



Planning and Retail Assessment

On behalf of:
High Peak Developments

In respect of:
Hogs Yard site, Buxton Road,
Whaley Bridge

Date:
November 2016

Reference:
MA/HPD/002-1/R001

1.0 Introduction

- 1.1 This Planning and Retail Assessment is submitted in support of a planning application by High Peak Developments for the erection of a retail unit (2230m²) and associated garden centre, as well as areas laid out for parking, servicing and landscaping.
- 1.2 The application has been submitted following agreement being reached with the ingoing tenant (B & M Stores) and the store reflects their operational requirements. The store will be constructed upon the release of the consent to meet this immediate occupier requirement.
- 1.3 Whilst B & M Stores is principally a non-food retailer, they do stock ancillary ranges of food goods to meet their business model and the expectations of their customers. We note that the Council has felt it necessary on the previous consent to impose a condition to restrict the use of those units by food retailers and to provide reassurance to the Council in these matters we volunteer a condition which will control the nature of the use and ensure that the sale of food goods remains ancillary to the key purpose which is non-food retailing.
- 1.4 Whilst the NPPF encourages that new demand should ideally be met in town centres, it does not place an embargo on out of centre retail development where there is a latent future demand, where no suitable and more central sites are available and where it can be demonstrated there is no significant adverse impact to existing centres.
- 1.5 The assessment demonstrates that that the development sought would not result in an impact on the vitality and viability of defined centres which would be material, and certainly would not approach the threshold of significant adverse. It also demonstrates that there are no more centrally located sites to accommodate the requirement.

2.0 Background

Site Location and Use

- 2.1 The application site comprises the land adjacent to the River Goyt and the existing Tesco Store off Buxton Road, Whaley Bridge. It sits within the defined built up area of Whaley Bridge to the west of the River Goyt (with Bingswood Industrial Estate beyond). Access to the site is provided by the existing access from Buxton Road (to the east) which is shared with Tesco on the adjacent site.

Existing Uses and Allocations

- 2.2 The site itself is vacant and includes access works from a previous consent (2013/0300). The application site was previously allocated under TC14 in the 2005 Local Plan, but now falls part of a wider allocation policy in the recently adopted 2016 Local Plan. The relevant policy is DS11 and supports a broad range of uses under a criteria-driven framework. Policy DS11 creates no impediment to retail uses on the site subject to cross-reference and justification in respect to specific retail policies in the 2016 Local Plan.

Planning History

- 2.3 There has been a complex planning history for both the subject site and on adjacent plots, and we focus solely upon the key issues arising in relation to this development. The initial approval for a mixed retail and business park was secured in 1992 in outline (HPK/0003/0777) and since that point there have been numerous applications both in terms of the form of the units and the component uses which could be supported.
- 2.4 Consent for the adjacent Tesco store was originally secured in 2001 (HPK/0003/9795). Consent for this part of the Hogs Yard site stems from 2005 outline consent (2004/0590) followed by reserved matters in 2008 with the approval period extended in 2010.
- 2.5 More latterly, outline consent for three comparison retail units was secured in 2013 through 2013/0300 (all matters approved excluding landscaping). Since that point, the reserved matter has been approved, conditions discharged (HPK/2016/0418) and the approval has been implemented.
- 2.6 We also note that the 2011 approval for a rear extension to the Tesco store (2010/0603) has since lapsed without being implemented.

3.0 Proposed Development

- 3.1 The proposed development seeks approval for the construction of a retail unit for B & M Stores. This is a single storey retail unit (2230m²) with an associated garden centre as well as areas for parking and servicing.
- 3.2 The application also seeks consent for associated works which will include landscaping, boundary treatments and minor works such as trolley bays.
- 3.3 The application seeks no increase in retail floorspace than has been previously approved and thus found acceptable in planning terms. This is of course a highly material consideration in terms of matters pertaining to retail policy and transportation effects. As such, it must follow that the presumption will be that the proposed development will also be acceptable in those planning terms.

4.0 Planning Policy

- 4.1 As per Section 38 of the Town and Country Planning Act, development control decisions must be taken in accordance with the adopted Development Plan unless material considerations indicate otherwise. For the purposes of this application the Development Plan comprises of the saved policies of the 2016 High Peak Local Plan.

Development Plan Policy

- 4.2 The Development Plan is comprised of those policies of the Local Plan. The RSS has been formally revoked. The following Local Plan policies are considered relevant to the determination of the planning application:
- CF1- Retail and Town Centres
 - DS11- Bingswood, Whaley Bridge

National Planning Policy Framework (2012)

- 4.3 The NPPF sets out the government's guidance in terms of the much-heralded presumption in favour of sustainable development. At para 14 it sets out that proposed development in accord with an up-to-date development plan should be approved without delay. Specific advice in terms of proposals for retail and leisure development is provided through paragraphs 24-27, and this is largely consistent with the principles which underpinned PPS4.

- 4.4 At paragraph 24 of the NPPF, which is concerned with the sequential approach to development management (i.e. planning applications) it states:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

- 4.5 At paragraph 26 of the NPPF, concerned with the assessment of retail impact, it states:
- "When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local 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). This should include assessment of:*

- *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*

- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made. For major schemes where the full impact will not be realised in 5 years, the impact should also be assessed up to 10 years from the time the application is made.*

4.6 Paragraph 27 of the NPPF provides a summary analysis in terms of the decision that would ordinarily be reached, save for the weight to be applied to other material considerations as is required by s38(6) of the Act. Paragraph 27 states:

"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused."

4.7 In terms of retail impact matters, the NPPF confirms that proposals for retail development located outside centres should be supported unless there is clear evidence of significant adverse impact (presuming that the development would be acceptable in other regards).

4.8 The NPPF also sets out the core planning principles that underpin plan-making and decisions (paragraph 17). These core planning principles state that planning should help to promote mixed-use developments and proactively drive and support sustainable economic development. Paragraph 19 of the NPPF states that *'significant weight should be placed on the need to support economic growth through the planning system'*.

Other Material Considerations

Planning Precedents

4.9 The NPPF provides national level planning guidance, but the interpretation of specific advice and/or the weight to be attached to it should consider the influences of material planning judgments at local and national level, including legal challenges as appropriate. In terms of the genuine requirements of the sequential approach, this has been clarified through recent judgments and recent Appeal decisions relating to the creation of new non-food retail units at an out-of-centre site in Barnsley and thereafter a SoS decision in relation to an out-of-centre scheme in Northamptonshire (Rushden Lakes).

Dundee Case as amended by Zurich

4.10 The Dundee case was concerned with two competing proposals to meet an identified need for new foodstore provision, and largely focused upon the proper interpretation of policy and guidance in relation to the sequential approach to site selection. The Council had given significant weight to the need to give detailed consideration of opportunities for the disaggregation of floorspace that could therefore be readily met in more central locations.

