

Application for planning permission for the erection of a retail store and doctors surgery with undercroft car park, refurbishment of existing mill building for three residential flats and ancillary uses, associated landscaping, access works and linkage improvements.

Abbey Mill Business Site, Station Road, Bishops Waltham, Hampshire, SO32 1DH

Application Reference No. 10/01650/FUL

Representations on behalf of Bishops Waltham Action Group

1. Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise.¹ The statutory Development Plan in this case comprises the Winchester District Local Plan Review 2006, as saved and extended by a Direction from the Secretary of State for Communities and Local Government on 18 June 2009.
2. The application site includes the Bishops Waltham South Pond, Abbey Field, Abbey Mill, Abbey Mill Business Site, Station Road and a section of the highway verge along the northern boundary of Bishops Waltham Palace.
3. With the exception of Abbey Field, the land is within the built-up area boundary defined on the proposals map of the local plan. Abbey Mill and Abbey Mill Business Site are allocated for mixed employment and residential development (Policy S.3 & E.2). Abbey Field is allocated for development as informal public open space and for the provision of a carefully designed and landscaped car park (Policy S.4). Station Road, South Pond and the highway verge form part of the Bishops Waltham Conservation Area (Policies HE.4 – HE.8). South Pond is identified as an important open amenity area (Policies S.1 & RT.1) and is also part of the Bishops Waltham Palace Scheduled Ancient Monument (Policy HE.1). South Pond and much of the central part of the application site lies within a 1 in 100 year floodplain. The highway verge forms part of the B3354/B2177 corridor between Winchester and Wickham, where measures are to be implemented to reduce the rate of traffic growth including

¹ Planning and Compulsory Purchase Act 2004, Section 38(6), The Planning System: General Principles (paragraph 10), WYG Economic Development Statement (4.1.1)

improving public transport services and infrastructure and improving facilities for cyclists and pedestrians (Policy T.10).

4. The proposed development is to erect a retail store (Class A1) and doctors' surgery (Class D1) on land that has been allocated for mixed employment (Classes B1, B2 or B8) and residential use. Planning permission must therefore be refused, unless material considerations indicate otherwise.
5. The Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. Planning Policy Statement 4: Planning for Sustainable Economic Growth is most relevant in the determination of this application. It includes policies for development in town centres. Retail development is one of the main uses to which the town centre policies apply.
6. The proposed store is to have a net sales floor area of 3,255m². Being greater than 2,500m², this is not a "supermarket" but is defined as a "superstore" selling a mixture of food and non-food goods². The application letter describes the proposed store as a "supermarket" and the Economic Development Statement and the Transport Assessment have both been prepared on the basis that it is a foodstore. The tables in the Economic Development Statement contain the heading "Sainsbury's Supermarkets Ltd Proposed New Foodstore, Bishops Waltham", but the base for calculation (Table 3 onwards) is "Convenience Goods Expenditure", which includes food, drinks, newspapers/magazines and confectionery. It excludes comparison goods despite these being part of the application. The Economic Development Statement (Paragraph 3.1.7 and the footnote to Table 17) states "comparison floorspace is 30% of total floorspace". The impacts of non-food convenience and comparison goods have not been considered in the Economic Development Statement and the Transport Assessment. Consequently, the application for a superstore selling a mixture of food and non-food goods is not properly supported.
7. The Economic Development Statement makes repeated claims that the site is well connected to Bishops Waltham Town Centre and the primary shopping frontage. It states that the northern boundary of the application site is adjacent to the town centre boundary as defined in the local plan, with only the B2177 providing separation. It adds that the entrance to the proposed "supermarket" is 200m from the town centre

boundary and 394m from the primary shopping frontage, where the High Street meets St George's Square. PPS4 is absolutely clear that, for retail purposes, an "edge-of-centre" location is one that is within 300 metres of the primary shopping area. There is nothing arbitrary about that distance, as alleged in the Economic Development Statement (Paragraph 5.3.3). By definition, PPS4 firmly places the site of the proposed retail store in an "out-of-centre" location and that is the basis upon which the proposal must be considered.

