

Retail Sequential Assessment

**261 Tile Hill Lane,
Coventry,
CV4 9DW**

Retail Sequential Assessment

Reference: A1558

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1. Introduction

- 1.1 This assessment has been prepared by Astill Planning Consultants in support of a full planning application submitted by Volta Designs for the change of use of a vacant shop unit (A1) to a take away and hot food restaurant (A3/A5 use); at 261 Tile Hall Lane, Coventry.
- 1.2 This assessment addresses the retail sequential test policies set out in the National Planning Policy Framework (NPPF), Coventry City Local Plan 2017 and the Coventry City Council Hot Food Takeaway Supplementary Planning Document 2019.
- 1.3 The NPPF and local development plan policies identifies the proposed use “as main town centre uses” and places a requirement for applications located in out-of-centre locations to be supported by a sequential test, in order to ensure that there are no sequentially preferable sites available, which would better support the vitality and viability of Town Centres.
- 1.4 The application site is located in an out-of-centre location and therefore requires an assessment to be undertaken.

2. The Application Site

- 2.1 The application site comprises a vacant ground retail unit of 104 sq m, located within a small parade of shops on the south west corner of Tile Hall Lane and Fletchamstead Highway (A45) intersection, opposite the Coventry Business Park.
- 2.2 The application site and the adjoining shops occupy the ground floor of a much larger building to the rear previously used as a casino and now in religious use. Parking is available on a front forecourt.
- 2.3 The Tile Hall Lane, Fletchamstead Highway junction is a major vehicular interchange and has commercial properties on the South East, South West and North East corners., including Domino’s Pizza; Listers and Hyundai car showrooms; Barclays Bank; Howdens; Topps Tiles;
- 2.4 On the south east corner is located the Coventry Business Park, where operators such as Sainsburys; MacDonalds; KFC; Greggs; Subway, are located.
- 2.5 Properties to the north and west are mainly residential. Those to the south and east mainly commercial.
- 2.6 The nearest school to the application site is Templars Primary School in Templar Avenue, which is located approximately 950 meters (10-minute walk), via the footpath from the application site.



The Application Premises

3. Proposed Development

- 3.1 The proposal is for a change of use of the vacant ground floor retail unit (Any Floors), to a restaurant / hot food take way.
- 3.2 The size of the unit is 103.48 sq. m. and also involve alterations to the shop front, signage and the installation of a kitchen area and extract. The proposal pans are attached at Appendix 2

4. Planning Policy

- 4.1. The planning policies and other guidance that are relevant to determination of this application are as follows: -

National Planning Policy

- 4.2. The revised National Planning Policy Framework (NPPF) was published in 2018 and represents the most up-to-date national planning guidance. It does not change the status of the Development Plan, but offers guidance which should be considered as a material consideration in determining planning applications.
- 4.3 **Section 7** gives guidance in respect of ensuring the vitality of town centres and **Para 85** states: -

Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and
- f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

- 4.4 **Paragraph 86** goes on to say: -

Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

- 4.5 **Paragraph 90** states: -Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

National Planning Practice Guidance

- 4.6 The National Planning Practice Guidance (NPPG) provide further guidance upon the application of the Sequential Test as part of the decision making process:

4.7 **Paragraph: 011: How should the sequential test be used in decision-taking?**

It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible, the local planning authority should support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test should be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites should be discussed between the developer and local planning authority at the earliest opportunity.

The checklist below sets out the 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.
- 4.7 In line with paragraph 86 of the National Planning Policy Framework, where a proposal fails to satisfy the sequential test, it should be refused. Compliance with the sequential and impact tests does not guarantee that permission is granted – local planning authorities will have to consider all material considerations in reaching a decision.

Local Development Plan Policy

- 4.8 The relevant local development plans policies are contained within the adopted Coventry City Local Plan 2017 and Coventry City Hot Food Take Away SPD 2019.

Coventry City Local Plan 2017

Policy R1- Delivering Retail Growth

- 4.9 This policy identifies sites/areas which are to be allocated to support the provision of retail floor space across Coventry.

Policy R3: The Network of Centres

- 4.10 Establishes the following hierarchy of retail centres in Coventry:
- City Centre
 - Major District Centres
 - District Centres
 - Local Centres

- 4.11 These centres will be the preferred location for new shops, and other main town centre and other community facility uses which do not serve a city wide catchment area.

Major District Centres:

- a) Arena Park;
- b) Cannon Park;
- c) Brandon Road; and
- d) Eastern Green.

