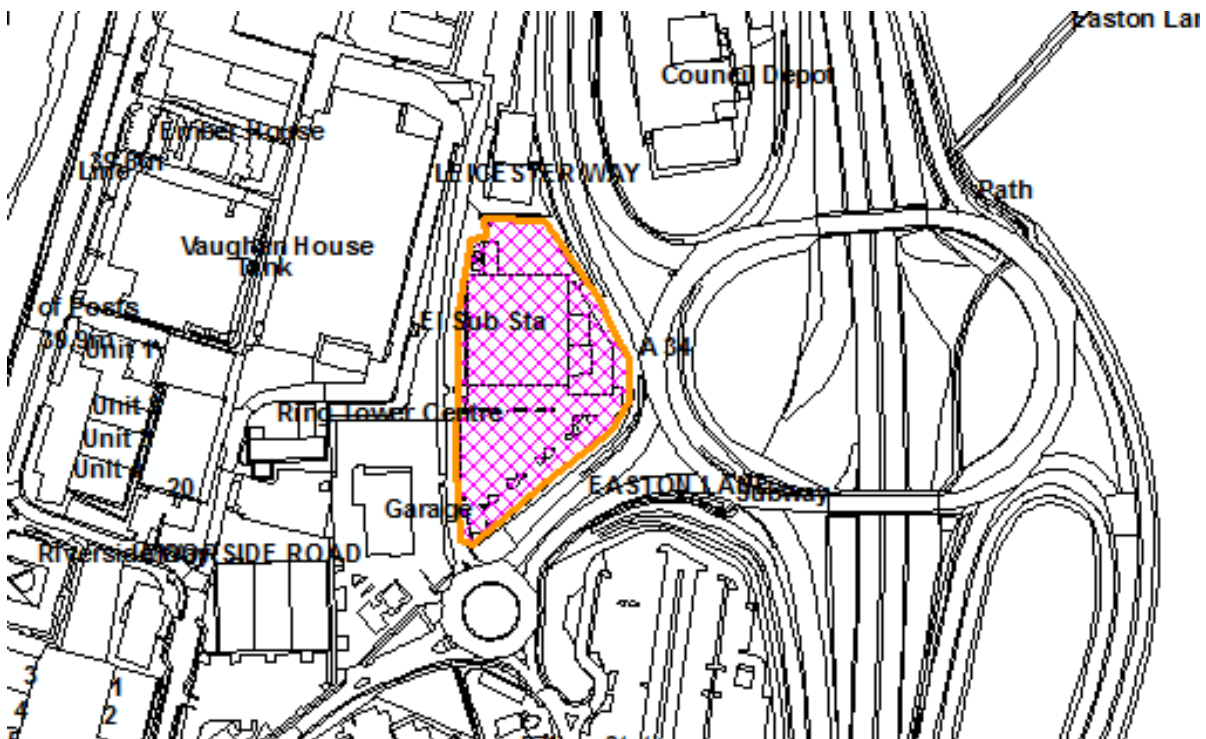


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 19/01219/FUL
Proposal Description: Application Reference Number: 14/02880/FUL - Date of Decision: 04/03/2015
Condition Number(s): 1 - GOODS CONDITION
Conditions(s) Removal: SEE COVERING LETTER DATED 3 JUNE 2019
Address: Homebase Ltd Easton Lane Winchester Hampshire SO23 7UD
Parish, or Ward if within Winchester City: St Bartholomew
Applicants Name: -
Case Officer: Mrs Megan Osborn
Date Valid: 3 June 2019
Recommendation: Application Refused

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PSJQNBPMUA00>

Pre Application Advice:



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General Comments

Application is reported to Committee as the number of objections, received.

This application is for the 'Variation of goods condition on application 14/02880/FUL to change from bulky goods to A1 retail' (19/01219/FUL).

This application is referred to as Application 1.

This is one of four applications on the same site, the others are listed below,

Application 2 - 19/01267/FUL- (external changes and internal configuration changes)
The covering of the existing garden centre and external alterations to the existing building, car park and service yard.

Application 3 - 19/01223/FUL- (reconfiguration of mezzanine) The Homebase unit already contains a mezzanine floor of 1,440 sqm (15,500 sqft). The proposal is to replace the mezzanine with a larger mezzanine. These mezzanine proposals result in an increase of 883 sqm (9,500 sqft).

