

UPDATE REPORT 1

Planning Committee

Wed 10 Sep
2014
7.00 pm

Council Chamber
Town Hall
Redditch



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If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact the following:

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PLANNING COMMITTEE

Wednesday, 10 September 2014

7.00 pm

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	

**4. Planning Application
2014/036/FUL - B & Q DIY
Supercentre, Jinnah
Road, Smallwood,
Redditch, Worcestershire
B97 6RG**

(Pages 1 - 14)

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 1 plus attachments 1 and 2 attached)

(Central Ward)

PLANNING COMMITTEE**10TH SEPTEMBER 2014****UPDATE 1****2014/036/FUL Update 1 for 10 September 2014 Planning Committee**

At the time of writing, the full count of representations received is as follows:

- 132 In favour
- 51 In objection
- 4 raising issues and not expressing an opinion either way.

Members are reminded that those comments in support that relate solely to the proposed operator rather than to the use and/or location are not material considerations – these would be the case in any number of different situations, and are not specific to this particular application for an A1 retail unit.

The two reps most recently received which are significant in length and detail, the first from local residents, the second from the owners of the Kingfisher Centre, are attached for information. The information from the Kingfisher Centre has been passed to our viability consultants and a response will be available on the day of the meeting.

An update containing it will be produced as early in the day as possible and distributed amongst committee members and on the website with the other agenda papers.

FAO: Ailith Rutt/Ruth Bamford
RBC Planning and Regeneration services

2nd September 2014

Dear Ailith and Ruth

Re: Asda 2014\036\FUL - additional representations for meeting of September 10 2014

Please see below some additional representations/clarifications based on our original letter – submitted to ensure our points are fully represented.

- 1) On the issue of insufficient car parking, we hereby submit evidence to support the very real issue/strong belief that the parking provision will be totally inadequate. The pictures were taken to reflect normal Saturday/Sunday trading and Bank holiday trading. The amount of visitors is also not untypical of other trading days during the week. Further, please see below a snap shot of a 'one off' event at the Mosque (but one which will inevitably recur and have an impact in and around the site). Any assumption by Asda/B&Q that visitors to their stores will not misuse local roads or access roads would represent a complete misunderstanding of the issues and act as proof that Asda have a lack of knowledge/lack of concern pertaining to the proposed location and consequential impact on the local residents. Further, if the stores chooses (as indicated at the planning meeting of August 6th) not to impose minimum onsite parking restrictions that will create an even bigger burden on residential roads, as people will inevitably opt to use an unmonitored free site to park on and walk into town, giving rise to greater footfall and noise in residential streets, not to mention the fact that such unmonitored parking will leave insufficient parking provision for genuine shoppers.



Typical weekend/bank holiday view of the car park – one can see the majority of the car park is utilised.



The permit parking area in Union Street is usually quiet, the event at the Mosque gave rise to use of the streets around the proposed store location, so what is to stop other people using these permit only parking bays and create greater congestion and improper parking on local roads?



Visitors to the Mosque parked around the 'on site' roundabout and on the access roads leading to the proposed store. This is not a criticism of the Mosque users per se and may well alter when the Mosque site is complete – but the issue here is about what is there to stop Asda/B&Q store visitors doing the same, especially with a greater number of possible users on the site. Surely this creates a hazardous and dangerous environment on site as well as inappropriate parking in permit controlled adjoining streets,

