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UPDATE REPORTS

Planning
Committee

Wed 6 Aug
2014
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

making a difference

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PLANNING

COMMITTEE

6th August 2014

7pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	Andrew Fry (Chair)	Andrew Brazier
	Alan Mason (Vice-Chair)	Wanda King
	Joe Baker	Yvonne Smith
	Roger Bennett	David Thain
	Michael Braley	

5.	**Planning Application 2014/036/FUL - B & Q DIY Supercentre, Jinnah Road, Smallwood, Redditch, Worcestershire B97 6RG** (Pages 1 - 4) Head of Planning and Regeneration	To consider a Planning Application for the reconfiguration of the existing store to create a Class A1 (bulky goods) unit and a Class A1 foodstore, together with associated external alterations and selected car park reconfiguration. Applicants: B & Q Plc. and ASDA Stores Ltd (Update Report attached) **(Central Ward)**

UPDATE REPORT

Planning Application 2014/036/FUL
Asda proposal at B&Q, Jinnah Road, Redditch

Additional representations:

Since the publication of the agenda papers and report recommending approval, the following additional information has been received:

Three comments in objection relating to:

- Noise report would not result in no noise disturbance to residents
- Increase in ASB likely as a result of 24 hour opening
- Inadequate viability assessment of alternative town centre site at car park 4
- Incorrect weight applied to different elements in recommendation
- Information provided to demonstrate that car parks in the town centre are underutilised and therefore that the car park 4 proposals would not result in pressure on car parking
- Recent public consultation on car park 4 demonstrates support for the proposal
- Supermarket operator is irrelevant to the planning considerations
- Allowing this proposal would result in significantly detrimental long term impacts on the town centre and the potential level of investment it could attract and its resultant overall vitality
- Significant information and detail supporting the car park 4 proposal has been received

One comment in support relating to:

- Keen to see an Asda as like the brand
- Concerned about parking in local roads

Officer comments:

Following receipt of the additional information detailed above, Officers have reviewed the case as a whole, the policy context and tests and the weighing of the different material considerations in reaching a recommendation. Highlighted below in detail, for information, are the some extracts from policy and officer responses thereto in context. The bulk of the guidance for considering and determining matters relating to retail development are contained within the NPPF and expanded in the NPPG (National Planning Practice Guidance), as noted in the main report.

The NPPF, at paras 24-27, details the two town centre use tests for proposed out of centre sites – the sequential test and the impact test. It concludes by saying:

> *"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused."*

The NPPG states in relation to the sequential test that:

> *"Compliance with the sequential and impact tests does not guarantee that permission is granted – local planning authorities will have to consider all material considerations in reaching a decision."*

Turning firstly to the sequential test, the applicant has demonstrated, subject to their preference of store format/layout, that neither of the two town centre strategic sites as designated in the emerging local plan 4 can viably be developed at the current time. They have examined some information in relation to the car park 4 site proposal and reached a similar conclusion, along with identifying a lack of information to support or refute the assertion that the potential loss of parking provision in the town centre would be of detriment. Whilst the policies require flexibility when considering size/format of stores, to some extent this has been addressed in the information provided.

Turning to the impact test, this has never been a matter of dispute – there is a recognised need for a foodstore in Redditch, as evidenced in the emerging local plan and therefore any detrimental impacts on existing town and district centres in terms of direct competition are minimal. However, the links associated with the location of a supermarket in the town centre rather than at a distance from it are such that the location is critical as it has a long term impact on the wider benefits of the store.

The information submitted by the Kingfisher centre owners seeks to demonstrate that it would be viable to re-provide car park 4 with both parking and a store and link this into the existing Kingfisher Shopping Centre such that a food store would be viable and deliverable but also that would maximise the linked benefits to the wider town centre through linked trips and shared footfall on a long term basis. This information suggests that the viability of this site has not been adequately proven either way, either by the applicants or by third parties, and therefore it is considered that the sequential test and viability information available to determine this application is inconclusive and thus the test not fully satisfied.

Policies 30 and 31 of the emerging local plan 4 detail that the evidence behind the plan demonstrates that in order to retain and enhance the vitality and viability of the town centre, significant regeneration should be encouraged and schemes that could harm that regeneration should therefore be resisted wherever possible.

Therefore, whilst it appears from the advice of consultants that the sequential test and impact test have largely been addressed and met, consideration still needs to be given to whether or not other material considerations outweigh this. These other considerations include the longer term impacts on the town centre and its regeneration of locating a foodstore outside the town centre, as well as any negative impacts of the proposal on the application site.

It is harder to quantify or provide evidence regarding the concept of the wider impacts of the location of a foodstore, however it is acknowledged within the principles of national and local planning policy that this is a critical factor and that is why town centre sites are sought wherever possible. The longer term loss of trade to

other town centre units, the loss of linked trips and the loss of footfall within the town centre from a unit outside the centre, rather than in it, is clearly significant though. This is why attempts have been made to seek recompense from Asda through the proposed S106 legal agreement to achieve enhancements to the links to the town centre from the B&Q site and to the town centre itself. However, whether this is considered to be sufficient is also a matter that must be weighed in the balance.

Officers consider that this is a very finely balanced matter, but that on reflection, it is possible that too much weight was given to the seeming near compliance with the sequential test over and above the other pertinent material considerations in the original published report. It is now considered, as detailed above, that the recommendation should read as follows, and officers would prefer that this recommendation be the one taken into consideration at the meeting on 6 August:

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the following reasons:

1. The location of an A1 retail foodstore in this out of centre location would be likely to result in long term harm to the vitality and viability of the Redditch Town Centre and to other district centres in the town as it would not result in linked trips and associated footfall within the town centre or maximise the benefit of the sustainability of a town centre location which includes the potential for more trips by non-car modes. Therefore, despite the possible compliance of the proposal with the relevant policy tests, the adverse impact on the wider economy is still considered to outweigh this. It is therefore considered to be contrary to the objectives of the NPPF and NPPG and Borough of Redditch Local Plan No.3 Policies E(TCR)1 and E(TCR)4 and emerging Borough of Redditch Local Plan No.4 Policies 30,31.

2. The location of the proposed use and development is outside the defined town and district centres in Redditch, and as such does not meet the policy requirements to locate A1 retail foodstores within town and district centres as set out in the NPPF at paragraphs 24, 26 & 27, Borough of Redditch Local Plan No.3 Policies E(TCR)1 and E(TCR)4 and emerging Borough of Redditch Local Plan No.4 Policies 30,31. Sequential and impact assessments, including viability assessments, have been provided to justify this out of centre location, however this is not considered to be sufficient evidence to justify fully this development in this location and therefore it is considered that the proposal would be likely to result in harm to the vitality and viability of Redditch Town Centre and Lodge Park District Centre.