

## Planning Statement

Fletchamstead Highway, Tile Hill, CV49BY

**Firstplan Ref:** 18359

**Date:** 12/12/18

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## Appendices or documents

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Appendix 1 – Topps Tiles Decision Notices

Appendix 2 – Example Trade Scheme Decision Notices

# Section 1 Introduction

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1.1 We are instructed by our client, Topps Tiles UK Limited to submit this planning application relating to the above site for the following proposed development:

**“Change of use from Tool Hire Centre to storage, distribution and sale of hard wall and floor finishes and associated products together with changes to the front elevation”**

1.2 The application comprises of the following documents, which have been submitted online via the Planning Portal:

- Planning Application Form;
- Ownership Certificates;
- Location Plan 1:1250;
- Block Plan 1:500;
- Existing and Proposed Floor Plans;
- Existing and Proposed Elevations
- Planning Report addressing planning use, planning policy and sequential location issues is attached.

1.3 The requisite planning application fee has been paid online.

## Section 2 Factual Background

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### Site Description

- 2.1 HSS have occupied the host unit at Fletchamstead Highway since 1999. However, they wish to down size and the unit has been subdivided to create 3 units. One unit has been retained by HSS and a second is being occupied by Howdens Joinery. Topps Tiles wish to operate from the third unit. The site is located in a mixed commercial area comprising a mix of sui generis, industrial, commercial and retail uses. To the north of the site is Coventry Audi and to the south is Johnsons Hyundai. Other occupiers within the wider industrial/trading estate include Costco, Sainsburys, Mcdonalds, KFC and several industrial/commercial uses.

### Planning History

- 2.2 HSS Tool Hire have occupied the unit under the following Sui Generis Planning Permission:

**“continued use as a tool and equipment hire/maintenance premises, and retention of new shop front”, reference 38187/K dated 22<sup>nd</sup> November 2000.**

- 2.3 Topps Tiles represent an equally acceptable sui generis use which would complement HSS Tool Hire and Howdens.

### Application Proposals

- 2.4 The application proposes to change the use of part of the existing HSS Hire unit to enable Topps Tiles to operate lawfully from the site. New entrance doors and windows are also proposed to enable this unit to operate independently.
- 2.5 Topps Tiles already have a presence to the east of Coventry, where they successfully operate from their existing site at Binley. The company are now seeking to establish a new location to serve the area to the west of the City Centre and beyond.

## Section 3 Planning Use

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### **Topps Tiles Use/Sui Generis Definition**

- 3.1 Topps Tiles are a specialist tile and flooring supplier who operate in the region of 350 units from a variety of employment and trade locations throughout the country.
- 3.2 Topps Tiles combine a number of operations including storage, distribution and sales to predominantly traders and builders. Historically Topps Tiles and many other trade style occupiers have traded from Class B8 units on employment and trade estates across the country. However, it is acknowledged that their use combines a number of operations and we appreciate that it is therefore difficult to categorise the use within the use Class Order.
- 3.3 Therefore, it is considered that a sui generis definition which specifically outlines the exact nature of their operation is the most appropriate approach for both the operator and local authorities, and allows the use to be controlled by reference to a specific bulky building product.
- 3.4 We have pursued a number of applications on behalf of the proposed occupier Topps Tiles and have found that local authorities have favored a sui generis definition. We believe this approach is entirely appropriate for this use. The definition proposed is:

**“Storage, distribution and sale of hard wall and floor finishes and associated products.”**

- 3.5 A number of example decision notices are attached in Appendix 1, which illustrate that a number of local authorities have agreed that a sui generis definition is appropriate. The following provides a more detailed description of Topps Tiles operation.

