

Development Control Committee



Title	Agenda											
Date	Wednesday 7 December 2022											
Time	PART A Commences at 10.00am PART B Commences not before 1.00pm (see list of agenda items for further details)											
Venue	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU											
Full Members	<p style="text-align: right;">Chair Andrew Smith</p> <p style="text-align: right;">Vice Chairs Mike Chester and Jim Thorndyke</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Conservative Group (11)</td> <td style="width: 33%;">Carol Bull Andy Drummond Susan Glossop Brian Harvey</td> <td style="width: 33%;">Ian Houlder David Palmer David Roach Peter Stevens</td> </tr> <tr> <td>The Independent Group (4)</td> <td>John Burns Jason Crooks</td> <td>Roger Dicker Andy Neal</td> </tr> <tr> <td>Labour Group (1)</td> <td>David Smith</td> <td></td> </tr> </table>			Conservative Group (11)	Carol Bull Andy Drummond Susan Glossop Brian Harvey	Ian Houlder David Palmer David Roach Peter Stevens	The Independent Group (4)	John Burns Jason Crooks	Roger Dicker Andy Neal	Labour Group (1)	David Smith	
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Interests – declaration and restriction on participation	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.											
Quorum	Six Members											
Committee administrator	Helen Hardinge Democratic Services Officer Telephone 01638 719363 Email helen.hardinge@westsuffolk.gov.uk											

SITE VISITS WILL BE HELD ON MONDAY 5 DECEMBER 2022 AT THE FOLLOWING TIMES

The coach for Committee Members will depart West Suffolk House at 9.30am sharp and will travel to the following sites:

- 1. Planning Application DC/21/2094/OUT - Townsend Nurseries, Snow Hill, Clare**
Outline planning application (means of access to be considered) - 20 dwellings
Site visit to be held at 10.10am

- 2. Planning Application DC/22/0359/FUL - Green Farm, The Green, Hargrave**
Planning application - a. change of use of land to domestic garden b. all weather tennis court with associated fencing
Site visit to be held at 10.50am

- 3. Planning Application DC/22/0994/FUL - The Old Blacksmiths, The Street, Gazeley**
Planning application - Reconstruct existing building, extension and conversion of forge to create two dwellings
Site visit to be held at 11.20am

On conclusion of the site visits the coach will return to West Suffolk House by the approximate time of 11.50/12noon.

Where otherwise required for this agenda, site visits will be facilitated virtually by way of the inclusion of videos within the Case Officer's presentation of the application to the meeting.

Development Control Committee Agenda notes

Subject to the provisions of the Local Government (Access to Information) Act 1985, all the files itemised in this Schedule, together with the consultation replies, documents and letters referred to (which form the background papers) are available for public inspection.

All applications and other matters have been considered having regard to the Human Rights Act 1998 and the rights which it guarantees.

Material planning considerations

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their officers must adhere to this important principle which is set out in legislation and Central Government guidance.**
2. **Material planning considerations include:**
 - Statutory provisions contained in planning acts and statutory regulations and planning case law
 - Central Government planning policy and advice as contained in circulars and the National Planning Policy Framework (NPPF)
 - Supplementary planning guidance/documents eg. Affordable Housing SPD
 - Master plans, development briefs
 - Site specific issues such as availability of infrastructure, density, car parking
 - Environmental; effects such as effect on light, noise overlooking, effect on street scene
 - The need to preserve or enhance the special character or appearance of designated conservation areas and protect listed buildings
 - Previous planning decisions, including appeal decisions
 - Desire to retain and promote certain uses e.g. stables in Newmarket.
 - The following planning local plan documents covering West Suffolk Council:
 - Joint development management policies document 2015
 - In relation to the Forest Heath area local plan:
 - i. The Forest Heath Core Strategy 2010 as amended by the High Court Order 2011
 - ii. Core strategy single issue review of policy CS7 2019
 - iii. Site allocations local plan 2019
 - In relation to the St Edmundsbury area local plan:
 - i. St Edmundsbury core strategy 2010
 - ii. Vision 2031 as adopted 2014 in relation to:
 - Bury St Edmunds
 - Haverhill
 - Rural

Note: The adopted Local Plans for the former St Edmundsbury and Forest Heath areas (and all related policy documents, including guidance and SPDs) will continue to apply

to those parts of West Suffolk Council area until a new Local Plan for West Suffolk is adopted.

3. The following are **not** material planning considerations and such matters must **not** be taken into account when determining planning applications and related matters:
 - Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property or access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see section 3 above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation received after the distribution of committee papers

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- a. Officers will prepare a single committee update report summarising all representations that have been received up to 5pm on the **Thursday** before each committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- b. the update report will be sent out to Members by first class post and electronically by noon on the **Friday** before the committee meeting and will be placed on the website next to the committee report.

Any late representations received after 5pm on the **Thursday** before the committee meeting will not be distributed but will be reported orally by officers at the meeting.

Public speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Council's website.

Development Control Committee

Decision making protocol

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

Decision making protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below:

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting officer will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In making any proposal to accept the officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a member wishes to alter a recommendation:
 - In making a proposal, the member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee.

- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Assistant Director (Planning and Regulatory) and the Assistant Director (Human Resources, Legal and Democratic) (or officers attending Committee on their behalf);
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
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- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend Development control training.

Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

Members and officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

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Agenda

Part A (commences at 10am)

1. **Apologies for absence**
2. **Substitutes**
Any member who is substituting for another member should so indicate, together with the name of the relevant absent member.
3. **Minutes** **1 - 14**
To confirm the minutes of the meeting held on 2 November 2022 (copy attached).
4. **Declarations of interest**
Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda, **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.
5. **Planning Application DC/21/2094/OUT - Townsend Nurseries, Snow Hill, Clare** **15 - 54**
Report No: **DEV/WS/22/047**

Outline planning application (means of access to be considered) - 20 dwellings
6. **Planning Application DC/22/1447/RM - Land NW of Haverhill, Anne Sucklings Lane, Haverhill** **55 - 90**
Report No: **DEV/WS/22/048**

Reserved matters application - submission of details under outline planning permission SE/09/1283 - all matters reserved for the construction of 113 dwellings, with associated private amenity space, means of enclosure, parking, vehicle and access arrangements, and proposed areas of landscaping and areas of open space for phase 3b. The application includes the submission of details to enable the discharge of conditions B4, B8, B9, B16, B17, B20, B21, B24

Continued overleaf...

- 7. Planning Application DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, Bury St Edmunds 91 - 302**

Report No: **DEV/WS/22/049**

Planning application - change of use from gym (class E) to retail (class E commercial, business and service)

- 8. Planning Application DC/22/0994/FUL - The Old Blacksmiths, The Street, Gazeley 303 - 322**

Report No: **DEV/WS/22/050**

Planning application - Reconstruct existing building, extension and conversion of forge to create two dwellings

On conclusion of the above items the Chairman will permit a short break

Part B

(commences not before 1pm)

- 9. Planning Application DC/22/0359/FUL - Green Farm, The Green, Hargrave 323 - 334**

Report No: **DEV/WS/22/051**

Planning application - a. change of use of land to domestic garden b. all weather tennis court with associated fencing

- 10. Planning Application DC/22/0511/FUL - 104 High Street, Newmarket 335 - 348**

Report No: **DEV/WS/22/052**

Planning application - change of use from Bank (Class E) to Adult Gaming Centre (Sui Generis)

- 11. Planning Application DC/22/1439/TPO - 66 Woodlands Way, Mildenhall 349 - 358**

Report No: **DEV/WS/22/053**

Tree preservation order TPO 097 (1969) - one Sweet Chestnut (indicated on plan, within area A1 on order) fell

- 12. Planning Application DC/22/1631/FUL - Abbots House, 2 Newmarket Road, Bury St Edmunds 359 - 370**

Report No: **DEV/WS/22/054**

Planning application - a. single storey rear extension (demolition of existing conservatory) b. external wall insulation c. re roofing d. PV solar panels to south and east elevation e. free-standing pergola in rear garden

Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 2 November 2022** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

Carol Bull

John Burns

Roger Dicker

Andy Drummond

Susan Glossop

Ian Houlder

James Lay

Sara Mildmay-White

David Palmer

David Smith

Peter Stevens

In attendance

Marion Rushbrook – Ward Member: Clare, Hundon and Kedington

287. **Apologies for absence**

Apologies for absence were received from Councillors Jason Crooks, Brian Harvey, Andy Neal and David Roach.

288. **Substitutes**

The following substitutions were declared:

Councillor Sara Mildmay-White substituting for Councillor Brian Harvey; and Councillor James Lay substituting for Councillor David Roach.

289. **Minutes**

The minutes of the meeting held on 5 October 2022 were confirmed as a correct record, with 11 voting for the motion and with 3 abstentions, and were signed by the Chair.

Councillor Ian Houlder posed a question as to why it was minuted in the resolution where Members made a resolution that was contrary to the Officer recommendation. The Democratic Services Officer responded and explained that it was standard practice for the minutes in line with the Committee's Decision Making Protocol.

290. **Declarations of interest**

Members' declarations of interest are recorded under the item to which the declaration relates.

291. **Planning Application DC/21/2337/OUT - Land East of Beeches Road, Beeches Road, West Row (Report No: DEV/WS/22/042)**

(Councillor Andy Drummond declared, in the interests of openness and transparency, that he was a Suffolk County Councillor, in view of the applicant for this item being the County Council.)

Outline planning application (all matters reserved except access) for up to 106 dwellings, parish office and car parking, and green infrastructure including sustainable drainage, amenity green space and ecological habitats

This application was referred to the Development Control Committee due to a 1.7 hectare section of the application site being outside of the residential site allocation SA14(a) and therefore contrary to the Development Plan.

Officers were recommending that the application be approved, subject to conditions and the completion of a S106 legal agreement, as set out in Paragraph 101 of Report No DEV/WS/22/042.

Attention was drawn to the supplementary 'late papers' issued in respect of the application and the Officer also showed videos of the site by way of a virtual 'site visit'.

The Principal Planning Officer drew attention to the recommendation and the list of conditions therein and outlined amendments to Nos 3, 7, 22, 26 and 32. The Committee was also advised that an Early Years Pre-school contribution of £181,870 had been missed from the S106 list.

Speaker: Neil Hall (agent) spoke in support of the application

During the debate a number of questions/comments were posed by Members which the Officer responded to as follows:

Solar Panels – sustainable energy provision would be addressed at the application's Reserved Matters stage;

Primary School – an expansion to the village primary school was already planned;

Proximity to Pumping Station – no element of the scheme was planned to be situated less than 15m away, although this would be confirmed at Reserved Matters stage;

Noise Contours – the impact of the aircraft from the neighbouring USAF air bases was addressed within the report and an appropriate condition had been included;

Electric Charging Points – no consultee had flagged concerns with the electric charging provision for the scheme, the flats included within the application would have communal charging points;

Roads – the intention was for the roads to be built to an adoptable standard; and

Streetlights – maintenance could be carried out via a private management company or the County Council.

In response to specific queries raised, the Principal Planning Officer explained that the discovery of the area of archaeological importance led to the layout changes to the scheme, that was now seeking approval.

The Service Manager (Planning – Development) added that it was extremely rare that findings of such significance were not identified during the very early high-level desktop work that is undertaken as part of the local plan process. However, in this case discoveries were not made until the trench work had commenced, which resulted in the application needing to be amended.

Councillor Carol Bull proposed that the application be approved, as per the Officer recommendation and inclusive of the amendments as outlined to the relevant conditions and S106, this was duly seconded by Councillor Mike Chester.

Upon being put to the vote and with 10 voting for the motion, 3 against and with 1 abstention it was resolved that

Decision

Planning permission be **GRANTED** subject to

The completion of a S106 legal agreement to provide for the following planning obligations:

- Primary Education - £54, 561
- Secondary Education - £479, 807
- Sixth form provision - £101, 012
- Affordable Housing in perpetuity - 30%
- Library Provision - £24, 592
- Financial contribution towards enhanced footpath provision - £37,364.40 – (This is to be pooled with s106 funding from adjacent scheme (DC/18/0614/FUL) to create and/or improve sustainable travel links between the application site and Mildenhall Bridleway 1)
- Primary Healthcare - £63, 600
- Waste - £4,770
- Early Years Pre-school - £181,870

And, the following conditions:

1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i) The expiration of three years from the date of this permission; or
 - ii) The expiration of two years from the final approval of the reserved matters; or,In the case of approval on different dates, the final approval of the last such matter to be approved.
2. Prior to commencement of development details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents, unless otherwise stated.
4. Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - a. A site investigation scheme,
 - b. The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - c. Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.
5. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
7. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.
8. Demolition or construction works shall not take place outside the hours of 08:00-18:00 hours Mondays to Fridays and 08:00-13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
9. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a. The parking of vehicles of site operatives and visitors
 - b. Loading and unloading of plant and materials
 - c. Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
 - d. The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - e. Wheel washing facilities
 - f. Measures to control the emission of dust and dirt during construction
 - g. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - h. Hours of construction operations including times for deliveries and the removal of excavated materials and waste

- i. Noise method statements and noise levels for each construction activity including piling and excavation operations
 - j. Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
- 10.No construction for any dwelling shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:
- a. Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 dB (16hrs) within living rooms between 07.00am and 11.00pm, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 11.00am and 07.00am, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated, and;
 - b. Details of a measurement and assessment methodology for demonstrating compliance with the limits set in condition 1) a).
- 11.No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
- 12.No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

13. No development above ground level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than small privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.
14. Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
 - a. Measures for the protection of those trees and hedges on the application site that are to be retained,
 - b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
 - c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.
15. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Wood, August 2022) and the Breeding Bird Survey Report (Wood, 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
16. Concurrent with the submission of reserved matters, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

17. Concurrent with the submission of reserved matters, a Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation measures to be secured by legal agreement, in nearby agricultural land, prior to commencement. The content of the Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark nest plots;
- b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

18. No development shall take place until an ecological design strategy (EDS) addressing the mitigation, compensation and enhancement measures for bats, birds, and hedgehogs has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

19. Concurrent with the submission of reserved matters, a lighting design scheme for biodiversity shall be submitted to and approved in

writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

20. Concurrent with the submission of reserved matters, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

21. Prior to commencement of development above ground level a scheme for the provision of fire hydrants within the application site shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

22. No more than 30 dwellings shall be occupied until:

- a) a new footpath has been provided and is available for use along Pott Hall Road between and connecting the existing footpath network on Pott Hall Road (in the vicinity of Cornflower Close) with BR1.
- b) The off-site improvement to the Jarman's Lane and Mildenhall Road Junction (as shown indicatively on drawing 43017-WOOD-XX-

XX-DR-OT0001_S0_P01.1) has been implemented and is available for use.

23. Before the access is first used visibility splays shall be provided as shown on Drawing No. 43017-WOOD-XX-XX-FG-OT-0002_S0_P01.1C with an X dimension of 2.4 metres and a Y dimension of 43m metres in each direction [tangential to the nearside edge of the carriageway] and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
- 24.A Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The plan shall include access and parking arrangements for contractor's vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The development shall only take place in accordance with the approved strategy.
25. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
26. The new estate road junction (bellmouth) as shown on Drawing No. 43017-WOOD-XX-XX-FG-OT-0002_S0_P01.1C inclusive of cleared land within the visibility splays to this junction must be formed prior to any other works commencing or delivery of any other materials to the site takes place. No dwelling shall be occupied until the required footpath and pedestrian crossing dropped kerbs as shown on Drawing No. 43017-WOOD-XX-XX-FG-OT-0002_S0_P01.1C have been provided and are available for use.
27. No development shall be commenced until an estate road phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate road phasing and completion plan shall set out the development phases and the standards of construction that the estate roads serving each phase of the development will be completed to and maintained at. Development shall only take place in accordance with the approved estate road phasing and completion plan.
28. Before the development is commenced details of the areas and infrastructure to be provided for the loading, unloading, manoeuvring and parking of vehicles including powered two-wheeled vehicles and electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented for each dwelling prior to its first occupation and retained as such thereafter.
29. Before the development is commenced details of the areas to be provided for secure, covered and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented for each dwelling prior to its first occupation.

30. Before the development is commenced details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage and presentation/collection areas shall be provided for each dwelling prior to its first occupation and shall be retained thereafter for no other purpose.
31. No development above ground level shall take place until a scheme for the provision and implementation of water, energy and resource efficiency measures during the construction and occupational phases of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed in accordance with the approved details and the measures provided and made available for use in accordance with the approved timetable.
32. No development above ground level shall take place until a Public Open Space management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas together with a timetable for the implementation of the management plan, has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out in accordance with the approved details and timetable.

292. **Planning Application DC/21/2094/OUT - Townsend Nurseries, Snow Hill, Clare (Report No: DEV/WS/22/043)**

Outline planning application (means of access to be considered) - 20 dwellings

This application was referred to the Development Control Committee following call-in by one of the Clare, Hundon and Kedington Ward Members (Councillor Nick Clarke).

In addition, Clare Town Council objected to the application which was in conflict with the Officers' recommendation that the application be approved, subject to conditions and the completion of a S106 legal agreement, as set out in Paragraph 74 of Report No DEV/WS/22/043.

The Senior Planning Officer advised that two additional archaeological conditions would need to be included within the recommendation and also showed videos of the site by way of a virtual 'site visit'.

Speakers: Gary Brown (objector, speaking on behalf of himself and other neighbouring resident objectors) spoke against the application
Councillor Nick Clarke (Ward Member: Clare, Hundon and Kedington) spoke against the application
Councillor Marion Rushbrooke (Ward Member: Clare, Hundon and Kedington) spoke against the application
Phil Cobbold (agent) spoke in support of the application

(Councillor Clarke was not in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on his behalf.)

During the debate a number of questions/comments were posed by Members which the Officer responded to as follows:

Air Quality – Environmental Health had not flagged any air quality related concerns in relation to the application;

Subsidence and Soil Conditions – would be covered by the Building Regulations process;

Visibility Splays/Highways – the Local Highways Authority was satisfied with the visibility splays as proposed, they had also not requested the inclusion of double-yellow lines as a result of the scheme, however, this could be pursued separately by local Members if desired;

Electric Charging Points – the relevant condition could be reworded in relation to the communal charging points to mirror that of the previous (West Row) application considered by the Committee, if Members wished;

Nursery Use – it had been some considerable years since a nursery operated on the site, therefore a marketing exercise was not required; and

NHS West Suffolk CCG – Officers confirmed that the CCG asked to only be consulted on schemes with 50 or more dwellings proposed, hence, they had not commented on this application.

Considerable discussion took place on the drainage/flooding issues experienced in Clare and the concerns that the scheme would exacerbate the problem, as raised by the Ward Members, Town Council and resident objectors.

The Senior Planning Officer highlighted that Suffolk County Council as the lead local authority for flooding was content with the relevant conditions proposed. Furthermore, Anglian Water had confirmed that there was sufficient capacity for the scheme.

The Service Manager (Planning – Development) explained that the issue currently being experienced in Clare was understood to be due to the age of the pipes concerned. It would not be reasonable or appropriate to require the applicant to address this in connection with this application. The applicant could only be required to provide mitigation measures necessary for the development itself to proceed. Without a technical objection from a statutory consultee the matter would need to be pursued separately; which she understood Councillor Nick Clarke was undertaking.

Councillor Jim Thorndyke made reference to the location of the crossing and the risk that this could displace parked cars. In light of this, and the previous concerns raised regarding the visibility splays, he proposed that the application be deferred in order to allow a Committee site visit to be undertaken before determining the application. It was also suggested that further discussion could also be held with Anglian Water prior to the next meeting. This was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 13 voting for the motion and with 1 against, it was resolved that

Decision

That consideration of the application be **DEFERRED** in order to allow a Committee site visit to be undertaken and to allow time for Officers to have further discussions with Anglian Water.

(On conclusion of this item the Chair permitted a short comfort break.)

293. **Advertisement Application DC/22/0988/ADV - Dragonfly Hotel, Symonds Road, Bury St Edmunds (Report No: DEV/WS/22/044)**

Application for advertisement consent - one internally illuminated totem sign

This application was referred to the Development Control Committee following consideration by the Delegation Panel; having been referred to the Panel due to the support from Bury St Edmunds Town Council, which was in conflict with the Officers' recommendation of refusal, for the reason set out in Paragraph 31 of Report No DEV/WS/22/044.

Speaker: Tony Osbourne (applicant) spoke in support of the application
(Mr Osbourne was not in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on his behalf.)

In response to comments made by the Committee during the debate, the Service Manager (Planning – Development) explained that in terms of the advertisement regulations the Local Planning Authority has a duty to consider them in relation to highway safety and public amenity, only. Members were also reminded that each application was to be considered on its own merits.

Councillor Andy Drummond spoke in support of the application which he considered did not adversely affect amenity. Accordingly, he proposed that the application be approved, contrary to the Officer recommendation. This was duly seconded by Councillor Peter Stevens.

The Service Manager (Planning – Development) explained that Members' interpretation of Policy DM38 was subjective, meaning the Decision Making Protocol would not need to be invoked as a Risk Assessment would not be considered necessary.

The Principal Planning Officer then verbally advised on the conditions that could be appended to a permission, if granted.

Upon being put to the vote and with 13 voting for the motion and with 1 against, it was resolved that

Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION**, as it was considered that the application did not adversely affect amenity, subject to the following conditions:

1. This consent shall expire at the end of a period of five years beginning with the date of this notice.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents, unless otherwise stated.
3. The maximum luminance from the internally illuminated sign shall not exceed 350 candela/m².

294. **Planning Application DC/22/1003/HH & Listed Building Consent Application DC/22/1004/LB - 4 Wrenshall Farm Barns, Cart Lodge, Upton Road, Stanton (Report No: DEV/WS/22/045)**

(In the interests of openness and transparency, Councillor Jim Thorndyke advised the Committee that he had spoken to both the applicant and agent in order to advise on the Delegation Panel process.)

