and ancillary facilities (offices, wc's etc.) totalling 945m².

Proposed General Arrangement



5.2 The proposed site layout provides for –

- 10 car parking spaces (2 dedicated disabled spaces)
- Segregated access for members and warehouse loading
- Fire exit routes at edge of site
- Shared access from highway with eclipse building





- 5.3 The use of the club is expected on average to be no more than a maximum 6 customers per hour, but it will only serve up to 70 households in total, but with capacity for growth to 90/100 households based on the average UK Campus model.
- 5.4 The retail members club has no shop front and no external signage, just an entrance door for members within the site.
- 5.5 The retail club will be restricted within the site to the specific area and with a condition to limit the use solely to use for members only and no trade to the general public.
- 5.6 Existing car parking will be maintained within the site allocated between the two units. 10 for the members club.
- 5.7 The site provides for a centralised location (the hub of a wheel) reducing overall trips and utilises existing previously developed land and buildings. The site is located within an existing urban site and is well known to the congregation given the school adjacent and provides good access for the congregation.
- 5.8 The overall size of the congregation cannot justify multiple retail clubs as one facility can serve the whole District. A network of stores is being promoted to minimise overall trips.



- 5.9 Campus & Co. were set up about 8 years ago as a branding to provide members only retail clubs for the Brethren to shop for daily items where the profits could then be transferred to support funding for the Brethren OneSchool Global UK sites, which provides education for children of the PBCC. This site supports the Gloucester Campus adjacent.
- 5.10 The operations at the premises will consist of wholesale delivery, mainly of food and household goods, and then onward sale to members of the Church community only. The store is run by staff during core hours and supplemented by volunteers where necessary, and all profits are donated to the school charities.
- 5.11 The store is staffed at core hours and outside of those times members can gain access and purchase by self-scanning. Members have bespoke registration ID numbers.
- 5.9 The store overall hours are Mon to Fri 07:00 to 20:00, Saturdays 07:00 to 16:00 and no use on Sundays. Core hours are 10:00 to 16:00.

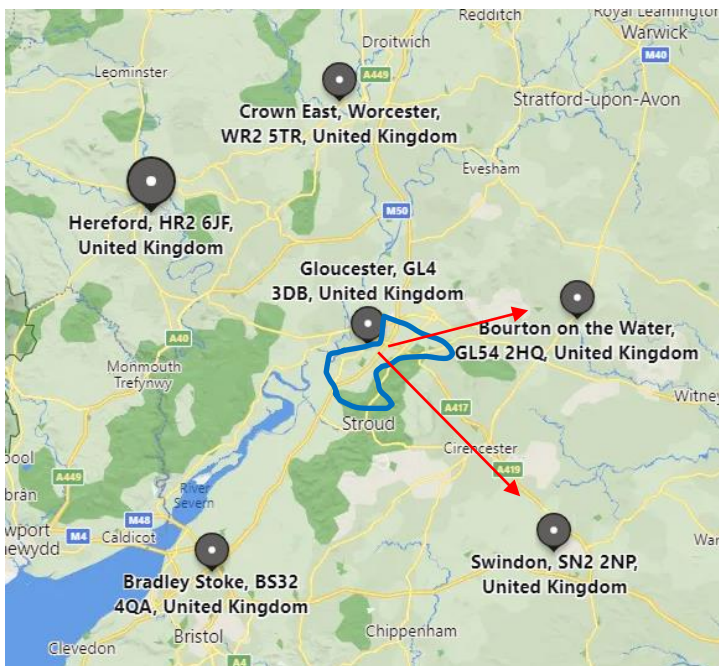
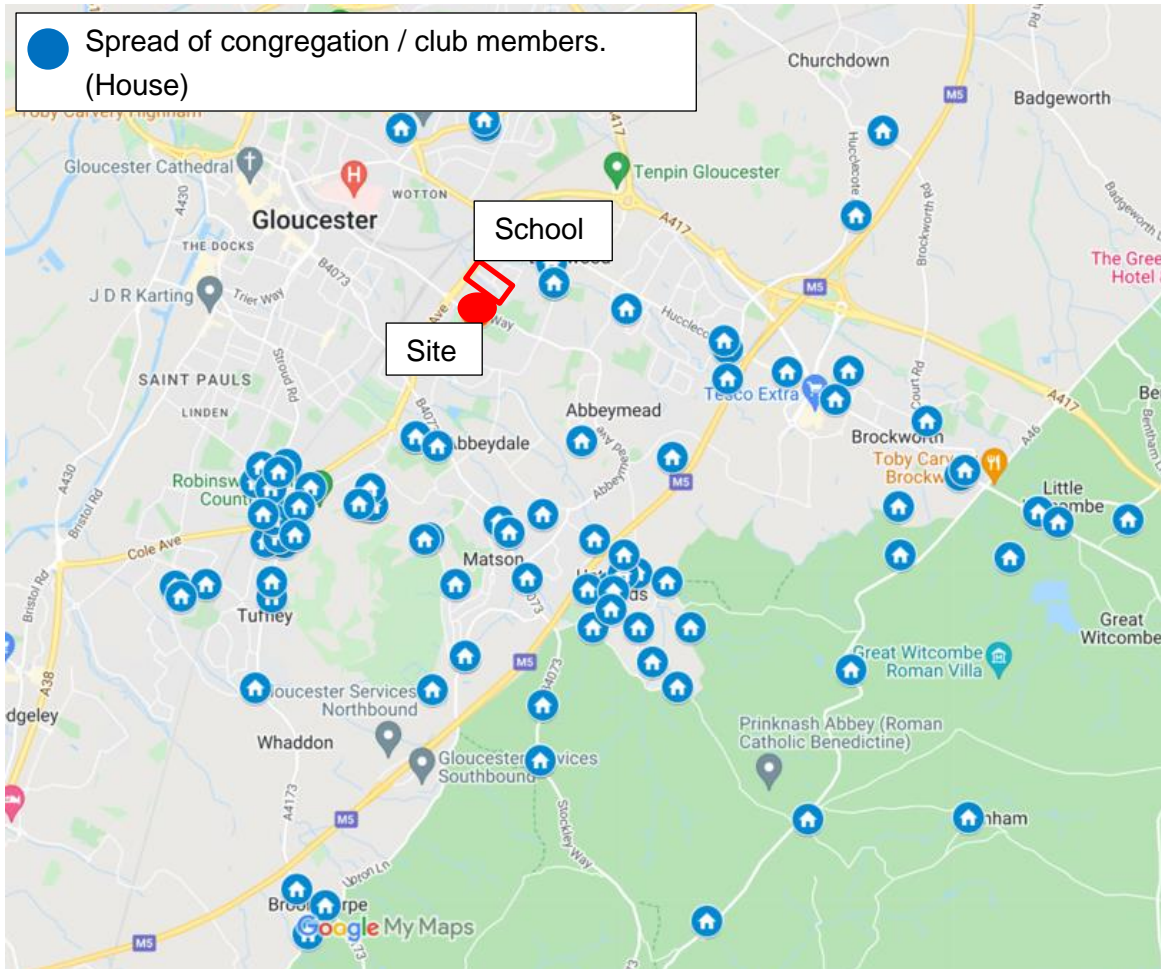


