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## Appeal Decision

Hearing Held on 18 May 2021

Site visit made on 25 May 2021

**by Stephen Wilkinson BA (Hons) BPI DIP LA MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28/06/2021**

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**Appeal Ref: APP/V3120/W/20/3255534**

**Land at Grove Road, Wantage**

**Grid ref: 440125 189070**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by GSC Estates (Wantage) Limited, Lidl Great Britain Limited, Richard William Smith, Roger David Smith, Colin Arthur Smith and Sidney Harford Smith against the decision of the Vale of White Horse District Council.
  - The application Ref P18/V2300/FUL, dated 7 September 2018, was refused by notice dated 9 January 2020.
  - The development proposed is erection of Class A1 retail food store with associated car parking, access, landscaping and associated engineering works.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Given the size of the proposed development I reviewed the appeal proposal with regard to Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. On the basis of the evidence, the proposed development does not require an Environmental Impact Assessment.
3. A draft Section 106 agreement was submitted with the appeal. I received a completed agreement together with office copy entries detailing land ownership on the 7 June 2021. This addresses the issues raised in the Council's third reason for refusal. I make further reference to this later in this decision.
4. I received a set of revised plans (plan nos. 8531-L-10A, 8531-01C and 8531-L-02C) for the landscaping areas around the proposed site entrance in advance of the Hearing. The revisions are required to ensure that the landscaping areas are consistent with the access arrangements indicated on other plans submitted with the appeal. These were presented by the appellant during the Hearing and no objections were received. I am satisfied that they do not materially change the proposed scheme.
5. From 1 September 2020 amendments were introduced to the Town and Country Planning (Amendment) (England) Order 2020 whereby the Class A1 retail, was altered with all retail uses falling within Class E. Given that a use

within Class A1 was originally applied for this decision maintains the reference to that Class.

## **Main Issues**

6. The appeal raises three issues:

- Whether or not the development of the store would impact on the Grovelands shopping centre
- The effect of the proposal on the character and appearance of the landscape, and
- Whether or not sufficient infrastructure is included in the scheme as mitigation.

## **Main Issues**

### *Retail impacts*

7. The Council's evidence base for the local plan identified capacity for a medium sized food store in the Wantage-Grove area by 2019<sup>1</sup>. It was anticipated that the size of the proposed store would vary depending on the programme of housing delivery and the extent of the retail offer included within the main housing allocations. However, the study identified capacity for a store of around 1,600sm net by 2024-29.
8. The proposed store would result in trade diversion from the existing centres across the Grove/Wantage/Faringdon area. However whilst each of the existing centres, including the Millbrook centre within Grove have healthy trading positions which can withstand the impact of the new store it is the impact on the Grovelands local centre and in particular due to its size, the impact on the store run by the Mid Counties Co-op super market (the Co-op) and a related impact on the Post Office (PO) within the store which is at the heart of this issue.
9. In support of their case, the appellant included a retail impact study which follows the approach required by Core Policy 32<sup>2</sup> and suggested by Planning Policy Guidance. This includes a defined study area primarily based on the Council's retail study<sup>3</sup> and includes data inputs against 3 scenarios based on varying population growth and forecast spend levels. The 3 sub areas include Zone 5A – broadly covering the Grove area, 5B including the Wantage urban area and Zone 6 extending over a large rural area embracing Faringdon. The Council's retail impact study uses many of the same data sets provided by the appellant.
10. The impact study was supported by a 700 respondent household survey in November 2018 identifying current patterns of shopping. By the time of the Hearing the only differences between the parties was over the extent of trade draw from within the sub areas and trade diversion from the existing stores. A base year of 2021 and 'design year' of 2025, when the store would have achieved a mature trading position is agreed by the parties.

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<sup>1</sup> Retail and town centres study 2013