## Section 4      Topps Tiles Business Characteristics

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### **Topps Tiles Operation**

- 4.1      Topps Tiles provide a range of tiles and tile related products aimed predominantly to the trade sector supplying local builders and trades persons. Topps Tiles use a combined storage and display area with tiles stored in bulk on large pallets throughout the unit. Builders/traders/customers are allowed access to this general area. It is acknowledged that sales to the general public are not prohibited, but having regard to the nature of the product (i.e. a building material) and in view of the employment location of the many Topps Tiles units; it is evident that Topps Tiles is aimed at supplying building materials to traders and builders.
- 4.2      Topps Tiles are predominantly a tile operator but also stock a range of laminate flooring as well as other products associated with the fitting and maintenance of wall and floor coverings. Topps Tiles do not stock carpets or any other form of floor coverings other than tiles and laminates. In addition, they do not stock bathrooms or plumbing products unlike many retail tile operators. Topps Tiles is significantly different from a standard 'tile boutique' that tend to display a far larger range of sample tiles but have no stock available on site. Tiles are ordered and are usually delivered to the customer. Clearly, these operators are aimed at the retail market and are not well placed to meet the requirements of the trade sector which is for on demand goods.
- 4.3      By comparison, Topps Tiles stock a far smaller range of tiling products. Topps has no separate distribution warehouse network to supply traders and therefore all goods are stocked and distributed to and from the individual Topps units, thereby reinforcing their storage and distribution function. The nature of the layout and stock is very much aimed at the trade sector, and, consequently the business does not segregate their storage, counter or display area. This provides efficiencies for the business and assists traders to locate and acquire goods easily.
- 4.4      Topps Tiles units offer a discount card system together with a credit facility to trade operators. This is particularly helpful for smaller traders, builders and developers helping them to gain the financial benefits usually only afforded to national large-scale operators.

# Section 5 Planning Policy

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## **National Planning Policy Framework**

- 5.1 The revised National Planning Policy Framework was published on 24 July 2018 and provides overarching planning policy guidance for development across England. It states that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 5.2 Paragraph 10 sets out that at the heart of the framework is a “presumption in favour of sustainable development.
- 5.3 In terms of decision taking, Paragraph 38 sets out that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. It states that decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.4 In terms of economic development, Paragraph 80 sets out that:

**“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”**

- 5.5 Paragraph 82 sets out that planning policies and decisions should address the specific locational requirements of different sectors and make provision for storage and distribution operations at a variety of scales and in suitable accessible locations.
- 5.6 Section 11 of the NPPF is predicated on making effective use of land, and Paragraph 118 states that planning policies and decisions should encourage multiple benefits from urban land and give substantial weight to the use of suitable brownfield land.

## **Coventry Local Plan 2016**

- 5.7 Coventry Local Plan is the statutory development plan covering the application site.

- 5.8 The site is not allocated for any specific use on the accompanying proposals map. The site falls within an existing mixed commercial area characterised by a mix of sui generis and employment uses. As outlined above Topps is a sui generis use which traditionally traded from B8 and trade counter units. Relevant policies outlined in section 3 of the plan entitled Jobs and Economy are summarised below.
- 5.9 Policy JE5 states that proposals for new storage/distribution development (including changes of use and the expansion of existing operations) on sites not allocated for this purpose within the plan will be permitted provided that they are:
- Accessible by a choice of means of transport or will be made accessible by a choice of means of transport as a consequence of planning permission being granted for the development;
  - Have good access to a primary route on the highway network and an acceptable impact on the capacity of that network;
  - The proposal would not significantly compromise the viability or deliverability of land allocated in this Plan for employment development;
  - The development is compatible with other Plan Policies.
- 5.10 In addition, new general storage/distribution development (including changes of use) on all sites will also be required to demonstrate that the proposed development would not result in significant harm to the amenities of persons occupying nearby residential property or other land occupied by uses sensitive to environmental pollution.
- 5.11 Policy JE7 states that planning applications for new employment development (including changes of use and the expansion of existing operations) will be required to demonstrate how job opportunities arising from the proposed development will be made accessible to the City's residents.
- 5.12 Policy AC2 requires developments to be served by routes which are suitable for purpose.
- 5.13 Topps Tiles is not a retail or main town centre use. It has not been possible to engage in preapplication discussions with the authority as the application proposals fall under the relevant floorspace threshold. Firstplan emailed and rang the authority seeking to scope the application but were advised that the service was not available for applications below 1000sq m. Nevertheless, it has been mentioned in correspondence that the authority believe that Topps Tiles may represent a retail use and may require impact and sequential assessments. As explained in previous sections Topps Tiles represents a Sui

Generis Use with its primary function being storage and distribution. Nevertheless, retail policies are summarised below.