Householder planning application - single storey side extension with addition of gable to existing roof
Application for listed building consent - single storey side extension with addition of gable to existing roof

These applications were referred to the Development Control Committee following consideration by the Delegation Panel; having been referred to the Panel due to the support from Stanton Parish Council, which was in conflict with the Officers' recommendation of refusal, for the reason set out in Paragraph 32 of Report No DEV/WS/22/045.

A Member site visit was held prior to the meeting.

Speakers: Councillor Jim Thorndyke (Ward Member: Stanton) spoke on the applications
Julie Todd (applicant) spoke in support of the applications

During the debate Councillor Thorndyke further highlighted the perceived confusion with the location of the historic access track.

Councillor John Burns spoke in support of the applications, which he considered did not harm the listed building as the courtyard was no longer intact. Accordingly, he proposed that the applications be approved, contrary to the Officer recommendation. This was duly seconded by Councillor Andy Drummond.

The Service Manager (Planning – Development) explained that Members' interpretation of Policy DM15 was subjective, meaning the Decision Making Protocol would not need to be invoked as a Risk Assessment would not be considered necessary.

The Principal Planning Officer then verbally advised on the conditions that could be appended to the permissions, if granted.

Upon being put to the vote and the vote being unanimous, it was resolved that

Decision

Planning permission and Listed Building Consent be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION**, as it was considered that the application did not harm the listed building, subject to the following conditions:

Planning Application DC/22/1003/HH:

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents, unless otherwise stated.

Listed Building Consent Application DC/22/1004/LB:

1. The works to which this consent relates must be begun not later than three years from the date of this notice.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents, unless otherwise stated.

The meeting concluded at 1.03pm

Signed by:

Chair

Development Control Committee 7 December 2022

Planning Application DC/21/2094/OUT – Townsend Nurseries, Snow Hill, Clare

Date registered:	31 January 2022	Expiry date:	4 November 2022
Case officer:	Charlotte Waugh	Recommendation:	Approve application
Parish:	Clare Town Council	Ward:	Clare, Hundon and Kedington
Proposal:	Outline planning application (means of access to be considered) - 20 dwellings		
Site:	Townsend Nurseries, Snow Hill, Clare		
Applicant:	Mr C Parker & Mrs C Cockerill		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Charlotte Waugh

Email: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Section A – Background

The application was considered at the Development Control Committee meeting on 2 November 2022.

Officers recommended that the planning application be approved, subject to conditions as set out in the report. This recommendation was in conflict with the view of Clare Town Council who objected to the proposals.

Members at the meeting resolved to defer the application for a site visit prior to making a decision. This would allow Members to view the access and crossing position and consider visibility and on-street parking. Members also wished further communication to take place with Anglian Water given the local objection on the frequency of burst water pipes.

The previous Officer report for the 2 November 2022 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper for details of the site and development, summaries of consultation responses and neighbour representations, and for the officer assessment of the proposal.

Proposal

1. Please refer to Working Paper 1 Paragraph 1 for a description of the proposal.

Application Supporting Material:

2. Please refer to Working Paper 1 Paragraph 3 for a description of the supporting material.

Site Details:

3. Please refer to Working Paper 1 Paragraph 4 for site details.

Planning History

4. There is no recorded planning history.

Consultations:

5. Please refer to Working Paper 1 for a summary of consultation responses.

Additionally, the following summarised responses have been received:

6. West Suffolk Environment Team

The proposals are for 20 dwellings. In considering the need for an air quality assessment I have consulted the document produced by the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK), Land-Use Planning & Development Control: Planning for Air Quality, 2017. This document provides thresholds for undertaking an air quality assessment for new developments, the most relevant of which would be a change in light duty vehicle traffic flows of 500 AADT. There does not appear to be a traffic assessment detailing expected traffic flows from the development, however, 20 dwellings is unlikely to provide anywhere near the 500 additional

movements needed to trigger an air quality assessment. There is therefore no basis for requesting an air quality assessment. We have requested a condition requiring all dwellings to be provided with EV charge points. Air quality will continue to improve over the next decade as the transition to zero tailpipe emission vehicles continues.

7. SCC Infrastructure Manager

Previous responses for this application have been submitted by way of letters dated 15 February 2022, and 21 July 2022. The following updates the level of contributions based on the net increase of 18 dwellings (2 x existing dwellings to be demolished).

Service requirement	Capital contribution
Library improvement - £216 + £16 per dwelling	£4,176
Waste - £97 per dwelling	£1,746
Education :	
Secondary 3 - £25,253 per place	£75,759
Sixth Form 1 - £25,253 per place	£25,253
Monitoring fee (per trigger point)	£476

Representations:

8. Please refer to Working Paper 1 for representations received.

Policy:

9. Please refer to Working Paper 1 for a list of policies and guidance that have been taken into account in the consideration of the application.

Officer Comment

10. Please refer to Working Paper 1 from Paragraph 27 for the officer assessment of the proposals.

Update

Air Quality

11. Following the 2 November 2022 meeting of the Development Control Committee, a further response was sought from the Environment Team in response to concerns raised over air quality. As detailed above, the scale of development does not meet the threshold for requiring such an assessment. To combat air quality a condition is recommended ensuring electric vehicle charge points are provided for all dwellings.

Developer contributions

12. The applicant has queried the S106 contributions given that two dwellings are currently on site and will be removed to facilitate the development. On that basis, there is a net increase of 18 dwellings as opposed to 20. Suffolk County Council infrastructure manager has recalculated the contributions, reducing the amount required for libraries, waste and education.

13. The applicant has agreed the above obligations as well as the inclusion of on-site affordable housing and a draft S106 agreement has been provided. Consequently, the development is policy compliant in this regard.

Water mains

14. Whilst the Local Authority has sought the view of Anglian Water on the current situation with the water mains, at the time of writing no response has been received. Officers will continue attempts to make contact and will update the committee through a late paper or verbally if anything is received.

15. Notwithstanding this, whilst it is appreciated that residents are frustrated with frequent burst water pipes and the inconvenience they pose in terms of diversions and access, this application is not responsible for resolving this existing issue and it would be unreasonable to withhold consent on that basis.

Access

16. The Highway Authority is satisfied with the position of the access and the visibility splays provided. Furthermore, the principle of a crossing gains their support and the technical details will be approved through a planning condition.

Conclusion

17. No statutory consultees have objected to the scheme and the Highway Authority are satisfied that a safe access and crossing can be provided to facilitate access for all. The development is considered to accord with the development plan and will provide both market and affordable housing within a sustainable location. It is considered that the development is in compliance with the relevant development plan policies and with the National Planning Policy Framework.

Recommendation and conditions

18. The Officer recommendation remains one of **APPROVAL**, subject to;

A signed S106 agreement to secure the following:

- 30% affordable housing
- £75,759 for Secondary school provision (3 places)
- £25,253 for post 16 education (1 place)
- £4,176 for libraries
- £1,746 for waste recycling centre

And the following conditions as per Working Paper 1:

- 1 Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i) The expiration of three years from the date of this permission; or
 - ii) The expiration of two years from the final approval of the reserved matters; or,

In the case of approval on different dates, the final approval of the last

such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Prior to commencement of development details of the appearance, landscaping, layout and scale [access, appearance, landscaping, layout, and scale] (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

Location Plan
Highway Plan 184-2019-02 P1

Reason: To define the scope and extent of this permission.

- 4 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - a. A site investigation scheme,
 - b. The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - c. Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, Paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 5 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, Paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies.

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, Paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies.

- 7 Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority (LPA). The scheme shall be in accordance with the approved FRA and include:
- a. Dimensioned plans and drawings of the surface water drainage scheme;
 - b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
 - c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
 - d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
 - e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
 - f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
 - g. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the

local planning authority.

h. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction.

The scheme shall be fully implemented as approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development, in accordance with policies DM6 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 8 Within 28 days of practical completion of the last dwelling or unit, a Sustainable Drainage System (SuDS) verification report shall be submitted to the LPA, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the LPA for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk within the county of Suffolk
<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

- 9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecology report (Framlingham Environmental, 25th August 2020) and Bat Surveys (Aspen Ecology, 22 July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 9 Concurrent with reserved matters a Reptile Mitigation Strategy addressing the mitigation of reptiles has been submitted to and approved in writing by the local planning authority.
- The Reptile Mitigation Strategy shall include the following.
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
 - i) Details for monitoring and remedial measures.
 - j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 10 Concurrent with reserved matters a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.
- The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve protected and Priority species and allow the Local Planning Authority CEMP to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 11 Concurrent with reserved matters a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.
The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 12 Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 13 Prior to commencement of development details of the proposed access (including the position of any gates to be erected and visibility splays

provided) shall be submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained thereafter in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to highway safety and it is necessary to secure details prior to any other works taking place.

- 14 Before the access is first used, visibility splays shall be provided as shown on Drawing No. 184/2019/02 and thereafter be retained in the approved form. Notwithstanding the provisions of Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.

Reason: To ensure vehicles exiting the access have sufficient visibility to enter the public highway safely and vehicles on the public highway have sufficient warning of a vehicle emerging, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 15 No development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 16 Before the development is commenced details of a new footway and pedestrian crossing to the frontage of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed fully before first occupation of any dwellings The footway shall be retained thereafter in its approved form.

Reason: In the interests of highway safety and sustainable development by providing a footway at an appropriate time where no provision may deter people from walking. This is a pre-commencement condition because insufficient details have been submitted at planning stage.

- 17 Before the development is commenced, details of the roads and footpaths,

(including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure that roads/footways are constructed to an acceptable standard

- 18 No above ground development shall take place until details of the areas to be provided for the loading, unloading, manoeuvring, parking of vehicles, including secure cycle storage, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 19 No development shall take place on site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of loss and damage to archaeological and historic assets.

- 20 No building shall be occupied or otherwise used until the site investigation

and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 19 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 21 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 22 Prior to first occupation, all dwellings shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, Paragraphs 105 and 110 of the National Planning Policy Framework Paragraphs 105 and 110 and the Suffolk Parking Standards.

- 23 Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:
- a) parking and turning for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) piling techniques (if applicable)
 - d) storage of plant and materials
 - e) provision and use of wheel washing facilities
 - f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
 - g) site working and delivery times
 - h) a communications plan to inform local residents of the program of works
 - i) provision of boundary hoarding and lighting
 - j) details of proposed means of dust suppression
 - k) details of measures to prevent mud from vehicles leaving the site

during construction

l) haul routes for construction traffic on the highway network and

m) monitoring and review mechanisms.

n) Details of deliveries times to the site during construction phase

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.

- 24 Before the development is commenced details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation and shall be retained thereafter for no other purpose

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway and in accordance with Suffolk Guidance for Parking 2019

- 25 The dwelling(s) hereby approved shall not be occupied until the requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The higher standards for implementation of water efficiency measures set out in the Building Regulations are only activated if they are also a requirement of a planning condition attached to a planning permission.

Documents:

- All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/2094/OUT](#)
- Working Paper 1 – Committee report – 2 November 2022

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WORKING PAPER 1

**Development Control Committee
2 November 2022**

**Planning Application DC/21/2094/OUT –
Townsend Nurseries, Snow Hill, Clare**

Date registered:	31 January 2022	Expiry date:	4 November 2022
Case officer:	Charlotte Waugh	Recommendation:	Approve application
Parish:	Clare Town Council	Ward:	Clare, Hundon and Kedington
Proposal:	Outline planning application (means of access to be considered) - 20 dwellings		
Site:	Townsend Nurseries, Snow Hill, Clare		
Applicant:	Mr C Parker & Mrs C Cockerill		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Charlotte Waugh

Email: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background:

This application has been referred to the Development Control Committee following a call-in from one of the local Ward Members (Councillor Nick Clarke of Clare, Hundon and Kedington).

Clare Town Council object and the application is recommended for APPROVAL.

Proposal:

1. The application seeks outline approval for 20 dwellings with access included but all other matters (appearance, landscaping, layout and scale) reserved.
2. Access would be provided on to Snow hill and details of this access have been submitted with the application. A sustainable drainage feature is proposed to the front of the site.

Application supporting material:

3.
 - Location plan
 - Indicative site layout
 - Site section
 - Highway drawing
 - Planning, design and access statement
 - Statement of community involvement
 - Ecology report with appendage
 - Bat survey
 - Tree survey
 - SuDs report
 - Phase 1 contamination report

Site details:

4. The application site is an area of approximately 1 hectare previously used as a plant nursery. The site contains a two-storey dwelling, a bungalow and a few small outbuildings associated with the former use. The site has frontage to the B1063 (Snow Hill). The remainder of the eastern boundary of the site adjoins the rear gardens of 'The Hollow' and 'Atalaya'. Northern and western boundaries of the site adjoin the rear gardens of dwellings in Hertford Road and Gilbert Road. The southern boundary partly adjoins properties in Gilbert Road and partly adjoins No.2, a semi-detached property fronting the B1063. In terms of topography, the land rises from road level to the east up to the west.
5. The site is not subject to any designations or constraints.

Planning history:

6. None

Consultations:

7. The application has been subject to amendments and additional information has been submitted during the application to address concerns raised. The consultation responses set out below represent the current position and are a summary of the latest responses received.

8. Full copies of consultation responses are available to view online through the Council's public access system using the link below.

9. SCC Highways Authority

The Highway Authority accepts that an access in this location is suitable for the proposed housing development and the indicative drawings, particularly visibility splays show that a safe access is achievable. The applicant should provide more detailed engineering drawings going forward showing necessary alterations to the earth bank to provide visibility splays and the proposed footpath, the Highway Authority notes that the applicant should provide a dedicated pedestrian crossing point to the primary B1063 footpath. *(These details can be provided during the S78 agreement with SCC)* No objections subject to conditions regarding a crossing point, access details, frontage limited to 0.6m, visibility splays, surface water drainage, bin storage, cycle storage, parking areas, electric charge points, road details, construction management plan.

10. West Suffolk Public health and Housing

No comments to make

11. West Suffolk Environment Team

The report recommends intrusive investigations, however, we would recommend that the investigations are extended across the site. As such, no objections subject to a land contamination condition, making note of the first section of the condition which requires the submission of a site investigation scheme.

In terms of air quality, a condition is recommended ensuring the provision of electric car charging points within the development.

12. SCC Lead Local Flood Authority

No objection subject to conditions regarding surface water drainage and the submission of a report detailing the SuDS feature.

13. West Suffolk Strategic Housing

No objection subject to 30% affordable housing to be secured within a S106 agreement.

14. Anglian Water

Wastewater treatment - The foul drainage from this development is in the catchment of Clare Water Recycling Centre that will have available capacity for these flows.

Used water network - The sewerage system at present has available capacity for these flows.

15. SCC Archaeology

This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), in close proximity to Clare Camps, a Scheduled earthwork enclosure (HER ref no. CLA 010; Scheduled Monument 1006046). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National

Planning Policy Framework (Paragraph 205), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

No objection subject to condition securing a programme of archaeological work and the submission of a post investigation assessment.

16. West Suffolk Waste Management

No comments to make

17. Suffolk Fire and Rescue

Offers advice to the applicant in terms of the benefits of sprinkler systems.

18. SCC Infrastructure Manager

No Primary school places required as Clare Community Primary School is expected to have surplus capacity to accommodate this and other planned development. No Pre-school places are required as there is a surplus of early years provision within the Clare, Kedington, Hundon ward.

Stour Valley Community School (Secondary). The number of pupils arising from housing completions beyond the forecast period, applications pending decision, and local plan site allocations are expected to cause the school to exceed 95% capacity based on current forecasts. Therefore, 4 x 11- 16 places at £25,253 per place is requested. Total £101,012

The nearest Post 16 education is provided at Samuel Ward Academy, located in Haverhill. The number of pupils arising from housing completions beyond the forecast period, applications pending decision, and local plan site allocations are expected to cause the school to exceed 95% capacity based on current forecasts. Therefore, 1 x 16+ place at £25,253 is requested.

This development will place additional demands on the library service, so a contribution of up to £216 per dwelling is sought to help improve local provision. An additional cost of £16 per dwelling is required for additional stock. Total £4,640

The nearest recycling centre is located in Haverhill. The Haverhill Recycling Centre is over capacity and the strategy is to relocate the existing recycling centre from Chalkstone Way to a new site. The expected cost of this project is £4.25 million which includes land and build costs. 34,280 households are projected to use this new facility by 2043 which gives a cost of £124 per dwelling. Total £2,480.

Representations:

19. Councillor Nick Clarke (Ward Member for Clare, Hundon and Kedington)

I object to the planning application for 23 houses at Townsend Nurseries, Snow Hill, Clare for the following reasons:

The density of the proposal (23 homes on this town centre site) is unacceptable for Clare which does not have the infrastructure to accommodate this scale of development and is out of keeping with the area. Today (08/03/2022) Anglian Water engineers are attending yet another burst water pipe in Bridewell/Callis Street. They indicated that these pipes

were laid 60 years ago, are extremely fragile and the construction contains asbestos. This particular stretch of the B1063 has suffered regular major water pipe bursts and leaks - 24 major bursts in Clare in 24 months. Each of these leaks closes the road completely resulting in a significant detour over Maple Hill which is a single lane track with passing places. This development is sufficiently far away from the town center that most journeys to the center will be by vehicle adding to an already difficult parking problem in the town.

20. Clare Town Council

Submitted the following summarised comments:

- Acknowledgement that the land was effectively wasteland and that some use may be desirable
- Acknowledgement that Clare needs housing to retain younger residents
- Infrastructure was a major concern, particularly GP surgery, secondary school at Stour Valley, ongoing issues with drainage and mains water leakages.
- Reiterated its objection in principle to any further development until improvements are made to the infrastructure.
- Concerns about more tarmac leading to further surface water flooding which is already an issue locally. Furthermore, steep banks in the area have subsided and there is historic property subsidence close to the proposed development site.
- Concerns over increased parking and traffic issues
- Acknowledged that additional residents can bring benefits to local businesses.
- Two further development sites in Clare within Local Plan

Those present RECOMMENDED OBJECTION on the grounds that;

(A) Clare has already taken more new residential development than envisaged under the adopted local plan without any commensurate investment in infrastructure;

(B) There are concerns around increasing the flood risk, as significant flooding is already experienced in the area;

(C) The development proposals as described (even at the reduced number of 20 homes) will lead to a cramped, overdeveloped feeling on the site in contrast to the neighbouring environment;

(D) the number of vehicle movements generated will create highway safety issues and the design does little to contribute to the creation of an area with a strong sense of place and distinctiveness.

21. Clare Society

Submitted the following summarised comments:

- Has considered the proposed new West Suffolk Local Plan, Issues and Options dated December 2020.
- Acknowledge this is a brownfield site within the settlement boundary
- The proposed 23 dwellings would be within the density figures indicated during the initial SHELAA call for land.
- New development has no responsibility to correct existing infrastructure shortcomings but WSC has a duty of care for existing residents to ensure those shortcomings are not exacerbated
- Clare suffers from regular burst water pipe in Bridewell/Callis Street – The pipes are 60 years old and contain asbestos - 23 major bursts in 24 months

- This results in long diversions and inconvenience for residents, emergency vehicles, public transport, delivery vehicles and utilities
- The GP practice has no capacity for additional patients
- Concerns over visibility for new access
- Concerns over subsidence to existing properties

22.18 representations were received from local residents and the points raised are summarised below. Full copies of the representations are available to view on the public planning file online.

- Proposed planting will create a loss of light
- Overlooking/loss of privacy
- Noise and light pollution
- Potential for subsidence
- This parcel of land was not in the Local Plan – Clare has exceeded its quota
- Overdevelopment – density not in accordance with surrounding development
- Loss of trees and hedges
- Impact on wildlife – existing field provides habitats
- Impact on traffic and lack of parking in town centre
- Another access onto busy Bridewell Lane is likely to cause a hazard for pedestrians, cyclists and motorists – no footpath on East side of road
- No communal central green space
- Insufficient infrastructure – including mains water and gas pressure
- Stour Valley Community school and Clare Primary school are at capacity
- Guildhall surgery is at capacity and Stonehall surgery is closed
- Bridewell Lane experiences regular burst water pipes causing road closures – they will not be able to cope with the additional drainage
- The field is at the bottom of a hill and provides drainage for the estate
- Land provides carbon removal
- There is no mention of electric charging points or energy generation
- Noise, dust, road closures, disturbance and traffic during construction
- Whose responsibility will it be to manage proposed landscaping?
- Site forms an integral part of the 'heights' development
- Dwellings should be entirely single storey
- Limited transport to Samuel Ward and Cambridge schools for post 16s
- Property (no. 1 Gilbert road) not accurately shown

23. Since the submission of an amended indicative site plan reducing the number proposed to 20 dwellings, 5 of the addresses which had already submitted comments made further representations confirming that those comments made originally are still applicable.

Policy:

24. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

25. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

St Edmundsbury Core Strategy 2010

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS5 - Affordable Housing
- Core Strategy Policy CS12 - Haverhill Strategic Growth
- Core Strategy Policy CS14 - Community infrastructure capacity and tariffs

Rural Vision 2031

- Vision Policy RV1 - Presumption in Favour of Sustainable Development
- Vision Policy RV3 - Housing Settlement Boundaries
- Vision Policy R11 - Clare

Joint Development Management Policies Document 2015

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM46 Parking Standards

NPPF 2021

Other planning policy:

26. National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

27. This section of the report begins with a summary of the main legal and legislative requirements before entering into a discussion about whether the development proposed by this planning application can be considered acceptable in principle in the light of national planning policy, local plan designations and other local planning policies. It then goes on to analyse other relevant material planning considerations (including site specific considerations) before reaching conclusions on the suitability of the proposals.

Planning and Compulsory Purchase Act 2004 (as amended)

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The principle of development in relation to the development plan and the conformity of the proposals with key policies is discussed through the rest of this report.

The Conservation of Habitats and Species Regulations 2010

29. The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by Regulation 61 of The Conservation of Habitats and Species Regulations 2010 (as amended).

The application site is not in the close vicinity of any designated (European) sites of nature conservation. The ecology report submitted with the application considers the impact of development on any protected species that may be present and has been assessed by an ecologist. Given that the development will not give rise to any impacts on designated sites, no habitats regulation assessment is required.

