

TWC/2011/0094 Sainsburys, Unit 8, Telford Forge Retail Park, Colliers Way, Old Park, Telford, Shropshire, TF3 4AG  
Erection of store extension (Class A1) to side and front of store, elevational changes, alterations to car park layout including new deck, new landscaping, relocated recycling facilities and associated plant, installation of retaining walls and the relocation of the bus stop.

**APPLICANT**

Sainsburys Supermarket Ltd

**RECEIVED**

14/02/2011

**PARISH**

Lawley and Overdale

**WARD**

Lawley and Overdale

**OBJECTIONS RECEIVED:** Yes.

**MAIN ISSUES:** Retail Impact, Town centre Regeneration, Design, Ecology, Geotechnical, highway issues.

**PROPOSAL:**

The application seeks full planning permission for the erection of a store extension (Class A1) to the side and front of the existing store at the Forge Retail Park together with alterations to car parking layout, new parking deck, landscaping, relocated recycling facilities and associated plant.

The applicants have submitted the following documents in support of their application:

Planning & Retail Statement – February 2011  
Transport Assessment – January 2010 plus Addendum Report dated 19 May 2011.  
Phase 1 Desk Study – November 2010  
Noise Assessment – November 2010  
Lighting Assessment – November 2010  
SCI – December 2010  
Interim Travel Plan – November 2010  
FRA – 16 November 2010  
Geotechnical & Contamination Assessment – December 2010, additional details of retaining wall and temporary car park  
Foundation Solution – December 2010  
Renewable Energy & Energy Efficiency Assessment – April 2011  
Extended Phase 1 Habitat Survey – March 2011  
Landscape Design Statement – December 2010  
Newt Survey May 2011  
Landscape Appraisal and Tree Survey November 2010  
Design and Access Statement (rev B) April 2011

**SITE AND SURROUNDINGS:**

The site is located at The Forge Retail Park, which along with the neighbouring Bridge Retail park are typical out of town retail parks offering predominantly non-food comparison shopping. The site is accessed via

Colliers Way which links Hall Park Way and Junction 5 of the M54. The site comprises 6.9 hectares.

The existing store is of steel construction and is extensively glazed with a gently sloping 'upturned' roof giving it an architectural distinction from the remaining units at the Retail Park, which have a uniform appearance. The store was built in 1988 and extends to 6,467 sq m gross floorspace with a net sales area of 3,529 sq m. Although the car park is shared with other units, notionally the spaces apportioned to Sainsbury's comprise 521 customer spaces to the front and side of the building.

The site's boundaries to the north and west comprise Green Network and beyond to the north lie residential areas of Old Park. The nearest dwelling lies adjacent to the application site, with ancillary building adjacent to the boundary. The main dwelling is located approx 85m from the existing store. The property is situated approximately 2.5 m above the ground level of the Retail Park and existing store. The site also comprises an area of green space as designated in Central Telford Area Action Plan (CTAAP). This provides good level of screening from adjoining residential areas and helps assimilate the retail park into its surroundings, which as CTAAP notes is a mix of residential, commercial and other uses.

#### THE DETAILS:

The proposal is for an extension and car park deck (to maintain the car parking provision). The extension is to the western side of the store in an area of existing car parking. The extension is a two storey rectangular structure that will incorporate a mezzanine at first floor to provide new restaurant and staff facilities. The extension will run parallel with the existing gable wall and will be clad in matching materials. A new decked car park adjoins the side of the building accommodating 141 spaces, with ramped access from the existing side car park. The deck will be built of lightweight, light coloured, steel construction with direct access to the first floor café; lifts and stairs will take customers down to the sales floor area. A new canopy will run along the front of the building helping to provide a visual break to the structure and tie the extension in to the existing building. The proposals are of contemporary design.

The proposals involve increasing the gross floor area of the store from 6467 sq m to 9624 sq m. The net floorspace would increase from 3529 sq m to 5,675 sq m – an increase in sales floor area of approximately 61%. Currently comparison goods (non-food) take up 13% of the net sales floorspace (458 sq m). It is proposed to expand the amount of floorspace devoted to comparison shopping to 35% of the total net floorspace (1,986 sq m). Thus the principle aim behind the proposals is to expand the sales primarily for comparison goods.

The unadopted road between the roundabout with Colliers Way and the roundabout directly north of this (within the retail park) will be widened on the egress side (outbound from Retail Park) from one lane approach to the Colliers Way roundabout to a 2-lane approach. This is intended to improve

traffic flow from the Retail Park and enable traffic to form two queues on the approach to Colliers Way roundabout, one for left turners towards Hall Park Way, Telford Town Centre and the M54 and one for right turners towards Old Park. The access into the car park is also to be altered in order to facilitate the extension – the access will be extended into the Green Network land, resulting in tree felling and shrub removal. The proposed car park will provide provision for a total of 554 vehicles including 21 parent and child spaces and 33 disabled spaces, an overall increase in parking provision of 6%.

The proposed car deck is located hard up against neighbouring residential properties to the west at Old Park. The surface of the car deck will be some 1900 mm above existing ground levels and incorporate a fencing barrier, giving an overall height of approximately 5 m. The supports to the structure as well as the deck itself will be within 1800 mm of the neighbour's garden boundary and will require removal of the existing trees and landscaping and will require a retaining structure.

#### PLANNING HISTORY:

W95/0959 Outline permission for demolition of existing retail store and redevelopment for food and non food development, leisure, fast food, car parks, alterations to petrol station and associated works – granted February 1997.

W97/0108 – Reserved matters approval - siting and design, external appearance and landscaping for new foodstore, non-food retail units and A3/leisure uses together with associated parking, servicing and pedestrian/cycle routes. – Approved June 1997.

W2010/0029 – Variation of outline condition no. 13 of W95/0969 and Condition 21 of W97/0108 to increase the maximum area of non-food retail to 21,019 sq.m. Approved June 2010.

Adjacent Applications of relevance

TWC/2011/0151- Unit 12 – Certificate of Lawful Development for the erection of a 199.5 sq.m. mezzanine floor - Granted Approval 2011.

W2010/003 – Unit 10 - Installation of 669sq m mezzanine floorspace for retail sales -Granted Approval May 10.