- 4.11 Para 38 of the Dundee decision states *'the whole exercise [Sequential Assessment] is directed to what the developer is proposing, not some other proposals which the planning authority might seek to substitute for it which for something less than that sought by the developer'*.
- 4.12 The need for flexibility requires the developer to give consideration of the scope for accommodating the development in a different form, and to have assessed sequentially preferable locations on that basis. This approach was followed in *R (Zurich Assurance Ltd) v North Lincolnshire Council [2012 EWHC 3708 (Admin)]*, the Court finding that it was sufficient for a developer to have assessed the possibility of relocating an out of town proposal to one or two smaller town centre sites and to conclude that the alternatives were neither suitable for its business model or commercially viable. The imposition of a highly artificial disaggregation, certainly in this instance, would fail to meet the applicant's business model or deliver against the objectives of the emerging policy.

The Barnsley appeal

- 4.13 This decision (November 2013) was concerned with proposals for six new build retail units in an out-of-centre location. Whilst much of the debate focused upon the proper interpretation of its catchment, the other key matter was the Council's contention that the proposal should be disaggregated and could therefore be more easily located upon a more central site.
- 4.14 The following provides a very useful summary of the position which has been reached in respect of Dundee as amended by Zurich. Paragraph 13 of the Inspector's decision states:
"The scope of the sequential test has been clarified by the Courts since PTC was published in 2009. In Tesco Stores Ltd v Dundee City Council [2012 UKSC 13] it was held that "suitable" meant suitable for the development proposed by the applicant rather than (as stated in PTC) suitable to accommodate the need or demand which the proposal is intended to meet. The Council claims that the recently published draft National Planning Practice Guidance (NPPG), which represents the most up-to-date exposition of policy and refers to "suitability" in terms of the need or demand which the proposal is intended to meet, is intended to reverse the Supreme Court's decision and ensure that the sequential test regains its previous utility. But even if practice guidance could contradict a Court judgement in the manner claimed, which is most unlikely, the NPPG is currently in draft "Beta" test mode and - as stated therein - is likely to have limited weight in decision taking. At present, therefore, the Tesco v Dundee interpretation of "suitable" must stand."

Rushden Lakes Decision

- 4.15 This is a Secretary of State decision published June 2014 following a Call-In Inquiry principally held July 2013. It was concerned with proposals for new retail and leisure units and ancillary A3 and hotel in an out-of-centre location.

- 4.16 Whilst much of the debate focused upon the proper interpretation of its catchment (and the extent to which this complied with or indeed prejudiced the spatial planning objectives of relevant LPAs), the other key matters were focused upon the Council's contention that the proposal should be disaggregated and could therefore be easily located upon a more central site, and that there was potential that the proposal could impact upon planned investment.
- 4.17 In terms of identifying an area of search for the sequential assessment, it advises that there is clear merit in identifying a core opportunity area which best represents the opportunity to meet the identified need. Within that area of search, candidate sites must be able to accommodate development of sufficient critical mass to meet that planning purpose. In the properly defined area of search the task is to identify sequentially preferable sites that are suitable and available which necessarily includes consideration of deliverability/viability.
- 4.18 The decision clarifies that the NPPF requires developers to identify the purpose of their proposal and to demonstrate reasonable flexibility in terms of format and scale. This plainly excludes reference to the disaggregation of such proposals and also confirms that the test is to ascertain whether the proposed development can be had on a more central site as opposed to a scheme so considerably amended that it would fail to meet the real-world requirements of the applicant. In terms of the assessment of what is suitable, it advises:
"In similar vein, there is nothing in the sequential test as set out in NPPF that states that the concept of "suitable" sites means suitable in terms of the scale of the nearest centre to the site in question and/or its place in the "hierarchy" of centres. The sequential test relates entirely to the application proposal and whether it can be accommodated e.g. on a town centre site. It is also important to be clear that NPPF is entirely related to plan making and it has nothing to do with decision making"
- 4.19 In terms of matters of scale and catchment, the Rushden Lakes decision concluded that whilst the scheme would draw from an extended area and that there would be resultant impacts, there was a deemed opportunity to provide additional facilities that would make the area more self-sufficient and create sustainability benefits in terms of mileage savings and local employment opportunity.
- 4.20 In terms of planned investment, the decision confirms that whilst it is appropriate and necessary to consider the potential for any proposal to impact upon the delivery of planned investment in centres it must firstly be clear that this alternate development is genuinely capable and have realism of delivery in the absence of the new proposal. Thereafter, it is important to be establish the extent to which the proposal would seek to compete with the planning purpose of the deemed planned investment opportunity.

5.0 Retail Provision and Trends

- 5.1 This section of this Statement provides a summary of the shopping patterns which are established by the empirical data and analysis provided by the Council's 2013 Quantitative Retail Study Update and the Addendum published February 2014.

Quantitative Retail Study Update Addendum

- 5.2 This is a joint study undertaken for High Peak Borough Council and Staffordshire Moorlands District Council (published February 2014) by GVA, principally considering floorspace requirements for the principal centres. Whaley Bridge falls within the High Peak Central area and the report concludes that the three main towns in this area have a relatively limited comparison goods retail offer which is reflected in the poor level of trade retention and market share that the three towns achieve.

- 5.3 The report states that whilst a status quo approach (i.e. on-going extensive trade leakage) would suggest no requirement for substantive new development in the High Peak Central area "given existing commitments", this should not prevent developer-led proposals from being promoted subject to addressing wider national policy retail issues such that proposals can be supported given the low market share retained within the High Peak Central catchment at present.

The Catchment

- 5.4 The purpose of a catchment in NPPF terms (as was the case for PPS4 and PPS6 and PPG6) is to identify a physical area from which the substantial majority of a scheme's trade will be drawn. In this instance, the catchment area put forward has been based largely upon information contained within the 2014 Retail Study, and partially upon a common-sense approach based on knowledge of the surrounding area.

- 5.5 The Study included 11 geographical zones covering the Study Area. To assist analysis, these zones are then identified as being representative of generic areas such as Buxton, Bakewell and High Peak Central (zone 2).

- 5.6 Zone 2 (High Peak Central) includes the centres of Whaley Bridge and New Mills as well as smaller retail facilities. Through our review of the shopping patterns from the 2014 Study it is evident that zone 2 provides a strong proxy for the primary catchment for this proposal given that the substantial majority of spend attracted to local stores is sourced from zone 2. We would however point out that for the purposes of the sequential assessment and in light

of the previous applications, it is not considered necessary to assess opportunities in or close to Chapel-en-le-Frith.

Shopping Patterns

- 5.7 As mentioned above, this choice of catchment area is strengthened by the evidence within the retail study which found that 92% of Whaley Bridge Town Centre's convenience turnover comes from within Zone 2 (and 100% of its comparison turnover). This suggests that shoppers are unlikely to travel to Whaley Bridge from outside zone 2 to undertake shopping trips. Although this is partly because of a lack of facilities in the area, this will also be because of the distances between Whaley Bridge and other zones.
- 5.8 In addition to this, the retail study highlights that the vast majority of convenience trade attracted to the adjacent Tesco Store (99%) comes from Zone 2. It is therefore considered that the use of zone 2 as the catchment is highly appropriate.
- 5.9 Main comparison goods retail provision within the primary catchment area (albeit that this is hugely limited) is provided by the town centres of Whaley Bridge and New Mills with minimal comparison goods retail provision provided by the Tesco Store at Whaley Bridge. There are no retail parks within the catchment area. Due to the lack of comparison goods provision it is perhaps inevitable that the extent of leakage is very substantial.

