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**COMMITTEE REPORT 7**

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**Planning Committee**

**13/05/2008**

**Report of City Planning Manager**

APPLICATION No. - 45863/N

Description of Development - Variation of condition 8 imposed on planning permission 45863/L to allow an increase in sales floorspace to be used for the sale and display of comparison goods from 20% to 30%

Site - J Sainsbury Plc, 330 Fletchamstead Highway

Applicant - Sainsbury's Supermarkets Ltd

Ward - Earlsdon

**INTRODUCTION**

- The purpose of this report is to consider the above application.

**RECOMMENDATION**

- Planning Committee is recommended to grant planning permission subject to the conditions set out in the schedule.

**DESCRIPTION OF APPLICATION SITE**

- The site is located on the eastern side of Fletchamstead Highway within the Coventry Business Park.
- The surrounding area is commercial in nature with industrial units to the south and east. There are three fast food outlets, a Blockbusters and a Carphone warehouse to the north in the gyratory island and a mixture of car showrooms and industrial units to the west of Fletchamstead Highway.
- The site is adjacent to the traffic light controlled junction with Herald Avenue and Vanguard Avenue. Vehicular access to the site is from Herald Avenue.
- The supermarket building itself is located within the south-eastern corner of the site with large areas of car parking between the building and Fletchamstead Highway and Herald Way
- Within the north western corner of the car park serving the supermarket is a petrol filling station with canopy, small shop and drive-through car wash.

- The site is well screened by mature boundary planting and landscaping within the car park area.
- The existing store (with extension already approved) has a gross floor area of 9, 145sq m of which 5, 760 sq m is used for retail sales

## PROPOSAL

- The proposal seeks to vary condition 8 imposed on planning permission 45863/L. That application was for the erection of an extension to the retail store (1,165sqm of additional net retail floorspace. (1, 385sqm gross)); new covered trolley store; reconfiguration of car parking layout and revised landscaping.
- Condition 8 stated:
 

*'Comparison goods shall not occupy more than 20% of the total sales floor area of the store. Furthermore, not more than 10% of that area shall be used for the sale or display of any of the following comparison goods; clothing, footwear, electrical, pharmaceutical, jewellery, silverware, watches and clocks and recreational goods.'*
- The reason for imposing that condition was:
 

*'The granting of an unrestricted planning permission could have a significant impact on the vitality and viability of nearby shopping centres and the Cannon Park Major District Centre as defined in Policy S2 of the Coventry Development Plan 2001, in accordance with Policies S1 and S11 of that Plan.'*
- This current application seeks to vary that condition to allow for 30% of the total sales floor area for comparison goods and to remove the restriction on the amount of floor area that can be devoted to clothing, footwear, electrical, pharmaceutical, jewellery, silverware, watches and clocks and recreational goods. It would also increase the comparison floor area to 1, 728 sq m (net)
- Under the L permission 1,152sqm (net) of the total sales area could be devoted to comparison goods of which 576sqm could be occupied by clothing, footwear, electrical, pharmaceutical, jewellery, silverware, watches and clocks and recreational goods.
- The application is supported by a Retail Statement. This
  - includes an assessment of the retail capacity comparing comparison expenditure growth within a 10-minute drive time area (£31.41million) with the expected increase in comparison turnover (£4.26million)
  - states that if the current approved scheme were to be implemented the comparison turnover would be 8.52million.
  - identifies qualitative indicators, including improved customer choice and meeting customer demand, which in their view, support the increase in comparison goods
  - maintains that there is an identified quantitative and qualitative need for the increase in comparison goods floorspace in accordance with Policy S11 because there is sufficient comparison goods expenditure in the Primary Catchment Area (PCA) to support the increase in comparison goods and qualitative benefits will arise by consumer choice and allowing the store to remain competitive with similar facilities.

- The applicants have not undertaken a Sequential Assessment as part of their Retail Statement as they contend that this test and the requirement to follow it under UDP Policy S11 is not appropriate for an assessment of the proposed replacement condition. In their Retail Statement they state:

**4.68**...First, the condition has been imposed in the interests of preventing retail impact, which is not related to the sites location. Secondly, the sequential approach does not advocate identifying sites in terms of whether specific goods could be sold in central locations based on an assessment of flexibility (in terms of scale, floorspace and parking provision), suitability and availability. PPS6 also confirms that a single retailer should not be expected to split their proposed development in separate sites where flexibility has been demonstrated.