#### PLANNING POLICY CONTEXT:

National Planning Guidance:

PPS 1 – Planning Policy Statement 1: Delivering Sustainable Development (2005): underlines Government's commitment to a planning system that creates sustainable development. Particular emphasis placed on the protection and enhancement of the natural and historic environment, and ensuring high quality development through good and inclusive design and efficient use of resources. Development which contributes to the creation of safe, sustainable, mixed use developments, use of previously developed land, building in sustainable locations and those well served by public transport is a key to this approach.

PPS 4 – Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009) and accompanying practice guide on need, impact and the sequential approach.

- Policy EC 10 contains a positive presumption in favour of sustainable economic growth. All applications to be assessed against five impact considerations relating to climate change resilience, accessibility, inclusivity and quality of design, economic and physical regeneration and local employment.
- Policy EC14 – sequential assessment necessary where developments exceed 200 sq m and not in an existing centre or in up-to-date Development Plan. Town Centre impacts must be assessed if development exceeds 2500 sq m.
- Policy EC15 – sequential test requirements in terms of availability, suitability and viability.
- Policy EC16 – sets out impacts applying to unplanned edge/out-of-centre developments (in addition to those required to be assessed under Policy EC10, including impact on existing committed and planned public/private investment in the town centre, vitality and viability and consumer choice, impacts on trade turnover, appropriateness of scale; and, locally defined impacts.
- Policy EC17 – consideration of impacts (positive and negative). Applications should be refused where there is non-compliance with sequential approach or clear evidence of significant impacts. Where impacts are not significantly adverse there is a direction to consider positive and negative impacts and other material considerations.
- Policy EC18 – parking standards (PPG13 should apply where no local standards)
- Policy EC19 – how conditions to be used to mitigate impacts where possible.

#### LDF Core Strategy Policies

CS3 Telford – focus for Borough's spatial development

CS4 Telford Town Centre

#### Central Telford Area Action Plan DPD policies

CT2 Retail

CT9 Other Highway Network Improvements

CT10 Parking

CT14 Environmentally Sustainable buildings

CT15 Design

CT17 Public Realm

CT20 Landscaping

CT21 Protection of Green Spaces

OP5 Old Park East

#### Wrekin Local Plan 'saved' policies

EH7 Contaminated Land

EH8 Remedial Action on Contaminated Land

EH14 Land stability

UD2 Design Criteria

### **PLANNING POLICY BACKGROUND**

Telford is identified as a Strategic Town Centre under the adopted Revised RSS 2008 and a Town Centre in the Core Strategy. Policy PA11 of RSS states that the Strategic Town Centres will be the focus for major retail developments and PA13 states that it is not envisaged that "any further large-scale (10,000 sq m plus) out of centre retail developments or extensions to existing developments will be required" during the period to 2021. The policy goes on to say that "Smaller-scale out of centre retail proposals should be considered in the light of policies and proposals in development plans and take full account of Government guidance including the requirement to demonstrate 'need' and the sequential test. No out-of-centre developments should be redefined as town centres". The RSS Panel report to the Phase II Changes gave endorsement to the level of growth of retail development and to the focus on Telford Town Centre.

Joint Shropshire and Telford and Wrekin Structure Plan 1996-2011 represents the strategic planning framework pending replacement by the LDF; it is however dated, but contains "saved" policies that are considered relevant to the consideration of this proposal. The Plan outlines a strategy that seeks to:

- Conserve resources and the environment by reducing reliance on car travel and length of journey, fostering bio-diversity and the conservation of natural resources
- Improve the quality of life by: protecting the natural and cultural assets of the area; improve employment prospects; and tackle levels of deprivation
- Achieve a sustainable environment by careful location of development; improve access and maximise use of previously developed land and existing infrastructure; and
- Foster a prosperous economy, support for the rural economy and encourage inward investment

The saved policy of relevance to this proposal includes:

- Policy 31 Sustainable Transport Strategy

Telford Core Strategy -The Core Strategy Development Plan Document (DPD) was adopted in December 2007 and is the key strategic LDF document that sets out the vision and spatial development strategy for the area and for subsequent DPDs to follow.

Policy CS4 in the adopted Core Strategy states that "Central Telford Area will be the focus for major....retail....development serving the needs of the Borough and the sub-region..."

A commitment was given to producing the Central Telford Area Action Plan (CTAAP) as part of the suite of LDF documents and this has now been adopted following last summer's hearing. As a precursor and to provide evidence as justification for the Plan, the Council commissioned White Young Green (WYG) to undertake an update of the 2006 Telford and Wrekin

Borough Retail and Leisure Study and this was completed in 2009. This Study provides an assessment of future retail needs based on a range of population growth scenarios. The Study uses ONS estimates of population growth resulting in assumed increases of between 20,000-36,500 households between the years 2006 and 2026. The Study identifies a substantial need for both convenience and comparison goods retailing in Telford by 2021. Predictions of retail development capacity scenarios likely to come forward in this period included a need for 35,980 sq m gross comparison (non-food) retail by 2016 and 65,720 sq m gross comparison retail by 2021. In terms of convenience (food) floorspace, the Study identifies a need for an additional 7,875 sq m gross by 2016 and 10,780 sq m gross convenience retail by 2021. It is important to note that these figures do not take account of the recent planning permissions for ASDA (Civic) and at Red Oak (unnamed food operator).

CTAAP now provides the Council with a realistic and importantly, up-to-date spatial development strategy for the future development of Telford Town Centre. Its ambitions seek to change the way that the current town centre operates. Key components of relevance to this proposal include identifying broad locations for some 65,000 sq m of comparison retail floorspace, integrating and linking the physical structure of the town centre and reducing reliance on the motor car. A number of themes have been identified that will provide a vision for the transformation of Central Telford. These themes include creating a centre with a vibrant heart, a distinctive sense of place, a place for living, a centre with a thriving economy and an accessible and connected centre.

The Council's approach within CTAAP is to propose that the additional retail growth can be met in the primary shopping area (PSA). The PSA was in fact extended as part of the CTAAP proposals which acknowledges that the existing shopping centre could not absorb the predicted retail need. A small area of Southwater was added to accommodate a "subsidiary" element of shopping as part of the regeneration of this area of the Town Centre Core. The Plan therefore identifies the existing shopping area, the majority of West Southwater and Central Southwater collectively as the new Town centre Core and focus for all new retail development. As a result of CTAAP there will be no further retail allocations required up to 2021.