- 2) Having re-read the noise assessment report, there is no clear evidence that the site as a 'whole' will not generate significant levels of noise and this will become an obvious major issue for local residents. In fact, the report specifically states they are not able to comment on the impact of the site as a whole, but are only able to comment on individual elements pertinent to the noise tests carried out, some of which cannot even be tested until such time that PPE is placed in situ and in a working environment. We strongly believe that noise measures such as acoustic fencing would need to be fully demonstrated as being effective, we also believe that the impact of all PPE on the site, e.g. compactors, generators, fridges etc be fully reviewed and if this is not independently forthcoming suggest that the application be refused on the basis of inappropriate evidence. Any review would need to be fully reported on and full feedback provided to residents. If the above independent impact review is not forthcoming it will inevitably be seen as a failure of the application/planning process and subject to any right of appeal. If such proposals are implemented without the ability to fully test and assess the whole site, this would likely result in limited right of redress by residents, given Asda's current stance and their apparent unwillingness to engage with all local residents.
- 3) The current operator appears to be unable to operate within its' current opening hours, and as very real examples we have noted operations 'outside of hours' which constitute what we believe to be significant breaches. e.g. operating of the fork lift truck at the front of the building (residential side) before 7am in the morning (weekends), operating the fork lift truck (residential side) circa 11:45 pm (which is way past the store closing time. Therefore what assurances would be provided to residents to ensure that any new operator at the site will not breach any imposed operating conditions e.g. the number of night time deliveries, misuse of fork lift trucks, etc.
- 4) Since the proposed site does not constitute a designated district location, nor is it within the designated town centre location, one must seriously raise questions about the fact that the Jinnah road site has no infrastructure support with regards to security and policing and that any extension of proposals to install further CCTV, facing away from the store and its boundaries could have significant impacts on the local community in relation to 'right to privacy'. Residents have been extremely ill-considered and the Committee should further consider the extent to which a proposed 24 hour site will be unsupervised and unmonitored and therefore will give rise to the very real potential for general disturbance and anti social behaviour in a largely residential area. The provision of CCTV camera monitoring of the underpass leading to and from Lodge Park would be largely ineffective as the footfall is usually coming out of town past the houses on Marsden, Lodge and Millsbro Road.
- 5) There is no evidence to support the need for another 24 hour store in Redditch and certainly not one at such close proximity to local residents. Councillors and the Asda supporters at large would I am sure not want such a development directly on their doorsteps! Of course the only people who will lose if the proposal goes ahead are the local residents themselves.
- 6) The creation of up to 400 jobs has not been fully demonstrated (despite our previous request for information). For the benefit of the public, the Council and the Committee, we would seek to understand exactly how many full time, part time, zero contract hour positions are actually on offer. Further how many jobs and for what period of time will be available for activities directly related to site 'redevelopment'. When compared to other stores of a similar or larger size, the Asda numbers appear high and are possibly unsustainable. The numbers as unlikely to give any regard to the impact of job applicants from other retail outlets in the town stores whose management may be pursuing a policy of downsizing through natural means or would be forced to downsize as a result of the proposal and therefore it could be argued that Asda do not have 400 'new' jobs on offer at all. It is critical that Asda present a transparent and honest view on this regardless of eventual location.
- 7) The concerns in relation to contaminated land and the impact on residents does not appear to have been fully considered/answered to residents satisfaction and it appears that no attempt has been made by the applicant to understand these concerns (i.e. they appear to want to carry on with the proposals regardless). Certainly there have been no assurances provided a) in light of the published reports residents received during 2013/2014 and b) in relation to concerns noted on the Borough Council planning portal. Such comments/concerns have been made by Worcestershire Regulatory Services as included within' consultants' comments' and this does not give enough information to satisfy residents of the health and safety aspect related to site development but just adds to the level of concern. In addition other comments have been made in the public comments section in relation to this matter.
- 8) The proposals for a store located in the Kingfisher centre certainly appears far more appropriate, since:
 - a. A town centre location supports the objectives of National and Local plans (current and emerging).
 - b. There will be greater accessibility to the site (for both employees and visitors alike).
 - c. The Kingfisher location can be more adequately accessed by 'direct' means (train, bus, car) without the need for linked journeys – which will impact workers/visitors and the community in terms of time and effort as well as creating an environmental impact resulting from many linked journeys.
 - d. The benefits in relation to greater potential with respect to linked shopping trips would appear to far outweigh any assumed benefits for the out of town proposal.
 - e. The negative impact on local residents will far outweigh any potential parking charges which may be levied on visitors to the Kingfisher centre.
 - f. The Kingfisher site has the required infrastructure and facilities to cater more adequately for the needs of disabled shoppers – who can access the centre and then further access the shop-mobility scheme.
 - g. The Kingfisher proposal for a new store within the town centre is a proven format and one used by other stores around the country.
 - h. There is no 'new' revenue to be generated from the Jinnah Road site, a newly developed site within the Kingfisher Centre (as proposed by the Town Centre Management, "TCM") should be seen to be of strategic benefit and should be welcomed by Redditch Borough Council.

