

**PLANNING
COMMITTEE**

10th September 2014

Planning Application 2014/036/FUL

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

B and Q DIY Supercentre, Jinnah Road, Smallwood, Redditch, Worcestershire, B97 6RG

Applicants: B&Q Plc. and ASDA Stores Limited

Expiry Date: 3rd June 2014

Ward: CENTRAL

(see additional papers for Site Plan)

The author of this report is Ailith Rutt, Planning Officer (DM), who can be contacted on Tel: 01527 534064 Email: ailith.rutt@bromsgroveandredditch.gov.uk for more information.

This application was deferred by Members at their meeting on 6 August 2014 as the updated information was significant and extensive and more time was required to consider the details. Therefore, below is the report as published in the main agenda, followed by the two update reports published thereafter, for full consideration. Finally, there is a tally of representations received as updated at the time of publication, but no new matters have been raised in those received more recently. No new material considerations have been raised that require further updates at the time of publication.

Site Description

The site is formed from the existing B&Q warehouse retail site, and includes the surface car parking area to the north of the building, the building itself and the servicing areas to the rear (south). The site contains a large warehouse style building of brick plinth with metal clad upper and metal roof in pale grey. The site measures 3.5ha in area.

The site is set adjacent to a large interchange on the main highway route running through the town, with residential development all around.

Proposal Description

This application proposes the subdivision of the existing store into two stores, retaining the B&Q DIY warehouse use at the western end in a reduced area, and creating an A1 retail use at the eastern end of the site. Associated with the new A1 use would be the insertion of a mezzanine floor to increase the trading floor area by a further 1242m².

Servicing of both units would remain to the rear (south) of the building, whilst the surface parking area to the front/side would remain for the use of customers of both units albeit re-arranged, creating spaces as follows, including two spaces with electric car charging points:

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<i>Situation</i>	<i>Spaces</i>	<i>Disabled spaces</i>	<i>Total spaces</i>
Existing	495	12	507
Proposed	490	43	533

Various areas would be defined within the car park for trolley parking, and cycle shelters and hoops would be located at various points adjacent to the entry points to the building, to serve staff and customers of both units.

The proposal is for the new A1 retail unit to open 24 hours a day Monday to Saturday and 10am until midnight on Sundays and Bank Holidays.

The co-applicant is Asda, and whilst the planning application is for an open A1 retail unit, it is likely that initially at least, if permission were granted, the unit would be occupied by Asda. They state that if that occurred, an additional 400 FTE (full time equivalent) jobs would be created.

The retention of a restricted DIY warehouse use (currently occupied by B&Q) at the western end of the site is also proposed and included within the application. As such, the existing trade/service yard at the eastern end of the site would be removed, and replaced by an extension to service a home delivery shopping element of the new retail unit. At the western end of the site, where the DIY store would remain, the existing garden centre canopies would be extended to create a greater semi-external area for the display of bulky goods. A loading canopy for the DIY store would also be erected and the existing trade entrance canopy to the front of the store would be removed.

The application is supported by a Design and Access Statement, a Planning Statement, a Retail Statement and Addendum, a Transport Assessment, 2 framework travel plans (one for each occupier), an Energy (Climate Change) Statement, a Statement of Community Involvement, a Flood Risk Assessment, a Noise Assessment, a Ground Conditions Site Investigation Report and an Air Quality Assessment and Addendum.

Additional information was provided in June from the applicants to provide additional support for their application. This included viability data and assessment to attempt to demonstrate that it would be unviable to develop their required A1 retail foodstore on any of the sequentially preferable town centre sites.

