



DORRIDGE & DISTRICT RESIDENTS ASSOCIATION

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Dear Sir

2009/1746 Dorridge, Sainsbury's Development – Response to Officers' Report

Summary

Although a redevelopment is strongly supported in principle (even among many objectors):

- New surgery welcomed (with reservations on access),
- Redevelopment of Forest Court essential.
- Dorridge is lacking in shopping facilities.
- Community room and cafe needed.
- Refurbishment of Station Approach conservation (though this should have already been done by any responsible owner).
- Improvements in the public realm desirable.

I do not believe the report addresses the following issues correctly:

- Lack of balance of development with the local centre.
- Inappropriate re-interpretation of UDP policy S6 & S7 as supporting superstore rather than defending against them.
- Station Road, Forest Road and Avenue Road are not constructed to withstand 38 tonne lorries on a regular basis. Who is liable for repairs – Sainsbury's or SMBC?
- Car parking analysis suggests it is full purely for Sainsbury's demand.
- Numerous errors in parking analysis means it is an unsound assessment of likely impact.

- Indications that it saturates the local road system at points suggests excessive scale.
- Proposed traffic calming safety measures may reduce the capacity of road system projected to be running at capacity.
- Perverse interpretation of Circular 2009/02.
- Significant number of objection reasons omitted from the report meaning the Committee are not properly informed.
- Lack of car park capacity suffocating the local centre will not be solved by TROs.
- Surgery assume that they will have a parking solution provided for their staff.
- No proposed alternate parking solution for staff of store, surgery, new shops and Station Approach.
- Station Approach access issues to be exacerbated by loading bay reducing short term parking by 25% or more.
- Suggested replacement trees have insufficient stature to replace Dorridge feature trees; Dorridge trees dominate the skyline.
- Important agreements on landscaping and highways should be reviewed in the public domain, not as private agreements between officers and Sainsbury's to ensure proper scrutiny by those with local knowledge.
- Judging architectural merit by comparison with a semi-derelict building is highly inappropriate.
- Rear aspect of store should have equal stature with front aspect.
- Accessibility and other needs of the elderly not properly assessed.
- No mention of visibility issues caused by Forest Hotel wall which cause traffic and pedestrian safety issues.
- Public consultation misled by out of date plans left in the Sainsbury's display suggesting higher quality landscaping than is to be provided.

We believe that the Planning Committee should:

- Direct officers to refer the application under Circular 2009/02 in the event of a recommendation for approval;
- Reject this application on the grounds of scale inappropriate to a local centre; over dominance, contradictory to saved UDP policies S6 & S7, and due to evidence that the parking solution is unsustainable.

- Reject on the grounds of poor design at sides and rear (supported by Conservation Committee recommendation).
- If to be approved, make road schemes and landscaping subject to further public consultation.
- Condition tree replacements to be substantial and comparable with lost trees in the long term.
- Direct officers to encourage Sainsbury's to return with a development of appropriate scale.
- Number of Sainsbury's deliveries should be conditioned to be 15 or less as SMBC are depending on Sainsbury's assertion to assume that this is an acceptable level, when similar stores have a lot more.

Although there are solid grounds for refusal, it is also of concern is that SMBC have not yet sufficiently defined plans and contracts that will guarantee to mitigate the excesses of the development.

Introduction

Having received the report on the Sainsbury's Dorridge Development, I am concerned that it does not properly present and consider the matters that we and many residents have raised. It is vital that the officers present a balanced view and properly inform the members of all issues and arguments raised or else it is infeasible for the members to come to a properly informed judgement.

We also recognise that many of the supporting statements by residents who say they are in favour of a Sainsbury's development state that they would rather see something smaller and hope that something will be agreed. Unfortunately, they appear not to understand the nature of the planning process where SMBC can only consider what is in front of them and do not have it within their power to modify submissions: I believe that there is considerable common ground between the objectors and the supporters of the scheme.

