

RETAIL STATEMENT

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A50/A38 Services, Willington Development of a Single Storey Amenity Building



Chave Planning

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1. Introduction

- 1.1 This statement has been prepared in support of a planning application submitted to South Derbyshire Council ("SDC") by Askew Properties Limited. The application seeks planning permission for the erection of a single storey building on land at the A50/A38 Services at Willington for 432 sq.m of Class A1/A3/A5 retail floorspace.
- 1.2 Planning permission was granted on 2nd March 2006 (Reference 9/2005/1400) for the overall development of the roadside services and this permission was implemented by virtue of the construction of the current buildings on site which form the existing services which include a number of retail and food and beverage outlets, a public house and hotel.
- 1.3 This 2006 permission included a 'drive thru' on the site of the current application which comprised 374sq.m of Class A3 floorspace.
- 1.4 SDC have requested that the current application be supported by a 'light touch' retail statement. This document therefore considers the relevant planning policy considerations and also seeks to address the following queries raised by SDC regarding the application:
- The potential impact of the proposals on the service station itself; and
 - The potential impact of the proposals on other outlets within Willington local centre which provide a similar retail to offer to that proposed as part of the application.

2. Site & Proposals

The Site

- 2.1 The site is located approximately 1.2km to the north of the village of Willington, at the A50/A38 'Derby with Burton' services. The proposed development site is located at the northern side of the existing roadside services, to the south is the existing car park area and the A50 slip road is to the north. The slip road is around 2.30m higher than the site. The access to the site is through the existing car park. To the west of the site is an existing 3 storey hotel operated by Ibis and to the east is an existing public house. The main services building is located to the south of the application site.
- 2.2 The services include a number of existing operators including:
- Shell Petrol Filling Station
 - Cherry Tree Farm – Public House
 - Ibis budget hotel
 - KFC
 - Services
 - Le Petit Four
 - Retail Learning Academy

The Proposals

- 2.3 The Design and Access Statement prepared by Marchini Curran Associates provides details of the proposals. In summary the new building will house 4 units for either retail, restaurant or takeaway use in a single storey. The total floor area is 432sqm and planning permission is sought for flexible Class A1/A3/A5 uses to allow a range of operators to take the units. The inclusion of the Class A1 use relates primarily to 'sandwich shop' tenants such as Pret a Manger or Subway which would fall under this Use Class rather than an A3 Use Class.

Planning History

- 2.4 Planning permission was granted on 2nd March 2006 (Reference 9/2005/1400) for the overall development of the services and this permission was implemented by virtue of the construction of the current buildings on site which form the existing services which include a number of retail and food and beverage outlets, a public house and hotel. This 2006 permission included a 'drive thru' on the site of the current application which comprised 374sq.m of Class A3 floorspace. The services opened in 2008.

3. Planning Policy

- 3.1 National planning guidance is provided within the National Planning Policy Framework (NPPF), published 27 March 2012. Appendix 2 of the NPPF defines ‘main town centre uses’ as including retail development and entertainment and recreation facilities including restaurants, drive-through restaurants and bars. Section 2 of the NPPF, entitled ‘Ensuring the Vitality of Town Centres’ outlines the Government’s guidance in respect of the location of main town centre uses.
- 3.2 The NPPF sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan – the sequential test and the impact test.
- 3.3 Paragraph 24 clarifies that the sequential test requires an assessment of other more preferable sites, which are in an accessible location and well connected to the town centre.
- 3.4 The Planning Practice Guidance (PPG) supplements the NPPF and outlines that:

“The sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy). It applies only above a floorspace threshold as set out in paragraph 26 of the National Planning Policy Framework.

- 3.5 In carrying out a Sequential Assessment, the PPG provides guidance which requires that:
- It is for the applicant to demonstrate compliance with the sequential test;
 - The application of the test should be proportionate and appropriate for the given proposal; and
 - The following considerations that should be taken into account in determining whether a proposal complies with the sequential test:
 - *“with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location,*

preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.

