



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:
Your ref:

Personal

Feb 17 1984

Dear Margaret,

Sir John Sambury

You wrote to me a few weeks back following a meeting you had had with John. Following his earlier representation we were already well embarked on a review of this aspect of planning practice, but your letter led me to take a closer interest in what was going on.

Neil and I have identified a clear case of a wrong turning having been taken in the past. I enclose a

Private Secretary reply attaching a
background note and a draft reply
which I propose to send to John.

When we issue the new guidance
which we have in mind, I would
ask you to be in ~~no~~ no doubt about
the way it will generate. We will
of course take the greatest care over
presentation, but very deeply vested
interests will feel threatened
and they will shout!

Your etc.

Patel

HU

31 January 1984

Many thanks for your letter of 26 January and for sending me the summary of the ten cases which you mentioned. I have found these interesting and easy to take in, and they will be very useful to us.

I have noted that you have send a copy to the Secretary of State.

FORB

Sir John Sainsbury.

From Sir John Sainsbury Chairman & Chief Executive

J Sainsbury plc
Stamford House
Stamford Street
London SE1 9LL

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SAINSBURY'S

01-9216000

Telex 264241

26 January 1984

F.E.R. Butler Esq
10 Downing Street
London S.W.1.

Prime Minister

These are interesting
and you may like to glance through
them pending Mr. Jenkin's reply to
your enquiry. One sees why
John Sainsbury is cross, but these
Dear Rob are Sainsburys' account!

You will recall that in my letter to **FERB**
Patrick Jenkin I said I would send a brief
summary of the ten cases to which I referred. 31.1.
This has taken a little longer to compile
but they have now been prepared and forwarded
to the Secretary of State. For your interest
I am enclosing copies.

to me
R.

BARNWOOD, GLOUCESTER

Gloucester City Council

Application 17.4.80
8.10.80

Dismissed 9.4.83

PFS 586 scp

J. Sainsbury 47,200 sq. ft.

SW/APP/5226/A80/ 16107

The Inspector recommended that the Sainsbury appeal be allowed. He considered that the busy Gloucester City Centre lacked main food shops with easily accessible surface parking: the proposal would give relief to City Centre traffic, the trade impact was acceptable and although contrary to the allocation of land in the structure plan and draft local plan, would itself contribute to the development of the Barnwood Estate.

The Secretary of State stated on 3.8.82 that he was not disposed to accept the Inspector's recommendation. The Secretary of State had been informed that Stroud District Council had granted permission for a food store at Quedgeley and although he was in any case disposed to disagree with the Inspector's recommendation, he invited representations before he proceeded to a decision. The appellant submitted written representations to the Secretary of State on 6.12.82. The appellant also appeared and gave evidence at the Gloucester Local Plan Inquiry on 8.11.82. The Local Plan Inspector also reported to Gloucester City Council that the proposal should be approved. The City Council did not accept his recommendations.

The Secretary of State gave his decision on 9.6.83 refusing the appeal. He considered that the Inspector had given too little weight to the provisions of the District Plan; that there was not any immediate need for additional shopping facilities on the scale proposed and that the Inspector had concentrated too much on the needs of car borne shoppers without paying attention to what was said about shopping car parks in the District Plan. The Secretary of State

had earlier indicated (in a previous decision) that the City policies as detailed in the plan are soundly based and should be adhered to. The Barnwood site is particularly suitable for industrial/office development and until it is possible to make an objective assessment of any remaining need for supermarket facilities it would be premature to grant permission for this retail store.

The Sainsbury case was:

1. There was a lack of modern car borne convenience shopping facilities in Gloucester; the appeal proposal would not produce an unacceptable trading impact on any shopping centre.
2. The Barnwood Estate had good road access: the use of the land for a store would not cause any shortage of industrial/office land.
3. The proposal would contribute to an employment need and there were no amenity objections.