8. PPS4 requires a sequential assessment for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date development plan (Policy EC14.3). The factors which local planning authorities need to take into consideration when examining such assessments are set out in Policy EC15. Among these, local planning authorities are required to ensure that, in considering alternative sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of reducing the floorspace of their development and disaggregating specific parts. These requirements have not been addressed in the Economic Development Statement. The options only consider the proposed store as a whole. No consideration is given to whether the store could or should be smaller, or parts of it disaggregated. Section 6, of the practice guidance accompanying PPS4, provides examples of alternative formats that should be considered. As the applicant has not demonstrated compliance with the requirements of the sequential approach, Policy EC17.1 states that planning permission should be refused.
9. PPS4 also requires an assessment of the impacts on existing centres (Policy EC14.4). The impacts are set out in Policy EC16. They include the impact of the proposal on town centre vitality and viability, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, and the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan.
10. The size of the proposed development is at least as big as the directly comparable part of the defined town centre and will therefore have a very significant impact on its vitality and viability. Through examination of the local plan proposals map, it can be seen that the Abbey Mill and Abbey Mill Business Site (excluding the site of the proposed surgery) is comparable in site area to the defined town centre less St

² PPS4 Annex B: Definitions

George's Square, the car parks and residential areas. The town centre car parks have been excluded from the comparison because the proposed provision is below ground.

11. Compared to the proposed 366 car parking spaces, it is understood that Bishops Waltham currently has 319 parking spaces, of which 163 are pay and display, 12 time restricted in High Street, 56 at Budgens and 88 uncontrolled on-street.
12. The Economic Development Statement estimates that the study area derived turnover of the proposed Sainsbury's store would be around £26.8m per annum (Paragraph 6.4.19). This amount is split between £20.3m of convenience goods trade and £6.5m of comparison goods trade (Paragraph 6.4.32). This compares with a "Total Convenience Turnover, 2010" for Budgens, Co-op and other foodstores in Bishops Waltham of £11.0m (Table 15). The total convenience goods expenditure for the whole of the study area in the current year is £60.4m (Table 4).
13. The revenues diverted assume that top-up shopping locations will not change. This is a reasonable assumption for top-up locations remote from the store. However, the Bishops Waltham Budgens and Co-op are so close to the site of the proposed store, with its extensive and free car parking and wide range of products, that there is likely to be substantial diversion and footfall reductions in the town centre.
14. Footfall reductions and the wide range of goods and services that Sainsbury's will be able to provide, including ATMs, will have an impact on all of the shops and the two banks in the town centre. In pre-application public consultation, Sainsbury's pledged not to include a pharmacy, coffee shop, dry cleaners or post office in its proposed store, but the application does not contain any such restrictions. All of these uses could be carried on within the scope of Use Class A1.
15. The Economic Development Statement claims that "whilst certain individual stores in Bishops Waltham can be expected to experience reductions in turnover (in the short term at least) the levels of assessed impact are generally low and do not give rise to reasonable concern regarding the future trading position of any store" (Paragraph 6.4.44). Table 18 shows a reduction of 13.3% for Budgens, 15% for the Co-op and 7.4% for local shops in Bishops Waltham. These figures do not support the claim that there will be no significant impacts on turnover.