<sup>2</sup> Local Plan Part 2 2016

<sup>3</sup> Ibid

11. Whilst the appellant identifies that Paragraph 89 of the National Planning Policy Framework (the Framework) requires retail impact to be assessed against shopping centres and not individual stores, I consider that the Council's approach in focusing on the Co-op store<sup>4</sup> is appropriate given its size in relation to the total retail floorspace in the local shopping centre and the extent to which the centre is anchored by this store. This approach was not challenged by the appellant.
12. The Grovelands local shopping centre is located on the western edge of Grove and the only vehicular access is from Newlands Drive via Savile Way which leads to the car park serving the centre. The access arrangements mean that the centre is largely hidden from view. The centre is around 40 years old and includes the Co-op, essential a convenience (food) store with a turnover of £2.47m p.a. The centre is served by around 48 parking spaces. Its location with limited road signage is not conducive to attracting passing trade.
13. Evidence from the Co-op identifies that the store is too large for their current business model and that for this reason it is not benchmarked against other stores within the Midcounties (Co-op) group. The Co-op confirms that the store regularly fails to meet its budget and that it would not be the type of store that they would build now given its location and size.
14. As part of its impact assessment, the Council benchmarked the store using nationally available data sets. They estimate that it should have a turnover of £7.75m<sup>5</sup>. Whilst this figure can be treated with some caution it can be contrasted with the store's turnover of around £2.46m<sup>6</sup>; this demonstrates the precariousness of the store under existing trading conditions.
15. The site's context is changing as the former Grove airfield located along the western edge of Newlands Drive is a housing allocation for 2,500 new homes. A new local centre is planned for this site although the form of 'offer' is unknown and this will not be completed until well after the design year of 2025. Homes within the first phase of the development are currently being occupied and it is anticipated that around 480 will be completed by the design year of 2025. These together with around 640 dwellings at the Crab Hill development have been factored into each of the scenarios.
16. I visited the Groveland local centre 4 times in a 4 hour period from late morning to around 3.30pm on a weekday and at no time did the car park usage exceed 12 occupied spaces. The site is located within a residential area linked to a pedestrian network. I estimate that around 50% of shoppers access the centre by foot. It would appear that of the 9 units only the Premier food store and community café were open for trade and the betting shop, tattooist and fish and chip shop appeared to be vacant. Footfall through the centre was low.
17. The site visit was conducted when Covid-19 restrictions on retail trade had been lifted. In contrast during the same period of time the Millbrook centre had the majority of units fully trading.

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<sup>4</sup> VWHDC Retail and Town Centres Study 2013 and 2017 update

<sup>5</sup> AY PoE July 2020 paragraph 2.18 and Nexus PoE paragraph 4.51

<sup>6</sup> Appeal Statement, Nexus Planning paragraph Table 4.3

18. The description of trading submitted by the Midcounties Co-op<sup>7</sup> confirms my observations of the current trading position<sup>8</sup>, which is largely dominated by top up shopping. This is supported by the appellants evidence<sup>9</sup> which identifies that annually there is around £1.6m of top up shopping compared to main food shopping of around £0.86m<sup>10</sup>; a turnover of around £2.46m.
19. The appellants case is predicated on 2 premises. Firstly, that the new store's offer, being a Local Assorted Discounter (LAD), would not compete against the Co-op as the function of each store is different. The LAD is characterised by a product range distinguished from other large stores offering a limited range of goods, at 2,500 lines at discounted prices, (typically a Co-op has around 6,000 lines). Secondly, the Co-op store is used for mainly top up shopping compared to the proposed scheme which would be predominantly used for main shopping trips.
20. The household survey indicates that Zone 5A is the source of the majority of shopping trips for both main food and top up shopping to the Co-op. However, these only account for 2.9% of main shopping trips and around 16% of top up shopping trips<sup>11</sup> from this area. This is further evidence of the precarious nature of the store's trading position and demonstrates the relative attractiveness of competing centres.
21. The proposed store is projected to have a turnover of £11.87m by 2025 and given that 80% of floorspace would be used for convenience shopping this would be largely comprised of food sales. The parties disagree on the extent of its trade draw from each of the 3 sub areas. The appeal site lies on the edge of both Zones 5A and 5B and the extent of draw from these areas is estimated by the Council to be around 40% (36% appellant) and 47% (49% appellant) respectively<sup>12</sup> for combined main shop and top up shopping.
22. Given the limited appeal of the Co-op for main food shopping the critical area for competition, identified by the appellant, would be in top up shopping. Their figures anticipate that around 40% of trade would be derived from Zone 5A. Whilst there would be greater impact on the Tesco store in Millbrook Square (given its size and trading focus), the Councils figures point to a significant loss of trade to the new store from the Co-op of around 8.5% from Zone 5A with only limited amounts of trade draw of 1.4% and 1.2% from Zones 5B and 6 respectively<sup>13</sup>.
23. I accept that there would be a higher trade draw from Zone 5B than Zone 5A given that its catchment population is larger. However, this has to be balanced against the quality of the proposed store's retail offer which has no direct competition within Zone 5A, compared to the Sainsbury's and Waitrose which lie in the centre of Wantage, in Zone A.
24. I am more inclined to the Councils figures for the extent of trade draw from Zone 5B because the location of the site on the principal road to Grove is designed to attract passing trade and it would lie in close proximity to the relief

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<sup>7</sup> Statement of the Blencowe Associates and Co-op letter

<sup>8</sup> Appeal statement, Nexus Planning paragraph 3.24

<sup>9</sup> PoE Mr Morris paragraph 3.12

<sup>10</sup> Appeal Statement, Nexus Planning, Table 4.5

<sup>11</sup> Appeal Statement, Avison Young, paragraph 3.9

<sup>12</sup> Figures taken from Appellants Supplementary Statement

<sup>13</sup> Appeal Statement, Nexus Planning Table 11

road serving east and north Wantage. The advantages of the store's location in this respect is referenced by the store's proposed operator's web site<sup>14</sup>.

