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Dear Beth

Planning Application Reference 103414/FUL/21

Extension and sub-division of existing Homebase store (Unit 1) to create two new retail units (Use Class E(a))

Altrincham Retail Park, George Richards Way, Altrincham, WA14 5GR

Introduction

We write in relation to the above planning application and further to an instruction from Trafford Council (hereafter referred to as 'the Council') to appraise the proposal against relevant retail and town centre planning policy considerations.

The application has been submitted by Orchard Street Investment Management and Lidl UK, and seeks to extend and sub-divide existing retail accommodation at Unit 1, Altrincham Retail Park. The application would allow for Homebase to continue to trade from the site (from a smaller unit) and provide for a new foodstore which would be operated by Lidl. The application is supported by a number of documents, including a Planning and Retail Statement (prepared by Montagu Evans¹ and dated February 2021).

The planning application provides for the same form of built development as a previous planning application at the site (reference 98127/FUL/19), which was refused planning permission on 16 July 2020. The decision notice for the previous application provided two reasons for refusal.

¹ As joint agent for the application (with Rapleys).

The first reason for refusal relates to the sequential approach to development, and states:

‘There is a sequentially preferable site which is available within a reasonable period and also potentially suitable to accommodate the proposed foodstore development. When demonstrating flexibility on issues such as format and scale, it has not been adequately demonstrated by the applicant that this alternative site is not suitable. As such, it is considered that the application proposal fails to satisfy the sequential test at paragraph 86 of the NPPF and thus a reason to refuse the application.’

The second reason for refusal relates to the egress arrangements from the site.

This appraisal letter first briefly confirms the nature of the proposed development, before then summarising our advice to date in advising on the original application proposal. We then identify retail and town centre planning policy of relevance to the determination of the current application, before then providing our view on the current proposal’s compliance with policy.

Proposed Development

The application site comprises approximately 1.8 hectares of previously developed land and is bounded by: Huxley Street and residential properties to the north; Manchester Road to the east; George Richards Way to the south; and, car parking at Altrincham Retail Park to the west. The site is situated just over a kilometre to the north of Altrincham town centre². As such, it clearly comprises an ‘out of centre’ location for the application of retail and main town centre planning policy.

The application site currently accommodates the existing Homebase store, its associated garden centre and car parking. The applicant identifies, at paragraph 1.2 of the Planning and Retail Statement, that:

‘The development proposals comprise the extension and sub-division of the existing Homebase retail unit, to create two retail units. Unit 1 will comprise a retail warehouse unit and associated garden centre for continued occupation by Homebase, and Unit 1A will comprise a discount convenience foodstore to be occupied by Lidl. This element of the scheme is identical to planning application 98127/FUL/19.’

The floorspace proposed by the application is summarised by Table 1 of the submitted Planning and Retail Statement. In order to confirm our understanding of the application, we replicate Montagu Evans’ Table 1 below.

Table 1: Proposed Retail Accommodation as Identified by Table 1 of Montagu Evans’ Planning and Retail Statement

Area	Existing Homebase (sq.m)	Proposed Homebase (sq.m)	Lidl (sq.m)	Total Proposed (sq.m)	Difference (sq.m)
Ground Floor	3,664	2,833	1,858	4,691	+1,027
First Floor	1,352	779	0	779	-573
Total GIA	5,016	3,612	1,858	5,470	+454
Garden Centre	1,295	1,231	0	1,231	-64
Total	6,311	4,843	1,858	6,701	+390

The new Homebase unit would have a total gross floorspace of 3,612 sq.m, with a further 1,231 sq.m comprising an outdoor garden centre. We are unaware of any clarification in respect of the net sales area associated with the new DIY store. However, it is accepted that the new DIY store would be unlikely to have a greater sales area than existing.

Paragraph 3.5 of the submitted Planning and Retail Statement confirms that the proposed Homebase operation will be consistent with the existing, focusing on a product range that will include **‘...paint and decorating equipment,**

² As defined with reference to the main shopping frontages and mixed use frontages defined by Plan 6 of the Altrincham Town Centre Neighbourhood Business Plan (which was ‘made’ in November 2017).

kitchens and bathrooms, garden and outdoor products, lighting and electrical, furniture and home storage, and other products associated with the DIY retail market.'