Policy CT2 of CTAAP states that new retail development will be permitted to meet the need in the Town Centre and facilitate its regeneration and should come forward in the form of mixed proposals. Supporting text emphasises that when determining applications for out of centre retail applications, the principles of PPS4, in particular its sequential approach to site selection, will be applied.

The Forge Retail Park comprises part of the Old Park character area, which is described in CTAAP as being a 'fragmented area of isolated and unconnected land uses which are detached from surrounding areas by a number of major roads.' The site is within sub-area OP5 'Old Park East' which comprises the out of town retail parks of The Forge and The Bridge. The overall vision for

this character area is to promote new residential and commercial development alongside community-related facilities to meet the needs of local residents. Of some note is a desire within CTAAP to improve transport connections, especially for pedestrians and cyclists, so that connectivity to the town centre is enhanced while at the same time, a more people-friendly living environment is created.

Policy OP5 states that 'The Council will not support future expansion of the Forge Retail Park or the Telford Bridge Retail Park for additional retail or leisure uses.' In effect this new policy direction acknowledges the distance and transport/pedestrian communication difficulties that exist.

Policy CT10 'Parking' states that 'Outside of the Town Centre Character Area, parking provision for non-residential development must not exceed the maximum standards in PPG13. Parking provision should reflect the characteristics of the area in terms of use, density and form, proximity to the centre and facilities, and access to public transport, as well as serving the parking needs of users.

#### CONSULTATION RESPONSES:

##### **Planning Policy Section:**

Recent planning permission was granted to vary condition no.13 of planning application W95/0969 and condition no.21 of planning application W97/0108 to enable an increase in non-food retail floorspace at the Forge Retail Park to 21,019 m<sup>2</sup>. The non-food floorspace has been increased over the years and this has most recently facilitated the provision of a mezzanine within Currys, Unit 10.

The proposal includes an application for the extension of the Sainsbury's store and a s73 to create a new planning permission for the park as a whole. To accommodate the proposal would require both planning applications to be granted.

The key issues are the creation of entirely new floor space on what was originally permitted for the Forge. Key policy concerns relate to the impact of additional retail development in the out of centre location, and are based on national policy (PPS4), the current development plan (including in particular, the Central Telford Area Action Plan), and the White Young Green (WYG) Retail Capacity Study 2009. In line with PPS4 guidance, judgements about the extent and significance of any impacts should be informed by the development plan (where this is up to date), and other published local evidence (such as the WYG retail study) will also be a relevant material consideration.

The White Young Green (WYG) Telford & Wrekin Retail & Leisure Study was updated in May 2009 with a Town Centre Capacity Update. The study identifies the Forge retail park as an out-of-centre location, in line with PPS4 and as it is outside the Town Centre Character Area boundary as defined in the Central Telford Area Action Plan. WYG considered the number of extant planning permissions relating to additional retail development at Telford

Forge. The retail parks were deemed almost complete and any additional floor space provided would be minimal.

PPS4 sets out the considerations through the sequential and impact assessments required for a main town centre use not in a centre and not in accordance with an up to date development plan. The retail parks are an out of centre location in the context of PPS4. Whilst land remains available for retail development within and adjacent to the shopping area expansion of the retail parks would not accord with PPS4, and allowing further expansion would have a detrimental impact on an identified centre. The PPS4 relevant policies being EC10, EC14, 15, 16 & 17.

Policy CS4 of the Core Strategy identifies Central Telford for the major retail development serving the needs of the borough and the sub-region, and seeks to consolidate Central Telford and enhance it as the hub of the service centre hierarchy.

The newly adopted Central Telford Area Action Plan is very clear in terms of extensions at the Forge. The retail park is an 'out of centre' facility, and the vision for the Character Area of Old Park does not refer to the provision of additional retail development. Policy OP5 seeks to resist any further development stating that the Council will not support future expansion of the Forge Retail Park for additional retail or leisure uses. There is also a clear policy directive to accommodate future retail growth in the existing shopping area through Policy SA1.

#### **Highways Section:**

The development can be accommodated on the local highway network subject to the physical works proposed in the Transport Assessment and a contribution to CTAAP, subject to the following Conditions (summary):

1. Before development commences details of the junction improvements to The Forge Roundabout to be submitted and works to be constructed before occupation.
2. Before development becomes operational the revised internal layout including new internal roads/pedestrian/cycle links and circulating carriageway, car parking (including the permanent decked area), bus stop/shelter and associated infrastructure and recycling centre shall be implemented.
3. Prior to occupation, details of the Travel Plan for the development shall be approved by the Local Planning Authority and thereafter implemented.

#### **Planning Ecology:**

The GCN surveys were undertaken at the correct time of year, in suitable weather conditions and using appropriate methodologies. The pond 84m to the north-west of the site was found to contain a small population of smooth newts but no Great Crested Newts were present. Other ponds within 500m were not surveyed as there were significant barriers between them and the site, e.g. roads and housing.

The report concludes that a band of scrub along the western and northern boundaries of the proposed development site is considered to offer some potential for use by amphibian species including GCN during the terrestrial phase of their annual cycle. The proposed development includes the removal of much of this scrub habitat and as such there is the potential to harm notable amphibians if present.

As recommended in the report, the removal of this scrub should be supervised by a licensed ecologist to avoid committing a criminal offence. A walkover survey will be carried out in June/July to assess the presence/absence of bee orchid on the site. If bee orchids are present then a method statement will be produced to translocate the plants outside the area of works.

Recommend conditions including ecological watching brief requirement, retention of habitat features (buffer of 3 m wide tree/scrub area and provision of bird boxes).

#### **Environmental Policy Officer:**

Overall, there are some positive aspects of the assessment, for example the extension is being built to BREEAM 'Very Good' standard. However, the following issues have been raised that need to be clarified:

- Section 6. Consideration of Available Technologies  
Does not include Feed-In Tariffs (FITs) or the Renewable Heat Incentive (RHI) to enable this to be a comprehensive assessment.
- Executive Summary, para 5, '*The anticipated annual energy consumption for the extended store is 3,627,696 kWh per annum which is 132, 037 kWh per annum less than the existing store and represents a 3.5% reduction in energy consumption.*'

The Officer is unsure as to how this has been derived; more information needs to be provided.