Relevant Policies :

Borough of Redditch Local Plan No.3:

- CS02 Care for the Environment
- CS06 Implementation of Development
- CS07 The Sustainable Location of Development
- S01 Designing Out Crime
- BBE13 Qualities of Good Design
- BBE14 Alterations and Extensions

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BBE16 Shop fronts
BBE17 Shop front Security
BBE28 Waste Management
ETCR01 Vitality and Viability of the Town Centre
ETCR02 Town Centre Enhancement
ETCR04 Need and the Sequential Approach
CT07 Public Transport Infrastructure
CT12 Parking Standards

Emerging Borough of Redditch Local Plan No. 4

Policy 3: Development Strategy
Policy 19: Sustainable travel and Accessibility
Policy 20: Transport Requirements for New Development
Policy 30: Town Centre and Retail Hierarchy
Policy 31: Regeneration for Town Centre
Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities
Policy 41: Shopfronts and Shopfront Security

Others:

National Planning Policy Framework (NPPF)
Edward Street SPD
Church Road (Formerly known as North West Quadrant) SPD
National Planning Policy Guidance (NPPG)

Relevant Planning History

Application reference	Proposal	Decision	Decision date
2002/108/FUL	Greenhouse And Canopy.	Approved	30/04/2002
2001/133/S73	Variation of condition 16 of 1999/210	Approved	21/5/2001
1999/210/OUT	Mixed use development of DIY warehouse, low cost and social housing, mosque and community hall/skills centre	Approved	7/11/2000
1996/142/FUL	Construction Of A Secure Area Off Existing Service Yard	Approved	25/04/1996

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Consultations

North Worcestershire Water Management (NWWM)

The Flood Risk Assessment is acceptable to NWWM and there are no ordinary watercourses in the vicinity affected by the proposed development. No objection subject to condition

Worcestershire Regulatory Services

Air Quality

No objection providing the development proceeds in accordance with the reports submitted

Noise

Have reviewed the noise report that has been supplied for the above application. This is technically acceptable. The report concludes that in order for the site to be suitable for proposed development that certain mitigations measures would be required to reduce the noise levels to acceptable levels. It is therefore recommended that all of these measures are incorporated into the proposed development via the imposition of a condition, and that an informative be provided regarding best practice during demolition and construction.

Contaminated Land

In regards to contaminated land the site was remediated to a commercial end use therefore no objections subject to an informative.

Severn Trent Water Ltd

No objection subject to condition

Development Plans

Initial comments:

Based on the information submitted to date, the proposal does not comply with planning policy as the sequential site assessment fails in two parts:

- insufficient evidence has been provided to demonstrate that part of the Church Rd/North West Quadrant site would not be available for redevelopment within a reasonable timeframe;
- in relation to the Edward Street site, the land which actually forms part of the Town Centre strategic site has not been considered by the Applicants in assessing whether it could reasonably accommodate the proposed Asda store.

In addition, there is a lack of detail regarding the Applicant's statement that a store-on-stilts format would not be economically viable in Redditch.

A foodstore located outside of the Town Centre would impact the ability of the Town Centre to attract an additional supermarket, which would undermine a key objective of emerging Local Plan No.4. Therefore, additional information which robustly discounts the

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Town Centre sites referenced above and justifies that the store-on-stilts format is not viable is required before this application can be considered compliant with planning policy.

Additional comments:

There is a clear presumption in both national and local planning policy for 'Town Centre first'. Emerging Local Plan No.4 identifies a need for convenience retail in the town and allocates two strategic sites which could be redeveloped for such a use.

Paragraph 24 of the NPPF states that a sequential test should be applied to planning applications for main Town Centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan, as is the case with this proposal.

The NPPG provides more information on how the sequential test should be used in decision making (para 010) including a checklist which asks:

- o *with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the Town Centre. Any associated reasoning should be set out clearly.*
- o *is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential Town Centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*

The Applicants have considered two sites that the Council has identified through emerging Local Plan No.4 as their preference for locating a food store in or directly adjacent to the Town Centre (Policy 31, Emerging Local Plan No.4). The Applicants have also considered different store formats to their preferred trading format in relation to the two sites. However, as detailed above, it is not considered that the Applicants have provided a robust enough justification that either the alternative store format is not viable in Redditch nor that the strategic sites are unavailable, unsuitable or unviable and therefore have not satisfied the sequential test. Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential test, it should be refused.