Paragraph 3.7 of the Planning and Retail Statement indicates that the proposed Lidl foodstore would have a net sales area of 1,272 sq.m, of which 80% (or 1,018 sq.m) would be dedicated to the sale of convenience goods and 20% (or 254 sq.m) would be dedicated to the sale of comparison goods.

Our Previous Advice in Respect of Planning Application Reference 98127/FUL/19

We provided the Council with three separate advice notes to assist with its determination of the original planning application. These comprise: our Appraisal of Retail and Town Centre Issues report of September 2019; our Appraisal of Retail and Town Centre Issues – Supplementary Report of May 2020; and, a further advice letter³ dated 3 July 2020.

We briefly summarise our advice to date below.

Appraisal of Retail and Town Centre Issues Report of September 2019

In respect of the sequential approach to development, our September 2019 Appraisal report found that the principal purpose of the application proposal was to provide for the introduction of a foodstore use at the application site. Whilst our advice noted that there was no default requirement to 'disaggregate' elements of an application proposal on every occasion in order to satisfy the impact test, we concluded that the circumstances merited such an approach with this particular proposal.

Our September 2019 Appraisal noted that Rapleys⁴ also considered sequential alternative sites on this basis and found it to be representative of a '**robust**' approach (paragraph 6.15 of its Planning and Retail Statement).

On this basis, we concluded that the Altair site in Altrincham town centre was both available and suitable to accommodate the proposed foodstore use (allowing for appropriate flexibility in respect of format and scale), and that the proposal fails to accord with the requirements of the NPPF sequential test on this basis.

In respect of the impact, we found that the Planning and Retail Statement provided a flawed assessment, such that we were unable to form a view in respect of the application proposal's compliance with both strands of the NPPF retail impact test.

Appraisal of Retail and Town Centre Issues – Supplementary Report of May 2020

Subsequent to the issue of the above report, Rapleys submitted additional evidence in the form of a supplementary Retail Impact Assessment response letter of 24 December 2019 and a supplementary Sequential Assessment of 15 January 2020. In addition, Lidl wrote to the Council on 1 May 2020 to clarify its intention to trade from two stores in Altrincham (the application site and at the proposed Altair development).

In terms of the sequential test, the additional information considered the matters of disaggregation, and the availability and suitability of the Altair site.

In reviewing the issue of whether the disaggregation of application proposals may be appropriate in some circumstances, we noted the principles established by the courts in relation to a retail-led mixed-use planning application⁵ at an edge of centre site in Peterlee, Country Durham.

In the case at Peterlee, the grant of planning permission for the proposed development was the subject of a

³ From Richard Shepherd of Nexus Planning to Bethany Brown of Trafford Council.

⁴ As agent for the initial application.

⁵ Local planning authority reference DM/18/03002/FPA.

legal challenge by the owner of the adjacent town centre shopping mall, with one of the grounds being that the determining authority did not give proper consideration to the prospect of disaggregation of component uses in applying the sequential test.

In the High Court Judgment⁶ which considered the claimant's application for permission to proceed with its judicial review claim, HHJ Klein effectively finds at paragraph 23 that whether or not disaggregation has a role in the application of the sequential test at Peterlee is a matter of planning judgment.

The position was subsequently tested in the Court of Appeal⁷, with Lewison LJ's Order identifying that the Officer's report for the Peterlee application:

'...set out two propositions (a) that there was no general requirement for disaggregation and (b) there was no persuasive argument for disaggregating the particular scheme. The first proposition was a correct summary of the policy. The second was an exercise of planning judgment.'

Lewison LJ finds this to be an appropriate procedural approach. We confirmed that our advice to the Council was consistent with this approach (i.e. disaggregation is a matter of planning judgement).

We also responded to additional information provided by Rapleys in respect of the availability of the Altair site and its suitability to accommodate the subject application proposal (allowing for some flexibility in respect of format and scale).

In terms of availability, we dismissed Rapleys' assertion that Altair is not available as terms have been agreed between Lidl and Nikal (as developer of the Altair scheme). In our view, such an agreement confirms that the site *is* available.