Natural Environment and Rural Communities Act 2006

30. The Natural Environment and Rural Communities (NERC) Act (2006) Section 40(1) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.

31. The potential impact of the application proposals upon biodiversity interest is discussed later in this report.

Equality Act 2010

32. Consideration has been given to the provisions of Section 149 of the Act (public sector equality duty) in the assessment of this application. The proposals do not raise any significant issues in this regard.

Principle of Development

33. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The relevant parts of the West Suffolk Development Plan are the adopted Core Strategy, Rural Vision 2031, and the adopted Joint Development Management Policies Document 2015. National planning policies set out in the NPPF.

34. The site is located within the Housing Settlement Boundary for Clare. Policy RV3 states that planning permission for new residential development will be

permitted within Housing Settlement Boundaries where it is not contrary to other policies in the plan.

35. Policy CS4 sets out the Council's settlement hierarchy and designates Clare as a 'Key Service Centre', these are settlements that have a range of services, facilities, employment opportunities and are able to accommodate a degree of development.
36. The application has been amended since submission to reduce the number of dwellings from 23 to 20 and an indicative layout has been provided to demonstrate how they would be accommodated within the site. Subsequently this development equates to a density of approximately 20 dwellings per hectare. The NPPF encourages the re-use of brownfield land within settlements and promotes efficient use of land in terms of densities. Policy RV11 acknowledges that this is a brownfield site within the Housing settlement boundary which could come forward within the plan period without allocation.
37. It is considered that in terms of the location and extent of development, the proposals are acceptable in principle, subject to acceptable impacts in terms of access, ecology, flooding and drainage.

Design, layout, and amenity

38. The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development, indivisible from good planning. The NPPF goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
39. These design aspirations are reflected in policy DM2, which states that proposals for all development should create a sense of place and/or local character. In the case of residential schemes, policy DM22 states that proposals should create a coherent and legible place that is well structured so that it is visually interesting and welcoming.
40. The layout submitted, whilst indicative only, shows a layout which provides adequate space for gardens, parking, manoeuvring and landscaping. Dwellings to the rear are specified as single storey to protect the amenity of dwellings on Gilbert Road and it is considered that dwellings can be designed to ensure no significant loss of amenity to surrounding dwellings.
41. The applicant carried out a public consultation in August/September 2020. Residents were notified by letter and plans were available electronically to view and comment on. This was followed by a subsequent zoom call. A summary of comments received has been provided in a statement of community involvement. Prior to submission of the application a further meeting was held with local representatives outlining changes to the scheme since the initial consultation.
42. Landscaping exists at present on boundaries and it is envisaged that this will be enhanced within the proposal, not only to provide an attractive setting and provide habitat but to help protect residential amenity for new occupants and those existing. A landscaping scheme would be submitted at

the reserved matters stage. A small green space was shown on the indicative plan, albeit this doesn't necessarily represent the final scheme. It is noted that residents have commented that there is no communal space included but given the size of the site and the proximity to public open space this isn't considered necessary.

43. The development is therefore considered to be in accordance with policies CS1, CS2, CS3 and CS12 of the St Edmundsbury Core Strategy 2010, Policies DM2, and DM22 of the Joint Development Management Policies Document 2105 and the guidance set out in the NFFP.

Access and Movement

44. The NPPF promotes all forms of sustainable transport, advising that development should provide for high quality walking and cycling networks. It goes on to advise that development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

45. Policy DM2 of the Joint Development Management Policies Document also requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network and policy DM46 confirms that the authority will seek to reduce over-reliance on the car and promote more sustainable forms of transport. This is also a key aspiration of the adopted masterplan and design code which seeks to maximise accessibility creating walkable neighbourhoods.

46. The site is located a short distance from the town centre of Clare which contains a variety of services and facilities. There is no pavement at present on the Eastern side of Snow Hill and as such, a pedestrian crossing is required to ensure safe pedestrian access to and from the site. The Highway Authority are satisfied with the location of this crossing and the details will be secured by a condition. Whilst it is noted that some residents feel that occupants would not walk the ½ mile into town, the provision of a crossing will enable easier access and hopefully encourage residents to use alternatives to the car.

47. The reserved matters submission would include details of parking, cycle storage and areas to manoeuvre to ensure these meet adopted standards.

48. A condition has been recommended to ensure electric car charging points are installed to all private drives in accordance with the NPPF and policy DM14 of the Joint Development Management Policies Document which states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality.

49. In light of the above, the development is considered to be in accordance with DM2, DM14 and DM46 of the Joint Development Management Policies Document 2105 and the guidance set out in the NFFP.

Landscape and ecology

50. The NPPF confirms that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible. This is reflected in policies DM11 and DM12 which seek to safeguard protected species and state that measures

should be included in the design of all developments for the protection of biodiversity, the mitigation of any adverse impacts, and enhancements commensurate with the scale of the development.

51. There are no sites of international or national importance within or adjacent to the site. However, there are habitats within the application site which contribute to the biodiversity of the site and have the potential to support protected species. A preliminary ecological appraisal supports the application as well as a bat survey which concludes that with the implementation of mitigation measures as stated in the reports there will be no significant adverse impact on protected species.
52. The ecologist is satisfied with the contents of these reports and conditions have been recommended which secure the necessary mitigation and enhancement measures.
53. A tree survey identifies a number of trees within the site as well as boundary hedging. Whilst the majority of which are category C, there are 2 Oaks and a Hawthorn considered category B. It is considered that an effort should be made to retain these trees on the site, which it appears from the indicative plan is possible. Landscaping is a reserved matter and as such, full details of landscaping to be retained and proposed will be submitted at a later date.
54. The development would not introduce any adverse effects on protected species or sites, subject to following the recommendations of the submitted reports. On this basis, the Local Authority has carried out its duty under the NERC Act.
55. The development is therefore considered to be in accordance with policies DM2, DM11, DM12 and DM13 of the Joint Development Management Policies Document 2105 and the guidance set out in the NFFP.

Flooding and drainage

56. The NPPF and local Policy DM6 seek to ensure that development proposals include details as to how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere.
57. It is understood that Clare suffers from burst water pipes on a regular basis due to their age. This results in road closures, long diversions and is an inconvenience to residents. Anglian Water who own and maintain the pipe network have confirmed that there is sufficient capacity both within the pipes and the pumping station to accommodate flows from this development and others within the Local Plan period. The responsibility therefore lies with Anglian Water to update their network of pipes to an appropriate standard.
58. The development would be served by a drainage basin to the south-East of the site. The lead local flood authority has reviewed the drainage documentation and has confirmed that the proposals are acceptable subject to the inclusion of conditions regarding further surface water drainage details and completion of the asset register. As such, the development accords with policy DM6 of the Joint Development Management Policies Document 2105.

Affordable housing

59. Core Strategy policy CS5 as supported by the supplementary planning document which identifies the need for affordable housing in the district and sets the threshold at 30% on developments above 10 dwellings.

60. A S106 agreement has been drafted and agreed by all parties which secures 30% of the dwellings as affordable. Of this 10% of overall proposed dwellings are to be shared ownership in line with Paragraph 65 of the NPPF, the remaining affordable housing quota as affordable or social rent. The mix of dwellings shall be agreed with Strategic Housing at reserved matters stage and shall be in accordance with the signed S106 and the Affordable Housing SPD.

61. As such, this element of the scheme complies with policy CS5 and the NPPF securing 30% onsite affordable homes.

Developer Contributions

62. The NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) providing the infrastructure and services necessary to serve the development. Further details of the requirements for infrastructure delivery are set out in policy CS14.

63. Suffolk County Council have considered the application in respect of its impact on education and services and have requested contributions towards secondary and sixth form education, libraries and waste. A full list is within the consultation response section.

64. The applicant has agreed the above obligations as well as the inclusion of on-site affordable housing and a draft S106 agreement has been provided. Consequently, the development is policy compliant in this regard.

Other matters

65. The site is located within an area of archaeological potential and consequently a scheme of investigation is required before any work is commenced. This will be secured by condition.

66. The issue of subsidence has been raised by the Town Council. Any development would need to take account of the ground conditions in order to comply with the building regulations. These regulations operate independently to the planning regulations and seek to ensure that any development is structurally sound.

Conclusion:

67. Section 38(6) of the 2004 Planning Act states planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Framework reinforces the approach set out in Section 38(6). It emphasises the importance of the plan-led system and supports the reliance on up-to-date development plans to make decisions.

68. The site is considered a sufficient size to accommodate 20 dwellings at an acceptable density, as well as associated private amenity space, parking and road network.
69. The Highway Authority is satisfied with the position and details of the access onto Snow Hill and is content that a safe crossing point can be provided to ensure access for all.
70. It is considered that the development has the ability to offer a good level of amenity to future occupants, and the submission of plans at reserved matters stage would ensure the amenity of existing residents.
71. The Lead Local Flood Authority has confirmed that the SuDS basin design is acceptable and subject to the submission of details they are content with the overall drainage solution.
72. Consultees are satisfied with the ecology details submitted and do not consider the development to have an adverse impact on protected species. Subject to conditions and landscaping details officers are content that a successful scheme can be designed accommodating sufficient planting and ecological enhancements.
73. Having regard to the above conclusions, it is considered that the development is in compliance with the relevant development plan policies and with the National Planning Policy Framework and it is therefore recommended for approval.

Recommendation:

74. It is recommended that outline planning permission be **APPROVED** subject to;

A signed S106 agreement to secure the following:

- 30% affordable housing
- £101,012 for Secondary school provision (4 places)
- £25,253 for post 16 education (1 place)
- £4,640 for libraries
- £2,480 for waste recycling centre

And the following conditions:

- 1 Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i) The expiration of three years from the date of this permission; or
 - ii) The expiration of two years from the final approval of the reserved matters; or,In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Prior to commencement of development details of the appearance, landscaping, layout and scale [access, appearance, landscaping, layout, and scale] (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:
Location Plan
Highway Plan 184-2019-02 P1

Reason: To define the scope and extent of this permission.

4. Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - a. A site investigation scheme,
 - b. The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - c. Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 5 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core

Strategy Policies.

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies.

- 7 Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority (LPA). The scheme shall be in accordance with the approved FRA and include:
- a. Dimensioned plans and drawings of the surface water drainage scheme;
 - b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
 - c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
 - d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
 - e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
 - f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
 - g. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.
 - h. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include: Method statements, scaled and

dimensioned plans and drawings detailing surface water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction.

The scheme shall be fully implemented as approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development, in accordance with policies DM6 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 8 Within 28 days of practical completion of the last dwelling or unit, a Sustainable Drainage System (SuDS) verification report shall be submitted to the LPA, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the LPA for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk within the county of Suffolk <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

- 9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecology report (Framlingham Environmental, 25th August 2020) and Bat Surveys (Aspen Ecology, 22 July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 10 Concurrent with reserved matters a Reptile Mitigation Strategy addressing the mitigation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
 - i) Details for monitoring and remedial measures.
 - j) Details for disposal of any wastes arising from works.
- The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 11 Concurrent with reserved matters a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.
- The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve protected and Priority species and allow the Local Planning Authority CEMP to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 12 Concurrent with reserved matters a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 13 Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 14 Prior to commencement of development details of the proposed access (including the position of any gates to be erected and visibility splays provided) shall be submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained thereafter in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to highway safety and it is necessary to secure details prior to any other works taking place.

- 15 Before the access is first used, visibility splays shall be provided as shown on Drawing No. 184/2019/02 and thereafter be retained in the approved form. Notwithstanding the provisions of Part 2, Class A of the Town and

Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.

Reason: To ensure vehicles exiting the access have sufficient visibility to enter the public highway safely and vehicles on the public highway have sufficient warning of a vehicle emerging, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 16 Before the development is commenced, details of the roads and footpaths, (including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure that roads/footways are constructed to an acceptable standard in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

17. No development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 18 Before the development is commenced details of a new footway and pedestrian crossing to the frontage of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed fully before first occupation of any dwellings The footway shall be retained thereafter in its approved form.

Reason: In the interests of highway safety and sustainable development by providing a footway at an appropriate time where no provision may deter people from walking. This is a pre-commencement condition because insufficient details have been submitted at planning stage.

- 19 Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development

Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards.

- 20 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 21 Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:
- a) parking and turning for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) piling techniques (if applicable)
 - d) storage of plant and materials
 - e) provision and use of wheel washing facilities
 - f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
 - g) site working and delivery times
 - h) a communications plan to inform local residents of the program of works
 - i) provision of boundary hoarding and lighting
 - j) details of proposed means of dust suppression
 - k) details of measures to prevent mud from vehicles leaving the site during construction
 - l) haul routes for construction traffic on the highway network and
 - m) monitoring and review mechanisms.
 - n) Details of deliveries times to the site during construction phase

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.

- 22 The dwelling(s) hereby approved shall not be occupied until the requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The higher standards for implementation of water efficiency measures set out in the Building Regulations are only activated if they are also a requirement of a planning condition attached to a planning permission.

- 23 Before the development is commenced details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation and shall be retained thereafter for no other purpose

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway and in accordance with Suffolk Guidance for Parking 2019

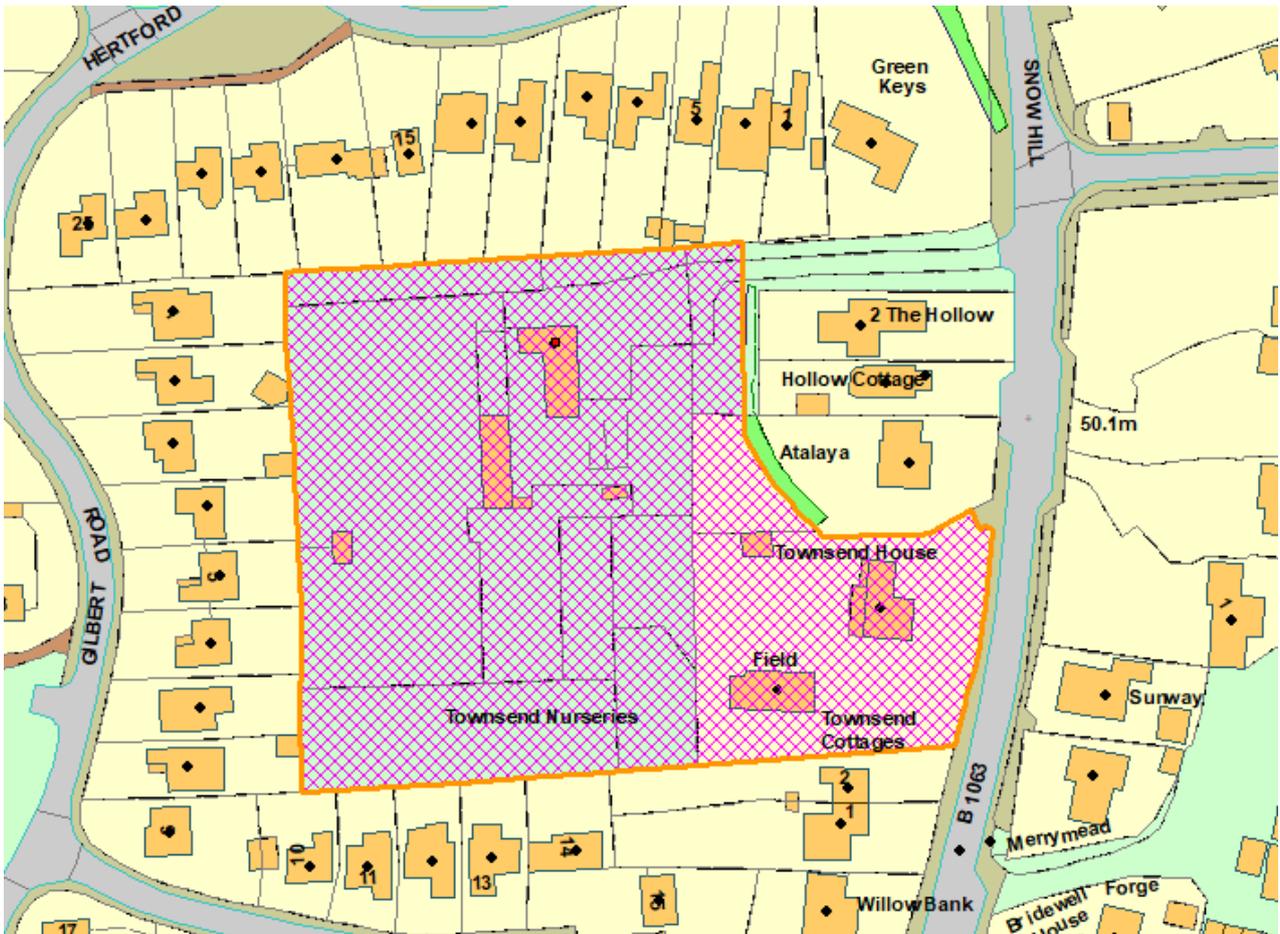
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/2094/OUT](#)

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DC/21/2094/OUT - Townsend Nurseries, Snow Hill, Clare



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Client	MR C PARKER & MRS C COCKERILL	Scale:	1:1250
Project:	RESIDENTIAL REDEVELOPMENT OF TOWNSEND NURSERY, THE STREET, CLARE	Date:	JULY 2020
Drawing:	CONSULTATION DRAFT LAYOUT PLAN	Contract:	4378
		Drg No.	01 C

BROWN & SCARLETT ARCHITECTS
 1 Old Hall Barns, Thurston Road
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 info@brownandscarlett.co.uk

1:1250 scale
 0m 25m
 1:1250 Scale Bar

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Development Control Committee

7 December 2022

Planning Application DC/22/1447/RM – Land NW of Haverhill, Anne Sucklings Lane, Haverhill

Date registered: 18 August 2022 **Expiry date:** 9th December 2022

Case officer: Charlotte Waugh **Recommendation:** Approve application

Parish: Haverhill Town Council **Ward:** Haverhill North

Proposal: Reserved matters application - submission of details under outline planning permission SE/09/1283 - all matters reserved for the construction of 113 dwellings, with associated private amenity space, means of enclosure, parking, vehicle and access arrangements, and proposed areas of landscaping and areas of open space for phase 3b. The application includes the submission of details to enable the discharge of conditions B4, B8, B9, B16, B17, B20, B21, B24

Site: Land NW of Haverhill, Ann Sucklings Lane, Haverhill

Applicant: Mr Isaac Jolly

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Charlotte Waugh

Email: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background:

This application has been referred to the Development Control Committee following consideration by the Delegation Panel. Haverhill Town Council object to the application.

The application is part of the wider North-West Haverhill site, which is one of the two strategic growth sites for Haverhill identified in the adopted Core Strategy. It seeks approval of details for parcel 3b of residential development.

Outline planning permission was granted on 27 March 2015 for residential development, a primary school, local centre including retail and community uses, public open space, landscaping infrastructure, servicing and other associated works alongside full permission for the construction of a relief road.

1.0 Proposal:

- 1.1 The application seeks approval for the reserved matters (access, appearance, landscaping, layout and scale), for phase 3b of NW Haverhill, the outline approval granted under SE/09/1283.
- 1.2 The revised reserved matters application provides the details for 113 dwellings with associated private amenity space, means of enclosure, car parking, vehicle and access arrangement and drainage, together with proposed areas of landscaping. Dwellings comprise apartments, terraces, semi-detached and detached units with a focus on 2 and 3 bedroom properties.
- 1.3 In addition, the application seeks to discharge conditions B4 (landscape and ecological management plan), B8 (design statement), B9 (parking), B16 (arboricultural method statement), B17 (soft landscaping), B20 (archaeology), B21 (construction method statement), and B24 (refuse and recycling) from the outline application in relation to this phase of development.

