

# ITEM 7(c)

**Application Number:** 18/00834/FUL

**Description** The erection of a Class A1 foodstore (1,916 sq m gross floor area) with associated access, car parking and landscaping.

**AT** Herald Snooker Club, Mcconnell Drive, Wolverton, Milton Keynes, MK12 5EL

**FOR** ALDI Stores Limited

**Target:** 10th January 2019

**Extension of Time:** Yes

**Ward:** Wolverton

**Parish:** Wolverton & Greenleys  
Town Council

**Report Author/Case Officer:** Duncan Law, Senior Planning Officer (Development control) – West Team

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## 1.0 RECOMMENDATION

1.1 The application is recommended for refusal.

## 2.0 INTRODUCTION

### THE SITE

2.1 The application site extends to 1.02 hectares and comprises the Herald Sporting and Snooker Club, and a car wash. The existing Herald Snooker Centre lies on the eastern side of McConnell Drive and is located adjacent to the junction of McConnell Drive/ (H2) Millers Way. The west coast main railway line lies to the east of the site. Access to the site is off McConnell Drive. McConnell Drive extends to the west and north of the site towards Wolverton Town Centre. There is land allocated for employment use to the east of the site. It is also located adjacent to a Wildlife Corridor.

The site has an established use as a Sporting and Snooker Club, and it is allocated as a Community Facility on the Plan:MK Proposals Map. The site is also within Flood Zone 1.

## **THE PROPOSAL**

- 2.2 The application seeks full planning permission for the erection of a Class A1 food store (1,916 sq. m gross floor area) with associated access, car parking and landscaping. The proposed store has a gross floor area of 1,916 sqm and a net sales area of 1,254 sqm (equivalent to a net/gross ratio of 65%). Of this total sales area it is stated that some 1,003 sqm net (80%) will be set aside for convenience goods sales and the remaining 251 sqm net (20%) for comparison goods.
- 2.3 It is proposed that the new store will be served by 129 dedicated car park spaces (including 7 disabled spaces, 10 parent/child spaces and provision for 16 cycle parking spaces). Access to the application site will be via an amended existing access from Hamm Beach Road

Reason for referral to committee

- 2.4 The application is referred to the Development Control Committee for determination as a result of a call in from a ward councillor.

## **3.0 RELEVANT POLICIES**

National Planning Policy Framework (NPPF) 2019

Paragraph 11 - Presumption in favour of sustainable development

Paragraphs 85-90 -Ensuring the vitality of town centres

Section 2 - Achieving sustainable development

Section 5 - Delivering a sufficient supply of homes

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Plan: MK (2019)

Strategic Objective 8 - Support the continued regeneration of Wolverton and Bletchley as town centres within the main urban area (ideally with specialisations or Unique Selling Points (USPs)).

Policy MK1- Presumption in favour of sustainable development

Policy DS1- Settlement Hierarchy

Policy SD1- Place making principles for development

Policy CT1- Sustainable transport network

Policy CT2- Movement and access

Policy CT3- Walking and cycling

Policy CT5- Public transport

Policy CT10- Parking Provision

Policy FR1- Managing flood risk

Policy NE3- Biodiversity and geological enhancement

Policy NE5- Conserving and enhancing landscape character

Policy NE6- Environmental Pollution

Policy HE1- Heritage and development  
Policy L2- Protection of open space and existing facilities  
Policy D1- Design a high quality place  
Policy D2- Creating a positive character  
Policy D3- Design of buildings  
Policy D4- Amenity and street scene  
Policy SC1- Sustainable construction  
Policy DS4 - Retail and Leisure  
Policy ER9: Retail hierarchy  
Policy ER10: Assessing edge of centre and out of centre proposals

In respect of the development plan (Plan:MK and the Neighbourhood Plan) whilst policies in the development plan will be in general conformity, s38(5) of the Planning and Compulsory Purchase Act 2004 states that any conflicts between policies in the development plan shall be resolved by the decision maker in favour of the policy which is contained in the last document to become part of the development plan

MK Retail Capacity & Leisure Study (March 2018)

Wolverton Town Centre Neighbourhood Development Plan (2015)

Once a Neighbourhood Plan has been agreed at a referendum and is made (brought into legal force) by the local planning authority, it becomes part of the local planning authority's development plan as an official development plan document which carries statutory weight.

W1: The Agora site  
W2: General Town Centre Development  
W4: Town Centre Diversity - Ground Floor Uses

Supplementary Planning Document/Guidance:  
Wolverton Regeneration Strategy SPG  
Agora Development Brief Supplementary Planning Document (2013).  
Parking Standards SPD  
Sustainable Construction SPD

## **4.0 MAIN ISSUES**

- 4.1 Principle of development
- Current Land allocation
  - Out of Centre Retail Policies
  - Sequential Test
  - Impact on Wolverton Town Centre
  - Impact on Regeneration of Wolverton Town Centre and the Agora site
- Highway matters and parking  
Design and Impact on character of the area  
Residential amenity  
Landscape  
Ecology

Drainage and flood risk  
Sustainable construction  
Contamination  
Planning obligations

## **5.0 CONSIDERATIONS**

### **5.1 Principle of development**

The proposal is for a main town centre use which is neither in an existing centre (it is approximately 720m from Wolverton Town Centre Primary Shopping Area) nor in accordance with a site allocation in an up-to-date development plan.

### **Current land allocation**

5.2 The site is currently allocated for use as an existing Community use under Policy L2 in Plan:MK. Leisure and recreational facilities are considered as: all purpose-built facilities, including stadia for sports and spectator events and indoor facilities such as leisure centres, swimming pools and sports pavilions or halls. The facilities may be publicly or privately owned.

5.3 Policy L2 (i) requires an assessment to be undertaken of the need to retain the use. The assessment needs to consider whether the site is surplus to requirements or permission. Only limited information was submitted with the application to address these requirements. Chapter 8 of the submitted Planning and Retail Statement entitled 'Other material Planning Considerations' states that:-

'The existing snooker club has seen a decline in membership and use in recent years, demonstrating a reducing demand for such facilities. This is demonstrated by the diversification of use at the site, including the provision of a hand car-wash within the existing car park. This indicates that the need for such recreational uses has declined, that there is not a continuing need for the facility, and the prospects for a commercially successful redevelopment in an alternative location is limited at best. The prospects of accommodating an alternative facility on the site is also limited'

5.4 The pre-application advice provided by the Council to the applicant highlighted that the site needs to be marketed for a period of up to 12 months to see whether there were any prospects of the site being used as an alternative leisure and recreation facility. No such details were received with the application and the assumption is therefore that the site was not marketed nor is there evidence to suggest that sufficient steps were taken to ensure the site remained in recreational or community use. The application is therefore in conflict with Plan:MK policy L2.

### **Out of Centre Retail Policies**

5.5 The NPPF advises local planning authorities to define a network and hierarchy of Centres that are resilient to anticipated future economic changes; the Council's retail hierarchy defines Wolverton as being ranked second below Milton Keynes as a 'Town centre'. A key principle of the NPPF is the town centres first approach with

town centre uses being located in town centres, then in edge of centre locations only if suitable sites are not available.. Paragraphs 85-90 of the 2019 NPPF update advises that the policy is aimed at 'ensuring the vitality of town centres', and replace paragraphs 23-27 of the 2012 NPPF. Paragraphs 85-90 specifically set out the revised policy wording with regard to the sequential and impact tests for applications for new retail, leisure and main town centre uses that are neither in an existing centre, nor in accordance with an up-to-date development plan. Edge of centre for retail purposes is defined within the NPPF as a location that is well connected and up to 300 metres from the Primary Shopping Area (PSA). The current application site is located approximately 720m from the PSA and is therefore out-of-centre.