Application 4 - 19/01268/FUL– (pod, A1, A3 or A5) It is for a standalone 'pod' of 167 sqm (1,800 sqft). The proposed pod is likely to accommodate either a retail operator or a coffee shop operator.

Site Description

The site is located off a roundabout from Easton Lane that serves the industrial estate of Winnall. Directly to the east of the site is a large roundabout that serves access to the M3, A272 and the A34. To the west of the site there is a car garage and the road accessing the Homebase site leads onto other industrial units to the north. Tesco Extra is located to the south of the site on the other side of the roundabout.

The site itself has parking to the east of the building with small amounts of landscaped areas. There is a service area to the west of the building. The Homebase unit is currently 4,850 sq.m. (52,186 sq.ft), including 1,440 sq.m of mezzanine floorspace. Plus, there is an external garden centre of 1,189 sq.m (12,800 sq.ft).

Proposal

The Homebase unit (originally Texas Homecare) was built pursuant to an outline permission granted in December 1993 (ref: W11725/01). The permission contained a goods condition (no. 2) which restricted the sale of goods to DIY, furniture / carpets and electricals. This goods condition was amended in 1999 (ref: 99/01798/FUL) to allow for the additional sale of leisure goods, motorcycles / bicycles and accessories and stationery items.

More recently, in March 2015, the goods condition was further amended so as to allow for the sale of non-food goods by a catalogue retailer for up to 185 sq.m of the existing sales area of the unit (ref:14/02880/FUL). Accordingly, the up-to-date goods condition is now as follows:

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“The use of the premises shall be limited to the retailing of electrical goods, including domestic appliances; goods for home improvements, maintenance, repair or decoration; DIY and builders merchant products, including ironmonger, plumbing goods or timber; furniture; furnishings; floor covering and carpets; goods for garden improvements and maintenance, including plants; leisure goods; boats, motorcycles, bicycles and accessories; or stationery items; the sale of non-food goods by a catalogue retailer for up to 185 sq.m of the existing sales area, and for no other purpose set out in Class A1 of the Schedule of the Town and Country Planning Act (Use Classes) Order 1987”.

The current application is one of four on the site, although each will be considered under their own merits.

The Homebase unit is currently 4,850 sq.m. (52,186 sq.ft), including 1,440 sq.m of mezzanine floorspace. Plus, there is an external garden centre of 1,189 sq.m (12,800 sq.ft).

This application seeks to vary the goods condition across the whole of the sub-divided unit to allow for the following:

- Sale of food and convenience goods, for up to 2,323 sq.m (25,000 sq.ft)
- Sale of all non-food goods (but excluding fashion / clothes and shoes, but allowing for the sale of sports clothing and sports shoes).

Accordingly, it is now proposed that the wording of the condition shall read as follows:

“Notwithstanding the provisions of Class A1 of the Schedule of the Town and Country Planning Act (Use Classes) Order 2005 and Town and Country Planning (General Permitted Development) Order 1995, the retail development shall not be used for the sale of more than 2,232 sq.m. of food and convenience goods and shall not be used for the sale of clothes / fashion goods and shoes (except for the sale of sports clothes and shoes which is permitted).”

Consultations

Service Lead for Environment:

Engineers: Highways:

No objection to the application, see full assessment below.

Service Lead for Built Environment:

Strategic Planning:

Objection, see principle of development below.

Service Lead for Economy

Economic Development

We have not found that the case has been proven for dividing the site into three separate units or for creating additional employment opportunities and therefore cannot support this application at this stage.

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Economic development updated their comments due to the long period of time since submission to this application being seen at committee:

The COVID-19 pandemic has created challenging trading conditions for high streets around the country with two national lockdowns and increasing competition from internet sales. This has resulted in the vacancy rate for Winchester High Street increasing from 6.9% in January to 9.1% in September 2020 and the closure of city centre retail businesses such as Laura Ashley, Whittards and Edinburgh Woollen Mill.

At this time it is even more crucial to support the vitality of Winchester High Street.

The retail study and the impact of COVID-19 on Winchester High Street have re-enforced The position of being unable to support this application.