2.0 Application supporting material:

Title	Reference no.	Received date
Design, access, compliance statement		17 Aug 22
Movement and connectivity plan	JBA 18/351-56 A	17Aug 22
Compound location plan	039-E-227 B	17 Aug 22
Phasing delivery plan	039-E-SK125 A	17 Aug 22
Initial DPC Levels	046-E-550	17 Aug 22
Tracking and visibility masterplan	046-E-SK15	17 Aug 22
External works hard landscaping 1of3	046-P-300	17 Aug 22
External works hard landscaping 2of3	046-9-P-301	17 Oct 22
External works hard landscaping 3of3	046-P-302	17 Aug 22

Noise Assessment	LA/1780/01R/ML	17 Aug 22
Archaeology investigation	21340	17 Aug 22
Archaeology evaluation	2569	17 Aug 22
Arb method statement	JBA 18/351 AR06	17 Aug 22
Clearance Precautionary Method Statement	JBA 18/351	17 Aug 22
Barnwood plans (plots 25,30)	21-3114-020	18 Aug 22
Barnwood elevations (plots 25,30)	21-3114-021	18 Aug 22
Braunton/Flatford plans plots (17,18,19,20,21,66,67,68,69,70)	21-3114-023	18 Aug 22
Charnwood plans (plots 31, 61)	21-3114-029	18 Aug 22
Charnwood elevations (plot 31)	21-3114-030	18 Aug 22
Charnwood elevations (plot 61)	21-3114-031	18 Aug 22
Dallington plans (plots 38,39)	21-3114-032	18 Aug 22
Dallington elevations (plots 38,39)	21-3114-033	18 Aug 22
Dallington/Grizdale plans and elevations (plots 40,41,42)	21-3114-034	18 Aug 22
Galloway plans (plots 23,24,51,52)	21-3114-038	18 Aug 22
Galloway elevations (plots 23,24,51,52)	21-3114-038	18 Aug 22
Greenwood plans (plots 29,72,75)	21-3114-040	18 Aug 22
Greenwood elevations (plots 72, 75)	21-3114-040	18 Aug 22
Greenwood elevations (plot 29)	21-3114-042	18 Aug 22
Haldon plans (plots 31, 32)	21-3114-043	18 Aug 22
Haldon elevations (plots 31, 32)	21-3114-044	18 Aug 22
Haldon plans (plots 47,48,49)	21-3114-045	18 Aug 22
Haldon elevations (plots 47,48,49)	21-3114-046	18 Aug 22
Kielder plans (plots 55,56)	21-3114-047	18 Aug 22
Marston plans (plots 27,28,53,54)	21-3114-049	18 Aug 22
Marston elevations (plots 53,54)	21-3114-050	18 Aug 22
Marston elevations (plots 27,28)	21-3114-051	18 Aug 22
Sherwood plans (plots 26,43,50,57,58,71)	21-3114-052	18 Aug 22
Sherwood elevations (plots 43,50,58)	21-3114-054	18 Aug 22
Sherwood elevations (plot 71)	21-3114-055	18 Aug 22
Wareham plans (plots 62,63,64,65,110,111)	21-3114-056	18 Aug 22
Wareham elevations (plots 62,63,64,65)	21-3114-057	18 Aug 22
Wareham elevations (plots 110,111)	21-3114-058	18 Aug 22
Wareham/Grizdale (plots 112,113)	21-3114-059	18 Aug 22
Whiteleaf plans (plots 22,46)	21-3114-063	18 Aug 22
Whiteleaf elevations (plots 22,46)	21-3114-064	18 Aug 22
Flatblock (plots 7-15)	21-3114-065	18 Aug 22
Flatblock (plots 77-84)	21-3114-066	18 Aug 22
Flatblock (plots 97-105)	21-3114-067	18 Aug 22
Flatblock (plots 85-89)	21-3114-069	18 Aug 22
Bat activity survey		18 Aug 22
Botanical survey		18 Aug 22
Breeding bird survey		18 Aug 22

Great crested newt EDNA survey		18 Aug 22
Hazel dormouse survey		18 Aug 22
Hedgerow survey		18 Aug 22
Preliminary Ecological appraisal		18 Aug 22
Updated reptile survey		18 Aug 22
Wintering bird survey		18 Aug 22
Updated badger survey		18 Aug 22
Parking bay width plans	046-P-028	19 Aug 22
Parking bay width plans	046-P-029	19 Aug 22
Parking bay width plans	046-P-030	19 Aug 22
Parking bay width plans	046-P-031	19 Aug 22
Visibility splays	046-P-032	19 Aug 22
Construction method statement	Rev A	24 Oct 22
Ashdown floor plans/elevations	21-3114-020 REV A	1 Nov 22
Braunton/Flatford elevations elevations (plots 17,18,19,20,21,66,67,68,69,70)	21-3114-024 REV A	1 Nov 22
Brightstone elevations (plots 44,45,59,60)	21-3114-026 REV A	1 Nov 22
Brightstone elevations (plot 37)	21-3114-027 REV A	1 Nov 22
Brightstone elevations (plots 73,78)	21-3114-028 REV A	1 Nov 22
Flatford plans and elevations (plots 16,76,90,92)	21-3114-035 REV A	1 Nov 22
Flatford plans and elevations (plot 91)	21-3114-036 REV A	1 Nov 22
Flatford plans and elevations (plots 106,107)	21-3114-037 REV A	1 Nov 22
Kielder elevations (plots 55,56)	21-3114-048 REV A	1 Nov 22
Sherwood elevations (plots 26,57)	21-3114-053 REV A	1 Nov 22
Wareham and Flatford plans and elevations (plots 108,109)	21-3114-060 REV B	1 Nov 22
Wareham and Flatford plans and elevations (plots 34,35,36)	21-3114-061 REV B	1 Nov 22
Flat block (plots 1,2,3,4,5)	21-3114-068 REV A	1 Nov 22
Single garage	21-3114-073 REV A	1 Nov 22
Double garage	21-3114-075 REV B	1 Nov 22
Additional surface water drainage	046-E-SK20	1 Nov 22
Amended permeable paving plan	046-E-SK40 B	1 Nov 22
Existing watercourse plan	046-E-SK5	1 Nov 22
Amended site layout	21-3114-002 REV A	1 Nov 22
Amended massing plan	21-3114-003 REV B	1 Nov 22
Amended refuse and cycle plan	21-3114-004 REV B	1 Nov 22
Amended boundary treatment plan	21-3114-005 REV C	1 Nov 22
Amended parking plan	21-3114-007 REV C	1 Nov 22
Amended tenure plan	21-3114-008 REV C	1 Nov 22
Amended character area plan	21-3114-009 REV C	1 Nov 22
Amended housing distribution plan	21-3114-010 REV B	1 Nov 22
Updated ecological walkover	JB 18-351_ECO19	1 Nov 22
BNG Calculations	JB 18-351_ECO22 REV B	1 Nov 22

BNG statement	JB 18-351_ECO22C	1 Nov 22
Amended BNG mitigation	JB 18-351_ECO23 REV D	1 Nov 22
CEMP	JB 18-351_ECO37	1 Nov 22
Ecological Design strategy	JB 18-351_ECO38	1 Nov 22
Amended soft landscaping 1 of 3	JBA 18-351-54 REV B	1 Nov 22
Amended soft landscaping 2 of 3	JBA 18-351-55 REV B	1 Nov 22
Amended soft landscaping 3 of 3	JBA 18-351-56 REV B	1 Nov 22
Amended drainage strategy	REV 3	1 Nov 22
LEMP	JB 18-351_LMP04 PHASE 3 REV A	2 Nov 22
Eastern turning head light spill	046-E-SK10 A	4 Nov 22
Northern turning head light spill	046-E-SK11 A	4 Nov 22
BOAT intersection detail	046-E-SK35	4 Nov 22
Refuse strategy plan	046-P-033	4 Nov 22
Amended POS plan	046-P-022 B	8 Nov 22
EV Charge point plan	046-P-195	22 Nov 22
Amended materials plan	21-3114-006 D	22 Nov 22
Amended street scenes	21-3114-015 D	22 Nov 22

3.0 Site details:

- 3.1 The site comprises part of the northern section of the wider strategic site identified by Policy HV3 of the Haverhill Vision 2031, granted outline approval under SE/09/1283.
- 3.2 The site, which is known as parcel 3b covers 2.41 hectares with the land rising to the east.
- 3.3 The site is located on the edge of the town, to the North-West of Haverhill. The site is surrounded by former arable land with residential properties approximately 400m to the south and west. The site is a former agricultural field bordered by a well-established hedge and tree line to the east as well as a byway open to all traffic (BOAT) and a ditch to the west. A SUDs basin to serve the development has already been granted permission to the west as part of the infrastructure reserved matters (DC/20/0614/RM).
- 3.4 The master plan shows this site bordering open space and a play area to the east, the new local centre to the south-east and the proposed school site to the south. Further residential development will take place to the west.

4.0 Relevant planning history:

Reference	Proposal	Decision
SE/09/1283	1. Planning Application - (i) construction of relief road and associated works (ii) landscape buffer 2. Outline Planning Application - (i) residential development (ii)	Approved

	primary school (iii) local centre including retail and community uses (iv) public open space (v) landscaping (vi) infrastructure, servicing and other associated works as supported by additional information and plans received 27th September 2010 relating to landscape and open space, flood risk, environmental statement, drainage, layout, ecology, waste, renewable energy and transport issues including treatment of public footpaths and bridle paths.	
NMA(A)/09/1283	Non-material amendment to SE/09/1283 - In respect of the full planning permission for the relief road, associated works and landscape buffer under SE/09/1283, amendment to condition A2 to solely allow details of the alignment of the relief road to be submitted to and approved by the Local Planning Authority in a series of defined phases.	Approved
DC/16/2836/RM	Reserved Matters Application - Means for Landscaping (replacement hedge) for phase one of the development previously approved under DC/16/2836/RM Submission of details under SE/09/1283/OUT - the means of landscaping (replacement hedge) for the construction of (i) residential development (ii) primary school (iii) local centre including retail and community uses (iv) public open space (v) landscaping (vi) infrastructure, servicing and other associated works	Approved
DC/18/0561/VAR	Planning Application - Variation of condition 1 of DC/16/2836/RM to enable drawing PH-125-03C to be replaced with 040-P-101 and PH-125-04C to be replaced with 040-P-102 and add plan 040/T/152 rev B for the additional 28no. garages for the Reserved Matters Application	Approved
DC/18/0781/FUL	Planning Application - 1no. Substation in association with applications SE/09/1283 and DC/16/2836/RM	Approved
DC/18/2551/RM	Reserved Matters Application - Means for Landscaping (replacement hedge) for phase one of the development previously approved under DC/16/2836/RM	Approved
DC/20/0614/RM	Application for Reserved Matters pursuant to hybrid planning permission SE/09/1283 for Infrastructure comprising of: the internal estate roads, drainage, POS, landscaping, and allotments for Land at North West Haverhill	Approved
DC/20/0615/RMA	Reserved Matters Application -Submission of details under SE/09/1283 - the means of access, appearance, landscaping, layout and scale for the construction of 41 dwellings with associated private amenity space, means of enclosure, car parking, vehicle and	Approved

	access arrangement and drainage together with proposed areas of landscaping and areas of open space for a residential development known as Phase 2A	
DC/21/01110/RM	Reserved matters application - submission of details under outline planning permission SE/09/1283 - the means of access, appearance, landscaping, layout and scale for the construction of 127 dwellings, together with associated private amenity space, means of enclosure, car parking, vehicle and access arrangements together with proposed areas of landscaping and areas of open space for a phase of residential development known as phase 2b	Approved
DC/21/1452/RM	Application for Reserved Matters (pursuant to hybrid planning permission SE/09/1283) for public open space, means of enclosure, play equipment, car and cycle parking and associated landscaping and discharge of conditions B8, B10, B12, B18 and B25 of outline planning permission in regards to design, highways details, footpaths, levels, SuDs and contamination	Approved
DC/22/0618/RM	Reserved matters application - submission of details under outline planning permission SE/09/1283 - the means of access, appearance, landscaping, layout and scale for the construction of 98 dwellings, together with associated means of enclosure, car parking, vehicle and access arrangements, landscaping and open space for a phase of residential development known as Phase 6. The application includes the submission of details to enable the discharge of conditions B9, B16, B17, B20, B21, B24 of outline planning permission SE/09/1283	Approved

5.0 Consultations:

- 5.1 The application has been subject to minor amendments and additional information has been submitted during the application process to address concerns raised. The consultation responses set out below represent the current position and are a summary of the latest responses received.
- 5.2 Full copies of consultation responses are available to view online through the Council's public access system using the link below:
[DC/22/1447/RM | Reserved matters application - submission of details under outline planning permission SE/09/1283 - all matters reserved for the construction of 113 dwellings, with associated private amenity space, means of enclosure, parking, vehicle and access arrangements, and proposed areas of landscaping and areas of open space for phase 3b. The application includes the submission of details to enable the discharge of](#)

- 5.3 **Suffolk County Council - Environment & Transport - Highways**
- Queries whether street lighting should be included within application
 - Agrees with LLFA that village green should be retained with a rain garden SuDS feature
 - Satisfied that conditions B9, B21 and B24 can be discharged.
 - Recommends conditions in respect of cycle storage, bin storage, gradients, provision and retention of parking spaces and garages and visibility splays.
- 5.4 **Suffolk County Council Flood and Water Team (Lead Local Flood Authority)**
No objections
- 5.5 **Suffolk County Council Contributions Manager**
Highlighted that application SE/09/1283 was accompanied by a S106 agreement which secured contributions including a school site and these will be retained.
- 5.6 **Suffolk County Council Green Access Team Rights of Way**
No objections
- 5.7 **Suffolk County Council Archaeologist**
- Confirmed that condition B20 (1) can be fully discharged as all the onsite archaeological works including mitigation have now been completed.
 - SCCAS would not advise the discharge of condition B20 (2) as full post excavation assessment and reporting has not been completed yet.
- 5.8 **West Suffolk Public Health and Housing**
No objections to the application and satisfied that the Construction Method Statement Phase 3b is sufficient to discharge condition B21.
- 5.9 **West Suffolk Strategy and Enabling Officer - Housing**
Strategic Housing support the scheme which provides 30% affordable housing in line with the S106. The scheme meets the requirements as advised in pre-application discussions and provides much needed large family homes. The homes are national space standard compliant and dispersed across the development in line with the S106.
- 5.10 **West Suffolk Environment Team**
- Note that dwellings with on plot parking (either garages or adjacent to the house) will be future proofed to allow a connection for EV charging as stated in section 6.14 of the Design and Access Statement.
 - Although any provision is welcomed, it will be the plots without on plot parking that require a solution to be designed at construction phase as these plots will not be able to easily install charge points after construction and will therefore always be reliant on the public charging network. Any solutions that can be implemented for dwellings with off

plot parking spaces at this stage, even if it is simply ducting to parking spaces, will help future installation.

5.11 Natural England

No comments to make on this application or the conditions.

5.12 Anglian Water Services Limited

- Foul Water - Anglian Water has reviewed the drainage strategy for planning reference DC/22/1447/RM, a pumped connection at 5l/s is acceptable into Howe Road.
- Surface Water – From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water. As such, we are unable to provide comments on the suitability of the surface water management. The applicant and the Local Planning Authority should seek the advice of the Lead Local Flood Authority.

5.13 Place Services - Landscape

Satisfied with the landscape and ecological management plan (LEMP) submitted to discharge condition B4.

- Generally satisfied with hard landscaping submitted,
- Recommends brick walls instead of fences in some courtyard locations,
- Opportunity for use of climber plants,
- Expect more timber posts to prevent parking,
- Soft landscaping is generally acceptable but would expect a greater provision of heavy standard tree,
- Require tree pit and root barrier details,
- Suggested alternative hedge and grass mix

5.14 Place Services – Ecology

No objection subject to securing biodiversity mitigation and enhancement measures.

Notes that:

- The biodiversity net gain (BNG) report hasn't been submitted,
- A precautionary method statement for clearance has not been submitted for 3B specifically,
- The landscaping plans do not include all the recommended ecological enhancements,
- The Landscape and ecological management plan (LEMP) submitted to discharge B17 is broadly acceptable, but a couple of elements need updating.

Recommends conditions ensuring the development is carried out in accordance with the submitted ecological reports, a time limit for these reports before they need to be re-evaluated, submission and approval of a Construction environmental management plan for biodiversity (CEMP) and a wildlife sensitive lighting scheme.

5.15 Place Services - Trees

- An Arboricultural Method Statement (AMS) has shown the presence of 1 category B tree and 5 category C groups. None of these require

removal to facilitate the development and suitable mitigation through protective fencing and an Arboricultural clerk of works has been demonstrated within the AMS. Providing the methodology within the AMS is strictly abided to throughout the scheme then there is no reason to prevent the implementing of the development and the condition attached to this application can be discharged.

- As part of the development replacement planting has been specified and it is encouraging to see on the plans that root barriers have been incorporated to prevent damage to any adjacent hard surfacing. Furthermore, suitable maintenance and aftercare measures have been included to ensure that trees will successfully establish or be replaced where necessary. It would be assumed that where new planting has been proposed next to buildings that guidance outlined within NHBC water demand of trees is abided to and suitable root barriers adopted should it be deemed that there be a potential of subsidence to adjacent properties in the future.

6.0 Representations:

6.1 Ward Member - Councillor Joe Mason

There are just a few points that I would like to make. The first regarding the importance of the provision of dropped kerb access for pedestrians which ensures ease of access to the proposed school and proposed local centre. Excellent accessibility must be secured on this and future phases. Secondly, I am still of the opinion that the wider site is generally overdeveloped - on this particular site there are more 3 storey buildings than I would have liked, but I do understand these plans fall within the density parameters previously agreed at the outline planning stage.

I do not believe, these points to be sufficient for me to object to these specific plans within the red line boundary of this reserved matter application.

I would like to have noted the following comments regarding infrastructure. It is important that as the phases are approved that the infrastructure including, planting, parks, play areas and cycleways and relief road are completed in a timely fashion. There are still too many dead trees that have not been replanted.

I like many others have concerns regarding the wider delivery of infrastructure, facilities and services within the town of Haverhill, but I am firmly of the opinion that these concerns whilst legitimate should not be used in reference to discussing the merits of this particular application which is a phase dedicated to housing which was previously agreed at the outline planning stage.

In summary, I would like my position on this Reserved Matters Application to be recorded as Neutral.

6.2 Haverhill Town Council

Haverhill Town Council wish to OBJECT to the application on the following grounds:

Unsustainable development: The Developer entered into a number of s106 agreements in relation to the overall development which should have triggered infrastructure works by now, including but not limited to bus stops, an agreed transport plan and bus routes. There should be a cycle path, toucan crossing and onward path to Chalkstone Way and Sam Ward Academy. We are concerned that the continued delay in the delivery of these s106 agreements will see inflation erode the value of the s106 agreements to the point where the works are never completed for lack of funds. Much of this work was to be completed by the developer.

The promised s106 projects need to be delivered in accordance with the agreed schedule, as part of the agreed sequential unlocking of further stages of development.

6.3 **Public representations** - None received

7.0 **Policy:**

7.1 On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

7.2 The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & The Haverhill Vision 2031 have been taken into account in the consideration of this application:

St Edmundsbury Core Strategy 2010

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS5 – Affordable Housing
- Core Strategy Policy CS7 – Sustainable Transport
- Core Strategy Policy CS12 - Haverhill Strategic Growth

Haverhill Vision 2031

- Vision Policy HV1 - Presumption in Favour of Sustainable Development
- Vision Policy HV3 - Strategic Site - North-West Haverhill

Joint Development Management Policies Document 2015

- Policy DM1 Presumption in Favour of Sustainable Development

- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM3 Masterplans
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM44 Rights of Way
- Policy DM46 Parking Standards

8.0 Other planning policy and Guidance:

8.1 The National Planning Policy Framework (NPPF) was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision-making process.

8.2 Other relevant guidance includes the following:

- National Design Guide
- Northwest Haverhill Masterplan
- Northwest Haverhill Design Guide
- National Planning Practice Guidance

9.0 Officer comment:

9.1 This section of the report begins with a summary of the main legal and legislative requirements before entering into a discussion about whether the development proposed by this planning application can be considered acceptable in principle in the light of national planning policy, local plan designations and other local planning policies. It then goes on to analyse other relevant material planning considerations (including site specific considerations) before reaching conclusions on the suitability of the proposals.

Planning and Compulsory Purchase Act 2004 (as amended)

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The principle of

development in relation to the development plan and the conformity of the proposals with key policies is discussed through the rest of this report.

The Conservation of Habitats and Species Regulations 2010

- 9.3 The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by Regulation 61 of The Conservation of Habitats and Species Regulations 2010 (as amended).

Consideration was given to these regulations during the assessment of the outline application and it was concluded that the requirements of Regulation 61 are not relevant to this proposal and appropriate assessment of the project would not be required.

The application site is not in the close vicinity of any designated (European) sites of nature conservation. The environmental statement submitted with the outline planning application concluded that the proposals are unlikely to give rise to significant effects on the conservation objectives of the designated sites and no further concerns were raised in this regard.

There has been no change in terms of the impact on designated sites that would indicate that a Habitats Regulation Assessment would now be required.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations)

- 9.4 The Outline planning application was EIA development and was accompanied by an Environmental Statement. This application is therefore a 'subsequent application', as defined within the EIA Regs.
- 9.5 Regulation 9 of the EIA Regulations deals with subsequent applications where environmental information has previously been provided. It states that where it appears to the planning authority that the environmental information already before them is adequate to assess the significant effects of the development on the environment, they must take that information into consideration in their decision for subsequent consent.
- 9.6 The existing environmental information, along with the updated monitoring surveys and reports for protected species which have been submitted are considered to be adequate to assess this proposal and this information has been taken into consideration in determining this application.

Natural Environment and Rural Communities Act 2006

- 9.7 The Natural Environment and Rural Communities (NERC) Act (2006) Section 40(1) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out,

supporting and requiring actions that may also restore or enhance biodiversity.

The potential impact of the application proposals upon biodiversity interest is discussed later in this report.

Equality Act 2010

- 9.8 Consideration has been given to the provisions of Section 149 of the Act (public sector equality duty) in the assessment of this application. The proposals do not raise any significant issues in this regard.

Principle of Development

- 9.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The relevant parts of the West Suffolk Development Plan are the adopted Core Strategy, the Vision 2031 Area Action Plan for Haverhill and the adopted Joint Development Management Policies Document 2015.
- 9.10 National planning policies set out in the NPPF and the adopted masterplan and design code for this site are also key material considerations.
- 9.11 The principle of development for this site was established through the identification of land on the north-western edge of Haverhill as a location for growth in policy CS12 of the Core Strategy. Policy HV3 of the Haverhill Vision 2031 went on to allocate 42 hectares of land as a strategic housing site. The masterplan was then produced in accordance with policy DM3, setting out the overarching vision for the site.
- 9.12 The outline application was accompanied by a series of parameter plans which established the extent of land for development, the distribution of uses, building heights and densities, and land for open space and landscaping. A S106 agreement associated with the outline approval secured the level and timing of financial contributions, affordable housing and other infrastructure.
- 9.13 Condition B3 of the outline permission requires all reserved matters applications to be generally in accordance with the land use parameter plan and the landscape parameter plan. The other parameter plans informed the development of a design code, which was produced alongside the first reserved matters application.
- 9.14 The density parameters for this parcel set out in the design code identify the majority of the parcel as having a density of between 45 and 55 dwellings per hectare. The northern boundary (adjacent to the relief road) is identified as being suitable for a density of between 35 and 45 dwellings per hectare. These densities were based on the parameters set out in the outline application and the associated Environmental Statement.

- 9.15 The 113 dwellings proposed in this application equates to an overall density of 47 dwellings per hectare across the parcel. The northern edge provides lower density detached dwellings with the apartments to the south increasing the density in this area which is within the approved parameters.
- 9.16 In terms of the extent of the development, the size and location of the parcel is in broad accordance with the land use and landscape parameter plans conditioned with the outline consent and with the design code which further developed those plans. The parcel leaves sufficient room to the east to accommodate the existing landscape feature as well as a buffer to the relief road to the north. Both these elements sit outside the red line for these reserved matters.
- 9.17 In terms of the scale of development, a height parameter plan was submitted with the outline consent and subsequently incorporated into the design code. This allows for heights across the majority of the parcel of up to 3.5 storeys with those on the northern boundary up to 2.5 storey.
- 9.18 The majority of the proposed development is 2 storey, with some dwellings utilising 2½ and the apartments at the front of the site accommodating 3 storeys. All these heights are within the established parameters.
- 9.19 It is considered that in terms of the scale and extent of development, the proposals are in accordance with the approved parameter plans and could be acceptable in principle, provided that the design and layout delivers a scheme that is consistent with development plan policies, the masterplan and the design code in terms of the quality of the built environment created.
- 9.20 Policy DM1 of the Joint Development Management Plan confirms that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy HV1 of the Haverhill Vision also confirms this approach. In light of these policies and the approach enshrined in the NPPF, Officers have worked proactively with the applicant to jointly find solutions through pre-app discussion and during the course of this application.

