



**Bridgend Local Development Plan
Hearing Session 8: Convenience retailing**

**Representations on behalf of
Waterstone Estates Limited**

**South Wales Police Headquarters,
Waterton,
Bridgend**

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1.0 Introduction

- 1.1 This statement is prepared by Mango Planning & Development Limited (“Mango”) on behalf of Waterstone Estates Limited (“Waterstone”) in support of representations made to the Deposit Bridgend Local Development Plan 2011 (“The Deposit LDP”).
- 1.2 Our initial representations were submitted in September 2011 and are reproduced at **Appendix 1** to this statement.
- 1.3 The essence of our representations is that the retail study upon which the retail policies of the Deposit LDP is based is fundamentally flawed and does not represent a robust and credible evidence base for the plan, contrary to soundness test CE2. Insofar as the retail strategy of the Deposit LDP provides no flexibility to adapt to the changing circumstances arising from the flaws in the evidence base, we consider that the Deposit LDP also fails soundness tests CE1 and CE4.
- 1.4 The specific issues upon which these representations focus is that there is demonstrably a greater need for additional convenience goods floorspace than the Deposit LDP indicates; and that the South Wales Police Headquarters at Waterton, Bridgend represents the sequentially preferred location to meet this need.
- 1.5 For this reason we seek through these representations changes to Paragraph 5.2.21, Policy REG5 and Proposals Map 27 (Bridgend South) to include the allocation of the South Wales Police Headquarters site for a foodstore suitable to meet the requirements of Morrison’s.
- 1.6 Our initial representations indicated a requirement by Morrison’s of a store of circa 9,000 sq m gross with a net convenience goods floorspace of about 4,000 sq m. This should not however be taken as prescriptive. Morrison’s has indicated that it would operate a smaller store of circa 7,000 sq m gross (with a net convenience goods floorspace of circa 2,800 sq m gross).



- 1.7 As correspondence from our client at **Appendix 2** confirms, these representations are made with the support of the South Wales Police as freehold owner of the representation site. It further confirms that as part of the contractual arrangements, our client will also acquire the existing town centre police station and bring it forward for mixed-use redevelopment.

2.0 Planning policy

- 2.1 The recently revised Chapter 7 of Planning Policy Wales (“PPW”) recognises at paragraph 7.1 the important role that retailing plays in supporting the economy of Wales. It states:

*“For planning purposes the Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes. **Economic land uses include** the traditional employment land uses (offices, research and development, industry and warehousing), as well as **uses such as retail, tourism, and public services.**”* (Our emphasis)

- 2.2 In reflection of this, Paragraph 7.1.2 states that:

*“It is **essential** that the planning system considers, and makes provision for, the needs of the entire economy and not just those uses defined under parts B1-B8 of the Town and Country Planning Use Classes Order.”* (Our emphasis)

- 2.3 The recognition of the contribution that retail can play in supporting economic prosperity is unsurprising given the role that it already plays in the Welsh economy. The retail sector is the largest private employer in Wales¹ and one of the few to have shown continued growth in recent years.

- 2.4 The position of PPW in respect of planning for new retail investment is clear. Paragraph 10.2.13 states that development plans, *inter alia*:

“Should... allocate sites for new retail and leisure facilities and other uses best located in town centres where there is assessed to be a quantitative or qualitative need using the sequential approach..”

- 2.5 The policy position is therefore straightforward. If a need is identified, either in quantitative or qualitative terms (or indeed both) then sites must be identified to meet that need. This is founded in principles of sustainability – By meeting needs locally, vehicle journey lengths may be reduced.

¹ Welsh Retail Consortium (2011) Welsh Retailing: Serving Our Communities : Page 10 (**Appendix 3**)

2.6 Where a need is identified during the course of the preparation of the development plan, the onus is upon the local planning authority to identify suitable, available and viable sites to meet that need.

2.7 Guidance on the application of the sequential test in the preparation of LDP allocations is given in paragraph 10.2.11 of PPW, which states that:

“Where a need is identified for such new development, local planning authorities should also be used when allocating sites for other uses best located in existing centres (See 10.2.9). Adopting a sequential approach means that first preference should be for town centre locations, where suitable sites or buildings suitable for conversion are available. If they are not available, then consideration should be given to amending the boundaries of existing centres so that appropriate edge of centre sites are included, as referred to in paragraph 10.2.1. Where this is not practical, then district and local centres might be considered and, only then, out of centre sites in locations that are accessible by a variety of means of transport.”

