

20 NOV 2009

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expenditure will be taken to Southwater (an edge-of-centre location) from the PSA as a result of closing the existing Asda store. Using the RPS data it is evident that by 2011 this would represent **71% of all convenience expenditure being taken out of the PSA**. It is evident that in isolation this would represent an enormous (negative) impact upon expenditure within the town centre. Such a scenario would have a detrimental impact upon the vitality and viability of the town centre. A further £13m of comparison goods expenditure would be drawn out of the existing centre. No analysis of this impact is provided by the applicant.

- 3.32 In addition to the impact identified above, re-locating a key anchor from the PSA would have an additional impact upon linked trips. The RPS assessment gives no consideration to the impact on pedestrian footfall, or linked trips. Moving a destination retailer to a site detached from the rest of the Town Centre would inevitably reduce linked trips to the PSA, which would result in a negative impact upon the vitality and viability of the centre. This in turn reduces footfall and reduces the opportunity for impulse shopping, which in turn makes investment within the centre less attractive and increases the prospect of vacant units. The work undertaken in this regard is wholly unacceptable, and cannot be deemed to satisfy PPS6 in terms of impact upon the town centre.
- 3.33 RPS justify the impact on one simple assumption – that the existing store would be re-occupied by Tesco or WH Morrisons. As has been identified above, that is by no means a reliable assumption. It seems strange to assume that either Tesco or WM Morrisons would want to occupy what is by Asda's own description a **'dated store design and layout, which inhibits efficient operation'** when Asda would have a modern facility less than 400m away. Furthermore, Asda claim that £9.1m of the trade from the re-occupied store (by Tesco/WM Morrisons) would come from the new Asda at Southwater, thus resulting in both stores trading between 10 and 15% below company average in 2014. Not only would this dilute the retail offer of the town centre, by spreading it across too great an area reducing vitality, but we would question why Tesco or WM Morrisons would want to open a new facility that would trade well below benchmark turnover. It is our view that it is highly unlikely that the existing Asda would be re-occupied by an operator which would have sufficient retail standing to anchor this part of the town centre. No analysis has been provided, of the impact upon the vitality and viability of the centre if the existing store were not to be re-occupied.
- 3.34 Even in the unlikely event that Tesco or WM Morrisons did decide to re-occupy the existing store the assumptions on any re-occupation appear extremely contrived. Asda claim that the re-occupied store would take £6.5m from Sainsbury's at the Forge Retail Park, £2.2m from Tesco at Wrekin Retail Park and £2.4m from Asda Donnington. This suggests that a new retailer, operating from a store which Asda claim is **'outdated'** and **'inefficient'** would draw a significantly greater amount of trade from out-of-centre locations than the new Asda on Southwater. If this were indeed the case, it would seem more prudent for Asda to remain in its existing store.
- 3.35 Furthermore, even if re-occupation occurred under the assumptions made by RPS, the store is expected to have a turnover which is circa £5m lower than the existing Asda. Therefore RPS' statement that expenditure within Telford Town Centre would raise by 52% is completely incorrect, and based solely upon the assumption that CTAAP is adopted with an extended PSA. Convenience expenditure within the existing town centre (defined by the existing PSA which is enclosed in the Box Road) would in fact fall 15%, whereas expenditure to the Civic Offices site, an edge-of-centre location, would increase by £30.7m. This does not even take account of the reduction in linked trips or the loss of comparison goods expenditure, for which there is no analysis provided.
- 3.36 As a result it is clear that the Retail Impact Assessment submitted with the Asda application is deficient in a number of crucial respects and that the application should be refused on the grounds that the proposed development is likely to have a significant adverse impact on the vitality and viability of Telford Town Centre.