**4.69** The floorspace to be used for the sale of the comparison goods has already been permitted under the March 2007 permission so the application of this test to the proposed increase in goods would in our view serve no useful planning purpose.

**4.70** Notwithstanding the above, it is reasonable to consider the need for the additional comparison goods floorspace as part of the permitted extension as being 'locationally specific'. This is a consequence of the Company's established and successful operation of the existing store in the current location and the need that Sainsbury's has identified for an extension at this location.

**4.71** The proposed extension will solve existing qualitative deficiencies and result in a store with qualitative benefits to the existing customer base in an established and successful retail location. The improvements in the complementary comparison goods offer are an important element of this.

- The Retail Statement concludes:

**5.3** Given the original reason for the imposition of this condition and the wider retail policy tests, this Statement has assessed the appropriateness of the replacement condition.

**5.4** We have identified sufficient comparison goods expenditure in the PCA to support the increase in comparison goods. The increase in turnover constitutes only 13% of the growth in expenditure in the PCA between 2007 and 2009 (akin to circa 4months). This still allows for investment in defined centre facilities including the City Centre and Cannon Park District Centre. There are also qualitative benefits arising from the increase in comparison goods floorspace by enhancing consumer choice and allowing the store to remain competitive with similar facilities.

**5.5** We have concluded that the proposed increase in comparison goods floorspace will have no significant economic impact on existing centres

and facilities within the PCA. Importantly it will not have a major impact on the Cannon Park District Centre. The replacement condition will also serve to protect the Centre from impact in the future.

**5.6** In the absence of harm and taking into consideration the tangible benefits arising, we conclude that the proposed amendment should therefore benefit from the grant of planning permission

- Following discussions with the applicant, by e-mail dated 18<sup>th</sup> April 2008 they have indicated their willingness to accept a condition restricting the amount of area that can be used for the sale of clothing, footwear, electrical, pharmaceutical, jewellery, silverware, watches and clocks and recreational goods

## **RELEVANT PLANNING HISTORY**

- A comprehensive redevelopment involving the demolition of buildings; the erection of buildings to accommodate office, industrial & distribution uses (within Use Classes B1, B2 & B8); the construction of a hotel, housing retail food store, petrol filling station, car showroom & two restaurants; the provision of access, infrastructure & car parking; the re-siting of recreational facilities, landscaping & highway works – Granted, 4<sup>th</sup> November 1992 (B/44300)

Condition 27 on that approval stated:

*'That retail development shall be limited to those parts of the site identified on Drawing No. C-OPA 03 Rev A and shall not exceed two premises falling within Class A3 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, a car showroom, a petrol filling station and a superstore not exceeding 75, 000 square feet gross floorspace selling predominately convenience goods.'*

The reason for this condition was:

*'To ensure that the extent of retailing activities within the site is strictly limited in accordance with the shopping policies contained in the City of Coventry unitary Development Plan (Deposit Version) 1991*

- An application for land adjacent to the Sainsbury's store, which proposed Redevelopment including demolition of existing buildings to provide non-food retail warehousing was submitted on the 21<sup>st</sup> December 1993. (ref. B/44300/B) An appeal for non-determination was submitted on the 28<sup>th</sup> March 1994.
- A duplicate submission of this application was submitted on the 15<sup>th</sup> March 1994. (ref.B/44300/E) This application was refused on the 22<sup>nd</sup> June 1994 for the following reason.