- *is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*
- *if there are no suitable sequentially preferable locations, the sequential test is passed."*

- 3.6 The PPG continues that *"Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case, and land ownership does not provide such a justification."*
- 3.7 At Paragraph 26 the NPPF states that when assessing proposals outside of town centre, which are not in accordance with an up to date Local Plan, an impact assessment will be required if *"the proposed floorspace is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq.m)"*.
- 3.8 Paragraph 31, which falls within Section 3 regarding 'Promoting Sustainable Transport' requires Local Planning Authorities to develop strategies for the provision of roadside facilities for motorists. In particular, this states that *"the primary function of roadside facilities for motorist should be to support the safety and welfare of the road user"*.
- 3.9 At local level, the Saved Shopping Policy 2 of the South Derbyshire Local Plan (1998) is relevant to the proposals. This states that out of centre retail proposals will only be permitted where;
- The development cannot be accommodated within or immediately adjacent to a major town centre;
 - The scale and nature of the proposals would not seriously affect the viability or vitality of a major town centre;
 - The site is not required for industrial or business purposes;
 - The development is not an intrusion into the countryside;
 - The site is acceptable in highways/transport terms and sufficient car parking is provided;
 - The site can be accessed by public transport.
- 3.10 Willington is not defined within the Plan as a specific centre.

4. Retail Assessment of the Proposals

- 4.1 Within this chapter we consider our assessment of the proposals in accordance with the relevant planning policies.
- 4.2 The NPPF and PPG make it clear that two key tests should be applied for any proposal for town centre uses which are not in an existing town centre and which are not in accordance with an up to date Local Plan. These are the sequential test and the impact test.
- 4.3 Alongside this the pre application advice from the Case Officer at SDC outlines that the Council wishes to see an assessment of the proposals in terms of both the potential:
- a. Impact on the viability of the service station itself; and
 - b. Impact on other roadside outlets in Willington.
- 4.4 Firstly it should be noted that South Derbyshire Council do not have an up to date Local Plan in place and that the replacement Plan is currently undergoing its Examination in Public. The planning policy relating to retail and town centre uses within the Saved 1998 Local Plan pre-dates the publication of the NPPF and relates to earlier national guidance on retail development.
- 4.5 It is considered that through Paragraph 31 of the NPPF, which outlines support for roadside facilities to support the safety and welfare of the road user, the proposals are in accordance with planning policy as outlined within the NPPF.
- 4.6 Furthermore the application proposals seek to complement the existing facilities at the services. As part of the initial proposals for the services a drive thru restaurant was included on the application site and this remains the fallback position for the site. It is therefore clear that it was always intended that additional retail/food and beverage facilities would be provided alongside those which have been constructed to date.
- 4.7 Taking into account the extant permission on the site for 374sq.m of Class A3 floorspace on the site, the uplift in retail floorspace proposed as part of this application is in fact only an uplift in floorspace of 58 sq.m. it is however noted that the whilst the original permission related to a Class A3 use, the current proposals are for Class A1/A3/A5, albeit by virtue of permitted development rights the use of the approved scheme could have been changed to a Class A1 or A2 use at any time.

Sequential Assessment

- 4.8 As outlined in Chapter 3 the PPG provides guidance on the preparation of the sequential assessment, which requires that:
- It is for the applicant to demonstrate compliance with the sequential test;
 - The application of the test should be proportionate and appropriate for the given proposal; and
 - The following considerations that should be taken into account in determining whether a proposal complies with the sequential test:
 - *“with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered?...”*
 - *is there scope for flexibility in the format and/or scale of the proposal?...*
 - *if there are no suitable sequentially preferable locations, the sequential test is passed.”*
- 4.9 The PPG continues that *“use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case, and land ownership does not provide such a justification.”*
- 4.10 It is considered that by virtue of the location of the proposals and the nature of these units and likely tenants, the role and function of the proposed retail floorspace is very different to that found within a town or village centre. The catchment area for the proposals is not easily defined as the vast majority of people using the current facilities, and therefore likely to use the proposed scheme, are those making use of the roadside services from a wide catchment area rather than diverting existing trade from Willington which primarily serves a very local catchment area.
- 4.11 However, given the request by the Council we have carried out an assessment of sequentially preferable sites within and around Willington. A site visit was carried out on 23rd January 2016 of Willington centre and Beech Avenue shopping parade. The following were identified:

Willington Centre

- Sun Hall Chinese Takeaway
- Vacant office building at 4 Twyford Road – subject of planning permission for residential development (reference 9/2015/0468)
- Green Man PH
- Rising Sun PH & Rumours restaurant

- Kay's tea room & takeout
- New development of chip shop (opening soon)
- The Dragon PH
- Co-op
- Kitchens Complete showroom
- Bedrooms & Bathrooms Company showroom
- Dollies hairdressers
- Indulge beauty & chiropody studio
- Willington village store & post office
- Kingstead sales & lettings
- The Barber Shop
- Vacant old Co-op & Hairs & Graces hairdressers – subject of planning permission for change of use to A3 (reference 9/2015/0880)
- Cottage Garden Florist

Beech Ave shopping parade

- Willington General Store
- Beech Vets
- The Hair Shop
- Homeware DIY

4.12 It was clear from this assessment that there were no available sites within either of these centres. All existing retail units were occupied, undergoing refurbishment/development for a forthcoming tenant or had the benefit of a recent planning permission to change the use.