4. DEPARTURE FROM THE DEVELOPMENT PLAN

20 NOV 2009

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- 4.1 RPS at paragraph 4.3 of the Planning Statement says that the development of the site is "**established by Policy TC1**" of the Wrekin Local Plan, which permits new development within the Town Centre boundary. Although RPS go on to state at paragraph 4.5 of the Planning Statement that the proposed development is "**in conflict with Policy TC2**" they suggest these policies are out of date and that the scheme is justified on the basis of the findings of the submitted Retail Impact Assessment which is more up to date. We make comments elsewhere about the lack of robustness of the submitted retail assessment. In terms of the weight to be attached to the Local Plan policies, both Policy TC1 and Policy TC2 were "**saved**" by TWC in September 2007 and forms part of the "**development plan**" for the purposes of Section 38(6) of the Planning & Compulsory Purchase Planning Act 2004. Section 38(6) requires that the determination of the planning application must be made in accordance with the plan unless material considerations indicate otherwise. Whilst Policy TC1 allows for new development and changes of use within the Town Centre boundary, the policy is subject to the provisions identified in policies TC2, 3, 4, 6 and 7. The identified Town Centre boundary is extensive and is not relevant in terms of the provisions of PPS6.
- 4.2 The proposal does not accord with Policy TC1 by virtue of its link to Policy TC2 which states that development of further shopping within the Town Centre boundary will only be permitted in areas defined on the Town Centre proposals Inset Map. The Civic Offices site is not identified for such development on the Inset Plan.
- 4.3 The proposed development is also in conflict with the vision set out in Policy CS4 and elsewhere within TWC's adopted Core Strategy Document 2007 to consolidate and enhance the Town Centre in the period to 2016. Whilst the Central Telford Area is identified in the Core Strategy for mixed use development including retail it is clear from the adopted Policy that the detailed locational provisions of Policy CS4 will be included in the CTAAP and we comment on the weight to be attached to CTAAP below.
- 4.4 In addition the proposed development is in conflict with Policy CS10 "Community Facilities" of the Core Strategy. The existing Civic Offices should be regarded as buildings used for the benefit of the community and Policy CS10 provides that their loss will be resisted and only where a lack of need is demonstrated or "**where acceptable alternative provision exists or is proposed concurrently**" will development for other uses be considered. The proposed development would involve the loss of the Civic Offices but no alternative provision has been identified or has been proposed concurrently with the Asda planning application.
- 4.5 At paragraph 4.5 of the Planning Statement accompanying the Asda application and elsewhere within the application materials reference is made to the CTAAP. For the reasons set out above significant objections have been raised to the relevant policies within the CTAAP by the Trustees and others (including TWC's Estates Department) and the Inspector appointed by TWC has expressed his current view as being that the submission draft CTAAP is "**unsound**".
- 4.6 As a result no weight should be attached to the CTAAP or Asda's argument that the proposed development would be in accordance with the emerging policies within the CTAAP.
- 4.7 Whilst paragraph 18 of The Planning System: General Principles (2005) states that where a development plan document has been submitted for a determination but no representations have been made in respect of relevant policies then considerable weight may be attached to those policies because of the strong possibility that they will be adopted the guidance states that the converse may apply where there have been representations which oppose the policy and that much will depend upon the nature of those representations and whether there are representations in support of the particular policies.
- 4.8 In the current circumstances the Trustees and others have made detailed objections to the principle of the extension of the PSA proposed in the CTAAP on the basis that it would be completely inappropriate in planning terms to identify the West Southwater site which includes the Civic Offices site for retail development. Those objections go to the heart of the policies which Asda refer to in

the material supporting their planning application which significantly reduces any weight which could be attached to the CTAAP. This coupled with the fact that the Inspector appointed by TWC has felt unable to progress with the Examination in Public into the CTAAP because of his concerns about the soundness of CTAAP as currently drafted and decided to hold an Exploratory Meeting means that any limited weight which could be afforded to those policies is significantly further reduced if not removed altogether.