2.8 The approach of policy is therefore that sites that are genuinely edge of centre ought to be brought into the town centre boundary if they are to be allocated; and if they are not, district and local centres ought to be considered before accessible, out-of-centre sites may be designated.

2.9 PPW gives limited guidance on the criteria to be adopted in the selection of sequential sites in the preparation of an LDP, other than they must be suitable, available and viable to meet the need and should *“take account of such factors as floorspace, quality, convenience, attractiveness and traffic.”* (Para 10.2.12). Specifically, PPW does not require, in the context of drawing up LDP allocations, that LPAs must consider disaggregation of the floorspace for which a need has been identified.

2.10 While this issue is raised in PPW in the context of development control, this must be considered in light of case law. Of particular relevance in this regard is the judgment in Tesco Stores Limited (Appellants) v Dundee City Council (Respondents) (Scotland) [2012] UKSC 13, extracts of which we reproduce as **Appendix 4**. At paragraph 37 of the judgment, Lord Hope opined:

“It is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre.”

2.11 He added at paragraph 38 of the judgment (*ibid*)

“These [sequential test] criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.”

2.12 This judgment makes it clear that the application of the sequential test ought to centre on the nature of the development proposed and not on a hypothetical, scenario of disaggregated floorspace for which there is no identified interest.

Conclusions on national planning policy

2.13 Our review of national planning policy has outlined that where a need is identified for new retail floorspace, it is incumbent upon the LPA to identify an appropriate site or sites to meet that need, taking account of the scale and quality of floorspace needed, its attractiveness (which ought reasonably to include attractiveness to retailers) and traffic considerations.

2.14 Within this context, in the next section of this Statement we turn to consider these matters in the context of the specific questions raised by the inspector. These fall under the general headings of retail need and the sequential test.

3.0 Retail need

Qn6a. What is the Council's response to the Representor's specific criticisms of the Retail Report in relation to the need?

3.1 While this question is directed at the local planning authority ("LPA"), to inform the Inspector's consideration of the robustness of the Retail Report we set out below further detail of our concerns.

Context

3.2 PPW makes it clear that where a need for new convenience floorspace is identified, LPAs should identify sites within their LDP to accommodate that need.

3.3 That is only right and proper. If a need is identified but is not met, then it may have a number of undesirable effects. It may for example result in overtrading conditions in existing stores, resulting in a reduction in quality of shopping available to local people. This may in turn encourage shoppers travel further to less congested stores, increasing both the distance and number of journeys by the private car.

3.4 It may also deny local people employment opportunities in an economic climate where, according to recent research by the British Retail Consortium (*ibid*) retail stands as one of the only growth areas. The role of retailing as a key driver of economic development is recognised fully in the recently revised Chapter 7 of PPW.

3.5 Not meeting an identified need may also deny consumers the range and choice of shopping and the lower prices that competition can bring when a new fascia (such as Morrison's) is introduced. Providing such range, choice and competition is a cornerstone of retail policy in PPW.

3.6 The assessment of need that informs the retail policies of the emerging LDP was prepared on behalf of the LPA by consultants CACI. Two reports were prepared:

- “Bridgend County Retail Needs Planning Study 2007-2021” (“the 2007 CACI report”); and
- “Bridgend County Borough Council Retail Needs Planning Study: Update June 2010” (“the 2010 CACI Update”).

3.7 While PPW makes it clear that need may constitute quantitative or qualitative need, neither of these reports considered in any detail the qualitative need for new retail floorspace. They instead place the onus of consideration of qualitative need factors on the local planning authority (“LPA”). This can be seen in paragraph 1.14 of the 2007 CACI Report:

“As part of this study, CACI have also strongly recommended to the council that “headroom” for floorspace, derived from calculations involving expenditure, current floorspace provision and target trading densities (Floorspace efficiencies) should not necessarily be directly correlated to actual “need” for floorspace, without qualifying that there is a corresponding level of retailer demand and need from a consumer choice perspective.”

3.8 The CACI reports concluded there to be no capacity for further convenience provision in Bridgend County Borough over the plan period. On this basis, the LPA has not identified any sites in Bridgend for a new main foodstore over the plan period to 2021.