Notwithstanding this, Rapleys' January 2020 Sequential Assessment also sought to argue that the Altair site is *not available within a reasonable time frame*. In this regard, Rapleys noted that the Altair site needs to be the subject of a planning application, that a contractor would then need to be appointed, and that the scheme needs to be built out. It is suggested that this would take a minimum of three (and possibly four) years.

We confirmed that these are standard steps in bringing forward a town centre site, and that the timescale identified by Rapleys is indicative of the site being available within a reasonable period.

In terms of suitability, we noted that the Altair foodstore would take the form of a 'metropolitan' format discount foodstore with car parking below the store. From the evidence provided, we confirmed that the proposed format simply reflects the fact that operators are able to be flexible in respect of their trading model in order to make their stores fit onto a centrally located site. On this basis, we concluded that Altair was suitable to accommodate a broadly similar foodstore proposal (when applying the flexibility required by paragraph 87 of the NPPF).

Given the above, our May 2020 report maintained our position that the application proposal fails to accord with the requirements of the NPPF sequential test.

In terms of the first strand of the impact test (relating to the impact of a proposal on public and private investment within a centre), the additional submission confirmed that Lidl is contractually committed to the Altair development. As such, we found that there was no evidence to suggest that the grant of planning permission for the Broadheath planning application would prejudice the delivery of the Altair scheme. We were unaware of any other development in Altrincham or any other centre which would be the subject of a significant adverse impact as a consequence of the Broadheath being implemented.

In respect of the second strand of the impact test (relating to town centre vitality and viability), we reviewed

⁶ *Salford Estates v Durham County Council & Anor* [2019], Claim No: CO/1664/2019.

⁷ *Salford Estates v Durham County Council & Anor* [2019], Claim No: C1/2019/1847.

the retail impact assessment provided within Rapleys' letter of 24 December 2019 and the appended tables. We also undertook a 'sensitivity test' to consider the potential level of trade diversion from stores within and around Altrincham town centre.

Our assessment found that:

- the largest trade diversion from stores within and around Altrincham town centre would occur at the Sainsbury's and Tesco superstores, but that each would continue to trade successfully subsequent to the implementation of the Broadheath proposal;
- other stores within Altrincham town centre (including Iceland) would be the subject of more limited impacts which should not affect their viability (and we were not aware of any representations which suggested that such provision could close); and
- whilst Altrincham town centre's vitality and viability is more precarious than was the case before the Covid-19 pandemic, the application proposal would not materially impact on the trading position of its grocery operators.

As a consequence of the above, we found that the proposal complies with the requirements of the NPPF impact test.

Advice Letter Dated 3 July 2020

Our letter to the Council of 3 July 2020 responded to an Advice note, provided by David Manley QC and dated 19 May 2020, which was submitted by the applicant in order to substantiate the applicant's approach to the sequential test.

Our letter confirmed that the Advice note did not introduce any new information which we were unaware of when drafting our previous reports.

As such, our 3 July letter concluded:

'We have reviewed the Advice note in detail and have provided additional justification in this letter to substantiate how we formed our view that Altair is both suitable and available (within a reasonable period of time) to accommodate a broadly similar foodstore proposal. In order to form part of the Altair development, the foodstore proposal would take the form of a 'metropolitan model' discounter. As the name suggests, this is a discount foodstore model adapted to fit on a central site which will likely have constraints in respect of land take.'

Given the above, we remain of the view that the planning application fails to accord with the requirements of paragraphs 89 and 90 of the NPPF. In doing so, it also contravenes the provisions of UDP Policy S11 and Core Strategy Policy W2.12 insofar as they relate to the sequential test.'

In the above context, we reconfirm our understanding of relevant retail and town centre planning policy consideration before setting out our view in respect of the current application submission.

Relevant Planning Policy

National Planning Policy Framework

The most recent National Planning Policy Framework ('the NPPF') was published in February 2019. It emphasises the Government's commitment to securing economic growth and building a strong, responsive and competitive economy. With regard to the assessment of proposals for main town centre development, the revised NPPF provides two principal national policy tests relating to the sequential approach to development and to impact.

