

Your Ref: 10/01650/FUL
Our Ref: GR16 (Bishops Waltham NLP Response)
Date: 3rd November 2010

By Post & Email: NParker@winchester.gov.uk

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Winchester City Council
City Offices
Colebrook Street
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Dear Nick,

Proposed Sainsbury Superstore, Bishops Waltham - 10/01650/FUL
Nathaniel Lichfield & Partners 'Review of Planning & Retail Statement'

I refer to our previous objections to the above application submitted on behalf of Sainsbury Supermarkets Ltd (SSL) set out in my letters dated 12th and 23rd August 2010.

1. Introduction

I have since written to you in response to the Nathaniel Lichfield & Partners (NLP) 'Review of Planning & Retail Statement' ('Retail Review') (September 2010). It would be very helpful to have a response to our request to see a copy of the 'draft' NLP 'Retail Review'. This will enable my clients to consider whether a more formal request under the Freedom of Information Act (FOIA) is required. Unless there are matters within the 'draft' that the Local Planning Authority (LPA) would prefer to keep private my clients see no reason as to why this should not be made available to them or the public. I look forward therefore to receiving this 'draft' as soon as possible and if I have not heard back from you within 5 working days then my clients will consider a FOIA request.

On a matter of procedure, NLP point out (as we did in our original objections) the failure of White Young Green (WYG) to assess the non-food impact of the proposed SSL superstore on Bishops Waltham Town Centre (BWTC) as required by policy EC16.1.d of PPS4. Whilst NLP have undertaken this assessment it is not for them to do that but for the 'Applicants' to demonstrate the compliance of their proposals with PPS4. As far as I am aware, WYG have still not provided this assessment and they have therefore not complied with the requirements of policy EC16.1.d

2. NLP Response on Planning Policy & 2007 Retail Study

I could not find any reference by NLP to the conclusions of their own 'Winchester City Council Retail & Town Centres Uses Study' (November 2007) which I highlighted in my letter of the 23rd August, namely paragraphs 12.68 and 12.91 which concluded that there was no 'need' to make any provision for

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large foodstore development within Bishops Waltham. Also, that the findings of this adopted Retail Study did not support a large out-of-centre superstore as SSL propose. NLP appear to now directly contradict what they said in that earlier Study in that their '*Retail Review*' has moved from a stance of recommending no 'need' (and that Bishops Waltham has 'limited potential'), to now apparently supporting a superstore of 7,158sqm gross (77,050sqft).

NLP also make no reference to the '*Winchester District Development Framework – Core Strategy Preferred Options*' (May 2009) even though this document's retail strategy is largely based on the recommendations of NLP's own 2007 Study. There is no discussion of policies MTRA1 and MTRA2 which confirm that the market towns should be allowed to grow "*in a way that is commensurate with their size, character and level of services provided*" and, again in line with the findings of the NLP 2007 Study, make no provision for the scale of 'superstore' development now proposed by SSL. NLP's '*Retail Review*' is largely silent on all these issues (see paragraph 5.2) and they offer no explanation or justification as to why their conclusions are now materially different.

3. NLP Response on Appropriate scale

I do not question NLP's literal interpretation of policy EC16.1.e of *PPS4*. However, in my view, this is an error as it makes no sense in planning terms to assess 'scale' in relation to town centre and edge-of-centre developments but not to do so for out-of-centre sites.

The preceding policies of *PPS4* do, however, in my view, require LPA's to assess the scale of new retail developments (in terms of gross floorspace, the function of the centre and its role in the districts retail hierarchy). Even if NLP do not agree with this interpretation, an assessment of 'scale' is nevertheless required by 'saved' policy SF.1 of the '*Winchester District Local Plan Review*'. Criterion (a) requires all out-of-centre proposals to be of an appropriate scale and format, to reflect "*local circumstances*" and the 'need' identified. NLP simply do not address or even acknowledge the existence of this policy. They simply rely on policy EC16.1.e and conclude that no such assessment is required (see paragraph 5.12). As NLP are aware the SSL application must be determined in accord with the Development Plan (S.38 of the Planning Act) and therefore whether it complies or not with policy SF.1 of the adopted Plan.

As I set out in my letter of the 23rd August (see 'bullet points' on page 4) there can be no doubt that this enormous 'superstore' is plainly not of an "*appropriate scale*" for Bishops Waltham. Whether you compare the gross or net floorspace of the SSL proposal with BWTC or use other criteria, the scale of development proposed is clearly inappropriate in retail planning terms, does not reflect 'local circumstances' and is therefore contrary the local plan policy.

4. NLP Response on Comparison Impact

Based on their 2007 Study 'market share' assessment NLP argue that the comparison shopping turnover of BWTC is £7.83Million in 2010 (paragraph 4.22). What they fail to say is that their 2007