3.9 Waterstone’s representations highlighted a number of key flaws in the CACI reports in respect of capacity. As a consequence, we consider there to be a demonstrable quantitative need for new supermarket floorspace in Bridgend that is not presently provided for in the LDP. This, we consider, exists in addition to a demonstrable qualitative need that has not been assessed at all as part of this process.

3.10 To-date my client has had no substantive response to the concerns identified. For example, no response was provided to the Inspector in respect of the specific technical issues raised in relation to on-line sales or floorspace inaccuracies in the CACI report. Indeed, the only response provided in the Consultation Response report is that:

“The Council is confident that both the original 2007 and 2010 update retail needs reports undertaken by CACI Ltd (which form the evidence on which retail allocations are based) follow a well-established and robust procedure for assessing future retail need.”

- 3.11 The Inspector will be aware that, rather worryingly, CACI is not available to respond to these issues to this Examination. Consequently, RPS has been appointed to review the CACI reports and to respond to the significant criticisms made.
- 3.12 It was understood that it was the Inspector’s wish that dialogue was to take place between the parties prior to the hearing session to identify areas of common ground so as to provide focus for the one-day session. Subsequently it was advised by e-mail of 5 November that the LPA did not wish to meet and agree common ground prior to the exchange of statements. Relevant e-mail correspondence is reproduced as **Appendix 5** to this Statement.
- 3.13 We expand on these representations in the following paragraphs.

Review of the 2010 CACI Update

1. Population

- 3.14 The 2007 CACI report at Table 3.1 indicated a catchment population at 2007 of 163,836. This was revised upwards in the 2010 CACI Update to 167,276 at 2009.
- 3.15 In the absence of any more detailed information from CACI, it is not possible to conclude whether these figures are reliable or not. We would comment however that, given that the LPA’s County Borough-wide population estimate for Bridgend is circa 132,000, it seems reasonable given the significant role that Bridgend plays in serving the convenience retail needs of those living on the fringes of the Vale of Glamorgan, Rhondda Cynon Taff and Neath Port Talbot County Borough areas.

2. Per capita expenditure

- 3.16 The 2010 CACI Study utilises an unexplained ‘CACI Analysis’ to estimate a

convenience goods spend per capita for the study area of £1,275 per capita at 2009 prices.

- 3.17 This compares to the 2012/13 UK annual average convenience goods expenditure (at 2009 prices) as published in Table 3.2 of the Pitney Bowes (Formerly Mapinfo) Retail Expenditure Guide (“REG”) of £1,815 per capita. (**Appendix 6**) At first glance, the 2010 CACI study estimate at 2009 is therefore some 30% below the national average.
- 3.18 The explanation (which is given at Appendix 1 of the 2010 CACI Update but not explained in the original 2007 CACI Report) is that some 30% of all convenience goods expenditure ought to be set-aside at source to *“go to local convenience operators [that are] smaller than 400 sq m and independently owned”*.
- 3.19 There is no objective justification for this at all. Including tourism expenditure, this suggests that small, unnamed stores in the study area have a total turnover of about £91.4 million at 2009. At a typical sales density for small shops of about £3,000 per square metre, this equates to 30,467 sq m net of floorspace, more than CACI says exists in all of the supermarkets in Maesteg (5,618 sq m net), Porthcawl/Pyle (5,133 sq m net) and Bridgend (17,738 sq m net) taken together. This is plainly absurd and illustrates a fundamental lack of understanding of existing provision and shopping patterns.
- 3.20 It is typical that in assessment of retail capacity, between 20-30% of total available expenditure is considered to be spent on ‘top up’ or ‘basket shopping’ trips in-between main food ‘trolley shopping’. Such top up trips do, however also include, to a significant degree in my experience, top up spending at supermarkets. It cannot therefore simply be apportioned to ‘small shops’ and certainly not to shops of a particular ownership.
- 3.21 The effect of discounting such expenditure at source and excluding top up spend directed at supermarkets is to underestimate the turnover of existing supermarkets and therefore to underestimate the level of overtrading (and capacity) for further supermarket floorspace. In my professional judgment, if small stores are to be

discounted at source in this way, the allowance for them ought to be no more than 10% of total available expenditure. This has the effect of releasing up to **£45.7 million** convenience goods capacity to support new supermarket floorspace.

3.22 Of course, this data above assumes that the total available per capita expenditure figure adopted by the 2010 Update is correct. Taking account of the supermarket and small shop spend, CACI estimates that for Bridgend the per capita spend at 2009 is £1,821 (£1,275 supermarket spend + £546 small shop spend).