WORTHING

Worthing Borough Council

Application 22.2.82
4.8.82

Dismissed 15.12.83
Dismissed 15.12.83

J. Sainsbury 49350 sq. ft.

Homebase 30000 sq. ft. Shop 2600 700 SCP

The Inspector reported that the trade impact on the Tesco store at West Durrington could be absorbed and would allow it to trade more in its role as a District Centre. Broadwater shopping centre is struggling, is five minutes walk from the appeal site and could lose one of the three supermarkets. He believed with this loss the remaining two could withstand superstore competition. He concluded that any of the superstores trading alone would not give rise to unacceptable trade diversions from existing centres. He considered to construct all three superstores (Worthing and two at Shoreham) would amount to gross overprovision. The development would not harm the adjoining area of outstanding natural beauty but the amenities of adjoining residents would be seriously affected and it would be wrong to allow the highway works unless an overriding need could be shown. He recommended the appeal be dismissed.

The Secretary of State agreed that there was no overriding qualitative or quantitative need for a superstore and that existing small shops are providing a valuable service for customers, many of whom are elderly. In the light of planned developments including superstores at Chichester and Brighton, less than 30 miles apart, there was no marked shortage of convenience floor space. The Secretary of State agreed there were traffic and environmental objections and there was no overriding need for the proposals. He dismissed the appeal.

The Sainsbury case was:

1. The store would be complementary to the town centre store and accessible to customers who wished to shop by car.
2. The development would not affect the environmental qualities of the area of national beauty and the site was completely divorced from the countryside.
3. There were no proper highway objections. Sainsbury's were prepared to pay for the junction improvements needed.
4. The trade impact was unlikely to have any adverse effect on established centres having regard to the present lack of stores catering for the car borne shopper.

SHOREHAM

ADUR DISTRICT COUNCIL

Application	8.3.82	Dismissed	15.12.83		
	26.11.82	Dismissed	15.12.83		
J. Sainsbury	52500 sq. ft.	Homebase	30000 sq. ft.	600 scp	shop 2400
J. Sainsbury	52500 sq. ft.			500 scp	
ASDA	70000 sq. ft.	Shop	6000 sq. ft.	675 scp	

APP/5400/A83/000877

APP/5400/A82/05924

APP/5400/A83/000417

APP/5406/A82/012790

The Inspector considered that much of the Shoreham trade is being drawn off to the Brighton/Hove centres and the diversion likely to be suffered by Shoreham needed to be examined. Shoreham is between the regional shopping centres of Worthing and Brighton/Hove; food trade has been already lost to Brighton and he considered that any of the superstores trading alone would not give rise to unacceptable trade diversions from existing centres. He considered to construct all three superstores (Worthing and two at Shoreham) would amount to gross overprovision. The Inspector judged that there was not sufficient need for the proposed shopping to justify setting aside the environmental and traffic objections. He recommended that the appeals be dismissed.

The Secretary of State agreed there was no overriding qualitative or quantitative need for a superstore and that existing small shops are providing a valuable service for customers, many of whom are elderly. In the light of planned developments including superstores at Chichester and Brighton, less than 30 miles apart and there was no marked shortage of convenience floor space. The Secretary of State agreed there were traffic and environmental objections and there was no overriding need for the proposal. He dismissed the appeal.

The Sainsbury case was:

1. The site was divorced visually and functionally from the countryside to the north. Bearing in mind the major road works to the north the proposals would have no impact on visual amenity.
2. The highway works Sainsbury proposed would make traffic conditions safer.
3. The trade impact was unlikely to have any adverse effect on established centres having regard to the present lack of stores catering for the car borne shopper.

RAYNES PARK

London Borough of Merton

Application 30.3.81

Dismissed 17.6.83

SavaCentre 160000 sq. ft.

PFS 1360 scp

APP/5025/A82/00342

The Inspector reported that the structure plan and local plan policies relevant to this case were those relating to shopping and metropolitan open land, other material considerations were shopping and playing field provisions. The GLC had, at the time, no formal policy on hypermarkets but their report of 1981 stated their opposition to the development of hypermarkets, located outside an existing town centre. The local plan policies discourage shopping development outside the existing centres. The approved strategic and local plans therefore made no provision for the type of store proposed. The conclusions in relation to the shopping issues were that there was an acute need for a large store of the type proposed and the impact could be tolerated by the shopping centres in the catchment area without serious consequence. Refusal of permission on shopping grounds would be unjustified. On the traffic issue Bushey Road capacity would not be unduly prejudiced by the proposed store and it was likely that customers would avoid times when they find from experience they may expect unacceptably long traffic delays. The playing field and metropolitan open lands issues are connected. The loss of 23.5 acres would have a serious impact on the function of the total open space site as a break in the built up area, and the development of the site would detract from the quality of the local environment.