Furthermore, the strategic sites are in locations which are accessible by a range of modes of transport and would allow for 'linked journeys' to be made with other destinations in the Town Centre . Opportunities for linked journeys are much reduced at the B&Q site and it does not have the range of sustainable transport options available to Town Centre locations.

It is acknowledged that Asda is one of the only major supermarkets that does not have a presence in Redditch. There is also an identified need for convenience retail in the town. However, a foodstore located outside of the Town Centre would impact the ability of the Town Centre to attract an additional supermarket, which would undermine a key objective of emerging Local Plan No.4.

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In conclusion, it is recommended that, from a planning policy perspective, this application should be refused.

Further comments:

Additional comments specifically relating to the viability work carried out by the applicant:

Sequential Assessment & Viability

My memo of 22nd May recommended that, from a planning policy perspective, the application should be refused. This was primarily based on the fact that the applicants had not provided a robust enough justification that the sequentially preferable sites are not viable for the proposed supermarket. In response to this the applicants have submitted a viability assessment of three sites that area in or adjacent to Redditch Town Centre:

- Church Road
- Edward Street
- Kingfisher Centre

The applicants have tested two different options for both the Church Road and Edward Street sites. A site within the ownership of the Kingfisher shopping centre has also been assessed in response to representations made by the shopping centre to this application.

The sequential test and viability assessment carried out by the applicants concludes that none of the five sites can be considered viable or deliverable as a result of individual site constraints, the unattractiveness of building a 'store on stilts' and land assembly issues. Consultants GVA have reviewed the applicant's submission and have also carried out a development appraisal of the sites to test the applicant's conclusions.

In summary, GVA conclude:

- the approach and assumptions used by the applicant in their development appraisals and the land assembly costs calculations are reasonable;
- they are satisfied that the applicant has adopted a sufficiently flexible approach by looking at alternatives for the Church Road and Edward Street sites, given recent case law ("Dundee Judgement")
- the applicants may have taken an optimistic approach to certain costs which may be much higher once a scheme is progressed

Conclusion

The viability information submitted by the applicants and GVA's critique of this work shows that, although there is a planning policy preference for a supermarket on a site in or adjacent to the town centre, there is not currently a viable site in a sequentially preferable location to the application site.

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Climate Change Manager

No comments received.

County Highway Network Control

The Transport Assessment submitted with the application has been reviewed and found to be acceptable. The trip rates and modal shares accord with the County Council's recommendations and the nearby junctions are shown to be operating within capacity.

The existing parking facilities are shown to be sufficient for the proposal and the retained B&Q use.

In order to promote sustainable travel, discussions have been held with the Applicants and the following contributions have been suggested.

- A per annum subsidy for 10 years to secure the 64 service, which is currently under review by the County Council.
- A contribution to improve the safety of the adjacent subway by installing CCTV surveillance, thus making this route more attractive to the general public

Cycle parking facilities adjacent to the new store.

The financial contributions should be secured by Section 106 obligation and the cycle parking via the imposition of a condition.

The County Council therefore has no objection to the grant of permission, subject to the above Section 106 agreement heads of terms, conditions relating to the additional travel plan information required and the cycle parking provision.

County Public Rights Of Way

No objection subject to informative

Public Consultation Response

14 comments have been received in support of the proposal for the following reasons:

- Increase in employment opportunities for the town
- Keen to see an Asda in Redditch
- Positive impact on college

12 comments have been received in objection to the proposal for the following reasons:

- Enough A1 food retail in Redditch already, no need for more
- Negative impact on Town Centre and its attractiveness
- Sales competition on site should be prevented
- Should use empty sites in Town Centre, not this occupied unit