25. The main parties differ in the extent of trade draw anticipated from Zone 6 focussed on the Aldi store in Faringdon. I recognise that similar stores do compete directly with each other but I tilt towards the Council's figures given the rural character of this sub area. The suggested trade diversion doesn't, in my opinion readily account for the broad geography of sub area 6 which would involve people embarking on considerable journey times to reach the proposed store. This seems unrealistic given the road network.
26. The appellant's contention that the retail offer of the proposed store would not compete directly with the Co-op for main food shopping is undermined by the extent of trade diversion from the Waitrose and Sainsbury's in Wantage of around 6% and 10% respectively<sup>15</sup>. Each store is well served by parking and their central location allows shared trips to other shops and services. The Co-op does not share the locational benefits of these stores and would face intense competition for the weekly main shop.
27. The appellant estimates that by 2025 the Co-op would have a turnover of around £2.79m but with the proposed store this would be reduced to £2.53m<sup>16</sup>. In contrast the Council considers the turnover would be £2.28m<sup>17</sup> at 2019 prices, a difference of around £0.5m if the appeal site did not go ahead.
28. The overall impact of the new store would be a trade diversion from the Co-op store of 9.3% according to the appellant's figures compared to the Council's figures of around 17.9% by 2025. In practice this amounts to a difference between the parties of around £0.25m at 2025 trading.
29. From my analysis of the assumptions which underpin the figures there would be a significant retail impact on the Grovelands Co-op and the local centre towards the top of the range suggested by the parties. Whilst this would be around £0.25m in diverted trade, this demonstrates the extent to which the Co-op's trading position would become unviable as a result of the implementation of the appeal scheme. This would have a significant adverse impact on the local shopping centre.

#### *Position of the Post Office*

30. Even allowing for the caveats as suggested by the appellants on the nature of the business transacted in the PO within the Co-op store, 800 transactions each week is significant. For this reason, the counter service can be considered an essential community service in line with Paragraph 92 of the Framework.
31. However, even if the store was to close I do not regard this as fatal for the PO as the nature of the offer requires only limited floorspace and it has moved within the last few years from the former McColl's store in the Millbrook Square centre in Grove.

#### *Conclusion on this main issue*

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<sup>14</sup> Appeal Statement Nexus Planning Appendix F

<sup>15</sup> Table 14a Avison Young Supplementary Statement May 2021

<sup>16</sup> Tables 10 and 11 Ibid

<sup>17</sup> Table 12 Nexus Planning

32. For a proposed store of over 1,000sm located for a site beyond the main town centres, Policy CP32 requires an impact assessment to demonstrate that there would be likely significant adverse effects on the vitality and viability of nearby town centres. The extent of trade from the proposed store on the Co-op store in the Grovelands local centre would vary from 9-17% according to the parties. The Council conclude that the Co-op store would become unviable and would close.
33. The Guidance<sup>18</sup> indicates that judgments on the impacts of trade diversion should be reached in the light of local circumstances and identifies that in areas of high vacancy and limited retail demand even modest levels of trade diversion from a new development may lead to significant adverse impacts.
34. The local centre, dominated by the Co-op is under stress. Although the difference between the parties amounts to around £0.25m in lost trade this would be a significant amount given the future pattern of trade for this store. The development of around 2,500 new dwellings on the Airfield site, could in the event of this appeal being allowed enable a 'lifeline' for the centre but given the design year, the Co-op store would have become unviable before the full build out of this housing allocation.
35. The local shopping centre has a high vacancy rate and it appears that many of the shops are not fully trading. It is for this reason that with the Co-op becoming unviable there would have a significant adverse effect on the trading of the local centre.
36. For the above reasons, the proposal would have a significant and fatal impact on the trading of the Co-op and the local centre in conflict with Policy CS32 of Part 1 of the Local Plan 2031. Furthermore, the proposal would be in conflict with Paragraph 90 of the Framework which advises that where a significant adverse impact on the vitality and viability of a local shopping centre would occur, applications should be refused.

