



# Planning Committee

Greenlands Ward

3rd November 2009

2009/186/FUL

**ERECTION OF NEW (CLASS A1) RETAIL UNIT  
UNIT 9, WASHFORD TRADE PARK, WASHFORD DRIVE, REDDITCH  
APPLICANT: HSL PROPERTY LIMITED  
EXPIRY DATE: 3RD NOVEMBER 2009**

The author of this report is Nina Chana, Planning Assistant (DC), who can be contacted on extension 3207 (e-mail: [nina.chana@redditchbc.gov.uk](mailto:nina.chana@redditchbc.gov.uk)) for more information.

## Site Description

**(See additional papers for Site Plan)**

The site is located in a Primarily Employment Area and on the north-western side of the roundabout at the junction of Washford Drive and Old Forge Drive.

The site contains a number of employment use buildings, erected in 2004 following the approval of application 2003/284 (New car showroom/workshops; trade centre).

Parking is generally to the frontage of the new buildings, with access, via a new access created off the roundabout under application 2003/284.

## Proposal Description

This is a full application to erect a new retail Unit (Class A.1 under the Town and Country Planning (Use Classes) Order 1987, as amended 2005).

Information submitted to accompany the application indicates that the retail unit would operate as a sandwich shop, but a general A.1 consent has been applied for.

The new Unit would measure 1000 sq ft in area (92.9 metres squared).

The external dimensions of the building would be as follows:

Length: 10.75m

Width: 9.25m

Overall height: 4.25m

Walls (up to 2m in height) would be part glazed and part metal clad (metallic silver in colour). Above would be a green coloured metal clad feature panel. The roof would be curved, and constructed of profiled metal panels (metallic silver in colour).

The design of the building would generally match the design of existing built development on the site approved under application 2003/284.

## **Relevant Key Policies**

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

[www.communities.gov.uk](http://www.communities.gov.uk)  
[www.wmra.gov.uk](http://www.wmra.gov.uk)  
[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

## ***National Planning Policy***

PPS 1     Delivering sustainable development  
PPS 6     Planning for Town Centres

## ***Regional Spatial Strategy***

PA.11     The network of Town and City Centres  
UR.3     Enhancing the role of City, Town and District Centres

## ***Worcestershire County Structure Plan***

D.19     Employment land requirements  
D.33     Retailing in out of centre locations  
D.34     Retail Developments in District and Local Centres  
SD.4     Minimising the need to travel

## ***Borough of Redditch Local Plan No. 3***

E(EMP).1     Employment Provision  
E(EMP).3     Primarily Employment Areas  
E(TCR).1     Vitality and Viability of the town centre  
E(TCR).4     Need and the Sequential approach  
E(TCR).9     District Centres  
CS.5     Achieving Balanced Communities  
CS.7     The sustainable location of development  
B(BE).13     Qualities of good design  
B(BE).19     Green Architecture  
C(T).12     Parking Standards

## **Relevant Site Planning History**

2003/284	Car showroom, workshops, trade centre	Approved 05.04.2004
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# Planning

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2005/566	Motor Vehicle Centre (Unit 8)	Approved 08.02.2006
2007/268	Change of Use from Car Showroom to bulky goods retail use (Units 1A and 1B)	Refused 07.12.2007 Appeal allowed 22.12.2008

### **Public Consultation Responses**

The application has been advertised by writing to neighbouring properties / premises within the vicinity of the application site, and by site notice.

#### Responses in favour

None received

#### Responses against

One letter received. Comments summarised as follows:

- The local infrastructure of the area is not capable of dealing with the large number of additional customers that would attend the proposed development.
- Vehicular movements with respect to waste collection will be made more difficult
- General highway safety concerns
- Congestion in the area will increase
- Noise, vibration and dust created during the construction period would be disruptive and detrimental to existing business' ability to trade
- 'Visibility' of existing business' when viewed from the roundabout will be affected, having a negative impact on trade
- Application form states that proposal is for an A1 retail use, but plans indicate that the unit is designed for A3 use. As such, an increase in smells and litter could result.