- 5.4 The NPPF has two policy tests to assess out-of-centre retail proposals against: the sequential test and retail impact. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on the vitality and viability of the town centre and/or existing, committed and planned public and private investment in a centre then planning permission should be refused.

With regard to the sequential test, the NPPF at paragraph 86 states that applications for main town centre uses should be located in town centres first, "then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre locations, only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 89 of the NPPF states that local authorities should require an impact assessment if the development is over a proportionate, locally set threshold (set at 350 sq.m gross under Policy ER10). The assessment should consider the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.

Paragraph 90 of the 2019 NPPF advises that 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.

- 5.5 Plan:MK states that Retail and leisure development in town centres such as Wolverton and in District Centres will be guided by the policies of the adopted plan and relevant policies in a 'made' Neighbourhood Plan for those areas. Policy DS4 - Retail And Leisure Development Strategy states that over the plan period Milton Keynes Council will seek to grow and develop the Borough's retail, leisure, entertainment and cultural offer with main town centre uses developed within town centres. Policy DS4 goes on to say that development will be supported in other District and Town Centres in line with relevant policies in their 'made' Neighbourhood Plans

- 5.6 Plan:MK states that Wolverton is defined as a town centre which will cater for the weekly convenience shopping needs of its catchment populations, consistent with the particular objective of regeneration. Policy ER9 of Plan:MK sets out the

character and function of the shopping hierarchy of the existing centres in the Borough of Milton Keynes. Planning permission will be granted for additional retail development within the PSA of existing 'town centres' as defined in national policy, and for other main town centre uses appropriate within town centres such as leisure and entertainment and in accordance with the Council's defined retail hierarchy. To comply with the NPPF the former District centre of Wolverton has been renamed Town centre in the retail hierarchy. The application site is located outside of Wolverton Town Centre.

- 5.7 Policy ER10 of Plan:MK (assessing edge of centre and out of centre proposals) states that proposals for main town centre uses located outside defined Town Centre Areas and not on sites specifically allocated for such uses, will be subject to the sequential and impact tests. The requirement for an impact test is subject to a locally set threshold of 900 sqm gross for CMK and 350 sqm gross for all other centres. In compliance with the NPPF it requires assessment of impact on existing, committed and planned public and private investment in the defined PSA of centres, and the impact of the proposal on the overall vitality and viability of the PSA, including local consumer choice and trade.
- 5.8 Therefore, given the Council's clear policies for Wolverton Town Centre, the redevelopment of the Agora Site and adopted policy, the proposed development justifies the completion of a retail impact assessment and such an assessment has been submitted with the application.
- 5.9 In assessing the Planning and Retail Statement submitted with the application, the Local Planning Authority instructed an external retail expert (Carter Jonas) to provide an independent assessment on the retail planning (sequential and impact) merits of the application submitted by Planning Potential ('PP') in April 2018 on behalf of the applicant. This advice is available to view on the council's website and forms the basis of the assessment below.

#### Sequential Test

- 5.10 The independent retail advice received explained that Paragraphs 85-90 of the 2019 NPPF specifically set out the policies pertaining to the sequential test.

When undertaking a sequential assessment, any sequentially preferable sites should be considered in terms of availability, suitability and viability. In terms of the assessment of "availability" paragraph 86 allows for greater flexibility than the 2012 NPPF (paragraph 24) as it clarifies that out-of-centre sites should only be considered if suitable town and edge-of-centre sites are not available or not expected to become available within a reasonable period. The reference to "reasonable period" means that sites/buildings do not need to be available "immediately" for occupation/ development (i.e. at the time the application is made).

- 5.11 The Retail Planning Appraisal went on to state that Paragraph 87 of the revised NPPF maintains the requirement for applicants and local planning authorities to demonstrate flexibility on issues such as format and scale (as was stated in paragraph 24 of the 2012 NPPF), but now adds "so that opportunities to utilise suitable town centre or edge of centre sites are fully explored". In the consultants

opinion, the revised wording, when considered alongside recent appeal and call-in decisions, gives greater weight to the Government's 'town centre first' policy approach and necessarily requires that a robust approach is adopted by both applicants and local planning authorities when it comes to assessing the availability and suitability of sites in town centre and edge-of-centre locations. This includes the need to consider whether, on a case-by-case basis, it is possible to "disaggregate" or "sub-divide" proposals.

- 5.12 Paragraph 4.9 of the Carter Jonas report outlines that the sites covered by the sequential test search should not vary from applicant to applicant depending on the identity or specific retail model proposed. As the applicants appraisal concludes: "sequential sites in town centres cannot be dismissed simply because an operator does not wish to compete with its own existing or committed stores located in or close to that centre".

Following site visits to Wolverton, Stony Stratford, Central Milton Keynes and other centres in the local catchment area, the applicant identified the following sites for consideration:

The Agora Centre, Wolverton  
Car Park site, Church Street, Wolverton  
Cofferidge Close, Stony Stratford

The Church Street car park is not suitable as it is a current and viable well used car park whilst the Cofferidge Close was subject to a planning application for a food store of 2,272 sqm gross (ref: 11/00143/FUL) which was refused by the Council in March 2013 and subsequently dismissed at appeal in March 2014. The grounds for refusal included impact on local amenity and heritage assets (including the Conservation Area). Accordingly the site is not available or suitable for the proposed Aldi store.

- 5.13 The Agora Centre is located within Wolverton town centre and is a key priority and aspiration redevelopment site. The site is subject to an adopted Development Brief that supports a high quality mixed use redevelopment of the site, which enhances the retail core. The Agora Development Brief does not rule out a large store as part of the redevelopment; the Development Brief sets out the requirement for a mix of shop units but also a scenario where a large floorplate single retail unit is included. The Development Brief therefore does not preclude the possibility of a large floorplate retail unit.

The Carter Jonas report highlights in Paragraph 4.18 that the Council granted permission in March 2016 for the redevelopment of the Agora Centre (ref. 15/00913/FUL). The permission allows for a mixed use scheme comprising 100 residential units and eight ground floor retail units with a total Gross Internal Area (GIA) of 3,276.3 sqm. This permission detailed that larger retail units proposed for the scheme are considered acceptable as they are needed to attract the national retailers need to "lead the regeneration of the existing retail offer". It adds that the "development of this retail cluster is considered to provide a positive contribution into the wider concept of regenerating the high street and addressing the current levels of vacant retail within the area".

The Officer's Report also concludes that the:

"diversification of the high street and provision of larger retail units would meet the objectives set out within Policy CS4 of the Core Strategy which identifies Wolverton as a location which should be meeting a weekly convenience shopping need and therefore the development of the retail is supported. Furthermore the development of some larger scale retail units within the town centre is supported on the basis that this will increase the vitality and viability of the town centre, which is an objective of paragraph 23 of the NPPF".

However condition 27 of 15/00913/FUL prevented the amalgamation of the four retail units approved in order to accord with Policy W1 (M) and W6 of the WTCNP, which encourages the development of smaller scale affordable retail units and start-up spaces for small independent businesses; as well as Policy CS16 of the Core Strategy which promotes the delivery of small business units in new developments to support business growth. Furthermore the WTCNP also recommends that any smaller retail units developed in the town centre are subject to a condition that restricts their amalgamation 'to avoid an oversupply of larger retail units'.

Consequently unless this condition is varied through application, the retail advice received concludes that on the basis of condition 27' (the) planned Agora Centre redevelopment is not suitable for the Aldi application. If the condition is varied, there are scenarios where units could be combined to accommodate the proposed Aldi store.

