

**PLANNING
COMMITTEE**

10th August 2011

PLANNING APPLICATION 2011/152/S73

APPLICATION TO VARY CONDITION 5 OF PLANNING PERMISSION REF. 2009/082/FUL TO ALLOW RETAILING TO THE PUBLIC FROM THE APPROVED MEZZANINE LEVEL

**HOMEBASE LTD, ABBEY RETAIL PARK, ALVECHURCH HIGHWAY
REDDITCH**

**APPLICANT: ESSEX COUNTY COUNCIL PENSION FUND
EXPIRY DATE: 3RD AUGUST 2011**

WARD: ABBEY

The author of this report is Steven Edden, Planning Officer (DC), who can be contacted on extension 3206 (e-mail: steve.edden@bromsgroveandredditch.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

The Homebase store forms part of the Abbey Retail Park within an overall site area of 1.22 hectares. It lies adjacent to the Alvechurch Highway, and is accessed from a roundabout where the highway meets Middlehouse Lane. The large rectangular building currently containing the Homebase store – (approximately 2908 m² with an additional 743 m² garden centre) also includes Argos to its southern end (933 m²). Beyond this building, further to the south, lies the Sainsbury's Store. The Homebase store, subject to this planning application is of brick and tile construction with a large, sparsely landscaped surface parking area to the Eastern side of the site.

To the west of the building is the service yard. Beyond this are residential properties which front onto Birmingham Road. Their rear gardens back onto the rear of the existing store.

It is a typical retail outlet, with a large parking area to its frontage, including trolley storage areas.

Proposal Description

This is an application to vary Condition 5 of planning permission ref: 2009/082/FUL to allow retailing to the public from an approved mezzanine level.

By way of background, the 2009 application above granted planning permission for the installation of 1,777 m² of new floor space at mezzanine level. The mezzanine floor space was to be distributed as follows:

1. Homebase 848 m²
2. 'New Unit' 929 m²
3. The unit currently occupied by Argos (formerly Allied Carpets) was not affected by the proposals.

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The mezzanine level approved under application 2009/082/FUL has yet to be implemented.

It should be noted that the 'New Unit' above is that which would sit between the Argos store to the south and Homebase to the north. The creation of this unit was approved under application 2008/352/CPL. A subsequent and more recently approved application 2011/084/S73 allows a Chemists/Opticians to operate from the premises. At the time of writing, the future occupier has yet to occupy this unit.

Condition 5 of planning permission ref. 2009/082/FUL states:

"The mezzanine area to the current Homebase store highlighted in a light yellow colour on drawing number 4376-37 (proposed first floor plan) shall be used for storage and display use ancillary to the main retail use of the store, and shall not be used for retailing to the general public."

The reason given for imposing the Condition was:

"In the interests of ensuring that the vitality and viability of the Town Centre is not prejudiced, in accordance with Planning Policy Statement 6 (Planning for Town Centres) and Policy E(TCR).1 of the Borough of Redditch Local Plan"

The applicant proposes to vary Condition 5 such that it would read:

"The floorspace hereby approved within the Homebase unit highlighted in a yellow colour shown on drawing number 4376-37 (proposed first floor plan: application 2009/082/FUL) shall be used for uses restricted to non-food retail as covered by Condition 3 (1988/242)"

Reason:

"In order to ensure that the vitality and viability of the Town Centre is not prejudiced, in accordance with Planning Policy Statement 4 (Planning for Sustainable Economic Growth) and Policy E(TCR).1 of the Borough of Redditch Local Plan"

As stated in the relevant planning history section later in this report, application 1988/242 is the original consent for the erection of D.I.Y unit, garden centre and non-food retail warehouse on the site.

If permission were to be granted under this application, only the 848 m² of mezzanine space (highlighted above) would be affected, since it is only this floorspace that is covered by Condition 5.

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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

www.redditchbc.gov.uk

National Planning Policy

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPG13 Transport

Borough of Redditch Local Plan No.3

CS.7 The Sustainable Location of Development
S.1 Designing out Crime
E(EMP).3 Primarily Employment Areas
E(EMP).3a Development Affecting Primarily Employment Areas
E(TCR).1 Vitality and Viability of the Town Centre
E(TCR).4 Need and the Sequential Approach
C(T).12 Parking Standards

The site is designated as part of a Primarily Employment Area within the Local Plan, which includes the whole retail park and some industrial and commercial units to the south of the site.

SPDs

Designing for Community Safety

Relevant Site Planning History

1988/242/FUL	Erection of D.I.Y unit, garden centre and non-food retail warehouse	Approved	02.06.1988
2008/352/CPL	Certificate of Lawfulness (proposed use) To confirm that the proposed occupation of a retail premises by a catalogue retailer is lawful	Approved	05.12.2008
2008/362/FUL	External alterations to building	Approved	07.01.2009
2009/082/FUL	Creation of 1777 sq m of floor space at mezzanine level	Approved	15.07.2009
2011/053/FUL	Partial widening of service road within service yard	Approved	01.04.2011
2011/084/S73	Variation of Condition 2 (1988/242) To allow additional goods and a Chemist /Optician to operate	Approved	26.05.2011

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Public Consultation Responses

None received

Consultee Responses

County Highway Network Control

No objection

RBC Development Plans Section

Comments summarised as follows:

Insufficient evidence has been put forward to determine impact on the town centre and the sequential assessment to identify more central sustainable locations. In addition, the application fails to justify the loss of employment land.

RBC Economic Development Unit

Comments that although the subject property is on land zoned as a primarily employment area, it has not been used for employment use for a number of years. Given the surrounding uses, the property is very unlikely to attract an occupant for B1, B2 or B8 use, even if it was available, and is therefore unlikely to be used for employment use in the future.