In the final analysis the principal issue was whether the benefits which

would flow from a SavaCentre would outweigh the loss of metropolitan open land. He concluded that the balance lies with the retention of the site in its open state and recommended that the appeal should be dismissed.

The Secretary of State agreed and dismissed the appeal.

The SavaCentre case was:

1. The site (23.5 acres) was half of the playing fields which in turn was about one third of an open area of parks/common/recreation ground. The owners, a charity, were in a serious financial position and the sale money would be used on other London playing fields.
2. There was an urgent need for a hypermarket and no unacceptable trade diversions would result. The traffic generation was acceptable.
3. The use of the site as part of Metropolitan open land was restricted; it was not part of a division between settlement areas and in view of the benefits which would accrue to the public the balance of decision lay with the proposal.

LYTHAM ST ANNE'S

Fylde Borough Council

Application 19.3.82

Dismissed 29.9.83

J. Sainsbury 47150 sq. ft., Homebase 30000 sq. ft., PFS 650 SCP

APP 5290/A82/05935

The Inspector recommended that the Sainsbury appeal be dismissed for the following reasons.

- a) The location of the site outside the town centre does not conform with the detailed policies to consolidate the existing shopping hierarchy. There is scope for further town centre development at St Anne's and the town is not identified in the Structure Plan as lacking access to superstore facilities.
- b) The car borne shopper already has access to superstore and DIY facilities at Marton (3½ miles from St Anne's) and the proposed scheme will not provide any shopping element which is not readily available.
- c) Although surface level car parking may not be feasible in a new development in St Anne's town centre to meet the requirements of J. Sainsbury, stores with multi storey car parking are being operated elsewhere in the country.
- d) The Appeal proposals would have a significant impact upon, and would adversely affect, the traditional shopping patterns. St Anne's town centre would be most affected, with a convenience trade diversion which would be likely to result in the closure of one or more of the existing supermarkets; this reduction of choice would adversely affect the significant proportion of the households who do not shop by car.

e) Overall, the trade impact would adversely affect the town centre and there was no justifiable need for a further superstore and DIY store.

The Secretary of State agreed with the Inspector.

The Sainsbury case was:

1. There was a need for a superstore; the site had consent for industrial development and came within the urban concentration policies of the Structure Plan.
2. The trading impact would not be detrimental to the town centre or deprive the residents of choice.
3. The site was well related to the highway network and fronted a primary distributor road.

WOLVERCOTE, OXFORD

CHERWELL DISTRICT COUNCIL

Application 15.6.82

Dismissed 16.12.83

J. Sainsbury 47535 sq. ft.

Shop unit 2400 sq. ft. 1000 scp

APP/5352/A82/011422

The Inspector reported that the structure plan policies afforded Green Belt protection against development between the built up area of Oxford and the approved Green Belt. Oxford City Council considered the site should be excluded from the draft plan Green Belt but the site is within Cherwell District and it is against their land allocation of the site that the appeal should be considered. Sainsbury's argued that in the light of the development to the north of the site, the need to expand the Park and Ride, the intended major road improvements and the residential development to the east the refusal of the appeal could not protect the setting of Oxford.

The Inspector said that the Kidlington Gap runs from the Wolvercote roundabout to Kidlington notwithstanding all the development around the Peartree roundabout, the break between the northern development of the City and Kidlington plays a significant role in preserving the special character of Oxford. He concluded that the one superstore in the Oxford area recommended in the 1980 inquiry is now open (Abingdon and about 15 minutes driving time from the appeal site) and planning permission had been granted for a superstore at Heyford Hill south of Oxford. As most of the population of North Oxford are within about 15 minutes driving time of both it was not considered they are unreasonably deprived of superstore facilities.

The Secretary of State decided that there was not such a need for a new superstore to serve North Oxford that could justify allowing the development in the face of the overriding Green Belt objection and dismissed the appeal.