### **Consultee Responses**

#### ***County Highway Network Control***

No objections subject to conditions regarding access, turning and parking

#### ***Environmental Health***

No comments received

#### ***Severn Trent Water***

No objection. Drainage details to be subject to agreement with Severn Trent

#### ***RBC Economic Development Unit***

Comments awaited

## ***RBC Development Plans Team***

Comments received summarised as follows:-

### *Spatial Planning Considerations*

#### National Planning Policy:

PPS 6 states that wherever possible growth should be accommodated by more efficient use of land and buildings within existing centres and density of development should be increased where appropriate. In addition, PPS 6 requires a sequential and needs test to be undertaken for any proposed development for a main town centre use which would be outside existing centres, such as in this case.

#### Regional Policy:

With regard to the current Regional Spatial Strategy (RSS), no particular policy would apply to this specific proposal.

#### Local Plan No.3 Policies:

### **E(EMP).3 Primarily Employment Areas**

This policy states that Primarily Employment Areas are designed to accept applications for B1 (Business), B2 (General industry) and B8 (storage and distribution). It also states that for non employment development in this area certain criteria must be fulfilled, including:

- i. it can be demonstrated that the site is not capable of being developed for employment use and that the loss of the site for employment use will not have an unacceptable impact on the supply of employment land in the Borough; or*
- ii. the use of the site for employment purposes raises unacceptable environmental or traffic problems which could be alleviated by alternative use or uses; and in all cases;*
- iii. the use is compatible with surrounding land uses in accordance with Policy E(EMP).3a (Development Affecting Primary Employment Areas)."*

This application deviates from the employment land designation and criteria i and ii have not been met.

### **E(TCR).1 Vitality and Viability of the Town Centre**

This policy states that vitality and viability of Redditch Town Centre will be enhanced and maintained partly through ensuring the Town Centre is the primary focus for retail facilities amongst others. As this is not the case this application is contrary to this policy.

There are currently vacant units within the Kingfisher Shopping Centre of adequate size that are available for this retail unit to be located. As this is the case it would be requested that any retail development looks to the town centre location before alternatives.

## **E(TCR).9 District Centres**

The reasoning behind this policy as stated in paragraph 3 of the reasoned justification states that proposals that would undermine the retail and community function of the Town and District centres will be refused.

### Preferred Draft Core Strategy material considerations:

The vision within the Core Strategy makes reference to the Town Centre and the need for it to be "vital and vibrant". The provision of an A1 unit outside the existing centres and out of sync with the Hierarchy of Centres would not support this vision.

### Conclusion

This application does not comply with the Development Plan. PPS6 raises important issues with regards to maintaining the function of existing centres and the sequential and needs test for main town centre uses. In addition policy E(EMP).3 has not been satisfied.

### Procedural matters

This application would normally be assessed under the delegated powers granted to the Head of Planning and Building Control, but is being reported to committee at the request of Cllr. Mrs. W. King.

### Background

Planning permission for the original re-development of this Primarily Employment Area was granted on 5 April 2004 under application 2003/284 (Car showroom, workshops, trade centre). Under the terms of that original consent, the use of the units approved was restricted to B.2, B.8 and ancillary trade counter use, or sales to the general public ONLY where that use involves:-

1. Plumbing fittings and fixtures (including full bathroom suites, sauna and hydrotherapy equipment sales).
2. Carpet and laminate floor coverings.
3. Ceramic wall and floor tiles.
4. Tool hire, repair and servicing (but not sale).
5. Automotive repair and MOT testing.
6. Sale and fitting of windscreens, automotive audio and alarms, exhausts, tyres, tow bars and batteries (but not sales of other general vehicle accessories).

The above condition was applied in order to maintain effective control of uses on this primarily employment uses site, and in the interests of town centre vitality and viability.

