



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 29TH MARCH 2010
AT 1.00 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

SUPPLEMENTARY DOCUMENTATION

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

3. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting) (Pages 1 - 6)

K. DICKS
Chief Executive

The Council House
Burcot Lane
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Worcestershire
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29th March 2010

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Agenda Item 3

Planning Committee - 1.00 p.m. - 29th March 2010

Bromsgrove District Council Planning Committee

Committee Updates 29th March 2010 (1.00 p.m.)

Application Ref No	Update
09/0729-JT	<p data-bbox="411 566 1390 633">For the avoidance of doubt, the site address is BGW Business Park, 76 - 88 Sherwood Road, Bromsgrove B60 3DR</p> <p data-bbox="411 674 1390 741">A third party letter of objection has been received raising the following points:</p> <ul data-bbox="467 781 1390 1984" style="list-style-type: none"><li data-bbox="467 781 1390 1099">• The PPS4 sequential test (Policy EC15) has not been satisfied, highlighting the fact that the Council should ensure a) all sites are assessed for their availability, suitability and viability; b) all in-centre options have been thoroughly assessed before less central sites are considered; and c) where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge-of-centre locations. Edge-of-centre sites are defined as those nearer than 300m from the Primary Shopping Area.<li data-bbox="467 1140 1390 1386">• The sequential assessment undertaken by the applicant has not included 86-96 Worcester Road and the adjoining land, which is in single ownership. The site on Worcester Road is 70 m from the Secondary Shopping Area, which according to PPS4 designates the site as an edge-of-centre site. It's is 1.4 acres, which could easily accommodate the application proposals.<li data-bbox="467 1426 1390 1673">• The Worcester Road site's location and proximity to existing retail would promote linked trips by acting as an anchor on Worcester Road and is in line with PPS4 that seeks a 'town centre first' approach. There would be a positive impact on the centre if the proposal was located in this location as this will increase footfall and strengthen the centre by providing an additional level of shopping.<li data-bbox="467 1713 1390 1888">• The Sherwood Road site is extremely prominent but does not promote any linkages to the existing centre and will therefore act as a completely separate entity. The site will enable the applicant to benefit from gaining representation in Bromsgrove but does not create any benefits for the defined town centre.<li data-bbox="467 1928 1390 1984">• The site is suitable, viable and potentially available and should therefore be considered as part of the sequential assessment.

- If this application is approved Bromsgrove will have lost an opportunity that has the benefit of strengthening and enhancing the town centre. It is therefore vital that the Council considers the additional benefits this level of shopping will bring if located close to the town centre. The applicant's proposal will not benefit the town centre and combined with the Morrisons superstore opposite will act as a one-stop shop creating a negative impact to the local centre and detract other retailers from entering Bromsgrove town centre.

The application should therefore be refused, as the applicant has not sought to identify a sequentially preferable site that is available, suitable and viable and could be bought forward to provide the same offering on a sequentially preferable location. Should the committee seek to support an approval of this application, the resultant effect would be that other retailers would chose not to enter into Bromsgrove centre due to the adverse impact that the out-of-centre proposals would have.

The applicant has responded to the objection raising the following points:

- The key contention raised in the representation is that the site at 86-96 Worcester Road is sequentially preferable to the proposed foodstore site at Sherwood Road. That contention is based on the interpretation by the objector of current Government guidance set out in PPS4. Unfortunately, in certain respects, the objector appears to have adopted a somewhat loose interpretation of the relevant Guidance.
- The objector correctly states that the preferred sequence of location for retail development is in-centre, followed by edge-of-centre (locations that are well connected to the centre by means of easy pedestrian access) and then out-of-centre. The Sherwood Road site is, using that sequence, out of centre. However, the objector claims that the Worcester Road site is edge-of-centre because it is 70 m from the defined secondary Shopping area on the adopted Local Plan Proposals Map.
- It is clear cut that the Worcester Road site it is edge-of-centre for the following reasons:
 - 1) The term 'edge-of-centre' in PPS4 is defined by reference to distance and accessibility on foot to the "Primary Shopping Area" (PSA). Contrary to the claim of the objector, the PSA is not simply an amalgam of the primary and secondary retail frontages designated in old style local plans. The PSA must be shown on the Proposals Map of Local Development Document

