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Date: 1st February 2013

FAO: Judith Dale
Head of Planning Services
Wiltshire Council
Bradley Road
Trowbridge
Wiltshire
BA14 ORD

Dear Sir

**SAINSBURY'S SUPERMARKETS LTD
OBJECTION TO PROPOSED MIXED USE DEVELOPMENT AT FORMER BOWYERS FACTORY SITE,
STALLARD STREET, TROWBRIDGE
(LPAREF:W/12/02299/FUL)**

Introduction

We write on behalf of our client, Sainsbury's Supermarkets Ltd (SSL), to object to the proposed development by Optimisation Developments Ltd (ODL) at the Former Bowyers Factory Site, Stallard Street, Trowbridge.

The subject application follows Wiltshire Council's refusal of the previous retail and leisure proposal in June 2012. One of the reasons for refusal was that *"the proposed development would be likely to have a significant adverse impact on the holistic planning of the Central Area of Trowbridge and undermine the sustainable development of the town"*. As explained below, we consider that this reason for refusal remains valid in respect of the current proposals.

As you will be aware, Sainsbury's operate a store at British Row in the northern part of the Trowbridge Town Centre Commercial Area close to the Primary Shopping Frontage as defined in the West Wiltshire District Plan 1st Alteration (WWDP) adopted in 2004. The Sainsbury's store was granted planning permission after the adoption of the Local Plan and both the store and its car park effectively now function as part of the Town Centre.

The Sainsbury's store was opened in 2010 and provides an important and valuable foodstore facility for residents of Trowbridge and the wider area. It also forms an integral part of the regeneration of the former Ushers Brewery site which was allocated for mixed use development, including retail uses, in the WWDP and had been vacant since 2000.

SSL object to the ODL proposals on the basis that:

-);> The proposed development is contrary to emerging Development Plan policy as the site is identified for residential and business uses
-);> The proposed development occupies an out-of-centre location and fails the sequential test for retail uses, as there are sites available within the Town Centre Commercial Area to accommodate these uses;

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creative minds safe hands



Additionally, it is our view that the NPPF Retail and Leisure Assessment (NPPFRLA) submitted as part of the application is technically deficient in a number of areas, and does not form a sound basis for assessing impact and other retail policy matters.

ODL Proposals

The ODL application seeks full planning permission for:

the Demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site comprising a food store (Use Class A1}, non-food retail units (Use Class A1}, leisure noorspace (Use Class 02}, food and drink noorspace (Use Class A3/A4}, and associated petrol filling station (sui generis} together with associated car parking, new access and landscaping

Associated applications for conservation area and listed building consent have also been submitted.

It is important to note that the vast majority of the site, including the main retail and leisure uses, are outside Trowbridge Town Centre Commercial Area and significantly over 300m walking distance from the Primary Shopping Frontage. As such, ODL's retail and leisure proposals represent 'out-of-centre' development in terms of planning policy.

The proposals raise significant concerns and are contrary to policy set out at both the local and national planning level.

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Section 38(6) of the Planning & Compulsory Purchase Act 2004 is clear that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan

The Development Plan consists of the Wiltshire and Swindon Structure Plan (WSSP), approved in 2006, and the WWDP.

The WSSP identifies Trowbridge as a Strategic Service Centre and the application site is unallocated in the WWDP. As previously noted, the vast majority of the site, including the retail and commercial leisure uses, are outside the Town Centre Commercial Area.

The key policies of the WWDP relating to retail and leisure uses are as follows:

Policy SP1 states that the Council will permit further retail development within the Town Centre Commercial Areas providing such development forms part of the Primary Retail Frontage.

Policy SP2 identifies land at Court Street and Castle Street for further town centre retail provision.