Balance with the Local Centre

There is near-universal agreement that the size of this superstore is inappropriate, even from supporters of the development, much as there is near universal support for redevelopment in principle and we do not overlook the many benefits of the redevelopment, the surgery is welcomed (albeit with some criticisms of its accessibility), and we recognise that it is only a substantial development that can rectify the obvious problems that Forest Court has. With that in mind we expected SMBC to robustly test the assertion that the development is correctly sized. There is strong evidence that the development is oversized and out of balance with the local centre.

It is interesting to look at the town centre example of Touchwood which has worked well. This is likely to be because its limited size does not dominate the town centre, allowing other areas to compete, and there is normally plentiful parking capacity that keeps the centre accessible.

There are aspects of policy S6 and S7 that are designed to protect local centres which are being re-interpreted by officers as promoting a superstore – indeed the very dubious interpretation of circular 2009/02 is evidence of this, and as such, after discussions with the Government Office of the West Midlands, it was agreed that an appropriate solution to this interpretation was to submit a petition under section 77 of the Town and Country Planning Act 1990, which I have done which will also have the advantage of avoiding a Judicial Review which officers had exposed SMBC to with this interpretation. I would suggest that given that there is no lead to an interpretation of section 5.1 referring to local centres, the whole context of the circular and section 5.1 in particular is the town centre, it would be reasonable to assume SMBC would refer to a Garden Centre as being an equally sound interpretation of where development could take place without referral. There are several reasons of national importance relating to this development, which I cannot refer to in this context as it might prejudice an Inspector in a future Inquiry.

Clearly, this development will set a precedent that will make it very difficult to resist superstore developments in other parts of the borough.

HGV Access

I am informed by local resident Rod Hilditch who is an acknowledged expert on transport infrastructure issues. He asserts that Station Road, Forest Road and Avenue Road are not constructed to a standard capable of withstanding regular HGV journeys and that an implicit weight limit applies on the B4101.

This raises the intriguing scenario that either SMBC or Sainsbury's would be negligent in using HGVs to service the store and one or the other would be liable for road and underground services repairs – I suspect SMBC could not claim against Sainsbury's as having knowingly granted permission, it would be unreasonable behaviour for SMBC to claim that Sainsbury's were acting negligently. Perhaps this should be tested by an S106 agreement indemnifying the Council from repairs to roads or services.

Also, it appears that the number of deliveries may be underestimated with Sainsbury's suggesting that there are to be 12 deliveries per day. I understand that similar stores have between 18 to 27 deliveries per day. Clearly, a higher number of deliveries means that sound limitation strategies will be limited by the need for continual opening of the access doors. I suggest that this can be resolved by the imposition of a condition on the number of deliveries.

Local Centre or District Centre?

At the heart of the assessment is a suggestion that Dorridge resembles a district centre rather than a local centre. This is a difficult argument to sustain based on the actual provision, which consists of an excessive number of hairdressers and nailbars and few businesses supportive of a sustainable centre, the withdrawal of the Post Office being symptomatic of the low status of Dorridge centre, and that Knowle has clearly been defined as a local centre in the UDP and the facilities there are greater. However, if we follow the logic, it seems to be that officers are suggesting that Dorridge should be upgraded into a district centre. This logic has two flaws: it damages Knowle which has a mature and functional centre with provisions of post office and library for example, threatening to reverse the local hierarchy of facilities, and it does not consider how (recalling that one of the suggested purposes was to regenerate Dorridge), if such an upgrade is appropriate, further facilities could be introduced given the extremely constrained nature of the centre.

It is rather concerning also that officers are seeking to redefine policy with regard to redevelopment of local centres without going through an appropriate consultation process.

Scale

On first reading, it seemed that officers were dismissive of issues of scale, however, on a closer reading it appears that both officers and Sainsbury's are lacking in confidence as there are a significant number of agreed measures to cater for the eventuality that officers and Sainsbury's have made the wrong judgement. In the context of evidence that Sainsbury's have misjudged the scale of the development (yet have been absolutely intransigent on this issue and therefore cannot claim to have consulted appropriately) this is disturbing.

