

26<sup>th</sup> February 2021

Bob Neville  
Senior Planning Officer  
General Developments Planning Team  
Cherwell District Council  
**Sent via email**

Dear Bob

**20/03353/OUT: Proposed Food Store Land at Cotefield Business Park, Bodicote  
Response to DPDS React Report**

Thank you for providing a copy of the DPDS response for review. I am pleased to see the positive conclusions and agree that the proposals would, overall, have positive effects on the local economy and other material benefits, such as the creation of construction jobs and jobs in store once it is operational, as well as benefits in providing access to a greater degree of choice of goods for sale.

There are some areas of the report where I believe further clarification would be of benefit. As such, the following sets out my commentary on the following matters in turn:

- Local Plan Policy S29;
- Sequential Test; and,
- Impact Test.

**Local Plan Policy S29**

I deal with this matter first as it appears to be the principal focus of concern raised within the DPDS in terms of an assumed policy protection for out-of-centre facilities by Local Plan Policy S29. As we have set out in our submitted Retail Assessment, the approach previously taken in respect of this policy (and still being taken) is a misrepresentation and misapplication of the Policy. DPDS provides some commentary on this at paragraph 2.14 of their response stating that:

*"PG considers that this policy refers only to changes of use or redevelopment used for shops (RS para 8.15). There is nothing in the Plan which suggests the policy is restricted to proposals for redevelopment or changes of use. Had this been the intention the policy could have been drafted as such. The impact of proposals on the provision of services in local areas is clearly a material consideration about which the Council should, as far as possible, be informed in determining applications."*

At the outset we do not agree with the suggestion that there is nothing in the Plan which suggests the policy is restricted to proposals for redevelopment or changes of use. The wording of the policy is clear in this respect with Policy S29 stating that:

*"Proposals that will involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted".*

The language in the policy is clear. It relates to proposals that involve such facilities and result in their loss. To better understand the meaning of the Policy, it is perhaps useful to split the policy into separate parts.

The start of the policy clearly aims to guide the decision maker as to when this policy should apply stating that this will apply to "proposals that will involve the loss of existing village services". Clearly

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in any reading of the policy, the word proposals is meant as development or application proposals. The key to the interpretation of this policy therefore goes onto consider what is meant by “that will involve the loss of”. Clearly in this matter, the word ‘involve’ is key and as such it is perhaps useful to consider the plain English definition of “involve”. The Oxford English Dictionary confirms that involve is to; “include” whilst the Collins online dictionary provides the following definition:

*“If a situation or activity involves something, that thing is a necessary part or consequence of it.”*

Clearly on a plain English reading of the word involve, and its place in the policy, the “proposal” must include an existing village service and result in the loss of it for this policy to apply.

The rest of the policy then goes on to confirm what is meant by existing village services and how the decision maker should treat such applications (stating that the “will not normally be permitted”).

As we set out in our Retail Assessment, clearly if the intention is to protect existing village services/facilities from competition from other facilities this does not fit when read alongside the explanatory text noting the clear intention of the policy is to provide access to facilities/services in villages. A policy that would prevent competition or result in an improvement of the local service offer would clearly be contrary to this.

In any case, and noting the age of the Policy, it is clear that if the policy were applicable to this application; there would be a requirement to consider how consistent it is with the NPPF as required by Para. 213 of the framework. Relevant policies dealing with the protection of town centres and town centre uses are set out in Section 7 of the NPPF confirming that only sites within defined town centres should be afforded policy protection through the Impact test. Whilst paragraph 83 of the framework seeks to promote the retention and development of accessible local services and community facilities, it does not state that these should be protected from competition generated by the provision of new local services. As such, whilst the policy is not considered relevant to the application proposals, even if it were, the interpretation of the policy by DPDS highlights a clear conflict with the NPPF and therefore no weight should be afforded to the policy as guided by Para. 213.

Given the above, for the reasons outlined above and set out in the Retail Assessment, Policy S29 is not relevant to the application proposals and should be afforded no weight in the decision making process. Given this, the impact of the proposals on any nearby local shopping facilities is not a relevant policy consideration and to afford weight to this would clearly represent a conflict with the NPPF.

### **Sequential Test**

We note and welcome the DPDS conclusion in relation to the sequential test. We do not provide further comment on this noting that further information has not been requested.

### **Impact Test**

At the outset, we welcome the conclusions of DPDS that the proposals will not have a significant adverse impact on town centre vitality and viability. Given this conclusion it is clear that the proposals have been demonstrated to accord with the relevant impact test.

Nevertheless we respond to a number of points where questions have been raised. For ease of reference we provide comment on the following matters in turn:

- Population growth;
- Commitments;
- Trade Diversion - Proposal; and,
- Impact on small stores.