Representations:

City of Winchester Trust: a reply was made with 'No comment'

263 representations were received, including 1 petition objecting to the application for the following reasons:

- The loss of Homebase would force people out of town to Eastleigh.
- You would lose shops from the high street.
- It is good to have DIY store out of town.
- This would kill retail in Winchester city centre.
- The retail assessment dismisses Aldi.
- The carbon footprint would increase as people would have to travel to Southampton.
- The traffic would increase if this change is made.
- More trade would be done on line
- Loss of employment

16 letters of support received.

- This will produce more jobs.
This would expand the retail mix in this area.
- Four stores will be better than one.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy
DS1, WT1, WT2, CP8

Winchester District Local Plan Part 2
WIN1, WIN2, WIN4, WIN11, DM7

National Planning Policy Guidance/Statements:

National Planning Policy Framework
National Planning Practice Guidance
National Design Guide

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Other Planning guidance

Retail need & capacity assessment August 2020

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

The application site is located approx. 250m from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

The development will not adversely affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Due to the nature of the development and the distance between the application site and the River Itchen SAC, an Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

Winchester District Local Plan Part 1

DS1 – Development Strategy and Principles

Sets out the ‘town centres first’ approach to retail and sets out a hierarchy of centres with Winchester at the top as a Sub-regional town centre.

WT1 – Development Strategy for Winchester Town

Sets out detailed strategy for Winchester Town, which supports the provision of additional retail floorspace through existing planned development at Silver Hill and future provision of 9,000 sqm to 2031 to support Winchester’s role as a sub-regional shopping centre.

Policy WTI also expands on this by promoting the town centre as the preferred location for new development that attracts high visitor numbers, including retail. It also requires proposals for 1,000 sqm or more outside the town centre to demonstrate it would not have a harmful impact on the town centre.

WT2 - Strategic Housing Allocation - North Winchester

Allocates land at Barton Farm for about 2,000 houses and supporting uses. A local

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centre is planned as part of this. A primary school, pre-school provision and employment uses are included. The policy refers to 'a range of shopping facilities to meet locally-generated needs'. An outline planning application was approved (09/02412/OUT 29.11.11) which included a retail food store to not exceed 2,000 sqm gross and up to 1,000 sqm gross of A1, A2, A3, A4, A5 uses, with individual units not to exceed 200 sqm. This was subsequently amended (13/01694/FUL 15.10.13) so the individual A1 units would not exceed 200 sqm and the A4 use(s) would not exceed 500 sqm gross. An application for reserved matters including details of the local centre was submitted 26.09.19 (19/02118/REM).

The Local Plan allocates, and outline planning permission has been granted at Barton Farm for a convenience store and this is considered to be a more appropriate location for this type of use. This is discussed further under DM7 and considerations of the sequential test & impact assessment.

Winchester District Local plan Part 2

CP8 - Economic Growth and Diversification

Although retail is one of the key economic sectors of the District, the proposal is contrary to the strategies outlined in DS1, WT1 and WT2 above and therefore it is not considered that CP8 supports this proposal.

WIN1 – Winchester Town

Winchester Town supports development that is consistent with the principles of the Vision for Winchester Town listed. This does not contain anything specific that would apply to this application.

WIN2 - Town Centre

WIN2i) supports developments within the defined town centre that 'contribute to maintaining Winchester's role within the hierarchy of retail centres and promote the town centre as the natural destination for visitors and shoppers'.

By providing 6,456.5 sqm of general A1 floorspace (in place of bulky goods retailing and garden centre) in an out-of-centre location, the proposal conflicts with Policy WIN2. The proposal will create an alternative location for general retail development that could and should be located within the town centre and will be contrary to maintaining Winchester's role in the hierarchy of retail centres and the aim of promoting the town centre as the natural destination for visitors and shoppers.

WIN4 - Silver Hill Mixed Use Site

This site is allocated for a 'comprehensive mixed-use development' of 'an appropriate mix of uses that reinforce and complement the town centre, including retail, residential, community/civic uses, and other town centre uses' (WIN4i). Paragraph 3.7.12 of the supporting text states, that it is 'expected to provide substantial improved retail floorspace which will contribute to the Town's retail needs during the Plan period'. This makes it clear that additional retail floorspace should be provided here in the first instance.

