

## **Key Issues Relating to Sainsbury's Application for a Foodstore at Halifax Road, Todmorden**

### **A Response to the Advice Report of Nicholls Associates (as Submitted to CMBC in July 2011), by Dr Lindsay Smales AMRTPI**

Whilst the Planning Consultant's Report is a systematic evaluation of *some* of the key issues raised by this application with regard to National Planning Policy Guidance, the Calderdale UPD and the Government's emerging review of the Planning System, this study fails to recognise a whole range of local contexts, adopts a narrow approach to the principle of sustainability and manages to put forward a series of contradictory arguments.

#### **The Halifax Road Site in the Wider Calderdale Context**

Calderdale and their two Planning Consultants, Turley Associates and Nicholls, have agreed between themselves that the site of the application is in an '*out of centre location*'.

It is therefore argued that it should *not* be subject to a 'Sequential Test' assessment, which would identify other more appropriate sites in the area for a supermarket of this scale.

Within the boundaries of the Township of Todmorden, this is a generally correct assessment – though the former Adamroyd Mill site on Victoria Road is of a similar size to the one being evaluated. However, given the 'catchment area' of the proposed retail development, which is alluded to but not defined in The Nicholls Report, there are more suitable sites, most specifically one in the 'Stubblings' locality of Hebden Bridge.

The failure to acknowledge this wider geographical context is unacceptable, especially on behalf of a Local Authority charged with overall planning for the whole Upper Valley. To somehow pretend that Sainsbury's have not worked out that the Hebden Bridge community, given their successful and hugely vociferous campaign to oppose a recent major housing development in their town, might even more vigorously oppose a supermarket scheme on a site of the same size as the one four miles down the road in Todmorden, is evidence

of a calculated approach on behalf of the applicants and their advisers and by Calderdale Council.

The only conclusion available is that Todmorden is to play host Hebden Bridge's Sainsbury's supermarket. This is hugely ironic given that last Christmas's Sainsbury's Victorian style TV advert was filmed by Jamie Oliver in St George's Square in Hebden. This is a place which promotes itself as the 'Town of Little Shops' and is therefore a suitable location for the current applicants to peddle the notion they are champions of human scale places, old fashioned values and communities, when in reality their huge stores represent the opposite. It also suggests that they want to build in Todmorden because, unlike in Hebden Bridge, they would get away with it because of their erroneous assessment that Todmorden is somehow less precious or attractive than their real first choice location and more desperately in need of development – especially of a kind that would not be acceptable in Hebden.

### **The Location and Accessibility of the Site**

A key contention of the applicants, and one cited in the Nicholl's Report, is that although the site should be treated as an out-of-centre location, the pedestrian route to the town centre, its markets and shops, is 'direct and flat' and therefore easily accessible. The Report also cites that the existing Morrison's Supermarket is similarly deemed 'out of town'. Yet few of their customers walk into the Town Centre. A cursory glance at Google Earth or an OS Map shows that a Sainsbury's supermarket on the proposed site is nearly twice as far from the Town Centre (using the roundabout in front of the Town Hall as the centre point), as is Morrison's.

Yet we are told by the applicants and Nicholl's that this scheme will 'generate pedestrian movement' into the Centre and that, contrary to actual fact, 'there is a continuous commercial frontage to the Primary Shopping Area'. The reality is clearly evident to anyone with even a basic appreciation of Halifax Road, or eyes to see. As there is no 'continuous frontage' along Halifax Road, commercial or otherwise.

This statement by the Consultants serves to yet further highlight *both* their lack of a sensitive understanding of the local context and the desire of the applicants to put forward any argument, however tenuous, to somehow show

their scheme is conducive to the economic sustainability of Todmorden Town Centre.