- i. The TCM is investing millions of pounds into its' redevelopment efforts and this should be 100% backed by the Council, who should be seeking to retain and improve the attractiveness of the town centre for the good of Redditch and the wider community.
 - j. The TCM is willing and able to construct a new store for Asda, on land that the TCM own – thereby conferring no additional setup costs on the applicant. Whilst the time span may be a little longer than desired, that said Asda have already mentioned both 2015 and 2018 as trade commencement dates in their planning considerations, the store build within the Kingfisher should also be welcomed and seen as a beneficial longer term step.
 - k. The Kingfisher site benefits from existing full infrastructure support in respect of security and policing and this should be a key consideration in the decision making process.
- 9) Asda will have seen all representations made against the current proposal (since the submissions are public documents), and on that basis they should surely be pursuing a strategy of Corporate social responsibility. To-date the applicant(s) has categorically failed to acknowledge and respond to any concerns or suggestions made by the local residents and we would therefore question their lack of consideration towards the community, in relation to the store format, access and operating hours being proposed. Further, the clear benefits of the Kingfisher site plan, which has the backing of many people, cannot be ignored or overlooked in the decision making process.
- 10) In the very unfortunate case that permission is granted for the Jinnah road site, we request that all items below be inserted as 'conditions' to the proposal which we would insist must be fulfilled by the applicant(s):
- a. Absolutely no to 24 hour trading/24 sales of alcohol/late night refreshments provision or anything in excess of current trading hours on the site (and no un-notified future change without consultation and approval).
 - b. All store signage should be placed only on the side of the building facing major road access points and not positioned on the sides of the building directly facing residential properties.
 - c. There should be no brand signage positioned at or above roof height.
 - d. Lights should be out by store closing time i.e. 9:30 latest as required by residents.
 - e. Lighting to be of such low voltage so as not to directly be the cause of light pollution on and around residential properties.
 - f. Lighting to be subdued such that it does not attract late night visitors to the site.
 - g. Any provision of CCTV equipment should be placed only on the perimeter boundary of the site, facing into the site.
 - h. The store should employ a CCTV controller who must be a 'proven and competent' individual (holding the relevant qualification).
 - i. Limit of access to the site – that is to say, remove current steps (to the left) and pedestrian access point (far right) and have only one access/exit point (as current at the middle of the site) for visitors on foot, and one access/exit from the island, for visitors by car.
 - j. Provide financial assistance to residents on Lodge/Millsbro road to secure the private access road at the rear of properties – thus helping to alleviate the congregation of groups/gangs of people so as to ensure residents do not suffer damage to property. Indeed the store should ensure that it does not provide an environment in which anti social behaviour can prevail.
 - k. Ensure a litter management scheme run by Asda is implemented and fully operational at all times. This should include all roads/access points leading to the site as well as generally around the site.
 - l. Ensure full support for local parking restrictions by working with the Council to ensure regular patrols are operational and ensuring no misuse of 'permit only parking' provision on residents roads. Ensure all issues raised by residents are dealt with timely and create an environment for direct and timely dialogue with residents.
 - m. Conditional improvements re Noise/visual impact:
 - i. Residents closest to the site and who, for any reason whatsoever, are unreasonably impacted by noise should be compensated against the full cost of enhanced sound proofing to their properties – e.g. triple glazing.
 - ii. Ensure the loading bay area is fully undercover and fully sound proofed (sides and roof) and proven by testing.
 - iii. Tiered natural barriers and full high level site screening is to be erected on all residential facing boundaries to ensure a clear and adequate division between differing land uses (e.g. residential and commercial).