- Disagree with the use of 'Air Source Heat Pumps for the Customer Restaurant and Back of House Offices'. Evaporative Cooling or something similar would be deemed more suitable.
- 'Inverter drives to Sales Area AHU's' – where is the heat recovery?
- Considering the large expanse of flat roof consideration should be given to the installation of a biodiverse roof.

#### **Engineering services:**

No objection subject to conditions : Treatment of mineshafts, drill/grouting of high wall, installation of gas protection measures, early warning, movement detector system necessary for temporary car deck whilst building operations taking place.

**Drainage:** The site conditions do not allow the use of conventional below ground attenuation features to achieve the required 30% betterment in surface water runoff rates. For this reason there is no objection in principle to the use of a rainwater harvesting system serving the entire building. This is subject to the provision of calculations to show that this system is capable of reducing the surface water discharge rate by the maximum achievable

volume. This information should also include a revised plan showing the final drainage layout of the site.

**Aboricultural Officer:**

No objections in principle but the provision of mitigation for the loss of 60 trees is wanting. Off-site planting would be very beneficial. Grampian condition would be necessary to secure off-site planting.

**Contaminated Land Officer:**

No objection subject to conditions relating to treatment/mitigation of any landfill gas.

**Fire Services**

No comments regarding the provision of access for appliances and water supplies. Applicants should give careful consideration to the provision of sprinkler systems in accordance with BS EN 12845:2005.

**Police Authority:**

Support

**Archaeologist:**

No objection.

**Third Party and Neighbour Representations:**

Three letters of objection have been received from occupiers of the following properties:

Spring Court House, 1 The Coppice, Old Park

2 The Coppice, Old Park

32 Park Lane, Old Park

**Basis for objection:**

- Access road close to garden boundary resulting in further traffic noise
- Overlooking causing loss of privacy
- Noise from car doors slamming, car alarms etc resulting in noise nuisance
- Noise form late night operation, occasionally 24 hours
- Development creates a two storey car park

An objection has been received on behalf of Telford Trustees (owners of the Telford Shopping Centre) by GL Hearn planning consultants on the following grounds:

- The application site is clearly out of centre
- CTAAP is the relevant planning policy
- CTAAP Policy OP5 does not propose further expansion of The Forge
- Recent evidence suggests that adequate capacity for retail development exists in the town centre
- PPS4 sets out the relevant tests – this application fails the sequential test in particular

A very detailed case is then made in support of the Trustees' objection. Includes arguing that the Trustees are committed to providing additional retail development in the town centre; that the Forge consent originally set a ceiling to retail development; they do not accept applicant's arguments that disaggregation cannot occur (establishing more than one unit to fulfil the operator's requirements for additional floorspace); other sequential sites exist closer to the town centre amounting to a potential 116,466 sq m gross retail floorspace and thus this proposal is contrary to PPS4; the proposals would impact on planned investment in the town centre and therefore contrary to PPS4; would draw trade away from the town centre; town centre impacts inadequately explained/justified.

In support of its proposals, Sainsbury's Head of Town Planning, Transportation and Property Communications make the following points:

- Sainsbury's has been trading successfully at Forge since 1998 and provides employment for 300 people.
- Popular store which needs updating – 81% of respondents to public consultation in favour
- Sainsbury's team has worked with officers to provide comprehensive application and efficient feedback to consultee responses
- Disappointed that officers have failed to provide feedback on retail submissions – our submission is not seriously flawed but comply with PPS4 tests

#### **SECTION 106 Contributions:**

In the event of this Plans Board supporting the application, there will be a requirement to enter into a section 106 Obligation with the applicants. As with all strategic applications affecting the local highway network, CTAAP requires developers to contribute to the provision of highway improvement schemes. The level of CTAAP contribution based on the scale of the development has been calculated as £187,959.96. This has been agreed in principle by the Developer. An additional sum of £5,000 will be required for monitoring of the store travel plan. These will need to be secured through S106. A contribution for ongoing Monitoring of conditions and section 106 Obligation of £10,000 will be required.

#### **PLANNING CONSIDERATIONS:**

##### **Retail Impact and Planning Policy**

The site is located within an established retail park in an out of centre location. The applicant seeks to address the issue of an expansion of the existing retail use in this location within the terms of a retail assessment. Various documents, information and plans have been submitted in support of the application including a retail assessment, a sequential assessment including potential development sites giving an overall view of need, including available expenditure and catchment areas, appropriateness of scale, location of sites, impact on existing centres and accessibility relating to the proposal.

The main cornerstone of Planning Policy Statement 4 is that in order to deliver the Government's objective of promoting vital and viable town centres, development should be focussed in existing centres in order to strengthen

and where appropriate, regenerate them. The applicants have placed some reliance on the proposed development satisfying National Planning Policy Statement 4 (PPS4) and this is discussed further below. However the Council has an up-to-date Development Plan Document, CTAAP, which post-dates PPS4. Policy CT2 of CTAAP establishes the retail capacity for the period to 2016 with 50,000 sq m (gross) coming forward within the existing shopping area part of the Primary Shopping Area (PSA) with approximately 15,000 sq m within part of the PSA at Southwater. Policy OP5 is specific. It states that the Council will not support the future expansion of the Forge and Bridge Retail Parks.

The starting point for consideration of this application must therefore be the latest Development Plan policy, which as mentioned above, post-dates PPS4 and has to be considered to be PPS4 compliant in all respects, having been "tested" so very recently. Indeed the Inspector in his report states that the retail park is "separated from the existing PSA at its nearest point... by about 300m of other, non-retail uses and a considerable distance in level." (paragraph 121). He concluded in response to representatives of the Forge Retail Park, that there is no need to seek further land to accommodate comparison retail expenditure growth, and the owners' representations were rejected (paragraph 122). The Forge and Bridge Retail Parks are now clearly defined as 'out-of-centre' and CTAAP is clear that 'retail development in out-of-centre locations will be resisted, as such growth would undermine the vitality and viability of Telford Town centre' and 'whilst land remains available for retail development within and adjacent to the Shopping Area expansion of these retail parks would also not accord with PPS4.' (CTAAP paragraphs 4.2.19 and 3.3.25). The Inspector's report recognised that Policy OP5 will not support future expansion of the retail park, and "no amendment is proposed to this policy" (Inspector's report paragraph 85).