#### *Landscape character and appearance*

37. There are 2 related issues underpinning this main issue related to the landscape integrity of the site and how the proposed scheme responds.
38. The site forms one of two meadows on the east side of Grove Road (A338) which lies adjacent to the Elms Business Park. The appeal site is almost surrounded by development, including the business park and its vehicular access and a bungalow, the A338, (Grove Road) and the northern relief road, currently under construction.
39. The site lies within NCA108<sup>19</sup>, Upper Thames Clay Vales, and on the edge of the OWLS study, Lowland Village Farms<sup>20</sup> and within the Council's LCA (2017) as Downs Footslopes landscape type and the Cobden study (2008) as Elms Farm LCA<sup>21</sup>. This latter category extends to the northern edge of Wantage and embraces the site of sheltered housing currently under construction.

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<sup>18</sup> 018 Reference ID 2b-018-20190722

<sup>19</sup> National Character Area

<sup>20</sup> Defined by the Oxfordshire Wildlife and Landscape Study.

<sup>21</sup> Landscape Character Area

40. Both parties agree that the existing site and immediate landscape is of medium value and that the landscape impacts of the proposal would be localised given the limited visual envelope. The Council consider that the impacts would be major/moderate adverse effect on the character of the site compared to the appellant which consider that the impacts would be moderate adverse to negligible after 15 years with the greatest impacts experienced by residents who live opposite the site.
41. There is a change in height across the site from its southwestern corner to the junction of the access to the business park with the A338, by about 10m and east west directly across the site by around 6m. The degree of slope means that any development would require significant levelling to create a development platform. It is for this reason that the Council consider that the site has limited capacity to accept the extent of change proposed by this scheme<sup>22</sup>.
42. The Council's case is predicated on the retention of the appeal site, free from development as it would preserve separation between the settlements of Grove and Wantage in line with its published guidance. I do not accept this analysis, as the openness between the settlements has been compromised by the housing around Woolage Drive on the west side of the A338, opposite the site and the presence of the business park.
43. In respect of the openness on the east side of Grove Road, from Gypsy Wood southwards, this experiential quality diminishes as low density residential development predominates for several hundred metres until the approach to the 2 meadows (which include the appeal site).
44. The immediate approach to the site from the north by Bridge Cottage has views restricted by the line of trees along the frontage of the northern meadow and then from further south by a thick hedgerow along the road frontage around the western edges of the roundabout where the relief road will join Grove Road.
45. South of the appeal site, there would be about 30m of open land, the cutting for the relief road before allotment gardens and the 3 storey sheltered housing scheme, which forms part of the housing allocation.
46. Views from the western side of the A338, and in particular, from the path from the recreation area are unrestricted and the full extent of the site can be appreciated. However, these views are highly localised to the site's immediate context.
47. The extent of the Elm Farm Business park undermines the Council's case that the loss of the appeal site to development would compromise the separation between the Grove and Wantage. Although a strong tree belt lies on the western edge of the business park, its location is evident by the vehicular access and commercial signage.
48. The proposed store would be located at the southern side of the site with parking located to the north with a dedicated vehicular access proposed directly from the A338.

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<sup>22</sup> Council Landscape Statement paragraph 4.2

49. The building will be stepped with the highest elevation of around 6.7m with a sloping roof profile to a height of 5.5m in height. The elevation fronting Grove Road would have a glazed frontage and include a canopy of around 4.6m in height. The northern elevation would comprise brick with cedar cladding with brick for the other elevations.
50. New tree and hedge planting is proposed for the southern and eastern edges above steep retaining slopes which would be hydroseeded, on the southern and eastern edges. A belt of trees is proposed for the site boundary to the A338 which would give way to allow visibility of the store. Landscape on the northern and part of the site's western edge would help to limit views of the car park which has no landscaping areas within.
51. The proposal involves a permanent change from the current use of the site, resulting in an inevitable change to its character. However, the essential point is whether this change would amount to harm to the character of the wider area.
52. The Elms Farm parcel has been severely truncated by the western extension of Crab Hill served by its relief road. For this reason, the site cannot be readily referenced in the context of the wider NCA and LCA, and the suggested guidelines for how development should be treated have less weight. For the same reason the site does not have a rural interface. The Council's objection for development on this site to adhere to published guidance is overstated given this context.
53. The scheme has been designed to minimise its impacts on views and surroundings through its scale, form and set back within the site. Whilst I have concerns over the extent to which the proposed store's western elevation would project towards the road and that there is no landscaping within the car park these are shortcomings in the scheme design which in themselves do not warrant an objection on this main issue.
54. For the above reasons, I do not find a conflict with Policy CS37 and CP44 as the site does not make a significant contribution to the landscape setting of either Grove or Wantage. The proposed scheme would retain boundary trees and hedgerows and would be contained within an existing field pattern. These features would serve to allow some integration with the site's surroundings leading to only a moderate to adverse impact.
55. Finally, for the same reason I do not find a conflict with Policy 29 which seeks to maintain the physical and visual separation between settlements as this has already been significantly compromised by recent development.