Due to the amount of unknown consequences of this proposed 'cheek by jowl' site we urge the committee to completely refuse the application for a store on the Jinnah road site, and in doing so ensure they vote for the good of the town as a whole, and not in favour of a cheap alternative that will create more harm than good for residents and for many local businesses and shoppers alike. Please ensure the town do this once and ensure the town get it right!

Yours sincerely

Paula D Harvey
OBO Smallwood South Residents

BRISTOL
CAMBRIDGE
CARDIFF
EBBSFLEET
EDINBURGH
LEEDS
LONDON
MANCHESTER
NEWCASTLE
READING
SOLIHULL

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Worcestershire
B98 8AH

E1/DO/RM/23384

**BY EMAIL
PRIVATE AND CONFIDENTIAL**

3 September 2014

Dear Mrs Rutt

**B&Q PLC & ASDA Stores Limited, Jinnah Road, Redditch
Planning Application Ref: 2014/036/FUL
Comments on behalf of Kingfisher Limited Partnership**

The above planning application was due to be determined at the Council's planning committee on 6 August 2014, although Members motioned to defer the decision of the proposal until the next meeting on 10 September 2014.

The reason for the deferral was so that Members could have more time to absorb the information submitted by KLP in objection to the Asda scheme to the Council, Asda's response and to understand why Officer's recommendation changed from that of approval to refusal.

In response to a number of outstanding matters raised at the planning committee, comments from Asda's planning consultants and the Council's own retail consultants, we provide further information in relation to the viability of KLP's proposed Car Park 4 foodstore site.

Viability

We have reviewed in detail the submissions by both DTZ acting for Asda and GVA acting for RBC, and as previously asserted, disagree with the conclusions of both which indicate the Car Park 4 proposals are not viable.

This conclusion is reached following a fairly simple appraisal format making various assumptions on rents, construction costs, yield to be applied and crucially site assembly costs. Whilst we have views on some of the assumptions made under the first three headings, these are not critical to the overall question of viability and hence will not make further comments at this stage. Crucially however, it is the question of site assembly costs which is critical to overall viability, and the assumption made by both DTZ and GVA that a site assembly cost appropriate for Kingfisher Shopping Centre effectively being the lost car park income from Car Park 4 of £750,000. This assumption is the difference between a viable and a non-viable scheme.



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We enclose an analysis of car park performance for the principal car parks which are Car Park 1, Car Park 2, Car Park 3, Car Park 4 (ignoring remote Car Park 7) for the calendar year ending December 2013. This analysis clearly shows that the remaining car parks (CP1, CP2 and CP3) have sufficient surplus capacity to accommodate the actual number of cars visiting CP4 during 2013 (329,854 vehicles).

Given the surplus capacity to absorb the loss of Car Park 4 spaces, it is reasonable to assume no loss of income (£750,000 estimated by DTZ and GVA), and indeed there are likely to be operational savings hence greater profitability of the remaining car parks due to efficiency savings.

In addition, KLP has run two development appraisals on its Car Park 4 scheme. These are based on the assumptions within the DTZ appraisal (rent, yield, size, build costs etc.), however without the site assembly cost of £750k which DTZ assumed as lost car park income. The base appraisal shows a return of 17%. The second appraisal also builds in savings in operating costs (assumed at £50k being 50% of the current £100k pa running cost) which produces a profit of 22%.

Based on this factual analysis of car park performance and the two development appraisal scenarios undertaken by KLP (employing the same methodology employed by both DTZ and GVA), it has clearly been demonstrated that the Car Park 4 site is viable for foodstore development, is immediately available, is in the entire ownership of Kingfisher Limited Partnership, and therefore is a sequentially preferable site.