Design, layout, and amenity

- 9.21 The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development, indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Publication of the National Design Guide further highlights the desire to raise standards of design nationally.

- 9.22 These design aspirations are reflected in policy DM2, which states that proposals for all development should create a sense of place and/or local character. In the case of residential schemes, policy DM22 states that proposals should create a coherent and legible place that is well structured so that it is visually interesting and welcoming. New dwellings should be of high architectural quality and should function well, providing adequate space, light, and privacy.
- 9.23 The parcel sits within the larger Norney Woods character area given the proximity to Norney plantation to the north. The Design code describes this area as having a generally traditional rural appearance with soft red brick and pastel render being key materials within the area as well as the use of black weatherboarding.
- 9.24 The parcel is designed around a central village green, enclosed by estate railing with an accessible path, a bench and trees. Dwellings surrounding this key area have been designed to create a distinctive focal point for the site. These plots sit within the village green character area and feature rendered elevations, chosen in traditional pink, cream and white above a red brick plinth with pitched roofs with chimneys. The dwellings are attractive, well-articulated and feature traditional details as well as brick boundary walls and landscaping.
- 9.25 As the shared surface extends out towards the edges of the parcel the village green typology gives way to the rural green edge character area. This area largely accommodates detached and semi-detached dwellings within more spacious plots. Materials incorporate red brick and black weatherboarding with orange and brown pantiles. Dwellings are generally two storey and face out of the development towards the open space, byway and landscape features providing natural surveillance.
- 9.26 The buildings on the southern boundary comprise the third character area named courtyard spaces. This area includes the three storey apartment buildings and town houses which form the frontage and entrance to the site. These landmark buildings address the main road which runs through the wider development and include handed red brick and rendered buildings bookending the access point. These buildings include a range of materials including red and buff brick as well as elements of white render and black weatherboarding.
- 9.27 The use of apartment buildings within the development is an accepted part of the design approach set out in the masterplan and the design code acknowledges that this parcel will include apartments to achieve the required density. These buildings, which are within the height parameters, have been appropriately located at the front of the parcel to address the main highway. The bulk of the buildings has been successfully broken up with different materials, detailing, forms and roof heights to create an attractive streetscene and officers consider that the buildings would not appear overly dominant or overbearing.

- 9.28 The apartments are served by balconies and have communal amenity space and parking provided to the rear within enclosed courtyards. The division and enclosure of these courtyards has been subject of much discussion and the applicant has worked with officers to create modest separate block paved courtyards that are softened with appropriate landscaping and are well surveyed by surrounding dwellings.
- 9.29 Designing out crime has been considered during the design and assessment of the development site with a balance being sought between the principles of secure by design and successful place making. Particular attention has been paid to the communal courtyard areas which have been separated from each other without direct links through. The use of lower fences within these parking courts to aid visibility as well as ensuring surrounding dwellings provide sufficient surveillance also improves their security. The use of flats over garages in these areas provides additional residential activity and surveillance as well as complementing the variety of dwelling types within the site.
- 9.30 In terms of amenity, national space standards provide minimum dimensions for new dwellings based on their bedroom number and occupant level. These standards are not specifically adopted by the Local Authority, albeit policy DM22 (k) requires that new dwellings are fit for purpose and function well, providing adequate space, light and privacy. Officers are pleased to note that all dwellings meet these standards with the affordable housing meeting this standard at maximum occupancy.
- 9.31 It is considered that future occupants of the proposed development would enjoy a good level of residential amenity. All dwellings have access to a private garden, balcony and/or communal green space. The garden sizes are acceptable, and the positioning and scale of dwellings is such that there would be no unacceptable levels of overlooking or overbearing impacts between the dwellings. A noise impact assessment has also been submitted alongside the application which recommends measures to ensure noise levels inside dwellings and within gardens are within accepted guidelines. These measures would be secured by condition.
- 9.32 It is accepted that the density and location of this parcel within a strategic housing development means it cannot be truly representative of a rural development. However, the design of the dwellings, which incorporate traditional features and materials as well as landscaping and rural styled boundary treatments, creates a distinctive and attractive development parcel which is appropriate for this character area.
- 9.33 The layout provides sufficient space for soft landscaping and trees that will enhance the development and improve the quality of the built environment and the central area provides an easy to navigate space with the distinct character areas aiding this wayfinding. 34 affordable homes are provided within the range of accommodation included and all homes have access to open space, good pedestrian and cycle links to surrounding areas and adequate parking.

- 9.34 The development is therefore considered to be in accordance with policies CS1, CS2, CS3 and CS12 of the St Edmundsbury Core Strategy 2010, policies DM2, and DM22 of the Joint Development Management Policies Document 2105 and the guidance set out in the NFFP. The proposals are also considered to meet the requirements of the masterplan and the design code in terms of the quality of the design and layout of the development parcel.

Access and Movement

- 9.35 The NPPF promotes all forms of sustainable transport, advising that development should provide for high quality walking and cycling networks. It goes on to advise that development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.
- 9.36 Policy DM2 of the Joint Development Management Policies Document also requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network and policy DM46 confirms that the authority will seek to reduce over-reliance on the car and promote more sustainable forms of transport. This is also a key aspiration of the adopted masterplan and design code which seeks to maximise accessibility, creating walkable neighbourhoods.
- 9.37 The development sits within a network of green corridors, approved in the infrastructure reserved matters (DC/20/0614/RM), which provide pedestrian and cycle routes across the site, connecting with the pedestrian and cycle route alongside the main road which loops around the site. The outward facing development provides surveillance to these paths, including the byway open to all traffic (BOAT) which extends into the countryside to the north, helping to ensure they feel safe and encourage their use.
- 9.38 The parcel is accessed from the internal loop road for the wider development which has been designed as a 'street with trees' in accordance with the design code. This turns into a 'street without trees' when it enters the site before quickly meeting the raised table, central green space, and shared surface within the centre of the site. This change in surfacing and raised table will give priority to pedestrians and cyclists as well as calming traffic speeds. Landscaped build outs and parking bays have also been included to soften the built form and provide some interest in the internal streets.
- 9.39 Sufficient parking spaces have been provided and allocated within the site as well as adequate and evenly spaced visitor parking. The outline planning permission was approved before the requirement for electric charge points was introduced and this is not something which can be required in the reserved matters applications. Nonetheless, the developer is installing charging spurs for all dwellings with on-plot parking and on private drives. Electricity will also be ducted into the communal parking

courtyards so occupants can connect their own charge points in the future. Officers feel that this is a reasonable solution given the situation.

- 9.40 Concerns have been raised as to the accessibility of the parcel, both for pedestrian access and for ease of bin manoeuvrability. Whilst this level of detail is not usually secured at the planning stage, a condition has been recommended so the local authority can approve these details at a later date.
- 9.41 The Highway Authority raises no objections and is satisfied with the details of the application subject to the use of conditions. Several of these are already imposed on the outline application and as such, have not been repeated on this one. However, they are still relevant and will need to be discharged in due course.
- 9.42 It is considered that the layout creates a safe and attractive network of streets and private drives, visitor parking and footpath connections. Consequently, the development is considered to be in accordance with policies CS3, CS7 and CS12 of the St Edmundsbury Core Strategy 2010, policies DM2, DM44 and DM46 of the Joint Development Management Policies Document 2015 and the guidance set out in the NFFP. The proposals are also considered to be generally in accordance with the masterplan and the design code in terms of the accessibility and sustainable transport.

Landscape and ecology

- 9.43 The NPPF confirms that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible. This is reflected in policies DM11 and DM12 which seek to safeguard protected species and state that measures should be included in the design of all developments for the protection of biodiversity, the mitigation of any adverse impacts, and enhancements commensurate with the scale of the development. DM13 focuses on landscape features and permits development that doesn't have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value.
- 9.44 There are no sites of international or national importance within or directly adjacent to the north west Haverhill strategic site. There are locally designated wildlife sites and sites of local interest, but these do not fall within the red line for this application. The application however is supported by a number of ecology reports.
- 9.45 Seven pairs of breeding skylark were identified on the wider site during 2019 breeding bird surveys, three of which were recorded using Phase 3B, and therefore a skylark mitigation strategy has been produced for the site (and the larger development site as a whole) by JBA (2022). A suitable receptor site for off-site mitigation has been identified to the south east of the site in Stoke-By-Clare and these plots have been provided. This will

provide off-site compensatory breeding habitat for skylark and will be monitored for ten years (from 2023).

- 9.46 Place Services are satisfied that sufficient information is available to determine the application and the Local Planning Authority is therefore able to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Additional information has been submitted since the consultee comments summarised above were received and the BNG plan submitted shows an estimated overall biodiversity net gain of 32% for habitat and 282% for hedgerows/linear features.
- 9.47 In terms of ecological enhancement and biodiversity gains, the required enhancements are based on the recommendations detailed within the species-specific survey reports and include the planting of native or wildlife-attracting tree, shrub and wildflower species throughout the site, provision of bat and bird boxes on dwellings, hedgehog links and hibernacula (log piles for reptiles and small animals). Whilst the majority of these have been shown on the landscaping plans, they are not all included and as such, a condition is recommended to ensure these details are submitted and approved.
- 9.48 In terms of trees and landscaping, the arboricultural method statement provided covers a larger area than the application site itself. As such, the trees and hedges referred to and the conditions recommended are not relevant to this application and have been previously covered within the wider infrastructure application.
- 9.49 A number of new trees and hedges are proposed within the application site and Place Services are content with the landscaping scheme which shows 154 metres of native species-rich hedgerows, large areas of wildflower seed, grassland and turf. Since the original submission some of the trees proposed have been replaced with heavy standards, grass has been replaced with wildflower seed and the hedgerow mix has been amended. The use of timber posts as well as landscaping has also been promoted to the front of dwellings to enhance their appearance as well as preventing parking. The improvements suggested by Place Services have been carried out and a condition is recommended requesting tree pit details.
- 9.50 It is considered that the proposed development is acceptable in terms of ecology and landscape issues, provided that appropriate conditions are applied to secure the required mitigation and enhancement measures set out above.
- 9.51 The development would not introduce any adverse effects on protected species or sites, subject to the recommendations of the submitted reports. The development is therefore considered to be in accordance with policies CS1, CS2 and CS12 of the St Edmundsbury Core Strategy 2010, Policies DM2, DM11, DM12 and DM13 of the Joint Development Management Policies Document 2015 and the guidance set out in the NFFP.

Flooding and drainage

- 9.52 Policy DM6 of the Joint Development Management Policies Document 2015 requires that proposals for all new development submit scheme appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere.
- 9.53 The strategic drainage network for the wider northwest Haverhill site has been approved in the infrastructure reserved matters (DC/20/0614/RM) and this parcel would be served by an approved drainage basin immediately to the west of the parcel.
- 9.54 During the pre-application discussion the Lead Local Flood Authority suggested the applicant consider ways in which the parcel could include measures to reduce pressure on the basin. In response the applicant has included permeable paving, rain gardens and swales within the site to slow the flow of water out of the parcel. These measures are welcomed by the local planning authority.
- 9.55 The lead local flood authority has reviewed the latest drainage documentation and has confirmed that the proposals are acceptable. As such the proposals are considered to meet the requirements of policy DM6 of the Joint Development Management Policies Document 2015.

Affordable housing

- 9.56 The S106 attached to the outline permission secured 30% of the dwellings as affordable, with the requirement to submit a scheme to the Council for approval, outlining the delivery of affordable housing units for each phase.
- 9.57 34 dwellings within the site are identified as affordable including 24 affordable rent and 10 shared ownership. The Strategic Housing Officer has confirmed that the units indicated in this parcel meet the required mix and are distributed evenly within it.
- 9.58 The number, mix and distribution of affordable housing is considered acceptable. As such, it complies with policy CS5 and the NPPF as well as the outline application which secured 30% onsite affordable homes.

Waste collection

- 9.59 The waste team is satisfied with the locations of bin collection points and routes. Whilst it is acknowledged that some occupants will experience longer drag distances this is difficult to avoid given that refuse collection vehicles are unable to access private drives, which make up the outer areas of the parcel, and as such, all bins must be collected from the nearest adopted road.
- 9.60 A subsequent S278 agreement with the Highway Authority as well as planning condition on this consent will ensure that dropped kerbs are provided on these routes as well as serving the bin collection points.

Outline conditions

- 9.61 The applicant has applied to discharge some of the conditions attached to the outline application within this submission. The individual conditions are listed below with details of their discharge.

Condition B4 – Landscape and ecological management plan (LEMP)
Place Services are currently considering this document after it was amended in response to their previous comments. Their response will be reported to members before or during committee.

Condition B8 – Design statement
The application is supported by a design, access and compliance statement which is sufficient to discharge this condition.

Condition B9 - Details of loading, parking and manoeuvring
The Highway Authority are satisfied with the details provided and this condition can be discharged.

Condition B16 - Arboricultural method statement
Place Services are satisfied with the arboricultural method statement and as such it can be discharged.

Condition B17 – Soft landscaping
The planting details shown are acceptable however, it is not accompanied by a programme of delivery and as such, this can only be partially discharged in respect of the planting details but the programme still needs to be submitted prior to commencement.

Condition B20 – Archaeology
SCC archaeologist is satisfied that the first part of the condition is discharged as all on-site archaeological works including mitigation have now been completed. They would not advise the discharge of condition B20 (2) as full post excavation assessment and reporting has not been completed. As such, this condition will be partially discharged.

Condition B21 - Construction method statement
Public health and housing are satisfied with this statement and as such it can be discharged.

Condition B24 – Storage of refuse and recycling
The waste team are satisfied with the bin storage areas and collection points, as such it can be discharged.

- 9.62 There are a number of conditions attached to the outline permission which would be relevant to this application and will need to be discharged, in some cases before the commencement of the development. For information these are summarised below. It should be noted that whilst this application has not sought formal discharge of these conditions some

of the information they require has been provided in this reserved matters application. In addition, some of the conditions recommended by consultees have not been imposed as they are already covered within these conditions.

- Condition B5 – Details of the roads, footpaths and cycleways (layout, gradients, surfacing and surface water drainage)
- Condition B9 Details of loading, parking and manoeuvring
- Condition B10 Further highways specifications including visibility splays
- Condition B11 Highway surface water drainage
- Condition B12 Details of estate roads and footpaths
- Condition B18 Ground levels and services details
- Condition B19 Provision of fire hydrants
- Condition B22 Foul water strategy
- Condition B23 Sustainable drainage scheme
- Condition B27 Protection for public rights of way

Other matters

- 9.63 The Town Council have raised concerns relating to the delivery of offsite infrastructure, secured at the outline stage within the S106 agreement.
- 9.64 This application is for the reserved matters (landscaping, layout, scale, access and appearance) for a discrete parcel within the wider development, and issues regarding wider infrastructure delivery are not material to this application.
- 9.65 Persimmon Homes have provided an update on progress relating infrastructure delivery and the County Council are working with the developer on the delivery of the offsite sustainable transport links including the bus service. Officers will continue to update the Town Council on this matter.

10.0 Conclusion:

- 10.1 Section 38(6) of the 2004 Planning Act states planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Framework reinforces the approach set out in Section 38(6). It emphasises the importance of the plan-led system and supports the reliance on up-to-date development plans to make decisions.
- 10.2 The applications accord with the approved landscape and land use parameter plans and the contents of the design code.
- 10.3 The development site has been designed with clear and locally distinct character areas which allow easy navigation of the parcel and create an attractive and well laid out scheme. A range of well-designed dwelling types is provided including 34 affordable houses, all of which meet the national space standards.

- 10.4 The highway network allows priority for pedestrians and cyclists and promotes sustainable links out of the parcel to adjoining services and facilities.
- 10.5 An acceptable soft landscaping scheme has been submitted including native and wildlife friendly trees, hedging and shrubs. This will enhance the appearance of the area and provide an overall biodiversity net gain of 32% for habitat and 282% for hedgerows/linear features. Ecological mitigation is detailed and suitable enhancements can be secured to ensure no adverse impacts on protected species.
- 10.6 The Lead Local Flood Authority is satisfied with the overall drainage scheme which includes rain gardens, swales and permeable paving.
- 10.7 Consequently, and having regard to the above, it is considered that the development is in accordance with the relevant development plan policies and with the National Planning Policy Framework and it is therefore recommended for approval.

11.0 Recommendation:

- 11.1 It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. **Approved plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Title	Reference no.	Received date
Design, access, compliance statement		17 Aug 22
Movement and connectivity plan	JBA 18/351-56 A	17Aug 22
Compound location plan	039-E-227 B	17 Aug 22
Phasing delivery plan	039-E-SK125 A	17 Aug 22
Initial DPC Levels	046-E-550	17 Aug 22
Tracking and visibility masterplan	046-E-SK15	17 Aug 22
External works hard landscaping 1of3	046-P-300	17 Aug 22
External works hard landscaping 2of3	046-9-P-301	17 Oct 22
External works hard landscaping 3of3	046-P-302	17 Aug 22
Noise Assessment	LA/1780/01R/ML	17 Aug 22
Archaeology investigation	21340	17 Aug 22
Archaeology evaluation	2569	17 Aug 22
Arb method statement	JBA 18/351 AR06	17 Aug 22
Clearance Precautionary Method Statement	JBA 18/351	17 Aug 22
Barnwood plans (plots 25,30)	21-3114-020	18 Aug 22
Barnwood elevations (plots 25,30)	21-3114-021	18 Aug 22
Braunton/Flatford plans plots (17,18,19,20,21,66,67,68,69,70)	21-3114-023	18 Aug 22

Charnwood plans (plots 31, 61)	21-3114-029	18 Aug 22
Charnwood elevations (plot 31)	21-3114-030	18 Aug 22
Charnwood elevations (plot 61)	21-3114-031	18 Aug 22
Dallington plans (plots 38,39)	21-3114-032	18 Aug 22
Dallington elevations (plots 38,39)	21-3114-033	18 Aug 22
Dallington/Grizdale plans and elevations (plots 40,41,42)	21-3114-034	18 Aug 22
Galloway plans (plots 23,24,51,52)	21-3114-038	18 Aug 22
Galloway elevations (plots 23,24,51,52)	21-3114-038	18 Aug 22
Greenwood plans (plots 29,72,75)	21-3114-040	18 Aug 22
Greenwood elevations (plots 72, 75)	21-3114-040	18 Aug 22
Greenwood elevations (plot 29)	21-3114-042	18 Aug 22
Haldon plans (plots 31, 32)	21-3114-043	18 Aug 22
Haldon elevations (plots 31, 32)	21-3114-044	18 Aug 22
Haldon plans (plots 47,48,49)	21-3114-045	18 Aug 22
Haldon elevations (plots 47,48,49)	21-3114-046	18 Aug 22
Kielder plans (plots 55,56)	21-3114-047	18 Aug 22
Marston plans (plots 27,28,53,54)	21-3114-049	18 Aug 22
Marston elevations (plots 53,54)	21-3114-050	18 Aug 22
Marston elevations (plots 27,28)	21-3114-051	18 Aug 22
Sherwood plans (plots 26,43,50,57,58,71)	21-3114-052	18 Aug 22
Sherwood elevations (plots 43,50,58)	21-3114-054	18 Aug 22
Sherwood elevations (plot 71)	21-3114-055	18 Aug 22
Wareham plans (plots 62,63,64,65,110,111)	21-3114-056	18 Aug 22
Wareham elevations (plots 62,63,64,65)	21-3114-057	18 Aug 22
Wareham elevations (plots 110,111)	21-3114-058	18 Aug 22
Wareham/Grizdale (plots 112,113)	21-3114-059	18 Aug 22
Whiteleaf plans (plots 22,46)	21-3114-063	18 Aug 22
Whiteleaf elevations (plots 22,46)	21-3114-064	18 Aug 22
Flatblock (plots 7-15)	21-3114-065	18 Aug 22
Flatblock (plots 77-84)	21-3114-066	18 Aug 22
Flatblock (plots 97-105)	21-3114-067	18 Aug 22
Flatblock (plots 85-89)	21-3114-069	18 Aug 22
Bat activity survey		18 Aug 22
Botanical survey		18 Aug 22
Breeding bird survey		18 Aug 22
Great crested newt EDNA survey		18 Aug 22
Hazel dormouse survey		18 Aug 22
Hedgerow survey		18 Aug 22
Preliminary Ecological appraisal		18 Aug 22
Updated reptile survey		18 Aug 22
Wintering bird survey		18 Aug 22
Updated badger survey		18 Aug 22
Parking bay width plans	046-P-028	19 Aug 22
Parking bay width plans	046-P-029	19 Aug 22

Parking bay width plans	046-P-030	19 Aug 22
Parking bay width plans	046-P-031	19 Aug 22
Visibility splays	046-P-032	19 Aug 22
Construction method statement	Rev A	24 Oct 22
Ashdown floor plans/elevations	21-3114-020 REV A	1 Nov 22
Braunton/Flatford elevations elevations (plots 17,18,19,20,21,66,67,68,69,70)	21-3114-024 REV A	1 Nov 22
Brightstone elevations (plots 44,45,59,60)	21-3114-026 REV A	1 Nov 22
Brightstone elevations (plot 37)	21-3114-027 REV A	1 Nov 22
Brightstone elevations (plots 73,78)	21-3114-028 REV A	1 Nov 22
Flatford plans and elevations (plots 16,76,90,92)	21-3114-035 REV A	1 Nov 22
Flatford plans and elevations (plot 91)	21-3114-036 REV A	1 Nov 22
Flatford plans and elevations (plots 106,107)	21-3114-037 REV A	1 Nov 22
Kielder elevations (plots 55,56)	21-3114-048 REV A	1 Nov 22
Sherwood elevations (plots 26,57)	21-3114-053 REV A	1 Nov 22
Wareham and Flatford plans and elevations (plots 108,109)	21-3114-060 REV B	1 Nov 22
Wareham and Flatford plans and elevations (plots 34,35,36)	21-3114-061 REV B	1 Nov 22
Flat block (plots 1,2,3,4,5)	21-3114-068 REV A	1 Nov 22
Single garage	21-3114-073 REV A	1 Nov 22
Double garage	21-3114-075 REV B	1 Nov 22
Additional surface water drainage	046-E-SK20	1 Nov 22
Amended permeable paving plan	046-E-SK40 B	1 Nov 22
Existing watercourse plan	046-E-SK5	1 Nov 22
Amended site layout	21-3114-002 REV A	1 Nov 22
Amended massing plan	21-3114-003 REV B	1 Nov 22
Amended refuse and cycle plan	21-3114-004 REV B	1 Nov 22
Amended boundary treatment plan	21-3114-005 REV C	1 Nov 22
Amended parking plan	21-3114-007 REV C	1 Nov 22
Amended tenure plan	21-3114-008 REV C	1 Nov 22
Amended character area plan	21-3114-009 REV C	1 Nov 22
Amended housing distribution plan	21-3114-010 REV B	1 Nov 22
Updated ecological walkover	JB 18-351_ECO19	1 Nov 22
BNG Calculations	JB 18-351_ECO22 REV B	1 Nov 22
BNG statement	JB 18-351_ECO22C	1 Nov 22
Amended BNG mitigation	JB 18-351_ECO23 REV D	1 Nov 22
Ecological Design strategy	JB 18-351_ECO38	1 Nov 22
Amended soft landscaping 1 of 3	JBA 18-351-54 REV B	1 Nov 22
Amended soft landscaping 2 of 3	JBA 18-351-55 REV B	1 Nov 22
Amended soft landscaping 3 of 3	JBA 18-351-56 REV B	1 Nov 22
Amended drainage strategy	REV 3	1 Nov 22
Eastern turning head light spill	046-E-SK10 A	4 Nov 22
Northern turning head light spill	046-E-SK11 A	4 Nov 22

BOAT intersection detail	046-E-SK35	4 Nov 22
Refuse strategy plan	046-P-033	4 Nov 22
Amended POS plan	046-P-022 B	8 Nov 22
EV Charge point plan	046-P-195	22 Nov 22
Amended materials plan	21-3114-006 D	22 Nov 22
Amended street scenes	21-3114-015 D	22 Nov 22

Reason: To define the scope and extent of this permission.

