

**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**

Presentation to Winchester City Council's Planning Development Control Committee on behalf of Bishops Waltham Action Group – 7 April 2011

1. Good Afternoon. Thank you for allowing me the opportunity to speak at your meeting. My name is Raymond Cole, of Blake Laphorn solicitors, and I am instructed by Bishops Waltham Action Group to speak against this application. I was born and brought up in Southampton and am familiar with Bishops Waltham and the surrounding area.
2. As I am sure the Committee will be aware, section 38, subsection 6, of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. The statutory Development Plan in this case includes 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.
3. Abbey Mill and Abbey Mill Business Site are allocated in that local plan for mixed employment and residential development under policies S.3 & E.2

4. The proposal before you 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.
5. The applicant's agent has argued that since PPG4 and PPS6 were merged into PPS4, economic development now includes retail development, and in the light of this the proposed development accords with the aims of Policy S.3. **Wrong!** Not my opinion, but that of Nathalie Lieven QC in her advice to Sainsbury's on the strength of their case at this Committee meeting and, if necessary, on appeal. PPS4 does not simply equate employment uses with retail. The two remain separate. The proposal does not accord with Policy S.3.
6. Planning permission must therefore be refused, unless material considerations indicate otherwise.
7. We are told that it is material for the Council to take into account the fact that it has already granted planning permission for a residential scheme on the land, which itself is not wholly in accordance with Policy S.3. That planning permission was granted on 7 January 2008 (not 2007 as stated in the officer's report) for the construction of new offices/workshops and 70 new dwellings. Your officers have pointed out that this scheme included a level of business use lower than that envisaged by the local plan and a higher level of housing, based on evidence regarding employment needs and viability etc. However, take a look at the precise wording of Policy S.3 and you will see that it specifically provided for that to happen. Hence, it wasn't treated as a formal departure from the development plan. This is in clear contrast to the application before you this afternoon.

8. Moreover, there is a current application with the Council to extend the time limit for implementation of the 2008 permission, giving no reason for us to doubt the viability of that proposal or the Council's ability to secure redevelopment of the site in accordance with the development plan.
9. So, the fundamental question you cannot ignore this afternoon is this. What is it that is so significant about this proposal by Sainsbury's that it outweighs what the local plan has to say?
10. The proposal is described by your officers as having six distinct components.

(1) A retail store – yet the retail needs study commissioned by the Council in 2007 and updated in 2010 did not identify a need for a store of the size proposed in this application.

(2) A GP surgery – which the Primary Care Trust has not identified as a priority, has made no comment on the suitability of its design and has recognised that it would not be as well located in the town centre as the existing building.

(3) Refurbishment of the original mill building – which was also part of the scheme, granted planning permission in 2008.

(4) The provision of three residential units – as opposed to 70 dwellings in the scheme granted planning permission in 2008. So where else in Bishops Waltham are we going to build the 67 dwellings lost by this proposal?

(5) The creation of public amenity space – yet South Pond is already an important open amenity area according to policies S.1 and RT.1 and Abbey Field is allocated

for that purpose in the local plan.

...and

(6) Enhancement of linkages to the town centre which, were it not for the retail proposal, would not be needed.

So, there is nothing outstanding about the nature of this proposal that outweighs what the local plan has to say.

11. Let us take a closer look then at what is proposed and its impact.

12. The proposed store is to have a net sales floor area of 3,255 square metres. Being greater than 2,500 square metres, this is not a supermarket as has been described by some but is defined as a superstore selling a mixture of food and non-food goods.

13. It is also in an out-of-centre location as defined by PPS4, being 394 metres from the primary shopping frontage. To be classified as an edge-of-centre location it would need to have been situated within 300 metres.

14. The applicant's agent has sought to argue that a more pragmatic approach can be taken to defining edge-of-centre, quoting recently published Tesco-sponsored research undertaken by Southampton University entitled "Revisiting the Impact of Large Food Stores on Market Towns and District Centres." In that study, one so-called edge-of-centre Tesco Store at Shepton Mallet is in fact 319 metres from the primary shopping area. It is also separated from the primary shopping area by a main road. The research concluded that in-centre and edge-of-centre stores have a positive effect on market towns even when, as with the Shepton Mallet example, the

store is a small distance beyond the 300 metres. Bishops Waltham is not just a small distance beyond the 300 metres. It is 394 metres from the primary shopping area with no visual connection whatsoever. Tesco's link with the primary shopping area in Shepton Mallet is 319 metres and it has a complete line of sight to the High Street.

15. NLP advised Mendip District Council in 2006 that significant new retail floorspace in Shepton Mallet could reduce current high levels of leakage and improve the sustainability of shopping patterns in the area. The current shopping provision in the town is not acting as a strong enough pull to local residents and the town is in need of regeneration. It is therefore considered appropriate to actively plan for increased retailing in the town. That's what NLP said in 2006.

