

Planning Department
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire
PO9 2AX

Submitted via Planning Portal ref; PP-10346451

28 October 2021

Dear Sir / Madam

UNIT 1B, WELLINGTON RETAIL PARK, HAMBLETON ROAD, PO7 7FG

S73 APPLICATION – VARIATION OF CONDITION 1 OF PLANNING PERMISSION APP/12/00330

We act on behalf of Corona Vulcan Wellington Limited the owner of Wellington Retail Park in Waterloooville. We are instructed by Corona Vulcan Wellington Limited to submit the enclosed application to you to vary condition 1 of planning permission APP/12/00330. In addition to this letter, which is the Planning Statement for the Application, the package comprises the completed application forms, CIL forms and the original site location plan for application APP/12/00330 (as the application is to vary APP/12/00330 no location plan is actually required).

Planning permission APP/12/00330 concerns Units 1A (Home Bargains) and 1B (Bensons for Beds). Condition 1 states that no more than one of these two units shall be used for the sale of food. Home Bargains sells food. Corona Vulcan Wellington Limited wishes to be able to re-let Unit 1B for the sale of food and accordingly the application subject of this Statement seeks the removal of the current condition as the retention of it would preclude such a letting.

We set out below details of the site location and the planning history of it, before reviewing relevant planning policy and the assessing the proposed development in accordance with such policy guidance. Our conclusion is that the proposed development accords with the development plan, and therefore there is a presumption in favour of granting planning permission. That there are no material considerations which would indicate that permission should not be granted and that the application scheme comprises a sustainable development.

Objectives

Government policy on planning is contained within the National Planning Policy Framework (NPPF). It confirms that the purpose of the planning system is the delivery of sustainable development based upon three overarching and interdependent objectives; economic, social and environmental. The delivery of sustainable development based upon such objectives is the golden thread running through the planning system.

Site and Surrounding Area

Waterlooville is a town of c.65,000 people located immediately west of the A3(M). The A3 runs through the town, and around the northern side of the traditional town centre, which is now pedestrianised. Wellington Retail Park is situated immediately north of the A3 and is connected to the traditional centre by a pedestrian underpass. North of the retail park is a modern Sainsbury store that opened around 10 years ago. Also adjoining the A3, and forming part of the traditional town centre, is an Asda superstore.

The B2150 "Hambledon Road" runs along the western side of Wellington Retail Park as a dual carriageway. Rather confusingly the access road to the retail park is also called Hambledon Road. Accordingly, for the purposes of this Statement, we refer to the dual carriageway as the B2150 and the access to the retail park as Hambledon Road. To the west of the B2150 is an urban extension called Berewood which is largely within the administrative boundary of Winchester City.

The Retail Park comprises three blocks of shop units. The application site is situated in what was the first phase of the retail park (the subject block). This originally comprises two units occupied by Focus DIY and DFS. However, in 2012 permission (APP/12/00330) was granted for the sub-division and alterations of the former Focus store into two units which are now occupied by B&M and Bensons for Beds. DFS continues to trade from the block, but the size of its unit was reduced following a sub-division and Pets at Home now operates from part of the block.

There are other blocks of retail units to the east (which includes an M&S Foodhall) and north (which includes Halfords) of the subject block. Hambledon Road runs broadly north south between the subject and Halfords blocks on one side, and the M&S block and Sainsbury store on the other. Hambledon Road services both the shared customer car park of the retail park, and servicing vehicles.

The retail units on the park are of a good quality being of a regular rectangular shape, and of a suitable height, with good quality servicing and customer car parking. The park is well related to the primary road network for customers and delivery vehicles, with direct and convenient pedestrian connections to the traditional town centre.

Planning History

On 14 December 2010 planning permission was granted (APP/10/00585) for works to (Unit 1) the former Focus unit. These works comprised the following:-

Conversion of 1No. retail unit to 2No. retail units. Partial demolition of south elevation to provide 2No. new retail entrances, additional parking and pedestrian walkway. New mezzanine floor and external alterations.

The two new units are now known as Units 1A and 1B. Condition 2 stated:-

Notwithstanding the provisions of the Town and Country Planning Use Classes 2005 Order as amended, or any order revoking or re-enacting that Order, the development hereby permitted shall not be used for the sale of food (other than confectionery and pet foods).

By notice dated 28 June 2012 (APP/12/00330), condition 2 of Planning Permission APP/10/00585 was varied to read:

Notwithstanding the provisions of the Town and Country Planning Use Classes 2005 Order as amended, or any order revoking or re-enacting that Order, no more than one of the two units of the development hereby permitted shall be used for the sale of food (other than confectionery and pet foods which can be sold in both units).

The condition was imposed in order to ensure that the vitality and viability of Waterlooville Town Centre (as defined at that time) was not undermined by the nature of retail uses permitted on this site and having due regard to policies of the Havant Borough Core Strategy 2011 and the NPPF 2012.

As noted above, part of the Retail Park is located in Winchester City's administrative area. The proposals subject of application APP/10/00585 were also submitted to the City Council and referenced 11/00233. However, in granting planning permission for that application no conditions were imposed by the City Council on the goods that can be sold from either Unit 1A or 1B.

