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CF - p.l.p.c.

PRIME MINISTER

You may recall taking an interest in the case of C J (Southern) Limited and their planning appeal.

The Inspector has now reached a decision, dismissing the appeal (Flag A).

I raised with the Department of the Environment the impression I had from the Inspector's decision that he had, indeed, weighed in the balance competitive factors as well as others. The DOE's response is at Flag B. They believe that the Inspector's decision in the end was reached on legitimate traffic safety grounds.

It is to be hoped that the new policy guidance which Environment will be issuing, together with the other action they are taking on planning will ensure that Inspectors avoid being tempted to act as competition watch-dogs.

ms

Mark Addey

24 May 1985



WALKER

10 DOWNING STREET

From the Private Secretary

9 May 1985

PLANNING CONTROL: THE CASE OF C J (SOUTHERN) LTD

Many thanks for your letter of 9 May.

Before I let the Prime Minister know the outcome of the appeal, I should be grateful for your thoughts on one point. The letter from Andrew Allberry to David Barclay, dated 15 February, set out the issues which the Inspector would have to consider. Andrew made the point that protecting nearby shopkeepers from competition would be no part of the Inspector's brief. I see, however, that the Inspector's report, in paragraph 6, suggests that the impact on other local trade of C J (Southern)'s retail activities was one of the points he needed to consider (although it turned out, of course that this was not the issue which clinched his decision). There seems to be an inconsistency here, and I would be grateful for your comments.

RA

MARK ADDISON

Miss Sue Vandervord
Department of the Environment

CS



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

9 May 1985

Dear Mark

PLANNING CONTROL: THE CASE OF C J (SOUTHERN) LTD

In your letter of ^{see pt 1} 19 February to Andrew Allberry, you asked to be informed of the outcome of the planning appeal by C J (Southern) Ltd.

I am enclosing a copy of the Inspector's decision letter, which was issued on 2 May. You will see that he decided to dismiss the appeal, although he took full account of the provision of employment opportunities and the need to assist small businesses. In paragraph 7 of his letter, he explains that he found the traffic arguments against allowing the retail use to remain overwhelming.

The Secretary of State remains satisfied that this case is not evidence that the planning system is having an adverse effect on employment. As the Inspector points out, this retail use was not stimulating economic activity, but diverting it to a location where there is a higher risk to traffic safety.

Yours sincerely

Sue Vandervord

MISS SUE VANDERVORD
Private Secretary

Mark Addison Esq



A

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Department of Transport**
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C J (Southern) Limited
Unit 3
Rotunda Estate
High Street
ALDERSHOT
Hants
Gull 1TC

Your reference

Our reference

T/APP/P1750/A/85/26534/P6

Date

-2 MAY 85

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- RSH 04269

1. I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Rushmoor Borough Council, to refuse planning permission for change of use of part of unit from light industrial to retail use at Unit No 3, Rotunda Estate, High Street, Aldershot. I have considered the representations submitted by yourselves, by the Council and by another firm. I inspected the site and its surroundings on Monday 25 March 1985.
2. Rotunda Estate occupies an area of about 0.32 ha bounded by High Street, Victoria Road, Albert Road and the railway in the central part of Aldershot. It comprises 10 small light industrial units constructed in blockwork and external facing brick with aluminium sheet cladding to the top section of elevations. Numbers 1 to 4 front on to the western side and just north of the railway bridge over High Street. The first two are set immediately behind and parallel to the highway boundary, but Nos 3 and 4 are set back respectively some 2 m and 6 m from the building line of Nos 1 and 2. Nos 5 to 7 present a staggered elevation to Victoria Road. No 8 adjoins the western wall of No 7 and is set back from that frontage. Its north western wall is truncated parallel to Albert Road. Nos 9 and 10 are a semi-detached pair of units on their own south of the access to the estate which is from the bend in Albert Road, some 30 m from and south west of its junction with Victoria Road. The rear of the 3 blocks of units thus formed have access on to a large car park which completes the development to the southern (railway) boundary.
3. The appeal premises, like Units 1 and 2 south of it, has a frontage of some 10 m and a total depth of about 16.5 m. The front of the building is separated from the rear section by an internal wall across the full width. This front section, shown as "office" on the Plan B attached to the Council's statement, is divided into 3 parts. The central part has a glass front containing a counter, some shelves and wall displays of small tools and other items of hardware. It is about 4 m wide x 3 m deep and there are doors on either side leading to an office about the same size to the north, occupied by yourself, and another to the south about half that size, occupied by your wages clerk. Both offices have brick front walls unlike the central section.
4. The dispute between you and the Council concerns this central section and its use as a small retail outlet for some of the items which you store in and despatch from the large rear portion. The latter is equipped with a number of shelves and