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- Should support Town Centre businesses which this won't
- Would prevent future Town Centre foodstores which would be more desirable
- Alternative town centre sites available and deliverable
- Wouldn't serve Town Centre workers
- Would reduce Town Centre business over time
- Would harm the vitality and viability of the Town Centre
- Demonstrable support for a town centre alternative
- Sites in the Town Centre have been discounted without good reason
- Preferred format of applicant considered but no other possible options
- Negative impact on adjacent residential area
- Limited public transport to site so not very accessible location
- Unsustainable location
- Need to ensure sufficient car parking provided
- Likely congestion (similar to Tesco/Coldfield Drive) on surrounding local road network
- Would need to extend resident only parking permit scheme in adjacent streets and increase patrols
- Increase in traffic will worsen existing rat runs towards Mount Pleasant
- Noise nuisance to surrounding local residents
- Land may still be contaminated and not appropriate for food use
- 24hr alcohol sales would increase ASB (anti-social behaviour) in the area and increase risk of crime
- Should reduce number of pedestrian access points to reduce risk of crime spilling in and out of the site
- Landscaping needed to minimise noise impacts
- The proposed water tank should be screened
- B&Q very successful and wouldn't leave if this not approved
- Negative impact on DIY sales offer in Redditch

2 further comments have been received raising potential issues as noted above, but not expressing a preference for or against.

Assessment of Proposal

Background information

The existing unit on the site trades as a DIY warehouse, and as such has restrictions in its planning consent that prevent it from operating as an unrestricted A1 retail foodstore. These restrictions are in place via conditions and a legal agreement and thus remain enforceable. If this application were to be approved, consideration would need to be given to whether such restrictions should be re-applied or not as part of the proposals discussed below.

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Policy principles

The site is undesignated for a specific use within the current and emerging local plan, and therefore any proposals should be considered in terms of their impact on the site and surroundings.

The proposed use, however, is governed by policies both nationally and locally that seek to restrict their locations for specific reasons. It is a policy objective to ensure that retail development of this size occurs in main Town Centre locations which are accessible by a range of modes of transport and where they can benefit from and provide benefits to other uses which are also most appropriately located in these centres, such as leisure and recreation facilities. This is also intended to increase sustainability by encouraging 'linked trips'.

Another significant policy objective is that the proposed retail use, due to its size, would not result in harmful effects on the existing town and district centres and therefore an impact assessment is required.

The policy objective is supported by the requirement for applicants to demonstrate that their proposals are located in the nearest available site to the Town Centre that would be suitable for their proposed use. This is a strict sequential test to ensure that A1 foodstores are located in town (or district) centres whenever possible.

Further, the evidence that underpins the emerging local plan identifies a need for a retail unit within the town centre of Redditch and therefore the plan specifically identifies two potential Town Centre strategic sites where such a use would be welcomed. These are on Church Road and at Edward Street, within and adjacent to the Town Centre.

Since the submission of this application, a further site has become publicised by its owner as one available and suitable for this type of development, which is the replacement of car park four within the town centre with parking at lower levels and a two storey foodstore at existing shopping mall level linking into the Kingfisher Centre and at the level above. This site has also been taken into account in considering this application.

The policy tests relating to whether the principle of this development is acceptable or not relate to the NPPF tests which are to do with the sequential location relative to the Town Centre, and the impact of the proposal on existing town/district centres and other retail facilities. The policy further requires that where viability is questioned in relation to more central locations, a site must be considered in terms of whether it is deliverable, available and viable to develop for the proposed use within a reasonable time period. The additional information provided by the applicants has sought to demonstrate that the town centre sites do not meet these tests.

Whilst it is acknowledged that the Church Road site would not be easy to assemble (due to a number of different land ownerships) and develop upon (due to topography), it is not considered that the Applicants have pursued this to a great enough extent to be able to discount it robustly - no attempt has been made even to contact landowners and

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establish whether land assembly could occur and in what timescales. The Applicants advise that there would be significant abnormal costs associated with the site but have not provided any evidence to justify this claim. Further, the Applicants raise highway and access matters as a barrier to development, but the County highway officer has advised that it would be possible to achieve suitable access to the site and that the extent and cost of any associated off site works would be unlikely to be as great as the Applicants claim. Their additional evidence demonstrates that the cost and delay of assembling the site, together with the need to re-arrange the highway network layout in that area would be sufficient to make the site unviable and undeliverable, as well as noting that it isn't currently available.