This raises the contradictory notion that, for planning purposes the new supermarket should be deemed to be 'out of town', yet simultaneously near enough to town for its customers to walk into the centre of the settlement. Very, very few of the customers of the existing Lidl make this journey and hardly any of the users of The Health Centre. There is no justification or evidence base for the assertion made by Sainsbury or Nicholls that users of their store and car park would additionally walk into Todmorden Town Centre.

A key omission from the Nicholl's report is any mention, or evaluation of, the extra traffic that will be generated by the proposed store. This would not only make the experience of walking along the Halifax Road into the Town Centre even less safe and comfortable than it already is, due to an obvious increase in the number of cars – not to mention Sainsbury's very large delivery lorries using the road - but flies in the face of any suggestion that a new supermarket designed to be almost wholly accessible via the private motor vehicle is a 'sustainable' project. It is also notable that the Nicholls Study makes reference to **Policy GS1** of the "saved' **Calderdale UDP** but selectively omits to make reference to the adopted criteria for assessing retail development (**Section 6.20**) which also clearly states that *'Shopping development will only be acceptable' if such a scheme does 'not create unacceptable environmental, amenity, highways or other problems'*.

Given the catchment area of a store of this scale, it is a wholly appropriate assumption that it would generate substantial increases in vehicular traffic on an already very busy highway and that any proposed highway improvements would not serve to mitigate or reduce the *additional vehicle numbers* such a store would need to generate in order to fulfill the businesses model underpinning its economic viability.

### **The Scale and Impact of the Proposed Store**

The Nicholl's Report also takes a very narrow view as to the overall impact of the planned store, arguing that, 'the proposed development, on its own, is in principle, of an appropriate scale to the town centre', is 'modest in scale', 'especially when compared to stores elsewhere' and 'does not represent a significant step-change in the scale of supermarkets at (sic) Todmorden'.

These contentions wholly miss the main point that it is not the size of the proposed store which is of concern to many members of the Todmorden Community but the cumulative impact on a small town of 15,000 people of it playing host to five supermarkets. These include; a so called annual 'trade diversion' from town centre shops of £400,000, not to mention the suggestion that both Morrison's and the CMBC recently-approved Netto/ASDA supermarket would effectively trade well below national norms and could, by implication, be closed down. The -9.1% 'trade diversion' from town centre shops may well not seem a huge loss to a large multi-billion pound organisation such as Sainsbury's but represents a significant impact on the livelihoods of local shopkeepers and shopping choices of local residents.

The Nicholl's Report also refers to an extraordinary anomaly in the way in which local spending on market stalls does not fall within the category of retail expenditure for the purposes of assessing the economic impacts of proposed development. This is because:

*'Spending on market stalls is expressly excluded as it is classified as non-store activity and treated the same as mail order (internet) shopping, vending machines and other purchases which have not taken place within retail premises.'* (page 18).

This inappropriate categorisation may well be within 'the rules' but does little to acknowledge the pivotal role markets such as Todmorden's play in the economic and social vitality of their local community. This scandalous omission also means there is no calculation available for The Planning Committee, or the people of Todmorden and their representatives, of the potential impact on the town's indoor and outdoor market. These are stalls which do more than provide what Turley's earlier report referred to as opportunities for 'top-up' shopping, but which sell exactly the type of goods that a large new Sainsbury's would stock – e.g., meat, bread, vegetables, spices, cheese, tobacco, flowers, fish and many other comparable goods.

To merely limit the so called 'trade diversion' to the as impact a Sainsbury's would have on existing or other proposed supermarkets and small shops is to provide very limited picture. It also flies in the face of the fact that one of Todmorden's unique selling points, especially, in this day and age of multi-national, impersonal retailing, is its traditional Markets. These are highly valued by locals and visitors alike. For

Calderdale Council to do anything that has the potential to threaten this important asset and hub of the town, especially in the current fragile economic climate, would be to risk undermining Todmorden town centre's still beating heart. This is because Todmorden already has a '*Super-Market*'.