3.23 This is not consistent with the data provided in the Vale of Glamorgan Local Development Plan Retail Planning Study 2011 (The VOGC Study), that CACI also prepared. In the VOGC Study at Table 6, extracts of which we reproduce at **Appendix 7**, a convenience goods figure is given by CACI for what is termed the ‘Bridgend Planning Zone’ of £2,498 per capita.

3.24 While there are some differences in the extent of the ‘Bridgend Planning Zone’ used in the two reports, with the Ogmere and Cymmer Valleys and Aberkenfig omitted from the VOGC Study, there is no explanation why the 2010 CACI Update should adopt a convenience goods expenditure per capita figure 27% below the figure used for Bridgend in the more recent VOGC Study.

3.25 In numeric terms, the discrepancy is even more stark. The table below illustrates the differences that arise when using the per capita expenditure figures used in the 2010 Study and the VOGC Study on total available expenditure generated by the resident population (excluding tourism):

		Population	Per capita spend	Total
2010	CACI	167,276	1,821	£304.6m
Update				
The	VOGC	167,276	2,498	£417.9m
Study				

3.26 While we have serious concerns about the reliability of the high per capita convenience goods spending figures used by CACI in the VOGC Study, it does underscore our concerns that the CACI spending data is unreliable and an unsound basis for drawing meaningful conclusions on capacity.

3. Deductions for Special Forms of Trading

3.27 As indicated in our original submissions, it is our view that the CACI report seriously overestimates the level of convenience goods trade derived from non-store sources, thereby underestimating both the level of available expenditure to support new floorspace and the turnover of existing stores that provide a home delivery service.

3.28 By 2021, CACI estimated that 12.86% of all convenience goods expenditure in the study area ought to be attributed to non-store sources. While CACI does not give total resident spend figures in its 2010 update for future years, Figure 3.2 suggests that at 2021 this takes about £29.1 million from the pool of available convenience goods expenditure.

3.29 Pitney Bowes has undertaken research to consider the issue of non-store sales and the role of store-based home delivery services such as Tesco.com. Table 3.2 of its Retail Expenditure Guide 2012/13 (**Appendix 6**) concludes that 90% of internet sales by such companies are actually store based. It therefore advises that the deduction for non-store sales for convenience goods should in fact be 1.7% at 2012, rising to 1.8% in 2021.

3.30 On this basis, if any non-store deduction is to be made at all, the level of non-store sales deduction applied ought to be only about **£4.1 million**, some £25 million lower than estimated by the 2010 CACI Study.

4. Existing convenience goods floorspace and turnover

3.31 We have identified in earlier representations that the absence of an independent household survey to determine actual trading levels at existing foodstores renders

the 2010 Study's estimate of actual turnovers to be unreliable. The reliability of the actual turnover estimates is further diminished as a consequence of the figures appearing to exclude spending generated by top up shopping trips.

6. Balance of trade (Market share)

3.32 CACI make the assumption that by 2021 Bridgend area stores will have a market share of 140.1% of the level of locally generated convenience goods expenditure.

3.33 The comments above highlight that this judgment is entirely unsound.

Conclusions on the 2010 CACI Report

3.34 The above illustrates a number of significant errors in the 2010 CACI assessment that in my professional view renders it entirely unsound as a basis for determining retail capacity.

Mango retail capacity assessment

3.35 To assist the Inspector, I have prepared a simple capacity exercise for the study area utilising the same base data and study area extent as the 2010 CACI Update but incorporating a number of revisions to the judgments adopted, as discussed above.

3.36 **Table 1 at Appendix 8** considers the total available expenditure within the study area, adopting per capita convenience goods expenditure data provided by the 2010 CACI Update and adjusting the small, local shops allowance to a more realistic 10% of total available expenditure. Special Forms of Trading is also reduced to reflect the Pitney Bowes recommended figures outlined above.

3.37 Tourism trade, which I take also to include inflow from non-resident sources, is inputted at the absolute rates indicated by the 2010 CACI study.

3.38 It can be seen that, on this basis, the total level of available expenditure to support

new main food provision is £319.01 million, rising to £347.11 million by 2021 at 2009 prices.

