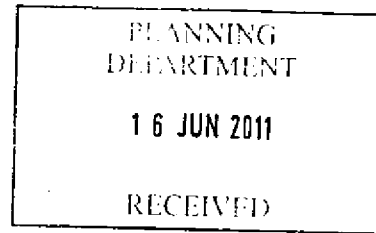


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19300/A3/MH/AI

Via Post and Email

15th June 2011

Dear Mr Aston,

FORMER SHREDDED WHEAT FACTORY COMPLEX, WELWYN GARDEN CITY
PLANNING APPLICATION BY SPENHILL REGENERATION LTD; LPA REF: N6/2010/2055/MA
REPRESENTATION ON BEHALF OF THE JOHN LEWIS PARTNERSHIP

We act on behalf of the John Lewis Partnership (JLP) and on 9th December 2010 submitted a letter of objection to the above application.

We have been provided with a copy of the advice received by Welwyn Hatfield Borough Council from their independent retail planning consultant, Nathaniel Lichfield & Partners (NLP). We have reviewed NLP's advice and set out below our supplementary comments.

JLP's Objection

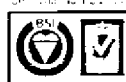
As stated in our original representation, JLP objects to the development on the following grounds:

- **Compliance with PPS4:** fails PPS4 Policy EC16 and EC17.1b on retail impact grounds. The extent of the Tesco scheme's impact on the Town Centre is in our view 'significantly adverse' and will be harmful to its convenience and comparison functions. This is a sufficient reason alone to refuse the proposal.
- **Compliance with the Development Plan:** linked with the above, the proposal fails Policy TCR1 which supports edge-of-centre development only where it does not conflict with Town Centre strategies and will not harm the vitality and viability of the Primary Retail Core. The store is also not in an out-of-centre location so cannot benefit from support under this policy.

The scheme is also contrary to Local Plan Policy EMP3 which promotes the application site for mixed use development comprising primarily employment, housing, leisure and rail-related uses. The policy also states that development should comply with the site's Development Brief (The Broadwater Road West SPD (December 2008)). The SPD does not make provision for a foodstore or retail of the scale proposed.

The above concerns remain valid and have been reinforced NLP's advice to your Council. There are no material considerations arising or specific justification provided in the application submission or NLP's advice which would support a decision to deviate from the provisions of the Development Plan and SPD. Our original grounds of objection therefore remain.

Notwithstanding the above comments, we set out below our response to the points raised by NLP.



Comments on NLP's Advice

Retail Impact

NLP has several significant concerns with the Retail Assessment prepared by DP9 and has undertaken their own assessment of retail impact. We agree that the assessment by DP9 is inadequate and welcome the independent assessment that has been undertaken.

In NLP's advice, Table 10 (Convenience Impact Summary) shows that the Tesco store will divert £11.71m of turnover from Welwyn Garden City Town Centre, which represents an impact on 18.4%. This level of trade diversion will result in a significantly adverse impact upon the Town Centre due to an overall reduction in footfall and turnover.

NLP does not provide your Council with a recommendation as to whether the proposed development will result in a significantly adverse impact upon Welwyn Garden City Town Centre leaving it for your Council to consider whether the impacts warrant refusal against PPS4. We recommend the Council asks NLP to provide your Council with a steer as to whether the significance of the impacts would support a refusal against PPS4.

Notwithstanding the above, we consider that an impact of 18.4% on the convenience goods turnover of the Town Centre represents a significantly adverse impact due to the overall loss of turnover and footfall. This will impact on existing and future investment decisions in the Town Centre (as observed by NLP at paragraph 3.22).

Impact on Morrison's

NLP consider there is the risk that Morrison's store could close. Whilst this store is in an out-of-centre location and is not protected in PPS4 terms, its potential closure has significant implications.

Should this store close, then the proposed Tesco out-of-centre store is simply replacing an existing store, offering no benefits to consumer choice and retail competition. As a result, the scheme offers no benefits which would outweigh the potential impact on the Town Centre. This removes this as a potential benefit of the scheme to be weighed under PPS4 Policy EC17.2 if your Council were to conclude that the scheme does not fail Policy EC16.

The potential for closure of the Morrison's store also underlines the risk that the scheme poses to Town Centre provision. If as NLP suggest (see paragraph 2.26 of their advice) the DP9 trade diversion is spread thin and disproportionately towards out-of-centre stores, this indicates the potential for the effect on Town Centre floorspace to be much greater than either they or DP9 estimate. A precautionary approach to town centre impact and its effects should therefore be adopted where there is a risk of a significantly adverse impact.

Town Centre Linkages

NLP consider that the impact of the proposed store on linked trips would be neutral and there is no comparison goods impact harm.

The proposed store will draw significant trade and custom from the Town Centre. Those customers will already undertake trips to the Town Centre for convenience and comparison goods shopping.

Due to the store's out-of-centre location (as confirmed by NLP at paragraph 4.18) and the lack of adequate physical and visual linkages with the Town Centre, it cannot be considered to substantially increase either the frequency or volume of linked trips. Conversely, the store will act as a 'one-stop' shopping destination, drawing trade away from the Centre and impacting on its overall vitality and viability through a reduction in footfall. The recommendations made by NLP at paragraph 3.62 to encourage linked shopping trips will be insufficient to outweigh the loss of trade and footfall caused

by the scheme. The conditions are also designed to mitigate impact rather than encourage trips so cannot be presented as such.

The ability of the Tesco store to promote linked trips with the Town Centre is considered to be limited and is not considered to off-set the diversion of footfall and trade from it. We therefore consider that this represents a significantly adverse impact against PPS4 Policy EC16.1a.

Conclusions

From the terms of NLP's advice, we can find no reason for your Council to support the application on retail policy grounds as it emphasises the risk posed by the proposed scheme. Against this background, we continue to conclude that the proposed scheme is contrary to Local Plan Policy TR1 and PPS4 Policies EC16 and EC17.1b. On this basis, there are sufficient grounds upon which to refuse planning permission.

We note that NLP is unable to provide your Council with a clear recommendation as to whether the impact effects are significantly adverse and would thus warrant refusal on PPS4 grounds. The terms of NLP's advice do in our view provide sufficient grounds for your Council to conclude that the scheme is capable of refusal against PPS4 and the Development Plan.

We also note that NLP's advice has been issued in draft for consultation. We would welcome confirmation of when their final advice has been issued as we would welcome a further opportunity to comment as necessary. In the meantime, we look forward to receiving acknowledgment of this representation in due course marked for the attention of Mark Harris / Alistair Ingram.

Yours sincerely,



BARTON WILLMORE