PPS4 is relevant in so far as it represents Government's policy approach in relation to the protection of town centres. CTAAP acknowledges that PPS4, in particular, the sequential approach to site selection should be used when determining out-of-centre applications. PPS4 sets out two key tests that such developments must meet in order for them to be considered acceptable. They are:

- To demonstrate that there are no sequentially preferable sites either in the town centre or edge of centre or edge of centre locations.
- To demonstrate that proposals will not have any significant impact on the vitality or viability of the town centre.

In considering these two tests, PPS4 indicates that it is for the local planning authority to determine what constitutes 'acceptable', 'adverse', or 'significant' impacts.

PPS4 sets out the requirements for the undertaking of a sequential analysis in Policy EC15. First preference is that developments should be located on sites within the town centre where they are suitable and available. This is then followed by consideration of sites at edge-of-centre and only then, by sites that are out-of-centre. Applicants are required to provide clear evidence as to why sequentially preferable sites are not appropriate for the proposed

development based on availability, suitability and viability tests. Part 6 of the Practice Guide expands further on how these tests should be applied. Developers are required to adopt a flexible approach in assessing alternative sites in terms of the scale of their development, the format of their scheme, car parking provision and the scope for disaggregation. Local Authorities should take into account genuine difficulties that can be demonstrated by the applicant in terms of operating the proposed business model by comparison with a sequentially preferable site and furthermore, a single retailer should not be expected to split their proposed development into separate sites if this was deemed to be unreasonable.

The applicants have largely ignored the fact that CTAAP is a fully adopted Development Plan Document and relegated it to the status of an 'emerging policy'. They have not updated their retail assessment to reflect the Development Plan's current status. In addition, the applicants have cited a recent appeal case involving the company at Chesterfield (Sainsbury's Supermarket Ltd v Chesterfield Borough Council (2010)). It is claimed that this is a very similar case which involved a proposal to extend their Chesterfield store. Sainsbury's were confronted by the prospect of having to consider a number of sequentially preferable sites but this would have required the disaggregation of the additional proposed floorspace at one or more of the available sites. The Inspector opined that although there were sequentially preferable sites available, it would have been unreasonable and pointless to insist that the provision should be disaggregated. Further he decided that the existing store would still retain a number of deficiencies and what would result would be another non-food shop elsewhere (although Sainsbury's model does not include stand alone comparison stores, so in reality, there would be little prospect of the additional floorspace requirement going ahead. The applicants in this instance believe that the disaggregation of the proposed additional floorspace would represent an arbitrary sub-division of the development and would not accord with the policy relating to the sequential approach.

This point is worthy of careful consideration. PPS4 Practice Guidance is helpful in considering extensions to existing stores. It advises that:

- There will be instances where a specific need for a certain type and form of development can only realistically be accommodated in specific locations.
- When considering 'location-specific' needs, it cannot be argued that an identified need or requirement is in itself 'location-specific' because, for example, the proposed retailer/developer owns the land in question or is seeking an extension for an existing store.
- If the applicant asserts that the proposal is, by its nature, 'location-specific', and cannot be accommodated in a more central location, or that it is not possible to adopt a flexible approach to accommodate any need/demand more centrally, it will be necessary to clearly justify this position.

It is your officer's opinion that it is not appropriate in this instance to assess whether the proposed extension floorspace could be accommodated on an

alternative site but rather that the correct application of the sequential approach in this instance is to assess whether all the combined floorspace required by Sainsbury's (existing and proposed) could be developed in more sequentially preferable locations, rather than looking to disaggregating the proposed format.

#### Sequential Analysis:

Despite claiming that a sequential site selection approach is not really necessary in the context of the proposal at the Forge, the applicants have undertaken a sequential analysis in accordance with Policy EC15 of PPS4 and considered the following sites, all of which would in theory be sequentially preferable:

- Telford Shopping Centre, specifically Red Oak Car Park: There are no suitable sites other than Red Oak Car Park suitable for this proposal. The WYG Study identifies that the Shopping Centre has longer-term potential but there are no firm proposals, despite the shopping centre's ambitions as expressed in the masterplan 'The Round'. The Council however has assessed that there is capacity for 50,000 sq m of comparison retail within the Character Area SA1 – The Existing Shopping Centre (CTAAP). However, Members will be aware that outline planning permission exists for a new supermarket at the Red Oak car park for a development of between 7,030 sq m and 8,460 sq m. ASDA is likely to vacate to other premises within the town centre, giving a realistic potential for a development such as Sainsbury's proposal to be accommodated at this location. Your officers are not convinced that the Shopping Centre is neither suitable nor viable for the proposal to accommodate either the proposed additional floorspace or a new Sainsbury's store in its entirety.
- Telford Shopping Centre, specifically Ash Grey Car Park – your officers accept that this site is not available, suitable or viable for the proposal – it represents a valuable car park. However the Shopping Centre owners have carried out their own assessment and conclude that this site could accommodate up to 39,348 sq m (gross) retail floorspace although car parking would need to be resolved.
- Town Centre Bus Station – WYG identified that this location could accommodate up to 3,750 sq m (gross) retail floorspace. It is considered that this site could accommodate the extension element of the Sainsbury's application proposals.
- Undeveloped Land in the PSA – a landscaped area comprising 0.6 ha adjoining Lawn central (opposite Darby House). The applicants believe that this site would be discounted as forming a landscape buffer and it was noteworthy that it was excluded from the Red oak development proposal. Its availability furthermore is uncertain. This land has never been "tested" and cannot be discounted in such a random way. Your officers believe that there is some prospect for this land to be used in connection with the Red Oak car park site.
- HCA Offices, Hall Park Way and Matherson House – your officers accept the applicant's arguments that there is little prospect of these sites coming forward in the near future, irrespective of Government's rationalisation of office accommodation within the town centre. They

- do provide valuable town centre office accommodation and their loss to employment uses may prejudice other economic development policies.
- Lime Green, Blue Willow, Cherry Pink Car Parks – your officers accept that these sites represent valuable town centre car parking facilities and are unlikely to come forward in the short term. Their loss at this stage may affect the viability and vitality of the town centre.
  - Severn Gorge PH – Your officers accept the arguments put forward that policies would not support retail activity at this location and that the site is too small.
  - Odeon Cinema site: Although the applicants contend that as this site is in active use and therefore unavailable in the short term, CTAAP recognises the potential of the site to consolidate and enhance connectivity between the PSA and the Forge/Bridge Retail Parks. Officers also question whether genuine efforts have really been made to identify whether this site can realistically come forward within reasonable timescales.
  - Southwater – the applicants have included the Civic Offices within their analysis of Southwater; however your officers accept that there is a degree of uncertainty concerning Southwater. This uncertainty could provide further opportunities for retail activity – particularly as the Character Area TC1c Central Southwater now forms part of the PSA within CTAAP. Officers conclude that Southwater has not been properly assessed to reach a conclusion that the site is unavailable or unsuitable. In fact officers believe that the applicants' sequential analysis of Central Southwater is particularly flawed and could easily accommodate the Sainsbury's proposals in its entirety i.e. both existing and proposed floorspace.