- 5.14 Section 5 of the local plan outlines policies relating to Retail and Town Centre uses.
- 5.15 Policy R2 Sets out Coventry City Centre Development Strategy which seeks to encourage development and regeneration within the city centre. The supporting text and policies go on to outline a hierarchy of centres.
- 5.16 The policy framework seeks to promote an appropriate mix of A1-A5 uses within centres. It also recognises that alternative complimentary uses such as social, community and leisure uses can be appropriate and help strengthen centres.
- 5.17 The supporting text indicates that designated centres should be the focus for retail and town centre uses. It indicates that retail and leisure investment is not encouraged outside centres, however, it recognises that there may be occasions when proposals for uses outside defined centres are considered suitable and acceptable.
- 5.18 Policy R4 sets out the relevant tests for assessing out of centre proposals. It outlines the requirements for sequential assessments and impact tests relating to retail and main town Centre uses. The threshold for impact assessments has been set at 1,000m<sup>2</sup> which is considerably smaller than set out in National Guidance.
- 5.19 Parking standards contained within appendix 2 indicate that sui generis uses will be considered on a site by site basis.

## Section 6 Planning Considerations

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### Employment Considerations

6.1 The site is located within a mixed commercial area. The enclosed supporting documentation demonstrates that Topps is a specialist employment use (sui generis use) which has been considered entirely appropriate on employment land by many local authorities. This is illustrated by the attached supporting information which includes example decision notices. These sites were all located within areas allocated for employment purposes.

### Example Topps Tiles Decision Notices

R/271/16/PL	3/2/2017	Arun District Council	Rustington Trading Estate 'Existing Employment Land'
S/153/02051/16	13/12/2016	East Lindsey District Council	Designated as 'Wainfleet Road Area of Employment Site'
2013/1542	6/9/2013	Mendip Council	Employment Land
13/0276	21/5/2013	Brent Council	Locally Significant Industrial Site
10/07654/FUL	17/5/2011	Wycombe District Council	Existing Mixed Commercial/Employment/Residential Area
DC/10/73620	22/7/2010	Lewisham Council	Mixed Commercial Area outside of Employment Area
1/D/12/001651	30/1/2013	West Dorset District Council	Mixed Commercial and Employment Area
11/00405/COU	1/6/2011	Lichfield District Council	Allocated Industrial/Employment Area
12/01670/U	22/3/2013	Norwich City Council	Employment Area
08/01747/S73	3/9/2008	Bedford Borough Council	Employment Area

Copies of the decision notices are contained in **appendix 1**.

6.2 The previous use of the unit was a Sui Generis tool hire centre. The tool hire operation is downsizing and has enabled subdivision of the unit to create units to be occupied by Howdens and Topps Tiles.

6.3 Therefore, the proposal represents a change of use from one sui generis use to an equally acceptable sui generis use. Indeed, Topps Tiles and Tool Hire operators are complimentary uses and are commonly found on trade and industrial parks together.

6.4 The following example decision notices relate to trade /industrial parks where the permitted uses include both Tiles and Tool Hire sui generis uses complimenting a range of employment units.

**Example Trade Scheme Decision Notices**

W/06/01571/PN	31/8/2006	Wychavon District Council
04/00978/AS	2/11/2004	Ashford Borough Council
01054/ab/p11	N/A	Hounslow Borough Council
07/01249/APP	3/8/2007	Aylesbury Vale District Council
DA/13/01127/FUL	7/2/2014	Dartford Borough Council

Copies of the decision notices are attached at appendix 2.

6.5 Topps Tiles occupation of the premises will secure a number of important benefits for the local economy including local jobs and support to sole traders and builders and small businesses through on demand bulk supplies, competitive pricing and extended choice.