- 4.9 Paragraph 4.5 of the submitted Planning Statement states that the proposals accord with the Regional Spatial Strategy (RSS). However paragraphs 3.23 of the submitted Retail Impact Assessment draws attention to the fact that the endorsement by the Panel of the emerging allocation for Telford (to which the Trustees have objected) does not give any view on the form or location for town centre development at Telford as that is a strategic matter. Furthermore the RSS does not deal with convenience floorspace on the basis that this is not considered to be of strategic significance, nor have the recommendations of the Panel in respect of the allocation of comparison floorspace been accepted by the Secretary of State. Notwithstanding this we have demonstrated in the representations to CTAAP that, all retail floorspace requirements for Telford town centre can be accommodated within the PSA without the need to extend beyond its current boundaries. We do not see therefore how it can be asserted that the proposal is in compliance with the RSS.
- 4.10 For the reasons set out elsewhere in these objections consideration of all other material considerations should indicate that the application is not only in conflict with adopted policy but would cause unacceptable impacts on Telford Town Centre.
- 4.11 The General Development Procedure Order 1995 ("GDPO") at Article 8(2)(a) and (b) requires an application accompanied by an Environmental Statement and which "**does not accord with the provisions of the development plan in force**" to be publicised in the manner set out Article 8(3). We assume that this has been done.
- 4.12 In addition the Town & Country Planning (Consultation) (England) Direction 2009 ("**2009 Direction**") requires in these circumstances that the application be referred to the Secretary of State if TWC does not propose to refuse the application. This is because the proposal is classified as "**development outside town centres**" for the purposes of the 2009 Direction, in that it is at an edge of centre site, is not in accordance with one or more provisions of the development plan and includes the provision of a building where the floor space to be created by the development is more than 5,000 sq. m. gross (the Asda proposal is for 7,897 sq. m. gross).
- 5. THE ASDA APPLICATION IS PREMATURE IN THE CONTEXT OF THE CTAAP**
- 5.1 At paragraph 4.5 of their Planning Statement RPS conclude that the acceptability of the proposed development is established with regard to the current policy context (which is clearly not the case for the reasons set out above) and does not prejudice the potential future policy context by predetermining the outcome of the CTAAP Examination in Public.
- 5.2 The Trustees fundamentally disagree with this interpretation. Paragraph 17 of the Office of the Deputy Prime Minister's Town Planning System: General Principles (2005) sets out the circumstances where it may be justifiable to refuse planning permission on grounds of prematurity where a development plan document is being prepared or is under review but has not yet been adopted.
- 5.3 The acceptability of retail on West Southwater and the Civic Offices site in terms of scale, location and phasing are key issues for CTAAP which has reached submission draft stage. The effect of granting planning permission for Asda in advance of the consideration of CTAAP at an Examination in Public would clearly have a substantial effect which would be so significant that granting planning permission would clearly prejudice CTAAP by predetermining decisions about the scale, location or phasing of new development which are clearly being addressed in the context of CTAAP.

- 5.4 Given the proposed timing of the implementation, as discussed below, is to be delayed to after the vacation of the council offices and so not before 2013, there is no justification for bringing this application ahead of the plan-led system providing a proper policy basis for it. Rather if this application were to be approved now, it would profoundly compromise the formulation of policy with CTAAP, contrary to the correct order of policy and decision making.
- 5.5 This is, therefore, one of the cases where prematurity is clearly an issue and the Asda application should properly be refused on that ground.

6. LOSS OF COUNCIL OFFICES

- 6.1 The Asda application is predicated on the basis that the existing Civic Offices will be relocated to facilitate the Asda scheme.
- 6.2 The application does not state the existing number of staff employed in the Civic Offices or provide any information on the details of the replacement facilities and the staff to be employed in any replacement facility.
- 6.3 The lack of any proposals in relation to the relocation of the Civic Offices is of concern. Clearly this leaves in question where within Telford or elsewhere TWC will be relocating to. For example if the relocation is to temporary facilities or permanent replacement facilities which are not within the Town Centre then this could cause additional unacceptable adverse impact on the Town Centre which should be taken into account when considering the Asda application. There is simply no information at this stage and therefore this represents a fundamental defect with the current application and undermines the assessment work which has been carried out to quantify the full range of likely significant effects of the development in particular in terms of socio-economics.
- 6.4 In addition in the Planning Statement RPS state that it is a requirement for the relocation of the Civic Offices that they be granted planning permission and be constructed before vacant possession can be obtained to allow construction of the proposed Asda store. Paragraph 2.13 of the Planning Statement states that vacant possession is likely to be secured "**early 2013**" which results in the "**likelihood**" being, in RPS's view, that the new store would not be available for use until 2014.
- 6.5 In the absence of any clear indication of the proposals for the relocation of the Civic Offices, the need for the grant of planning permission and an application for planning permission for such replacement facilities and the factors which may affect the availability of alternative accommodation it is impossible at this stage to reach any clear view on whether vacant possession is likely to be delivered early in 2013 as RPS assert. In the Trustees' view even adopting a best case scenario this timetable appears overly optimistic. Whatever the Trustees' view, however, the position is that there has been simply no evidence submitted with the planning application to demonstrate that this assumption is reasonable. In the event that it is not, however, and there is delay then this would push back the date by which Asda could open a store on the Civic Offices site.
- 6.6 Asda is clearly concerned about the potential for such a delay as, unusually, it has requested that the usual three year duration of any planning permission be extended to five years. The reasons for this are given at paragraph 2.14 of the Planning Statement but RPS's argument is contradictory in that on its assumptions Asda is likely to be in a position to implement the development following vacant possession "**early 2013**" which is three years from the earliest date that TWC is likely to be in a position to grant planning permission which will be in 2010. Using RPS's own assumptions therefore there appears no reason to seek a longer permission.
- 6.7 That request has, however, been made and TWC will need to consider the application on that basis. This raises a number of additional concerns and grounds of objection as follows:

- 20 NOV 2009
- (i) if vacant possession of the Civic Offices site is not delivered before 2013 then when Asda's lease on its existing store expires in 2014 there is the potential for a period during which there would be no dedicated food store offer within Telford.
 - (ii) If that delay ran to towards the end of the five year period requested by Asda then, applying Asda's assumptions, it would close its existing town centre store in 2014 and could implement the planning permission for the Civic Offices site as late as 2015. With a one year construction period, as has been claimed by Asda, this would give a store opening in 2016.
 - (iii) as a result on the basis of the permission which Asda has applied for giving a five year period for implementation a worst case assessment should be on the basis that Asda does not implement until the end of the five year period. All of the assessment works submitted by Asda, however, assumes the 2014 opening date with a seamless transition of trade and employment from its existing store within the PSA. Whilst this is one of a range of possible outcomes it is not a robust assumption if, as Asda must, there is a requirement to assess the worst case potential impacts for the purposes of the Environmental Statement and the Retail Impact Assessment.
 - (iv) In terms of the timing of the development and the prospects for its delivery it is also relevant that the Homes & Communities Agency have restrictive covenants over the Civic Offices site which would need to be formally released if the Asda development is to proceed. Nowhere in the application material submitted by Asda is there reference to the existence of these restrictive covenants which are not only relevant to the question of whether or not Asda's development can be delivered but also to the question of the availability of the Civic Offices site for the purposes of the sequential approach. For example the covenants may not be released or may only be released at a cost which renders the Asda scheme unviable.

7. HIGHWAYS ISSUES

- 7.1 The Transport Assessment prepared by Savell Bird & Axon in support the application contains a number omissions, deficiencies and inaccuracies:
- (i) Savell Bird & Axon has not provided any detailed drawings of the proposed highway arrangement of the site access or at Woodhouse Central/Coach Central/Malinsgate as part of the Transport Assessment despite changes to the highway network being proposed;
 - (ii) at paragraph 1.1 Savell Bird & Axon, whilst acknowledging that the development of the superstore and the residential development at Malinslee are the subject of separate applications, state that the impacts of both are addressed in the Transport Assessment. The impact of vehicle trips associated with the residential development is, however, not included in the capacity assessments, as it has been assumed that they will not have an impact on the highway networks. Similarly, the relocation of the Civic Offices and associated traffic generation has not been considered in the Transport Assessment. As a result the number of vehicles on the network is underestimated;
 - (iii) in relation to highway network flows insufficient traffic count data has been provided to determine the accuracy of the work which was presented, for example, the ATC outputs show all vehicle movement and do not distinguish those movements made by heavy goods vehicles ("HGV") which are needed for capacity assessments;
 - (iv) no reference has been made to Planning Policy Statement 1 (PPS 1): Delivering Sustainable Development, PPS1 Supplement: Planning and Climate Changes or the 2007 Guidance on Transport Assessments. It would be expected that for a development of this scale these key policy and guidance documents should have been considered;
 - (v) the Transport Assessment states (paragraph 2.41) that there is an improvement in terms of road safety for users as a result of the changes of the highway layout, however, no evidence is

provided to support this statement. Significantly, whilst only a Stage 1 Road Safety Audit could be completed with the information submitted as part of the application, it would normally be expected that enough information be submitted with a detailed application to enable a Stage 2 Safety Audit to be completed;