In respect of the first of the two tests, paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in accordance with an up-to-date plan.

Paragraph 86 goes on to state that:

‘Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.’

Paragraph 87 then identifies that:

‘When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.’

Paragraph 89 of the NPPF sets out a twin impact test, stating that:

‘When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq.m of gross floorspace). This should include assessment of:

- a) **the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and**
- b) **the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).’**

Paragraph 90 indicates 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 above factors, it should be refused. However, this direction cannot extinguish the requirement set out in statute to first consider development plan policy and then all material considerations in assessing the ‘planning balance’ when making a decision.

Development Plan Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that:

‘...if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.’

The statutory development plan for Trafford comprises the ‘saved’ policies of the Revised Trafford UDP (adopted June 2006), read together with the Trafford Core Strategy (adopted January 2012). The Altrincham Town Centre Neighbourhood Business Plan (which was ‘made’ in November 2017) also forms part of the development plan and is of some relevance in this instance.

We outline key retail and town centre planning policies below.

UDP Policy S11 relates to development outside established centres and remains saved⁸ in the absence of an adopted Trafford Local Allocations Development Plan Document. Policy S11 indicates that proposals for retail development not on land within town and district centres, will not be permitted unless all of the following criteria apply:

- there is a demonstrable need for further retail development locally that cannot be met by existing provision in the Borough;
- it can be demonstrated that a sequential approach to site selection has been adopted, giving first preference to sites within town and district centres, followed by edge of centre sites at town and district centres, sites within local and neighbourhood centres, and only then by out of centre sites;

⁸ As confirmed by Appendix 5 of the adopted Trafford Local Plan Core Strategy.

- the scheme would be highly accessible by a choice of means of transport allowing for the minimisation of car use;
- the development would not lead to the sporadic siting of comparison goods shopping units along a road corridor;
- there is no realistic chance of the site being developed for any other use for which it may be allocated specifically in this Plan; and
- the development meets the requirements of other proposals in the Plan, notably Proposals D1 and D2.

Policy S11 then goes on to indicate that, in all cases, it will be necessary to demonstrate by means of an impact study, that development would not have a serious adverse effect on the vitality and viability of any town or district centre within or outside Trafford.

In considering Policy S11, it is important to note that Proposals D1 and D2 have not been saved. As such, there is only a need to apply the requirements of the first five bullet points set out above (along with the need for an impact assessment) to the application.

The principal Core Strategy policy of relevance to the application proposal is **Core Strategy Policy W2**, which relates generally to town centre and retail matters.

Policy W2 identifies that Altrincham, as the main town centre in the Borough, will be the focus for high quality comparison retail supported by a range of retail, service, leisure, tourism, office and other town centre-type uses, including residential. The policy sets out a range of developments that could be located within Altrincham town centre (some of which have now been secured).

Policy W2.3 identifies that:

‘The main development opportunity within Altrincham Town Centre is Altair which is a high quality, high density multi-storey mixed-use development on a 3 hectare brownfield site immediately to the east of the Altrincham transport interchange. The mixed-use development is expected to deliver:

- **Retail, café, bar and restaurant accommodation (15,000 sq.m);**
- **Commercial office accommodation (8,500 sq.m);**
- **Hotel accommodation (7,700 sq.m);**
- **Ice Rink and other leisure development (11,600 sq.m);**
- **Residential apartment accommodation (150 units) comprising a mix of sizes and tenures;**
- **Hospital and healthcare facility;**
- **New areas of public realm; and**
- **Improvements to pedestrian linkages to the rest of the town centre, in particular a new pedestrian bridge link between the development and the Interchange.’**

Policy W2.12 goes on to identify that, outside of the centres, there will be a presumption against the development of retail, leisure and other town centre-type uses, except where it can be demonstrated that they satisfy the tests outlined in current Government Guidance.

Policy W2.14 states that:

‘Proposals to expand any of the three existing retail warehouse parks (White City, Trafford and Altrincham) should be justified against the tests set out in national guidance. Further development within the retail warehouse parks should be limited to the sale of bulky comparison goods only.’ (Our emphasis.)