It is notable that in spite of concerns being raised, especially with regard to parking and road capacity, neither Sainsbury's nor SMBC have sought to resolve the uncertainty by using other investigation techniques. For example, we note that car park capacity has been calculated on 3000 car visits a day excluding staff when we know that similar sized stores have 4500 or more. Sainsbury's must have detailed data and could have done a lot more to validate the estimates which at every challenge have been shown to be significantly optimistic.

Although there are some proposed mitigation in the event of problems arising, there is nothing in the report that appears to be able to address the fundamental issue of the suffocation of the Dorridge local centre due to the swamping of parking demand by Sainsbury's.

Car Parking

The discussion on the car parking within the report is disappointingly weak. I will not repeat previous evidence that the Sainsbury's calculations are fundamentally flawed and remain so. I believe in part it is because Planning have left the assessment to highways who have only considered the highways effects of overly full parking (though there is no evidence that they have investigated the impact of queuing on the accessibility of the station or other local services) and neither department has engaged a suitable expert to challenge the figures, in spite of clear evidence of errors.

There is no discussion of the effects if Sainsbury's excessive demand stops people having ready access to the local centre:

- Access to the surgery
- Access to the dentists, solicitors, hairdressers and other services.
- Zero long term parking for any businesses in Station Approach, Station Road and the surgery aside from the doctors.
- Attractiveness to new businesses.
- Knowle and Bentley Heath are already parking constrained and local traders are aware of how it affects their business.

Where it is not reasonable to expect these businesses to see their trade go elsewhere because the local capacity for parking has been exhausted by Sainsbury's demand. This is especially important as in part the stated aim was to regenerate Dorridge. We need to be convinced that the development gives the rest of the centre room to breathe.

I do have additional information that the General Manager of the Dorridge Surgery is expecting a solution to the lack of local car parking for his general staff of 25, and he has written to Sainsbury's and SMBC to inform them of this – this does not appear to have been considered. Indeed the surgery is modelled as it exists, not the much larger facility planned – a basic error that has been accepted by officers, along with other basic errors like accepting analyses that project MINUS 47 cars in the car park. There is clear evidence of a lack of due diligence in assessing the data on both Sainsbury's and SMBC's part, another example being Sainsbury's incorrectly calculating that a visit to Sainsbury's followed by a visit to Dorridge would require less car parking than a simple visit to Sainsbury's.

I would assert that the car parking solution is some 50% short of spaces based on Sainsbury's own figures and (invalid) assumptions once various demands that have been improperly excluded are accounted for.

There is a further issue that Sainsbury's have assumed that the maximum demand for parking in Dorridge coincides with their period of maximum demand. This is not true when we include rail parking (which is relevant given the dubious hint that there is spare rail parking to be reclaimed for Dorridge use), and in part explains the discrepancy with the local perception that the rail parking is well used and the survey which

examines the two times of lowest usage – Fridays tends to be avoided by those travelling to London on an occasional basis for example.

The calculation given on parking ratios, a supposed improvement from 1 per 33sqm to 1 per 28 sqm) is an entirely misleading argument as it makes no attempt to recognise the different parking requirements for different styles of businesses. This is quite unprofessional, and given that the Parking and Travel Plan SPD is well aware of these differences, there is no excuse for officers suggesting that a gross comparison of parking ratios is a useful indicator of improved capacity. Similarly, TRICS uses different models for different types of retail space, so it is most misleading to suggest that there is an effective improvement for the existing retailers when in fact the situation is likely to be worsened.

While we agree that the Chiltern Railways car park does represent an opportunity on Saturdays, it is entirely misleading to assert that the car park is always underused, as we presented evidence to the contrary, and SMBC appear to have done no further checking. Also, if SMBC were to create a situation that depended on the use of Chiltern Railways car park, they would need to be aware that they cannot control the charges. Councillor Meeson already had to intervene in 2008 when they arbitrarily increased charges massively in 2008 – which has taken a long time to resolve in terms of recovering demand, where car users took to parking in the streets in the face of increased charges. It is inappropriate to suggest to the planning committee that this parking is available, not only because of retained UDP policy, but also Chiltern Railways would need to consent, and such consent does not exist. Without a contract, Chiltern Railways could chose to charge for parking on a weekend for example essentially putting it out of use for the casual user.