The Sainsbury case was:

1. There was a quantitative and qualitative need for the store. The City Council agreed there should be a store in North Oxford.
2. Substantial development has been carried out around the site; it is intended to enlarge the Park and Ride, and Oxford City Council do not consider the site worthy of Green Belt notation.
3. The reason for the Oxford Green Belt is to preserve the character and setting of the city, the site plays no part in this.

TORQUAY

TEIGNBRIDGE DISTRICT COUNCIL

Application 8.4.82

Dismissed 5.10.83

J. Sainsbury 45823 sq. ft.

Shop 1238 sq. ft. 470 scp

T/APP/5181/A82/12510/PH3

The Inspector said that in his opinion the decision turned on whether the proposal would undermine the vitality of established shopping centres and whether a serious hazard or inconvenience to traffic would be caused. He decided that although there was no shopping objection, there was a traffic objection. The objects of the structure plan are to satisfy the needs of the shopping public while at the same time protect the vitality of existing centres: the Newton Abbot local plan aims to safeguard the vitality of that centre in particular. He believed that the shopping centres of Torquay, Paignton and Newton Abbot (retailing mainly durable goods) could withstand the diversion of trade and other Area Centres further afield would be less affected. The major impact would be on Tesco at Kingsteignton and there was no dispute over the ability of Tesco to hold its own. He was not convinced that the proposal would draw substantial additional trade away from the smaller centres; shoppers who want to shop by car already can visit Tesco as well as other outlets.

It is common to find convenience shops in local centres trading apparently successfully in direct competition with one another and he saw no convincing reason why the Kingskerswell convenience shops should not continue to provide a local service. On the other hand the northern part of Torbay

is relatively well served by convenience stores and car borne shoppers would not be disadvantaged if the appeal development did not proceed.

The second main issue concerned traffic; the A380 is an important holiday route and is heavily congested; tourism is the principal employment generator of the area and every reasonable effort should be made to protect the industry. Even if a safe access could be provided to the site he was convinced that until traffic conditions are improved, for example by a bypass, the result would be unacceptable, increased traffic congestion. The Inspectors decided the traffic objection, in relation to tourism, sufficient in itself to justify refusal; he dismissed the appeal.

The Sainsbury case was:

1. There was an acknowledged need for another superstore in South East Devon.
2. The trade impact on other shopping centres would not cause material harm.
3. The proposal would only add a modest traffic increase and the site was not required for housing within the Council's housing targets.

BRENTWOOD

BRENTWOOD DISTRICT COUNCIL

Application 21.6.82n

Dismissed 26.10.83

J. Sainsbury 57000 sq. ft. Shop 2900 sq. ft.

551 scp

APP/5211/A82/009503

The Inspector concluded that a qualitative need for a superstore had been demonstrated and, with the employment it would produce, would bring substantial benefits to the residents of Brentwood. The structure plan sets out that large retail stores are to be situated within the shopping centres and the location of the proposed development would be contrary to the strategy and policies of the structure plan. The appeal site is within the approved Metropolitan Green Belt and the question to be considered was whether these were special circumstances that would warrant a departure from the stringent restriction upon development in the Green Belt.

The site in question had to some extent been damaged by long established and more recent development, in particular the A12 Bypass and the newly opened A12/M25 interchange. It still, however, makes a contribution to the open land between Brentwood and Havering thereby fulfilling its Green Belt function. It was unacceptable to use the development of the Post House Hotel as a reason for allowing the appeal site to be development. If the appeal site were developed there would be increasing pressure on the nearby Green Belt land which would be more difficult to resist; that would have the most serious consequences for a narrow part of the Metropolitan Green Belt which, with the opening of the M25, is likely to come under increasing pressure for development.

In summary it seemed to the Inspector that the need for, and the benefits that would accrue from, the proposed store were not sufficient to overcome the Structure Plan objections and the stringent restrictions which apply in the approved Metropolitan Green Belt and he recommended that the appeal be dismissed.

The Secretary of State did not consider that permission should be withheld solely on the grounds of non-conformity with the Structure Plan if there were no other objections. He saw no reason why the site should not be subject to the Green Belt policies and concluded that the preservation of the Green Belt was the overriding consideration in this case. He dismissed the appeal.