The Edward Street site falls partially within the Town Centre strategic site designation and partially within an employment use designation where B1/B2/B8 employment generating uses would normally be sought. However, given the proximity to the Town Centre and the identified need for a store, it is likely that this would outweigh the constraints of the policy restriction. (This precedent has already been set elsewhere in the town.) That aside, this is not a reason that the Applicants have cited as being a barrier to the development of this site.

The Applicants claim that the Edward Street site is separated from the Town Centre and would not allow for a development that was visually engaging and attractive, and again that there would be significant abnormal costs and highways difficulties. Again, the County highways officer has confirmed that it would be possible to achieve suitable access to the site and that the extent and cost of any associated off site works would be unlikely to be as great as the Applicants claim. Insufficient space is available on this site for a store comparable in size to that proposed and its associated parking, even in a 'store on stilts' format, and therefore the site is not considered to be economically viable. It is considered that this site would lend itself to a high quality gateway scheme that would announce entry into the Town Centre and as such the Applicants difficulty of visibility is disputed. As a result of the additional details it is now accepted that this site is not viable to deliver the applicant's particular requirements.

In terms of car park 4, the applicants claim that the site is too small to be able to re-provide the existing quantity of general parking, along with a store and its associated parking requirement. They claim that there would be an overall loss of parking in the town centre which would not be acceptable. There are also issues relating to its availability, however the parking provision requirements on this site appear to make it an unviable proposition.

The Applicants state that their preferred trading model of store, in terms of layout, shape, size etc, would not fit easily onto any of these sites, however they have not justified their preference or demonstrated that no format could be achieved on either site. They have further stated that they feel that they would be unable to compete if they were forced into providing a 'store on stilts' format, where the parking is provided below and then travelators/lifts transport shoppers above to the store floor(s). It is noted that this model of

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store is provided in other locations in the area, both within the town of Redditch and within easy reach outside the Borough.

There appears to be no information available to the council to support or refute the basis of the assumption that current town centre parking levels should be maintained and that the addition of a foodstore would lead to an increased requirement for parking overall within the town centre. The requirement for parking associated with a town centre foodstore could also be considered in more detail if a town centre site were proposed as it would be likely to be near to the bus and train stations and therefore there may be potential for a discounted quantum of parking. However, further information on this evidence has been sought as it is critical to the consideration of both the Edward Street and car park 4 sites and any further information on this matter will be provided in the update paper.

Reluctantly, it seems that the Council have to accept that at the current time, this is the only pending application for a foodstore in Redditch that would meet the need identified in the evidence base for the emerging local plan and this suggests that there are no other interests in providing a foodstore in any format on any site in the town. The viability information has been independently considered and verified by experts and it seems that in the current economic climate, the town centre sites are not viable for the type of foodstore development proposed here. This therefore addresses the policy requirement that the sequential test be met.

Whilst there may be other sites available outside the Town Centre, but closer to it than this site, these would also fall foul of the 'Town Centre first' policy requirements and are unlikely to be preferable and therefore have not been taken into account in this case, given the seeming availability and designation of Town Centre sites.

Turning to the impact assessment provided by the Applicants, this is considered to be acceptable. Taking into account the evidence that supports the emerging local plan and identifies a need for a new store, then it is not a surprise that the evidence demonstrates that no harmful impact from a new store in the Town Centre would arise. However, it is noted that minimal potential impacts on the Lodge Park District Centre might arise as a result of this proposal, which might be less likely to occur were the proposed use to be located within the Town Centre, at a greater distance from the district centre and therefore in less direct competition. This is not considered to be significant enough to warrant refusal on its own.