It is clearly part of Sainsbury's competitive business model to challenge the economic viability of its locally based, national, rivals. Whilst the consultant's report is correct in stating that the current planning system has been configured for some time in such a way that it is supposed not to be making judgements as to the relative merits of the free market, it sets out a pretty bleak and negative set of conclusions as to the commercial impact of a Sainsbury being built in Todmorden. It is obvious that Netto/ASDA have not as yet started building on their Burnley Road site, which *is* in a location that makes the town centre walkable and easily accessible to its customers. They will not do so until after a decision has been made as to whether or not to approve the current Sainsbury's application.

It is also wholly possible that Netto/ASDA recognise the validity of the threat to their business, as outlined in the Nicholl's Report, and may well not go ahead with their scheme should The Planning Committee approve the current application. This would result in Todmorden Town Centre having to put up with yet more years of living with large derelict buildings in its midst – The Ormerod Hospital and former Cinema. It is also possible that, given what Nicholl's referred to as the 'severe impact as a consequence of the proposed (Sainsbury's) development' upon the economic viability of the existing Morrison's store on Rochdale Road, the town could be looking at *two future derelict/gateway sites* replacing the *one* now on Halifax Road.

Given that CMBC and members of their Planning Committee were aware of the impending Sainsbury's Halifax Road application at the time of approving the plans for a substantial supermarket on the Burnley Road site, they now have 'a duty of care' to the people of Todmorden. They also need to recognise the implications of their earlier planning approval and the necessity of taking a wider, more holistic view of the impact of their previous and future decisions on the place, its people, attractiveness and character.

## **Community Consultation, Localism and The Todmorden Town (Neighbourhood) Plan**

Nowhere in the Nicholls Report is there an even remotely sophisticated appreciation of the town of Todmorden. It relies solely on a narrow interpretation of current and proposed planning legislation to justify the validity of the application and chooses to ignore or disregard a whole raft of important initiatives which have placed the town at the centre of local, national and international innovations in the field of sustainable, community endorsed development – particularly in the realm of food production. These include the Calderdale supported '**Totally Locally**' initiative and the hugely influential and groundbreaking **Incredible Edible** project.

A central thrust and objective of the Coalition Government's approach to revising the Planning System is that local communities should have a meaningful chance to help decide and shape what happens in their neighbourhoods.

**Greg Clark MP Minister of State for Decentralisation and Cities** said in a recent speech on 'The Future of Planning' (Adam Smith Institute, 2<sup>nd</sup> February 2011) that:

*"We want to create more options for local communities to exercise influence in the planning process. Neighbourhood planning will let people come together at a very local level and decide, together, where the new homes, shops and businesses should go, and what they should look like. This is not a chance to be "consulted then ignored," but to wield real power. If approved by a majority of residents in a local referendum, a neighbourhood development plan must be brought into force by the local authority."*

Recognising the value of this community endorsed approach to planning, Todmorden Town Council have engaged a consultant to help produce a '**Todmorden Town Plan**'. This will be a leading example of the sort of **Neighbourhood Plan** the current Secretary of State is set on establishing in all Parish Councils. Based on extensive and transparent community consultation, Todmorden's Town Plan will be a 'benchmark' against which to evaluate future development proposals for important sites and the regeneration of the town as a whole. It will be published in the next few months and, is wholly in line with the Coalition Government's evolving approach and intentions for planning to become more locally focussed. The Todmorden Town Plan will eventually be adopted by Todmorden Town Council and through them by CMBC, as representing the way forward for the town and as the main local Supplementary Planning Document (SPD) and guide. In this context, to make a pre-emptive decision on the future of a key gateway site in the town would go against the Government's clearly articulated

principle of enabling all local communities to properly help determine what kind of development should happen in their town and when and where this might take place, as evidenced by the **The Localism Bill 2010-11**, which is currently going through Parliament, to quote:

- *To provide for Neighbourhood Plans, which would be approved if they received 50% of the votes cast in a referendum*
- *To provide for neighbourhood development orders to allow communities to approve development without requiring normal planning consent*

**([www.parliament.uk](http://www.parliament.uk))**

In this context it is premature to pre-empt the thrust and objectives of The Todmorden Plan by approving such a large scale development as the Sainsbury's Foodstore, not least a scheme which the author's of the advice report admit will have 'a severe impact' on both existing and planned retail provision.