This site has been planned for redevelopment for a number of years and is clearly in a sequentially preferable location for retail development. The application should therefore demonstrate that the proposed floorspace (including any de-aggregation) could not be accommodated here.

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In June 2018 the Central Winchester Regeneration SPD was adopted by the Council. This set out a vision, objectives and planning and urban design framework for the future development of the Central Winchester Regeneration Area (considers the Silver Hill WIN4 site together with some surrounding areas). In relation to retail, the SPD states that development should achieve a quantum of floorspace, strengthen the existing retail offer, integrate with surrounding shopping areas and incorporate a mix of retail types and sizes. The plan within this document indicates a range of between 3,000 – 8,700 sqm GEA of retail. The CWR is currently out for consultation which is proposing around 3000m² of retail.

WIN11 – Winnall

The application site is within the area subject to Policy WIN11 Winnall, and specifically sub-area 11.2. In this location employment generating uses outside of the traditional B class uses may be permitted. A series of criteria i) – v) are listed in respect of this.

In relation to i), it is accepted that - as the proposal consists of an increase in floorspace and a greater number of retail units of the site - it may provide for a greater number of employment opportunities than the existing. For similar reasons, it is important that sufficient car parking is provided as per iv) of WIN11.2 In this respect, it is noted that there is an associated proposal for a retail pod on the site, which will take up some of the car parking and generate its own parking requirements. In respect of v) the policy states that where a new town centre use is proposed, evidence should be provided that the use requires an out-of-centre location and that sequential approach has been applied.

Although the site currently has 6,040 sqm of retail floorspace (including the garden centre area), this is limited to a particular range of goods, including bulky goods and DIY supplies. This limitation was specifically to provide for such goods which are difficult to locate in town centres whilst preventing competition with the town centre as a destination for general convenience, comparison and day-to-day shopping. The proposal is for general A1 use on the site as a whole, with some to be for food retail. It is not agreed that either food or general A1 retail uses require out of centre locations in principle and so the application does not satisfy this requirement of the policy. Furthermore, the loss of the specialist provision of DIY & bulky goods is likely to lead to an increase in customers needing to travel outside the Winchester City area in order to access such facilities given the lack of alternative provision.

DM7 – Town, District and Local Centres

DM7 states that town centre uses that attract large numbers of people should be located within the identified boundaries of town, district and local centres. Relevant uses are listed, including all A1 - A5 (retail) classes. DM7 also states that such proposals outside defined centres will be subject to a sequential test and should avoid harmful impacts on those centres. 6.3.10 of the accompanying text states that impact assessments will be required for retail leisure and office developments of 1,000 sqm or more in Winchester Town.

The proposed application should therefore be subject to a sequential test and an impact test. Paragraph 90 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the considerations in paragraph 89 of the NPPF it should be refused.

Sequential Test

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The applicants have submitted a sequential assessment in support of their application.

Silver Hill (Central Winchester Regeneration Area). More sequentially preferable sites are available than the site of this application. The Local Plan states in WT1 that the Silver Hill site should accommodate additional floorspace (of up to 9,000 sqm up to 2031) and that the town centre is the preferred location for new retail development. The Silver Hill site is within the town centre, is planned for and in need of regeneration and is allocated for a mix of uses including retail in the Local Plan (WIN4). This is expanded upon in the Central Winchester Regeneration SPD (2018) which seeks the development within a range of 3,000 – 8,700 sqm (GEA) retail on the site (section 3.4 of the SPD refers).

Even allowing for differences in GEA/GIA it is clear that this sequentially preferable site alone could accommodate in excess of the total floorspace proposed by the re-development.

Applicants state that it would not be possible to accommodate the proposal in the regeneration site due to design constraints, particularly the historic nature of Winchester City Centre. The Silver Hill site is allocated for development, including retail, so there is very little merit in this reason as to why the historic nature of the town centre would prevent development of retail here, including a food store. The difference between the available floorspace on that site and this application is such to make it possible to accommodate this. Splitting the development into its constituent units would make this easier to achieve physically. It is also possible to locate the foodstore elsewhere (discussed further below), leaving only the two other units of appx 3,308 and 1,412 GIA to be accommodated.

