

11 November 2011

Mr Cromie

Via e-mail

Dear Mr Cromie,

## **Re: Questions regarding the Sainsbury's application for Dorridge**

Further to your e-mail of 10th October, I summarise below the application proposal which I hope addresses the issues you have raised. For completeness, I also include a more technical response addressing each of your questions in turn.

Following on from the refusal of planning permission in March 2010, Sainsbury's undertook a comprehensive exercise of public consultation, as set out in the Statement of Community Involvement which accompanies the planning application. The purpose of this exercise was to identify the key issues with the original application proposals and establish how the people of Dorridge wanted to see Forest Court Shopping Centre redeveloped. The resulting application proposes a suitable and viable development, shaped by consultation with local residents, that addresses the previous reasons for refusal.

The Localism Bill, which you reference in your first question, aims to reinforce good practice in terms of consultation. The ideas that emerged from the workshops; public exhibition; meeting with key stakeholders and interest groups, including the DROVS, have directly influenced the application which is now before Solihull Council. In this respect the consultation undertaken by Sainsbury's in Dorridge fully reflects the engagement with residents sought by the Localism Bill.

The size of the foodstore has been driven by the comments from the previous committee and the results of our consultation questionnaire that showed people wanted a smaller store to that proposed previously, but also one where they could still do a weekly shop. On this basis we have reduced the net sales area of the foodstore to 1,812sq.m, 26% smaller than the original scheme. We have also included 7 independent shop units and 2 kiosks within the development that have a total combined gross internal floorspace of 1,239sq.m.

At this point, it would be worth noting that a flexible permission is being sought for the independent units proposed within the scheme. This means that we could accommodate tenants who operate under any of the 5 'A' (retail) use classes identified in the Town and Country Planning Use Classes Order 2005, ensuring the

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best possible chance of these units being let. In essence we are inviting SMBC to consider the suitability of these units for a range of A class uses. It is for this reason that the total floorspace of the units has to be listed on the forms under each proposed use, hence the reason 1,239sq m is repeated 5 times on the application form.

In adding up this floorspace 5 times, the figure of 8,007sq.m has been incorrectly calculated. The retail floorspace as shown on the plans, which is what Sainsbury's will be held to if permission is granted, totals 3,051 sq m (Supermarket Sales area of 1,812 sq m plus the GIA area of the independent units of 1,239 sq m). The net sales area has been calculated in line with the approach set out in PPS4, as set out in my letter of 11<sup>th</sup> April 2011. The methodology is clarified again in the detailed response to your questions attached.

The feedback we received has also driven the extended public realm area in the new application. In response to your query, this has had the knock on effect of increasing the site area of the new scheme to 2.01 hectares from 1.15 in the original.

You have highlighted that the existing floorspace of the shop units in Forest Court shopping centre is 2,904sq. m. Added to this the atrium comprises a further 945 sq m of usable space and residential uses comprise 260 sq m. In total, the floorspace in Forest Court totals 4,100 sq m. This is an important consideration. The total internal area proposed (excluding the doctor's surgery) is 5,653 sq m. The net additional floorspace (gross) is 1,553 sq m. Our proposal is of a comparable scale to Forest Court and notably, the ground floor footprint of Forest Court could accommodate Sainsbury's supermarket proposal.

We have thoroughly assessed the parking requirements of the new scheme and are happy and confident that the additional parking provision proposed is sufficient to support the modest rise in retail space proposed. The additional parking to be provided is enough to serve the store customers, staff and other village centre users.

The car park is now on the roof and careful attention has been given to the lighting of this area in the evenings. A full lighting assessment and plans accompanied the application and are available on the Councils website. The car park will not be 'floodlit' rather we have designed the scheme so that there will be no adverse impact on residents adjoining the development. It is also worth noting that there is a 2m high wall surrounding the car park and new tree planting between the car park and the residential properties. Picking up your concerns in relation to trolleys we are also including a trolley loop around the site exit points to prevent trolleys leaving the site.

PPS4 says that the development of main town centre uses should be in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in areas with poor access to facilities. In redeveloping the Forest Court Centre for retail there is no requirement in the prevailing policy to provide a sequential assessment, particularly as we are replacing the existing Forest Court Centre with a similar quantum of floorspace. The application proposals fully accords with planning policy.

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I hope that this letter and technical response are sufficient to answer your questions.

Thank you for taking the time to write to me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jaime Powell'.