District Centres

- a) Ball Hill
- b) Bell Green
- c) Brade Drive
- d) Daventry Rd
- e) Earlsdon
- f) Foleshill
- g) Jardine Crescent
- h) Jubilee Crescent

Local Centres:

- a) Acorn Street;
- b) Ansty Road;
- c) Baginton Road;
- d) Bannerbrook;
- e) Barkers Butts Lane;
- f) Binley Road;
- g) Birmingham Road;
- h) Broad Park Road;
- i) Charter Avenue;
- j) Far Gosford Street;
- k) Green Lane;
- l) Hillfields;
- m) Holbrook Lane;
- n) Holyhead Road;
- o) Keresley North;
- p) Keresley Road;
- q) Keresley South;
- r) Longford;
- s) Quorn Way;
- t) Radford Road;
- u) Station Avenue;
- v) Sutton Avenue;
- w) Walsgrave Road;
- x) Willenhall;
- y) Winsford Avenue

Policy R4: Out of Centre Proposals

- 4.12
1. Proposals for retail and other Main Town Centre uses (including proposals for the expansion or re-configuration of existing uses and the variation of existing conditions) will not be permitted in out-of-centre locations unless they satisfy the Sequential Assessment and the Impact Test (where appropriate).
 2. Sequential Assessment
 - a) A sequential assessment will be required for all retail and other Main Town Centre use proposals outside a defined centre and should be prepared in accordance with national guidance. This should have

regard to the centres hierarchy set out in policy R3.
b) Where in-centre options are exhausted, edge of centre locations (within 300m of a centre boundary) that are well connected and accessible to the centres themselves should also be considered in advance of out of centre sites.

3. Impact Test

a) An Impact Test will be required for all retail and other Main Town Centre use proposals outside a defined centre that exceed 1,000sq.m (gross) floor space. The assessment of Impact should be prepared in accordance with national guidance and consider the potential impact on the vitality, viability, role and character of a defined centre(s) within the centres hierarchy (as set out in policy R3).
b) Catchment areas for Sequential Assessments and Impact Tests will be considered on a case by case basis to reflect the specific proposals being considered

Policy: R6 Restaurants, bars and Hot Food Takeaways

- 4.13 Outlets should be located within defined centres and will normally be discouraged outside those locations.
2. Proposals within defined centres will be permitted provided they:
- a) would not result in significant harm to the amenity of nearby residents or highway safety;
 - b) would not result in harmful cumulative impacts due to the existence of any existing or consented proposed outlet;
 - c) are in accordance with the emerging Hot Food Takeaway Supplementary Planning Document (in particular, proposals for A5 uses); and
 - d) are compatible with other Plan Policies.

Hot Food Takeaway Supplementary Planning Document (HFT SPD) 2019

- 4.14 This SPD is a material consideration in the determination of a planning application and provides information and appropriate guidance to those involved in planning applications covering hot food takeaways. It is aimed at individuals and organisations involved in preparing and submitting a planning application as well as those involved in the determination and enforcement of planning applications.

Proximity to Schools: Hot food takeaway applications will not be approved if the hot food takeaway falls within a 5-minute walk from the gate(s) of any primary or secondary school (including any Special School, Sixth Form College and Academy), within or outside Local Education Authority Control.

Concentration of Hot Food Takeaways: In areas that have become over concentrated by hot food takeaways, further hot food takeaway applications will not be permitted

- 4.15 In areas that have become over concentrated with hot food takeaways (with the exception of Coventry City Centre), further hot food takeaway applications will not be granted. An area will be classed as over concentrated with hot food takeaways if the proposed address falls into a Lower Super Output Area (LSOA) where the number of takeaways per one thousand population exceeds the average for England as per the most up to date data on the FEAT tool (<http://www.feat-tool.org.uk/map/>).

5. Sequential Assessment

- 5.1 The NPPF and **Policy R4** of the Coventry City Local Plan require the current application to be supported by retail sequential test, as it constitutes a use that would normally only be permitted within a defined retail centre.
- 5.2 The requirement of the sequential test for the site should be to assess whether there are any sequentially preferable sites that are available and suitable for the proposed development in the nearby retail centres.
- 5.3 The guidance given in the NPPF confirms that if there are no suitable sequentially preferable locations, the sequential test is passed. For a site to be sequentially preferable, it has to be considered suitable. In assessing the suitability of a potential site, the scope for flexibility on format and/or scale must be considered.
- 5.4 Sequential test guidance and planning case law has also established that the application of the sequential assessment is concerned with key requirements, and that any potentially sequentially superior site must be able to satisfy these. The key requirements are as follows:
- The commercial requirements of the applicant; and
 - The site's ability to accommodate the proposal in full, with due consideration (by both developer and Local Planning Authority) towards flexibility in format and scale.
- 5.5 Case law has further established that in undertaking sequential assessments:
- a) If a site is not suitable for the commercial requirements of an applicant, then it is not a suitable site for the purposes of the sequential approach; and
 - b) That in terms of the size of the alternative site, provided the applicant has demonstrated flexibility with regard to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site.
- 5.6 The sequential assessment to support this proposal has been undertaken in the context of the above guidance and case law and the specific location criteria and commercial requirements of the proposed operator.