	<p>and is defined in Annex B of PPS4 as a “<i>Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages that are contiguous and closely related to the primary shopping frontage).</i>” The adopted Local Plan pre-dates PPS4 and no doubt the definition of a robust PSA is something that will be carried out as part of the emerging Bromsgrove Town Centre AAP. In the meantime it is necessary to take a reasonable view regarding the concept of edge-of-centre in this case.</p> <p>2) In the applicant’s view the extent of the secondary shopping frontage along Worcester Road extending to parts of Hannover Street as shown on the adopted local plan proposals map is disconnected from the primary shopping frontage and would not therefore fall within the PPS4 defined PSA for the town centre. Taking into account the nature of the occupation of the property along Worcester Road we would suggest that the PSA realistically begins at a point much closer to the Blockbuster store at the intersection of Market Street and High Street.</p> <p>3) The key factor that defines whether a site is genuinely edge-of-centre is whether in practice a substantial amount of the custom to the proposed store are likely to make a linked trip on foot to the town centre. The likelihood of such linkages taking place will be affected, as Annex B to PPS4 states, by such factors as the physical distance to the centre, the ease and safety of the journey on foot the strength of the attraction within the centre and the size of the centre. In this case, while the physical distance between the site in question and the PSA may be on the margins of edge-of-centre, in practice most customers of a store at 86-96 Worcester Road are likely to be deterred from making a linked trip to and from the PSA on foot because of the distance involved and the need to cross Roman Road, which although served by a crossing, is busy, somewhat intimidating and time consuming.</p> <ul style="list-style-type: none">• In relation to the suitability, availability and viability of the alternative site at Worcester Road, the applicant states the following: <p>1) The site is currently in active use and is occupied by a builders’ merchant business. There is no evidence that the site is available for development. Certainly it is not clear from the objection letter that the site is available and if so, on what terms. Should the development of the site for a foodstore involve the prior or simultaneous relocation of the existing business, then this could be a significant factor in delaying the availability of the site.</p>
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2) In terms of suitability, we note that part of the site is washed over by an employment protection designation on the adopted Local Plan proposals map. As such any applicants promoting a foodstore development will need to convince the LPA that the site is appropriate in the light of Policy E10 of the Local Plan. We also understand that there are various physical difficulties in developing this site relating to site levels and access which may render it unsuitable for a retail foodstore.

3) While the site is commercially visible and well related to a main road, the viability of a retail foodstore on this site will also depend on factors such as the cost of the land and the costs of development, both of which are unknown at present.

- In conclusion the above points suggest that there is substantial doubt that the alternative site at Worcester Road put forward by the objector is a genuinely edge-of-centre location. A foodstore on that site would operate effectively as an out-of-centre location. Moreover, there is substantial doubt that the site meets the requirements of availability, suitability and viability set out in PPS4.

- As is rightly pointed out by the objector, para 5.7 of PPS4 states that for an LPA to refuse an application on the basis of the sequential approach, it must be on the basis that there is, or may be, a reasonable prospect of the sequentially preferable opportunity coming forward which is likely to be capable of meeting the same requirements as the application is intended to meet. As it stands, there is insufficient evidence to demonstrate that there is a reasonable prospect of the alternative site coming forward to meet the identified needs for a discount foodstore.

In the view of officers, the alternative site at Worcester Road put forward by the objector is better related to the town centre than the application site. As the District Local Plan and accompanying Proposals Map pre-date the adoption of PPS4, the Council has not defined a Primary Shopping Area in accordance with the latest guidance. It is therefore difficult to resolve definitely whether the site occupies an edge-of-centre or out-of-centre location. Part of the Worcester Road site is however within the defined Town Centre Zone and in this sense, it is better accessible and connected to the main shopping area than the Aldi application site.

However, the site is currently occupied by an active business, and the Council has seen no information to show that the site is currently available and that there is or maybe a reasonable prospect of the site coming forward. On this basis, officers conclude that the site may be discounted on the basis of availability.

	<p>Worcestershire County Highways have commented further on the objection received on behalf of WM Morrison Supermarket PLC as follows:</p> <p>The Highway Authority is satisfied with the proposal. The development will increase the trip generation, but there is an existing B2/B8 usage occurring on the site which does utilise an existing access. The application recognises the substandard arrangements and through design makes improvements to improve the Buntsford Park Road access, this coupled with all traffic exiting the site on to the A38 and with the recommended conditions provides betterment to the access arrangements.</p> <p>Whilst the representation from Morrisons highway consultant does identify error in the transport assessment this is a technical error in method and does not make any difference to what improvements are made. I am therefore satisfied that the application will not generate traffic to the extent of adversely impacting on the roundabout and therefore is considered acceptable.</p> <p>I am also satisfied that with the highway improvements and the measures proposed through the section 106 agreement will not only mitigate for the development but will create greater opportunity for access by cycle and particularly walking to the point where I consider the trip generation will be reduced.</p> <p>I do not consider the Morrisons representation takes into account for the existing situation and the improvements proposed. I therefore do not apply weight to the objection and am happy to maintain the recommendation to approve subject to conditions.</p>
10/0120/MT	Application WITHDRAWN via email 29.03.10

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