Jaime Powell

Q1 - Much is made of the 26% reduction in the store size. Using the figures on the application forms from 2009 and 2011, the total gross internal floorspace, excluding the doctors' extension and assembly area, has increased from 5396 to 8007 sq meters. We also note that the site area has increased from 1.15 hectares in 2009 to 2.01 hectares in 2011. If the previous development was considered too large, how does this increase address the concerns of size which were the reason for the previous planning application's refusal? Given that the overall size of the Development has increased please can you demonstrate how you have engaged with local opinion and amended your plans to accommodate their views, as now required within the Localism Bill?

The red line, and consequently the site area, has been extended from the original application to reflect the more extensive enhancements now proposed to the public realm in Dorridge and the local road network. Sainsbury's land ownership has not changed in this time, nor is the extended site area related to the scale of the development itself.

The measurements referenced from the respective application forms include double counting. Full details of the floorspace for which planning permission is sought are provided in Section 3 of the Planning Statement. The size of development for which permission is sought is, of course, also predicated on the plans submitted.

For the avoidance of any further doubt the area schedules for the two proposals are:

- The total retail floorspace (internal measurement) proposed previously was 5,689 sq m. This comprised a supermarket with a total area of 5,140 sq m and independent retail units with a total floorspace of 549 sq m.
- The total floorspace (internal measurement) for which permission is now sought is 5,653 sq m. This comprises a supermarket with a floorspace of 4,414 sq m and independent units with a floorspace of 1,239 sq m.

Full details of the consultation held between the previous refusal and submission of the current application are set out in the Statement of Community Involvement, submitted as part of the application. Sainsbury's has engaged in substantial public consultation ahead of the application, including a number of discussions with the DROVS.

Responding to the comments received during this process significant changes have been made to the scheme. Notably the net retail sales floorspace within the supermarket has been reduced from 2,460 sq m to 1,812 sq m, a reduction of 26%.

It is the net sales area that is critical to the retail function of the proposals, and thus the DROVS' objection, as it is this area that determines the offer available within the store and subsequently its attraction to customers.

The Localism Bill, aims to reinforce good practice in terms of consultation. The ideas that emerged from the workshops; public exhibition; meeting with key stakeholders and interest groups, including the DROVS, have directly influenced the application which is now before Solihull Council.

In this respect the consultation undertaken by Sainsbury's in Dorridge fully reflects the engagement with residents sought by the Government. The Localism Bill does not require engagement over and above that undertaken by Sainsbury's.

**Q2 - Can you confirm that with the existing gross internal floorspace of 2904sq. m and the proposal of 8,007 sq m gross internal floorspace, this represents a new development of 5,103 sq. m.**

The application site principally comprises The Forest Court Shopping Precinct, including the precinct service yard and car park.

The gross internal area of the existing shop units in Forest Court totals 2,904sq.m (circa 860sq.m at first floor), added to this the Atrium comprises a further 945sq.m of usable space. Residential uses comprise 260sq.m. In total, the floorspace in Forest Court totals circa 4,100 sq m.

The total internal area proposed (excluding the doctor's surgery) is 5,653 sq m. The net additional floorspace (gross) is 1,553 sq m.

Notably, the ground floor footprint of Forest Court could accommodate Sainsbury's supermarket proposal.

Planning permission for Forest Court was granted in 1964. The scale of the development was deemed appropriate to the role and function of Dorridge. Dorridge and its population have grown in the subsequent 40 years yet the scale of development proposed remains comparable to Forest Court.

**Q3 - The net sales area is consistently quoted as being 1,812sq.m. Conventionally, the net sales area includes all the floor area to which customers have access. Sainsbury's have used the methodology which excludes checkouts, lobbies, concessions, restaurants, customer toilets and walkways behind the checkouts. Was this methodology used in 2009? How does this size compare with Sainsbury's Poplar Way using the same methodology?**

The measurement of the net retail sales area of 1,812sq.m is based on the definition provided by the Competition Commission. The PPS4 Practice Guidance makes clear that this is the way in which major foodstores publish their information and as such is the most accurate definition. Clarification of this was provided to the DROVS by way of letter dated 11th April 2011. This is also made clear in the planning submission (Paragraph 4.3 of the PPS4 Retail Statement).

The basis of these floorspace figures provided in support of the application is the same as that used previously. The methodology adopted is therefore clear and consistent.

The size of rival stores is only relevant in as much as it demonstrates the extent of the offer required to claw-back expenditure from these destinations. The Sainsbury's at Poplar Way in Solihull is one of several serving the Solihull catchment.