The Sainsbury case was:

1. There was a need for a superstore in Brentwood and the development would not cause material harm to any other shopping centre. Highway matters were agreed.
2. This development in the Green Belt would not set a precedent. It could not lead to the coalescence of Brentwood and Havering and was physically dominated by the M25/A12 interchange. An exception to Green Belt policy could be made in this instance without detriment to the overall strategic concept.

SWINDON

Thamesdown Borough Council

Application 27.1.82

Dismissed 12.5.83

J. Sainsbury 44250 sq. ft.

Homebase 30000 sq. ft. Shop unit 2300 sq. f

T/APP/5410/A82/4950/PH3

560 scp

The Inspector, who determined the appeal considered that the principal issues arising were the possible material loss of industrial land, the impact upon other nearby shopping centres and if these factors were apparent whether they were out-weighed by the new employment or the advantages the scheme would give to shoppers. On the first issue he did not consider the loss of industrial land would have a material adverse effect. The second issue concerned the three groups of shopping centres: Swindon Town Centre, West Swindon District Centre and local centres. The Swindon Town Centre shopping area had been improved and expanded since 1970; he considered that effects on the town centre would not be prolonged and it would continue to cater at an appropriate level of convenience expenditure; that provided population growth continued as planned at West Swindon the district centre would not be materially prejudiced. On Gorse Hill, however, (a local centre) the impact could be serious: the loss of trade to large new premises within a mile could cause the closure of shops and supermarkets, the outcome would affect the vitality of the Gorse Hill Centre and reduce choice available to non car owning shoppers. The DIY store would not materially affect any shopping centre. The two stores would provide a net employment gain but this would not weigh decisively against the approved policies; in addition the qualitative benefit of the provision of a store on the east side of Swindon is, until West Swindon Centre can no longer cope with the demands on it, limited to

increased choice. The overall conclusion was that the withdrawal of convenience trade from the local centres close to the site would be severe and the outcome would be disadvantageous to non car owning residents living near those centres. This would not be offset by a net gain in employment.

The Sainsbury case was:

1. The site was disused, unattractive industrial land and would not be needed for industry. It was well located to the highway network and satisfactory in traffic terms.
2. East Swindon should have a superstore, there would not be a detrimental impact upon shopping centres in the catchment area. There was an obvious qualitative advantage in the proposal.

IPSWICH

SUFFOLK COASTAL DISTRICT COUNCIL

Application 23.12.80

Allowed 27.1.83

J. Sainsbury 51000 sq. ft.

Homebase 30000 sq. ft. PFS 800 SCP
730 SCP

BAT 70000 sq. ft.

Shops 8200 PFS 650 SCP

COOP 70000 sq. ft.

800 SCP

TESCO 91500 sq. ft.

APP/5379/A81/01994

APP/5382/A81/06295

APP/5379/A80/10288

E1/5379/219/1

APP/5382/A81/03898

E1/5379/223/2

APP/5382/A81/09206

E1/5382/219/5

The Inspector accepted there was a qualitative need for one superstore on the eastern side of Ipswich and that none of the proposals would have an unacceptable effect in planning terms upon Ipswich, on local shopping centres or would be in serious conflict with the shopping policies of the Structure Plan.

Superstores have become an accepted part of the shopping hierarchy of proven popularity and success; there was an imbalance in the modern food shopping provision which would become more marked as the population grew on the east side of the town. Most of the impact on the Ipswich central area would fall on the larger supermarkets: it had been said these would suffer no disadvantage from any one of the proposals. There is no evidence to show that superstores have a serious effect on village shops and it was unlikely that the local shops would suffer closures.

The Inspector found that Sainsbury's site is in the the best location to serve the area. The loss of part of the housing land at Warren Heath was not crucial and the traffic objections and the matter of access would be met, the latter by the construction of a roundabout. The appellants had agreed to pay for these highway works.

The Secretary of State accepted the Inspector's recommendations and allowed the appeal. He refused permission for the COOP, BAT AND TESCO proposals.

The Sainsbury case was:

1. The site was well located to serve the eastern side of Ipswich. The trading impact on town centre, local and village shops would be acceptable.
2. The shopping proposal and the loss of housing land would not be prejudicial to the Structure Plan policies.
3. The highway and traffic matters were acceptable and Sainsbury's would pay for Highway improvements.

Local Govt. July 83

Searsburg