Proposed Development

Corona Vulcan Wellington Limited now wishes Unit 1B to be used for the sale of food and accordingly the application subject to this Planning Statement seeks the removal of condition 1 of planning permission APP/12/00330.

Planning Policy

By law, planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Waterlooville is the Havant Borough Core Strategy March 2011, the Local Plan Allocations July 2014 and the related policies map. The policies map was updated in 2014 in accordance with the Local Plan Allocations Document. Prior to this, the Retail Park was designated outside of Waterlooville Town Centre; however, the Local Plan Allocations Document brought the site within the town centre boundary.

The related policies map includes an inset for Waterlooville Town Centre. This confirms that the Retail Park and Sainsbury Superstore are located within the Town Centre (and subject of Policies CS4 and AL3.1) and a Regeneration Area Policy CS6). It also confirms that the boundary with Winchester cuts across Unit 1, albeit that Unit 1B is either entirely or almost entirely within Havant Borough. The M&S block to the east of the application site, is defined as a Primary Frontage.

Policy CS4 defines Waterlooville (along with Havant) as being defined "town centres" at the top of the borough shopping hierarchy. It states that planning permission will be granted for town centre development proposals that promote and enhance the borough's centres. Policy AL3 states that planning permission will be granted for development proposals that provide main town centre uses (such as food retail) in the town centres as defined on the policies map "and so contribute to their vitality and viability".

The Council is preparing a new local plan which, when adopted, will replace the Core Strategy and Site Allocations documents. The submission version local plan is dated 23 June 2021 and is has been prepared in light of research contained in the Borough's Evidence Base. One such document is the Havant Town Centres Study of July 2020. Section 7 concerns Waterlooville Town Centre. It notes the location and extent of the traditional centre, and the extension of it in the current local plan to include the Retail Park. Table 12 summarises the town centre's "key shopping areas" including Wellington Retail Park, and then health check assessment is undertaken. This concludes that the retail park and Dukes Way have high occupancy levels although other parts of the centre have high vacancy rates. The centre is said to perform well against of the indicators.

In a subsequent SWOT analysis, the high levels of occupation at the retail park is identified as a strength, as is the availability of car parking.

The consultants reviewed the town centre boundary. Whilst they did recommend changes to it, they advised that the retail park should remain within the town centre. This was accepted by the Council and Wellington Retail Park is in the Centre in the Submission Version Local Plan.

Finally, Section 7 of the NPPF provides guidance to ensure the vitality of town centres. This requires that LPA's provide policies that define a network of centres and the extent of them, which has been undertaken. Paragraph 87 states that:-

Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

In relation to retail impact, it states:-

When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development

Planning Assessment

Both Units 1A and 1B are already in retail use. Whilst condition 1 of APP/12/00330 allows for one of the two units to sell food it precludes such sales from the other unit. That decision was made in 2012, when the Retail Park was situated outside the town centre boundary, and the concern of the Council was to protect the vitality and viability of the town centre as defined at that time. However, even at that time it is noted that the principle of selling food from one of the two units was agreed to be acceptable. Furthermore, in the years before that decision the Council agreed to allow food to be sold by M&S elsewhere on the Park and by Sainsbury on a site to the north of it, and therefore more remote from the traditional centre. Therefore, even when the retail park was situated outside the town centre, the Council recognised the planning case for allowing food sales on and beyond the Park.

However, since 2014 the Park has been situated within the defined town centre boundary. As such the ability to sell food from Unit 1B will promote and enhance Waterloooville Town Centre, and contribute to the vitality and viability of it, in accordance with Policies CS4 and AL3. Therefore, the proposed development will accord with the development plan. As planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise, the application should be granted permission.

In this case, the evidence base for the emerging local plan found Waterloooville to be a healthy centre, identified the Park as a "*key shopping area*" within it, and the SWOT found the high occupancy levels of the Park to be a strength of the centre. Therefore, the ability to relet Unit 1B for the sale of food will clearly support the vitality of the centre in terms of the findings of the Council's evidence base. Furthermore, the consultants and the Council both considered the boundary of the town centre and decided that it should continue to include the retail park. In light of this, the proposed development accords with the sequential test as set out in the NPPF and there is no requirement for a retail impact assessment. These are strong material considerations in favour of the proposed development.

Granting planning permission for the application will enable Unit 1B to be occupied for the sale of food, meeting the property needs of a business seeking retail accommodation in Waterloooville. The retailer will also provide jobs, many of which are likely to be taken up by local people. Therefore, the proposed development will serve an economic function. Indeed, the retailer will provide additional choice to the public in food shopping provision, and competition to nearby supermarkets including Asda, M&S and Sainsbury, as well as retailers such as Home Bargains that sell some food. This will be a social benefit. Such economic and social benefits will be provided within an existing building within the town centre, thereby having minimal resource implications from an environmental perspective. In fulfilling economic, social and environmental roles, the proposed development will help to deliver sustainable development in accordance with the purpose of the planning system as set out in the NPPF.

Conclusions

In accordance with planning law, the proposed development should be granted planning permission as it accords with the development plan and there are no material considerations against it. Furthermore, in terms of the NPPF, there is a presumption in favour of allowing the application as it comprises sustainable development. We therefore conclude that planning permission should be granted for the application.

Yours sincerely,

A black rectangular box redacting the signature of the person representing Montagu Evans LLP.

Montagu Evans LLP