6 KEY ISSUES

Principle of development

LOCATION

- 6.1 The site is located within the urban area and is thus a sustainable location.
- 6.2 The unit is currently vacant and its re-use with a quasi-employment use comprising an ongoing warehousing element has a direct relationship with the adjoining OneSchool campus next door as that serves the same Plymouth Brethren Christina Church congregation.
- 6.3 The location is also in close proximity to other Brethren businesses in the industrial area. This allows an element of 'linked trips' so that the club can be used in association with already existing trips to businesses or the school, creating a suitable, convenient and safe location for the use.
- 6.20 The site is well located to the south east of the city centre to serve a predominantly south and eastern congregation catchment. The plan below shows the location of households to the proposed store and school.
- 6.5 This minimises travel distances and avoids the congregation having to travel to Hereford, Bourton or Worcester for the nearest other available retail club as there currently isn't one in Gloucester.
- 6.6 The location is therefore highly suitable and appropriate highlighted by the maps overleaf.



Direct local provision for Gloucester removes the longer travel distances to other existing clubs. There is currently no provision in Gloucester

Network of Campus & Co. clubs

to deliver local provision to reduce travel distances.



EMPLOYMENT

6.7 The site provides for existing employment within an undesignated industrial estate, but has been vacant since mid-2021.

6.8 Core policies would seek to retain the existing 'B' employment classes but in this circumstance

- The existing site is vacant.
- The existing buildings are old, narrow, low heights, and out of date for modern employment needs.
- There are newer modern premises available within the local market.
- This older part of Eastbrook is already more mixed with non-employment uses contributing to that mix.
- The site is adjacent a school.
- There are retail and quasi retail uses nearby.

6.9 Whilst there will be a loss of 'B' class use, the Sui generis club is commercial in nature and will include retained warehouse elements.

6.10 The scheme, however, will aid the future employment prospects for the front unit, by providing rental at the rear to deliver enhanced viability for re-use of the front and entire site.

6.11 The proposal is also fully reversible. It retains its industrial appearance; the loading doors are retained and there is no retail shopfront or signage proposed. Being a Sui generis use there is no 'permitted development' rights and also it cannot be



used for other open public retail E(a). The future use of the unit if it were to cease would require an application and the LPA can control future uses.

6.12 In terms of emerging policy B2 the proposal complies with –

- The old building, low heights and condition and not fit for modern employment purposes. Many other sites are being redeveloped to provide better employment buildings, which may come in due course at this site.
- It is currently vacant for over 9 months
- The proposal does bring significant community benefits to the Brethren and links with the adjoining school
- The wholesale purchase of goods benefits the local economy.

6.13 In terms of adopted saved policy E.4 the large part of the unit is retained for future B1/B2/B8 use. It will deliver mixed use and is not a loss of whole employment use.

6.14 The use of the rear area will not prejudice future ongoing employment use at the front.

6.15 In terms of core strategy policies, the members club will provide for a small medium sized enterprise run by local firm Spectrum products and aid supply local chains as per SD1 (viii).

6.16 Overall, in the planning balance there is no demonstrable harm or impact on employment land supply within the area.



RETAIL

6.20 The general retail strategy is to direct shops to a hierarchy of town centres / district centres functioning as the prime locations for retail and other main town centre uses. Policy SD2 reflects this objective. Proposals should ensure that the vitality and viability of existing centres are not adversely harmed.

6.20 However, this use is not retail, this use is a unique Sui Generis private club, serving only 70 households, whilst retail in nature in planning terms it is not a shop. Shop is defined in the Use Classes Order as Class E(a) –

"SCHEDULE 2

Article 3

PART A

Commercial, Business and Service

Class E. Commercial, Business and Service

Use, or part use, for all or any of the following purposes—

- (a) for the display or retail sale of goods, other than hot food principally to visiting members of the public,
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- (c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- (f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.