ZONE	2014 AVAILABLE COMP SPEND IN ZONE	2014 RETAINED COMP SPEND IN ZONE	% RETENTION	INFLOW TO ZONE 2 STORES	% OF TURNOVER FROM ZONE
2	£132.04m	£16.88m	12.8%	£1.78m	90.5%

- 5.10 The huge majority of expenditure is drawn outside the primary catchment area, particularly to the town centres and retail parks within Stockport, Macclesfield, Buxton and Cheadle. Expenditure is also drawn to the Trafford Centre and Manchester City Centre. It is therefore reasonable to conclude that there is a need for enhanced provision within the catchment in terms of non-food shopping.

6.0 Retail Issues

- 6.1 This application seeks permission for a retail unit to meet the needs of B & M Stores which has now committed to take this unit as soon as it can be delivered with planning consent.
- 6.2 The extant consent provides approval for 3 retail units for the sale of comparison goods. In total, the approval would provide 2230m² floorspace and it was modelled to trade at typical retail park levels (£4000/m² for the net sales area at the base year). The proposed development seeks consent for one unit with a gross floor area of 2230m². There is therefore no increase in proposed retail floorspace, and the target occupier is a discount retailer.
- 6.3 The addition of this retailer to the Whaley Bridge area will introduce a popular retailer which has no existing presence in the High Peak area. It represents one of a group of retailers which have become popular in recent years with a principal focus on non-food goods but with ancillary ranges of food goods and other impulse purchases.
- 6.4 The huge majority of comparison expenditure is drawn outside the primary catchment area, particularly to the town centres and retail parks within Stockport, Macclesfield, Buxton and Cheadle. Ordinarily it would be assumed reasonable to conclude that there is a need for enhanced provision within the catchment in terms of non-food shopping. Nonetheless, it is evident from the Council Study that its assessment of residual capacity is very largely based upon an assumption of ensuring that market share is retained i.e. where levels of retention are particularly low then it does not seek to arrest that process.

B & M Retail Ltd

- 6.5 The proposed unit will be occupied by B&M Retail Ltd. The business has grown strongly through the recession. B&M Retail Limited (B&M) had only 21 stores in 2007. The rapid growth was highlighted by the opening of its 500th store in Mansfield in March 2016. Today it enjoys a turnover in excess of £1646m per annum, and it employs some 22,500 staff.
- 6.6 B & M's customer base is attracted by the competitively priced products and the fluid product offer. Approximately 60% of B&M's shoppers are over 56 years of age. These 'time-rich: cash poor' shoppers are drawn to B&M by its low prices and many are on limited and restricted incomes. A significant proportion of its products are clearance or short-dated discontinued goods purchased from factories.
- 6.7 B&M's ability to trade successfully as a discounter is wholly dependent upon the sales of its ancillary product ranges. The principal function of the store is as a non-food retailer, and in

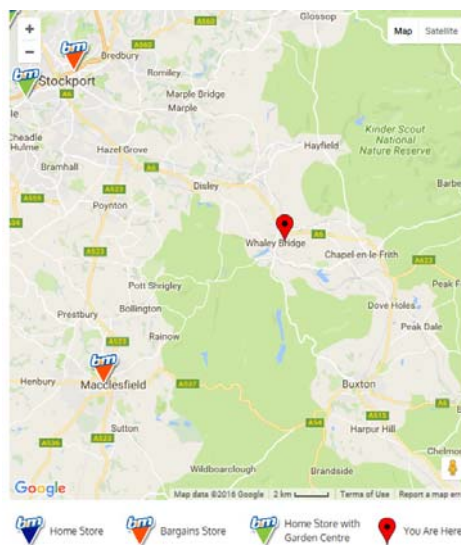
this larger Home store most of these products are relatively bulky including garden products which are displayed in the external garden centre area. Returning to the matter of product range, it does include a limited range of convenience goods which are principally ambient (non-refrigerated) food products such as crisps and sweets. These act as impulse purchases and contribute to the performance of the store.

6.8 The discount model operated by B&M Retail Ltd does not allow for home delivery or internet shopping. Therefore all purchases have to be transported away by the customer at the time of purchase. Whilst this does influence the product range that can be provided, it also strongly influences the choice of trading locations. The ability for customers to have ready access to parking without gradient change or other impediment is critical- the retail park environment is very well geared to this business model.

6.9 The business model is predicated on a discount retail format, relying on sales volumes to provide sufficient return given the inherently low margins (net margin is 6%) which are achieved. Store overheads are primarily built-up by rent, rates, utilities, staff and other fixed costs. As such, the loss of any key ranges would be hugely damaging to ongoing viability and the opportunity to sustain employment and retail choice.

B & M Representation

6.10 B & M have no stores in the High Peak area, and the nearest store is at Macclesfield. The nearest comparable store with a garden centre is at the far side of Stockport which has a travel time of approximately 35 minutes. This is a substantial journey and it is not realistic that Whaley Bridge residents would make that trip given the reliance of the business model on convenience and impulse purchases. The following plan may assist in setting out this provision gap in spatial terms.



- 6.11 It is also worth noting that the provision of other similar operators is very limited on a spatial basis, and adds to the argument that there is an unmet need to provide this type of shopping offer which has proved so popular elsewhere in recent years.

FASCIA	LOCATION	DISTANCE	JOURNEY TIME	STORES IN HIGH PEAK?
HOME BARGAINS	STOCKPORT	9.1 MILES	36 MINUTES	NONE
B & M	MACCLESFIELD	8 MILES	21 MINUTES	NONE
B & M HOME AND GARDEN	STOCKPORT	9.1 MILES	36 MINUTES	NONE
POUNDLAND	MACCLESFIELD	8 MILES	21 MINUTES	NONE
POUNDWORLD	STOCKPORT	9.1 MILES	36 MINUTES	NONE
WILKINSONS	HYDE	9.4 MILES	35 MINUTES	NONE
POUNDSTRETCHER	GLOSSOP	8 MILES	22 MINUTES	1
QUALITY SAVE	STOCKPORT	9.1 MILES	36 MINUTES	NONE

- 6.12 The principle of retail development in this location is established. In essence, the principle to be considered is simply comprised of the introduction of the new operator and the range of goods that can be sold within it and any additional issues arising.
- 6.13 This assessment will therefore identify what can be lawfully delivered on the site without recourse to planning (which in effect provides the fallback position) and undertake a cumulative impact assessment of the trading effects it would likely deliver. It will then undertake a cumulative assessment of the trading effects of the proposed development and then the magnitude and the significance of those impacts can be compared.

Impact Assessment Base Assumptions

- 6.14 The base position for the numeric assessment largely comprises the population and per capita expenditure from the 2014 Retail Study and its shopping patterns evidence. The following provides a summary of the base assumptions which have been used:
- Base Year: 2016
 - Design Year: 2021
 - Per Capita Expenditure and Floorspace: Experian Briefing Note 13.1
 - Turnover Efficiencies: Experian Briefing Note 13.1
 - Population Data: 2014 Council Retail Study
- 6.15 In order to assess trading patterns/levels at the base year, monetary flows are estimated principally through the survey and the available zone-based expenditure. The base year per capita expenditure has been taken to the 2021 design year using more recent advice from Experian (Briefing Note 13.1) to account for macro-economic trends and to reflect their assumptions of change in terms of the role of online shopping.