Other sites in Winchester Town Centre– even if only some of the proposed development could be accommodated on Silver Hill, the applicants should look at the contribution that other vacant sites in the town centre, such as the empty units at Travelodge and various units in the Brooks centre – including Argos - could make to the proposal.

Barton Farm Local Centre - part of this application is a foodstore of 1,737 GIA. Although Barton Farm is still being developed, policy WT2 clearly states that the development will include a local centre which will include a range of shopping. The proposed local centre has capacity for a convenience store of a similar size as the application proposal and the outline planning application for Barton Farm (09/02412/OUT) indicated a proposed retail food store not to exceed 2,000 sqm gross. This has subsequently been confirmed with the submission of reserved matters, including the local centre on 26.09.19 (19/02118REM). There is no planning restriction on the nature of the proposed food retail unit, other than the size limit.

It is accepted that the other A1 units proposed at Barton Farm are small in nature (and are limited in individual size by planning conditions) and would not be suitable to accommodate all of the general A1 elements of this proposal. However, it is considered that the Barton Farm local centre represents a sequentially preferable site for the proposed food store, given its important contribution to creating a planned new neighbourhood within Winchester.

It is clear from the above that the applicants have not considered flexibility in terms of separating the various units of the proposal, nor considered, in both the planning statement dated June 2019 and the updated planning statement dated June 2020, the
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contribution that more sequentially preferable sites could make individually to accommodate the proposal, as sought by paragraph 87 of the NPPF and paragraph 11 of the NPPG.

Paragraph 86 of the NPPF states that more sequentially preferable sites should be available or be expected to become available within a reasonable period of time.

Paragraph 11 of the NPPG states that the scale and complexity of the proposed scheme and of potentially suitable sites should be taken into account. It is noted that the proposed scale of floorspace is substantial in relation to the provision for retail made in the Local Plan, so any sequentially suitable provision may be complex.

The Council is committed to the early development of Silver Hill and Barton Farm. Silver Hill benefits from a local plan allocation and considerable work has been and is currently being undertaken on developing a scheme, including a SPD from 2018, public consultation and a market analysis currently being undertaken by consultants. Almost all of the area is within WCC ownership, so it is considered that development could commence within a reasonable period of time.

Barton Farm local centre formed part of the outline planning permission in 2011 and a reserved matters application which includes a food store was submitted 26th September 2019. This indicates a firm commitment to proceed shortly. The housing at Barton Farm is well underway and the school at the local centre has been constructed. It is therefore considered that the site for a food store of an appropriate size would be available within a reasonable period of time at the new Barton Farm local centre.

The applicants justification for this out of centre location is a result of the particular business model being promoted rather than a requirement for A1 retail use per se and is therefore not considered to fall within the remit of paragraph 12 of the NPPG.

Impact Assessment

This application also requires consideration of the impact on existing centres as specified in WT1, WIN11 and DM7. The proposal is in excess of the locally set floorspace threshold for the impact test of 1,000 sqm as supported by paragraph 89 of the NPPF (and the 'default' threshold of 2500 sqm).

Paragraph 18 of the NPPG sets out a checklist of steps for the impact test and the applicants have broadly followed the checklist.

The application has not taken account of the Aldi superstore that now exists at the Weeke Local Centre. It has also not taken appropriate consideration of the planned local centre foodstore at Barton Farm, which is a committed proposal and – although primarily to serve the new development and its surrounding area - will have some impact on the catchment of the proposed application. There are therefore implications in terms of trade draw in both directions from this proposal.

The regeneration of Central Winchester Regeneration Area (CWR) is a key part of the Winchester City Council corporate strategy and the Local Plan strategy as indicated by WIN4 Silver Hill and other sites within central Winchester. Significant public funding has been invested in the development of CWR area over a number of years, by purchasing of the majority of land, undertaking significant public consultation and the current ongoing

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market assessment being undertaken by Council consultants. The retail capacity assessment (as see below for further analysis) indicate that there is expected to be a lack of new demand for retail floorspace for some years. Development in an out- of centre location may jeopardise the development of the central area in this climate and there is a need to direct development to the town centre to enhance its attractiveness as a destination.

The strategic development at Barton Farm is proceeding. The Local Centre is a key element of this and – with the submission of reserved matters in September 2019 – can be considered a commitment. This includes specific provision of a foodstore, as well as other A1-A5 floorspace. The success of the local Centre is of paramount importance to the success of this new neighbourhood and it is considered that the proposed development at the application site may have an adverse effect on the proposed Local Centre foodstore in particular.