16. The Statement also attaches considerable weight to the potential for linked trips. It claims that local consumer choice will increase as residents will have the opportunity to visit Bishops Waltham Town Centre while carrying out their main food shopping, due to the improved linkages, while leaving their cars parked at Sainsbury's. In an attempt to demonstrate the positive impacts that introduction of a store might bring to an existing town centre, it identifies Cranleigh as a relevant case study.
17. However, Cranleigh is completely irrelevant in the context of the proposed development at Bishops Waltham. The Cranleigh store is a 1,468m² supermarket, situated in the town centre and dependent upon pay and display car parking facilities elsewhere in the town centre. In direct contrast, the proposed Bishops Waltham store is a 3,255m² superstore (more than twice the size of Cranleigh), in an out-of-centre location, with free on-site car parking facilities. In Cranleigh, the route from the car parks to the supermarket takes customers in front of other town centre shops, cafes, estate agents and banks. In Bishops Waltham, it will be necessary to walk a minimum of 394 metres, including the crossing of a busy road, for a Sainsbury's customer to access the town centre shops and other facilities. The potential for linked trips in Bishops Waltham is therefore extremely low. The Transport Assessment confirms this view (Paragraph 6.13).
18. The proposal is contrary to local plan policy S.3 which allocates Abbey Mill and Abbey Mill Business Site for mixed employment (Classes B1, B2 or B8) and residential use. There is an extant planning permission (07/01188/FUL) consistent with the local plan allocation that includes the development of 70 dwellings. Under Policy E.2 (ii) of the local plan, the Local Planning Authority has to be satisfied that the need for the proposed superstore and surgery outweighs the benefits of the existing allocation/permission.
19. The lower housing provision (net loss of 67) is far too large to be replaced elsewhere within the defined built-up boundary of Bishops Waltham. Therefore, it would result in a green field allocation, further from the town centre, in a less sustainable location.
20. Housing is not one of the town centre uses to which the policies in PPS4 apply. However, the policies do apply to offices (Use Class B1), which is one of the uses for which the land has been allocated. There is nothing in the documentation accompanying the application to demonstrate that there is now no need for the B1, B2, or B8 employment allocation. That need was recognised and supported by the

grant of the extant planning permission. The need to provide B1, B2 or B8 employment is not met by the current proposal, there is no alternative site within the defined built-up boundary of Bishops Waltham and this too could only be provided by a new green field allocation.

21. As there is clear evidence that the proposal is likely to lead to significant adverse impacts as set out in Policy EC16.1, Policy EC17.1 again states that planning permission should be refused.
22. Further examination of the proposal reveals conflict with the more generic development control policies of the local plan.
23. Policy DP.3 sets out general design criteria. In terms of design, scale and layout, proposals must respond positively to the character, appearance and variety of the local environment (criterion (ii)). They must also not lead to an unacceptable adverse impact on adjoining land, use or property (criterion (vii)). The Design and Access Statement explains that the character of the town is formed by buildings that are generally small in scale, in a mix of vernacular styles and materials. The predominant materials are brick, flint, stone and render, and clay roof tiles. The overall footprint dimensions of the proposed retail store are 75.4m x 79.4m. The overall height of the proposed building is stated to be 12.1m rising to a maximum of 12.7m. It is clearly not small in scale and, despite the introduction of a series of mono-pitched roofs, reflects neither the varied roofscape of the town nor the fragmented roof forms of large agricultural buildings in the surrounding countryside. Additionally, the proposed use of substantial areas of glass, horizontal timber cladding and cladding panels for the external walls of the store does little to assimilate the building into its immediate surroundings.
24. The glazed elevation facing South Pond will allow light to spill from the building at times of the day when the area is currently in darkness. The adjoining space will be further transformed from a quiet semi-rural waterside lane into a busy wide open pedestrian plaza that would be much more appropriate in an urban context. It does nothing to enhance the setting of either the pond or the palace ruins. The increased activity and introduction of a viewing platform in the south-western corner of the pond is also likely to have a detrimental impact on the existing use of the pond by anglers. The pond is a popular destination for fishing and the displacement of car parking spaces from Station Road will have a significant adverse impact on disabled anglers

for whom special facilities have been constructed around the pond. The proposed development will therefore compromise the amenity and recreational value of the pond, contrary to Policy RT.1.

25. Policy DP.3 also contains a requirement to keep car parking provision to a minimum (criterion (iii)) and maximise access to public transport (criterion (v)). The parking assessment in the Transport Assessment states that the estimated peak parking requirement for the store would be 219. With 313 spaces dedicated to the store, the parking provision is clearly excessive. The walk to the bus stop is given as five minutes (paragraph 5.30). This could be excessive for a person carrying groceries. No explanation has been provided why a bus stop has not been included within the site.

26. Policy HE.1 seeks to protect important archaeological sites, monuments, historic buildings and landscape features and their settings. Policy HE.4 requires development not to detract from the immediate or wider landscape setting of any part of a conservation area. South Pond is part of Bishops Waltham Palace Scheduled Ancient Monument. Together with Station Road and the B2177 highway verge, it forms part of the Bishops Waltham Conservation Area. While the proposed buildings will largely be erected on land beyond the boundary of the Scheduled Ancient Monument, their scale and design and the hard and soft landscaping proposals around them will neither preserve nor enhance the setting of the monument or conservation area.