- 6.16 Design year turnover levels are then projected through use of an annualised efficiency factor for investment and improved working methods (Experian Briefing Note 13.1).
- 6.17 It is confirmed that the datum for the household survey does not take account of schemes which have latterly been built out and commenced trading (the key example being the Aldi store at Chapel). As such, these are treated as commitment and built in as phases in the cumulative impact exercise undertaken.

Lapsed Schemes

- 6.18 The 2014 Retail Study seeks to identify the scope and extent of any residual requirement for future retail development as part of the Local Plan process, as well as providing a tool for the development management process.
- 6.19 In respect of the High Peak Central area, it has regard for permissions which were extant at the point it was written. This includes the Tesco extension at Whaley Bridge and the Morrisons extension at Buxton. Both store extensions would have provided additional convenience and comparison floorspace, and in both cases the consents have expired and have lapsed. These should not be treated as commitments for impact and capacity analysis.

Tesco Whaley Bridge

- 6.20 The 2011 consent for a rear extension (2010/0603) was issued on 31st March 2011, subject to a number of conditions and a 3 year time period for implementation. It is evident from the planning file and conditions on site that the consent has not been implemented and has therefore lapsed.
- 6.21 The submitted RIA clarified that the development would provide 1113m² additional net sales space allocated 56/44 in favour of convenience goods. This would have generated additional turnover circa £7.4m evenly split over convenience and comparison goods.
- 6.22 We note that the Retail Study refers to other figures which are not correct in terms of floorspace, but in any event the consent has lapsed.

Morrisons Buxton

- 6.23 This approval was also issued in 2011 for a rear extension (2010/0664), subject to conditions and a 3 year time period for implementation. It is similarly evident from the planning file and conditions on site that the consent has not been implemented and has therefore lapsed.

- 6.24 The submitted RIA clarified that the development would provide 695m² additional net sales space allocated 79/21 in favour of convenience goods. This would have generated additional turnover circa £4.5m weighted considerably towards convenience goods.

Committed Developments

- 6.25 Research from ATP has sought to assess the likely trading impacts of both the Hogs Yard proposal and several other retail schemes with the benefit of approvals that were not trading at the point of the 2009 household survey. This underpins the cumulative impact assessment which has been undertaken to ascertain the cumulative impacts upon centres. Dealing firstly with the effects of commitment schemes, this cumulative impact assessment is provided for the design year of 2021 and is enclosed at Tables 9 and 10 of **Appendix 1**.
- 6.26 We have used the retail assessments undertaken for each of these schemes, where available, to determine the level of trade diversion expected from the facilities in the catchment area.

Aldi, Chapel-en-le-Frith

- 6.27 This development opened in January 2015, which follows the datum of the household survey. The submitted retail assessment identifies a net floorspace of 1140m² and patterns of trade diversion. Through application of currently applicable densities for Aldi, we estimate that a benchmark performance for this foodstore will generate a convenience turnover of £8.9m and comparison turnover of £1.7m in the 2021 design year.
- 6.28 The principal sources of trade are the Morrisons store already serving Chapel, followed by the Tesco store at Whaley Bridge (25%). A further 25% of the store's trade is estimated to be drawn from other Aldi stores in the High Peak area.
- 6.29 All the above stores are established and these impacts will not prejudice their ongoing operation. In any event, they are all located outside defined centres, and are therefore afforded no policy protection.

Aldi, New Mills

- 6.30 This is a discounter scheme providing additional food retail choice for New Mills, and is likely to open during 2017. This store is expected to have a design year convenience turnover in the order of £9.8m.

- 6.31 The proposed store has three principal sources of trade which comprise:
- the Tesco store at Whaley Bridge (20%);
 - the Morrisons store already serving Chapel-en-le-Frith (18%); and
 - the Aldi store which recently opened in Chapel-en-le-Frith (20%).

Lidl, Woods Mill, Glossop

- 6.32 This scheme has developed over a considerable period and is a mixed-use development which comprises a range of uses including residential, employment and retailing. The retail elements comprise of a new Lidl store and remodelling and extensions to non-food retailing. The Lidl store is expected to have a design year convenience turnover in the order of £4.3m.
- 6.33 In terms of comparison turnover, the development will generate in the region of £2.25m additional turnover including the Lidl and the other non-food shop units.
- 6.34 The proposed Lidl store has three principal sources of trade which are all in the Glossop area and dominated by the existing discounter (Aldi). They comprise:
- the Aldi store (65%);
 - the Tesco store at Wren's Nest (17%); and
 - stores in Glossop town centre (13%).

Turnover of Proposal

- 6.35 In respect of the proposed B & M Home Store, we model this 2230m² unit to achieve a net of 1784m² (80% net to gross) for robustness.
- 6.36 In terms of sales densities, in regards to potential turnover resultant from the store we note that this is typically assessed on the basis of £2500/m² turnover per annum (equally for convenience and comparison goods). For robustness, we model turnover an inflated £3000/m² closer to general non-food retailing performance.
- 6.37 This will generate turnover of £5.79m in the 2021 design year, of which £1.06m would be for convenience goods. The submitted assessment anticipates that 90% of this trade is catchment-derived.

Scenario Testing

- 6.38 As has been referred to earlier, the site has established use and planning history in terms of retail development. In terms of the latter, through a prolonged period it has been clarified

that the nature of the approved development is such that it could be lawfully occupied by forms of retail development which create impact considerations in terms of the ongoing vitality of centres.

- 6.39 As has been established in case law, this provides a credible fallback position which can be used to set a benchmark in terms of what is acceptable in planning terms and would be a likely scenario in the event that this application for approval was not granted. As such, and alongside other measures which deliver regeneration opportunities, these should be afforded material weight which would support the case for this development.
- 6.40 The information in the previous section sets out the turnover levels estimated in relation to the proposed development. However, turnover levels alone represent only a component of what would be acceptable, as the key point in planning terms is the relative impact upon the vitality and viability of defined centres and the magnitude of effect on plan-led investment.
- 6.41 As such, the submitted economic work provides clarification in terms of the turnover to be associated with the fallback scheme and a cumulative retail impact assessment arising. The attached tables provide a Retail Impact Assessment for two scenarios. It should be noted that the majority of the cumulative impact is as a result of other retail commitments already approved by HPBC and as such the solus effects of the scheme are lesser in magnitude.
- 6.42 In summary terms, the economic work undertakes assessment of two distinct schemes (Scenario 1 being a fallback and Scenario 2 being the proposal).
- 6.43 The fallback scheme (Scenario 1) comprises firstly of the completion of the 3 units as per the constraints of the existing consent. Through this fallback scheme, no additional floorspace or end uses are proposed that would require recourse to planning consent.