6.19 This proposal is not for visiting members of the public, so it constitutes a retail members club. This is therefore **Sui Generis** and **not** retail E(a).

Sui generis' is a Latin term that, in this context, means 'in a class of its own'.

Certain uses are specifically excluded from classification by legislation, and therefore become 'sui generis'. These include:

- *retail clubs*

6.20 The confirmation of the retail members club as Sui Generis has been supported by a legal opinion (see Appendix A)

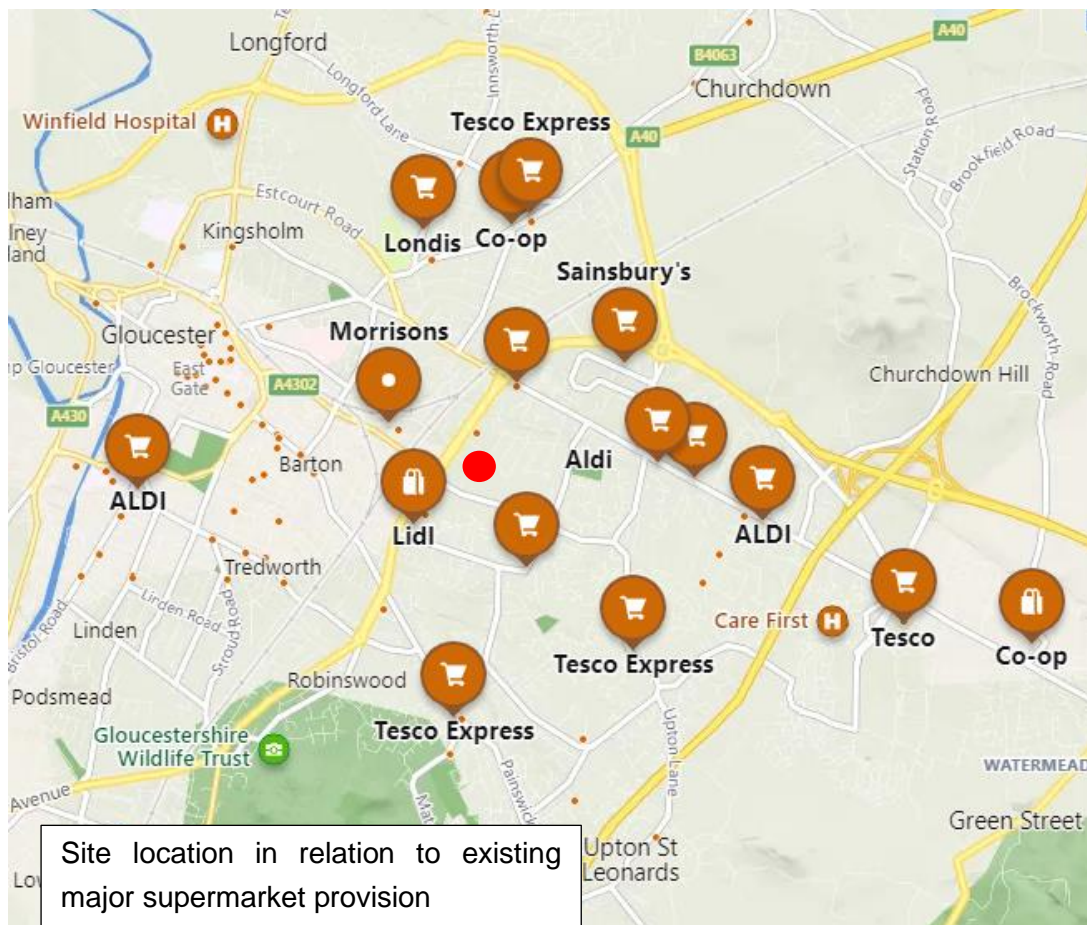
6.21 The key tests of retail policy are that – Any proposal does not impact adversely on retail strategy and the vitality and viability of centres.

6.22 This proposed use will **not** create any adverse harm because –

- It is not open to members of the public and therefore will not direct trade from any other centres – Town centre or local parades.
- It serves only 70 households. Gloucester has 50,363 households so is 'de minimus' in scale and cannot adversely impact due to this negligible scale.
- It is small scale, akin to a small shop with a net floorspace of only 350m². In terms of scale it will not impact on other local public shops.
- The number of visitors is extremely low, with a local members community of only approximately 70 households. The use is not diverting trade as members would otherwise visit Campus Members clubs in other cities. The numbers of households and any impact of diversion of trade is 'de

‘de minimus’ as turnover covers approximately only net profit of £8,000 per month which is transferred to fund OneSchool in Gloucester, which is a minimal spending to impact on the established retail hierarchy. Annual turnover of the store in the economy is no more than £500,000 and is ‘de minimus’ in terms of overall town centre spending.

- It does not affect or impact on existing small parades or local shops as their customers are not members of this facility. This store will not take away spending from the public of Gloucester as it is restricted to Brethren members only.
- In close proximity to the site are public supermarkets (Asda, Lidl and Tesco) that provides in excess of 3000m² convenience floor space, +200 car parking spaces and serves the wider 150,000 population of Gloucester. This small club will not impact at all.





- This small provision of 350m² as a private small club cannot be detrimental in relation to existing provision and also the Core Strategy providing for a further increase of 3,664m² up to 2031.