- 3.39 **Table 2A** considers the benchmark, or 'company average' turnovers of existing convenience goods floorspace in supermarkets. These are hypothetical figures used in capacity exercises to determine typical turnovers. It can be seen that existing stores can be expected to turnover about £213.86 million at 2009 prices.
- 3.40 **Table 2B** considers the committed floorspace set out in proposed policy REG5 of the emerging LDP. It is not clear from this table whether the figures relate to net or gross floorspace, nor whether those sites identified for mixed retail ought to include convenience goods floorspace. I have therefore applied professional judgment to approximate the scale and type floorspace in each location. Floorspace of only a local nature is excluded, as the expenditure attributed to this has been removed at the outset of the assessment. Overall, commitments are likely to attract in the region of £24.76 million in convenience goods turnover, the largest element of which is the foodstore at Porthcawl. The majority of the committed floorspace will not come on-stream until at least 2015/16.
- 3.41 **Table 3** summarises the capacity position. It shows that at 2009 there is a surplus of £105.23 million across the study area, falling to £101.41 million in 2016 when commitments are factored in, and rising again to £108.49 million by the end of the plan period at 2021.
- 3.42 A Morrison's store of circa 4,000 sq m net convenience goods floorspace would generate a turnover of circa £48 million. A smaller Morrison's store of circa 2,800 sq m convenience goods floorspace would generate a benchmark convenience goods turnover of circa £33.6 million.
- 3.43 This surplus is sufficient to accommodate the convenience goods floorspace of a large foodstore at the representation site, while still leaving surplus to support growth in existing facilities across the County Borough.

Qualitative considerations

- 3.44 As outlined above, it appears that in considering the need for new retail floorspace, neither CACI nor the LPA has undertaken any meaningful assessment of those qualitative need factors set out in PPW.
- 3.45 The existing Tesco store at Bridgend Retail Park is, by some margin in our professional opinion, the most successfully trading foodstore in Bridgend. This is in part due to its excellent road communications with the south and east of the County Borough and the rural Vale catchment towards Cowbridge and its co-location with the Bridgend Retail Park.
- 3.46 The provision of a second main foodstore at Waterton, operated by Morrison's, will provide a convenient alternative to the Tesco store, increasing consumer range and choice and relieving the overtrading at that store. It may also serve to retain trade that may otherwise be lost to stores and centres further afield.
- 3.47 For example, a new Waitrose foodstore has opened recently in Cowbridge and a Sainsbury's store is proposed at Talbot Green. Without improvement in the range and choice of foodstore retail in Bridgend, increased leakage of trade is in my view inevitable.
- 3.48 The proposed Morrison's foodstore at Waterton also brings the further benefit of enabling the release and redevelopment of the existing South Wales Police station site at Cheapside, in the centre of Bridgend. This is a key aspiration of the local planning authority's town centre regeneration strategy under Policy REG9(1).
- 3.49 As outlined in the letter at **Appendix 2**, my client's agreement with the South Wales Police in respect of the representation site includes provisions that planning permission be sought for the redevelopment of the existing police station site at Cheapside, in the town centre of Bridgend. This represents a further material



consideration when determining the benefits that allocation of the representation site will deliver.

4.0 Sequential test issues

Qn6b. Does the proposal accord with the sequential test?

Qn6d. Could what the Representor says is the identified need be met by several smaller store convenience stores in sequentially preferable locations?

4.1 I consider these to be inter-related questions and therefore consider both together.

The Deposit LDP context

4.2 The Deposit LDP concludes at paragraph 5.2.21 that there is no need to identify sites for further convenience goods provision. Consequently, the LPA did not allocate any such sites in the plan beyond those small scale allocations related to particular areas of housing growth or identified qualitative need.

4.3 Nevertheless, the plan does seek to identify sites for other forms of retailing, in accordance with the sequential test. The Deposit LDP identifies five sites within the centre suitable for development (REG 9(1) – (5)). No ‘edge of centre’ locations are identified in the policies of the Deposit LDP as allocations for any form of retail.

4.4 Policy REG10 identifies a number of ‘out of centre’ locations where retail development is concentrated. This includes Bridgend Retail Park (Policy REG10(1) which adjoins the South Wales Police headquarters site. Tesco at Brewery Lane, Bridgend is identified in similar terms under Policy REG10(4). There is therefore no policy distinction made between these two general locations as both are out-of-centre in sequential test terms.