- (vi) the Transport Assessment states in paragraph 4.29 that the swept path analysis illustrated in Figure 5 of the Transport Assessment demonstrates **"an articulated vehicle can enter and leave the service yard in forward gear without encroaching on the opposite side of the carriageway on the dedicated service road."** However, the HGV swept path is clearly shown in Figure 5 to encroach on the opposite side of the service road, especially when entering the service yard;
 - (vii) paragraph 6.5 of the Transport Assessment states that the future assessment years are 2014 (the year of opening), and 2024 (10 years after the year of opening). This is on the basis of old guidance, as current guidance on Transport Assessments requires assessment of the local road network to be at least five years after submission of an application and at least 10 years after submission for assessment of the strategic highway network;
 - (viii) a framework travel plan is provided in appendix E. It is only partly relevant as the second half refers to a site in Somerset. According to the 2009 Good Practice Guidelines a framework travel plan is an **"overarching travel plan embraces a large development which may have mixed uses and multiple occupiers/phases"**. We therefore consider the use of a framework travel plan to be inappropriate for the development of a food store. In paragraph 1.5 it is further stated that the document represents an interim travel plan. An interim travel plan is defined in the 2009 Good Practice Guidelines as a **"travel plan presented with an outline application."** For a detailed application a full travel plan should have been prepared.
- 7.2 The comments set out above are the Trustee's initial comments on the highways aspects of the development and they reserve the right to make additional comments in due course.
- 7.3 In addition it is stated in the Planning Statement that planning permission "is sought" for the new supermarket and "pedestrian routes around the boundaries of the sites and through the car park linking Malinslee (and the Malinslee Link Site) to the primary retail area of the town centre (to the north-east) and to adjoining land to the south-east" (paragraph 2.11). The pedestrian routes around the boundaries of the site are not, however, included within the application site boundary.
- 7.4 On plan number PL-10 Rev G accompanying the Asda application ("Site layout as proposed") to the north-east of the application site an area is identified as "Highways designed by highways consultants including pedestrian-friendly linkage across carriageways to town centre". It is therefore unclear what works are proposed and whether this detail is being submitted for approval at this stage.
- 7.5 This is an important issue as RPS have recognised that Malinsgate/Coach Central forms a barrier between the site and the PSA.

8. DESIGN ISSUES

- 8.1 An initial review of the application plans and Design and Access Statement indicates the Asda scheme fails to address key urban planning requirements.

Active frontages

- 8.2 The proposal does not engage with neighbouring sites or encourage future engagement as it includes an at grade car park across the whole of the site with the store at least four metres in the air above half of it. No ground level activities are provided at any edges of the site the only activity indicated is the centre door to the travelator, which is 60 m from the nearest boundary. The site analysis in the Design and Access Statement identifies the front two thirds of the south elevation as

20 NOV 2009

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a location requiring active frontage, however, this aspiration is not carried forward by the scheme drawings which show a blank elevation completely void of any activity.

- 8.3 The building presents the land to the north west of the site with a long blank 7m tall elevation, within 5m distance of the existing job centre. This elevation is the only part of the building which directly relates to any edges of the site, but unfortunately this 75m long inactive edge is against an existing footpath, thereby creating a very hostile environment.

Permeable Urban Development

- 8.4 Previous proposals for the Civic Offices site included denser development, but with smaller building footprints. The objective of the previous masterplan work was to provide a mixed use, permeable urban development with activity on many levels. The buildings would enclose the streets and create an environment with good passive surveillance. The current proposal does not support those objectives.
- 8.5 In order to create a flat car park for the foodstore's customers the large car park is raised, resulting in a retaining wall along the length of the site's western edge. At the point of the "**potential pedestrian connection to/from adjacent site**" there is a 2.5m level difference. This connection was one of the major concepts of all previous masterplans. The 2.5m retaining wall shows no regard to potential connectivity.

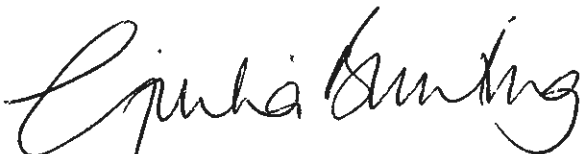
Access

- 8.6 In the Design and Access Statement RPS highlight the importance of pedestrian linkages into and through the site, however, this objective has not been carried through into the proposal. The main car park access road layout for Malinsgate crosses the principal pedestrian and cycle connection causing a physical barrier to pedestrian and cycle access. The illustrative desire lines are not supported with active uses, enclosure or passive surveillance. In fact, the routes are through the middle of a sea of at grade car park and across the substantial circulation roads that Asda shoppers will utilise to reach the parking spaces.
- 8.7 The comments set out above are the Trustees' initial comments on the design issues and they reserve the right to make additional comments in due course.

9. CONCLUSIONS

- 9.1 For the reasons set out in this letter there are compelling reasons why the proposed development is in direct conflict with important national planning policies, the provisions of the development plan, would cause unacceptable adverse impacts on the town centre and should be refused permission.

Yours sincerely



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