As is set out in the application submission, the net sales area in the Popular Way store is 1,992 sq m calculated on the same basis.

**Q4 - Given that the retail development that you propose does not accord with any such identified requirement in the Local plan can you please provide a copy of the sequential test.**

PPS4 policy does not include need as a test in relation to the determination of a planning application, notwithstanding a clear need for the proposals is demonstrated in the application submission.

Sequential assessments are required (PPS4, Policy EC14) for planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan.

The application proposals are in an existing centre in accordance with PPS4. There is no requirement to undertake a sequential assessment.

**Q5 - Can you please confirm that a store of any less than the size proposed will not achieve your hurdle rate of return on capital employed, and that for Sainsbury this is a matter of viability and return rather than suitability and sustainability.**

The application is of an appropriate scale to the form and function of Dorridge. Indeed it is critical to securing and enhancing the long term vitality and viability of the centre.

The scale of the proposal is informed by the purpose that the store is seeking to serve. In this case, Sainsbury's aim to provide for a weekly shopping trip for most customers, which are currently undertaken to a large extent beyond the catchment.

Sainsbury's has gone to great lengths to amend proposals for Forest Court and in so doing has significantly reduced the scale of the Sainsbury's Supermarket proposed. Located in an existing centre, on the site of an existing retail precinct that comprises more retail floorspace than proposed in the Sainsbury's store.

**Q6 - Policy EC15 requires that any Development proposal must demonstrate how existing local retailers will be protected, how will your store protect the hierarchy of Knowle High Street as a Regional centre?**

Policy EC15 relates to the application of the sequential test. The application site is in an existing centre. Subsequently, the sequential assessment is not relevant to the determination of the application.

Policy 13 however requires LPA's to take account local shops when considering proposals. Currently, Dorridge's market share of the catchment is just 4%. The majority of residents are choosing to shop elsewhere. This is not a healthy position for shops in Dorridge. The scale of the supermarket proposed will help retain expenditure locally. Local shops will benefit from linked trips.

As acknowledged in Tyler Parkes submission to the LPA in respect of the application the development will 'attract more customers to visit Dorridge, and increase the likelihood that other shops, mainly local traders, will benefit as customers combine trips to the supermarket with visits to other shops in the centre'.

Only 10% of turnover to the Sainsbury's will come from Knowle, the vast majority will instead be 'clawed-back' from stores outside the catchment as residents choose to shop locally rather than travel further afield. The proposal will not adversely impact Knowle, indeed Waitrose continue to progress their proposals for the centre.

It is notable that in their comments the Knowle Society does not identify any adverse retail impact on Knowle. Further development in Knowle will compound decline in Dorridge, there is a need for SMBC to proactively plan for Dorridge's future vitality and viability.

**Q7. While supportive of the inclusion of mixed use within the development, there is no clarity on the type of businesses that will occupy the 6 spaces listed and the one in the store itself. The application says Financial and professional services, Restaurants and cafes, Drinking establishments, Hot Food Takeaways. Can Sainsbury's confirm that the allocation will be based on these headings or are they just headings of convenience? Are they going to be reserved for independent organisations or will Sainsbury's be able to expand into them?**

Sainsbury's has been clear throughout that the additional retail units proposed are for other operators. As acknowledged, the provision of this space should be welcomed.

It is clear however (Paragraph 3.11 Planning Statement) that the ground floor units are intended for retail uses whilst the restaurant will be located in the first floor unit. Flexibility has been sought in the application to enable a permission that will not prejudice any future tenants. It is not know, for example, how much space a future restaurant operator may require. They may prefer to operate on two floors.

SMBC are able to regulate the use of the development, should it be given planning permission, through enforceable planning conditions.

Discussions are advanced with the existing pharmacy to return to the site in one of the units. Once planning permission has been granted, discussions will commence with other potential occupiers.

**Q8. We note from your planning application that 'Shops Net Tradable Area' is 3051 sq m. If the 1812 sq m supermarket is subtracted, the balance for shops is 1239 sq m. Can you explain why all other units of trading area are of the same 1239 sq m size. If the area required for checkouts, walkways behind checkouts, lobbies, etc. is added in, how much space is expected to be available for other uses?**

Net trade able area comprises the 1,812 sq m proposed within the supermarket plus the 1,239 sq m proposed within the additional retail units. As set out at Paragraph 3.3 of the Planning Statement the checkout area at the supermarket comprises 152 sq.m.