The applicants have failed to provide a robust analysis of sequentially preferable sites as noted above. Indeed it has also omitted the area of Central Southwater that is currently occupied by two unattractive buildings and substantial areas of surface parking. Your officers conclude that the sequential assessment undertaken is inadequate in that all in-centre options have not been thoroughly assessed and does not comply with the sequential tests set out in PPS4.

#### The Impact Assessment:

Following the sequential test, PPS4 requires that the impact of the proposals is considered. PPS4 indicates that proposals should be refused where there is clear evidence that development would lead to significant adverse impacts. Where no significant adverse impacts are identified, planning applications should be assessed taking account of the positive and negative impacts of the proposal and other material planning considerations, and also the likely cumulative effect of recent developments.

Examining impacts, firstly your officers consider that the proposals are unlikely to impact on the growth of comparison goods expenditure in the Town Centre – the applicant's assertions that the comparison turnover of the proposed store can be accommodated several times over in the Town Centre is accepted. It is also accepted that in terms of employment generation (80

additional jobs – both part and full time), this proposal will have a positive effect.

However, PPS4 also requires the impact on existing, committed and planned investment in the centre to be considered (Policy EC16a). CTAAP has obviously been tested against PPS4 and there is a strong prospect that the development will prejudice the Council's ambitions for the regeneration of the Town Centre, which is very dependent on retail-led redevelopment schemes coming forward. The Area Action Plan has identified retail growth scenarios which are focussed entirely on the Town Centre for very good reasons. The Town Centre must remain the hub for comparison goods retailing for it to retain its status as a sub-regional shopping centre. Sainsbury's proposals may assist that store in meeting consumer demand for quality retail offer at that location; however your officers believe this will be at the expense of the Town Centre and should be resisted. There are currently two sites with the benefit of planning permission within the Town Centre whose implementation could be affected by this proposal. The potential impact on these opportunities arising from further unrestrained out-of-centre competition would also be likely to affect 'spin-off' trade arising from 'linked-trips' shopping to other stores and traders in the town centre.

In addition, PPS4 Policy EC16b, requires the impact of the proposal on town centre vitality, viability, including local consumer choice and the range and quality of the comparison and convenience retail offer to be assessed. The applicants acknowledge that the proposal will draw trade away from the Town centre but because the town trades well, they conclude that the proposal would not have an impact on the viability and vitality of Telford TC. However there is growing evidence, some anecdotal, that the Shopping Centre is seeing more vacancies and short term lets that suggests that the Council's CTAAP policy preventing further development at the Forge and Bridge retail parks is sound. The additional 1,986 sq m of comparison floorspace is not insignificant and will perform much in the way of a standalone comparison unit with its own customer base.

In summary therefore, it is considered that the proposals are in direct conflict with the Development Plan, that they have not been properly assessed against the sequential analysis requirements of PPS4 and that they would have an unacceptable detrimental impact on the viability and vitality of the town centre.

### **Highway and Traffic Impact**

The proposals include for minor improvements to take place to the egress involving the widening of the approach to the Colliers Way roundabout from a single to a 2-lane egress that will aid traffic circulation. The proposals provide for a 6% increase in car parking provision through the provision of a car deck car park. As part of the development, a Travel Plan is proposed, which if approved will require ongoing monitoring. Your highway officers maintain that the existing access arrangements are satisfactory and that subject to the applicants entering into a section 106 covenant for planning contributions towards the provision of strategic highway schemes identified in CTAAP, then

support can be give from a highway perspective. In addition, localised enhancement of bus stop facilities and an online grocery delivery scheme are proposed.

### **Design, Scale and Landscaping**

The proposal seeks to amend the site layout in order to provide additional parking facilities, widen access routes and amend islands. These works will result in the loss of existing landscaped areas, which are designated and protected as green spaces within CTAAP. This green space fulfils the function of value in terms of landscape and amenity, whilst also providing a natural buffer to the adjacent residential development to the west of the site. Given the sloped nature of these areas, the proposed development would introduce significant retaining wall structures, with smaller punctuations of landscaped area, which would result in the fragmentation of the existing strong green corridor of planting in this location which contributes to the overall network of green spaces and green network as identified in planning policy. The proposal does include enhancement planting to the north of the development, but this is not considered sufficient to mitigate the loss of connectivity that the existing protected landscaping provides to green spaces to the south.

It is therefore considered that the proposal negatively impacts on the supply, aims and function of the green space provision in this locality and through the loss of interconnectivity to adjacent green spaces, would undermine the green network and is accordingly contrary to policies CT20 and CT21 of CTAAP and OL3 of the Wrekin Local Plan.

The design of the extension is considered acceptable as it continues the contemporary form and design of the original building and incorporates some energy efficiency measures to ensure that it meets BREEAM Very Good standard. The design and positioning of the decked car park structure however is unreasonable and unacceptable. It will result in an over harsh and dominant feature in a highly prominent location on the approach roads to the site as well as being hard up against the gardens of adjoining residential properties at Old Park. CTAAP requires car parking to be integrated in such a way so that it does not adversely affect the urban form and character of the area. In order to facilitate the car parking requirements overall, the deck will involve the loss of existing landscaping and result in the development appearing contrived.

### **Residential amenity considerations**

Local neighbour objections have been received from three households. Intermittent noise activities particularly from slamming of doors, alarms etc can be a source of noise complaint. However the applicants' noise consultants have assessed the noise that may be generated at the site and with the proposed development, including the deck car park. The conclusions suggest that the car park would have either no impact or slight impact; HGV delivery noise would not exceed background noise levels; building services plant noise can achieve low level emissions – this can be controlled via conditions; recycling facility noise – subject to customers being refrained from using the facility between 23:00 and 07:00, noise limits are achieved for both

internal and outdoor domestic environments and sensitive receptors. An update will be provided at the meeting should the Environmental Health Officer have any further comments in the light of neighbour objection.