Policy SP3 states that new edge of centre and out of centre shopping developments will only be permitted if, *inter alia*:

- > There are no suitable and viable sites available within firstly, the defined Primary Retail Frontages and secondly (for out of centre proposals) edge of centre locations; and
- > The development does not, either by itself or together with other retail developments, harm the vitality or viability of nearby centres;

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Emerging Policies

The emerging Wiltshire Core Strategy (WCS) identifies Trowbridge as a Principal Settlement. Based on the Wiltshire Retail Study, undertaken by consultants GVA Grimley in 2011, the WCS states that there is no capacity for additional food retail floorspace in Trowbridge and proposals for new floorspace will not be supported. Indeed, capacity for additional convenience goods floorspace is negative, even in the long term (minus 4,332 sq m in 2020).

The application site is identified in the WCS for a mix of residential development, including affordable housing, and business development, with a strong river frontage.

This policy is supported by the Transforming Trowbridge Masterplan (Development Stage One – Scoping and Vision Study) produced in August 2010 which identifies the site as being suitable for predominantly residential development and a new business quarter. The Masterplan also notes that the area around the bridge over the River Biss is severely compromised by the existing highway arrangement and particularly the servicing to the north side of the Shires. It is evident from the site layout plan that much of the traffic using the proposed development will pass through this difficult highway arrangement.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) provides the most up-to-date policy tests for retail development outside of existing centres.

The NPPF requires that planning authorities should only grant planning applications for retail uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for such uses to be in town centres, then in edge-of-centre locations and only if suitable sites are not available should out-of-centre sites be considered.

In addition, the NPPF requires an impact assessment which considers:

- The impact of the proposal on existing, committed and planned public and private investment in a centre;
- The impact on town centre vitality and viability.

Basis of Objection

SSL object to the proposed development on the basis that:

- There is a clear conflict with the emerging Local Plan; the WCS identifies the site for residential and business uses.
- The WCS is also clear that there is an absence of need for a new supermarket and that further convenience goods floorspace will not be supported.
- The proposals fail the sequential test. The retail and leisure elements occupy an out-of-centre location and there are sequentially preferable sites within the Town Centre Commercial Area

In addition, the applicant's agents Peter Brett Associates (PBA) have submitted the NPPFRLA primarily addressing retail capacity (need) in the catchment area, and the key policy tests relating to the sequential approach and impact. This NPPFRLA is deficient in a number of areas, as explained below, and does not form a sound basis upon which to assess the key retail policy tests set out in the NPPF and the Development Plan.

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Deficiencies Contained in the NPPFRLA

Sequential/Approach

As already mentioned, the retail and leisure elements of the proposed development are in out-of-centre locations.

In their NPPFRLA, PBA explore three pedestrian routes to the proposed development and, by their own calculations, conclude that these routes are between 380m - 440m from the Primary Retail Frontage which, according to the PPS4 Practice Guidance definitions, is out-of-centre. PBA then attempt to define their own 'Primary Shopping Area' which, unsurprisingly given the objective of the exercise, extends further towards the application site, although still 170m - 190m from the foodstore entrance.

The contrived analysis simply serves to show that the Innox Riverside site is poorly related to Trowbridge Town Centre, separated by the relatively busy Stallard Street, with the main town centre uses located at the back of the application site, furthest from the centre. There is no inter-visibility between the application site and the Primary Retail Frontage and there is little scope for the site to function as part of the Town Centre in the future.

As the site occupies an out-of-centre location, the sequential approach requires applicants to demonstrate that there are no sites in town centre or edge-of-centre locations which are suitable, available and viable for the proposed uses.

~~In terms of the search criteria PBA insist that a large foodstore is required and there are no suitable sites to accommodate a store of sufficient size in the Town Centre Commercial Area. However, in the absence of an identified need for a new foodstore in Trowbridge (source: WCS and the Wiltshire Retail Study), this 'requirement' for a very large site has no basis at all. Also, the two proposed non-food units are 2,492sq m and 804 sq m gross and one or both could easily be accommodated on large sites within the Town Centre Commercial Area.~~

The site at Castle Street is allocated for retail development under WWDP Policy SP2, and the Peter Black/Cradle Bridge site has previously been granted planning permission for foodstore development. In addition, there are other opportunities within the Town Centre Commercial Area for retail development or expansion of existing retail operations, including Court Street, the Library/County Hall site, and the possible expansion of the Shires Shopping Centre which are all in sequentially preferable locations.