*'That the proposal would seriously harm the shopping and employment objectives of the City of Coventry Unitary Development Plan 1993 and in particular is contrary to Policies S12 and E14 in that it would:*

*(a) have a serious effect on the vitality and viability of Coventry City Centre; and*

*(b) involve the redevelopment of an existing employment site for non-employment use to the detriment of the maintenance of a balanced portfolio of employment land'*

- The appeal, in respect of non-determination of application ref. B/44300/B was subsequently dismissed on the 13<sup>th</sup> December 1994 following the Inspectors recommendation to the Secretary of State.
- In his conclusions the Inspector stated:

*'The proposals would have a serious effect on the supply of employment land and on the vitality and viability of Coventry's city centre shopping. They would conflict unacceptably with UDP and national policies. There are no serious drawbacks with the proposals in terms of sustainability, but the disadvantages of the proposals are not outweighed by the benefits which they would offer.'*

- Car wash facility including screen enclosure and water reclamation room housing – Granted, 30/12/94 (Ref. C/45863)
- Installation of roof cowls to ventilation system – Granted, 6/1/97 (45863/A)
- Extension of retail area and provision of restaurant and alterations to parking layout – Granted, 20<sup>th</sup> March 2001 (45863/B)
- Creation of new footpaths - Granted on 7/8/98 (45863/C)
- Extension to Sainsbury's petrol filling station kiosk, addition of one petrol pump, relocation of three existing petrol pumps and alterations to existing kerb lines - Granted on 22/5/00 (45863/D)
- Extension to restaurant and entrance lobby. Relocation of ring and ride facility – Granted, 4/1/02 (45863/E)
- Extension to bulk stock ancillary storage area and consequential re-arrangement of service yard – Granted, 21/2/02 (45863/F)
- Installation of replacement car wash enclosure – Granted, 18/1/03 (45863/G)
- Erection of single storey extension to provide bulk storage facility, reconfigured car parking arrangements and provision of landscaping – Granted, 6/8/04 (45863/H)
- Use of land for erection of marquee for display and sale of seasonal goods – Granted, 09/03/2006 (45863/J)
- Continued use of retail store with variation to condition No.8 imposed on planning permission 45863/B determined on 20th March 2001, to permit comparison goods to be sold in all parts of the store. – Granted, 31/08/2006 (45863/K)
- Erection of extension to retail store; new covered trolley store; reconfiguration of car parking layout and revised landscaping – Granted, 31/03/2007 (45863/L)

- Erection of new canopy and construction of nine new pump islands to replace existing. – Granted, 24/08/2007 (45863/M)

### **DEVELOPMENT PLAN POLICIES**

- RSS : PA11, PA13
- CDP: S1, S11
- PPS: PPS1, PPS6

### **STATUTORY CONSULTATION RESPONSES**

- None

### **PUBLIC RESPONSES**

- Notification letters sent to Arlington Property Services & Delphi automotive systems Ltd 1120 Elliot Court Herald Avenue; Kautex Unipart Ltd Unit 3000 Renown Avenue and McDonalds, KFC & Pizza hut Vanguard Avenue.
- Site and Press notices were displayed on the 25<sup>th</sup> October 2007
- A representation has been received from the occupiers of No.12 Torrington Avenue who states that this application should be supported in full. J Sainsbury is a vital member of the community and supports the local economy with both jobs and community support. This branch of Sainsbury's is a member of the citywide business improvement district and therefore supports Coventry Best for Business. This is helping to protect business in the city and help support the growth of jobs and new business to the city.
- A notification letter has been returned undelivered from Delphi Automotive, Herald Avenue

### **ISSUES**

- The shopping strategy for the city is set out in Policy S1 of the Coventry Development Plan 2001 which states that the City Council will protect, maintain and enhance the hierarchy of defined centres in order to provide access to a wide range of quality shops, services and other activities for all sections of the community in locations accessible by a choice of means of transport. S1 also provides that proposals for all new shopping developments should be located within a defined centre of appropriate scale and function, and that elsewhere CDP Policy S11 would apply.
- The defined hierarchy identifies the city centre as the main focus and then complimentary Major District Centres at Arena Park in the north and Cannon Park in the south. District Centres are also defined that are intended to provide for bulk convenience goods and an element of comparison as well as a range of local services
- The application site is not within a defined centre and in that context the proposal represents potentially a diversion of investment from a defined centre that could undermine your strategy.
- Policy S11: Edge-of-Centre and Out-of-Centre retailing therefore states that such proposals (other than local shops), will only be permitted, if it is demonstrated firstly that:
  - There is a need for the proposal
  - More central sites are not suitable, viable and likely to become available within a reasonable time; and