In addition to the above, the Altrincham Town Centre Neighbourhood Business Plan reaffirms the Council’s ‘town centre first’ approach to development and allocates six sites as having potential for redevelopment, including **Allocations D, E and F**, which are considered suitable to accommodate a range of main town centre uses⁹ (Allocation D has since been built out). In addition, the Neighbourhood Business Plan recognises the Altair

⁹ Allocations A, B and C are identified as being principally residential opportunities.

development site, which benefits from planning permission for residential, offices, car parking and leisure uses, including leisure-based retail.

Whilst none of the allocations seeks to accommodate substantial convenience goods retailing, supporting text at paragraph 4.2.7 identifies that:

‘The Plan also recognises the importance of the town centre attracting one or more small or medium size convenience stores in response to the growing desire to shift from the one-stop out-of-centre facilities to convenience at the local level, with positive effects on the role of the high street.’

The Current Planning Application and the Sequential Approach to Development

The key matters of relevance to the sequential test and the proposal remain: disaggregation, availability and suitability.

Disaggregation

We note paragraph 6.12 of the February 2021 Planning and Retail Statement indicates that the consideration of sequential alternative sites on the basis of whether they can support the discount foodstore use only is indicative of a ‘robust’ approach. Notwithstanding this, paragraph 6.19 of the same Statement seek to make a case that disaggregation should not be required in this instance. In Montagu Evans’ view, this is because the proposal would allow Homebase to downsize its existing operation and help protect the 50 jobs supported by Homebase.

We do not believe that any persuasive new additional information has been presented in this regard and we therefore revert to the advice we provided at page 2 of our advice letter of 3 July 2020.

The letter stated:

‘As we set out in some detail at paragraphs 2.2 to 2.15 of our May 2020 Supplementary Report, we have examined the facts as they apply to this application and believe that the appropriate approach is to consider alternative sites on the basis of whether they are able to accommodate the foodstore element of the proposal (allowing for appropriate flexibility in respect of format and scale). Whilst we again recognise that Homebase is clearly happy to trade from a smaller store, it is not clear why this could not still be achieved (through other means) if the foodstore component of the proposal is provided more centrally. The principal purpose of the application is to introduce a new operation (i.e. retail foodstore use) to the site.’

The fact that Homebase is willing to downsize is self-evident through the application proposal, and no persuasive evidence has been submitted to substantiate the position that the proposed development is the only means of securing this objective. Indeed, even if it were necessary to provide additional commercial floorspace at the site, we are uncertain why such additional floorspace could not take a different form (e.g. bulky comparison goods retail, which may be less likely to be accommodated within Altrincham town centre).

Accordingly, we remain of the view that the sequential test should be approached on the basis that the proposed foodstore should be disaggregated from the DIY store use.

Suitability of Altair

Paragraph 6.24 and Table 2 of the February 2021 Planning and Retail Statement seek to suggest that the ‘metropolitan’ format which would be supported at Altair provides for an operation which is sufficiently different to that which would be delivered at Broadheath, such that it comprises a different type of operation.

In this regard, we note that Table 2 indicates that the Broadheath proposal would provide: a net sales area above 1,300 sq.m; surface level car parking; single storey development, car borne customers; trolley-based shopping; and main store access from the car park.

In addition, paragraph 6.26 of the Planning and Retail Statement suggests that the sales area of the Altair scheme would be 15% smaller than the Broadheath store.

We have considered all of the above matters and recognise that bringing forward a foodstore within a town centre environment means that certain constraints may need to be overcome. In our view, the format proposed at Altair reflects the ability of retailers to revise their model to trade from more central locations. Car parking may need to be provided on a different level; the floorspace may need to be reduced slightly; and the nature of travel and ability to link trips to other destinations may mean that a higher percentage of shoppers undertake a basket shop.

In our view, such variations in format are entirely consistent with the requirements of paragraph 87 of the NPPF, which states:

‘Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.’

Not only has such an opportunity been explored at Altair, we find that it is able to support a broadly similar use in practice. In our view, Altair remains a suitable site to accommodate the proposed foodstore operation.