In conclusion, it is clear that there are sites within Trowbridge Town Centre which are sequentially preferable for retail development.

Catchment Areas

The Convenience Catchment Area for the proposed development is drawn very widely and assumptions regarding trade diversion from peripheral zones are unrealistic.

For example, Zone 3 includes Westbury and the surrounding area, and yet Westbury already has a Morrisons store. Furthermore, Zone 3 is situated between Trowbridge and Warminster, and Warminster also contains a large Morrisons store. Accordingly, residents in Zone 3 already have access to two Morrisons stores and are unlikely to change their shopping habits as a result of the proposed development.

Similarly, parts of Zones 5 and 6 are also closer to the existing Morrisons stores in Bath, Chippenham and Devizes than the application site and it is highly unlikely that residents in these areas will switch to the proposed store in Trowbridge.

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The Comparison Catchment Area is even larger, stretching beyond Bath to the M4 motorway to the north, and to the south it extends past Warminster to the A303. There are no named retailers associated with the non-food retail units and it is unclear why people would travel such distances to use shopping facilities in Trowbridge, particularly when there are higher order centres such as Bristol, Bath, Swindon, and Salisbury all closer.

The Comparison Catchment Area is also used to assess the impact associated with Morrisons' non-food turnover. It is unclear why the catchment area for comparison goods should be different to the Convenience Catchment Area unless the applicant believes that, rather than being complementary, the store will become a comparison destination in its own right. If this is the case, the scope for disaggregating the comparison goods element and locating it in the Town Centre should be assessed in accordance with the sequential test.

The adoption of unrealistically large catchment areas means that PBA's analysis of trade draw and trade diversion is unreliable. Unsound judgements in the retail impact analysis are further compounded by the assumption that existing foodstores in Trowbridge draw between 15% - 20% of their trade from outside the catchment area, thus exaggerating the turnovers upon which the impact levels are based.

Market Share

PBA note that the market share of existing foodstores within the catchment area is 92%. In our experience, this is a very high level of expenditure retention. However, PBA claim this could rise further because *"there is not currently a large Morrisons store within the catchment area and therefore there is an opportunity to improve market share due to the improvement in consumer choice from the proposed development"* As we note below, benefits from a very wide effective refilling area of Morrisons store already exists within the catchment area. Therefore, the claim that another store will increase market share is highly doubtful.

Ovettrading

In their capacity assessment, PBA fail to take into account the full extent of undertrading in the catchment area. On the basis of their own figures in Table A6(a), stores in the catchment area as a whole are trading close to benchmark (£206m turnover compared to a benchmark of £202m).

We believe that stores are actually undertrading as some of the PBA convenience goods floorspace figures appear to be underestimated. For example the Wiltshire Retail Study shows that Tesco in Trowbridge has almost 5,000sq.m. of convenience sales whereas the PBA Assessment suggests 3,620sq.m.

Also, since Sainsbury's in Trowbridge was extended to 3,674sq.m. net, the store has around 2,500sq.m. of convenience sales compared to the PBA figure of 1,813sq.m. This would have the effect of further reducing the assessed level of trading intensity within existing stores and result in stores undertrading on aggregate.

This further supports the assertion in the Wiltshire Retail Study and the Core Strategy that there is an oversupply of convenience floorspace in Trowbridge and no need for a new supermarket.

Qualitative Need for Convenience Floorspace

PBA claim that it is clear that a qualitative need exists for additional large-format convenience floorspace in Trowbridge, in order to provide improved consumer choice and address the currently limited representation by Morrisons in the catchment area. As already noted, Morrisons are present in the PBA-defined Convenience Catchment Area, in Westbury, and there are existing Morrisons stores in Warminster, Devizes, Chippenham and Bath which are closer to parts of that Catchment Area than the application site.