- The proposed site is accessible by a choice of means of transport
- In addition the policy also requires that proposals meet the following criteria:
  - They should not have a harmful impact upon the vitality and viability of any defined Centre either alone or cumulatively;
  - They should not have a significant harmful impact upon wider travel patterns and car use;
  - They should be compatible with nearby uses; and
  - They should be compatible with other Plan policies
- Policy S11 also states that restrictions on the unit size and range of goods to be sold may be imposed.
- Successive permissions on this site have sought to limit the extent of floorspace devoted to comparison goods
- In respect of need for the proposal both the quantitative and qualitative need have to be assessed. The proposal will inevitably involve a rationalisation of the store and an improved layout
- The application does not propose any additional retail floorspace (over and above that already permitted by the L permission) but to increase the proportion of sales floorspace devoted to comparison goods from 20% to 30%
- Comparison goods are goods that are generally bought infrequently and usually involving comparison between alternatives. Convenience goods are those goods bought frequently or on a regular basis. However whilst goods such as clothing, shoes, electrical goods, books, CD's are comparison goods so are pet foods and household cleaning goods.
- The store currently has 929sqm net devoted to comparison goods,
- The unimplemented L planning permission would allow 1,152sq m net of comparison floorspace of which 576 sq.m net (10% of the total floorspace of the store) could be devoted to the sale of clothing, footwear, electrical, pharmaceutical, jewellery, silverware, watches and clocks and recreational goods. As this permission could still be implemented this is considered as the 'fall-back' position.
- The present proposal would enable the comparison floorspace to increase from 1,152sqm net to 1,728sqm net, an increase of 576sqm net.
- the key issue in determining this application is whether or not the proposals for the additional comparison retail floor area (above the 'fall-back position) and removal on restrictions on specific goods (electrical, footwear etc) would divert investment from defined shopping centres and undermine your shopping policies.
- All these goods could be sold from sequentially preferable sites if there were scope disaggregation
- Given the fallback position it is believed that it would be unreasonable to expect Sainsbury to close and relocate this enlarged store to a sequentially preferable site, or to split their permitted store on to a number of separate sites within Cannon Park or other nearby centres.
- Independent advice in respect of retail policy has been sought from your retained retail consultants, Nathaniel Lichfield and Partners (NLP assessment) and this is appended.

- In summary, the NLP assessment is critical of the retail statement submitted and does challenge the applicants contention that there is surplus expenditure and indicates that there are proposals in centre that have yet to be implemented and are sequentially preferable locations. They however do conclude that whilst the scale of the proposal is small in the context of the city as a whole they advise that diversion of investment should be resisted and that either permissions should be refused or alternatively conditions should be attached that restrict the level of floorspace from which clothing, footwear, electrical, pharmaceutical, jewellery, silverware, watches and clocks and recreational goods can be sold to that of the L permission
- NLP also challenge the turnover predictions but indicate that any trade diversion is likely to widely spread and as such is unlikely to cause harm to the vitality and/or viability of any particular centre providing that conditions are imposed that peg the extent of comparison floorspace at the level set by the L permission

## **CONCLUSION**

- I therefore recommend that permission be granted subject to the conditions in the attached schedule

## **SCHEDULE**

Condition(s)

- 1. The development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission.**
- 2. The development shall be carried out only in full accordance with sample details of the external facing, roofing and paving materials which have been submitted to and approved in writing by the local planning authority.**
- 3. Within the first planting season following the first use of the building, trees and shrubs shall be planted in accordance with a scheme which has been submitted to and approved by the local planning authority. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.**
- 4. The areas indicated on the approved drawings for vehicular manoeuvring space and parking shall at all times be kept free of obstruction and be available for those purposes**
- 5. Ambulant and wheelchair-bound disabled people shall at all times be provided with suitable convenient access into and throughout the building.**
- 6. Prior to occupation of the development hereby approved a designated ring and ride layby shall be constructed and marked out in accordance with the approved drawings and application documentation.**

Thereafter the facility shall be kept clear of obstruction and not used or permitted to be used for any purpose other than the picking up and setting down of ring and ride customers.