- 6.23 There will be no adverse retail impact from the store given its use by only a minor scale of the population.
- 6.24 It will not impact upon Gloucester general public shopping.
- 6.25 The use is unique and bespoke and thus does not create retail conflict.
- 6.26 In terms of policy SD2 it clearly passes the **impact test**.
- 6.27 Whilst new retail is not normally directed to non centres, as a 'sui generis' use, retail policy is protected as the building cannot be used for other E(a) shop uses. A change of use application would be required for any other use and allows control by the LPA in the future. A restrictive condition on the permission can also ensure there is no trade to the general public.
- 6.28 The building does not have the appearance of a shop and is maintained as a mixed use with the character retained as industrial/employment.
- 6.29 The use is very small and in terms of retail impact assessment as stated above given its scale its impact can be no higher than 'de minimus'.
- 6.30 Whilst the use is not directed by policy to the site location there is no adverse harm to retail policy as this is a bespoke unique Sui Generis ancillary use as thus meets the impact test for out of centre sites in SD2(6).
- 6.31 The Campus club stores are being regularly approved around the UK outside of centres, given the unique case of limited members use as a significant 'material consideration' alongside general retail policy.



Sequential Test

6.32 Normally, retail development should go through a sequential test analysis, and retail warehouse clubs are identified as town centre uses. However, this is not a warehouse in the scale normally associated with Costco, Macro etc. In this bespoke case there are a number of key factors which would actually determine the use should not go into a centre because –

- The unit would not be open to the general public, thus create a loss of an E(a) unit.
- There is no window and display to street scene, which would create a dead frontage and harm footfall interest for the centre as a whole.
- There are no shop signs, it would give the impression of a vacant unit in a centre.
- As a Sui Generis use it would result in the loss of a retail unit within primary and secondary frontages. As a non-A1 (now Ea.) sui generis use with no access to the public, the proposal would not fit within acceptable uses within primary and secondary frontages in centres.

6.33 Overall, rather than not affecting the vitality and viability of a centre, it would actually damage the overall vitality and viability the centre if it was located within it.

6.34 Very often supermarkets are encouraged within or edge of centre so that there can be linked trips and drawing customers into the centre. However, these serve thousands of people with floor space generally around 1000m² and above. This club serves a maximum of 70 households and cannot impact adversely on retail policy overall.



6.35 **There is clear evidence as set out above that the nature of the use will not lead to a significant adverse impact on a Centre.**


6.36 Notwithstanding, the detriment to a centre it would cause locating the use within it would result, a sequential search for this use needs to meet the following criteria –

- Must not be shared property with a non-Brethren business (this is a fundamental principle of the PBCC religious ethos). Freehold
- Must be single storey.
- Must have on site car parking for shopping bags (similar to most supermarkets)
- Must deliver approximately 200-300m² net sales area.

6.37 These general criteria on the whole rule out –

- Linear shops in centres with upper floors
- Indoor shopping arcades
- Small single 100m² shop units

6.38 In terms of search engine data two key sites have been flagged in the city centre:



25 Westgate Street, Gloucester, Gloucestershire, GL1
Shop for sale

The property comprises a Georgian style town premises arranged over 4 stories with separate basement area under a pitched

COMMERCIAL


Marketed by Bruton Knowles, Gloucester

£325,000 Offers in Excess of
1,609 sq. ft.

BK Bruton Knowles
Property Consultants

01452 902080
Local call rate

Contact



BICYCLE/ACCESSORY RETAILER & WORKSHOP, Gloucester
Shop for sale

Gloucester, Gloucestershire. T/O circa £280,000. Established 2012. Premium service offering. No competition within locality.

COMMERCIAL

Marketed by Knightsbridge Business Sales Limited, Bolton

£130,000

knightsbridge

01204 299136
Local call rate

Contact

Westgate street is too small at 149m²
Is 4 storeys.

Bicycle premises is leasehold, sale of ongoing business

There are various public houses available, but these are not all in centre and would result in the loss of a community asset.

6.39 In conclusion there are no other suitable and preferable available sequentially better sites.

RESIDENTIAL AMENITY

6.40 The site is an existing building without existing residential neighbours and has operated within the industrial estate as the new club would.

6.41 Access and activity would continue as with the other ongoing employment uses, and the adjacent school.



6.42 The activity of the members club is no greater than employment use of the whole unit, it is low scale with approximately only 6 visits per hour maximum by customers and only 4 - 6 deliveries per week.

6.43 The retail club will not create adverse environmental impacts. The use is small scale and will not result in

- Excessive activity/ trip movements
- Noise and disturbance
- Odour or fumes

TRANSPORT

6.44 The site location is central to the spread of households it will serve and reduces trips to other wider centres.

6.45 The scale of development net 350m² usable quasi retail floorspace will not generate significant trip generation and the site already generated trips from its existing and previous use. The 350m² is not comparable with public shopping TRICS data as it is only members of 70 households, not open to all.

6.46 The trips for the retail club would otherwise be on the network accessing other retail premises or travelling to Worcester, Bourton or Swindon the nearest Campus & Co. members club.

6.47 The store is accessed from an existing entrance off Eastbrook Road and creates no adverse impacts results on the highway it has consistently accommodated B1, B2 , B8 use or permission.



- 6.48 Visibility along Eastbrook Road is suitable and operates satisfactorily.
- 6.49 Car Parking spaces are satisfactory for the mixed use, 10 are proposed for the for the retail club.
- 6.50 The vehicles and the level of trips is not expected to be more than 6 per hour maximum for the retail club and is thus 'de minimus'.
- 6.51 Servicing is all accommodated in the hard standing area and the loading doors can be serviced without any conflict with the parking layout.
- 6.52 The re-use proposals for this building results in no overall significant difference of impact in transport terms to the existing previous employment uses.
- 6.53 The NPPF states that -

"109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

- 6.54 This proposal does not create severe impacts given its 'de minimus' scale and existing accesses and parking – there is no transport harm.