### *Population Growth*

Dealing first with Population growth, paragraphs 4.7 and 4.8 of the DPDS response suggests that the population growth associated with planned housing development is taken into account (or at least partly) in the Experian forecasts. However, this is incorrect. Whilst DPDS are correct that Experian Forecasts are based upon ONS projections, it is important to note that ONS projections are based upon recent past trends and are effectively 'policy off' projections of these past trends, particularly where housing delivery associated with recently adopted plans has not yet been delivered. ONS confirm this stating that<sup>1</sup>:

*"The projections make assumptions about future fertility, mortality and migration levels based on trends in recent estimates, over a five-year reference period. The projections are not forecasts and generally take no account of policy or development aims that have not yet had an impact on observed trends."*

Migration patterns are then taken into account in then ONS over a six year period. Given that migration patterns can be influenced by housing delivery, unless this housing delivery has already occurred over the whole six year period it will not be taken into account in the ONS projections. As such, it is clear that ONS provide projections (based on past-trends) and do not provide forecasts.

We have also confirmed with Experian that their population projections do not taken into account planned housing developments either on a district or sub-area basis. We can provide a copy of this correspondence if necessary.

To explore this matter further, DPDS go on to compare the population projections (referred to as forecasts by DPDS) with the population growth estimated with the Experian data. At paragraph 2.8 DPDS suggest that a 2.1% population increase (Experian) in the study area compared with a 4% increase in district population (ONS projections) demonstrates that the Experian data takes into account population growth associated with the significant amount of new housing development planned in the area.

However, given that this is comparing ONS projections (a policy-off projection) with Experian projections (another policy-off projection) it is of little use. Indeed, the underestimates of population growth in Cherwell within ONS population projections are highlighted by the fact that over the same time period (2018-2023) based upon Oxford County Council's housing-led projections<sup>2</sup> population growth of 15.4% is expected within the district. Whilst this is based upon a slightly different dataset – it does take into account actual and forecast housing completions provided by the Council. We raise this as it clearly highlights that the ONS projections and Experian projections do not account for the planned housing growth.

As such the commentary provided within the original Retail Assessment relating to population growth and the Impact Assessment being a worst case scenario is correct and should be afforded weight.

### *Commitments*

DPDS at paragraph 4.29 refer the scheme at Wykam Park Farm which is not included in the cumulative impact assessment noting its scale and intention to serve the proposed development. DPDS request that this is included in the cumulative impact assessment on the basis that the population growth is

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<sup>1</sup>

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/methodologies/methodologyusedtoproducethe2018basedsubnationalpopulationprojectionsforengland>

<sup>2</sup> <http://insight.oxfordshire.gov.uk/cms/new-2016-based-housing-led-forecasts-districts>

taken account of in the Experian population forecasts. However, as we have already highlighted, this is not the case and given that the Experian population forecasts do not take into account this population growth (as discussed above) and much of the development has not yet been delivered. In any case, much of the development at Wykam Park Farm is still to come forward following the impact design year used in our assessment, with the 2018 Council Housing Land Supply Update suggesting that over half of the planned development will come forward beyond 2023 (see Table 15 of the RA).

As such, it is not necessary or appropriate to include this within the cumulative assessment given the uncertainty regarding what will be delivered at Wykam Park Farm, the fact that it will principally be aimed at serving the proposed residential delivered, and the fact it is likely to come forward well beyond the proposed foodstores impact assessment year. In any case, if it were to be built into the impact assessment, the proposed foodstore could divert a small amount of trade from the scheme which would potentially offset some trade diversion from the other smaller stores (which in any case, do not benefit from policy protection).

The Drayton Lodge Farm commitment has not been built into the impact assessment given its very limited scale (and therefore turnover), its significant distance from the application site (meaning it will not affect local shopping patterns) and the fact it is intended to serve its wider development, rather than a larger catchment area.

In terms of the commentary provided at Paragraph 4.35 of the DPDS report in respect of the trade diversion of the planned Lidl store at the Spiceball site, I can confirm that the figures presented in the Tables are Pegasus assumptions, having regarding the originally submitted assessment but updating this to account for the scheme to be operated as a discount food retailer.

Finally, the trade diversion patterns in respect of the Longford Park commitment (see Para. 4.36) are our estimates and calculated based on existing trade diversion patterns and noting the low level or under-representation of smaller stores in all household surveys whilst noting the significant top-up food function and turnover that that the Sainsbury's and Morrisons stores attract. The like affects like principle must take into account how and where current top-up food shopping trips are being made – and as demonstrated in the household survey, a significant amount is being attracted to and retained by the larger stores.

#### *Trade Diversion – Proposal*

It is noted that DPDS raise concerns regarding the proposed trade diversion patterns at 4.39 in respect of the size of the proposed store. However, at 1,235 sqm the proposed store is clearly meant to provide a much greater offer than a store principally focused on top-up food trips. Top-up shopping destinations are generally focused on convenience, being small and providing just the bare essentials so they are easy and quick to visit to purchase a couple of items. The majority of such stores provide a level of floorspace below the Sunday trading hours threshold (280sqm) meaning that they can trade at times when larger stores cannot, further adding to their convenience.