In addition to the concerns regarding the non-compliance with policy as detailed above, the longer term impact on the town as a whole should be taken into account. If an A1 use were to be allowed in this out of centre location, it would be highly unlikely that another operator would seek to open a foodstore within the Town Centre. This would result in a lack of deliverability of the emerging Town Centre policies which seek to attract a Town Centre foodstore in line with national policy and local evidence, but also the associated impacts of having a foodstore in the Town Centre and the potential for linked trips and other business would be lost.

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It is considered necessary to continue the current DIY warehouse restrictions on that part of the site, in order that in future the A1 unrestricted use could not be rolled out to the site as a whole and result in significant negative impacts on the town and district centres outside the Council's control and therefore this restriction is to be retained within the legal agreement associated with this application.

Having considered the principle of the development, the remaining matters must also be considered and then weighed accordingly:

Design and external appearance

The proposed plans show the extent of the changes and locations thereof, but the detail of the plant is limited, as this would normally be dealt with at a later stage. Therefore, these details could be agreed via the imposition of conditions if necessary. The design of the proposed canopies for the DIY store is similar to those already on the site and is therefore considered to be acceptable in its design and materials. The external appearance of the majority of the built form on the site would remain largely unchanged from public view. The service areas to the rear would be protected by acoustic fencing, blocking noise and view to the public areas of the site and the residential properties beyond, and as such are considered to be acceptable.

Sustainability: Transport, highways, parking and access

The Transport Assessment submitted in support of the application is considered to be acceptable; however more detail is required in the two travel plans (one for each operator). This could be dealt with through the imposition of a condition seeking further information prior to the commencement of the development/use. The parking provision shown accords with the adopted standards in the local plan and is therefore considered to be acceptable subject to its provision and retention.

In terms of the sustainability of the site and how to access it, the County highways team have recommended that an annual contribution be sought for the first ten years of the operation of the site towards the provision of a diversion of the 64 bus route into the site such that the bus shelter on the access to the site could be brought into use.

In order to encourage greater pedestrian access to the site via the existing subway under the Alvechurch Highway from nearby residential areas, a contribution towards improvements to its lighting, surfacing and security through the provision of a CCTV camera linked into the existing network monitored from the Town Hall has also been agreed with the Applicants. These financial contributions could be achieved through the signing of a Section 106 legal agreement.

The proposal includes cycle parking provision for staff and customers of both stores around the external walls of the building in close proximity to entry points. It is considered that sufficient cycle parking has been proposed, and that it would be of suitable quality and under cover. This is therefore considered to be compliant with the policy requirements.

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Contaminated land, noise and air quality

Worcestershire Regulatory Services have examined the information provided by the Applicants, sought additional information and then confirmed that there are no concerns regarding these three matters, subject to the imposition of appropriate conditions and informatives.

Other issues

It is noted that a proposal such as this would bring additional job creation to the town, which would normally be considered to be beneficial and to be supported. However, this would be the case whatever the location, and if it were in a more accessible location would have a wider reach in terms of potential applicants. It is never possible to restrict the search for employees and therefore to some extent there is always the risk that some of the available jobs would go to people from outside the area.

In terms of community safety and antisocial behaviour there is a low level of concern currently around this site from the community safety team, and efforts to reduce this or at least prevent it worsening would be welcomed. The proposed improvements to the subway to make it safer and more likely to be used are welcomed, however it is unclear whether the increase in activity at the premises resulting from longer opening hours and increased customer numbers would increase or decrease the potential for antisocial behaviour. It could result in greater surveillance decreasing unwanted activity, or it could attract more activity over a longer period.