- 5.14 TOWN Development have recently acquired the Agora site and have emerging plans to deliver a mixed-use regeneration scheme comprising approximately 100 dwellings and circa 1,220 sqm of gross retail floor area, in accordance with the Wolverton Town Centre Neighbourhood Development Plan and the Council's adopted Agora Development Brief SPD (2013). Although the owners refer to the "critical" need for a foodstore anchor to help underpin the viability of any redevelopment scheme, it is apparent that the substantially lower floor area would not support the proposed Aldi, even after applying reasonable flexibility on issues such as format and scale.
- 5.15 In conclusion, the retail advice received concurs with the applicants that although they don't consider sufficient reasonable flexibility has been applied on issues such as format and scale when considering the availability and suitability of sites to accommodate the proposal, the assessed sites are not available and/or suitable for the proposed Aldi store even after applying reasonable flexibility to the appraisal of these sites.

#### Impact on Wolverton Town Centre

- 5.16 Retail impact assessments should include assessment of the effect of the proposed development on existing, committed and planned public and private investment in the town centre in addition to the impact on town centre vitality and viability, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made (NPPF – Paragraph 89)

- 5.17 The Aldi store format comprises the sale of own-label products restricted to approximately 1,500 lines, which compares with the circa 2,500 - 60,000 lines sold by the larger supermarkets and superstores. The applicant's state that Aldi do not sell cigarettes or lottery tickets, and stock only a small range of branded wines and spirits, as well as a limited range of breadlines and a small number of boxed cakes. The Aldi store format also does not include a specialist butcher, fishmonger, bakery, delicatessen or a chemist, which are commonplace with larger supermarket chains.

The applicant's retail assessment is based on the proposed Aldi of 1,916 sqm gross having a sales area of 1,254 sqm net, of which 1,003 sqm net will be for food and convenience goods sales and the remaining 251 sqm net for comparison goods. The independent retail advice provided the following conclusions;

- 5.18 The independent advice considered the submitted Planning and Retail Statement that was based on the retail commitments including the assumption of the delivery of the extant Agora planning permission and the newly opened town centre Lidl store. An assessment of the impact of the proposed out-of-centre Aldi on the convenience turnovers of the main stores at 2023 was made. The Council's retail consultant considered the submitted Forecast Turnover of Proposed Aldi Store.
- 5.19 The advice received concluded: 'Based on our understanding of the relative roles, functions, offer and performance of CMK and other defined centres in Milton Keynes, we do not consider that the forecast impacts on their in-centre trade/turnover will be significantly adverse. Furthermore the Council will be aware that out-of-centre retailing is not afforded any policy protection at the national level, or local level in this case. The forecast impacts on these out-of-centre stores (such as, for example, Aldi at Bramwell Common) should not therefore be a material consideration.'
- 5.20 The Council's retail consultant subsequently focussed on the forecast impacts of the proposed Aldi store on Wolverton Town Centre, and principally on the delivery of the committed investment in the Agora scheme. In analysis of the Convenience Goods Impact, the Council's retail consultant highlighted that they consider that 'they (the applicant) have under-estimated the potential trade draw/diversion to the proposed convenience floorspace in the permitted Agora scheme and to the proposed Aldi from Wolverton town centre's existing stores and floorspace'. In their opinion 'the Agora scheme will draw at least 50% of its forecast convenience sales from existing stores in the Town Centre, and Aldi will draw a higher proportion (40%) of its forecast convenience turnover from the Town Centre's stores.'
- 5.21 Additional concerns were raised by the Council's retail consultant regarding the robustness of the impact assessment submitted by the applicant. In particular there are concerns regarding the additional 'cumulative' impact of Lidl on the Town Centre's and the convenience turnover of the Agora if this Aldi is permitted will not be as high as predicted in their applicant's assessment. Furthermore there will be additional impacts on other food and convenience stores and services in the town centre which currently benefit from the linked trip expenditure generated by the main foodstores. As the proposal is located some distance from the town centre, it

will not generate easy and convenient linked trips for shoppers. If permitted, the Aldi store will therefore effectively function as a one-stop food shopping destination in direct competition with Lidl, Asda and Tesco. The consultant stated that the impact on the Town Centre's convenience turnover will be over -9% and the 'cumulative' impact will be almost -15%. The consultant forecast that the proposed Aldi will 'divert over £4.5m of convenience expenditure from the Town Centre in the period up to 2023; this is before taking into account the loss of linked trip and non-food spend, which will further increase the overall forecast impacts in monetary and percentage terms'.

- 5.22 With regard to the impact on vitality, viability, investment and consumer choice (NPPF Paragraph 89), the Council's retail consultant did not agree with the applicant's statement that 'the levels of impact identified by their quantitative assessment are low in percentage terms, and they do not anticipate that the levels of diversion "would deter future investment in any of the defined centres, or undermine investor confidence". In their judgement:

'the proposed out-of-centre Aldi store will have a significant adverse impact on existing, committed and planned investment in Wolverton District Centre, and principally the Agora Centre which is clearly critical to the overall revitalisation and regeneration of the District Centre. The redevelopment of this shopping centre has consistently been 'front and centre' of the vision and policy set out in both the Council's adopted and emerging development plan documents and the Neighbourhood Plan, and benefits from an extant planning permission (ref: 15/00913/FUL) granted by the Council in March 2016. The centre and adjacent car park has recently been acquired by Love Wolverton Ltd and they have subsequently submitted an objection to the proposed Aldi on the basis that it will have a significant adverse impact on their investment plans to secure a food store operator to anchor the redevelopment of the scheme.

- 5.23 This impact has to be considered in the context of the overall performance - vitality and viability - of the Town Centre. The 2018 Milton Keynes Retail Capacity & Leisure Study could not be clearer in its conclusion that "Wolverton is a declining centre" (paragraph 9.38). The recent health check assessment of the centre has identified that it is characterised by relatively high vacancy levels; the recent loss of key town centre uses and anchors (including Co-op in the Agora Centre and the Post Office); a poor non-food and leisure services offer; limited demand from retailers for representation in the centre; a poor and disconnected environment; and a fall in its national ranking over the last decade. The centre's food and convenience offer comprises a mix of multiple (Tesco, Asda and Farmfoods) and independent retailers, but has been weakened by the loss of Co-op. The recent opening of Lidl on the edge of the town centre has also diverted shoppers and expenditure from the main food and convenience stores in the heart of the District Centre. The closure of Co-op and opening of Lidl means that the centre will be vulnerable to the loss of more shoppers and retail expenditure to new stores, such as Aldi, located outside of the centre. This impact is calculated to be the loss of £4.5m of convenience expenditure that would have otherwise been spent in the Town Centre. Furthermore, this diversion of food shopping trips to the out-of-centre store could also result in an additional impact on the Town 's stores, services and businesses through the loss of linked trip expenditure. This underlines the

importance of the committed investment in the Agora Centre to the future vitality and viability.

- 5.24 The independent advice concludes: 'Based on the adopted development plan policies covering the centre, we conclude that proposed out-of-centre Aldi would have a significant adverse impact on the overall vitality and viability of the Town Centre, including on in-centre trade and investment.'

#### Impact on Regeneration of Wolverton Town Centre and the Agora site

- 5.25 As the site is outside the Wolverton town centre boundary, it is crucial to assess the application in terms of its potential impact on delivering the regeneration of Wolverton town centre and the redevelopment of the Agora site. It should be noted that the application site is located outside the Wolverton Town Centre Neighbourhood Development Plan Boundary however the application will impact on the designated area. The health of Wolverton town centre was assessed in the recently published Milton Keynes Retail Capacity & Leisure Study (March 2018) which shows that the proportion of vacant retail outlets in Wolverton Town Centre is 10.5%, which is in line with the national average. At the time of the report, there were eight vacant units. This is one of the highest vacancy rates in the Borough area. Although it is in line with the national average, it suggests that Wolverton is not performing as well as some other centres within the Borough.