7. The development shall be carried out only in full accordance with details of the disabled car parking on-site which shall have been submitted to and approved in writing by the local planning authority. Once approved these shall be set out in accordance with the approved plans and made available for use prior to the first use of the extension hereby approved.

8. Comparison goods shall occupy no more than 1728 sq. m of the net (trading) area of the store and within that area not more than 576 sq. m of the net (trading) area shall be used for the sale or display of any combination of: clothing, footwear, electrical, jewellery, silverware, watches and clocks, or recreational goods.

Reason(s)

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area in accordance with Policy BE2 of the Coventry Development Plan 2001.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GE9, BE2 & BE20 of the Coventry Development Plan 2001.
4. To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety in accordance with Policy AM22 of the Coventry Development Plan 2001.
5. In order to secure the satisfactory provision of facilities and access for disabled persons in accordance with Policy OS9 of the Coventry Development Plan 2001.
6. To ensure satisfactory provision of ring and ride facility in accordance with Policy OS9 of the Coventry Development Plan 2001
7. To ensure satisfactory provision of facilities for disabled parking within the site in accordance with Policy OS9 of the Coventry Development Plan 2001.
8. Imposing a limit on comparison goods ensures the impact on defined shopping centres is controlled to protect, maintain and enhance the hierarchy of Centres in accordance with Policy S1 of the Coventry Development Plan 2001.

## **LIST OF BACKGROUND PAPERS**

PROPER OFFICER: City Planning Manager

AUTHOR: Richard Sykes – Team Leader -Development Management  
(024) 7683 1224

PAPERS OPEN TO PUBLIC INSPECTION (all at City Development Directorate, Civic Centre 4, Much Park Street)