Proposed Use Location Criteria

- 5.7 The applicants propose to use the premises as a restaurant and hot food take away.
- The premises need to be of a sufficient size to accommodate a seating area, hot food counter, kitchen and storage and staff facilities.
- The requirement for a kitchen extract duct requires the premises to be capable of adaption to incorporate one
- The premises need to be accessible for delivery vehicles and have adequate nearby parking facilities for customers
- 5.8 In light of the above criteria, it is important that the premises is able to accommodate the following functions in order to meet the day-to-day operational and business requirements of the use:
- Adequate floor space to accommodate dining tables and hot food counter;
 - Kitchen and preparation area;
 - Storage space;
 - Staff facilities
 - Car parking for customers and staff; and

- Adequate space for delivery vehicles to load and unload without impacting upon the operation of the local highway.
- 5.9 To accommodate these functions, the proposed new retail premises need to have a minimum retail floor space of 100 sq. m. The premises also need to be capable of meeting staff and customers' parking demands along with the servicing requirements of delivery and courier vehicles.
- 5.10 Additionally, the site needs to be in a location easily accessible by all modes of travel. Prominent main road frontage is also an important criterion.

Catchment/Search Area

- 5.11 From an examination of the location of centres in relation to the application site, it is considered that the search area for the retail sequential test should include the following 'Centres':

District Centres

Canons Park

Earlsdon

Jardine Crescent

Local Centres

Winsford Avenue

Station Avenue

Charter Avenue

- 5.12 The location of these Centres' is shown in Appendix 1.

Site Assessment

- 5.13 In addition to researching local commercial agent's site particulars, the search for alternative sites included physical surveys of the 'Local Centres' highlighted above during January 2020
- 5.14 The search identified several sites which are considered below and identified in Appendix 1.

Cannons Park District Centre

- 5.15 Cannon Park is a covered Shopping Centre located to the South West of Coventry City Centre, in an affluent area adjacent to the extensive University of Warwick Campus. Comprising 34 retail units, a split-level gym and approximately 887 free car parking spaces; the scheme is anchored by a 64,799 sqft Tesco Superstore. Other tenants include Wilko, Boots, Sports Direct, Iceland, New Look, Holland and Barrett, Peacocks, Costa, Greggs and Subway.



Unit 25, Cannon Park

5.16 This is a vacant retail unit of 118 sq m located within the covered shopping centre. The existing approved use class is A1 and the landlords are marketing the unit as a retail A1 unit. The proposed size of the unit 118 sq m is too large for the proposed use (104 sq m). The proposed use would require planning consent. The proposed use would result in the loss of retail frontage at the centre. The proposed unit is not suitable for the proposed use and not sequentially preferable.

Earlsdon District Centre

5.17 The Centre comprises a well-established linear shopping parade with retail units fronting both sides of Earlsdon Street. Currently the only unit available to let is

34-36 Earlsdon St.

5.18 This is a double fronted unit of 1953 sq ft available for rent. Now vacant, it was formerly occupied by National Westminster Bank. The current permitted use of the premises is for A2 Financial and professional services. Planning permission would be required for A3/A5 use. The size of the available floor space is double that is required by applicant's business. The proximity of residential properties and the potential of the proposed use to cause amenity issues in terms of noise, fumes and odours, makes this an unsuitable location for the proposed use. The proposed unit is not suitable for the proposed use and not sequentially preferable.



34-36 Earldon St

Jardine Crescent District Centre

- 5.19 A 1960, s purpose built development built around a central courtyard with a shops on the ground floor and residential above. In addition to the 13 retail units, the centre also provides community facilities including health care, meeting and library.

An Inspection of the centre and examination of local agent's properties availability information has confirmed that there are currently no units available for letting.

Winsford Avenue Local Centre

- 5.20 An Inspection of the centre and examination of local agent's properties availability information has confirmed that there are currently no units available for letting.

Station Avenue Local Centre

- 5.21 An Inspection of the centre and examination of local agent's properties availability information has confirmed that there are currently no units available for letting.