6.6 Topps will enable an underused unit to be brought back into a beneficial use which will compliment both the existing and proposed adjacent occupiers and help strengthen the local economy.

6.7 The access and servicing arrangements for the unit are appropriate for the use. The operation of the unit does not cause any issues in terms of highway safety or amenity issues for adjacent occupiers. The unit has 10 car parking spaces which meets Topps Tiles requirements and is comparable with other sites across the country.

**Retail Considerations**

6.8 The application proposals involve the change of use of the premises from a tool hire use to a sui generis use. In this context the proposal does not represent a “retail use” or “main town centre” use. Therefore, there is no requirement to assess the proposal against retail policy.

**Impact Test**

6.9 Nevertheless, the unit comprises approximately 900 sq. m and falls below the threshold set for requiring impact assessments within both the NPPF and the local plan.

## Sequential Test

- 6.10 Again, it is considered that this is not a requirement. Indeed, local authorities have not required this assessment for previous applications.
- 6.11 The format of the unit and the nature of the operation is best suited to employment locations and would be detrimental to other town center operators.
- 6.12 The goods are bulky and require units with a large display/storage area to ensure sufficient quantities of stock are maintained to cater for the needs of trade customers. The primary use of the unit is B8 and requires appropriate servicing arrangements.
- 6.13 Topps Tiles relies upon a few relatively large sales as opposed to higher levels of small purchases with greater emphasis on a requirement for large stock quantities within the unit available to purchase and take away at the same time. Topps Tiles do not attract large numbers of customers or encourage linked trips with high street shops and its operation would be considered detrimental to a town centre. The operation is aimed at serving traders who do not wish to be drawn into centres and indeed would offer very little potential for linkage with retail operators.
- 6.14 It is extremely difficult to take away a large quantity of tiles or flooring without the use of a van or large vehicle. Parking in town centres is often not conveniently located in order for traders to purchase heavy/bulky goods in bulk and easily transfer those goods to their vehicle. In this respect, it is a legitimate requirement for Topps Tiles business model to have car parking available close by together with access to a loading bay.
- 6.15 In view of the bulky nature of the product, and the quantities in which the products are stored, transported and sold, we consider that the operation of Topps Tiles is well suited to this location and will complement existing and proposed occupiers.

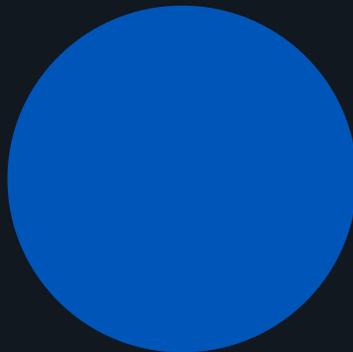
## Section 7      Conclusions

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**In summary the following conclusions can be drawn:**

- The occupation of the unit by a specialist use such as Topps Tiles is entirely in keeping with the range of uses found at this location.
- Topps Tiles represents a sui generis use
- A Sui Generis use provides local planning authorities with greater certainty regarding the use of the premises. Simply put an alternative use would always require planning approval
- Topps Tiles successfully operate from comparable locations across the country which benefit from either a class B8 or sui generis use.
- The application premises are within an established mixed commercial /employment area, with a number of established trade/specialist and other sui generis uses located within the vicinity of the site
- Indeed, Topps use will complement the 2 neighbouring occupiers namely, HSS and Howdens
- The use of the unit by Topps Tiles will ensure a range of local employment opportunities (both direct and indirect jobs), improved local choice and competition, a reduction in the length of motorised journeys for tiling products and support local traders and builders. As the NPPF recognises, these are important economic benefits.
- The access and servicing arrangements for the unit are appropriate to the use. The operation of the unit by Topps Tiles does not cause any issues in terms of highway safety or amenity issues for adjacent occupiers

For the reasons set out in this statement it considered that there is no planning reason to resist the grant of planning consent for the change of use to enable Topps Tiles to trade from this location.



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