Planning Application File: 45863/N

Coventry Development Plan 2001

Regional Planning Guidance for the West Midlands, RPG11, June 2004

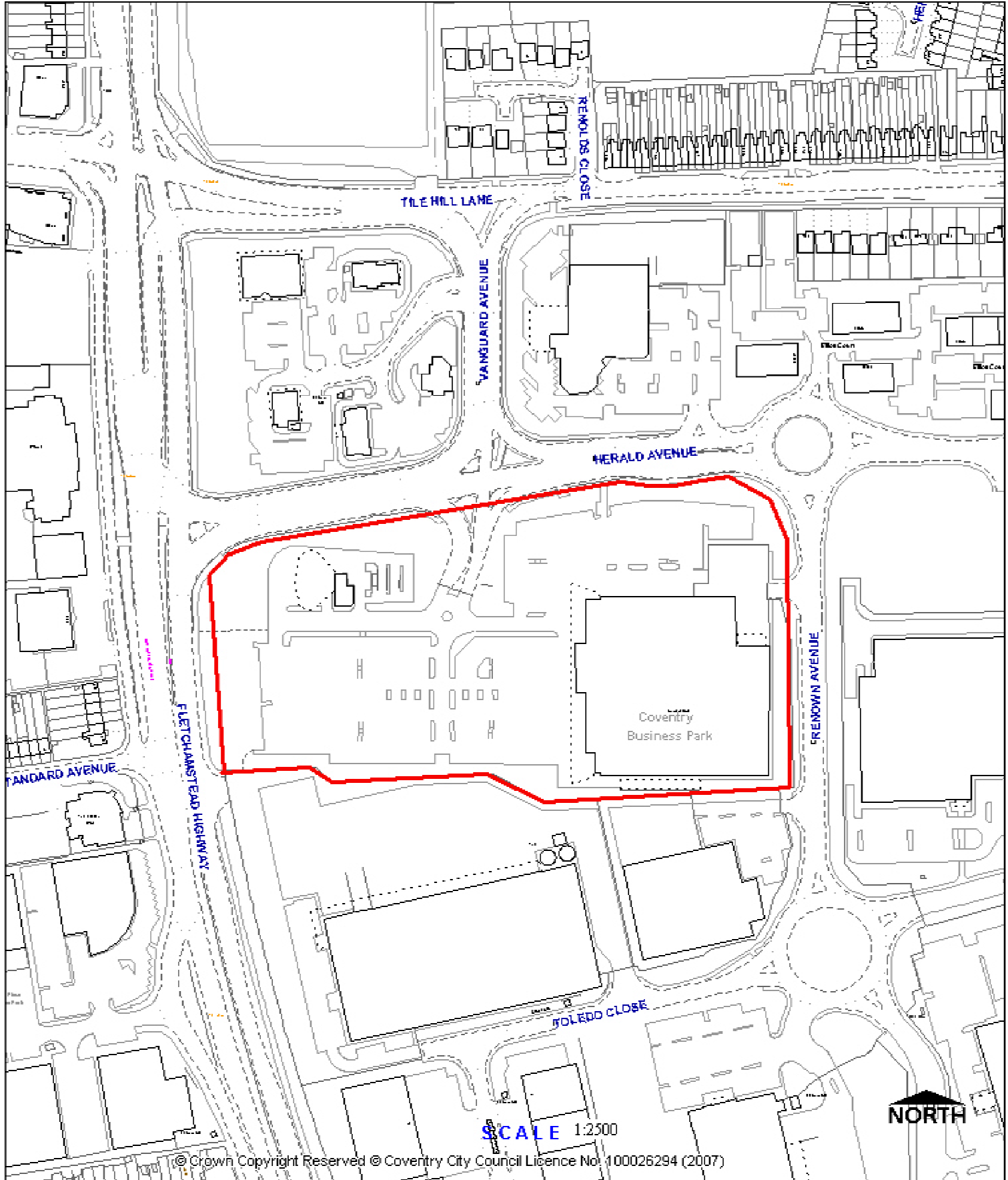
CASE OFFICER: Anne Denby



# SITE LOCATION PLAN

APPLICATION NUMBER 45863/N

LOCATION





Anne Denby  
Planning and Transportation  
Coventry City Council  
Civic Centre 4  
Much Park Street  
Coventry CV1 2PY

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Date: 3rd April 2008  
Our ref: L10336  
Your ref: SP/DR/PC

Dear Anne

### **Coventry Retail Study - Sainsbury, Fletchamstead Highway**

As requested we have examined the Sainsbury planning application. The application does not propose any additional retail floorspace (over and above that already permitted) but seeks to vary a planning condition to allow an increased sales floorspace devoted to comparison goods from 20% to 30%, increasing the maximum possible comparison floorspace from 1,152 sq m net to 1,728 sq m net, an increase of +576 sq m net. The store currently has 929 sq m net devoted to comparison goods, therefore the overall increase in comparison sales floorspace following the implementation of the extension will be +799 sq m net.

The unimplemented planning permission will allow 1,152 sq m net of comparison floorspace, of which up to 576 sq m net can be devoted to the sale of clothing, footwear, electrical, pharmaceutical, jewellery, silverware, watches and clocks and recreational goods. This can be considered to be the fall back position, against which the new proposal should be considered. The stated reason for the original condition for the permitted application related to potential impact on nearby shopping centres and Cannon Park Major District Centre.

#### *PPS6 Tests*

Policy S1 seeks to concentrate retail development within the Central Shopping Area, Major District Centres, District Centres and Local Centres, as defined on the Proposals Map. The proposal is located outside designated centres and should therefore be tested against Policy S11. Policy S11 relates to edge and out-of-centre retail development and includes the PPS6 tests of need, the sequential approach, accessibility, travel patterns and impact.

#### *Retail Need*

Turley Associate's Retail Statement includes a very broad brush retail capacity assessment, which compares comparison expenditure growth within a 10-minute drive time area (£31.41 million) with the expected increase in comparison turnover (£4.26 million).

In our view this approach is too simplistic and does not examine the cross flows of expenditure in to and out of the catchment area, and does not address the balance between existing retail



floorspace and expenditure. We believe TA's analysis does not clearly demonstrate a quantitative need for the proposed additional comparison floorspace.