Other Benefits

- 6.55 The proposal will enhance facilities for Brethren community use and support for educational use. The funding in turn saves the LEA funding by not having to provide additional school places at local LEA schools, which are covered currently by OneSchool places and Campus & Co.



7 CONCLUSIONS

- 7.1 The proposed mixed use will secure continued employment use through part retained use of 'B' class at the front.
- 7.2 The members only club is Sui Generis and will not adversely impact upon existing centres. It serves a bespoke congregation of 73 households and will not be open to the general public.
- 7.2 The scale of the use at a net sales members retail club of 350m² will not conflict with existing centres.
- 7.3 The scheme is a bespoke retail facility as a 'retail club' - Sui Generis in planning use class terms, not open to the general public. Access is precluded to the public by required membership number codes. It provides a retail club for a church congregation, members only. It will not impact upon the Town Centre retail strategy or local shopping parades due to its limited scale and limited customer base of only 70 households.
- 7.3 The store's scale and character will not impact other shops.
- 7.4 A sequential assessment shows that Gloucester is well served by existing food stores and that there are no suitable available sites on the market.
- 7.5 Whilst the site lies within the urban area, but outside of any centre where new retail development which undermines the role of the town centre would not be acceptable, this store will not harm any centre due to -



- Limited scale
- Limited customers, members only
- Condition restricting use will ensure no public use.

7.6 The store will generate low numbers of traffic generation. Access is provided within existing road networks in a sustainable location. It is a 'de minimus' use and there are no severe traffic impacts.

7.7 Given the unique and bespoke nature of the limited club use, there are no policy aspects that do not warrant approval of this use on an established commercial site as part of mixed-use. There is a clear 'other material considerations' case.

7.8 The specific nature of being a non E(a) general shop, sits the proposal outside existing retail policy and the use would be detrimental within an existing centre.

7.9 Retail Policy SD2 is not compromised in the overall planning balance, the proposal will not individually or cumulatively undermine the attractiveness and viability of town centres.

7.10 In order to protect retail policy at the site, the use should be conditioned in addition to the Sui Generis permission for use only by the Brethren community members.

"Use to be for the sole purpose of the members of the Plymouth Brethren Christian Church as a retail club and for no other purpose".

Or,



“The premises shall only be available to members of the Plymouth Christian Brethren Church who are registered to use the facility and there shall be no trade to visiting members of the wider public.”

7.11 In terms of the overall, planning balance, there are no significant factors to withhold consent without harm to SD1, SD2, saved E4 and emerging B2.



APPENDIX 1 Legal Opinion

IN THE MATTER OF PLYMOUTH BRETHERN CHRISTIAN CHURCH

AND

CAMPUS & CO SHOP OPERATIONS

OPINION

1 My opinion is sought by the Plymouth Brethren Christian Church (“PBCC”) regarding its operations for commercial related activities as a retail warehouse club (being intended to be a sui generis use rather than Class E retail use, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended) (“the UCO”) and particularly in light of the advent of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (“the 2020 UCO”).

Background

2 My instructions relate that PBCC see are a religious denomination operating globally. In the UK they have active congregations based upon district catchment areas, each run by independent trusts, though under the umbrella of an organisation called the Central Gospel Hall Trust (“CHGT”). In addition, a separate national organisation, the Universal Business Team (“UBT”), provides operational advice to these independent trusts.

3 The PBCC have a number of undertakings. Firstly, it runs a number of Gospel halls across the country which generally serve two or three towns. Each area also runs its own services, of various sizes, and also shares a joint service with a neighbouring Trust. Secondly, it also runs a network of independent faith schools under the banner “OneSchool Global UK”. These schools operate utilising a catchment area of approximately 1 hour minibus travel for pupils. I am instructed that all of these



activities were considered previously to fall within Class D1 community uses of the UCO (now, as of September 2020, Class F of the 2020 UCO).

- 4 In conjunction with these activities, over the past few years PBCC has opened a new enterprise called 'School Shops' and which trades trade as Campus & Co.
- 5 I am instructed that, in nature, they operate as shops with the intention that the products are acquired wholesale and then sold exclusively to Brethren members. The profits arising are then directed to support the PBCC schools. Internally, the stores they are laid out in much the same way as conventional shops, where members have full access to the stock located on shelves. However, there are no shop windows nor is there any external signage or advertising. The only people permitted to shop there are PBCC members and such signage, as there is, makes clear that this is so. I am instructed that these arrangements are rigorously maintained and that the only purchasers permitted in these stores are those who are recognised from the list of members of the congregation.
- 6 I also understand that a key element, in terms of religious ethos, is that these shops should be independent, owned freehold or form part of existing Brethren sites. I am instructed that is the pattern which has been utilised, without exception, to date.
- 7 I understand that the aspiration is that each area will develop such stores to serve a congregation, based on a drive time of around 10 to 15 minutes and serving approximately 60 to 100 households. The stores are currently located in a range of sites, most notably adjacent to the Brethren halls, within schools or on independent sites, many of which were former industrial units.

Nature of use

- 8 My opinion is sought on the nature of the use of as set out above ("the Use"). It is a use and activity which is already being undertaken in a number of locations and where the same is proposed to be undertaken at a number of further outlets around the country.