The study concludes that: "In summary, Wolverton is a declining town centre. With the relatively high vacancy rate, the recent loss of key town centre uses (including the Co-op and Post Office) and lack of comparison provision, we consider that there is potential for the health of Wolverton to further decline."

- 5.26 The Wolverton Regeneration Strategy was adopted in 2004 to provide guidance for new development in Wolverton. The Strategy has formal status as a material consideration for planning applications within the project area. It provides clarity on the way in which development should take place and is a useful tool for prospective developers, the community and planning authorities. Strategy One of the strategy is to 'Develop an Attractive, Vibrant Mixed-Use Town Centre'.
- 5.27 Wolverton Town Centre Neighbourhood Development Plan was 'made' and became part of the Development Plan for Wolverton town centre in September 2015 and proposes to regenerate Wolverton town centre and redevelop the Agora site, which is widely regarded as an 'eyesore' within the town. The Wolverton Town Centre Neighbourhood Development Plan states that the Neighbourhood Plan "encapsulates the ambitions of local residents who would like to reinvigorate the town centre as a viable place to shop and do business and an inviting place to visit and live". Also, that "Wolverton has a rich history as the first purpose built railway town in the UK. However, like many industrial towns, Wolverton's town centre began to decline in the 1960s, and 50 years on now faces declining footfall, the rise in internet shopping and supermarket dominance."

A key objective of the Wolverton Town Centre Neighbourhood Development Plan is Economic Development (Objective 5) which aims to:

'Improve the vitality and viability of Wolverton town centre through a mix of retail and non-retail uses which better reflect the needs of the local community; support existing town centre businesses and employment opportunities; and encourage the creation of new business and employment opportunities'.

- 5.28 The importance of the redevelopment of the Agora site is a key element of the Wolverton Town Centre Neighbourhood Development Plan, and a long-standing community aspiration, Policy W1 of the Plan states that redevelopment proposals for the Agora site will be actively supported where they are consistent with the objectives of the Wolverton Town Centre Neighbourhood Development Plan and the Agora Development Brief Supplementary Planning Document (2013). The Wolverton Regeneration Strategy supports the aims of the Agora Development Brief SPD that was adopted in 2013. . It highlights that the Agora site should 'provide Wolverton Town Centre with a new mixed-use development that respects the historic urban block grid structure, complements its character, and enhances its retail core and public realm'. As stated in 5.14 above, the substantially lower floor area as proposed in the TOWN application would not support the proposed Aldi, even after applying reasonable flexibility on issues such as format and scale.
- 5.29 As previously stated, the independent retail advice concluded that "the proposed out-of-centre Aldi store will have a significant adverse impact on existing, committed and planned investment in Wolverton District Centre, and principally the Agora Centre which is clearly critical to the overall revitalisation and regeneration of the Town Centre'. If approved, the store could divert over £4.5m of convenience expenditure that would have otherwise been spent in the Town Centre in the period up to 2023. To posit that there is considerable likelihood for the proposal to have an adverse effect on the clear aspirations embedded in policy of the regeneration of Wolverton town centre, including the town councils adopted Wolverton Town Centre Neighbourhood Development Plan, is a reasonable justification to refuse the application.
- 5.30 The application as submitted raises significant concerns regarding the potential harm to the vitality and viability of Wolverton town centre and the Council's long standing policies for regeneration including the redevelopment of the Agora site. Of the two NPPF policy tests to assess retail proposals against: the sequential test and retail impact (as supported by Plan:MK policy ER10), the application fails the retail test. The proposed development is therefore contrary to both national and local planning policies. It is therefore recommended that permission is refused.

#### Highway matters and parking

- 5.31 Plan:MK Policy CT2 requires development to minimise the need to travel, promote opportunities for sustainable transport modes, improve accessibility to services and support the transition to a low carbon future Policy CT3 supports developments which enable people to access employment, essential services and community facilities by walking and cycling. Parking requirements for the development as set out Milton Keynes Parking Standards Supplementary Planning Document (2016).

Initially Highways objected on safety grounds, particularly with regard to pedestrian access. Further to the initial Highway Observations (30 April and 10 May 2018), an

additional plan was submitted indicating a proposed TOUCAN crossing on Millers Way.

The plan indicates a crossing of Millers Way between its junctions with White Alder and McConnell Drive. It is understood that the plan has 'in principle' approval from the Council's Highways and Road Safety teams.

The proposed crossing and associated pedestrian / cycle routes will address the main highway issue that the proposed development would create and therefore the previous objection on the grounds of pedestrian safety can be removed.

- 5.32 The Council's parking standards require 1 car parking space per 14m<sup>2</sup> of floorspace, which equates to 129, 132 or 137 spaces depending on the floor area. 129 car parking spaces are proposed so there is a potential shortfall of 8 spaces. This is exacerbated by the provision of 10 parent and child spaces, which, along with 7 disabled spaces, reduces the general parking to 112 spaces. Given the site's sensitive location close to a junction with known safety issues, the risk of overspill on-street car parking must be better mitigated against.

The cycle parking requirement ranges between 27 and 29 spaces. 16 spaces are proposed and these do not appear to be secure or covered and are not in an ideal location close to the store entrance. It is considered that any subsequent matters secured by condition will need to achieve the required parking and cycle parking.

Consequently there is no objection to the proposed development on highway grounds.

#### Design and Impact on character of the area

- 5.33 Policies D1, D2 and D3 require the decision maker to have particular regard to the design and visual impact of new development and to the context within which it is placed.

The building is incorporated within the landscape setting and the elevations address and animate McConnell Drive and Millers Way reasonably well for a building of this nature. The design as proposed is acceptable for this location.

#### Residential amenity

- 5.34 Policy D5 of Plan:MK details that planning permission will be refused for development where it would adversely affect residential amenity of neighbouring properties. In addition, the New Residential Development Design Guide SPD (2012) provides guidance on achieving acceptable levels of amenities for future occupiers. Further, the core planning principles in the National Planning Policy Framework details that planning decisions should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The proposal would be located some distance from existing neighbouring properties therefore would have limited impact with regard to visual intrusion and loss of daylight. Given the distance and orientation of properties, the relationship

between the proposed and existing dwellings along these boundaries, is considered to be acceptable.

#### Landscape

- 5.35 Policy D1 of Plan:MK seeks to ensure high quality, well designed places which include planting on streets and in public open spaces.

No concerns were raised through the consultation process on landscape issues.

#### Ecology

- 5.36 A primary aim of the NPPF is to contribute to and enhance the natural and local environment and requires decision makers to not only conserve but enhance biodiversity. Policy NE3 of Plan:MK reflects this national guidance locally by requiring net gains in biodiversity.

All recommended mitigation and enhancement contained in section 4 of the submitted Ecological Assessment report, appendix 3: Landscape Maintenance and Management Plan, Soft Landscape Proposal rev. C and the External Lighting proposal could be implemented.

#### Drainage and flood risk

- 5.37 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. This guidance is echoed under Policy FR1 of Plan:MK advises that planning permission will be refused where inadequate drainage is identified.

It is considered that the technical details of the drainage system submitted are acceptable to accord with Policy FR1 of Plan:MK as well as the NPPF.

#### Sustainable construction

- 5.38 Policy SC1 of Plan:MK and the Sustainable Construction Supplementary Planning Document (2007) requires all new development exceeding 1000sqm to incorporate sustainable construction including renewable energy and carbon offset provision.