27. Policy SF.1 deals with new town centre development. The policy states that "...Development of out of centre sites will only be permitted where a need is demonstrated and no suitable alternative sites are available. All proposals outside defined town and village centres will be required (individually and cumulatively) to

- a) adopt a format, design and scale of development appropriate to local circumstances and the need identified;
- b) avoid adverse impacts on the vitality and viability of existing defined centres and to the development plan strategy;
- c) avoid detrimental effects on the overall travel patterns and car use and be readily accessible by public transport, cycle or on foot".

28. The needs test has been superseded by PPS4 and items a) and b) have been

considered above.

29. The Transport Assessment considers the impact on traffic flows of new trips, transferred trips and diverted trips. It is estimated that 10% of vehicle trips to the proposed store will be completely new to the local highway network (Paragraph 6.10). There is no explanation of how that estimate was made. In order to determine route assignment for transferred trips, Google Maps were used to identify the shortest routes (Paragraph 6.25). This approach possibly ignores the more important aspect of the routes, that is to say travel time, as opposed to the physical distance obtained from a map. Normally the time criterion is used in traffic assignment estimates as this has been found to be the predominant factor affecting drivers' choice of route.
30. The assessment found that the Old Station Road Roundabout and Botley Road/Coppice Hill Roundabout would continue to operate within capacity. It also found that 23% of the total number of vehicular transferred trips during the Friday PM peak currently pass through the Old Station Road Roundabout to reach their grocery shopping destination, whilst during the Saturday peak hour this figure is 22% (Paragraph 13.7). To put it another way, 77% of transferred trips during the Friday PM peak do not currently pass through the Old Station Road Roundabout to reach their grocery shopping destination, whilst during the Saturday peak hour this figure is 78%. This is on a route where measures are to be implemented to reduce the rate of traffic growth (Policy T.10). The application contains no proposals to improve public transport facilities and infrastructure.
31. The application emphasises the potential savings in terms of journey distances and emission savings in car use. It claims that this would be achieved through the transfer in trade from the existing grocery shopping locations in the area to the proposed Sainsbury's store. The calculation is based upon a Friday PM peak trip assumption of 60% transferred trips and a Sainsbury's forecast of 28,000 weekly customers (Transport Assessment, Paragraph 8.8). It is estimated that the annual car journey saving will be 3.14 million miles and, by using an average car's carbon dioxide emission level, there will be a saving of 1,083 tonnes of carbon dioxide (Economic Development Statement, Paragraph 6.2.12). However, the NEMS Shopping Survey (Q06X) records that 76.2% of main food shopping trips are currently combined with one or more other activity. There is no reason to suggest that other activity will not continue. To the extent that such shoppers also use the

proposed store, there will be extra mileage and emissions rather than a saving. The effect would therefore be detrimental on overall travel patterns.

32. This application contains proposals for the construction of a superstore and a doctors' surgery on land that has been allocated for mixed employment and residential uses in the statutory development plan. The proposal does not accord with the statutory development plan and planning permission must therefore be refused unless material considerations indicate otherwise. PPS4 is a material consideration. It requires both a sequential assessment of sites and an assessment of the impacts on existing centres. The application fails the sequential test because it has not considered whether the store could or should be smaller, or parts of it disaggregated. The application fails the impact test because the proposed store would be likely to have a significant impact on the vitality and viability of the town centre, a significant impact on in-centre trade/turnover and will prevent the site from being developed in accordance with the development plan. The proposed development does not meet general design criteria and will neither preserve nor enhance the setting of a scheduled ancient monument or a designated conservation area. It will cause harm to the recreational amenity of South Pond. The proposal will lead to an increase in the amount of traffic on a route where measures are to be implemented to reduce the rate of traffic growth. There will be extra vehicular mileage and carbon dioxide emissions, rather than reductions. The application is fundamentally in conflict with adopted planning policy. For these reasons, the local planning authority is strongly urged to refuse this application.