It is Sainsbury's intention that the ground floor units be occupied by retail traders. Given the nature of existing tenants is not confirmed however the application requests that the Council review the suitability of each unit for a range of 'A' use classes. Consequently, the floorspace of the units is entered under each category of the A use class.

**Q9 - Restaurants, cafes and take away are allocated a very large trading area of 2478 sq m, it says 1239 x 2 on the planning application form. Can you confirm that due consideration has been given to existing businesses such as Saleem Bagh, Forest Hotel, Minh's Cantonese and Dorridge Fish Bar and that any new outlets in your development will not cause harm to these businesses?**

The addition of a new restaurant facility in the development has largely been welcomed. The development will have a positive impact on Dorridge. It will help retain trade locally ensuring local residents shop in Dorridge instead of travelling further afield.

As the DROVS acknowledge in their objection letter to SMBC, produced by Tyler Parkes, local traders will benefit from customers attracted to the proposal. In this context the development presents a significant opportunity to all existing and future businesses in Dorridge.

**Q10 - A large area (1239 sq m) has been set aside for 'Drinking Establishments', can you elaborate on why such a large area is needed for drinking and who might take up this allocation.**

This has been included within the application so as not to prejudice the operation of a future restaurant. We expect however SMBC to regulate any permission in this regard.

**Q11 - In your submission you have estimated 20-30 Sainsbury's staff will drive and park. Where do you envisage them parking? We note that there is no estimate for the numbers of staff from the other retail units and their parking requirements.**

It is envisaged that the 20-30 staff vehicles discussed within the submitted documents will potentially park within the store car park; these vehicles have been included within the car park accumulation assessments. However, a Travel Plan will seek to reduce the number of staff vehicles parking within the car park by encouraging staff to travel to the store by sustainable modes such as by bus, walking and cycling as well as encouraging car sharing.

With regards to staff working at the other proposed retail units we expect that their levels of staffing will be similar to those of the existing retail units within the Forest Court. As stated within the submitted documents, surveys were undertaken at the access to the Forest Court car park at a time when around half of the retail units were still operational and as a result, the staff vehicles associated with these units were included within the data and have been taken into account in the accumulations.

**Q12 - the traffic figures have been reduced by 37% compared with the previous application. Given the reduction in store size by only 26% and the massive increase in the total development, please justify the change?**

The reduction of 37% quoted is actually the difference in traffic between the two-way flows during the Friday and the Saturday peak periods for proposed uses. However, if the total two-way Development Trips are compared ('Development Trips' in Table 7.3 in the 2009 submitted TA and Table 6.5 in 2011 submitted TA) the reduction in traffic associated with the proposed development is 20% during the Friday PM Peak and 11% during the Saturday Peak. This is significantly less than the 37% quoted.

**Q13 - considerable concern has been raised by the local residents over the effects of an elevated floodlit car park however we are struggling to find additional information on the height of the floodlights and they seem to be missing from the drawings showing the elevations. Can you point us to the documents with this information?**

Careful attention has been given to the lighting of the car park area. A full lighting strategy, with plans, accompanied the application. These details are available on the Council's website.

The submitted documents show detailed proposals that are not 'flood-lighting'. The scheme comprises low columns with directed luminaires to ensure sufficient lighting to the car park without spillage beyond the boundary walls.

After store closure, luminance is reduced by 60% in the interests of sustainability but also to provide sufficient light for on-going safety and security. In addition the Forest Road frontage is screened by substantial landscaping and therefore lighting levels will not increase beyond existing street lighting.

**Q14 - can you confirm that trolleys will not be allowed to leave the area of the supermarket and the supermarket car park?**

A trolley management system will be incorporated into the scheme during construction. This comprises an electronic system that triggers wheel-locks (front and new) on any trolley that is pushed over a buried cable. These will be positioned at the inner door of the ground floor lobby; and at car park level at the top of the ramp to Avenue Road (road and pavement), and at the top of the stairs to Station Road and Forest Road.

Trolleys are an expensive item and their control and retention within the store and car park for use by customers is an important consideration for Sainsbury's.

**Q15 - the retail units on Station Approach and in Forest Court are currently serviced from a designated service road. Under the new proposal, all deliveries will be made from loading bays with deliveries being pushed across pedestrian areas. Has this design been properly assessed under Health and Safety regulations?**

It is common practice to undertake infrequent deliveries to small stores on-street and across pavements without cause for concern in relation to health and safety. All stores and delivery companies are requested to adhere to Health and Safety regulations.