4.13 There were no clear sites located within the centre of Willington which would be sequentially preferable to the application site. It was also clear from the assessment that Willington has a particularly healthy and vibrant centre, performing well in its role as local service centre.

4.14 Furthermore, as outlined above in the event of a site being identified this would not perform the same role and function as the application site by virtue of its being located circa 1.2km from either the A38 or the A50.

4.15 It is therefore considered that the application proposals pass the sequential test.

Impact

4.16 The NPPF and PPG make it clear that there is only a requirement to carry out an impact assessment where proposals are over 2,500 sq.m.

4.17 The application seeks planning permission for 432 sq.m of Class A1/A3/A5 floorspace. The site benefits from an extant planning permission for 374 sq.m of Class A3 retail floorspace which

- could be constructed on the site. The uplift in floorspace is therefore only 58 sq.m. Therefore it is clear that there is no policy justification to consider the impact of the proposals in this instance.
- 4.18 Notwithstanding this, given the request of the local planning authority, we have carried out a high level consideration of the potential impact of the scheme.
- 4.19 Firstly in terms of the potential impact on the proposals upon the existing facilities at the services, it was envisaged from the outset that the services would include further retail on the application site.
- 4.20 It is proposed that the four retail units proposed as part of the current application will complement the existing offer at the services and provide a greater diversity of food and beverage offer than currently on offer, complementing the existing facilities. The proposals are also well located to the existing hotel and will provide further choice for people staying at the services.
- 4.21 An enhanced offer at the services will benefit the existing retailers by improving the quality and reputation of the services to those who use these regularly make use of them and will ensure that the objectives of Paragraph 31 of the NPPF are met in supporting the safety and welfare of the road user. A choice of outlets is more likely to encourage motorists to take a break from driving, rather than continue on to find alternative services which better meet their requirements. It is normal and expected to find a choice of food and drink offering at roadside services.
- 4.22 Furthermore the existing services are located in an out of centre location, and it should be noted that planning policy does not seek to protect existing retail facilities in such a location.
- 4.23 In summary it is considered that the application proposals and the existing facilities at the services will complement each other, and together will provide an enhanced offer for motorists and visitors staying at the hotel.
- 4.24 We now turn to consideration of the potential impact of the proposals upon Willington. Willington is a village located approximately 1.2km to the south of the application site. The centre of Willington is healthy, with low vacancy rates and a good range of comparison, convenience and services, many of which appear to have been within the village for a number of years.
- 4.25 The application seeks a flexible mix of Class A1/A3/A5 retailers in order to appeal to a range of potential tenants, but it is envisaged that the proposals will be marketed to food and beverage tenants, improving the offer at the services. There are a number of existing similar

operators within Willington including a number of public houses, café and takeaways. These serve the local market within Willington and are walking distance from the village.

- 4.26 It is considered that the proposals will not impact upon these existing retailers within the village given the different catchment areas for the village and the services. Furthermore, the village of Willington has remained healthy despite the presence of the existing retail offer at the services. The roadside services are located to the north of the village, whereas the majority of housing is located to the south and east and as such any residents would need to drive past the existing facilities within the village to reach the services.
- 4.27 It is acknowledged that given the flexibility being sought as part of the application that the 'worst case' scenario in impact terms would be a scheme which was entirely in Use Class A1.
- 4.28 As part of the Swadlincote Retail Study (2005) a household survey was carried out. The study concludes at Paragraph 5.4 that the survey revealed residents of Willington and Findern ward divided their allegiance fairly evenly between Derby and Burton for primary shopping purposes. This behaviour was mirrored within the results of the Derby Retail and Leisure Study (2009).
- 4.29 Therefore, it appears that the existing retailers within Willington are used for top up shopping rather than meeting people's daily comparison or convenience needs.