However, in the view of your officers, the location of the car deck and loss of tree and shrub planting for reasons stated above would have a negative impact both on neighbours and the local environment.

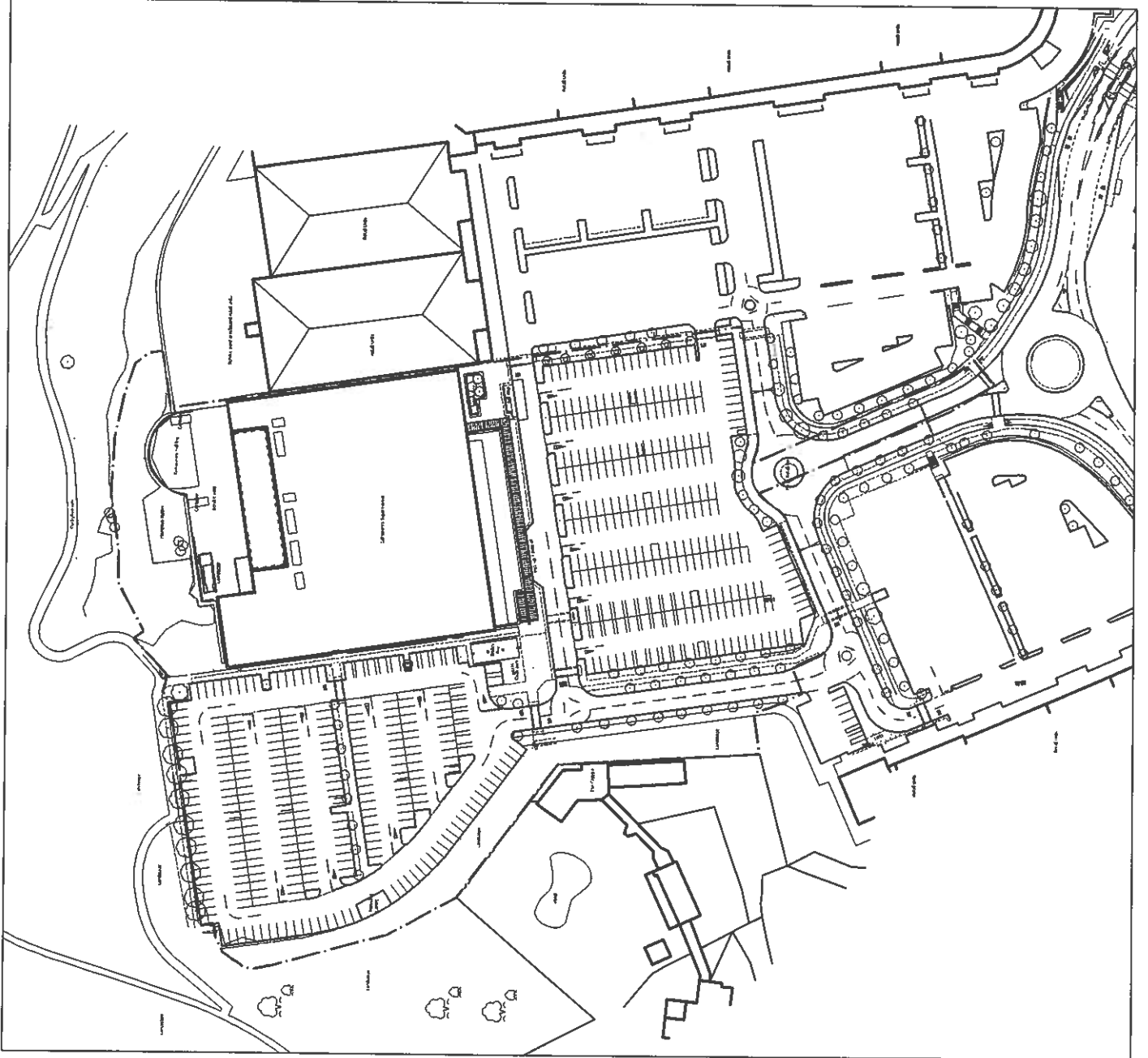
#### CONCLUSIONS:

The application proposals raise fundamental planning policy considerations in that not only was the original Forge and Bridge Retail Parks the subject of conditions that limited the amount of retail floorspace, but current policy in the form of CTAAP recognises that unrestrained additional retail development at these locations would be likely to have a detrimental impact on the viability, attractiveness and vitality of the town centre acting as an important sub-regional shopping centre. CTAAP is one of the very latest planning policies to be adopted in England and post-dates the issuing of PPS4, which itself is Government's latest policy guidance. The development proposal fails to meet PPS4 tests on sequential analysis as there are clearly other suitable sites that could cater for the development that are closer to the town centre and PSA. The development moreover is likely to impact on current private and public sector investment in the town centre and therefore undermine confidence in the town centre. Further, the loss of green space to facilitate access arrangements is likely to have a detrimental impact on visual amenity and undermine the purpose of green space designation. Finally, the proposed car parking deck design is unduly prominent and represents a harsh feature in the local scene and will be likely to have a detrimental impact on neighbouring residential properties.

**RECOMMENDATION: REFUSE PLANNING PERMISSION** for the following reasons:

- 1 The Local Planning Authority considers that there is a number of sequentially preferable town centre/edge of centre locations which could accommodate the proposed development. Development in this out of centre location would be contrary to the Spatial Development Strategy for the Borough as set out in the Core Strategy and would seriously undermine the Council's efforts to ensure that the town centre remains at the hub of the service centre hierarchy and the Council's objective of regenerating Telford town centre. The proposal conflicts with Policies CS4 of the adopted Core Strategy, CT2 of the adopted Central Telford Area Action Plan and EC15 of Planning Policy Statement 4.
- 2 The proposal is contrary to Policy OP5 of the adopted Central Telford Area Action Plan and to Policy EC16.1 of Planning Policy Statement 4. In the absence of reasoned justification, the proposed development in the opinion of the Local Planning Authority would be likely to have an unacceptable detrimental impact on the vitality, attractiveness and viability of Telford Town Centre and would be likely to establish an undesirable precedent for the further development for retail purposes at out-of-centre