Conclusion

KLP is committed to delivering a food store at the Car Park 4 site, its timescales have had to be accelerated given Asda's current application on an out-of-centre site. Whilst extensive public consultation has been undertaken, where the people of Redditch overwhelmingly clearly want a new foodstore within the town centre, we simply have not had time to lodge a full detailed planning application at this stage. This will follow before the year end assuming that the planning committee reject Asda's out-of-centre proposals.

If you have any further queries, please speak to either Daniel Osborne (020 7446 6848) or Robin Meakins (020 7446 6842).

Yours sincerely



BARTON WILLMORE LLP

Enc.

cc	M Bourgeois	Capital & Regional
	K Ford	Capital & Regional
	A Haughey	Capital & Regional
	K Williams	Kingfisher Shopping Centre

C&R

Development Appraisal

Kingfisher Centre - Supermarket Appraisal

Report Date: 03 September 2014

APPRAISAL SUMMARY**C&R****Kingfisher Centre - Supermarket Appraisal****Summary Appraisal for Phase 1****REVENUE****Rental Area Summary**

	Units	ft ²	Rate ft ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Supermarket	1	52,216	£16.00	£835,456	835,456	835,456

Investment Valuation

Supermarket						
Market Rent	835,456	YP @	5.2500%	19.0476		
(0yrs 6mths Rent Free)		PV 0yrs 6mths @	5.2500%	0.9747	15,511,480	

GROSS DEVELOPMENT VALUE

Purchaser's Costs	5.80%	(899,666)		15,511,480		
NET DEVELOPMENT VALUE				14,611,814		

NET REALISATION**14,611,814****OUTLAY****CONSTRUCTION COSTS**

Construction	ft ²	Rate ft ²	Cost	
Supermarket	52,216	£120.00	6,265,920	6,265,920
Contingency (including inflation)			1,345,000	1,345,000
Other Construction				3,950,000
Site Abnormals			2,000,000	
Highways & Statutory Diversions			750,000	
Fees			1,200,000	

MARKETING & LETTING

Letting Agent Fee	10.00%	83,546		
Letting Legal Fee	5.00%	41,773		
				125,318

DISPOSAL FEES

Sales Agent Fee	1.00%	146,118		
Sales Legal Fee	0.50%	73,059		
				219,177

Additional Costs

Arrangement Fee			200,000	200,000
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FINANCE

Debit Rate 6.500% Credit Rate 0.000% (Nominal)				
Construction			341,516	
Total Finance Cost				341,516

TOTAL COSTS**12,446,932****PROFIT****2,164,882****Performance Measures**

Profit on Cost%	17.39%
Profit on GDV%	13.96%
Profit on NDV%	14.82%
Development Yield% (on Rent)	6.71%
Equivalent Yield% (Nominal)	5.25%
Equivalent Yield% (True)	5.43%
IRR	43.41%
Rent Cover	2 yrs 7 mths
Profit Erosion (finance rate 6.500%)	2 yrs 6 mths

C&R

Development Appraisal

Kingfisher Centre - Supermarket Appraisal

Including Car Park Revenue Savings

Report Date: 03 September 2014

APPRAISAL SUMMARY**C&R****Kingfisher Centre - Supermarket Appraisal
Including Car Park Revenue Savings****Summary Appraisal for Phase 1****REVENUE****Rental Area Summary**

	Units	ft ²	Rate ft ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Supermarket	1	52,216	£16.00	£835,456	835,456	835,456
Car Park Operating Cost Savings	<u>1</u>			£50,000	<u>50,000</u>	<u>50,000</u>
Totals	2	52,216			885,456	885,456

Investment Valuation**Supermarket**

Market Rent	835,456	YP @	5.2500%	19.0476	
(Oyrs 6mths Rent Free)		PV Oyrs 6mths @	5.2500%	0.9747	15,511,480