The NLP Retail Study 2005 suggests there is quantitative capacity for 25,700 sq m gross of comparison floorspace during the period 2005 to 2011, and a further 37,800 sq m gross between 2011 and 2016 (63,500 sq m gross in total). These floorspace projections are global projections for Coventry City as a whole. In terms of projected comparison expenditure, the NLP assumed that 88.3% of surplus comparison expenditure at 2011 (£92.6 million out of £104.8 million) would be available to support new retail floorspace within the City centre. At 2016, 74.6% of surplus comparison expenditure (£208.3 million out of £279.1 million) would be available in the City Centre. On this basis the comparison floorspace projections would be split as follows:

- Coventry City Centre = 22,700 sq m gross by 2011 or 47,400 sq m gross by 2016;
- Rest of Coventry = 3,000 sq m gross by 2011 or 26,100 sq m gross by 2016.

These retail floorspace projections were over and above commitments (as at 2005), most of which have now been implemented with the exception of a DIY store at Edgwick Park Industrial Estate, which we understand is still an extant commitment, and therefore these projections should not have changed in this respect.

However, other commitments since 2005 will need to be taken into account. The former Courts unit (about 2,300 sq m gross) at Orchard Retail Park was vacant during NLP's adopted study base year (2005) and the reoccupation of this unit would also eat into the floorspace projections. The NLP study also suggested that vacant shop units within the City and District centres could accommodate about 3,000 sq m gross, which if achieved would need to be subtracted from the above projections. In total the above floorspace projections could be reduced by up to 5,300 sq m gross, about 21% of the projection up to 2011.

The Sainsbury extension includes additional comparison retail floorspace (799 sq m net or about 1,200 sq m gross), which would be supported by the City wide retail floorspace projection up to 2011 (25,700 sq m gross), even allowing for the 5,300 sq m gross reduction suggested above.

However, if the Council approves major retail development at Arena Park, Brandon Road and/or Cannon Park District Centres then the quantitative capacity projections will be significantly further reduced. These emerging developments are in sequentially superior locations when compared with the Sainsbury store extension under consideration, and their ability to accommodate the need for new comparison retail floorspace should be considered first.

Up to 9,755 sq m gross of comparison goods retail warehousing is currently proposed at Arena Park, which if permitted would exceed the rest of Coventry floorspace projection up to 2011, and account for over 37% of the projection up to 2016. Mixed use development proposals at Brandon Road district centre could also provide a significant element of comparison retailing, say at least 10,000 sq m gross, if two thirds of the proposed retail floorspace is devoted to comparison goods sales. Proposed redevelopment at Cannon Park district centre is also likely to provide a significant increase in comparison floorspace. Together these developments will absorb a significant element, if not all, of the City wide comparison floorspace projection up to 2011 (25,700 sq m gross) and would absorb a significant element of the long term quantitative capacity for comparison floorspace outside the city centre up to 2016 (26,100 sq m gross).



However, the proposed new condition (allowing an extra 576 sq m net) is relatively insignificant in relation to the global capacity for retail floorspace in Coventry. If projections over a five year period are considered, as suggested by PPS6, then growth up to 2013 should be sufficient to support this additional comparison floorspace.

The absence of quantitative capacity is unlikely to raise significant concerns, particularly if the amount of sales floorspace devoted to comparison goods most likely to compete with designated centres is controlled. The need for further comparison floorspace selling these types of goods (clothing, footwear, electrical etc) may be more undesirable, given emerging retail proposals within the City centre, Arena Park, Brandon Road and Cannon Park district centres.

### *Impact*

Turley Associates estimates that the turnover of the proposed additional comparison sales floorspace (+576 sq m net) will be £4.26 million, which based on an average sales density of £7,394 per sq m net (Source Verdict 2006). In our view this additional turnover has not been under-estimated. However, TA has not assessed the cumulative impact of the permitted development (+223 sq m net) and the proposal (a further 576 sq m net). The actual increase in comparison turnover from the existing position would be £5.91 million. The impact assessment should adopt this figure to assess cumulative impact.

TA suggests the impact of the proposal on nearby district centres will range from 1.8% to 3% in 2009. If the cumulative increase in turnover (£5.91 million) is assessed then the impact would range from 2.5% to 4.2%. Trade diversion is likely to be dispersed amongst a number of centres/stores and individually the turnover of the proposed extension is unlikely to harm the vitality and viability of these district centres, in particular Cannon Park. However, the applicant has not considered the cumulative impact of the proposal along with other commitments and proposals, not least Brandon Road and Arena Park. In order to minimise the trade diversion and impact on designated centres measures to restrict the amount of comparison floorspace devoted to the goods currently restricted in the fall back position could be considered.