- 9 This Opinion is seen as being of principal assistance to local planning authorities that have no experience of such use.
- 10 Most uses, for the purposes of the town and country planning regime, are categorised by reference to the UCO. The most recent amendment to the UCO is that contained in the 2020 UCO.
- 11 However, certain uses are not so categorised. Any uses that do not fall within an explicit use class category are to be regarded as sui generis. A number are specifically specified as having no use attributed to them. These are set out in Article 3(6) to the UCO. I will return to the terms of that Article below.
- 12 One might, at first blush, anticipate that the retail or shop attribute of the Use is one which one might expect to find within Class E(a) pursuant to the 2020 UCO. However, that is not the case for this use. Class E(a) is defined to be
“use, or part use, for all or any of the following purposes – (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public...”.
- 13 Self evidently, the facilities and the Use is not one principally for visiting members of the public. In fact, no visiting members are permitted to shop at these facilities. In my view that would preclude the Use from falling within class E(a).
- 14 In addition, the Use is not one which would fall within Class F2 (a) of the 2020 UCO as that comprises
“Use as-
(a) a shop mostly selling essential goods, including food, to visiting members of the public in circumstances where
(i) The shop’s premises cover an area not more than 280 m square, and
(ii) there is no other such facility within 1000 metre radius of the shop’s location.



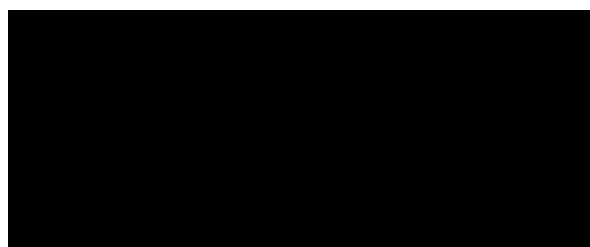
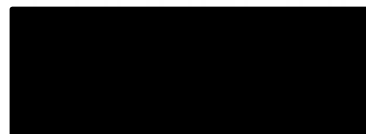
- 15 Further, most pertinently and as referred to earlier, the use is one which appears properly to have the attributes of a “retail warehouse club”. The term retail warehouse club was first introduced into the terms of the UCO Article 3(6) by the Town and Country Planning (Use Classes)(Amendment) (England) Order 2005, where the terminology used under paragraph (k) is “*as a retail warehouse club being a retail club where goods are sold, or displayed for sale, only to persons who are members of that club;*”. That is explicit in making the Use sui generis.
- 16 This change to the UCO had followed earlier litigation involving Costco in the 1990s and, in particular, the case of *R v Thurrock Borough Council and others, ex parte Tesco Stores Ltd and others [1993] 3 PLR 114*. That judgment found that a retail warehouse club operation (which was not then currently defined by the then version of the use classes order) did not fall within class A1 (retail) of the order (as it then was) by reason of: the nature of the operation, the size of the facilities, the restricted number of lines of merchandise and, most importantly, the requirement for retail warehouse club membership (which was not a sham) and which precluded the use of the premises for visiting members of the public.
- 17 The courts have recognized that the terms of the use classes order should not be stretched to embrace activities which did not clearly fall within them (see *Tessier v Secretary of State for the Environment [1975] JPL 39* per Widgery LCJ and *Forkhurst Ltd versus Secretary of State for Environment [1982] 46 P & CR 89*. In short, the use in question either comes within the use specified in the order or it does not. If there is one or more salient components of the defined use with which the proposed use does not accord then it would be inappropriate to seek to bring it within that use.
- 18 A number of additional points also need to be noted in context of the interpretation and thence application of the UCO.
- (1) The UCO (as now amended by the 2020 UCO) falls to be interpreted by its own terms. Those terms are distinct from any earlier prior judicial consideration (for instance, in the Costco case, above) which predated the amended UCO.