- locations which would undermine existing and potential investor confidence in Telford Town Centre.
3. Part of the site is designated as green space as defined in the adopted Central Telford Area Action Plan. In the opinion of the Local Planning Authority the proposal has failed to recognise the importance of this green space in terms of its function as a landscape and amenity feature and the importance this space provides interlinking to the wider green spaces and green network in the locality. Accordingly, the proposal is contrary to Policies CT20 and CT21 of the adopted Central Telford Area Action Plan and Policy OL3 of the Wrekin Local Plan.
4. The Local Planning Authority considers that the proposed car parking deck involving the loss of existing landscaping and due to its siting hard up to neighbouring boundaries would result in an overly harsh and incongruous design element in a prominent location when viewed from the approach roads and close to adjoining residential properties causing material harm to the quality of the environment and existing neighbouring uses in the locality, which would be detrimental to visual and residential amenities and thereby contrary to Policies CT10, CT15, CT20 and CT17 of the adopted Central Telford Area Action Plan and Policy UD2 of the Wrekin Local Plan.



1. The drawings are prepared in accordance with the British Standard BS1192:2009  
 2. The drawings are prepared in accordance with the British Standard BS1192:2009  
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 9. The drawings are prepared in accordance with the British Standard BS1192:2009  
 10. The drawings are prepared in accordance with the British Standard BS1192:2009

**c h e t w o o d s**

A Redline Planning Boundary revised on custom boundary 04.02.11 JM

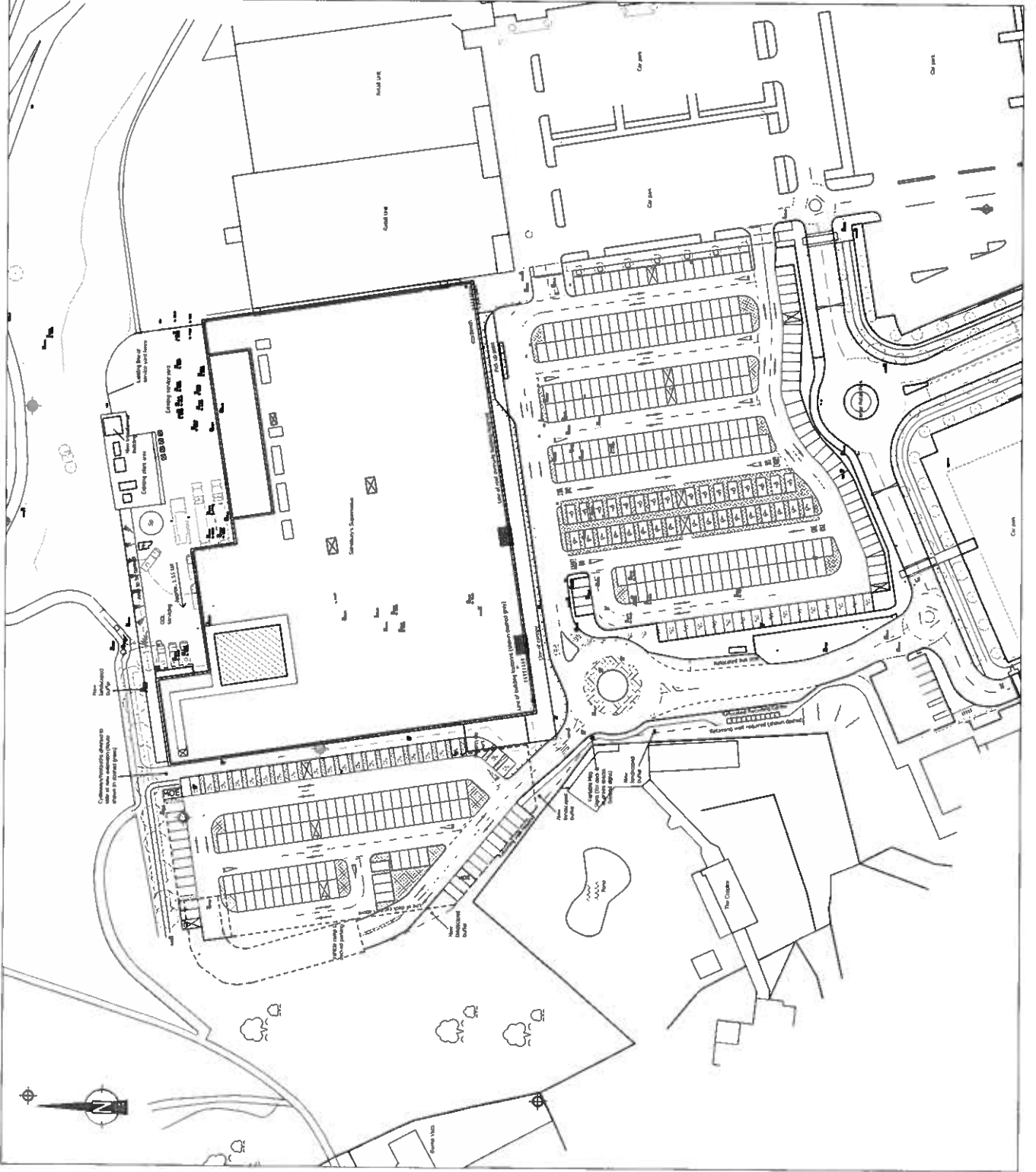
**c h e t w o o d s**

Project  
 Sainsbury's Telford Extension  
 Redline boundary revised

Client  
 Sainsbury's Supermarket Ltd  
 Drawing Title  
 Existing Site Plan

Drawn By	DATE	Scale	Case
JM	2010/02/03	1:11250	CA/8
Check By	Drawing No.	Rev.	
JM	PL (0) 04	A	

NOTES



Rev	Amendment	Drawn/Checked/Date	Date
A	Site layout revised	AMO/AMO	20.05.10
B	Site layout revised	AMO/AMO	28.09.10
C	Latest Site Layout Shown	DJ/DJ	03.11.10
D	Latest Site Layout Shown	MB/MB	06.12.10
E	Planning boundary removed	AMO/AMO	12.01.11

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**Sainsbury's**

Telford  
 Proposed Site Layout

Drawn	AMO	Checked	AMO	Approved	SD
Date	10.03.09	Date	11.03.09	Date	11.03.09
Scale	N/T/S	Status	For Information	Rev	E
Proj No 9T14788/DS-SK101					