4.5 Policy REG11(4) similarly identifies the Brewery Field, adjacent to the out of centre Tesco store, under the heading of ‘New Bulky Goods Out of Centre Retail Development Sites’.

- 4.6 In its response to the representations to Session 7 (Retail) of the LDP Examination, the LPA has asked the Inspector to consider amendments to the wording of the policies referred to above so as to designate the Tesco at Brewery Field and the Council-owned Brewery Field itself as 'edge of centre' locations. The basis for this change is explained as a correction of a factual error. In my view this is disingenuous. The status and function of these sites was considered fully by the LPA following receipt of the Town Centre Masterplan document. That document, at Paragraph 5.3 (Extracts at **Appendix 10**), noted that:

“If this site is included within the town centre boundary, or is allocated for uses that could be accommodated in more central locations, then it is possible that there would be a shift of focus away from the core to a more peripheral location. This could result in land uses becoming polarized and two competing areas being created, weakening the core of the town centre. Given that the Strategic Objectives are based around creating a vibrant town centre and given the Brewery Field Area’s separation from the town centre by the A4061, the clear conclusion is that this site cannot be deemed to be a town centre location.”

- 4.7 As outlined above, where an edge of centre site is considered to be appropriate for new retail development, PPW directs that the centre boundary be extended to include that site. In view of the concerns expressed by the authors of the Town Centre Masterplan about the poor relationship between the Brewery Field and the remainder of the town centre and the effect of so extending the town centre boundary, it is plain to see that the allocation of these sites as out of centre locations was a conscious and reasoned assessment on the part of the LPA.
- 4.8 In terms of other centres, the Deposit LDP identifies in Policy SP10 a hierarchy that places Bridgend as a sub-regional centre, with Maesteg and Porthcawl identified as town centres. Six district centres and seventeen local centres are also identified.

Sequential assessment

- 4.9 The first consideration in undertaking a sequential assessment is understanding the need that is intended to be addressed.
- 4.10 As outlined above, the identified requirement is for a large foodstore located such

as to be capable of competing on a like for like basis with existing larger stores.

- 4.11 This requirement could be met while leaving capacity to support other new, smaller provision if so required.
- 4.12 As outlined above, there is no requirement in law to consider in sequential test terms whether there are sites that could accommodate development other than that proposed. This extends to seeking to disaggregate the floorspace requirement between various sites.
- 4.13 This is common sense. A store or stores smaller than that proposed would simply not compete on a 'like for like' basis with the larger main food stores. They would have much smaller, localised catchments and would as a consequence be more likely to compete with the smaller convenience stores that anchor the town's district and local centres.
- 4.14 There would also be no benefit for consumers in terms of range and choice. Those retailers who are known to operate smaller stores, such as the Co-op and the discounter stores, are already represented within the town in various locations. Any new, smaller store or stores, would simply duplicate core retail lines that are already available.
- 4.15 Where a local need exists for smaller scale convenience provision, this is already recognised and accounted for in Policy REG5 of the Deposit LDP.
- 4.16 Within this context, it is in our view not appropriate to seek to disaggregate the need but to take a real-world view. This means seeking to identify sites within, or at the edge of the centre or in other lower order centres that could accommodate the form of development proposed and not some arbitrary form of other development for which Morrison's has no requirement.
- 4.17 On the basis of a Morrison's store of circa 9,000 sq m gross with a parking requirement of about 640 spaces and a filling station, it is estimated that, provided

at-grade, this would generate a site requirement of about 3.5 hectares. Morrison's would however consider a smaller store of about 7,000 sq m gross, which would reduce the land requirement to about 3 hectares.

4.18 None of the identified Bridgend town centre regeneration sites in Policy REG9 could physically accommodate the proposed store, even taking into account the flexibility of configuration shown above.

4.19 Nevertheless, in the interests of completeness I consider them each briefly in turn below.

Town centre sites

4.20 REG 9(1) is the Southside area that includes the existing police station, Council-owned car park and the existing Brackla Street Shopping Centre. Together, these parcels have a total site area of 2.31 hectares. However, the Town Centre Master Plan recognises that redevelopment potential is limited to the car park and police station sites, which extend to no more than 1 hectare.

4.21 In addition to falling well below the area requirements, this site is enclosed and crossed by adopted highway and has poor road access, a difficulty that will be exacerbated further with proposed changes to make Nolton Street one-way only.