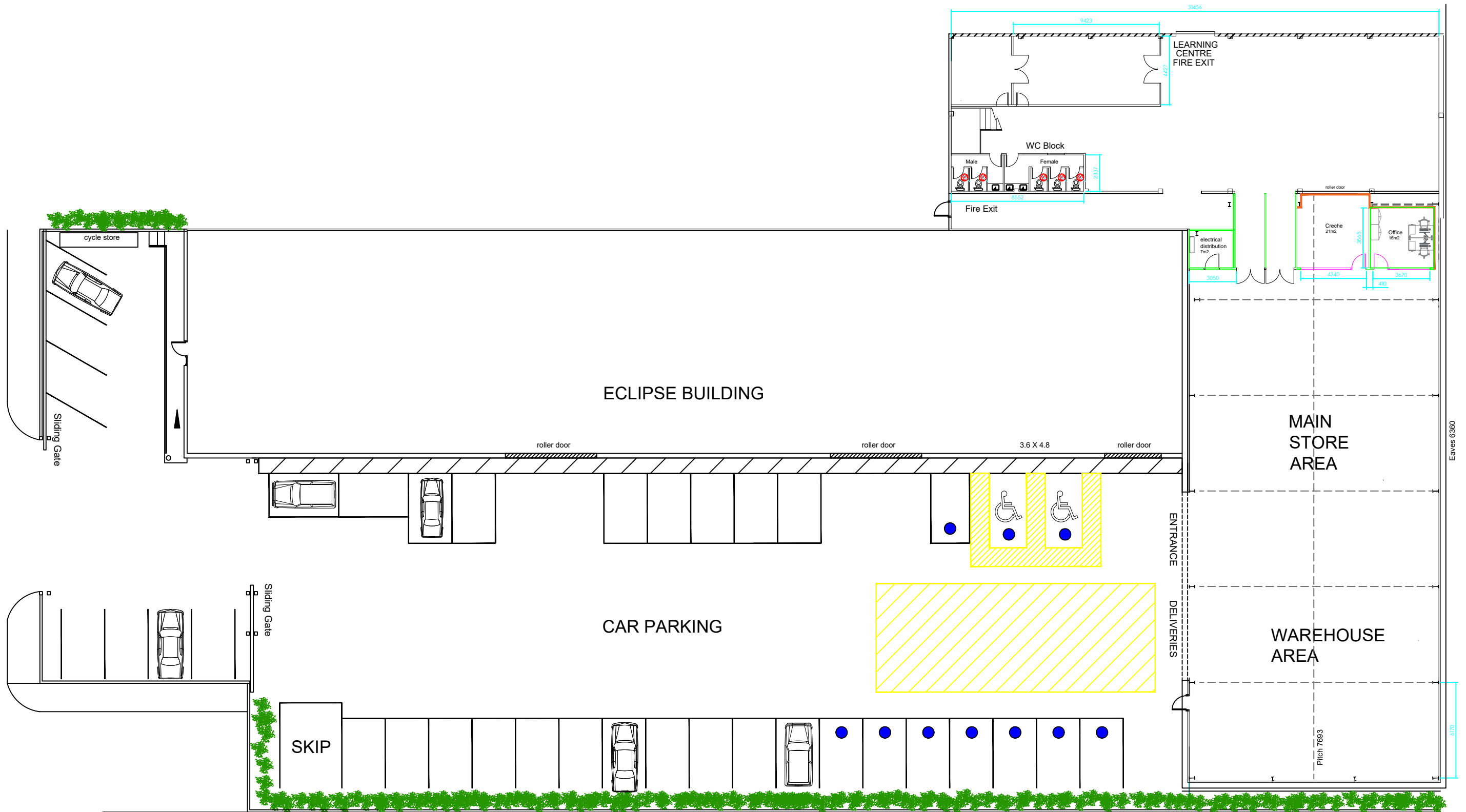
(2) There is no size threshold nor characteristic indication of scale is attributed to the term “warehouse” in the description “retail warehouse club”. That is so notwithstanding the conventional perception that a warehouse is a structure importing the implication of some significant scale. That said, the B8 storage and distribution class now found in the UCO was itself introduced by way of a rewording of the old Class X (the earlier form of use classes order) which included “use as a wholesale warehouse or repository for any purpose”. In short, there is no requirement nor guidance as to scale and size for the purposes of interpreting this term. In consequence the term warehouse does not appear to have any particular significance within the terms of the order.

(3) There is nothing contained within the terms of the UCO definition as enacted in 2005 which supports the need for a particular membership fee to be paid. However, that would not necessarily exclude the need for features indicative of membership. In the instance of the Brethren, my instructions relate that it is only members of the congregation, identifiable from a list maintained at the relevant Campus store, who are able to purchase. I see no reason why this should not fulfil the relevant features for club membership.

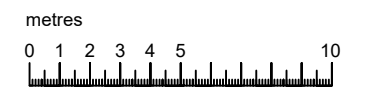
19 It should be noted that this Opinion relates to England only as the relevant use classes order is similarly territorially limited.