Impact

- 6.44 In terms of retail impact, it is important to firstly evaluate the current trading performance of existing facilities and the patterns of expenditure flow. It is also important to try and build in the likely trading implications of other competing retail developments which have either not yet been built out, or not yet established.
- 6.45 The proposal seeks to vary the nature of the proposal from three units to a larger unit, which shall sell a range of goods consistent with their established format as a discount retailer. Given the nature of the operator and shopping provision, it is likely that the majority of trade

will be drawn back from other freestanding stores or retail parks. Whilst some trade will inevitably be drawn from centres, it is felt that more trade will be drawn from out-of-centre locations. Tables 9 and 10 set out the solus and cumulative¹ impact of both scenarios on defined centres, large standalone stores and retail parks. Whilst the impact assessment considers trade diversion and resultant impact on out of centre stores, these locations are not afforded any policy protection by the NPPF.

Scenario 1

- 6.46 Table 9 sets out the solus and cumulative impact of Scenario 1. The comparison floorspace is comprised of the three proposed units. All these units have a prohibition for convenience retailing, but they could be occupied by any non-food retailer without recourse to consent- whilst this could include fashion and footwear (estimate £5000/m²) we model it as general non-food (£4000/m²) as per the original assessment.
- 6.47 In terms of Whaley Bridge town centre, this creates centre-based solus impact in the order of 3% at the design year. In cumulative terms, the centre-based impact would be 15.3%.
- 6.48 In respect of the adjacent Tesco store, the solus impact would be 11.5% whilst the cumulative impact would be 32.3%. Whilst this cumulative figure is relatively high, it is worth noting that the majority of this is resultant from other proposals and the site is located out of centre and thus has no policy protection.
- 6.49 In terms of New Mills, this solus impact is likely to be in the order of 3.2%. In cumulative terms, the centre-based impact would be 15.3%.
- 6.50 In terms of other centres, the following provides a summary of the cumulative impact position based upon the fallback position and taking account of the identified commitments. This scenario will result in an overall cumulative impact of:
- 5.0% on Glossop (0.0% solus impact); and
 - 2.4% on Chapel-en-le-Frith (0.00% solus impact).

Scenario 2- Proposal

- 6.51 Table 10 sets out the solus and cumulative impact of Scenario 2. The floorspace is comprised of the single proposed unit which is to be occupied by B & M. This unit will predominantly be used for the sale of non-food goods but will have some ancillary ranges of ambient

¹ taking account of committed developments

convenience goods. Whilst we are aware that B & M proposals are normally modelled at £2500/m², for robustness we model at a higher figure (£3000/m²).

- 6.52 In terms of Whaley Bridge town centre, this creates centre-based solus impact in the order of 1.8% at the design year. In cumulative terms, the centre-based impact would be 4.3%.
- 6.53 In respect of the adjacent Tesco store, the solus impact would be 11.0% whilst the cumulative impact would be 31.7%. This is still notable, but lesser than set out by the fallback position. It is worth noting that the majority of this is resultant from other proposals and the site is located out of centre and thus has no policy protection.
- 6.54 In terms of New Mills, this solus impact is likely to be in the order of 1.2%. In cumulative terms, the centre-based impact would be 13.3%.
- 6.55 In terms of other centres, the following provides a summary of the cumulative impact position based upon the fallback position and taking account of the identified commitments. This scenario will continue to result in an overall cumulative impact of:
- 5.0% on Glossop (0.0% solus impact); and
 - 2.4% on Chapel-en-le-Frith (0.00% solus impact).

Summary

- 6.56 Whilst the proposal does seek consent for 2230m² retail floorspace which includes convenience goods space, it also results in the introduction of a discount retailer rather than the potential for a (say) fashion or footwear retailer.
- 6.57 As such, whilst the impact assessment must change its conclusions are that the extent of impact on centres is reduced. As such, the extent of overall retail goods impact is lesser than which was previously found acceptable in planning terms.
- 6.58 The cumulative impact exercise demonstrates that, whilst there will be cumulative impact on existing centres, it would be minimal in scope and extremely unlikely to have material adverse impacts on their ongoing vitality and viability. The impacts of the proposals are lower than which would be caused by the fallback scheme, and provide the opportunity for early occupation of the proposed unit which delivers opportunity for local employment.

7.0 Sequential Approach to Site Selection

- 7.1 The NPPF requires a sequential assessment for planning applications for ***additional floorspace devoted*** to town centre uses that are not in an existing centre and not in accordance with an up to date development plan (ATP emphasis).
- 7.2 The site has the benefit of recent and extant planning consent, and the current benefit of a Development Plan allocation which supports retail uses subject to justification. The leading *Tesco Stores v Dundee City Council* case clarifies that there is no proper requirement for arbitrary use of the disaggregation approach if this entirely fails the business model of end occupiers and developers.
- 7.3 This application seeks to introduce a 2230m² retail unit with external garden centre, parking and other associated works. The proposal seeks to deliver a bulky goods retail unit which can also display ancillary ranges of goods and benefit from ready servicing and parking.
- 7.4 The subsequent sequential search should focus on "Dundee" suitable opportunities in more central locations in in-centre and edge-of-centre sites around the defined centres within the realistic catchment area.
- 7.5 The unit for consideration is therefore 2230m² laid out on a single trading floor with associated space for garden centre and areas for parking. The tenant seeks a location close to other retailers (which could therefore include retail park locations) with good access to principal routes, with associated areas for parking and servicing. The imposition of a highly artificial disaggregation, certainly in this instance, fails to meet the applicant's business model or deliver against the objectives of maximising investment and employment.
- 7.6 In order to demonstrate flexibility on this we have sought to identify units and sites that can accommodate a single retail unit 15% smaller or larger than those proposed. Therefore, the sequential site search has sought to identify units and sites that could accommodate a unit between 1,896m² - 2,565m².
- 7.7 Paragraph 24 of the NPPF sets out the circumstances when a sequential test assessment should be required with a planning application for main town centre uses including retail uses (Use Class A1) stating that these are required where the proposals; *'are not in an*

existing centre and² not in accordance with an up-to-date Local Plan'. Whilst the application site is not located within an existing defined centre, as already highlighted above the proposals do accord with a Local Plan policy with the proposed use class specifically supported. Nevertheless, the following provides a brief sequential test assessment.

- 7.8 Before moving on to look at specific alternative sites, it is important to set the parameters and context for such an exercise in order to demonstrate flexibility on format and scale as required by the NPPF (para. 24). In order to assess whether sequentially preferable sites can (or should) be identified to meet the need which has been shown, it is first necessary to confirm an area of search and then to confirm other key search parameters.
- 7.9 The sequential site search focuses within the defined catchment area which is Zone 2 of the High Peak Retail Study but with a principal focus on Whaley Bridge itself. It is noted however that this zone includes Disley at its western periphery. In reality, the separation distance is substantial and Disley is a small centre. Through previous analysis, it has been agreed that there were no suitable sites in that area to accommodate development of this form or quantum. It was also agreed that the Chapel area could be excluded by consequence of separation distance.
- 7.10 This sequential search therefore focuses on in-centre and edge-of-centre sites around the defined key centres in this zone which comprise:
- Whaley Bridge; and
 - New Mills.
- 7.11 Given that the proposals are intended to attract a known operator which requires on-site car parking provision as part of their business model, the need to identify a site or existing unit with parking provision and servicing is considered vital to the proposed retail unit.