2. **External materials – Pre-above slab level**

No development above slab level shall take place until details of the external materials to be used in the construction of the buildings and details of the fenestration (including fenestration colour and depth of reveals), doors, garage doors, porches, balconies and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, and to ensure a palette of materials that delivers a distinctive character area in accordance with the Design Code.

3. **CEMP – Prior to commencement**

Prior to commencement of development (including demolition, ground works, vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities
- b. Identification of "biodiversity protection zones"
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d. The location and timing of sensitive works to avoid harm to biodiversity features
- e. The times during construction when specialist ecologists need to be present on site to oversee works
- f. Responsible persons and lines of communication
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h. Use of protective fences, exclusion barriers and warning signs.
 - i. Containment, control and removal of invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species). This condition requires matters to be agreed prior to commencement to ensure that appropriate protection measures etc. are put into place to avoid harm and disturbance to local wildlife and the ecological value of the area.

4. Action required in accordance with ecological appraisal recommendations

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the following reports as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

- Ecology walkover survey report for Phases 3b at Haverhill, Suffolk (JBA, 4th November 2021)
- Updated Ecological Walkover Survey of Phases 2 to 6 and the Relief Road at Haverhill (James Blake Associates, 25th March 22, revised 9th June 2022)
- Preliminary Ecological Appraisal of Phases 2-6 (JBA, January 2019)
- Botanical Survey (Including Sulphur Clover Survey) of Phases 2 – 6 and Relief Road (August 2019)
- Hazel Dormouse Survey Report of Phases 2- 6 (JBA, December 2019)
- Reptile Survey of Phases 2 – 6 and relief Road (JBA, June 2019)
- Breeding Bird Survey of Phases 2 – 6 and Relief Road (JBA, October 2019)
- Hedgerow Survey of Phases 2 – 6 and Relief Road (JBA, August 2019)
- Wintering Bird Survey of Phases 2- 6 and relief Road (JBA, February 2020)
- Great crested Newt eDNA Survey of Phases 2 -6 (JBA, June 2019)
- Bat Activity Survey Report of Phases 2 - 6 and Relief Road (JBA, October 2019)
- Badger Survey of Phases 2-6 and Relief Road (JBA (2019b))

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

5. Time limit of development before further surveys are required

If the phase 3b development hereby approved does not commence within a period of 2 years from the date of the planning consent, the approved ecological mitigation measures secured by condition shall be reviewed and

where necessary amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- Establish if there have been any changes in the presence and/or abundance of the existing habitat and protected and priority species, and
- Identify any likely new ecological impacts that might arise from these changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation shall be submitted and approved in writing to the Local Planning Authority prior to the commencement of the site infrastructure phase.

Works will then be carried out in accordance with the new approved ecological measures and timetable.

Reason: To conserve and enhance protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

6. Lighting design scheme – Prior to installation of lighting

Prior to the installation of lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

7. Ecological enhancements – Prior to occupation

Prior to occupation and notwithstanding the details shown on the soft landscaping plans, details of biodiversity enhancement measures to be

installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

8. Designing out crime - Pre-above slab level

No construction above slab level shall take place until details of the measures and strategies to design out opportunities for crime have been submitted to and approved in writing by the Local Planning Authority. The measures shall include, but not be limited to: - Details of the anti-crime features to be provided for each dwelling, Details of measures to improve the safety of rear access paths, remote and undercroft parking including but not limited to lighting and gates, Details of access control to communal areas for flats.

All work shall be carried out in accordance with the approved details.

Reason: To ensure that the development is appropriately designed to reduce the likelihood of crime in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

9. Access Strategy - Prior to construction above binder course

Prior to construction above binder course level of the access road an access strategy setting out an appropriate network of dropped kerbs across the site to facilitate access for all and to facilitate the safe collection of refuse and recycling, shall be submitted the local planning authority and agreed in writing.

Reason: To ensure the development is accessible to all members of the community and to ensure easy bin movement in accordance with the provisions contained within the Equalities Act and in accordance with policies DM2 and DM14 of the Joint Development Management Policies Document 2015.

10. Visitor parking – Prior to slab level

No above ground construction shall take place until details of the visitor parking designation including the lining or signage to promote use as well as the future management arrangement where spaces do not form part of the adopted highway, shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall be provided and maintained in accordance with the approved details.

Reason: To ensure appropriate visitor parking is available to discourage

obstructive parking within the street or on the footway in accordance with policies DM2, and DM45 of the Joint Development Management Policies Document 2015 and chapter 8 and 9 of the National Planning Policy Framework 2019.

11. Access driveway gradient

The gradient of the access driveway shall not be steeper than 1 in 12 measured from the nearside of the width of the carriageway.

Reason: To avoid an unacceptable safety risk from skidding vehicles and provide pedestrian and cycle access. In accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

12. Cycle storage – Prior to occupation

No dwellings where cycle storage is required are to be occupied until the cycle storage facilities shown on Drawing no. 21-3114-04 Rev B have been provided in their entirety and been made available for use. Thereafter these facilities shall be maintained and retained and used for no other purpose.

Reason: To encourage the use of sustainable forms of transport and reduce dependence on the private motor vehicle, in accordance with policy DM2 and DM45 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

13. Tree pit details – Prior to installation of tree adjacent highway

Prior to the installation of any tree within 2.5 metres of a highway, the full details of the proposed tree pit or linear root guard as appropriate for that tree shall be submitted to the local planning authority and agreed in writing. All work shall be carried out in full accordance with the approved details.

Reason: To ensure that trees which form an important part of the character of the approved streets are able to be retained into the future as part of a high quality development in accordance with the North West Haverhill Masterplan, policies DM2, DM11, DM12 and DM13 of the Joint Development Management Policies Document 2015, policy CS12 of the St Edmundsbury Core Strategy 2012 Document and Chapter 15 of the National Planning Policy Framework.

14. Noise (internal) – Prior to occupation

The dwellings hereby approved shall be constructed with appropriate glazing and ventilation as recommended in noise report reference LA/1780/01R/ML as required, so as to ensure that the internal ambient noise levels meet the current guideline levels within BS8233:2014 - Guidance on sound insulation and noise reduction for buildings.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

15. Boundary treatment – Prior to occupation

The boundary treatment shown on the approved plan drawing no 21-3114-005 Rev C shall be constructed or erected before the dwelling to which it relates is first occupied and thereafter retained in the form and manner installed.

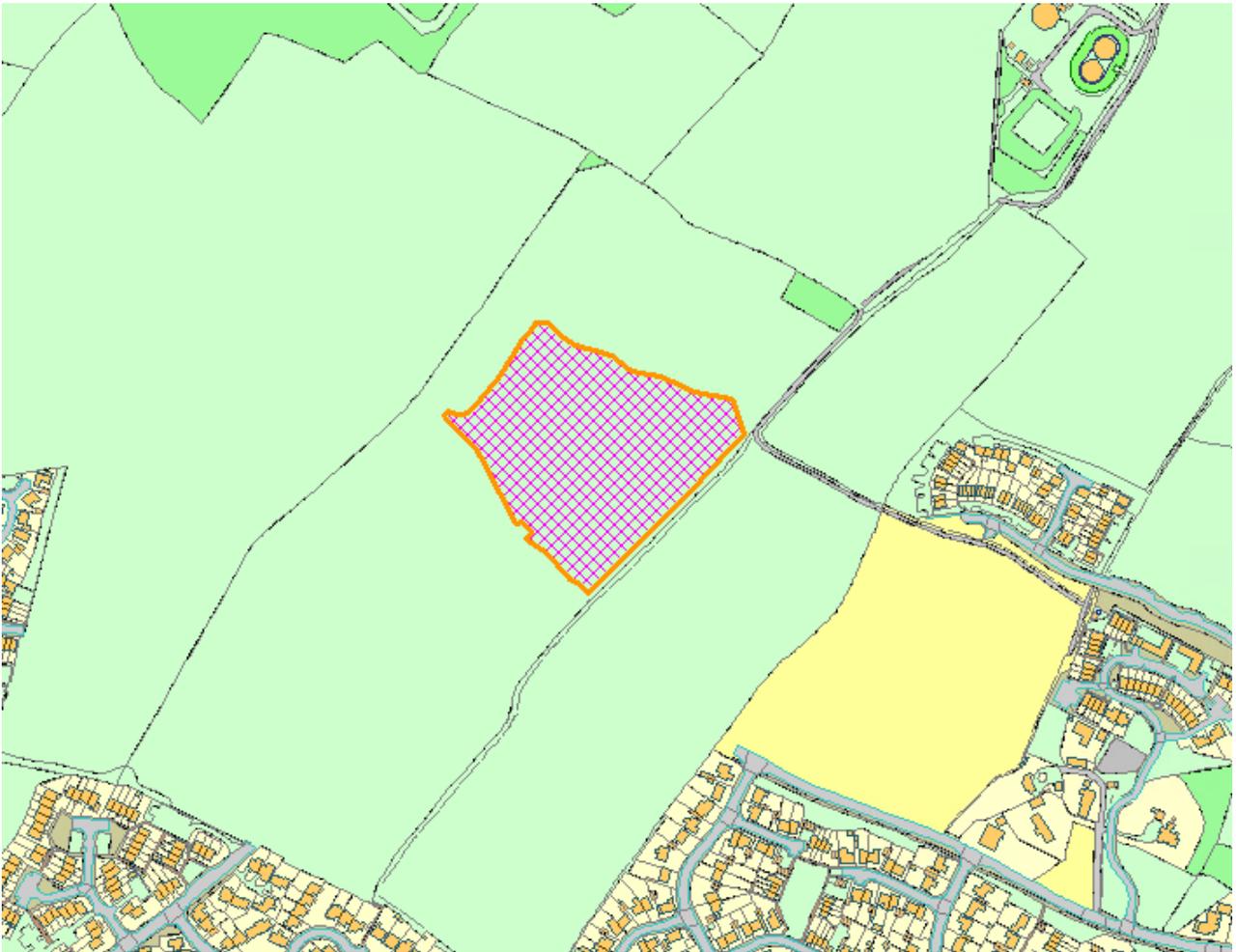
Reason: To preserve the residential and visual amenities of the locality, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/1447/RM](https://www.westsuffolk.gov.uk/DC/22/1447/RM)



DC/22/1447/RM - Land Nw Of Haverhill, Anne Sucklings Lane, Haverhill



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TYPE	PLOTS	ACCOMMODATION SCHEDULE	TOTAL	BEDS	HT	SQM.	NDSS
Private							
Cancock 1b 2p	2,4		2	1	1	51	YES
Salcey 1b 2p	7,9,10,12,13,97,99,100,102,103,105		11	1	1	52	YES
Theford 2b 3p	1,3,5		3	2	1	62	YES
Argyll 2b 3p	8,11,14,98,101,104		6	2	1	62	YES
Flatford 2b 3p	6,15,16,19,68,76,92,106,107		9	2	1	64	YES
Haldon 2b 3p	31,32,47,48,49		5	2	2	72	YES
Galloway 3b 4p	23,24,51,52		4	3	2	86	YES
Sherwood 3b 4p	26,43,50,57,58,71		6	3	2	90	YES
Charmwood 3b 5p	33,61		2	3	2	94	YES
Barnwood 3b 5p	25,30		2	3	2,5	94	YES
Saunton 3b 4p	17,21,66,70		4	3	2,5	96	YES
Braunton 3b 4p	18,20,67,69		4	3	2	97	YES
Ashdown 3b 4p	93,94,95		3	3	2	105	YES
Ashdown Corner 3b 4p	96		1	3	2	105	YES
Marston 4b 5p + study	27,28,53,54		4	4 + study	2	114	YES
Greenwood 4b 5p	29,72,75		3	4	2	113	YES
Whiteleaf 4b 5p	22,46		2	4	2	117	YES
Kielder 4b 5p + study	55,56		2	4 + study	2	131	YES
Brightstone 5b 6p	44,45,59,60,73,74		6	5	2,5	161	YES
TOTAL			79				
Cancock 1b 2p	85,86,87,88,89	Affordable (Social Rent)	5	1	1	51	YES
Salcey 1b 2p	79,82		2	1	1	52	YES
Kersey 2b 4p	78,81,84		3	2	1	73	YES
Aspall 2b 4p	77,80,83		3	2	1	73	YES
Wareham 2b 4p	64,65,110,111,113		5	2	2	80	YES
Flatford 2b 3p	36		1	2	1	64	YES
Dallington 3b 5p	40,41		2	3	2	94	YES
Grzdale 4b 6p	42,112		2	4	2	106	YES
Brightstone 5b 6p	37		1	5	2,5	161	YES
Flatford 2b 3p	36,90,91,109	Affordable (Shared Ownership)	4	2	1	64	YES
Wareham 2b 4p	34,35,62,63		4	2	1	80	YES
Dallington 3b 5p	38,39		2	3	2	94	YES
TOTAL			34				
OVERALL PLOT TOTAL			113				
NDSS TOTAL(%)			113				100%

Note & Key

Boundary Treatment Key

- 1.8m High Close Board Fence.
- 1.8m High Brick Screen Wall. Type A
- 1.8m High Brick Screen Wall. Type B
- 2.0m High Brick Screen Wall. Type A
- 0.6m High Herringbone Wall.
- 1.05m High Estate Railings
- Brick Pier Type B

Private Hard Landscaping Key

- Blocks 200x100 Brindle. Concrete block paving laid 90° herringbone pattern.
- Footpath 600mm wide, comprising one 600x600mm and one 300x600 Grey PC Concrete paving, set to (TRC)
- Footpath 600mm wide, Grey PC Concrete Paving gravel strip to side of path between fences and/or dwelling
- Footpath 1200mm wide comprising two 600x600mm Grey PC Concrete Paving
- Timber gate, 1800mm high.
- Bin collection points, surface treatment as detailed on plan
- Refuse Storage points.
- Bike Shed
- Waterbut

Adoptable Hard Landscaping Key

- Timber square bollard, 600mm high.
- Blocks 200x100 Grey. Concrete block paving laid 90° herringbone pattern.
- Blocks 200x100 Brindle. Concrete block paving laid 90° herringbone pattern.
- Blocks 200x100 Buff. Concrete block paving laid 90° herringbone pattern.
- Black Tarmac Footpath to engineers spec.
- Black Tarmac Carriageway to engineers spec.
- Hoggin Path

BIN COLLECTION POINT SCHEDULE

PILOTS SERVED

A	18-20
B	25-29
C	43-45
D	35-37
E	36-42
F	55-57
G	58-61
H	67-70
J	111-113
K	92-96
L	73
M	74

BS1 1-5,8,16
BS2 7,14,15
BS3 77-84,91
BS4 85-90
BS5 97-107

CYCLE STORAGE SCHEDULE

PILOTS SERVED

CS1	1-5,8,16
CS2	7,14,15
CS3	77-84
CS4	85-90
CS5	97-106

Rev	Description	By	Date
A	Amend site layout to address consultation comments.	ZL	21.10.22

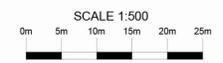
PERSIMMON

Persimmon Homes Ltd.
Persimmon House
Orion Court, Orion Avenue
Great Blakenham
Suffolk IP6 0LW
Tel 01473 927400

Site Name:
Haverhill Phase 3B

Drawing:
Planning Layout

Landscape to Refer to Detailed Landscape Design



Scale@A1: 1:500	Date: Sep'22
Drawn By: ZL	Checked By: AH
Drawing No: 21-3114-002	Rev: A

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Development Control Committee 7 December 2022

Planning Application DC/21/0427/FUL – Sports Direct Fitness, Easlea Road, Bury St Edmunds

Date registered:	2 March 2021	Expiry date:	27 April 2021
Case officer:	Gareth Durrant	Recommendation:	Grant application
Parish:	Bury St Edmunds Town Council	Ward:	Moreton Hall
Proposal:	Planning application - change of use from gym (class E) to retail (class E commercial, business and service)		
Site:	Sports Direct Fitness, Easlea Road, Bury St Edmunds		
Applicant:	K/S Cratfield		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Gareth Durrant

Email: gareth.durrant@westsuffolk.gov.uk

Telephone: 01284 757345

Background:

The planning application is reported to the Development Control Committee as it proposes 'major' development and the officer recommendation is contrary to the views of the Town Council. In addition, the consideration of the merits of the application involve complex policy matters relating to retail, employment and community/leisure facilities.

Proposal:

1. The application proposes change of use of the existing premises (gymnasium) to retail use. Planning permission is only required given that a condition on the planning permission for the gymnasium (which remains the extant planning permission) restricts the use of the premises.

Application supporting material:

2. The following documents have been submitted to support this application:
 - Application form, including certifications
 - Location Plan
 - Existing and proposed block plan
 - Existing and proposed floor plans
 - Planning Statement
 - Retail Impact Assessment and Sequential Test (as supplemented)

Site details:

3. The application site contains an existing 'commercial' building within the Moreton Hall industrial estate towards the northeast of Bury St Edmunds. The building was constructed as a factory but has been used more latterly (with planning permission) as a gymnasium. The site has its own access off Easlea Road and contained car parking.

Relevant planning history:

Reference	Proposal	Status	Decision date
SE/00/2145/P	Planning Application - Change of use and extension of former car showroom to health and fitness club (Class D2) and alterations to existing vehicular access	Application Granted	21 September 2000
E/84/2304/P	Erection of industrial unit with access for processing and packaging of pork meat as amended	Application Granted	7 August 1984

Consultations:

4. **SCC Highway Authority** – The Highway Authority notes that the proposed change of use will not affect the highway access or the site's parking provision. We also note the proposal would not have any severe impact on the highway network, in terms of vehicle volume or highway safety. Therefore, Suffolk County Council, as the Highway Authority, does not wish to restrict the grant of permission.
5. **Suffolk Fire and Rescue Service** – advisory comments relating to access and firefighting facilities, confirm that no additional water supply measures for firefighting purposes are required and advise about the benefits of installing sprinkler systems within buildings.
6. **WS Planning Policy Team – (initial comments April 2021)** -The advice notes the nature of and reasons for planning conditions attached to the planning permission which i) restrict the use of the premises as a health and fitness club only and ii) which prevent retail sales other than sales ancillary to the use of the premises as a health and fitness centre.
7. The policy team advise that the applicant should be required to submit a sequential and impact test, in accordance with NPPF and Development Plan policies. They advise that such submission should provide details of the nature of the retail use, whether it's for convenience or comparison retail. If the later whether the proposal is for bulky goods.
8. The NPPF directs that where an application fails the sequential or impact test it should be refused planning permission. It is therefore necessary to demonstrate both tests have been met.
9. In addition, the applicant is required to submit details to demonstrate the proposal complies with policy DM30 (protection of employment land).
10. **WS Planning Policy Team (comments post retail impact assessment April 2021)** – notes that the out-of-town centre retail matters are addressed elsewhere and confirms the latest advice relates to the proposed loss of a leisure facility including a swimming pool. In this regard, the advice refers to policy DM42 of the Joint Development Management Policies Document and introduces the recently commissioned (March 2022) 'West Suffolk Sports Facilities Assessment' policy evidence document.

Leisure – Existing

11. Presently Sports Direct provide 62 [fitness] stations and a 15m by 10m studio, which scored well in the 2022 Sports Facilities assessment with good all week around availability. The assessment concludes that currently there is a need, (dependent on population increases) for an additional 6-127 stations in the Bury St Edmunds area.
12. The application does not propose any replacement fitness facilities to be provided elsewhere.