### *Infrastructure*

56. The appellants submitted a completed Section 106 agreement following the Hearing. This includes financial contributions towards public art, bus services and highway works. Both the County and District Councils submitted Community Infrastructure Levy compliance schedules detailing the reasoning and policy justification for these contributions.
57. As I am dismissing this appeal, I do not have to consider this agreement further.

### **Interested parties**

58. I have considered the comments of those parties in favour of the appeal scheme who make reference to the importance of being able to shop local and the need to have a range of shops which would extend consumer choice. I acknowledge the importance of these matters but consider that consumer choice is something which should be extended to all communities in line with the Council's hierarchy of shopping centres designed to encourage local patterns of shopping. The proposed centre would disrupt this by its adverse impacts on the Grovelands shopping centre.

### **Planning balance**

59. This appeal raises 2 issues of principle related to the degree of retail impact on existing town centres and landscape impacts.

60. In respect of the first main issue I acknowledge that the appeal scheme would bring significant investment into the local area. Unusually for an appeal of this nature it has attracted support from local people who recognise the potential of the scheme to widen consumer choice. This is an important consideration.

61. However, set against this is the Council's defined network and hierarchy of town centres. The appeal site lies outside each of these centres in a location which would not complement them. Whilst the appellant states that the LAD offer would retain trade within the immediate catchment rather than being lost to other areas leading to savings in travel and a reduction in CO2 emissions, the converse could be true in that if allowed, it would result in the Co-op store and local centre failing, resulting in additional travel for the residents of Grove.

62. I acknowledge that there would be some economic benefits arising from the new store including the creation of around 40 FTE jobs. However, this would have to be set against those which would be lost at the Co-op in Grovelands. The impacts on the town and local centres included in the appellants evidence reveal considerable retail impacts. The difference between the Grovelands local centre and the others is that its trading position is so weak, demonstrated by its high vacancy rate. The effects of the Co-op store closing would result in the local centre failing to fulfil its role as defined in the local plan. So, whilst the difference between the parties in post trading impacts would be around £0.25m this is a demonstration of the weakness of the trading position of the existing store.

63. Although there could be implications for the PO within the store, I find that the small scale operation, whilst important to the centre is relatively footloose and alternative locations could be found. This would be a matter for the Post Office.

64. Regarding the landscape impacts, I recognise that any form of development on this site would have a degree of landscape impact counter to policy. However, the site's context has altered over recent years, as a result of new development and it is largely divorced from the NCA and LCA of which it forms a part.

65. For these reasons, although there are some shortcomings in the overall scheme design, I recognise the approach taken to integrate the proposed store into its landscape context.

66. I conclude, that the greater harm from this development arises from the extent of the significant adverse retail impact on the Groveland local centre which would be in conflict with Policy CS32 of Part 1 of the Local Plan and Paragraph 90 of the Framework and for this reason the appeal is dismissed.

*Stephen Wilkinson,*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

|                                                  |                        |
|--------------------------------------------------|------------------------|
| Nick Hardy BA (Hons) Dip TP,<br>MRTPI            | Principal Avison Young |
| Michael Gary Holliday BA,<br>MPhil, CLMI<br>FPRC | Director FPRC          |
| Matthew Morris BSc, Dip TP<br>MRTPI              | Director Avison Young  |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|                                               |                          |
|-----------------------------------------------|--------------------------|
| Simon Chambers of BSc (Hons)<br>MA MRTPI      | LPC (Trull) Ltd          |
| Richard Shepherd BA (Hons)<br>BSc Dip LA CMLI | Director, Nexus Planning |
| Penny Silverwood BSc, MSc<br>Licentiate MRTPI |                          |

### **FOR OXFORDSHIRE COUNTY COUNCIL:**

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|-------------------|--------------------|
| Ian Marshall FIHE | Transport Engineer |
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### **INTERESTED PERSONS:**

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|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Duncan McCallum<br>Regine Clelland<br>Julie Mabblerley | On behalf of the Midcounties Co-op<br>Wantage and Grove Campaign Group<br>Campaign Manager Wantage and Grove<br>Campaign Group |
|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|