4.22 REG 9(2) is the Riverside area extending to about 0.81 hectares. The Town Centre Masterplan notes that this site is "not seen as an opportunity for significant retail development". It has significant grade and access issues and accommodates the principal car park for the town centre, which would need to be replaced as part of any redevelopment scheme.

4.23 REG 9(3) comprises the edge of centre former Embassy Cinema site, which at about 0.67 hectares is well below the minimum site area requirement. It is now part developed for retail (Bargain Booze) and private car parking and is earmarked for a high quality gateway development.

- 4.24 REG9(4) comprises Elder Yard, an area of 0.31 hectares that is already being redeveloped by HD Developments for a high quality A3 development.
- 4.25 REG9(5) Comprises land north of Market Street and Quarella Road and extends to only 0.4 hectares. It is occupied currently by a range of businesses and is not available for redevelopment.
- 4.26 We have identified no other in-centre sites that could accommodate new retail provision.

Edge of centre sites

- 4.27 As outlined above, the Deposit LDP identifies no edge of centre locations in Bridgend. While we note the LPA's recent request that the plan be modified to consider the Council-owned Brewery Field as 'edge of centre', we agree with the authors of the Town Centre Masterplan that this site is physically and visually divorced from the town centre. In our view it demonstrably fails the TAN4 definition of edge of centre locations.

District and local centre sites

- 4.28 In consideration of district and local centres, our review has focused on those falling within the Bridgend town area since this is where the operator requirement falls. In this regard, the only centres that may be considered to be relevant are the local centres of Broadlands, Brackla (Triangle), Five Bells Road, Wildmill, Bryntirion and Laleston.
- 4.29 All of these centres are of limited scale and from our examination and review of the LPA's Retail Review (March 2011) we have identified that none provide sites or premises that could meet the need for a new large foodstore to serve Bridgend.
- 4.30 As such, we do not consider that any of these centres can reasonably be considered

to offer sequentially preferable locations to the representation site.

Other out of centre sites – Brewery Field

- 4.31 The Council-owned Brewery Field site (REG 11(4)) is out of centre and therefore is no better in sequential test terms than the representation site. Nevertheless, given the LPA's most recent representations seeking to give this site an enhanced sequential status (and without prejudice to our clear disagreement with those representations) we have considered it briefly.
- 4.32 In physical terms the site extends in total to 2.67 hectares in total and does not therefore meet the minimum site area requirements, even adopting a flexible approach.
- 4.33 This area does however include land within the flood defences of the river and highway along Brewery Lane.
- 4.34 It also includes the Grade II listed public house, the loss of which is unlikely to be acceptable save in exceptional circumstances. If retained, the setting of this building would need to be preserved or enhanced, placing particular restrictions on the form and appearance of any store. Taken together, we consider the developable area of this site is about 2.3 hectares.
- 4.35 The site is in active use as a playing field. As such, its loss would not be compliant with PPW (Policy 11.1.2) unless alternative provision is made of a comparable or better standard. The Deposit LDP makes no such provision.
- 4.36 The Alternative Sites Consultation Report AS005 (**Appendix 11**) also notes other physical constraints relating to the site including its location within a B/C1 Flood Zone, the location of a riparian corridor, ecological considerations, ground conditions unsuitable to accommodate SUDS, effects on a public footpath and the need to relocate existing municipal car parking.

- 4.37 As to the suitability of the site in commercial terms, we note that no party has sought to promote this site as a foodstore location through the Deposit LDP. This is unsurprising given that the Bridgend Town Master Plan envisaged development of this site to be integrated with the relocation and reconfiguration of the existing Tesco store alongside bulky goods retail, rather than any new and additional foodstore provision (See extract at **Appendix 10**)
- 4.38 In terms of availability, the freehold of the site is held by the Council but a long term (25 year) leasehold interest is held by Brewery Field Limited, which we understand to be a joint company between the Ospreys Rugby Club and Bridgend Town Football Club. The site is not being marketed for any alternative use.
- 4.39 With regard to the accessibility of the site, while as part of a comprehensive redevelopment of the Tesco site (as envisaged by the Master Plan – See **Appendix 10**) there may be potential to enhance links with the town centre, as a standalone site the Brewery Field has poor visual and physical links to the town centre and limited opportunity for shared or linked trips. The redevelopment of this wider site by Tesco has however not been pursued and would not deliver the increased range and choice that a new operator would bring.
- 4.40 The site itself has almost no privately owned frontage to Brewery Lane and therefore its principal vehicular access would be from Tondu Road. While it has a small residential catchment to the north, pedestrian accessibility to the south and west is restricted by the A4061 and to the east by the River Ogmore. In our view therefore this out of centre site has limited accessibility by non-car modes.
- 4.41 Overall therefore we consider this site to offer no particular locational and accessibility advantages to the representation site.