Legal agreement

The matters identified that would be covered in a legal agreement in order to comply with policy requirements are:

- Retention of current DIY Warehouse restrictions on remaining DIY warehouse element of store
- Annual contribution for ten years towards subsidising the bus route 64 to access the site (index linked)
- Contribution to provide subway safety enhancements including lighting, CCTV camera and connection to existing CCTV network
- Signage to guide pedestrians from the site to the town centre and its facilities
- Financial contribution towards town centre enhancements in order to encourage linked trips and improve the pedestrian environment at the south east end of the town centre
- Retention of existing parking requirement that the time allowed for parking on the site be such that linked trips can occur without time limits preventing this

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Conclusion

In weighing up all the material considerations noted above, it is considered that the proposed use and development does not accord with the local and national planning objectives of locating this type of use within the town or district centre and in the long run would be likely to prevent the delivery of the Town Centre strategic sites in relation to a food store, as the evidence only supports one further store in the town.

However the creation of additional jobs is seen as an economic benefit to the town; the other detailed elements of the proposal largely appear to comply with policy requirements; the long term harm to the town as a whole and especially to the vitality and viability of the town and district centres is difficult to prove; the viability of town centre potential sites has not been proven and therefore the policy tests appear to have been met in this case such that there are no reasons in principle or in detail to reject the proposed development, despite its potential long term impacts on the town as a whole.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning Regeneration to GRANT planning permission subject to:

a) a planning obligation ensuring:

- the restriction on the sale of goods to DIY warehouse at the western end of the site; and
- an annual contribution for a ten year period, index linked, towards the subsidy of a bus route that accesses the site; and
- a contribution towards subway enhancements as detailed above; and
- a contribution towards or the provision of a scheme of signage to lead pedestrians from the site to the town centre; and
- the retention of the existing parking restrictions that ensure that the car park can be utilised for trips to the town centre (unless included in the conditions); and
- a contribution towards town centre enhancements; **and**

b) conditions and informatives as summarised below:

- 1) Time limit for commencement of development
- 2) Details of roof plant to be agreed and implemented
- 3) Additional travel plan details as requested by highways to be agreed and implemented
- 4) Provision and retention of cycle parking
- 5) Condition requested by NWWM
- 6) Development to occur and be maintained as per the noise and air quality reports
- 7) Condition requested by STW
- 8) Additional security and safety information to be provided to the satisfaction of the community safety officer and implemented as agreed

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- 9) Car park management strategy to be agreed and implemented
- 10) The store shall not open to public trading until the car parking provision has been laid out and marked out and this shall thereafter be maintained
- 11) Approved plans specified

Informatives

- 1) NB S106 attached
- 2) NB contaminated land comments
- 3) NB PROW comments
- 4) NB positive and proactive working (PPA)
- 5) NB separate advertisement consent will be required for any proposed signage not benefitting from deemed consent

Procedural matters

This application is being reported to the Planning Committee because the application requires a S106 Agreement; and because the application is for major development (more than 1000m² of new commercial floorspace); and because two (or more) objections have been received. As such the application falls outside the scheme of delegation to Officers.

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Update published Monday 4th August 2014:

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:

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“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

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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.

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Update published Wednesday 6th August 2014:

Additional representations:

Since the publication of the agenda papers and the initial update report, additional representations have been received. As at noon, the total number of representations was as follows, and any further received beyond that time will be updated verbally in the officer presentation at the committee meeting. Only further new issues or concerns have been raised above those already reported in the main agenda and the first update report are included below.

46 representations against the proposal

- Wouldn't feel safe using a supermarket in this location

91 representations in support of the proposal

4 representations raising issues without supporting or objecting

A further letter from the applicants has also been received, and is appended in full to this update.

Officer comments:

Members are reminded that the application is for an A1 retail foodstore, and that the potential operator is irrelevant in terms of the planning decision. Many of the representations received, especially those in support, relate solely to the presence of a particular operator within the town, and neither to the location or the use on the application site, and thus weight should not be attached to them as part of the planning process.

The issue of safety is addressed in the main report and if it were the only concern could be adequately dealt with. However, given the content of the main report and the update paper, the recommendation remains as stated on the update paper:

That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the reasons stated on the update paper.