16. What was the result? Well, the District Councillor for the Shepton West Ward on Mendip District Council told us on Tuesday "The Tesco store and its large insensitively designed retail park [that Tesco rent to Boots, Argos, New Look, Laura Ashley and Costa Coffee] dominate one end of the High Street in our town to the great detriment of the original High Street. Sadly Tesco managed to attract Boots and New Look from their long-established and busy High Street premises. This week we have lost another three stores in the town and the Tesco development has pulled the life out of the town centre which is dominated by empty shops and a couple of charity stores and a pound shop in the original Boots store. For Sainsbury's to use Shepton as a textbook example of good practice is breathtaking cheek".

17. On your visit to Bishops Waltham this morning you will have seen the shops that have already closed or are about to close. In its report in 2007, NLP had this to say about Bishops Waltham. "The town centre is dominated by independent traders. If independent traders close in the future the availability of new occupiers is uncertain and the number of vacant units could increase, which may undermine the vitality and

viability of the town centre".

18. In its assessment of this application, NLP concludes that the proposed superstore will have an impact on the town centre's convenience facilities of 33%. That finding is agreed by the consultants representing the Budgens store. Their experience of Budgens stores and centres suffering attrition elsewhere is extensive and NLPs estimate of 33% is the highest they have ever seen. It amounts to the loss of £3.27M of the town centre's food trade (which NLP accept will not be offset by "linked" trips) and even NLP advise that up to 3 food shops could close. NLP also estimate that the Budgens store will lose 40% (and the Co-op 32%) of its turnover. That scenario will inevitably mean a review of the future of the Budgens store in terms of possible downsizing or even closure. It would certainly mean that the proposals to extend and upgrade the store [by 261 square metres gross] currently the subject of another planning application, would not be viable and would not proceed.

19. Until recently, the town centre has been trading well and that has positive benefits reflected in the high quality of the local businesses, the fact that the shops are well maintained and that jobs and spend are retained locally. Common sense tells us that taking away 33% of the centre's food trade (leading to the closure of a minimum of three shops) will have a significant impact on the health of the town centre and as PPS4 requires, that cannot be construed as maintaining or enhancing the vitality and viability of the centre.

20. NLP estimate that the likely non-food impact will be 10%. Budgens' consultants consider this to be far too low bearing in mind that the proposed superstore will have a non-food turnover of £6.09 million, nearly the same as that of the whole of the town centre. The proposed Sainsbury's will sell a broad range of non-food goods, currently sold from 16 of the non-food shops in the town centre, and for that reason

alone it is considered that a non-food impact estimate of 23.5% is likely to be more reliable.

21. NLP say that the likely impact would be offset by "linked trips".

22. Nathalie Lieven QC in her advice to Sainsbury's reminds us that retail impact analysis is never an exact science. She says "There are a series of judgements contained within it, about matters such as likely shopping patterns, on which very well qualified experts can disagree." She continues, "in my experience of retail planning inquiries, Inspectors are often as interested in the reality of the ways towns work and how people shop as in detailed statistical analysis. It is therefore essential to try to reach judgements about how shoppers are likely to behave."

23. So what about those potential "linked trips"? Is it a realistic proposition that Sainsbury's customers, either before or after their food shopping having completed their shopping would go through the check out, take their trolley down to the undercroft car park, put their purchases – including any chilled or frozen food – into their car boot and, rather than drive home, would relock their car, come back up an escalator, go through the Abbey Mill door and take a five minute walk to cross Winchester Road to get to the High Street? To buy what? ...when 30% of the proposed floorspace at Sainsbury's is for non-food items like greetings cards, newspapers, clothes, kitchenware and stamps. Similarly, why would they ignore the availability of such goods in Sainsbury's to make a trip to the town centre before undertaking their food shopping? Of course, those that have walked to the town centre then have to make the return journey, re-crossing Winchester Road, going back to the car park and eventually drive up the ramp and leave. Common sense and any understanding of human nature suggests surely not. It clearly doesn't happen in Shepton Mallet where there is surface car parking and the High Street is

visible from the store. What chance then in Bishops Waltham where the car park is sited beneath the store and the High Street is not even in sight?

24. Your officers' report accepts that the scale of the proposed superstore at 3,255 square metres net is very large in relation to the size of the existing town centre which NLPs 2010 Retail Study estimated to be less than 2,000 square metres net, more than half of which is convenience provision. The proposed superstore will completely dominate and over-power the town centre, and with its all-embracing food and non-food offer, it will simply act as a one stop standalone shop competing directly with the town centre.

25. Thus, on the two fundamental issues alone – consistency with the development plan and retail impact – there is a very strong case for this application to be refused. Equally, it could be refused on design grounds, its impact on the landscape, its failure to preserve or enhance the setting of the scheduled ancient monument and conservation area, its harm to the recreational amenity of South Pond, and for traffic reasons which have not yet been fully resolved in detail. I do not propose to take up more of your valuable time by going into detail on each of these matters. I simply conclude by asking you to... say NO to Sainsbury's and refuse this application. Thank you.