Clearly, a store of 1,235sqm is significantly larger than a top-up convenience store and will serve a principal main food shopping function, providing a mix of convenience lines. We therefore disagree with the suggestion that the store will not serve a main food shopping facility and will not compete with other larger stores in the local area. Whilst it is noted that there are a number of very large stores in the local area, retailers are generally not opening such large stores noting the changes to the retail market and customer shopping patterns which is seeing customers choosing smaller and easier to visit foodstores and shopping more regularly as is already highlighted in the submitted assessment at as highlighted in paragraphs 8.43 and 8.44. It is entirely reasonable to assume that customers will alter main food shopping patterns in favour of the proposed store noting its relationship and ease of access to its customer base, and smaller, more focused offer which is easier to navigate and use for customers. The Retail Assessment clearly highlights (Figures 5 and 6) that customers do

not solely choose their retail store of choice based on the scale and offer of the store, with the proximity and ease of access being a significant consideration for many.

DPDS seek to provide justification for this comment by comparing the scheme to new Aldi and Lidl stores being built. However, there are a number of existing stores in their portfolios which are of a comparable (and smaller) scale to the application proposals yet these still successfully provide a main food shopping facility. Indeed, it is noted that the Aldi store at Ruscote Avenue clearly serves as a main food shopping facility with 88% of its turnover derived from main food shopping visits, which is comparable to that seen within the Sainsbury's store. However, this store (at the time of the household survey) had a gross floorspace only slightly higher than that proposed at 1,583 sqm – a difference of just 348sqm cannot suddenly stop a proposed store from serving as a main food shopping facility.

As such, we disagree with the suggestion that the trade diversion patterns should be altered and we have clearly evidenced how the proposed store would compete with, and draw trade from, the large foodstores in the area both through drawing top-up and main food expenditure from these stores. It is considered that the trade diversion patterns appropriately address and consider the offer of the proposed store, attraction of existing stores and current shopping patterns.

#### *Impact on Small Stores*

As already highlighted, the small stores benefit from no policy protection for the reasons already set out. Nevertheless, it is noted that DPDS provide comment on these and we have some concerns regarding the robustness of these comments.

At the outset it appears that the principal focus and area of concern relates to the out-of-centre Spar store on Molyneux Drive. However, the operators of this store have not objected to the application proposals or raised any concerns regarding the impact of the proposal on the store. This is despite the application proposals being well publicised. If the operators shared the view of DPDS that the store could close, it is clear that they would have objected to the planning application.

In any case, it is important to properly consider how the Spar store functions having regard to its location, with it being located centrally within an existing housing estate, and the very small scale convenience offer alongside a post-office. The post office is undoubtedly a particular attraction for the store given the number of functions and services it offers and something that will not be replicated in the application proposals. As such, ensures that it will continue to attract custom through linked trips with the post office. In terms of its location, whilst the proposal is around 600m walking distance from the existing Spar store as DPDS highlight, it ignores the fact that the Spar store will remain, by some distance, the most easily accessible and closest store for much of the estate which it sits within. When considering the potential for trade diversion, much of the estate would need to walk (or drive) past (or close to) the Spar store in order to get to the proposed foodstore. Clearly the suggestion that local residents would suddenly choose to walk 600m+ further, or drive even further, to the proposed development in order to pick up a loaf of bread or pint of milk, rather than continuing to use the Spar store is clearly unlikely. As such, and as demonstrated in the Retail Assessment, given the top-up shop offer of the Spar store; the vast majority of its existing trade will be retained given the marked difference in offer and location.

DPDS make reference to a loss of 15% turnover being "*enough to lead the closure of independently run shops*" but where this suggestion is from is not referenced and therefore without this, and an assessment based upon local circumstances, it has no evidential basis and as such it should be afforded no weight.

As such, it is considered that the level of trade diversion from the Spar at Molyneux Drive will be limited and will in line with those figures presented within our Retail Assessment. Such a level of

impact is entirely reasonable and is calculated even before any growth in its turnover from the delivery of new housing nearby, with new customers being attracted by its post office facilities. As such, there is no suggestion (including from the retailer) that this would result in the loss of the store itself.

### **Conclusions**

I trust the above additional information is useful and clearly demonstrates that Policy S29 is not relevant to the application proposals, and even if it were, should be afforded no weight on account of a conflict with the NPPF.

The trade diversion patterns set out in the submitted Retail Assessment are based on a wealth of evidence and detailed assessment and it is considered that these are appropriate and realistic having regard to local shopping patterns and the offer of the proposed store. The assessment does not take into account the significant population growth to be delivered in the area and as such represents a true worst case scenario, in the real world and assuming the new homes are delivered, these will help support both the proposed store as well as existing and planned smaller stores in the local area. Indeed, this level of housing growth will generate significant demand for new convenience goods floorspace capable of serving a main food shopping use and without the provision of new floorspace, this will only be met by the already overtrading Sainsbury's store therefore requiring local people to travel further in order to meet their shopping needs. As highlighted by DPDS, the proposed development accords with the relevant impact and sequential tests in the NPPF and set out in Local Plan Part 1 Policy SLE 2.

Yours sincerely



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