Furthermore, Trowbridge already has seven supermarkets, providing choice and competition rarely seen in a town of its size. This very wide range and choice of foodstores is illustrated below:

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- > Tesco (Extra), County Way, 6,910sq.m. sales
- > Sainsbury's, British Row, 3,674sq.m. (as recently extended)
- > Asda, The Shires Shopping Centre, 2,330sq.m.
- > Iceland, The Shires Shopping Centre, 750sq.m. approx
- > Budgens, Hackett Place, 600sq.m. approx
- > Lidl, Canal Road, 1,097sq.m.
- > Aldi, Bradley Road, 763sq.m.

Despite this level of provision, PBA insist that a qualitative need exists for another store. They claim that the proposed Morrisons store at 3,754sq.m. sales area is necessary to compete with Tesco. However, it should be noted that the proposed store is approximately the same size as the Sainsbury's store and only just over half the size of the Tesco store. This raises serious doubts about the claim that the ODL foodstore proposals are intended to compete primarily with the out-of-centre Tesco, as explained below.

Trade Diversion

PBA state that the proposed Morrisons store will compete on a 'like for like' basis with other large stores in the catchment area. We agree with this statement as a general proposition. However, we strongly disagree that the store will compete primarily with the Tesco store on County Way and to a lesser extent with Asda and Sainsbury's stores in Trowbridge (PBA apply a trade diversion 'weighting' of 2.25 to Tesco and only 1.5 to Asda and Sainsbury's).

— Tesco occupies an out-of-centre location and as noted above, is significantly larger than the Sainsbury's and Asda stores in the town centre. The proposed Morrisons will be closer to, and only slightly larger than, these two centrally located stores. Adopting the 'like for like' principle, it is clear to us that these two factors will result in a higher-than-estimated amount of trade being diverted from Asda and Sainsbury's to the proposed Morrisons food store.

Turning to comparison goods, PBA's assessment of trade diversion to the non-food element of the proposed development is also flawed. PBA estimate that 21% will be diverted from out-of-centre stores in Trowbridge and only 14% from town centre stores. Given that the vast majority of out-of-centre comparison goods floorspace in Trowbridge is devoted to the sale of bulky goods, this is inconceivable when the two proposed retail units (and the 901sq m of non-food space in the Morrisons) are intended primarily for the sale of non-bulky items.

Consequences of Deficiencies in the NPPFRLA

The deficiencies identified above lead us to conclude that:

- > There are sequentially preferable sites available to accommodate the retail elements of the ODL scheme;
- > This loss of trade will be higher than estimated and will result in a significant adverse impact on the vitality and viability of Trowbridge Town Centre.

The failure to comply with the sequential test and the impacts identified above are contrary to NPPF policy and Policy SP3 of the WWDP.



Conclusions

There are clear grounds for objection to the ODL proposals for mixed use development at the former Bowyers Factory site:

The application site is identified for housing and business uses,
There is no need for a new supermarket,
The proposals fail the sequential test, as there are suitable, viable and available sites in the Town Centre, and
Impact levels on key retailers in the Town Centre are at a scale which warrants careful consideration as to their significance on the vitality and viability of the Town Centre

In light of the above, the proposals are in conflict with the Development Plan, the emerging Development Plan, and National Policy.

In addition, the submitted NPPFLRA is deficient in a number of areas, and does not form a sound basis upon which to assess the key retail policy tests set out in the NPPF and the Development Plan.

In conclusion, the proposed development is contrary to WWDP Policies SP3, WCS and NPPF policy. Accordingly, it is clear that this new planning application has not addressed the previous reason for refusal relating to the significant adverse impact on the holistic planning of Trowbridge Town Centre and planning permission should be refused.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Kevin Hodgson', written over a horizontal line.

Kevin Hodgson
Associate Director