Application 2007/268 was submitted in 2007, and proposed to change the use of the permitted (but unimplemented) Car Showroom use approved under application 2003/284, to bulky goods retail use. This application related to the largest Unit on the site (Unit 1) which is now split into two Units (1A and 1B). The application was refused planning permission at Planning Committee on 4<sup>th</sup> December 2007, but was later allowed at appeal in December 2008.

All units at the site are operating lawfully under the terms of the condition applied under application 2003/284 (above), other than that of Unit 1A (currently occupied by Dreams beds) which is operating lawfully under the terms of the 2007/268 appeal decision.

The Units at this site are currently occupied as follows:

Unit 1A	Dreams beds
Unit 1B	Floors to go
Unit 2	Topps Tiles
Unit 3	Carpet Right
Unit 4	Bathstore.com
Unit 5	PTS plumber's merchants
Unit 6	Tile warehouse
Unit 7	Grahams plumber's merchants
Unit 8	Formula 1 (MOT testing)

## **Assessment of Proposal**

The key issues for consideration are as follows:-

### Principle

The site is within an area designated as a Primarily Employment Area in the Borough of Redditch Local Plan No. 3 where the primary aim of Policy is to maintain uses within Classes B.1 (Business), B.2 (General Industry), and B.8 (Storage and distribution) of the Town and Country Planning (Use Classes - amendment) Order 2005.

As stated above, planning permission for existing development on the site was granted on 5 April 2004 (ref: 2003/284). All but one of the Units ('Dreams' occupying Unit 1A) are operating under the terms of that original consent, and therefore your Officers do not accept the applicant's suggestions that the employment use of the site as a whole has been 'lost' to open retailing. In the case of Unit 1A, when application 2007/268 was refused planning permission, several sequentially preferable sites (under the terms of Policy E(TCR).4) were considered by officers to be available.

However, when the planning appeal was determined, these sites were either unavailable, or considered by the Planning Inspector to be unsuited to the proposed use.

Your officers consider it to be essential that further applications for open retailing to the general public be resisted where possible on this Primarily Employment Area, and be directed to sequentially preferable, sustainable locations within the Borough.

Policies D.33 and D.34 of the Worcestershire County Structure Plan are of particular relevance to the proposal.

Policy D.33 places the following requirements on retailing in out-of-centre locations.

*Proposals for retail development that attract many trips in out-of-centre locations will be refused unless it can be demonstrated that a need exists and no suitable site is available in a town centre or edge-of-centre location. Where it can be demonstrated that no suitable site is available, and a need has been demonstrated, development in out-of-centre locations should:*

- (i) not adversely affect the vitality and viability of existing town centres. Where relevant cumulative effects of any recently completed developments and any outstanding retail planning permissions in the catchment area of the town centre should be considered in assessing the effect on vitality and viability;*
- (ii) be easily accessible, or capable of being made easily accessible, by a choice of means of transport. This may require developer contributions to improve public transport accessibility;*
- (iii) where possible be in close proximity to existing major out-of-centre developments which attract vehicular trips; and*
- (iv) not normally be allowed on land allocated for other uses in an approved development plan, especially on land allocated for industry, employment and housing, where retail development can be shown to have the effect of limiting the range and quality of sites that would be available for such uses.*

Policy E(TCR).4 of the Borough of Redditch Local Plan No. 3 is of particular relevance to the application proposal and deals with need and the sequential approach. It requires the following:-

*“The first preference for siting main town centre uses (including extensions to existing development) is Redditch Town Centre. Proposals for main town centre uses outside Redditch Town Centre should, after taking account of other existing or permitted development within the same Use Class, demonstrate need. Where no town centre site or building is*

*available or likely to become available within a reasonable time, then alternative locations should be considered in the following sequence:-*

- (i) a site in the peripheral zone;*
- (ii) an edge of centre site;*
- (iii) a site within or adjoining a District Centre provided that the proposal is appropriate in scale and function;*
- (iv) an out of centre site.*

*Applications for a main town centre use on a non-town centre site shall be accompanied by an assessment of the impact that the proposal would have upon Redditch Town Centre and any other centre within its catchment. A similar assessment will be required for any development in Redditch Town Centre if it could have an impact upon other centres.*

*Any non-town centre site shall be accessible by a choice of transport including public transport, walking and cycling. The extent to which car travel distances would increase as a result of the development will be a material consideration.*

*Developers shall demonstrate the potential that a proposal has for being reduced in scale or being subdivided into smaller elements.*

The proposal is 'out-of-centre' and is therefore required to satisfy the specified tests relating to: - need, impact, the sequential approach and accessibility.