5th March 2021

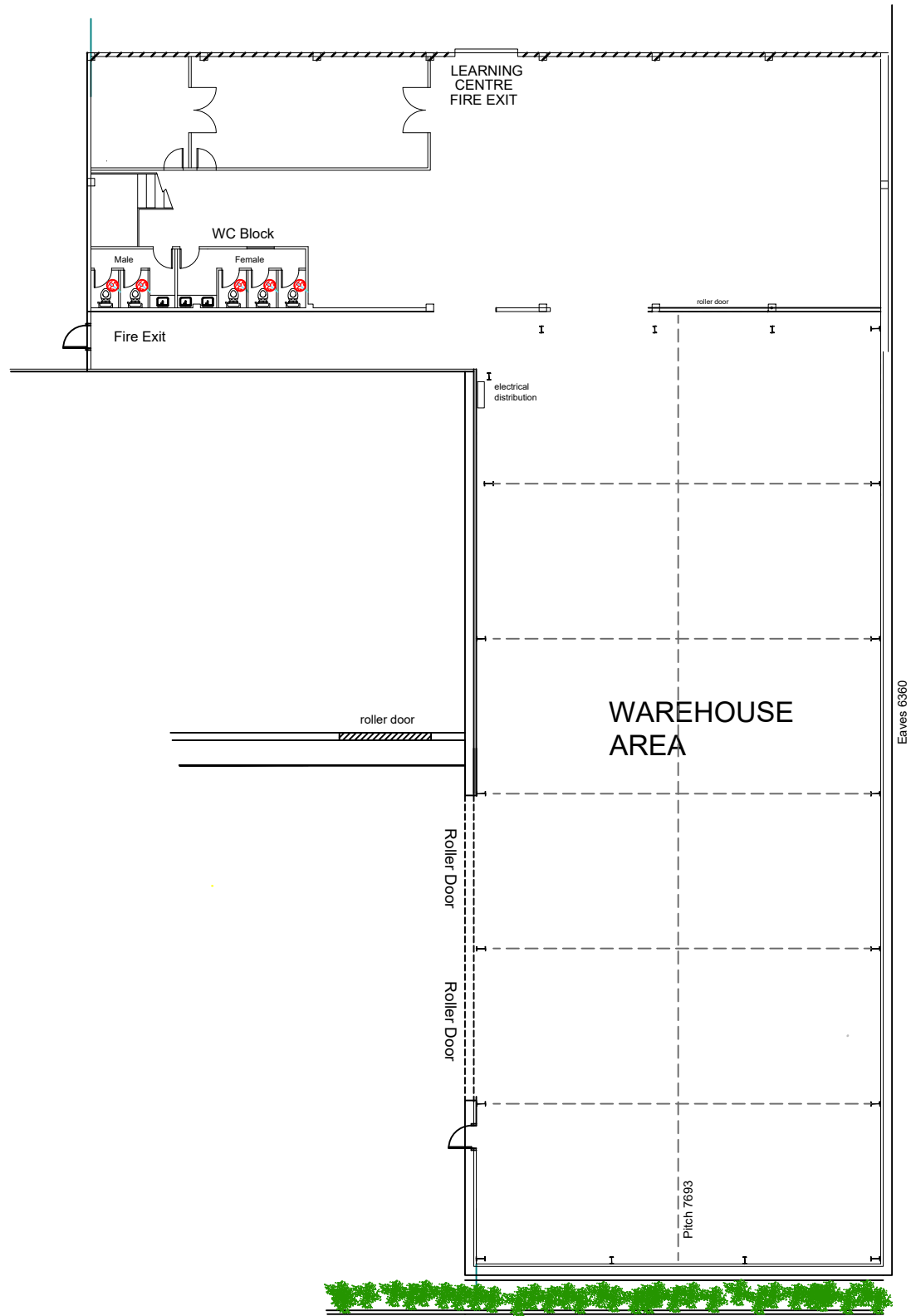


● 10 no. Store Parking Spaces

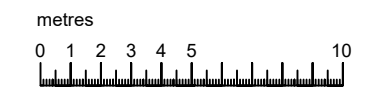
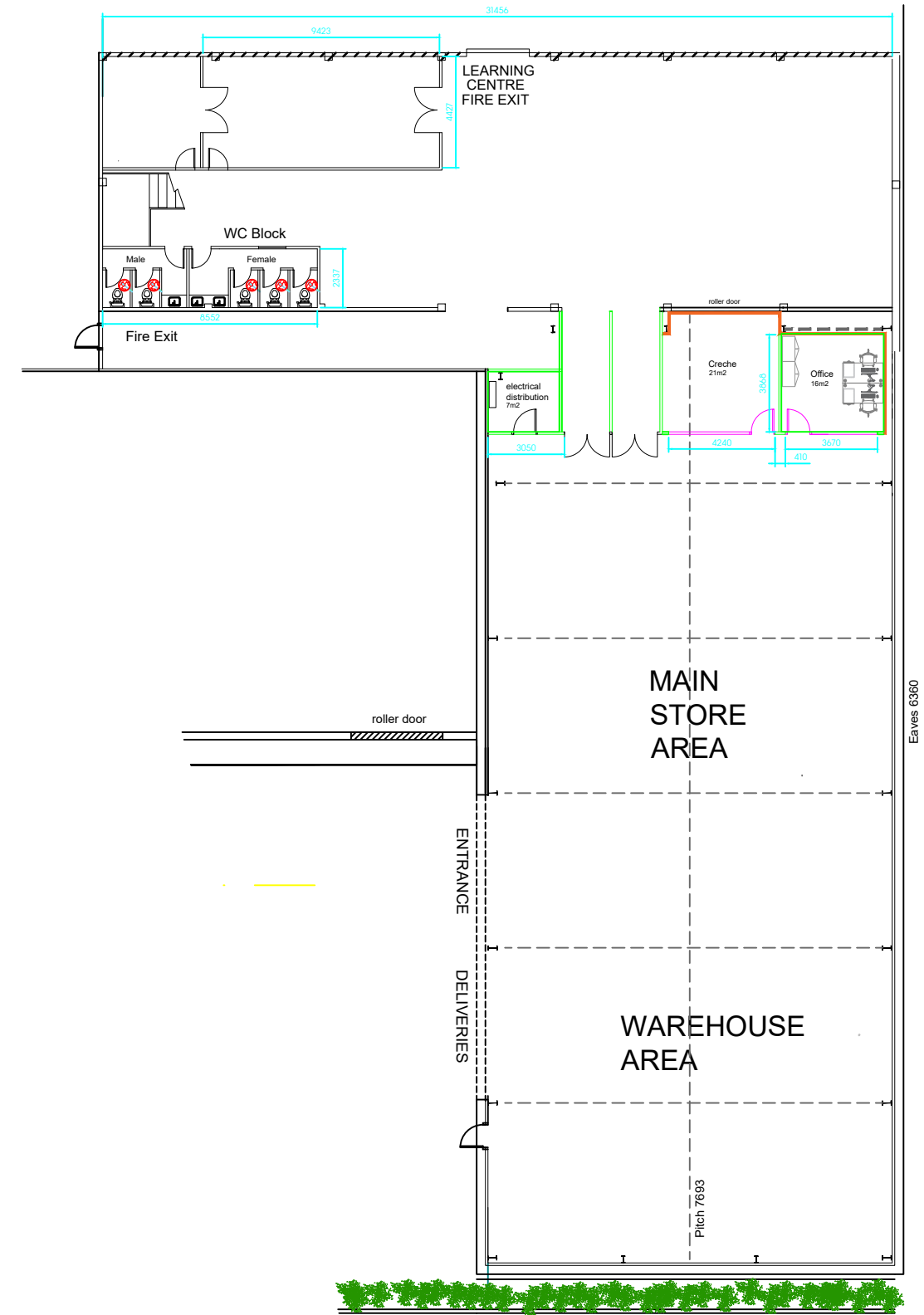


1 : 150 @ A1
1 : 250 @ A3

Existing General Arrangement



Proposed General Arrangement



1 : 150 @ A1
 1 : 250 @ A3