TA estimates the decrease in convenience turnover will be -£5.4 million, due to the reduction in convenience sales floorspace (-576 sq m net), which would result in a lower impact when compared with the permitted extension proposal. The current proposal will have a higher impact on comparison retail facilities when compared with the permitted scheme, but conversely a lower impact on convenience retail facilities. On balance the impact implications of the proposed changes are probably neutral.

It should be noted that the current amount of convenience floorspace within the store (3,716 sq m net) will still be increased marginally under the current application (4,032 sq m net), and no additional convenience expenditure is expected to be released following the implementation of the current application.

### *The Sequential Approach*

The remaining retail planning issue is whether the proposed additional comparison floorspace would be better located in the city centre or another designated district centre, i.e. the sequential approach. As indicated above, the reason for Condition 8 relates to impact on nearby shopping centres and Cannon Park Major District Centre. The sequential approach can be related to



impact e.g. if an out of centre development undermines or attracts investment away from designated centres.

The sequential analysis should be viewed in the context of the fall back position, i.e. the size of extension has already been approved. The permitted extension allows an increase in the amount of comparison sales floorspace from 929 sq m net to 1,152 sq m net, of which 576 sq m net can be devoted to goods typically sold within centres. In terms of scale/footprint, Sainsbury has permission for a store of 9,145 sq m gross/5,760 sq m net. However, the amount of unrestricted comparison sales floorspace in the fallback position is only 576 sq m gross. A significant increase in unrestricted comparison floorspace will raise issues relating to the ability to disaggregate and impact.

Given this position, we believe it would be unreasonable to expect Sainsbury to close and relocate this enlarged store to a sequentially preferable site, or to split their permitted store on to a number of separate sites within Cannon Park or other nearby centres, particularly if the amount of restricted comparison sales floorspace remains unchanged. The applicant points out that PPS6 indicates that business models should not be split. However in our view PPS6 is ambiguous on this issue because it also refers to the scope for disaggregation. We believe the scope for disaggregation should still be considered if a proposed extension is significantly changing the nature of the store and the type of goods sold.

The applicant should demonstrate flexibility and the potential for disaggregation of the nature of retail proposed. However, local authorities should be sympathetic to the business models of operators. It is necessary to consider what need the extension (and the proposed business model) will meet and for the applicant to explain why this cannot be met within existing centres, including the potential for disaggregation of the goods sold.

The issue of disaggregation is relevant in relation to the proposed additional comparison sales floorspace and the range of goods that will be sold, and the degree to which the proposal will change the nature of the store. Sainsbury has a number of different business models, with differing levels of comparison and convenience sales floorspace. Normally a food operator seeking to extend an out-of-centre store would be required to clearly demonstrate why their existing business model is deficient, and why the scale of extension proposed is necessary. In our view Sainsbury has not clearly demonstrated why their existing business model is deficient and why the proposed amount of comparison floorspace is needed. However, Sainsbury already has permission for the scale of extension proposed and they do not have to demonstrate why a store of the size proposed is needed. The nature of the store and business model is already expected to change under the permitted proposal. However, if more than 576 sq m net is devoted to the sales of clothing, footwear, electrical goods etc then the nature of the store could change and disaggregation could be an issue.

The Council appears to have already accepted that the extension may help to address specific deficiencies relating to the store and that these improvements could only be provided at the existing store. It is unlikely that the proposed marginal increase in comparison sales floorspace (+576 sq m net) will undermine development and investment proposals within nearby centres. Our analysis of the impact of the proposal indicates trade diversion is neutral when compared with the permitted scheme.



Given the existing permission, we believe the sequential approach is unlikely to be an area of concern provided that the amount of sales floorspace devoted to the clothing, footwear, electrical, pharmaceutical, jewellery, silverware, watches and clocks and recreational goods does not exceed the amount already permitted (576 sq m net).

We hope this note has provided the information required. If you require any further help please let me know.

Yours sincerely

**PETER WILKS**  
**DIRECTOR**