Swimming Pool – Existing:

13. In the Bury St Edmunds catchment swimming pools are more sensitive. Paragraph 6.18.2 of the Sports Facilities Assessment states there is a need for the provision of a four lane 25m pool by 2040. In terms of the existing swimming pool at Sports Direct, 20m x 8m (160sqm) would be lost to the Bury St Edmunds catchment.
14. The assessment classifies the Sports Direct pool as a 'community accessible facility' as it can be used by anyone who is a member of the sports club and records a peak usage level of 60%. Sport England recognises a measure of 'comfortable capacity', where a swimming pool is regarded as effectively fully utilised when peak usage levels reach 70%.
15. The applicants are not seeking to facilitate the provision of a replacement pool by providing land elsewhere, or a financial contribution towards the cost and maintenance of a new facility.

Conclusion

16. There is currently a deficit of 6-127 fitness stations in the Bury St Edmunds area and the proposal would see a further loss of 62 stations in addition to the 15m by 10m fitness studio. Of greater concern is the swimming pool loss. Bury St Edmunds swimming pool is already at 70% capacity which is the maximum level considered comfortable by Sport England. The proposal will result in the loss of 20m x 8m (160sqm) of pool space to the Bury St Edmunds catchment, which is already at the maximum level of comfortable capacity. The closure of the Sports Direct facility will add to that pressure in the Bury St Edmunds catchment.
17. There is a need for the provision of a four lane 25m pool by 2040 in Bury St Edmunds. It is considered that the loss of the swimming pool to the proposed retail use requires an appropriate contribution, in accordance with policy DM42 and the findings of the West Suffolk 2022 Sports Facilities Assessment. The expansion of Bury St Edmunds sports centre and pool by 716sqm water and an 8 lane 25m pool amount is a high priority, (Para 6.20.3). The West Suffolk Sports Facilities Assessment (2022) shows that there is justification in seeking developer contributions towards the costs of provision of additional sports hall, swimming pool and fitness facilities in Bury St. Edmunds on the basis of limited or no spare existing capacity.

In order to calculate the necessary contribution to compensate for the swimming pool loss, we consider the rates stated in the latest version of Sport England third quarter 2022 facility cost updates document (SQM rate of £1,084 per sqm) should be used. The value of that loss is therefore calculated as $160 \times £1,084 = £173,440$.

Recommendation

18. The proposal as submitted is contrary to Policy DM42 in that it results in the loss of a swimming pool and fitness facilities where there is already a deficit of provision and need for a new facility in the Bury St Edmunds catchment. Financial contributions for £173,440 would be required in order to address this.
19. The application would be considered acceptable if all other material considerations, including retail impact are satisfactorily addressed and

contributions of £173,440 are made in respect of swimming pool reprovision within the Bury St Edmunds catchment.

20. **WS Economic Development Team** - objects to the application to convert this unit, more recently occupied by a leisure use, into retail provision. The unit in question is centrally located within an existing General Employment Area within Bury St Edmunds, and it is felt that allowing such a use would set a damaging precedent, resulting in a detrimental impact on Bury St Edmunds retail core.
21. Whilst many businesses have been significantly impacted by the Covid 19 pandemic, town centre retail was already seriously challenged by the increase in online retail. The further restrictions placed on many retailers, leisure and hospitality businesses by the pandemic has further exacerbated this position. Economic Development is keen that West Suffolk's town centres are supported and are able to thrive. This will not be achieved by diluting the retail offer away from the town centres.
22. **WS Environment Team** – Do not wish to comment in relation to air quality or contaminated land.
23. **WS Public Health and Housing** - have no adverse comments to make about the proposals but recommend imposition of a condition to any planning permission granted to ensure that any installation of new plant or equipment can be assessed via the planning system.

Representations:

24. **Bury Town Council** – Objects on the ground of loss of amenity which is a disbenefit to local residents.
25. **Our Bury St Edmunds Business Improvement District ('BID')** represents over 400 business in the town centre and objects to the proposals on the basis that the out- of-town retail facility is likely to be detrimental to the town centre of Bury St Edmunds. The proximity of this location to residents of Moreton Hall, with free car parking, means it will be a huge threat to town centre businesses. Footfall in the town centre was already decreasing before the corona virus and its huge negative impact to town centre businesses. The town centre needs all of the support it can receive and not increasing our out-of-town retail facilities. Bury St Edmunds town centre is the "Jewel in the Crown of Suffolk" & mustn't be allowed to turn into a "Ghost Town". It provides so much positivity for the local community & economy & needs the support of the Council & it's customers. Now is not the time to be allowing further out of town retail.
26. **Nine letters** have been received (predominantly from members of the existing gymnasium operating at the site) expressing concerns and/or objections to the proposals. The issues and objections raised are summarised as follows:
 - Concerned about loss of the gym facility. It is affordable and relied upon to assist with mental and physical health, particularly so since the impact of the Covid 19 virus.
 - The community does not need another shop.

- People can walk to the gym from within the community.
- There are plenty of empty premises within the town centre for retail outlets; that is where retailers should be encouraged.
- Without the Sports Direct gym facility there would not be sufficient facilities to support a growing local population.
- An increase in traffic at Easley Road would be detrimental to existing traffic flow and increase collision risks.
- The community would suffer if it were to lose the swimming pool within this facility.
- *[The existing use]* provides an easily accessible out of town facility which is well supported and required.

Policy:

27. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
28. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

St Edmundsbury Core Strategy (2010)

- Policy CS9 – Employment and the Local Economy
- Policy CS10 Retail, Leisure, Cultural and Office Provision

Bury St Edmunds Vision 2031 (September 2014)

- BV14 (j) – General Employment Areas – Bury St Edmunds (Moreton Hall)
- BV15 – Alternative Business Development within General Employment Areas
- BV17 – Out of Centre Retail Proposals

Joint Development Management Policies Document (2015)

- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM30 – Appropriate Employment Uses and Protection of Employment Land and Existing Business
- DM35 – Proposals for Main Town Centre Uses
- DM41 – Community Facilities and Services

- DM42 – Open Space, Sport and Recreation Facilities
- DM46 – Parking Standards

Other planning policy:

National Planning Policy Framework (NPPF)

29. The NPPF is a material consideration in planning decisions. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to such policies according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies (including those listed above) have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision-making process.
30. The relevant parts of the NPPF are discussed in the next section of this report.

Officer comment:

31. The issues to be considered in the determination of the application are:
 - Principle of Development (with particular regard to national and local planning policies).
 - Whether the existing building and support infrastructure (including parking provision) is suitable for the intended use.

Principle of Development

Policy context i) town centre uses

32. The planning application which proposes a retail use in an out-of-town-centre location triggers a number of national and local planning policies.
33. Extant national and local planning policies raise a number of matters in response to the application proposals. These include the location and impact of a town centre use outside of the town centre, development (in this case change of use) on allocated employment land/premises and loss of leisure/sports and community facilities. The policy context is summarised below.
33. Chapter 7 of the NPPF is titled 'Ensuring the vitality of town centres'. This chapter seeks to support and (insofar as is possible) protect the vitality and function of town centres. The chapter opens by stating "planning...decisions...should support the role that town centres play at the heart of local communities".
34. Retail use is defined by the NPPF as a 'main town centre use' (Annex 2 – Glossary). Paragraph 87 confirms that LPAs should apply a sequential test to planning applications for main town centre uses which are neither in an

existing centre nor in accordance with an up-to-date plan. The NPPF explains that the sequential test means 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.

35. The application site is situated at an out of town centre location.
36. The national policy requirement for the sequential approach to site selection to be followed is reflected in the Development Plan. Core Strategy policy CS10 states that (in the old 'St Edmundsbury' Council geographical area) the town centres of Bury St Edmunds and Haverhill will continue to be the focus for (inter alia) retail development taking into account (inter alia) the sequential approach to development. Furthermore policy DM35 of the Joint Development Management Policies Document and BV17 of Bury St Edmunds Vision repeats the national requirement to follow the sequential approach to the location of new town centre uses/proposals and 'out-of-town centre' locations are positioned at the base of the hierarchy.
37. In addition to the 'sequential test' the NPPF (paragraph 90) requires that when assessing applications for retail and leisure development outside town centres which are not in accordance with an up-to-date plan, LPAs should require an impact assessment if the development is over a proportionate, locally set threshold (or default threshold of 2,500sqm gross floorspace in the absence of a locally set threshold).
38. The NPPF goes on to require that the impact assessment (where required to be prepared and submitted) 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 the wider retail catchment (as applicable to the scale and nature of the scheme).
39. The NPPF concludes this section by confirming where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the criteria above it should be refused.
40. Policy BV17 of the Vision document and DM35 of the Joint Development Management Policies document repeat the NPPF requirement for impact assessments to be submitted alongside proposals for 'town centre uses' proposed outside of town centres. These reduce the statutory national threshold of 2,500 square metres of floorspace (gross) to a locally set threshold of 1,000 square metres. The application building exceeds 1,000 square metres in size and given that retail use is defined as a 'town centre use' by the NPPF and the Development Plan, an impact assessment is required to accompany the planning application.

Policy context ii) Allocated/Protected Employment land

41. Policy BV14 of the Bury St Edmunds Vision document formally allocates the Moreton Hall industrial estate as a General Employment Area. It defines the favourable uses as Class B1, B2 and B8. Whilst the use classes Order has changed significantly in recent months with many definitions and classes having been changed, the references to Classes B1, B2 and B8 can still be used to underpin the intentions of relevant development plan policies. The retail use proposed in the application is not a B1, B2 or B8 use. This triggers consideration of policy BV15 of the vision document.
42. Whilst policy BV14 of the Vision document confirms the focus of uses within the Moreton Hall Industrial Park Policy BV15 sets out criteria against which proposals for non-B1, B2 and B8 commercial uses are considered. However, this policy does not include the Moreton Hall allocation thus, there is a policy presumption in the Vision document against uses which are not 'traditional' Class B1, B2 or B8 uses in this location.
43. Policy CS9 of the Core Strategy is positively worded to support employment related development, particularly at the towns of Bury St Edmunds and Haverhill and is largely a supporting/contextual policy. The policy does not seek to protect existing employment premises and land from being lost to other non-B Class employment uses or non-employment uses. This protection is provided by policy DM30 of the Joint Development Management Policies document.
44. Policy DM30 states that any non-employment use proposed on sites and premises used and/or designated for employment purposes and that is expected to have an adverse effect on employment generation will only be permitted where the LPA is satisfied that the proposal can demonstrate that it complies with other policies in the adopted plans and one or more of the following criteria has been met (as appropriate to the site/premises):
 - a) There is a sufficient supply of alternative and suitable employment land available to meet local job growth requirements
 - b) Evidence can be provided that genuine attempts have been made to sell/let the site in its current use and that no suitable and viable alternative employment uses can be found or are likely to be found
 - c) The existing use has created over-riding environmental problems and permitting an alternative use would be a substantial environmental benefit
 - d) An alternative use or mix of uses would assist in urban regeneration and offer greater benefits to the community
 - e) It is for an employment related support facility (e.g. training/education, creche, café)
 - f) An alternative mix of uses would provide other sustainability benefits that would outweigh the loss of an employment site.

Policy context iii) – Loss of community and Leisure facilities

45. Policy DM41 of the Joint Development Management Policies Document seeks to support the provision of new and protect existing community facilities and services. The health club facility currently operating from the application premises which offer gymnasium, swimming and other health & fitness related services to the local community on a membership basis, qualifies as a community facility. Whilst in some circumstances a retail use can qualify as a community facility (e.g. a village shop or locally accessible convenience

retail facility in an urban location) it is unlikely the retail use proposed in this application would qualify as a community facility (i.e. a continued community use of the premises) given the large size of the unit and its location away from residential areas. Accordingly the protectional provisions of policy DM41 are triggered.

46. The policy seeks to safeguard against the loss of valued facilities or services and confirms these will only be permitted where:
 - a) it can be demonstrated that the current use is not economically viable nor likely to become viable (this is likely to be demonstrated via marketing of the site/premises).
 - b) it can be demonstrated there is no local demand for the use and that the building/site is not needed for any alternative social, community or leisure use, or
 - c) alternative facilities and services are available or replacement provision is made, of at least equivalent standard, in a location that is accessible to the local community it serves with good access by public transport or by cycling or walking.
47. Policy DM42 of the Joint Development Management Policies document seeks to secure the provision of new open space, sport and recreation facilities and protect & safeguard existing such facilities from being lost to other uses or development.
48. The policy confirms that development that will result in the loss of existing amenity, sport or recreation open space or facilities will not be allowed unless:
 - a) It can be demonstrated that the space or facility is surplus to requirements against the LPAs standards for the particular location and the proposed loss will not result in a likely shortfall during the plan period, or
 - b) Replacement for the space or facilities lost is made available, of at least equivalent quantity and quality and in a suitable location to meet the needs of users of the existing space or facility.
49. The policy qualifies the above criteria by confirming that any replacement provision should take account of the needs of the settlement where the development is taking place and the current standards of open space and sports facility provision adopted by the LPA. The policy goes on to confirm that, where necessary to the acceptability of the development developers of (inter alia) new retail development to provide or contribute financially towards new or existing facilities, as appropriate. Planning conditions and/or obligations are cited as the tools for securing this provision.

Analysis against policy – i) retail impact and sequential test.

50. The applicant has submitted a retail statement to accompany the planning application. This analyses the potential impacts of the proposals upon the vitality of the town centre in accordance with the NPPF (and local policy) requirements discussed above. The statement also includes a demonstration of the applicants analysis of potential alternative sites in and around the Bury St Edmunds town centre as part of the sequential test requirement.

51. The Council has commissioned independent analysis of the applicants retail assessment from an expert retail consultancy. The response was initially to request further information from the applicants particularly with regard to the nature of the operator but also with respect to some of the assumptions and inputs placed into the applicants modelling of the forecast retail impacts to the town centre. The applicants responded to the request for further information and supplied this alongside the inclusion of more sites within and deeper analysis of other sites as part of the sequential test. The initial retail appraisal, the applicants response and other relevant exchanges with respect to the retail impact assessment and sequential test are included in an appendix at the end of the report. This will enable committee Members to satisfy themselves that these important policy requirements have been met by the applicants.
52. In accordance with the independent advice received from the retail consultant, it is considered that the applicants have adequately considered alternative sites in and around (on the edge of) the town centre for the proposed retail use and have adequately demonstrated that no alternative sites are currently available (sequential test).
53. The applicants' retail impact assessment concluded there would be some inevitable impacts upon the vitality of the town centre as some trade would be drawn to the new unit from the town centre but considered this would not be significant. Whilst the Council's consultant agreed with the overall conclusions of the applicants assessment (as supplemented) they advised that because of the speculative nature of the proposals (no end user had been identified) and the limits within the applicants retail appraisal (i.e. they had not considered and tested every scenario, including a major retailer moving to the new site from an important town centre 'anchor' store, a condition was recommended to limit the range and nature of goods that can be displayed for sale within the new unit.
54. The condition by the independent retail consultant is as follows:
- *The unit shall be used for the sale of convenience* goods Use Class E(a), and for the sale of non-food comparison** goods within Use Class E(a1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) excluding fashion clothing, footwear and fashion accessories, health and beauty / personal care products, jewellery, sports, toys and hobby goods and books and stationary, unless ancillary to the primary use of the unit.*
- * goods which are purchased frequently and immediately – widely available (every-day items)
- ** higher value goods purchased less frequently, normally non-perishable
55. The applicant has expressed concern about the extent of the limitations included in the condition and has requested that most of the goods proposed to be restricted by the condition are removed from the list as this would, in their opinion, severely restrict the marketability of the unit to retail providers. The applicant suggested the following categories could remain as part of the condition; fashion clothing, footwear and fashion accessories & jewellery.

56. Whilst it is true that the proposed planning condition would restrict the nature of the retail operation of the unit at the Easley Road site, it is important that the reasoning behind the condition is considered when deciding which version of it should be imposed upon the planning permission. The applicant was not able to demonstrate that all potential retail scenarios operating from the unit would not be significantly damaging to the town centre and the retail consultant advised that their suggested condition would serve to introduce safeguards against that harm arising.
57. The primary motive of the suggested condition (and the national/local policy aspirations that will underpin it) is to protect the town centre from the adverse effects of trade draw from retail uses located outside of the centre. There is nothing to prevent the applicant nor indeed their interested retail operator from proposing amendments to the condition at a later date if they can demonstrate that their specific operation would not lead to significantly adverse retail impacts arising. Accordingly it is considered that the condition recommended by the retail consultant, as set out above, accords with national and local planning policy, is reasonable and proportionate in the circumstances and is sufficiently flexible that it could (if appropriate) be amended in future via formal planning application.

Analysis against policy - iii) Development (change of use) of premises allocated for employment purposes.

58. The application site is allocated for employment related use/development by policy BV14 of the Bury St Edmunds Vision 2031 document. This seeks to support new proposals for and safeguard against the loss of employment related uses for the traditional B1, B2 and B8 use classes. Policy DM30 of the Joint Development Management Policy sets out criteria against which proposals for non-employment uses of existing or allocated employment land are considered. It is important to note in this policy context that i) the retail use proposed by the planning application does provide 'employment' in the form of jobs in the retail sector, albeit not the B1, B2, B8 employment types required by planning policy.
59. Furthermore, the retail use proposed would not replace an existing 'B' Class use; the fitness centre use is a Use Class D2 use. Accordingly there would be no net loss of employment including the favoured 'B' Class employment from the site/premises. As the application maintains the status quo with respect to policies BV14 and DM30 and would not result in the loss of an employment site (it has already been lost to B-Class uses) the proposals are not considered contrary to the provisions of these policies and no harm would occur to employment provision in the town overall.

Analysis against policy - iii) Loss of community facility and loss of sports/leisure facility.

60. The requirements of the policies DM41 and DM42 which address loss of i) community facilities and ii) open space, sport and recreation facilities, to other uses are similar in their application and intention. There is a large degree of overlap in how the policies seek to approach consideration of these matters. Accordingly, this section of the report considers the loss of the health and fitness club as both a community facility and a sports/leisure facility.

61. The Council's planning policy team has analysed the likely impact of the loss of the facility upon the provision and availability of fitness and swimming facilities in the town. The analysis, which is summarised at paragraphs 10-17 above was prepared in consultation with officers from the Council's Parks and Leisure team.
62. Whilst the advice is focussed on the provisions of policy DM42 and its requirements, there are no reasons to separate it from the requirements of policy DM41 too given the similarities.
63. Officers have no reason to challenge or disagree with the analysis provided by the planning policy team and the applicant has agreed, in accordance with the provisions of policies DM41 and DM42 to provide a contribution towards replacing the swimming pool facility that would be lost as a consequence of this development. This would be provided as part of the redevelopment of the existing public swimming pool building when that facility is replaced as part of the West Suffolk Hub redevelopment which has already attained a planning permission.
64. Officers consider that upon securing the contribution as part of an Agreement under S106 of the planning act, the application proposals would accord with the requirements and criteria of policies DM41 and DM42.
65. In particular:
 - There is no need to replace or compensate for the loss of the gym/fitness facilities (this is likely to be compensated by the market)
 - It is unlikely that the swimming pool facility would be replaced by the market given the significant up-front investment required and the associated risks.
 - A financial contribution towards a replacement swimming pool facility within the town is justified in this instance. This would be secured by a S106 Agreement.
 - The contribution would ensure that adequate alternative facilities (of at least equivalent quantity and quality) are provided at an appropriate alternative location in the town thus mitigating the impact of the loss of the swimming pool facility from within the application building. Indeed the replacement swimming facility is anticipated to be more accessible to the public given there is unlikely to be a requirement to become a subscribing Member (even if an option to do this is provided).

Other material planning issues

66. There are no site-specific reasons to suggest that planning permission should be withheld for the development proposals. The building is adequately served by car parking and service arrangements for the intended retail use and given that the building exists and has been operating for many years already benefits from drainage and other service infrastructure/connections. It is recommended that a scheme for the provision of electric vehicle charge points is submitted for later approval of

the Local Planning Authority. Enhanced parking spaces in this regard could be secured via a suitably worded planning condition.

67. Policy DM12 of the Joint Development Management Policies Document requires that “enhancement for biodiversity should be included in all proposals”. The policy goes on to give some generic examples of the types of enhancement that could be included in proposals (e.g. watercourse improvements, habitat creation, wildlife links, and design features (e.g. bird/bat boxes). Whilst opportunities for biodiversity enhancement for the application proposals will be limited given the fact that the building and its infrastructure is already in place, there are some biodiversity enhancements which could be secured (for example bat and bird boxes and opportunities for native species planting if site conditions allow). These could be considered and implemented at a later date (i.e. prior to the first use of the unit for retail purposes) and secured by an appropriately worded planning condition.

Conclusion:

68. The decision on this planning application turns on whether the applicant has adequately demonstrated and/or mitigated potential impacts upon i) the vitality of the Bury St Edmunds town centre (as defined), ii) the provision of community facilities and services and iii) the provision of open space, sport and recreation facilities.
69. These policy-based requirements have been independently assessed and, subject to controlling conditions and a S106 clause, advice has been received which concludes impacts would be insignificant or capable of mitigation.
70. The application proposals are therefore considered to accord with the requirements of relevant National Policies set out in the NPPF and relevant local Development Plan policies. These are identified and discussed within the report and its appendices/background documents.
71. The Committee is recommended to approve the planning application subject to the conditions and caveats included in the next section.

Recommendation:

72. It is recommended that planning permission be **APPROVED** subject to:
- A) The prior completion of an Agreement (or equivalent) under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
- Developer contribution to be used towards replacement swimming pool capacity to serve the town (Bury St Edmunds);
- and
- B) The following planning conditions:
- 1) The unit shall be used for the sale of convenience goods Use Class E(a), and for the sale of non-food comparison goods within Use Class E(a1) of the Town and Country Planning (Use Classes) Order 1987 (as amended)

excluding fashion clothing, footwear and fashion accessories, health and beauty / personal care products, jewellery, sports, toys and hobby goods and books and stationary, unless ancillary (no more than 10% of the floorspace combined) to the primary use of the unit.