With regards to need, the proposal is for a general A1 use. Given that the nearest District Centre (Woodrow) is situated a relatively short distance from the site (to the North-West), and that a number of Units retail from that District Centre, it is **not** considered that evidence of need has been demonstrated.

Your Officers raise concerns regarding the potential impact such a proposal would have upon the vitality and viability of the Woodrow District Centre, and note that Policy E(TCR).9 (District Centres) states under paragraph 3 of the reasoned justification that proposals that would undermine the retail and community function of the Town and District centres will be refused. The impact of a general A1 Class use upon the Woodrow District Centre has not been considered to have been adequately addressed.

In accordance with PPS.6, retail proposals should be considered against the sequential approach, applying a flexible approach to the proposed development. Local Plan Policy E(TCR).4 deals with the sequential approach further. It states that Redditch town centre is the first choice for locating retail development, followed by sites in the peripheral zone; an edge of centre site; a site within or adjoining a District Centre provided that the proposal is appropriate in scale and function; and then an out-of-centre site. This policy also advises that developers should demonstrate the



potential that a proposal has for being reduced in scale or being subdivided into smaller elements.

Whilst the applicant states that no units are suitable and available within the Woodrow Centre, the applicant has failed to assess ANY sites within the Redditch Town Centre, where, under the terms of Policy E(TCR).4, this should be the first choice for locating retail development. Your Officers are aware of a number of vacant units within Redditch Town Centre, currently available to the market, and which are considered to be suitable and viable for the size of retailing facility being proposed (1000 square feet). Such potential sites include, amongst others (having regard to flexibility advice contained within PPS.6), Unit 14 Kingfisher Walk at 918 sq ft; Unit 4 Walford Walk at 925 sq ft; Unit 34 Kingfisher Walk – 925 to 1556 sq ft; Unit 23 Evesham Walk – 956 to 1985 sq ft; Unit 39 Evesham Walk – 1112 to 2224 sq ft; Unit 8 Walford Walk at 1264 sq ft.

### Highways and Access

Worcestershire County Council highways do not raise objections to the proposals subject to the imposition of planning conditions, and your Officers do not therefore object to the application on highway safety grounds.

### Design and Layout

The proposal is considered to be satisfactory in terms of its design and layout, with the building respecting the character and appearance of other built development on the site. This conclusion does not however outweigh the 'in principle' objections your officers raise to the proposal.

### Conclusion

The proposal is considered to conflict with National Policy Guidance contained within PPS.6, and relevant policies of the Borough of Redditch Local Plan which seek to safeguard the vitality and viability of the Town and District Centres. The proposal is considered to be unsustainably located, and therefore Officers urge members to refuse this application.

### Recommendation

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

1. - On the basis of the information submitted, it is considered that the proposals fail the PPS.6 tests for new retail development which require such proposals to follow the sequential approach after being flexible about site selection. The proposed development would therefore encourage additional trips / journeys contrary to sustainability

objectives. As such, the proposed development is contrary to the aims and objectives of PPS.6 - (Planning for Town Centres), and Policy E(TCR).4 of the Borough of Redditch Local Plan No. 3.

2. - The proposed development would materially impact upon, and undermine the retail and community function of the nearby Woodrow District Centre. As such, the proposed development is contrary to the aims and objectives of PPS.6 (Planning for Town Centres), Policy D.33 of the Worcestershire County Structure Plan, and Policy E(TCR).9 of the Borough of Redditch Local Plan No. 3.