racks stocked with more tools and hardware. These items are for the most part sorted in packets and other containers. There is an "up and over" rear door for vehicular access to facilitate deliveries and despatch and a separate emergency door alongside it, both leading on to the car park.

5. I noticed that all the other units on the Rotunda Estate incorporate glazed fronts used as office/reception areas and for display purposes. None appear to include retail use. Your unit and No 4 are situated at the corner of High Street and Victoria Road which is marked by double yellow lines restricting parking. On the opposite side of the junction to the north is a public house and opposite to the east, behind an enlarged pavement area, is Aldershot football ground with 2 ticket kiosks and turnstiles. Traffic on Victoria Road travels one way westbound. There is a triangular traffic island at the road junction with light-controlled zebra crossings to the pavements.

6. Having regard to the prevailing policies and to the features of the site I am of the opinion that the main issues are whether the continuing use of the premises for retail purposes would be likely to be seriously detrimental to trade in other shopping areas or to traffic safety.

7. It is on this second issue that I find the case against allowing the use to remain to be overwhelming. Traffic speeds and volumes seemed to be high in the vicinity of the junction, underlining the need for the parking restrictions. Although you consider the large car park at the rear to be available, it is not readily apparent to cars stopping outside the shop. Facing onto this busy section of High Street as the shop does, cars would be far more likely to pull up outside it than to use the car park. I consider the risk of an accident in these circumstances would be high. Whereas that in itself would endanger traffic safety in normal circumstances the risks of an accident to cars and pedestrians, particularly at busy times when, for example, a football match was to be played, would be significantly increased if the use were to remain.

8. The Council's policies for the Town Centre are set out in a Local Plan which has recently been the subject of a Public Inquiry and is about to be adopted. These policies clearly encourage the growth of industry and employment, but are also concerned to contain shopping in the established shopping areas.

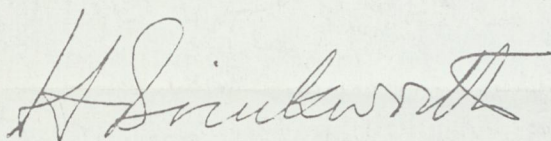
9. I note that there is some flexibility in the Plan for the smaller type of corner shop and for specialist shops outside the main shopping areas, but the retail outlet you have established does not fit into either category so that there would need to be good grounds for allowing it as an exception to the Council's policy.

10. The arguments you have raised about employment opportunities and the need to assist small businesses I regard as very important, particularly in view of the current need to help any project that will contribute to the Country's economy. However, to my mind, the retail enterprise you propose would have the effect of diverting potential trade from the shopping locations which are planned for the purpose to an industrial area which has not been designed to cater for retail use. Overall the proposal would not so much stimulate economic activity as divert it from its proper location to another. In view of this the effect of the proposal on the proper implementation of Local Plan policies and the traffic objections explained above, I consider there to be specific and convincing planning reasons why it needs to be disallowed. I have considered all the other matters raised but I remain

firmly convinced that it would not be in the public interest to permit the proposed change of use for retail purposes.

11. In exercise of the powers transferred to me and for the reasons given above I dismiss your appeal.

I am Gentlemen
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'H Brinkworth'.

H BRINKWORTH BA DipTP MRTPI
Inspector

LOAN CASE : Planning, etc

MAY 1985