Car Park Operating Cost Savings

Current Rent	50,000	YP @	7.0000%	14.2857	714,286
					16,225,765

GROSS DEVELOPMENT VALUE

Purchaser's Costs	5.80%	(941,094)		16,225,765
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NET DEVELOPMENT VALUE

				<u>15,284,671</u>
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NET REALISATION

				15,284,671
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OUTLAY**CONSTRUCTION COSTS**

Construction	ft ²	Rate ft ²	Cost	
Supermarket	52,216	£120.00	6,265,920	6,265,920

Contingency (including inflation)			1,345,000	1,345,000
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Other Construction

Site Abnormals			2,000,000	
Highways & Statutory Diversions			750,000	
Fees			1,200,000	
				3,950,000

MARKETING & LETTING

Letting Agent Fee		10.00%	88,546	
Letting Legal Fee		5.00%	44,273	
				132,818

DISPOSAL FEES

Sales Agent Fee		1.00%	152,847	
Sales Legal Fee		0.50%	76,423	
				229,270

Additional Costs

Arrangement Fee			200,000	200,000
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FINANCE

Debit Rate 6.500% Credit Rate 0.000% (Nominal)				
Construction			341,516	
Total Finance Cost				341,516

TOTAL COSTS

				12,464,525
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PROFIT

				2,820,146
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Performance Measures

Profit on Cost%	22.63%
Profit on GDV%	17.38%
Profit on NDV%	18.45%
Development Yield% (on Rent)	7.10%
Equivalent Yield% (Nominal)	5.33%
Equivalent Yield% (True)	5.51%

IRR	55.63%
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Rent Cover	3 yrs 2 mths
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APPRAISAL SUMMARY

C&R

**Kingfisher Centre - Supermarket Appraisal
Including Car Park Revenue Savings**

Profit Erosion (finance rate 6.500%)

3 yrs 2 mths

Kingfisher Redditch Car Park Results 2013

2013 Usage	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
CP1	14,811	14,593	15,747	14,700	15,553	14,927	15,322	16,098	14,986	17,034	18,288	23,990	196,049
CP2	46,216	46,569	52,988	48,939	52,112	49,698	52,253	49,828	50,294	54,047	58,835	71,512	633,291
CP3	10,335	10,591	11,798	10,986	11,899	11,645	12,397	11,872	11,339	12,126	13,832	18,423	147,243
CP4	24,604	25,129	27,690	24,538	25,870	24,841	24,442	26,970	25,548	28,489	31,562	40,171	329,854
Total	95,966	96,882	108,223	99,163	105,434	101,111	104,414	104,768	102,167	111,696	122,517	154,096	1,306,437

Car Park Spaces

	Spaces	Usage Per Space pa	Usage per Space per week	Capacity assuming CP2 Usage per space per week	Annual Usage 2013	Capacity Availability
Car Park 1	322	609	11.7	230,418	196,049	34,369
Car Park 2	885	716	13.8	633,291	633,291	-
Car Park 3	628	234	4.5	449,386	147,243	302,143
Car Park 4	596	553	10.6		329,854	
Total	2,431	537	10.3	1,313,095	1,306,437	336,512

1. CP2 is busiest car park turning over 13.8 car users per space per week
2. All car parks run on same tariff structure, so all car parks have potential to achieve same capacity as CP2 as a minimum
3. CP4 usage for 2013 was 329,854 vehicles
4. CP1 and CP3 have a combined available capacity based on CP2 usage rates of 336,512
5. Therefore CP1 and CP3 can take up all loss of CP4 parking, without impact on income or expenditure
6. It is likely that additional running cost savings will accrue to the owner through better efficiencies in running fewer car park stacks
7. It is also known that CP2 does not trade at capacity, so all car parks still have latent potential to trade beyond the 13.8 cars per space per week average currently achieved in CP2