Charter Avenue Local Centre

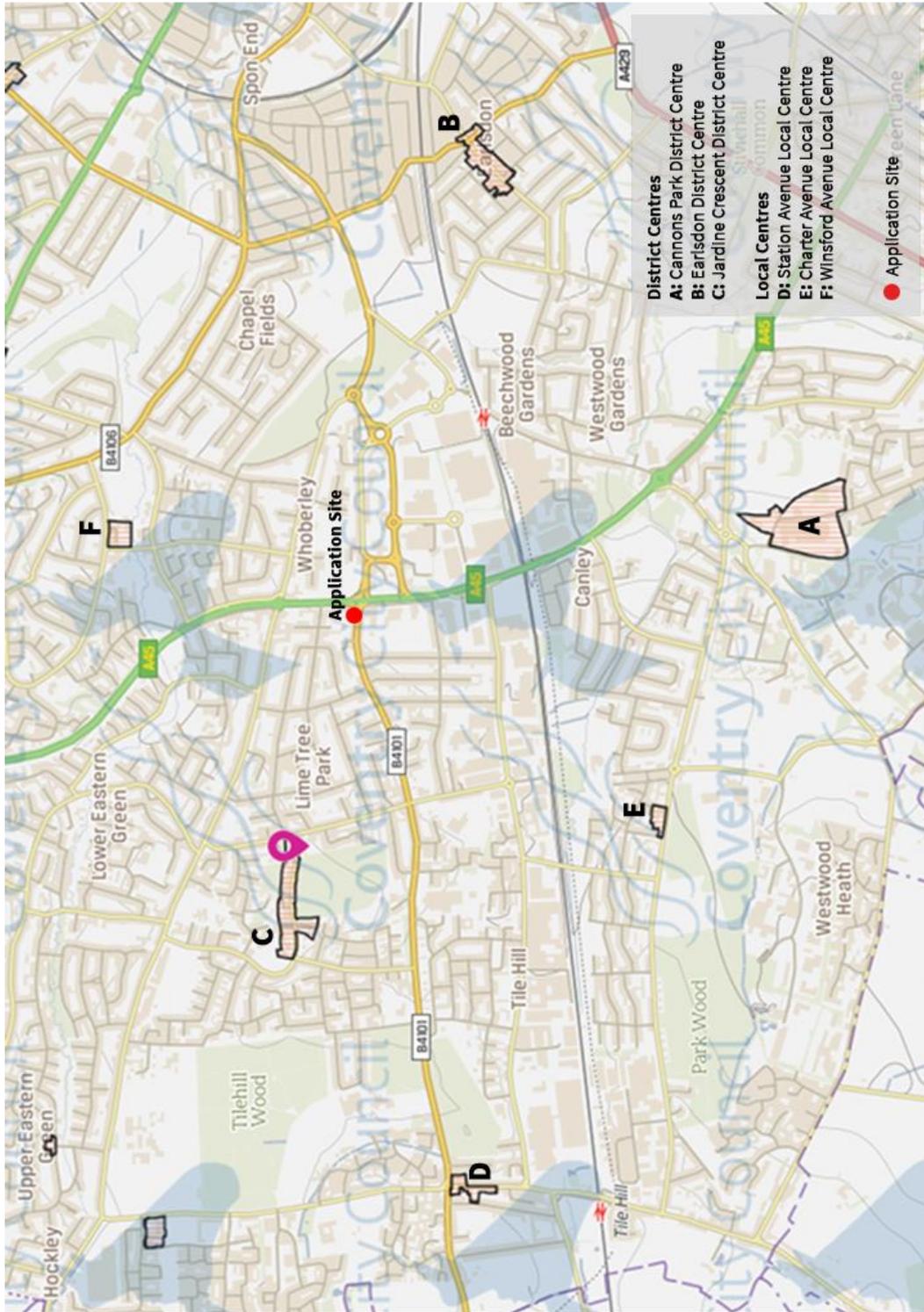
- 5.22 An Inspection of the centre and examination of local agent's properties availability information has confirmed that there are currently no units available for letting.

4. Conclusion

- 4.1 The requirement of this sequential test was to assess whether there are any sequentially preferable sites in the following 6 Centres' that are available and suitable:
- Cannons Park;
 - Earlsdon Street;
 - Jardine Crescent;
 - Station Avenue
 - Charter Avenue
 - Winsford Avenue.
- 4.2 Planning case law has established that in undertaking sequential assessments:
- If a site is not suitable for the commercial requirements of an applicant, then it is not a suitable site for the purposes of the sequential approach; and
 - That in terms of the size and scale of the alternative site, provided the applicant has demonstrated flexibility with regard to the format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site.
- 4.3 In the context of the above, an assessment has been undertaken of potential retail premises and sites within the six 'Centres' referred to above. ***This has concluded that there are not any sequentially preferable sites that are suitable and available.***
- 4.4 Therefore, the proposal has ***passed the sequential test*** and is in accordance with policy.

Appendix 1:

Retail Centres in Relation to the Application Site



Appendix 2: Application Plans