Travel Plan Mitigation

The contractual requirements of the Travel Plan do not match the car park modelling that has been submitted with the development. Of most concern in the report is the glib assumption that there is somewhere else for people to park that is not in the local car parks, and not in nearby streets. We would love to know where this parking Shangri-La is. Dickens Heath is a testament to assumptions that constraints on parking can magically lead to changed practices, and with that experience it is disappointing to see SMBC officers still assume that the magic words Travel Plan are able to produce a change in behaviour.

If there is excess demand, it is illogical to build a store so large that it cannot be used to capacity – that the size is needed to gain a return on investment argument is fundamentally flawed – and inappropriate to compensate for redevelopment by taking away parking capacity from existing businesses that are supposed to be revived by this development – as well as joined by new businesses.

Architecture

We think it is highly inappropriate that officers are using the standard of a deliberately run down shopping centre as the standard to measure the architectural quality of the side and rear aspects. It is unbelievable that there is no reasonable architectural solution to the uninspiring side and rear aspects that will be observed by nearly all users of the Dorridge centre. We would suggest especially that the rear aspect should be given as much stature as the front aspect, as it is the main access to the store and is an aspect that will be viewed for longer.

Alternatives

It should not be accepted that there were no alternative solutions. Waitrose did have a smaller alternative but could not get appropriate commercial terms agreed – indeed Sainsbury's seem to be suggesting that their own commercial terms are driving an inappropriate development as they cannot contemplate a smaller, more appropriate development – poor business decisions are not a planning consideration.

It was not inevitable that Forest Court should fail – DDRA, for example, had a number of suggestions that could have kept it vital, even though we agree it is not the most desirable design – it has been managed into oblivion and SMBC should be careful about making planning decisions based on deliberate strategies to make existing buildings unattractive – especially including the fact that Sainsbury's are ransoming the proper maintenance of Station Approach, which is essentially an independent issue from the redevelopment, to the approval of the planning application.

Needs of the Elderly and Accessibility

We are also concerned that there is no evidence that a proper study of accessibility to the store and to the surgery from the surrounding site is evident in the report. Access for the elderly, who represent a substantial proportion of the users is down awkward slope from the rear (increased in height from the already unsatisfactory access), and elderly residents have suggested that they find the idea of a surgery that is dependent on lift access intimidating. There is no integration of the bus services – just because there is a bus stop around the corner and up the road does not make the store accessible to the elderly.

Indeed, there is no sense of a path through the development from front to rear, so there are still concerns on whether the development is legible to users seeking to access the local centre from the rear access.

Road Network Concerns

There are outstanding issues on the road network which are agreed to be a problem, such as the roundabout at Station Approach, which are not discussed in the report. There is no evidence that this will be properly

dealt with in the report. At the moment, it is necessary to step into the road to see whether it is safe to cross, and there is not a proper visibility splay from Avenue Road which is exacerbated by Station Approach traffic having a good view of the prior entries onto the roundabout, encouraging inappropriate speeds.

Inadequate Replacement Tree Strategy

The removal of trees in the roadway raises serious concerns with residents and we have received a number of representations expressing dismay at the loss of the trees to which we are sympathetic. Sainsbury's replacements are described as appropriate to the development, but the test should be that they are appropriate to Dorridge. The tree line in Dorridge generally sits above buildings, and if these substantial trees are to be replaced, they should be replaced with plantings of similar stature. However, we still believe that the longer term interests of Dorridge are served by replacement of the trees with appropriate species. In our view, appropriate is trees that must be of significant stature and dominance rather than subservient to the development.

Yours faithfully,



Ian Spencer
Chairman & Planning Secretary
Dorridge & District Residents Association