The representation site

- 4.42 The representation site is, in contrast to the Brewery Field site:

- Located on principal local and strategic bus routes;
- Adjacent to and within safe and easy walking distance of, substantial residential and business areas; and
- Well located to accommodate linked trips to the adjoining retail park.

4.43 The site is suitable for development and can physically accommodate a foodstore of the size required. It also provides suitable access for customer and delivery vehicles.

4.44 The site is also unconstrained by landscape, ecology, flooding or other constraints that may affect its developability.

4.45 The site is also available for development. It is owned in its entirety by the South Wales Police. We understand that it is the intention of South Wales Police to consolidate their headquarter operations at new premises at Parc Ewenni, in accordance with the development brief for that site. The release of value for the existing headquarters site will support that objective. As outlined above, our client has the support of South Wales Police in pursuing these representations.

4.46 Not only is the representation site suitable, available and viable, it is the only site of which the development will facilitate the regeneration of one of the key town centre regeneration sites. This is a material factor when considering the weight to attach to sequential test considerations.

4.47 For these reasons we consider that its allocation for a foodstore would be fully compliant with the sequential test.

5.0 Retail impact issues

Qn6c. Would the proposal have an adverse effect on the vitality and viability of any centre in the listed retail hierarchy?

- 5.1 Wherever a need is identified and floorspace allocated to meet that need in accordance with the sequential test, there will be a change in existing shopping patterns. This does not however, of itself, present good reason not to allocate a site as is required by planning policy.
- 5.2 While we have not at this stage undertaken a detailed retail impact assessment, we are able, given our experience of foodstore development in other similar locations, to anticipate likely trade draw patterns.
- 5.3 In this case, the proposed development/allocation is orientated directly at drawing trade from existing large foodstores serving the Bridgend catchment.
- 5.4 It is an acknowledged tenet of retail planning that 'like competes with like' – that is, to be able to provide effective competition to existing foodstores, new provision must be of a similar type and scale and offer a similar range of goods. This is acknowledged for example, at paragraph 7.28 of the Practice Guidance to PPS4 in England, which is reproduced as **Appendix 9**.
- 5.5 With this in mind, its proximity to the Tesco store at Bridgend Retail Park will ensure that a significant proportion of new trade will be drawn from the overtrading at that particular store. It is also well placed to draw trade back from further afield by intercepting trips presently leaving Bridgend via the A473 and A48 corridors.
- 5.6 We anticipate that the proposed store will draw the balance of its trade from Sainsbury's at Sarn and Asda in Bridgend. Smaller stores will not, in our experience, be materially affected by the proposed store.
- 5.7 The direct trading effects of the proposed store must of course be measured against



the positive benefits that this proposal will bring to the town centre as a whole through the enabling of the redevelopment of the existing town centre police station site.

6.0 Conclusions

- 6.1 Our representations have highlighted that the 2010 CACI Update upon which the retail policies of the Deposit LDP is based is fatally flawed and does not represent a robust and credible evidence base for the plan, contrary to soundness test CE2.
- 6.2 Insofar as the retail strategy of the Deposit LDP provides no flexibility to adapt to the changing circumstances arising from the flaws in the evidence base, we consider that the Deposit LDP also fails soundness tests CE1 and CE4.
- 6.3 The soundness of this data runs to the heart of the retail and regeneration policies of the emerging LDP.
- 6.4 In convenience goods terms, we have shown that there is demonstrably a greater need for additional convenience goods floorspace than the Deposit LDP indicates; and that the South Wales Police Headquarters at Waterton, Bridgend represents the sequentially preferred location to meet this need through its allocation for a foodstore as part of mixed use development of the wider site.
- 6.5 We therefore consider that to render the LDP sound, Paragraph 5.2.21, Policy REG5 and Proposals Map 27 (Bridgend South) ought to be amended to include the allocation of the South Wales Police Headquarters site for a foodstore.
- 6.6 Accordingly, we respectfully request that the Inspector make the amendments proposed.