Availability of Altair

In terms of availability, the February 2021 Planning and Retail Statement maintains the applicant’s position that the delivery of a foodstore at the Altair site would take around three to four years in practice, given the need to:

- prepare a planning application;
- submit and determine the planning application;
- discharge pre-commencement planning conditions;
- secure contractors to deliver the scheme; and
- construct the scheme.

We remain of the view that these are all standard steps in bringing forward development, and that the timescale suggested by the applicant is reasonable in respect of the requirements of NPPF paragraph 86.

In this regard, we note that Montagu Evans seeks to refer to the ‘Tollgate’ Secretary of State decision¹⁰ to help consider the appropriate timeframe for determining whether a sequential site is available. However, the Tollgate decision pre-dates the current iteration of the NPPF sequential test, and therefore it is not appropriate to rely upon it in determining what the reasonable period may be in adjudicating on a site’s availability.

We note that paragraph 6.35 of the Planning and Retail Statement indicates that the applicant would be prepared to accept a condition which requires the discount foodstore to be open and trading within 12 months of the grant of planning permission. However, whilst we recognise that the Broadheath proposal could open in advance of the completion of the Altair scheme, we remain of the view that three to four years is a reasonable period to wait for an alternative site to come forward in this instance.

Conclusion in Respect of the Sequential Test

Given all of the above, we remain of the view that Altair is a sequential alternative site which is both suitable and available to accommodate the proposed foodstore. Whilst we are unaware of any other site offering genuine potential to support the proposal, the planning application fails to accord with the NPPF sequential test on this basis. As a consequence, it also fails to accord with UDP Policy S11 and Core Strategy Policy W2.12, insofar as they relate to the sequential approach to development.

¹⁰ PINS reference APP/A1530/W/16/3147039.

The Current Planning Application and the Impact Test

We comprehensively reviewed the likely impacts arising from the proposal in May 2020, in advance of the Council determining the original application in July 2020.

We note that the applicant has not revisited the impact test and instead relies on the position previously reached by the Council in determining the previous application.

In this regard, whilst Covid-19-related restrictions continue to impact on the health of town centres, we are confident that the impacts arising from the proposal would be limited and would not prejudice the trading position of any grocery store within or around Altrincham town centre.

We note that paragraph 017 of the Town Centre and Retail Planning Practice Guidance identifies that:

‘The impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.’

In this context, we believe that the applicant’s approach is acceptable in this instance given the relatively low impacts associated with the proposal. We remain of the view that the proposal accords with the requirements of the impact test as set out at paragraphs 89 and 90 of the NPPF, and at UDP Policy S11 and Core Strategy W2.12.

Conclusion

Given the above, we find that the planning application fails to accord with the requirements of paragraphs 86 and 87 of the NPPF. In doing so, it also contravenes the provisions of UDP policy S11 and Core Strategy Policy W2.12, insofar as they relate to the sequential test.

We also note that UDP Policy S11 requires there to be a demonstrable need for further retail development locally, which the applicant has chosen not to address. The Trafford Retail and Leisure Study of 2019 identified some limited surplus expenditure to support additional convenience goods floorspace, but found (at paragraph 8.49) that the most obvious existing deficiencies in provision were in the Carrington/Partington and Sale Moor areas. In this context, we do not believe that the applicant has demonstrated compliance with UDP Policy S11.

The proposal also fails to comply with Core Strategy Policy W2.14, which requires further development within the retail warehouse parks should be limited to the sale of bulky comparison goods only.

The exact weight to be attributed to both development plan and national planning policy is outside our instruction and will be a matter for the Council to determine. However, we accept that there is no longer a national retail ‘need’ test and that Core Strategy Policy W2.14 provides a requirement beyond that which is set out in national planning policy. This may affect the weight the Council attributes to such policy.

A proposal’s failure to comply with retail and town centre planning policy does not result in a mandatory requirement for the determining authority to refuse planning permission (given the need for decision-making to be led by the development plan and to account for all other material considerations). However, we believe that, in this instance, there remains a clear failure to comply with the sequential test which should be accorded appropriate weight in determining the application.

We trust that this advice is helpful in your consideration of the application.

Should any part of this letter require clarification, please do not hesitate to contact us.

Yours sincerely



Richard Shepherd

Director