The application will need to demonstrate an ability to achieve the requirement for 10 per cent renewable energy under Policy SC1. In addition, the applicant is required to provide the requisite carbon offset financial contributions and this can be secured by a section 106 legal agreement

#### Contamination

- 5.39 The NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or

being adversely affected by unacceptable levels of soil, air, water or noise pollution. There are no objections on land contamination.

#### Planning obligations

- 5.40 Section 106 contributions are required for Transport, Social Infrastructure and Carbon Offset to mitigate the impact of this development in accordance with relevant Supplementary Planning Documents/Guidance if members are minded to approve. If Members are minded to grant permission it should be noted that a decision will not be issued until the Section 106 has been completed in accordance with the above requirements. However, if members decide to refuse planning permission, given the necessary S106 agreement has not been signed, a suitable refusal for refusal has been recommended.

## **6.0 CONCLUSIONS**

The proposed development of this out of centre site would have a detrimental impact on the vitality and viability of Wolverton town centre. Local planning policies provide a framework for the regeneration of Wolverton town centre, and in particular the Agora, which is a priority redevelopment site. The proposed development has the potential to harm the vitality and viability of Wolverton town centre and undermine the regeneration policies. Therefore, the proposals would be contrary to the Retail Hierarchy set out in Policy ER10 of Plan:MK as it would be harmful to the vitality and viability of existing town, district and local centres. The application would therefore fail to accord with Strategic Objective 8 of Plan:MK and Policy W1 of the Wolverton Town Centre Neighbourhood Development Plan.

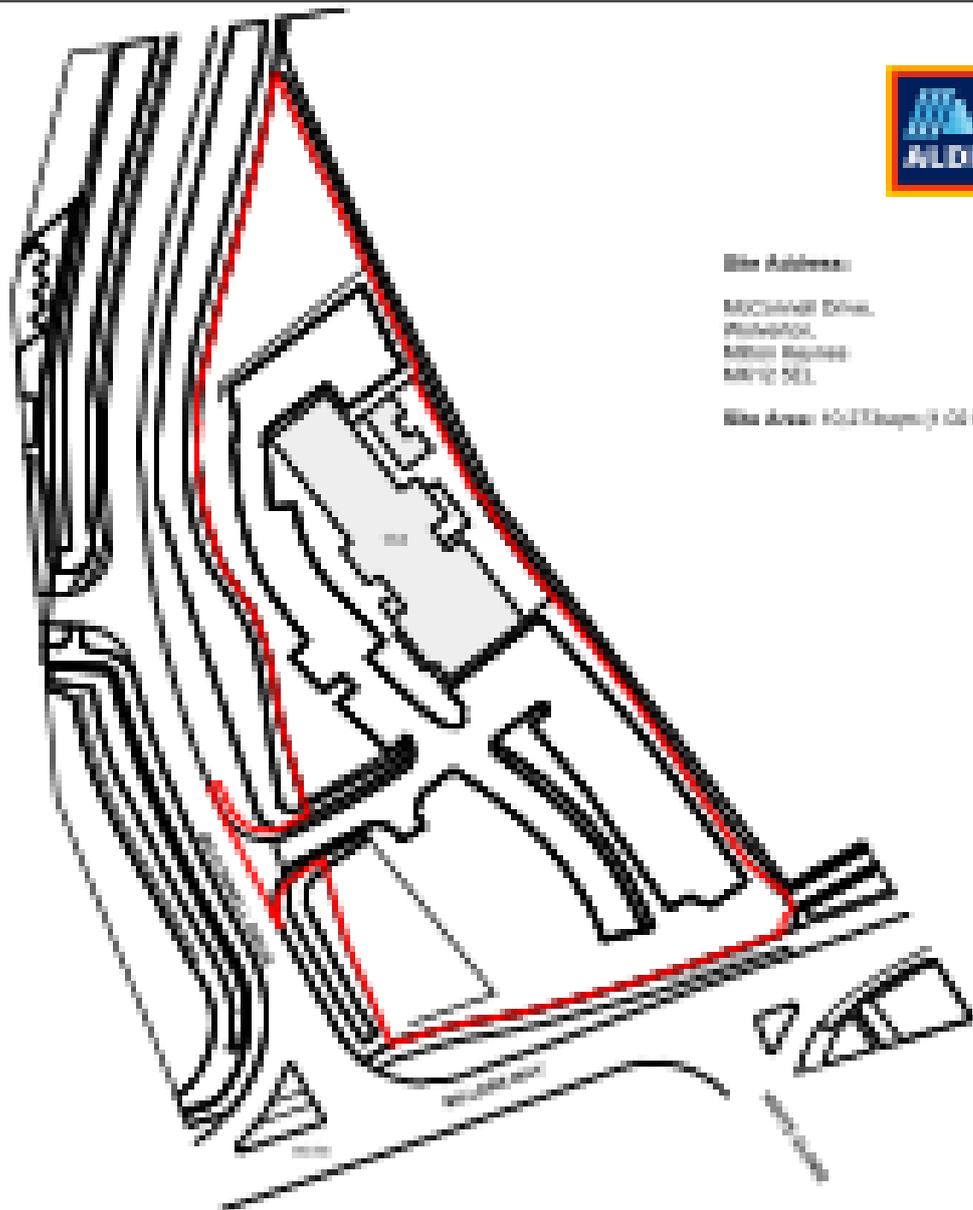
The proposed retail use is contrary to Policy L2 of Plan:MK regard to the community use designation. Insufficient information has been submitted to demonstrate that there is no longer a need for the community facility and land associated with it or that an alternative facility would be provided elsewhere. The proposed development is therefore considered to result in the loss of a community facility that would be contrary to Policy L2 of Plan:MK.

The application is recommend for refusal.

## **7.0 REASON(S) FOR REFUSAL**

1. The proposed development of this out of centre site would have a detrimental impact on the vitality and viability of Wolverton town centre. Local planning policies provide a framework for the regeneration of Wolverton town centre, and in particular the Agora, which is a priority redevelopment site. The proposed development has the potential to harm the vitality and viability of Wolverton town centre and undermine the regeneration policies. Therefore, the proposals would be contrary to the Retail Hierarchy set out in Policy ER10 of Plan:MK as it would be harmful to the vitality and viability of existing town, district and local centres. The application would therefore be unacceptable and would fail to accord with Strategic Objective 8 of Plan:MK, Policy ER10 of Plan:MK and Policy W1 of the Wolverton Town Centre Neighbourhood Development Plan.

2. The proposed retail use is contrary to the existing Community land use allocation Policy L2 of the adopted Plan:MK 2016 - 2031 with regard to the current land designation. Insufficient information has been submitted to demonstrate that there is no longer a need for the community facility and land associated with it or that an alternative facility would be provided elsewhere. The proposed development is therefore considered to result in the loss of a community facility, which is unacceptable and that would be contrary to Policy L2 of the adopted Plan:MK 2016 - 2031.
3. In the absence of necessary planning obligations being secured by a s106 agreement, the applicant has failed to demonstrate that the proposed development would not lead to a burden on or have an adverse impact on existing local social and sustainable infrastructure, education and leisure facilities. The proposal is therefore contrary to the guidance within Supplementary Planning Documents (SPDs) for Social Infrastructure SPD (2005), and Sustainable Construction SPD (2007) which support Policy INF1 and Policy SC1 of Plan:MK and the aims of the National Planning Policy Framework (NPPF).