Procedural matters

Where consultation responses received contradict the Officers recommendation, an application needs to be reported to the Planning Committee for determination. In this case, RBC Development Plans comments differ from those of the Case Officer.

Assessment of Proposal

The key issues for consideration are as follows:-

Employment designation of the site

Local Plan No.3 designates that the site falls within a wider area designated for employment purposes where Policy E(EMP).3 would apply. The site is already in use for retail purposes and has been for approximately 23 years since the buildings original use as a DIY centre. The adjacent unit was formerly occupied by Allied Carpets before more recently becoming an Argos store. An application in respect to the Unit created under the Certificate of Lawfulness application 2008/352/CPL will shortly see Boots the Chemist occupy the 929 m² 'middle' unit within the building. Further, Sainsbury's, where a huge range of goods are retailed to the public is situated a little further to the south. Sainsbury's have an extant consent to extend the store.

In practical terms, your Officers agree with the comments received from the Councils Economic Development Officer that there is little chance of this site ever returning to B1, B2 or B8 use since the building is a purpose built retail

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outlet. In addition it could be argued that an Industrial Employment user for example is unlikely to wish to locate near to a supermarket to the south and the residential development of Birmingham Road immediately to the west. Indeed, Policy E(EMP).3a warns about the incompatibility of different uses in close proximity to one another. Therefore, notwithstanding the sites employment designation in LP3, Officers consider that the lands (B1, B2 and B8) employment use has already been lost since the building already has established retail use.

Vitality and Viability of the Town Centre

Since the site is outside the Town Centre, the proposed development needs to be considered in terms of the policy tests set out in the national planning framework and in the Borough Local Plan. Planning Policy Statement 4 clearly states that *significant adverse impact* on the town centre would need to be demonstrated for an application to be refused planning permission. The applicant's retail offer is unlikely to compete adversely with any existing town centre units and therefore, any adverse impact is likely to be minimal rather than significant as would need to be the case under the terms of PPS.4. The mezzanine floorspace application granted in 2009 allows the retailer to display goods such as beds, kitchens, bathrooms to the general public, although physically paying for those goods would need to take place on the floor below. In practical terms, by varying the condition in the manner suggested by the applicant, day to day operational activity at the site would not change materially from that of the present situation.

Applying the Sequential Test

For such proposals, PPS.4 and Policy E(TCR).4 of LP3 require that applicants demonstrate (using the sequential test) that there are no more sequentially preferable sites nearer the town centre. However, the tests relating to the extension of an existing store are less rigorous and dependant on the floor area of the proposal. Officers have discussed the availability of sequentially preferable properties and sites with EDU Officers and have also had regard to PPS.4's requirement that sites and buildings are available or are likely to become immediately available in the interests of providing certainty to developers. Officers have concluded that there are no sequentially preferable sites or buildings suitable for the applicant's business model and therefore the applicant is considered to have complied with the policy requirements set out under PPS.4 and Policy E(TCR).4 of LP3.

Parking, access and highway safety

The existing car park contains 155 parking spaces, six of which are for disabled parking. Under the implementation of application 2009/082/FUL, the number of disabled parking bays will be increased to eight, and 16 cycle parking spaces will be introduced where none are provided at present. In order to accommodate these changes the overall car parking provision will be reduced by four spaces to 151 spaces.

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A transport assessment produced by the applicant's agent has concluded through surveys taken at the site that the maximum occupancy of the car park during a weekday would (if permission were granted for the proposals) increase from 44 to 78 spaces. The 151 space car park would therefore operate at just over 50% of its capacity during Monday to Friday.

The parking analysis summarised from the transport assessment indicates that for the weekend period, the busiest times are from 1100 hrs to 1200 hrs where parking accumulation would increase from 102 occupied spaces to a maximum of 145 occupied spaces as a result of the proposed development, falling short of the 151 space capacity. The surveys carried out show that parking accumulation would drop to 130 occupied spaces between 1200 hrs to 1300 hrs and to 100 occupied spaces between 1000 hrs to 1100 hrs on weekends.

A travel plan is required to be submitted (by condition) under the terms of extant planning application 2009/082/FUL in the interests of promoting sustainable travel habits. The pedestrian and vehicular circulation routes through and within the site are considered to be safe and direct and thus are beneficial to all users. The delivery arrangements would remain largely as existing. A partial widening of the existing service strip to the rear of the building (backing on to rear gardens to Birmingham Road) approved under application 2011/053/FUL which will improve service arrangements has yet to be implemented. County Highways raise no objections to the proposals in terms of their impact on highway safety.

Conclusion

The application site has no realistic chance of ever returning to employment class (B1, B2 and B8) use. Any impact upon the vitality and viability of the town centre in this case is likely to be considered minimal rather than significant and no sequentially preferable sites offering a floorspace requirement of 848 m² are considered to be readily available to meet the applicant's business model. As such, it is considered reasonable in this case to allow Condition 5 to be varied in the manner suggested below.

Recommendation

That having regard to the development plan and to all other material considerations, permission to vary Condition 5 (application 2009/082/FUL) be GRANTED subject to the imposition of the revised condition and summarised informatives below:

Revised Condition:

5. The floorspace hereby approved within the Homebase unit highlighted in a yellow colour shown on drawing number 4376-37 (proposed first floor plan: application 2009/082/FUL) shall be used for uses restricted to non-food retail as covered by Condition 3 (1988/242)

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Reason:

In order to ensure that the vitality and viability of the Town Centre is not prejudiced, in accordance with Planning Policy Statement 4 (Planning for Sustainable Economic Growth) and Policy E(TCR).1 of the Borough of Redditch Local Plan

Informative:

1. Reason for approval
2. All other relevant conditions attached to application 2009/082/FUL still apply to the implementation of this proposal.