Whaley Bridge

- 7.12 It is our understanding that there are currently 2 vacant units in the town centre (out of 44 i.e. 5% vacancy level) None of the vacant units within Whaley Bridge town centre are suitable to accommodate the retail unit due to their scale and the requirement of significant internal alterations that would be required in order to create a workable floorplate. Taking into account the above parameters, there are no existing sites within or to the edge of an in-centre location that could accommodate a standalone unit of 2230m² as sought.

² Our emphasis

- 7.13 Subsequent to an extensive review of opportunity sites, only one site in or near to Whaley Bridge town centre is adjudged to have any opportunity to be deemed preferable and therefore justify more detailed assessment against NPPF criteria (set out at paragraph 24).

Wharf Road, Whaley Bridge

- 7.14 The site is located at Wharf Road, Whaley Bridge bounded to the north by Reservoir Road and to the east by the railway line. The site is located to the west of the town centre and whilst technically adjoining the town centre there is significant segregation as a result of the railway line. The site therefore can at best be classed as edge of centre due to the barriers (visual and in terms of compromised access) between the retail core and its location.
- 7.15 The site has limited access, with Wharf Road being the only access/egress point into the site. This road is narrow and passes under the railway bridge where it narrows even further. This type of access arrangement would be unsuitable without substantial investment, which would itself adversely affect the character of this area. Given the level differences between the site and Reservoir Road there is no potential to create a new workable access point.
- 7.16 The site suffers from numerous in-principle constraints which weigh against its use for large format retailing or indeed any retailing or town centre uses. On a commercial level, visibility is poor and this will impact considerably upon most business models. This lack of visibility and general prominence is hugely compounded by its substandard access.
- 7.17 We also note that through consultation on the (now published) Local Plan this was originally identified for housing development. It was then removed from allocation and cited clear constraints as set out above, which would be equally applicable now. In conclusion, this site is not considered a suitable sequentially preferable site.

New Mills

- 7.18 The catchment is focused upon Whaley Bridge but is also comprised of New Mills for robustness. Two sites have been identified within, or on the edge of, New Mills Town Centre. These are the Torr Vale Mill regeneration area, and Torr Top Street car park.

Torr Vale Mill

- 7.19 Torr Vale Mill regeneration area is allocated in the High Peak Local Plan as a regeneration opportunity, under policy DS13. It is understood to occupy in the region of 1.8-2.2 hectares. In terms of physical size therefore, it is significantly larger than the application site. Whilst

the site is located close to the Town Centre given the level differences and access, the site is not within easy walking distance (i.e. 300m or less) of the town centre boundary and therefore should be considered as an out-of-centre site. Significant works to the access could potentially be carried out to create an easy walking route to the town centre resulting in the site being classed as edge of centre.

- 7.20 The opportunity site is dominated by Torr Vale Mill, which is a prominent Grade 2* listed. The DS13 policy seeks the retention of this building, and identifies the need for a comprehensive development to provide:
- 7.21 Retail use on this site is not supported by this policy and the location of the proposed development on this site would inevitably require the demolition of the grade 2* listed mill complex which is unlikely to be supported by the local planning authority.
- 7.22 In summary, the use of this edge-centre site (assuming access works being carried out) would fail to adhere to other planning requirements, or achieve the broad-based benefits that could be delivered through a scheme as envisioned by Policy DS13. In addition to this the site is too large to accommodate the development and would represent an inefficient use of the land. The Torr Vale Mill site is therefore wholly unsuitable and can be discounted in terms of the sequential site assessment.

Torr Street Top Car Park

- 7.23 This Torr Top Street Car Park is located within the New Mills Conservation Area, and is located within the defined New Mills town centre. This is a Council owned car park, providing 50 spaces. It is understood to occupy in the region of 0.5 hectares. In terms of physical size therefore, it is too small to accommodate the development.
- 7.24 In addition it would lead the loss of a key town centre car park. Car parks represent important facilities which contribute to the vitality of town centres and the attraction provided by the retail and other town centre services therein. The loss of this car park is likely to harm the vitality and viability of the town centre by reducing the attractiveness of the centre through reduction of available car parking for visitors and short-stay shoppers.

Summary

- 7.25 The extant approvals and planning history show that the site has long established use and approvals for mixed commercial uses for a range of formats and end users. These approvals

must lead to a conclusion that there was no material conflict with the requirements of the sequential approach, and it is logical that the same conclusion should be drawn now.

- 7.26 In conclusion with regard to the sequential test, none of the identified sites are suitable to accommodate the proposed use and therefore the application passes the sequential test as required by paragraph 27 of the NPPF.

8.0 Compliance with Policy

NPPF Policy

Sequential Approach

- 8.1 In retail terms, the application site is in an out-of-centre location as it falls outside a defined centre and is not located within 300m of a defined centre. As such, and in accordance with Paragraph 24 of the NPPF, the proposals have been assessed against the sequential test. A selection exercise has been undertaken to ascertain whether the development could be accommodated in a more central location. This has been undertaken reflective of the advice within the NPPG and later case law.
- 8.2 In practice, we have applied flexibility and realism and demonstrated that it is not realistic that any more central site could accommodate the development in any manner that would be acceptable to the business model of the target occupier. In reflection of what is now established case law, this means that the sequential approach has been properly undertaken and is passed. The requirements of paragraph 24 are satisfied.

Impact

- 8.3 The NPPF (paragraph 26) sets out requirements in respect of the preparation of impact assessments, for main town centre uses. The proposed development provides for retail floorspace well below the 2,500m² threshold set out in the NPPF, but we recognise that the Council has previously imposed a lower floorspace threshold in the 2016 Local Plan and has also imposed a condition in terms of the use of retail floorspace which this development would breach. To meet the requirements of the Local Plan policy and to provide comfort to the Council, an impact assessment has been undertaken taking account of the guidance within the NPPF and NPPG.
- 8.4 Paragraph 26 of the NPPF sets out the criteria that applications must be assessed against to ascertain the impact of a proposal on existing centres. These are as follows;
- 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
 - The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.
- 8.5 This assessment is supported by the economic tables which are presented at Appendix 1. In terms of the two key tests set out at para 26 of the NPPF, we deal firstly with investment.

The impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal

- 8.6 Commitment schemes have been identified for the purposes of the cumulative impact assessment, but (by and large) those pertinent to the proposal have been completed, under construction or otherwise out of centre. The nature of this proposal is to provide a larger format unit well suited to this type of locations rather than those in tightly defined centres.
- 8.7 In summary, the proposals will not harm the viability of any plan-led commitments or prevent them from coming forward for development. As such, it is considered that the proposals accord with the first criterion set out in the NPPF.

The impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area

- 8.8 As set out in the guidance within the NPPF, this section assesses the impacts on town centre vitality and viability and the impact on trade in centres and the wider area. This takes into account the cumulative impact of identified commitments, including the Aldi stores at Chapel and New Mills (the Chapel store is now trading). Given that the impact on town centre vitality and viability is largely affected by the turnover of centres, this section first sets out the likely sources of trade diversion to the proposed development and the resultant impact on turnovers of centres and stores within and beyond the Catchment Area.