**Site Address:**

McCormick Drive,  
Milton Keynes,  
MK10 0LL

Site Area: 10,273sqm (1.02 ha)



Rev: 0001 Rev: 00 0000

**Site Location Plan**

**Authorisation:**  
Approved Planning Application  
Application Reference  
170189

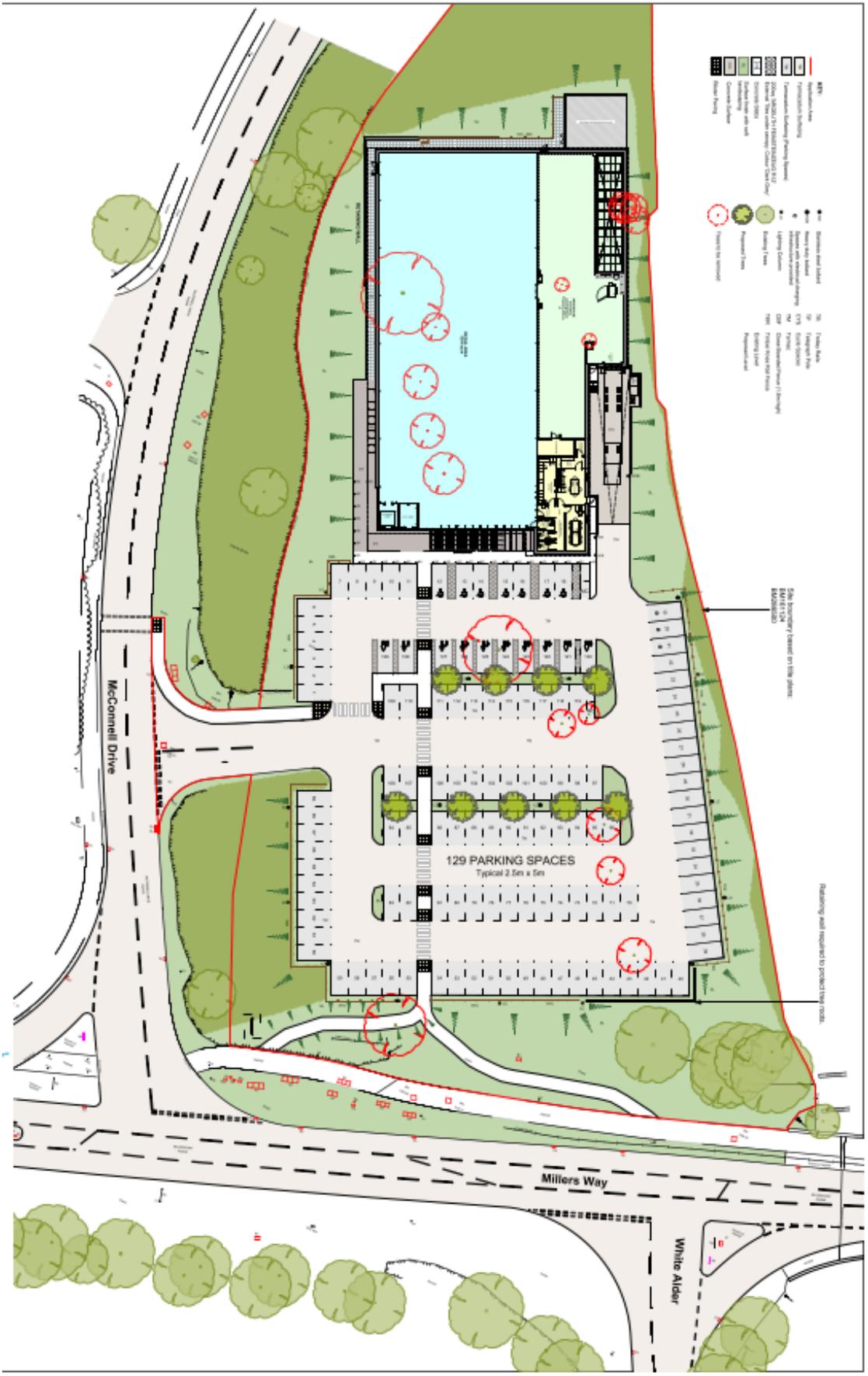
Site:  
McCormick Drive,  
Milton Keynes  
Applicant:  
Aldi Stores Ltd.

Reference: 170189 P(1)01

Client: Aldi Stores Ltd  
Planning Reference: 170189  
Tel: 01908 512200  
www.hendellkingscott.co.uk

Site: 170189 P(1)01  
170189 P(1)01  
170189 P(1)01

Site: 170189 P(1)01  
170189 P(1)01  
170189 P(1)01



- LEGEND**
- Site Boundary
  - Proposed Building
  - Proposed Landscaping
  - Proposed Parking Spaces
  - Proposed Driveway
  - Proposed Access
  - Proposed Fencing
  - Proposed Retaining Wall
  - Proposed Stormwater Management
  - Proposed Utility
  - Proposed Tree
  - Proposed Shrub
  - Proposed Lawn
  - Proposed Concrete
  - Proposed Asphalt
  - Proposed Gravel
  - Proposed Sand
  - Proposed Soil
  - Proposed Rock
  - Proposed Water
  - Proposed Sewer
  - Proposed Gas
  - Proposed Electric
  - Proposed Telephone
  - Proposed Cable
  - Proposed Fiber
  - Proposed Data
  - Proposed Video
  - Proposed Audio
  - Proposed Other

The boundary is based on the plan EIR-11-124.

Planting will be required to protect the road.