For Sainsbury's to suggest, as they have done (Todmorden News, 4/8/11), that some 80% of the people in the town are in favour of their scheme is disingenuous and predictably manipulative. Their recent leaflet asked people to respond to two blatantly leading statements: "I want a Sainsbury's in Todmorden" and, "I like the changes that Sainsbury's have made to the Plans". It is the case that those people who bother to return such forms genuinely do so if they are in favour of a scheme or proposal and those who object either do not write in using the applicants own forms but find other outlets for their views. In Todmorden this includes a 3,000 name petition and 482 individual letters of objection to Sainsbury's.

Short of a MORI-type Poll, in which a statistically and socially representative sample 1001 local residents are surveyed without the use of leading questions, this sham 'consultation process' is a hollow exercise lacking in credibility.

## **Summary**

- The Definition of the proposed Sainsbury's Foodstore site as an 'out-of-town' location is dubious when the wider context of its 'catchment area' is taken into account.

- If the proposed store is 'out of town' then this contradicts any suggestion that the users of a store in this locality would then walk all the way into town to use town centre shops and the markets.
- That this is the store Sainsbury's would preferably like to build in Hebden Bridge, but know they stand little or no chance in getting it approved in a place famous for its Middle Class NIMBYS. The applicant therefore proposes that Todmorden should play host to Hebden Bridge's Sainsbury's and all the extra traffic it would generate.
- That there would be a 'severe' economic impact on existing and approved large retail stores in Todmorden, plus a substantial and negative effect on the town's small shops – which amounts to a major threat on their economic viability and that this would not be in the best interests of the town and the retail choice it can offer.
- That no assessment has been done on the economic impact of the proposed new store on Todmorden Market – many of whose traders sell goods of the type that a Sainsbury's Foodstore would itself retail.
- That Todmorden Town Council, supported by the Leaders of CMBC, have had the foresight to commission a 'Town Plan'.
- That this Plan is based on good quality and sophisticated consultation with the local community and, when it will be delivered in a few months' time, will be a good and clear example the type of 'Neighbourhood Plan' the Government and Secretary of State wish to see all towns and settlements produce and adopt.

## **Conclusions**

That the Nicholl's Advice Report, upon which the CMBC Officer's Recommendations to the Planning Committee are based, suggesting that the local authority should 'be mindful to permit' the Sainsbury's application, is flawed as it fails to recognise a whole range of local contexts, adopts a narrow approach to the interpretation of current and emerging national planning policy guidance and puts forward a series of contradictory arguments.

## **Recommendation**

That Calderdale Planning Committee reject the application on the grounds that Todmorden is currently in the process of producing and, eventually adopting, a Town Plan for the settlement and that this document is wholly in-line with Central Government's emerging Policy of encouraging communities to generate their own 'Neighbourhood Plan', which would be used to shape and inform future development opportunities.

Furthermore, that this existing commitment to establishing Neighbourhood Planning Guidance in the form of a '**Todmorden Town (Neighbourhood) Plan**', should override national and local policies, which adopt a more limited, narrow and piecemeal approach to selected sites within a given settlement or town such as Todmorden.

That Calderdale Planning Committee invite Sainsbury's to re-submit their application for a store on the Halifax Road site, but only after The Todmorden Town Plan is in place and once they can prove their proposal is in line with the aims, spirit and ethos of the community-endorsed aspirations for an economically, socially and environmentally sustainable future this Neighbourhood Plan will be setting out.

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