

Rule 6
Statement of Case

On behalf of
Waitrose Ltd

Appeal by
Sainsbury's Supermarkets Ltd
Thaxted Road
Saffron Walden

Ref: APP/C1570/A/11/2152457/NWF

**Sainsbury's Supermarkets Ltd
Thaxted Road, Saffron Walden**

Rule 6 Statement of Case

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1.0 INTRODUCTION

- 1.1 This Statement of Case has been prepared on behalf of Waitrose Limited in respect of a planning appeal by Sainsbury's Supermarkets Limited against the decision by Uttlesford District Council to refuse planning permission (LPA reference: UTT/1451/09/FUL) on 20th December 2010 for the following development:

“Erection of a new foodstore (use Class A1) including a café, automatic teller machines, surface level car parking, new access roundabout and highways works, landscaping, servicing and associated works.”

- 1.2 The Planning Inspectorate has confirmed that Waitrose Limited will have Rule 6 status at the forthcoming Inquiry which is scheduled to start on 27th September 2011.
- 1.3 This Statement sets out the case that Waitrose Limited will provide in evidence in their objection to the appeal proposals.

2.0 APPEAL SCHEME & SITE

The Appeal Scheme

- 2.1 A Planning Application for the appeal scheme was submitted by Sainsbury's Supermarkets to Uttlesford District Council in November 2009 (LPA reference: UTT/1451/09/FUL) for the following proposed development:

"Erection of a new foodstore (use Class A1) including a café, automatic teller machines, surface level car parking, new access roundabout and highways works, landscaping, servicing and associated works."

- 2.2 The proposed foodstore element of the application comprises a store of 6,322 sq m gross internal floorspace / 3,766 sq m net sales floorspace, as detailed in the supporting Planning and Retail Statement prepared by Indigo (November 2009). The application proposes a 70/30 split between the proposed convenience and comparison goods floorspace (2,636 sq m / 1,130 sq m net respectively).

- 2.3 The planning application was reported to the Development Control Committee on 9th December with a recommendation for refusal. Members determined the application in line with this recommendation and the decision notice was issued on 20 December 2010. The reason for refusal was as follows:

"The proposal would have a significant adverse impact on the turnover of the main town centre anchor Waitrose store. This loss of retail turnover is likely to result in Waitrose abandoning plans to commit to expansion plans for its town centre food store. This, together with the loss of footfall to the town centre associated with linked trips would result in a significant adverse impact on the town centre affecting the vitality and viability of the centre. As a direct result of this significant adverse impact this would be likely to result in an impact on the range and quality of the comparison and convenience offer in the town centre. This would be contrary to national policy set out in PPS4."

The Appeal Site

- 2.4 The Appeal Site is approximately 2.45ha in size and is located off Thaxted Road approximately 1.5km to the south east of Saffron Walden Town Centre. The Appeal Site comprises the former civic amenity / recycling centre and various buildings formerly occupied by Granite Properties. The Appeal Site is 'out-of-centre' for the purposes of consideration against Planning Policy Statement 4: Planning for Sustainable Economic Growth.

2.5 Waitrose Limited reserves the right to make a more detailed description of the Appeal Scheme / Site.

3.0 PLANNING POLICY BACKGROUND

- 3.1 Reference will be made in evidence to current and emerging national, regional and local planning policy documents and guidance including those set out below. Waitrose Limited's evidence shall address relevant planning policy matters in further detail.
- 3.2 The Development Plan in this case comprises the Regional Spatial Strategy (The East of England Plan – Adopted 2008) and the Uttlesford District Council Local Plan (Adopted 2005).
- 3.3 The emerging Development Plan includes the Core Strategy which forms part of the Council's emerging Local Development Framework. The most recent iteration of the Core Strategy is the Preferred Options document which was published for further consultation in February 2010.
- 3.4 In addition to the Development Plan and the emerging Local Development Framework, reference will be made in evidence to relevant Planning Policy Guidance Notes, Planning Policy Statements and supporting Practice Guidance. The most pertinent of these is PPS4: Planning for Sustainable Economic Growth and the accompanying Practice Guidance on Need, Impact and the Sequential Approach.
- 3.5 Most recently, the Government published the Draft National Planning Policy Framework, which will eventually replace PPS4 alongside the other suite of national Planning Policy Guidance Notes and Statements.
- 3.6 Waitrose Ltd reserves the right to make reference to any other national, regional or local planning policy documents which may of relevance to this appeal. Waitrose Ltd may also refer to documents prepared as part of the Council's Local Development Framework evidence base. These may include, but not be limited to, the Council's Retail Study and the draft Retail Study (which at the time of writing was under preparation but may be published prior to the Inquiry).

4.0 THE CASE FOR WAITROSE LIMITED

4.1 Waitrose Limited's case against the Appeal proposal will be fully detailed in their evidence.

4.2 Evidence will be provided to demonstrate that the Appeal proposal is contrary to the Development Plan and national planning policy and guidance in the form of PPS4. The evidence will demonstrate that the Appeal proposal will have a significant adverse impact against the following criteria of PPS4 Policy EC16.1:

- EC16.1a – the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.
- EC16.1b – the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer.
- EC16.1d – in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy.

4.3 Evidence will be provided to demonstrate that Waitrose, as a key Town Centre stakeholder are fully committed to progressing with their proposed store extension which was approved by Uttlesford District Council in June 2011 (LPA reference: UTT/2012/10/FUL & UTT/2013/10/CA). Evidence will also be presented to demonstrate that the store extension will not proceed should Sainsbury's be granted planning permission at Appeal.

4.4 The evidence will consider the robustness of the retail impact assessment undertaken in support of the planning application and whether compliance with PPS4 Policy EC17 has been demonstrated. Evidence will consider the vitality and viability of Saffron Walden Town Centre and the role and function of Saffron Walden in the retail hierarchy and context of other centres / destinations.

5.0 DOCUMENTS AND PLANS

5.1 The following documents will be referred to within evidence, as appropriate:

Planning Application Documentation

- Planning application documentation submitted to Uttlesford District Council by the Appellant including amendments and revisions.
- Relevant consultation responses.
- Relevant committee reports and minutes of the Council.
- The Council's decision notice issued in respect of the application.
- Correspondence between the Appellant and the Council.
- Correspondence between Waitrose Ltd and the Council.

Appeal Documentation

- Appeal documentation submitted to the Planning Inspectorate by the Appellant and any other party.

Relevant Planning Policy Documentation

- Planning Policy Guidance Notes & Statements.
- Draft Planning Policy Statements.
- Draft National Planning Policy Framework.
- Relevant Circulars.
- The Uttlesford District Local Plan, including any material prepared in support of the Local Plan and the Inspectors Report.
- Documents forming part of the Council's Local Development Framework, including draft documents.
- Any material and documents prepared during the course of the Local Development Framework's preparation, including published and emerging evidence base documents.
- Any representations submitted during the preparation of the Local Development Framework.
- Any Supplementary Planning Guidance and Supplementary Planning Documents prepared by the Council.
- Any other relevant documents relating to the appeal site and surrounding area.

Other Relevant Documentation

- Material prepared in relation to planning applications and / or appeals for similar forms of development on other sites within or outside of the Local Planning Authority area, including documents prepared by the Appellant, Appellants agent or the Council.
- Any other relevant material which becomes apparent before or during the Inquiry.

5.2 Waitrose Limited reserves the right to refer to any other documentation, policies and / or case law as may be necessary within evidence, in addition to those listed above.