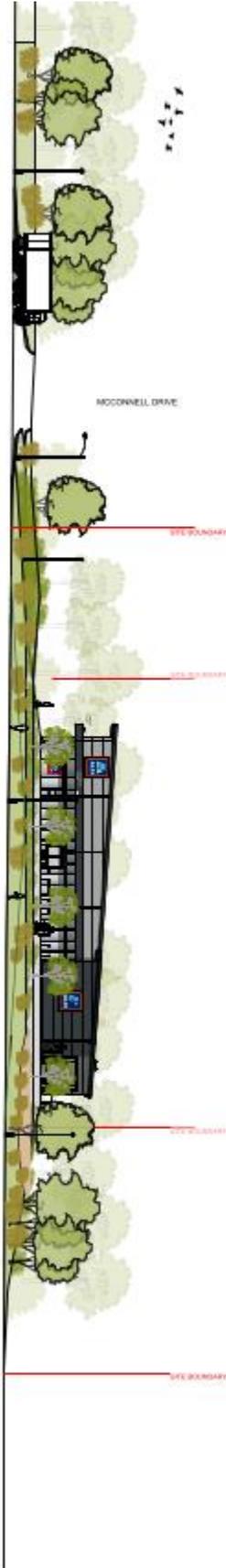
129 PARKING SPACES  
Typical 2.5m x 5m

McConnell Drive

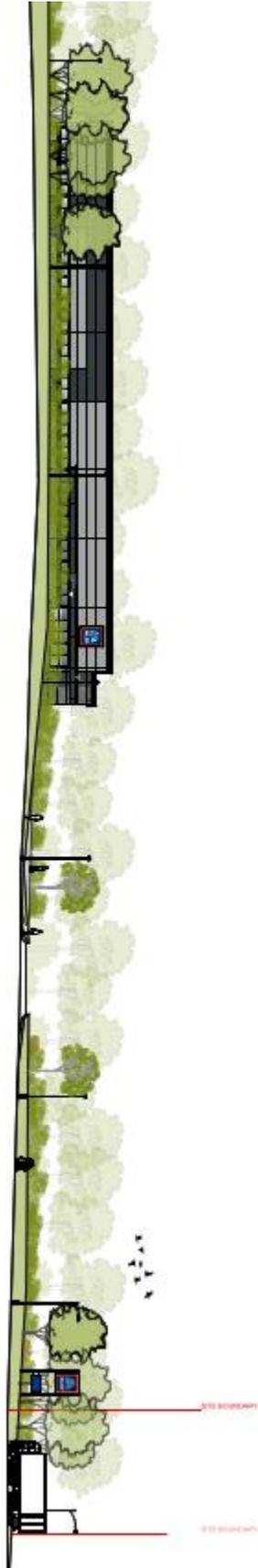
Millers Way

White Alder

VIEW FROM MILLERS WAY



VIEW THROUGH MCCONNELL DRIVE



**Appendix to 18/00834/FUL**

**A1.0 RELEVANT PLANNING HISTORY**

None

**A2.0 ADDITIONAL MATTERS**

None

### **A3.0 CONSULTATIONS AND REPRESENTATIONS**

*(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)*

#### **A3.1 Councils Countryside Officer – no objections**

All recommended mitigation and enhancement contained in section 4 of the Ecological Assessment report, appendix 3: Landscape Maintenance and Management Plan, Soft Landscape Proposal rev. C and the External Lighting proposal should be implemented at the appropriate stage pre, during or post development of the site

#### **A3.2 Network Rail – comments only**

The developer/applicant must ensure that their proposal, both during construction and as a permanent arrangement, does not affect the safety, operation or integrity of the existing operational railway / Network Rail land.

1 The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore the proposal drainage on site will ensure that:

All surface waters and foul waters drain away from the direction of the railway boundary.

Any soakaways for the proposal must be placed at least 30m from the railway boundary.

Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.

Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's property.

Proper provision must be made to accept and continue drainage discharging from Network Rail's property.

Drainage works must not impact upon culverts on developers land including culverts/brooks etc that drain under the railway.

The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.

Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

2 Network Rail will need to review and agree all excavation and earthworks within 10m of the railway boundary to determine if the works impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree to the following:

Alterations to ground levels

De-watering works

Ground stabilisation works

Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail.

3 If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network

Rail Asset Protection Engineer for agreement.

4 The applicant will provide at their own expense if not already in place:

A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.

4 The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement RAMS for all works to be undertaken within 10m of the operational railway under Construction Design and Management Regulations, and this is in addition to any planning consent. The applicant /developer should submit the RAMs directly to:

AssetProtectionLNWNorth networkrail.co.uk

5 Where a proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

hard standing areas

turning circles

roads, public highways to facilitate access and egress from developments

Network Rail would very strongly recommend the installation of suitable high kerbs or crash barriers e.g. Armco Safety Barriers.

6 As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a BAPA Basic Asset Protection Agreement will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent. The applicant / developer should liaise directly with Asset Protection to set up the BAPA form attached.

AssetProtection@LNWSouth networkrail.co.uk

A3.3 HSE Consultations internal To Milton Keynes Council - no comments received

A3.4 Anglian Water

Wastewater Treatment

The foul drainage from this development is in the catchment of Cotton Valley Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal

The surface water strategy flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore

recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

We request that the agreed strategy is reflected in the planning approval.

#### Trade Effluent

The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted.

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking washing repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991

#### Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

#### Surface Water Disposal Section 4

##### CONDITION

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

### A3.5 Parish - Wolverton and Greenleys

Initial Parish Council Comment The council unanimously welcome the application and the efforts made with landscaping and noise reduction. The council's only concern is site access for pedestrians and vehicles to ensure that vehicles do not queue back onto McConnell Drive. Also the council would like to know why the blue atlas tree is to be felled but is not shown as a red dot on the plan. This tree does not appear to impact of the site, so there shouldn't be a requirement to fell this tree.

Updated follow-up Parish Council comments received 27/02/2019

The council discussed the proposal at their meeting on 26/02/2019 for Aldi Application for Wolverton.

The conclusion was that 'the Town Council is supportive of an Aldi development in Wolverton to serve the other parts of the parish. However, the town council wish to regenerate the high street through the Future High Streets bid and the focus must be to ensure the longevity of the high street as a priority at this time

- A3.6 Ward - Wolverton - Cllr Miles – no comment received
- A3.7 Ward - Wolverton - Cllr Middleton – no comment received
- A3.8 Ward - Wolverton - Cllr Marland – no comment received
- A3.9 Highways Development Control – no objections

Conditions

1. Prior to the commencement of the development details of the access shall be submitted to and approved in writing by the Local Planning Authority and no part of the development shall be occupied until the access has been laid out and constructed in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and of the development.

2. Details of the proposed bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be provided prior to the first occupation of the development hereby permitted.

Reason: To ensure that adequate cycle parking facilities are provided to serve the development.

3. Prior to the occupation of the development hereby permitted the car parking area shown on the approved drawings shall be constructed, surfaced and permanently marked out. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter.

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the safe, free flow of traffic on the neighbouring highway.

4. Details of the proposed TOUCAN crossing of Millers Way and the associated pedestrian and cycle connections shall be submitted to and approved in writing by the Local Planning Authority and the approved crossing and connections shall be installed and open to use prior to the occupation of the development hereby approved.

Reason: To ensure the safety and convenience of pedestrians and cyclists visiting the development from adjoining areas and road users in general

- A3.10 Landscape Architect

Soft Landscape Proposals plan 1280-01 Revision B dated Jan 18:

The Arboricultural Impact Assessment and Tree Protection Plan report states 13 trees will need to be removed in order to construct the Proposed Development, these include four B-grade trees T7 T12 Blue atlas cedar, T8 Whitebeam and T18 Field maple and nine C-grade trees T2–T6 Norway maple, Ash, Silver Birch, T9–T11 Whitebeam and T19 Field Maple. Three groups of trees G3 of 5nr Ash, G4 G8 Blackthorn scrub and six amenity hedges H1–H6 will also need to be removed.

The loss of tree stock and hedging should be balanced by replacement of equal quantity at least and this can be accommodated within the large application site.

Only 9 trees are proposed and are all amenity trees of a single cultivar. For greater biodiversity and amenity interest value additional tree planting should be included

and can replace some of the types to be removed: Whitebeam, Norway Maple, Cedar plus the native species English Oak, Silver Birch, Field Maple and Scots Pine. An additional 10 trees would provide a slight net gain in tree stock overall.

G4 and G8 together make a large area of dense Blackthorn scrub which is to be removed. The Preliminary Ecological Appraisal submitted states that the scrub offers both shelter and foraging opportunities for a variety of species particularly nesting birds. The scrub is also likely to contribute to the commuting and foraging resource of bats that could be using the site, as such the scrub on site is considered to have site ecological importance. Therefore I wish to see proposals providing a native mix of scrub / hedging of equivalent value on site.

To withstand casual vandalism proposed trees in soft landscape areas as opposed to car park trees will need to be specified as 18-20cm girth 4.25-6m height semi-mature, except where the tree types are limited by supply in which case slightly less than semi-mature will be accepted.

A condition requiring full hard and soft landscaping details will be applied if approval is granted

A3.11 Environmental Health Manager – no comments received

A3.12 Milton Keynes Council Lead for Property Commercialisation

Objection - 'granting consent to Aldi does not meet national and local planning policy and in all likelihood could undermine the Council Plan priority objective which is the regeneration of the Agora site. My view is the application should be refused'

A3.13 Milton Keynes Council Planning Policy

Objection 'I consider that, given its size and out of centre location, the proposed store is likely to have a significant adverse impact on the vitality and viability of Wolverton Town Centre. Paragraph 90 of the NPPF indicates that 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 of the Framework, it should be refused'.