Consideration of South Derbyshire Council Local Plan Shopping Policy 2

- 4.30 As outlined at Chapter 3, the local level Saved Shopping Policy 2 outlines the Council's position with regards to out of centre retail proposals.
- 4.31 In response to the criteria set out within this policy it is considered that:
- The development cannot be accommodated within or immediately adjacent to a major town centre: the provision of the application floorspace within a major town centre would not serve the same function or role as the application proposals. These are specifically proposed to meet the needs of motorists as part of the overall roadside service provision, and therefore need to be located adjacent to the A38/A50.
 - The scale and nature of the proposals would not seriously affect the viability or vitality of a major town centre: The increase in floorspace over and above that permitted is only 58 sq.m, this would not have a detrimental impact upon a major town centre;
 - The site is not required for industrial or business purposes: The site is not required for these uses;
 - The development is not an intrusion into the countryside: the site forms part of the wider roadside services and already benefits from an extant planning permission for a drive thru restaurant on the site. The proposals do not result in a materially different impact upon the countryside than the approved and partly implemented scheme.

- The site is acceptable in highways/transport terms and sufficient car parking is provided: the proposals are part of an existing roadside services which includes infrastructure and car parking;
- The site can be accessed by public transport: by virtue of the nature of the proposals and their relationship with the A38/A50 they will generate vehicle trips however this is an integral to the nature of the proposals. The proposals are not seeking to meet the needs of the local community but that of the motorist using the A38 and A50.

4.32 In summary it is considered that the proposals accord with Shopping Policy 2.

Summary

4.33 In summary it is considered that there is no requirement to carry out a sequential assessment of the proposals on the basis that the application proposals have a specific market and locational requirement which would not be served elsewhere, including within Willington.

4.34 However, having reviewed the existing retail offer within Willington and the potential for sequentially preferable sites, there are no other opportunities to accommodate the retail floorspace proposed as part of the application.

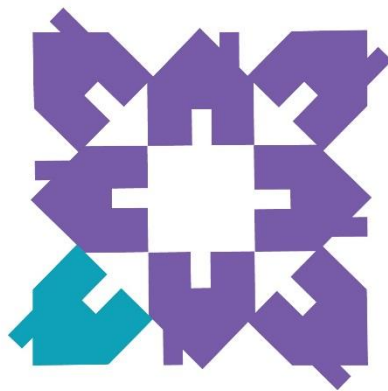
4.35 In terms of the impact of the proposals, there is no planning policy requirement to consider impact given the size and scale of the floorspace being applied for. The uplift in floorspace over the approved and implemented permission is only 58 sq.m.

4.36 However having regard to the request of the Council it is considered that the proposals will complement the existing retail at the service and meet the objective outlined at Paragraph 31 of the NPPF in respect of the provision of roadside facilities and meeting the needs of motorists.

4.37 Furthermore Willington is a healthy and vibrant centre and it is not considered that the proposals will impact on the vitality and viability of this centre. Whilst there may be existing food and beverage retailers within Willington, these meet a local need generated primarily by the village.

5. Conclusions

- 5.1 The application proposals seek consent for four new retail units within the roadside services on the A38/A50 for 432 sq.m of Class A1/A3/A5 floorspace.
- 5.2 The site has the benefit of an extant and implemented planning permission for a drive thru restaurant and as a result the proposals only seek permission for an uplift of 58sq.m in retail floorspace. This is a material fallback position with a realistic prospect of being implemented if planning permission is not granted for the current proposals.
- 5.3 The NPPF at Paragraph 31 encourages the provision of roadside services to support the safety and welfare of the road user and the proposals are geared towards this purpose.
- 5.4 In summary it is considered that there is no requirement to carry out a sequential assessment of the proposals on the basis that the application proposals have a specific market and locational requirement which would not be served elsewhere, including within Willington.
- 5.5 However, having reviewed the existing retail offer within Willington and the potential for sequentially preferable sites, there are no other opportunities to accommodate the retail floorspace proposed as part of the application.
- 5.6 In terms of the impact of the proposals, there is no planning policy requirement to consider impact given the size and scale of the floorspace being applied for. The uplift in floorspace over the approved and implemented permission is only 58 sq.m.
- 5.7 Furthermore Willington is a healthy and vibrant centre and it is not considered that the proposals will impact on the vitality, viability and sustainability of this centre. Whilst there may be existing food and beverage retailers within Willington, these meet a local need generated primarily by the village.
- 5.8 In conclusion it is considered that the proposals accord with the NPPF and relevant Development Plan policy.



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