A Retail need and capacity assessment (RTCUS) was carried out in winter 2019/2020 and was published in August 2020. This was carried out before the Covid-19 pandemic, however the text has been updated in several places to reflect the current economic situation, although the quantitative assessment has not been revisited.

The main points of the Retail Study that relate to the application site are:

- Keep current retail hierarchy (allowing for new centres to be added such as at Barton Farm in due course)
- Retain Winchester Town Centre as focus for current and any additional future retail development
- Keep existing Town Centre Boundary as is.
- Retain Primary and Secondary Frontages, but with changes to their extents within the Primary Shopping Area. PSA to remain as is.
- Reduce threshold for impact assessment to 350 sqm (currently is 1,000 sqm in Winchester). The current threshold does not adequately cover incremental developments or variations in ranges of goods sold, particularly in retail parks, such as the application site. Their recommendation at 9.25 states:

'The proposed threshold would capture proposals that seek to incrementally expand out of centre retail offer. This would also include applications that seek to vary conditions that restrict the sale of goods (e.g. bulky goods) on say retail parks, to allow a broader range of goods for sale, which could impact on existing centres.'

The RTCUS supports current Local Plan policies in protecting the vitality and viability of Winchester Town Centre. The Study supports the view that allowing unrestricted retailing in out of centre locations such as the application site, would divert trade from the town centre.

Furthermore, the capacity assessment does not identify any pressing need for the provision of additional retail floorspace (for foodstore or general retailing) that would require additional sites, particularly in the short-term.

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The current economic situation will only emphasise the importance of supporting the role and function of Winchester Town Centre and directing any future retail development to that location in the first instance.

The proposed development is therefore likely to have a significant adverse impact on existing, committed and planned investment contrary to NPPF (paragraph 89a).

Design/layout

This application doesn't involve any change to the external appearance of the building.

Impact on character of area and neighbouring property

This development would impact the character of the surrounding area of as it is a physical use of the building and will not impact on the external appearance of the building. There are not immediate neighbours that this use would have a negative impact on.

Highways/Parking

No highway objection to this proposal. Hampshire County Council were consulted on this application and they grouped all four applications for the Homebase site together providing one response for them all. The applicant was asked to provide more robust and specific figures for the trips generated for each individual proposed uses on this site and it was concluded that this would not result in additional harm to the surrounding highway network. The amount of parking on the site is sufficient for any additional customers the additional units may attract.

The development is in accordance with the NPPF Section 9, policy CP10 of the local Plan Part 1 and DM18 of the local Plan Part 2.

Conclusion

The proposed development is considered to be unacceptable for the following reasons:

Contrary to local plan strategy for the Winnall area (WIN 11)

Could cause harm on the local plan strategies and specific allocations (WT1, WT2, WIN4) and is contrary to NPPF (Paragraph 89)

Contrary to the sequential approach to retail provision and the promotion of Winchester Town Centre as the preferred retail location (WT1, WIN2, DM7)

Fails the sequential and impact tests contrary to WT1, DM7 and NPPF paragraphs 89 & 90.

It is contrary to the outcome of the Retail Assessment.

Other Matters

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the

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considerations do not outweigh any matters in the exercise of our duty as statutory planning authority for the council.

Recommendation

Application Refused for the following reasons:

01 The proposal is contrary to policies DS1 and WT1, WT2 of the LPP1 and policies WIN1, WIN2, WIN4, WIN11 and DM7 of the LPP2 and paragraphs 89 and 90 of the NPPF in that the proposed development is for a town centre use which would expand retail uses into a location which is not defined or proposed and it fails to follow the sequential approach required by these policies, there being other sequentially preferable sites available, it does not demonstrate a flexible approach by the applicant towards alternative sites and would impact on public or private investment in the town centre or local centres.

Informatives:

In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was updated of any issues after the initial site visit and a meeting was held and the applicant has been updated on the progress of the application throughout the process.

02. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 - Joint Core Strategy: DS1, WT1, WT2, CP8, CP10

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations:
WIN1, WIN2, WIN4, WIN11, DM7, DM18