A3.14 Milton Keynes Council Urban Design

No objection to this application in terms of design and layout.

A3.15 Parks Trust

We note the application drawings show the construction of two path connections between the development site and the redway that runs along Miller's Way. Sections of these paths fall on land that is held by The Parks Trust under a 999-year lease registered title number BM210833. The applicant has not contacted us regarding the construct of these paths on our land. We have no fundamental objection to the principle of the paths being constructed across our land, where this will facilitate public access to the proposed food store development, but we will uphold our objection to the planning application until the applicant has obtained our agreement for the construction of the paths and the future maintenance

responsibility for the paths has been clarified. We will require the applicant to have obtained from us a licence or other form of formal permission to access onto our land to construct the paths.

### A3.16 Future Wolverton Limited

Future Wolverton objects to the proposal to develop an Aldi store on the Herald Snooker Club site for the following reasons:

The application fails to comply with the aspirations and policy of the Wolverton Town Centre Neighbourhood Plan, which seeks to concentrate retail development within the existing Town Centre. The Herald Snooker Club site is outside of the Town Centre boundary and will undermine efforts to regenerate Wolverton Town Centre, by drawing retail activity away from the Town Centre. In particular, the application will frustrate long standing attempts to bring forward the regeneration of the Agora site, which are at a critical stage in terms of committed and planned public and private investment.

The application fails to meet paragraphs 23 to 27 of the National Planning Policy Framework which seeks to ensure the vitality of town centres.

The application fails to comply with Policy ER11 of Plan: MK which requires proposals for out of centre retail development to be subject to sequential testing which shows that the proposal would not have a significant adverse impact on the vitality and viability of the town centre. There is no evidence provided in the planning application that Aldi have followed the requirements for a sequential test - the only previous site they considered back in 2014 was also outside of the Town Centre boundary and the planning application was rejected for this reason.

In addition to our policy objections, Future Wolverton are also concerned about the extent to which the development would be readily accessible by a choice of means of transport, including public transport, cycle and foot, and by people with disabilities.

The proposed pedestrian access means either crossing either the H2 or McConnell Drive.

The nearest underpass for people walking from Stacey Bushes across the H2 is approximately 250 metres to the west of the McConnell Drive junction. We are extremely concerned that people will not walk to the underpass but will take the quickest route and attempt to walk across the busy H2 grid road. This is especially so for people living on White Elder, Myrtle Bank and Buckthorn.

The McConnell Drive junction has just undergone major public investment from Milton Keynes Council following a series of road traffic accidents. The improvements have gone some way to improving public safety, but it remains a junction that absorbs significant fast flowing traffic from the main H2 grid road, including HGV traffic to Electrolux national distribution centre, Tesco Store and in the future the Railway Works. A planning application has also recently been agreed for a McDonalds Restaurant on the Tesco car park, which is also likely to increase traffic flow along McConnell Drive.

McConnell Drive is also the main car access to the recently expanded Bushfield School, so absorbs significant school based traffic at the beginning and end of the school day, as well as being the route to the coach car park for the newly expanded Milton Keynes Museum.

The vehicle entrance to the Aldi store will be very close to the McConnell Drive junction and the Museum coach parking, and we fear it will cause queuing out

onto the H2 grid road.

### A3.17 TOWN

On Friday 9th November 2018, Love Wolverton Ltd - a partnership vehicle between TOWN and Swedish housebuilder Trivselhus - exchanged contracts to acquire the Agora Centre and Agora Car Park in Wolverton Town Centre in order to deliver a mixed-use regeneration scheme comprising approximately 100 dwellings and circa 1,220 sq m of gross retail floor area. This acquisition has been over two years in gestation and represents a major step towards delivering the comprehensive regeneration of the Agora site in accordance with the made Wolverton Neighbourhood Plan 2015 and MKC's adopted Agora Development Brief SPD 2013. The SPD states that "the overarching principle is to achieve a high quality mixed use development that respects the historic fine grain urban structure of the town, complements its character and enhances the retail core."

Fundamental to successful regeneration of the Agora is that the replacement scheme for the Agora Centre must be mixed-use must reinstate Radcliffe Street as a commercial street connection between Church Street and the Square and must provide a mix of retail uses that draws people into the town centre, generating custom for both new and existing town centre businesses. Critical to this is attracting a foodstore anchor, which can act as a primary generator of footfall and provide a covenant to underpin the viability of other new commercial space as an investment asset. Without a food store anchor, it is unlikely that the commercial element of the wider scheme would be viable.

The Council should be aware that TOWN is currently in negotiations with potential foodstore occupiers. Occupiers' considered view is that trading conditions in Wolverton are tough: the existing Tesco superstore, Asda supermarket and recently-developed Lidl all of which are within a 400-metre / 5 minute walk of the site mean that Wolverton as a retail catchment is already close to saturation, making a foodstore investment on the Agora site marginal and even now only feasible with substantial incentives. We note from our discussions that the threat of the proposed out-of-centre Aldi store is already having a significant impact on occupier interest in, and demand for representation in the District Centre generally, and specifically the Agora redevelopment proposals.

In our experience the approval for an Aldi on the application site would make a marginal investment by a food store anchor in the District Centre decisively unviable. This in turn would make any wider element of retail use on the Agora site extremely difficult, if not impossible, to deliver. The impact on our existing and planned investment would be significantly adverse and certainly contrary to long-held national and local plan policies that seek to promote new investment and development in town centres first.

Furthermore there is a general lack of expenditure capacity to support additional convenience floorspace in the locality, meaning that the proposed out-of-centre Aldi will need to draw shoppers and expenditure from the District Centre to be a viable commercial proposition. In our judgement this absorption/displacement of shoppers and spend within Wolverton would be significantly adverse in terms of its impact on the District Centre's convenience trade/turnover.

In our view, this application should therefore be refused on grounds including that it would be prejudicial and detrimental to the strategic Council priority of regenerating the Agora, and as such contrary to the adopted Agora Development

Brief SPD and adopted Wolverton Neighbourhood Plan.

Additionally I can confirm that, in its sequential assessment of sites, we are not aware of any approach being made on Aldi's behalf to the present owner of the Agora, notwithstanding that the site has an extant full planning permission including 3,276 sq m of retail space, within which the proposed floorspace could have been comfortably accommodated with modest design modifications. It is not the purpose of the sequential test to allow applicants to define a business model and building form that are unsuitable to town centre sites, and then rule out town centre sites because they do not fit the preferred business model and building form

A3.18 Neighbour objections were received from 10 residents and are summarised as:

- The application fails to comply with the Wolverton Town Centre Neighbourhood Plan, adopted by MKC 2015. The Neighbourhood Plan aims to concentrate retail development within the existing Town Centre. The proposed site lies well outside the Town Centre.
- The application fails to meet paragraphs 23 to 27 of the National Planning Policy Framework which seeks to ensure the vitality of town centres.
- The application fails to comply with Policy ER11 of Plan: MK which requires proposals for out of centre retail development to be subject to sequential testing.
- Traffic congestion and Highway Safety, particularly at peak times associated with both the school and the Museum.
- Application would hinder successful redevelopment of the Agora site, to the detriment of the viability of retailing in Wolverton Town centre.
- Contrary to emerging Plan:MK, section 4, Paragraphs 4.50 and 4.51 where it states that development will be in town centres. In this context Wolverton is a regional centre for MK.
- Wolverton town centre will be well provided with retail. Any additional supermarket away from the town centre can only detract from the viability of regenerating the centre of Wolverton and is thus contrary to national and local planning policy.
- Loss of long standing and valued leisure facility for the area
- Increased Reliance on car journeys

A3.19 3 comments in support of the scheme were received