Impact on in-centre trade and turnover

- 8.9 The applicant has prepared a retail impact assessment, which assesses the numeric implications of the proposal's implementation upon in-centre turnover (and out of centre provision). These implications also factor in the implications of other extant consents. This assessment provides an assessment of the health of key centres, and a judgment as to the likely extent of cumulative impact. This allows a reasoned judgment as to the probability of material adverse impacts upon the vitality and viability of specific centres. In some instances, the impact upon centres is noteworthy but is not principally caused by the implementation of the proposal subject of this application.
- 8.10 We also point out here that vacancy levels for Whaley Bridge are low (5%) compared to the national average and that there is no substantive evidence in terms of change of role or performance over time- there is no credible evidence to suggest that the centre is vulnerable and/or that the proposal would create any material impact. Even if that was argued to be the case, the extent of impact is clearly less than would be had in the context of the fallback.

- 8.11 More detailed analysis in terms of impact is provided through the accompanying Economic Tables at **Appendix 1**. This clarifies that it is extremely unlikely that there will be material adverse impacts upon the ongoing vitality and viability of centres resultant from this proposal, based upon a cumulative impact approach.

Summary

- 8.12 As highlighted in this section of the report, there are no sequentially preferable sites and the proposals will not harm the on-going vitality or viability of any existing defined centre.
- 8.13 The proposed development, through its ability to create new jobs and attract new businesses to the area will help to deliver those objectives set out within the Local Plan, and the NPPF provides further support for development that can deliver economic development stating that '*significant weight should be placed on the need to support economic growth through the planning system*'.

2016 High Peak Local Plan

- 8.14 The key policies for consideration are CF1 and DS12 from the 2016 Local Plan. We deal with these in turn in the following section.

Policy CF1

"The Council will seek to maintain and enhance the vitality and viability of town centres and local centres as defined on the Polices Map in accordance with their function and scale as identified in Policy S2 (Settlement Hierarchy) and identified development needs:

This will be achieved by:

- *Permitting appropriate retail, leisure, cultural and business development in centres of a scale and type appropriate to the role and function of that centre*
- *Strengthening the vitality and viability and enhancing consumer choice to serve defined centres by supporting the provision of new retail floorspace consistent with their function and scale in accordance with identified needs:*
 - *New Mills - proposals for additional A1 convenience floorspace will be supported in order to address the lack of provision within the town. No town centre or edge of centre site has been identified. Out-of-centre proposals will therefore be supported in accessible locations that are well connected to New Mills town centre by public transport and which comply with the impact and sequential tests set out in this policy*
 - *Glossop, Whaley Bridge, New Mills and Chapel-en-le-Frith - proposals within the defined centres will be supported subject to their accordance with other relevant Local Plan and Neighbourhood Plan policies.*
 - *Buxton - proposals within the Primary Shopping Area will be supported subject to their*

accordance with other relevant Local Plan policies

- *Harpur Hill - proposals for small scale A1 retail convenience development (less than 200m² net sales) and wider uses including business, non-residential institutions and leisure within the Local Centre as defined in the Policies Map will be supported subject to their accordance with other relevant Local Plan policies. The total floorspace for the Local Centre shall be less than 2500m². This relates to town centre uses only, as defined by the NPPF. Policy DS20 specifies further policy requirements for this site. Town centre proposals above these thresholds must be supported by an appropriate impact and sequential site assessment that consider Buxton's centre.*
- *Requiring major town centre use developments (including large extensions to existing stores) of 200m² (net sales for A1) or more outside the defined centres of Buxton, Glossop, Chapel-en-le-Frith, New Mills, Whaley Bridge and Harpur Hill to comply with the sequential approach to site selection. Applicants should demonstrate that there are no suitable and available sites within the defined centre that could accommodate development. Preference will be given to accessible, edge-of-centre sites that are well related to the town centre and accessible by public transport. Out-of-centre proposals will only be supported when there are no suitable in-centre or edge-of-centre sites available.*
- *Requiring proposals for town centre uses of 200m² (net sales for A1) or more outside the defined centres of Buxton, Glossop, Chapel-en-le-Frith, New Mills, Whaley Bridge and Harpur Hill to be supported by an impact assessment. Developer contributions may be sought to mitigate identified impacts on defined centres where appropriate. Proposals with a significant adverse impact will be refused.*
- *Creating safe, attractive and accessible town and local centres, providing a good range of shopping, food and drink uses, services, offices, and entertainment and leisure facilities, and high quality public spaces*
- *Proposals that would create a concentration of evening economy uses (A3, A4 & A5) that would give rise to social and environmental issues will not be supported*
- *Ensuring that there are adequate parking facilities in suitable locations to serve town centre developments and they are accessible by public transport, walking and cycling. Town centre regeneration proposals should seek to connect to and where appropriate,*
- *improve existing or proposed Public Rights of Way and multi-user trails. Suitable and safe provision should also be made for servicing and deliveries*
- *Supporting proposals that seek to deliver qualitative environmental improvements and support the local distinctiveness of town centre environments through high quality design. Supporting proposals that would help to deliver regeneration programmes and implement relevant town centre initiatives*
- *Requiring active ground floor frontages to be maintained and created within town centres with appropriate town centre uses*
- *Protecting the vitality and viability of the small town centres, larger villages, other settlements and other local centres within the towns by supporting proposals for town centres uses, including retail, leisure and office development of less than 200m². Proposals above this threshold should comply with the identified sequential test and impact assessment requirements. Applications for a change*

of use from A1 retail within these centres should demonstrate that the current use is no longer required to serve the local community and is not viable

- *The vitality and viability of the main town centres will be supported by the designation of the Buxton Primary Shopping Area and primary frontages within Glossop and Buxton town centres.*
- *The extent of the Town Centres and the Buxton Primary Shopping Area are defined centres in the Policies Maps. For the purposes of retail impact assessments and sequential site assessments in the Buxton area, the Buxton Primary Shopping Area represents the defined centre. During the consideration of impact assessment and sequential site assessment for all other town centre uses in Buxton, the town centre boundary denotes the defined centre. The defined town centre boundaries in Glossop, New Mills, Chapel-en-le-Frith and Whaley Bridge should be interpreted as in-centre during the consideration of proposals for retail and other town centre uses.”*

- 8.15 The policy provides a framework for when technical assessments are required in general terms, and also with specific direction in terms of those assessments in and close to the five defined town centres.
- 8.16 The policy also provides clarity in terms of particular points which will be directly supported i.e. the policy provides a basis to afford positive weight on meeting specific criteria.
- 8.17 For the sake of completeness, it is confirmed that this proposal is located outside a defined centre and proposes more than 2000m² net floorspace. As such, an impact assessment is agreed to be required. On a similar basis, a sequential assessment is needed.
- 8.18 The earlier analysis within this assessment has provided a robust impact assessment and proper consideration of the sequential approach to site selection with due regard for flexibility and realism. This analysis has led us to the clear conclusions that there are no sequentially preferable sites and there is no prospect of significant adverse impact on the vitality and viability of defined centres.
- 8.19 Existing levels of comparison trade retention within zone 2 are exceptionally low (13%) with excessive trade leakage to stores, centres and retail parks further afield. This is not convenient for local residents and represents a clear qualitative deficiency in the local offer. The previous approval on this site gives a strong indication that the planning authority has found it appropriate that greater shopping choices should be provided which allows an appropriate increase in comparison expenditure retention.
- 8.20 The Council has previously found acceptable a form of retail development that would provide comparable retail floorspace in the same location- this remains extant. The Council’s Retail Study identifies future capacity requirements and in its “with commitments”

scenario the Hogs Yard scheme is included. We identify for completeness that we have prepared an updated comparison capacity analysis (provided at **Table 11b** of **Appendix 1**) which takes account of resident spend retention under three different scenarios which are:

- No development
- Post commitments (including all commitments i.e. with 2013/0300)
- Post proposal (including all commitments excluding 2013/0300, and the proposal)

8.21 It is evident from the above that retention levels at the point of survey were 13%, and that taking account of all current commitments retention levels would increase modestly to 17.7% at the 2021 design year. We set out that in the context of the proposal, overall turnover will be reduced and by consequence the comparison retention level will be circa 16.4% at the same design year.

YEAR	2014	2016	2021
ZONE 2 AVAILABLE RESIDENT SPEND		147.52	177.49
RETAINED RESIDENT SPEND		19.23	21.23
RETENTION %		13.0%	12.0%
COMMITMENT TURNOVER EX HOGS YARD		2.82	3.12
HOGS YARD COMMITMENT		6.42	7.09
RETAINED SPEND POST COMMITMENTS		28.47	31.43
RETENTION % POST COMMITMENTS		19.3%	17.7%
LAPSED CONSENT TURNOVER		6.42	7.09
RETENTION % POST COMMITMENTS AND LAPSED CONSENT		23.7%	21.7%
PROPOSAL TURNOVER		4.28	4.73
RETENTION % POST COMMITMENTS AND PROPOSAL		17.8%	16.4%

8.22 The submitted retail work has demonstrated that this fallback scheme would result in greater turnover and greater impact on centres than the proposal now before the Council. This should be afforded substantial positive weight.

8.23 In summary, there is no conflict with any of the requirements of policy CF1 so on that basis the positive presumption from the NPPF paragraph 14 should apply, subject to conclusions in terms of site-specific policy DS11.

Policy DS11

8.24 This site-specific policy (titled Bingswood, Whaley Bridge) provides a framework for development management proposals in a wider area to the east and to the west of the River Goyt. For clarity, the land to the east of the Goyt is comprised partly of an existing industrial estate whereas the subject site is west of the Goyt. It states:

Land amounting to 6.8ha is allocated for business and mixed use development.

The majority of the area to the south and east of the River Goyt, comprising the existing industrial estate and undeveloped brownfield area to the north of the estate, should be developed for business use. Residential development of approximately 75 dwellings may be permitted on 2.5ha within the site. Development will be subject to compliance with other relevant Local Plan policies, and:

- *Provision of new access to the Bingswood Industrial Estate. This access to be constructed before any further development of the site;*
- *Preparation of a comprehensive masterplan and phasing programme, including the protection of existing employment on the site;*
- *Provision of the required proportion of affordable housing (currently 30%). Any reduction in this amount will be subject to financial assessment;*
- *Contributions towards infrastructure, greenway improvements, services and other community needs as required;*
- *Provision of a comprehensive landscaping plan, including the retention of mature trees;*
- *Contamination and ground condition survey;*
- *A site specific Flood Risk Assessment in accordance with the findings of the High Peak Viability Assessment: Level 2 Strategic Flood Risk Assessment and provision of flood mitigation measures in consultation with the Environment Agency;*
- *An assessment to consider and address impact on the adjacent wildlife site and ancient woodland;*
- *Archaeological desk-based assessment;*
- *Buildings appraisal and assessment of non-designated heritage assets.*

Appropriate uses for the area to the north and west of the River Goyt (Hogs Yard) may include business, hotel, assembly and leisure, food and drink, tourist accommodation and facilities. Town centre uses should accord with Policy CF1.

Development should not prejudice the construction of the Goyt Bridge and associated access road as identified on the Policies Map.

8.25 The policy provides a very clear framework for development on land to the east of the Goyt in terms of new employment space, residential uses and consideration of access and infrastructure. The existing access to the industrial estate is deemed problematic and there is a long-held aspiration to deliver a new bridged access to the land east of the Goyt relying on land in the ownership of this applicant.

8.26 The application proposed here does not consider land to the east of the Goyt, save for ensuring that there is no impediment to the identified route for the access road should that be brought forward as part of a masterplanned scheme for land to the east of the Goyt as envisaged and required by those bulleted elements of the DS11 policy. As such, there is no breach of the final element of the DS11 policy as there is no prejudice to the construction of

the Goyt Bridge and associated access road.

- 8.27 In regard to land to the west of the Goyt, the policy is much less prescriptive. It identifies a range of commercial uses which are positively encouraged and town centre uses will be supported subject to cross-reference to policy CF1. We have already shown above that there is no conflict with the requirements of policy CF1.
- 8.28 In summary, there is no conflict with any of the requirements of policy DS11 so on that basis the positive presumption from the NPPF paragraph 14 should apply.

9.0 Conclusions

- 9.1 Section six demonstrates that the associated impact resulting from the development will not be of such a level that would be harmful to the ongoing viability of any centre or anchor store. Again, the levels of impact do not put any facilities, or other strategic aspirations of the Development Plan, at risk. The proposal is therefore entirely compliant with the requirements of Local Plan Policy CF1.
- 9.2 Section 7 demonstrates that the requirements of the sequential approach needs to be informed by the business model of the applicant which is clearly set out. It then goes on to refer the Council to the key advice of the NPPF and leading cases on this matter. Through this approach and proper recognition of what has been previously approved on the site and the lack of credible opportunity to replicate this in spatial terms on a more centrally located site, the requirements of the sequential approach are plainly met.
- 9.3 Section 8 provides an analysis of the CF1 requirements and addresses the specific requirements of site policy DS11. This covers a wide geographic area and provides a prescriptive approach to land east of the Goyt but allows a more flexible and pragmatic approach to land west of the Goyt. This site is west of the Goyt and has an extant consent for retail development of the same quantum and will be occupied by a discount retailer.
- 9.4 As highlighted in this section of the report, there are no sequentially preferable sites and the proposals will not harm the on-going vitality or viability of any existing defined centre. To provide additional comfort to the Council, we would also propose the following end user condition which ensures that the development can be controlled in accord with what has been assessed and meets the requirements of the occupier.
- "Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 and the Town and Country Planning (General Permitted Development) (England) Order 2015, and any equivalent provisions within a statutory instrument revoking and re-enacting those Orders, no more than 20% of the net sales floorspace of the retail unit hereby approved shall be used for the sale and display of the following goods:*
- (a) the sale of convenience food goods; and*
 - (b) pharmacy products."*
- 9.5 The proposed development, through its ability to create new jobs and attract new businesses to the area will help to deliver the objectives set out within the Local Plan and the NPPF provides further support for development that can deliver economic development stating that '*significant weight should be place on the need to support economic growth through the planning system*'.