- 2) Prior to commencement of development a written 'Ecological Enhancement Strategy' shall be submitted to the Local Planning Authority for approval in writing. The written strategy shall include proposals at the application site for enhancements to biodiversity interests. Thereafter, the approved strategy shall be fully implemented and/or adhered to in accordance with a timetable and/or trigger points agreed as part of the written strategy.
- 3) Prior to the first use of the building or site for retail use a scheme for the provision and implementation of electric vehicle charging points shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented and the approved charge points installed and made available for use prior to the first use of the building or site for retail purposes.
- 4) There shall be no retail sales or display of goods or services for sale externally within the application site, outside of the building, unless precise details of the goods/services and their location/s have been agreed in advance with the Local Planning Authority following submission of a formal planning application.
- 5) No plant or machinery required for the operational use of the premises shall be installed on the building (including its roof) or within its curtilage unless full details of the location/s and specification of any plant or machinery to be installed has been submitted to the Local Planning Authority for approval in writing. Only the approved plant or machinery shall be installed at the site in the locations approved by the Local Planning Authority.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0427/FUL](https://www.dorsetcouncil.gov.uk/DC/21/0427/FUL)

Working Papers 1 to 8 – Retail Assessment Papers including applicant's submissions and independent retail consultant advice

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Change of Use from Gym (Class E) to Retail (Class E)

Sports Direct Gym,
Easlea Road,
Bury St Edmunds

Appn Ref: DC/21/0427/FUL

Retail Impact Assessment &
Sequential Test

July 2021

**Change of Use from Gym (Class E) to Retail
(Class E)**

**Sports Direct Gym, Easlea Road,
Bury St Edmunds**

Appn Ref: DC/21/0427/FUL

Retail Impact Assessment & Sequential Test

Applicant: K/S Cratfield

July 2021

reference:

Contact: Keith Hargest

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Appendix A: Scoping Note for retail impact and sequential test – West Suffolk Council

Appendix B: Town Centre Retail Surveys – June 2021

Appendix C: Goad Report – Bury St Edmunds City Centre – January 2021

Executive Summary

This Retail Impact Assessment (“RIA”) and sequential assessment sets out information in support of the planning application submitted for a change of use planning application for the existing Sports Direct Gym at Easlea Road, Bury St Edmunds.

The unit has a gross internal floor area of 1667 sq m. At the present time no specific operators have been agreed for the proposed retail unit but there has been strong interest for both convenience and comparison goods retail from the unit. The principal characteristics of the proposed retail format is the provision of a large floorplate unit suitable for a range of potential retail uses such as a discount or mid-sized supermarket, a general (non-food) discounter or a large bulky goods retail unit. Reflecting this the application seeks unrestricted Class E (Retail) use in the unit.

Retail Impact Assessment

A retail impact assessment has been prepared for the proposed development which has been undertaken in line with good practice and has assessed the following:

- The characteristics of existing retail provision and available expenditure within the primary catchment area for the proposed development.*
- The proposed development in terms of: floorspace; turnover; trade draw and trade diversion.*
- Retail impact measured in terms of percentage loss of trade in 2023 taking into account changes between 2021 and 2023.*
- The vitality and viability of Bury St Edmunds City Centre and other retail locations within the town.*
- The assessment has taken into account the cumulative effects arising from retail development that has occurred since the completion of the 2016 St Edmundsbury Retail and Leisure Study.*

The RIA demonstrates that the scale of impact arising on existing town centres will be very low and will not undermine the vitality or viability of the City Centre or any existing centre.

Sequential Approach

A full assessment of potential alternative sites in accordance with the requirements of the sequential approach has been undertaken as set out the NPPF and line with recent legal decisions. This demonstrates that the proposal fully meets the requirements of the sequential approach. The assessment has shown that:

- There are no premises available within or on the edge of the City Centre that meet the minimum requirements for a viable retail development of the types proposed for the application site. This includes the vacant units at Robert Boby Retail Park and High Baxter Street.*
- The Cornhill Walk site is not available, is too small to accommodate the minimum development, would be unsuitable in terms of lack of car parking and servicing access, and is in a sensitive location both in terms of its location in the Conservation Area and adjacent residential properties.*
- Only a limited part of the Tayfen Road site is potentially available (although it is not being advertised as available at the current time) and the site has major development constraints including contamination and flooding. The site does not satisfy the definition of an edge-of-centre site as set out in the NPPF. As such it is not sequentially preferable to the application site.*

Conclusion

This report demonstrates that the proposed development meets the requirements of the policies in the development plan, the NPPF and other material considerations, relevant to the retail impact of the proposed development and application of the sequential approach:

- The proposal will not result in a significant individual or cumulative adverse impact on the vitality and viability of the City Centre or other retail location; and*
- The proposal fully satisfies the requirements of the sequential approach/test.*

1 Introduction

Background

- 1.1 This Retail Impact Assessment (RIA) and Sequential Assessment has been prepared to provide supporting information for the planning application submitted by K/S Cratfield for the change of use of an existing gym (Class E) to retail (Class E) at land at Easlea Road, Bury St Edmunds.
- 1.2 This information has been requested by West Suffolk Council to assist the authority in the determination of this planning application. A scoping note for the RIA and sequential assessment was provided by West Suffolk Council planning officers which is reproduced at Appendix A.
- 1.3 This report provides the following information:
- A description of the proposed development (Section 1).
 - An assessment of the impact of the proposed development on existing retail centres and other retail floorspace (Section 2).
 - A review of the significance of retail impacts arising taking into account the vitality and viability of existing centres (Section 3).
 - An assessment of the proposal in term of the sequential approach/test (Section 4).
 - Summary and conclusions (Section 5).
 - A copy of the Scoping Note is provided at Appendix A and supporting survey information is provided in Appendices B & C.
- 1.4 The approach adopted in the RIA and sequential assessment follows the Guidance issued by the Government on Town Centres and Retail (Assessing proposals for Out of Centre development) issued Sept 2020 (latest available at the time of preparing this report). The nature of all retail impact assessments, and associated analyses, is that the findings and conclusions of the assessments are dependent upon assumptions used for calculation of impact. Therefore, Hargest Planning Ltd would welcome comment on this RIA from officers of West Suffolk Council and would be happy to review the assumptions used in the assessment to identify the potential implications for retail impact. In this sense the assessment presented in this report should not be treated as the final version and may be subject to review subject to the comments of West Suffolk Council planning officers.

Description of Proposed Development

- 1.5 Details of the proposed development are set out in the supporting documents submitted with the application. The planning application is for a proposed change of use only with the gross internal floorspace remaining as existing. For the purposes of this RIA the following are the key characteristics of the proposals:

- *Location:* the proposed development would comprise the existing Sports Direct gym located at Easlea Road, Bury St Edmunds. This site is located within the Moreton Hall employment area which comprises a mix of retail, trade counter, industrial and business premises. Located ca. 150m to the west of the application site is the St Edmundsbury Retail Park (Phase 2) which comprises a range of bulky comparison and general comparison goods retail units. Approximately 250-300m to the north east of the site is the Matalan retail unit (predominantly clothing and footwear i.e., general comparison goods). The employment area also includes a number of other retail units (e.g. House of Harmony) and trade counters units as well as car showrooms, garages and other industrial/employment units.
- *Floorspace:* The existing unit comprises proposed development comprises 1452 sq m ground floor (gross internal) and 215 sq m GIFA mezzanine providing a total of 1667 sq m GIFA. The site is 0.63ha and includes space for servicing, car parking, motor cycle spaces (information provided on planning application form) and for landscaping.
- *Proposed Retail Unit.* At this stage the applicants have not confirmed a specific operator for the proposed retail unit but propose that the use should be for either for a mid-sized supermarket/foodstore (including mainstream supermarket or food discounter) or for a large mixed comparison unit (in particular for a non-food discounter). This market analysis is consistent with the attractiveness of the Moreton Hall area for retail operators. Further information on potential occupiers is set out below.
- *Car Parking.* The existing site has parking spaces for 140 vehicles (including 3 disability spaces) 1 motor cycle and 18 cycle spaces.

Format of the Proposed Retail Unit

1.6 Reflecting market interest for the unit, this report identifies three potential options assessing the unit in terms of retail impact and the sequential test:

- Option A – Food discounter (predominantly convenience with limited general comparison goods)
- Option B – General mid-sized supermarket (predominantly convenience with limited general comparison goods)
- Option C – Non-food discounter (predominantly a mix of general and bulky comparison goods with some convenience).

1.7 The unit would also be attractive to a bulky goods retailer which requires a large clear floorplate. Given that bulky goods retail on the site would generate lower sales densities than Option C and would, primarily, divert trade from other bulky goods shops which are mainly located outside the City Centre (including the St Edmundsbury Retail Park – “SERP”) the retail impacts associated with this option will be significantly lower than the options listed above. Therefore this option has not been expressly addressed in this report.

Option A – Food Discounter

1.8 In the current market the size of this unit would limit the potential operators to either of the discount foodstore operators (i.e. Lidl or Aldi).

- 1.9 Discount foodstores have particular characteristics that distinguish them from mainstream supermarkets and they, primarily, serve local catchment areas (typically in the region of 15-20,000 catchment population). The key features of these operations are:
- Limited ranges of goods (typically 1500-2000 lines compared to 15,000-20,000 in superstores).
 - Relatively small size of shopping trip.
 - A high proportion of space devoted to convenience goods compared to superstores.
 - Predominance of own-brand goods.
 - Store operation based on the minimisation of operational costs – this includes factors such as, where possible, single goods delivery per day, direct transfer of goods onto shop floor and similar.
 - Store size – for new build these are typically in the range of 1500-2200 sq m GFA.
- 1.10 Food discount store operators require locations that are able to provide extensive surface level car parking allowing customers to take purchases in their trolleys direct to cars. There are exceptions to this – for example Lidl would provide stores with only limited parking in areas with very high local population densities and where land values are very high and the identification of preferred sites is very difficult. These exceptions are located in the centre/inner-city areas of large cities and Bury St Edmunds would not meet the requirements for these exceptional store types.

Option B – Mid-Sized Supermarket

- 1.11 There are a limited number of operators that are actively developing and occupying general supermarkets of the size proposed. In particular these include the Co-op and M&S Foodhall. Tesco has operated these units for many years but, at the present time, have announced a rebranding of their “Metro” format (either to “Express” or “Superstore” brands) although there is no indication that this rebranding will have any impact on the size of the stores operated by Tesco.
- 1.12 In a supermarket of ca. 1800 sq m GFA these operators would provide a range of goods suited to a mix of both the main food shop (i.e. predominantly trolley based) and also top-up shopping (in this location this would serve both nearby employees in the employment area and residents). Because of the importance of trolley based shopping these stores require direct access to surface level car parking for customers.
- 1.13 An M&S Foodhall provides a unique retail offer in UK retailing in that it provides a standard supermarket format but specialises in M&S own-branded goods aimed at the mid-upper grocery market. The format has proved very successful to the extent that M&S has increasingly developed standalone foodstores (previously branded as “Simply Food”) to complement foodhalls in M&S general merchandising stores. The characteristics of the “foodhall” format include:
- A minimal non-food offering.

- A location that is either separate from any other M&S store or in a location that is within the catchment area of a larger M&S general merchandise store (such as a town like Bury St Edmunds), in these situations the Foodhall would complement the general merchandising store. However, not all M&S Foodhall stores are within the catchments of larger stores as some are located in towns where there is no prior M&S representation.
- The stores retail ca. 5000 food lines 98% of which are M&S own-brand lines.

Option C: Non-Food Discounter

- 1.14 There are numerous general discounter operators in the UK markets and include: B&M; Home Bargains (TJ Morris); The Range; Poundland, Poundstretcher; Original Factory Shop and Wilko. Typically, these retail a broad range of goods including furniture, garden equipment/plants, general household goods, stationery and convenience goods. Up to about one third of space can be for the retail of bulky goods and also convenience goods although proportions vary according to operator. Where operators seek to retail a proportion of bulky goods (e.g. B&M, Home Bargains, the Range) direct access to surface level parking is critical for store viability.

Primary Catchment Area

- 1.15 The St Edmundsbury Retail and Leisure Study (Carter Jonas, 2016) ("SERLS") provides information from a household survey undertaken that can be used to identify the appropriate catchment areas for the three potential options identified for the RIA:

- For the convenience goods-led options, i.e. Options A & B, Appendix 5 Table 2 identifies the expenditure flows from the SERLS study Zones to major convenience foodstores within Bury St Edmunds in 2016.
- For the comparison-goods led option (Option C) Appendix 6 Table 2 provides similar information for all comparison goods expenditure in 2016. Given the range of goods that are sold in non-food discounters it is considered that the analysis of *all* comparison goods would provide the best indication of the potential catchment area for this option.

Options A & B PCA

- 1.16 Table 1.1A sets out an extract of the information from the SERLS App 5 Table 2. Table 1.1B re-expresses this data in terms of the proportion of trade from each study Zone for stores and centres within Bury St Edmunds. This allows an identification of the relatively importance of different study zones in terms of their contribution of trade to the existing retail locations within Bury St Edmunds and, from this, the primary catchment area for these locations.

- 1.17 Table 1.1B shows that for each of the general locations of foodstores/floorspace for convenience goods within Bury St Edmunds (BSE) the primary catchment area served by this floorspace comprises the study zones 1, 2 and 3 – these three zones account for 85-90% of the turnover of these stores/locations.

- 1.18 The only potential variation from this is the Aldi store that has only 6% of trade draw from Zone 3. Given that the store is located on the west side of Bury St Edmunds and that Zone 3 is also located to the west of BSE this would seem to be anomalous and may reflect sample error associated with relatively small sample sizes used in the household survey for the SERLS.

Table 1.1A: Expenditure Flows to Convenience Foodstores/Locations in Bury St Edmunds (2016)

Expenditure Flows (Net SFT) SERLS Appendix 5 Table 2 2016

Zone	1	2	3	4	5	6	7	8	9	10	11	TOTAL
Town Centre Convenience	£17.7m	£5.3m	£7.8m	£1.7m	£1.3m	£1.9m	£0.1m	£0.4m	£0.2m	£0.0m	£0.3m	£36.7m
BSE West (Aldi + Asda)	<i>Aldi</i> £8.0m	<i>£9.3m</i>	<i>£1.6m</i>		<i>£0.7m</i>	<i>£1.0m</i>		<i>£0.1m</i>	<i>£1.9m</i>	<i>£4.2m</i>		<i>£26.8m</i>
	<i>Asda</i> £16.8m	<i>£7.0m</i>	<i>£7.9m</i>									<i>£31.7m</i>
	£24.8m	£16.3m	£9.5m	£0.0m	£0.7m	£1.0m	£0.0m	£0.1m	£1.9m	£4.2m	£0.0m	£58.5m
BSE North (Tesco, Co-op)	<i>Co-op</i> £1.0m	<i>£1.1m</i>	<i>£1.0m</i>									<i>£3.1m</i>
	<i>Tesco</i> £12.7m	<i>£14.0m</i>	<i>£7.6m</i>	<i>£0.5m</i>	<i>£1.1m</i>				<i>£0.7m</i>	<i>£1.4m</i>		<i>£38.0m</i>
	£13.7m	£15.1m	£8.6m	£0.5m	£1.1m	£0.0m	£0.0m	£0.0m	£0.7m	£1.4m	£0.0m	£41.1m
BSE East (Sainsbury)	£19.6m	£10.4m	£5.3m	£0.7m	£0.4m	£0.8m	£0.1m		£1.0m	£0.3m	£0.1m	£38.7m
Remainder BSE	£0.4m	£1.4m	£0.7m			£0.2m						£2.7m
Total BSE	£76.2m	£48.5m	£31.9m	£2.9m	£3.5m	£3.9m	£0.2m	£0.5m	£3.8m	£5.9m	£0.4m	£177.7m

Table 1.1B: Trade Draw to Convenience Foodstores/Locations in Bury St Edmunds (2016)

Trade Draw Analysis (Catchment Areas)

Zone	1	2	3	4	5	6	7	8	9	10	11	TOTAL
Town Centre Convenience	48%	14%	21%	5%	4%	5%	0%	1%	1%	0%	1%	100%
BSE West (Aldi + Asda)	<i>Aldi</i> 30%	<i>35%</i>	<i>6%</i>	<i>0%</i>	<i>3%</i>	<i>4%</i>	<i>0%</i>	<i>0%</i>	<i>7%</i>	<i>16%</i>	<i>0%</i>	<i>100%</i>
	<i>Asda</i> 53%	<i>22%</i>	<i>25%</i>	<i>0%</i>	<i>0%</i>	<i>100%</i>						
	42%	28%	16%	0%	1%	2%	0%	0%	3%	7%	0%	100%
BSE North (Tesco, Co-op)	<i>Co-op</i> 32%	<i>35%</i>	<i>32%</i>	<i>0%</i>	<i>0%</i>	<i>100%</i>						
	<i>Tesco</i> 33%	<i>37%</i>	<i>20%</i>	<i>1%</i>	<i>3%</i>	<i>0%</i>	<i>0%</i>	<i>0%</i>	<i>2%</i>	<i>4%</i>	<i>0%</i>	<i>100%</i>
	33%	37%	21%	1%	3%	0%	0%	0%	2%	3%	0%	100%
BSE East (Sainsbury)	51%	27%	14%	2%	1%	2%	0%	0%	3%	1%	0%	100%
Remainder BSE	15%	52%	26%	0%	0%	7%	0%	0%	0%	0%	0%	100%
Total BSE	43%	27%	18%	2%	2%	2%	0%	0%	2%	3%	0%	100%

Table 1.2A: Expenditure Flows to Comparison Floorspace Locations in Bury St Edmunds (2016)

Expenditure Flows (Net SFT) SERLS Appendix 6 Table 2 2016

Zone	1	2	3	4	5	6	7	8	9	10	11	TOTAL
Town Centre Comparison	£76.8m	£83.9m	£37.1m	£8.9m	£37.7m	£16.0m	£1.2m	£9.0m	£19.1m	£56.0m	£4.9m	£350.64m
St Edmundsbury RPBSE West (£5.1m	£3.4m	£2.1m	£0.2m	£0.3m	£0.4m	£0.1m	£0.0m	£0.0m	£0.5m	£0.0m	£12.08m
Bartons Retail Park	£0.4m	£0.2m	£0.3m	£0.0m	£0.0m	£0.0m	£0.0m	£0.0m	£0.0m	£0.0m	£0.0m	£0.94m
Robert Bobby Way RP	£0.2m	£0.3m	£0.4m	£0.0m	£0.5m	£0.0m	£0.0m	£0.0m	£0.8m	£0.0m	£0.3m	£2.44m
Remainder BSE	£19.4m	£18.4m	£7.9m	£1.8m	£1.4m	£2.4m	£0.5m	£1.0m	£1.5m	£5.0m	£0.3m	£59.47m
Total BSE	£101.9m	£106.2m	£47.7m	£10.9m	£39.9m	£18.8m	£1.7m	£10.0m	£21.5m	£61.5m	£5.4m	£425.6m

Table 1.2B: Trade Draw to Comparison Floorspace Locations in Bury St Edmunds (2016)

Trade Draw Analysis (Catchment Areas)

Zone	1	2	3	4	5	6	7	8	9	10	11	TOTAL
Town Centre Comparison	22%	24%	11%	3%	11%	5%	0%	3%	5%	16%	1%	100%
St Edmundsbury RP	42%	28%	18%	1%	2%	3%	1%	0%	0%	4%	0%	100%
Bartons Retail Park	43%	24%	30%	0%	0%	0%	0%	0%	0%	3%	0%	100%
Robert Bobby Way RP	8%	12%	15%	0%	21%	0%	0%	0%	34%	0%	10%	100%
Remainder BSE	33%	31%	13%	3%	2%	4%	1%	2%	3%	8%	0%	100%
Total BSE	24%	25%	11%	3%	9%	4%	0%	2%	5%	14%	1%	100%

1.19 It is reasonable to assume that both Options A and B would have a primary catchment area comparable to those identified for existing supermarkets/floorspace in the town. The conclusion from this is that the primary catchment area for both Options A and B would be Zones 1 (Bury St Edmunds), 2 (Rural East) and 3 (Rural Central).

Option C PCA

1.20 Tables 1.2A and 1.2B present a similar analysis using the information on all comparable goods expenditure from the household survey.

1.21 Examination of Table 1.2B indicates that the primary catchment area for comparison goods is less clear cut than for convenience goods and is, potentially, wider. This is not surprising given that BSE City Centre is an important comparison goods destination.

1.22 However, some caution is needed in interpreting this information. It can be seen that the biggest disparity appears to relate to Robert Bobby RP. The SERLS survey only identified very low expenditure flows to this retail park – in fact only £2.44m expenditure flows. One difficulty with the SERLS, which is referred to in Section 2 below, is that the study failed to corroborate the survey data with other indicators of turnover, in particular with floorspace. In this case the small number of positive responses identifying expenditure within the RB retail park (which is, in fact, wholly located within the defined town centre) will mean that the results are subject to sampling error. It is, of course, very unlikely that this location would actually draw one third of its trade from Zone 9 when this zone only contributes a small amount of trade to the remainder of the town centre. Similar comment can be made regarding Zone 11. Therefore, it is concluded that, as far as the proposed development at Easlea Road is concerned Zones 9 & 11 should be disregarded.

1.23 Zone 10 is, however more debateable. This Zone comprises Ely West and includes Mildenhall and it is quite likely that the Mildenhall area does make a significant contribution to the comparison turnover of the City Centre. However, given that the application site is located almost adjacent to the St Edmundsbury Retail Park, that the proposed Option C would share many of the same characteristics of stores in this retail park, and its location on the east side of BSE, it is considered that it would be inappropriate to include Zone 10 within the primary catchment area for Option C.

1.24 As a result of this analysis, it is concluded that the primary catchment area for Option C would, in fact, be the same as for Options A & B, i.e. would comprise the SERLS Zones, 1, 2 and 3 only.

1.25 Figure 1.3 shows the extent of this primary catchment area for all three Options identified for the retail use of the unit.

Figure 1.3: Primary Catchment Area – Options A, B and C

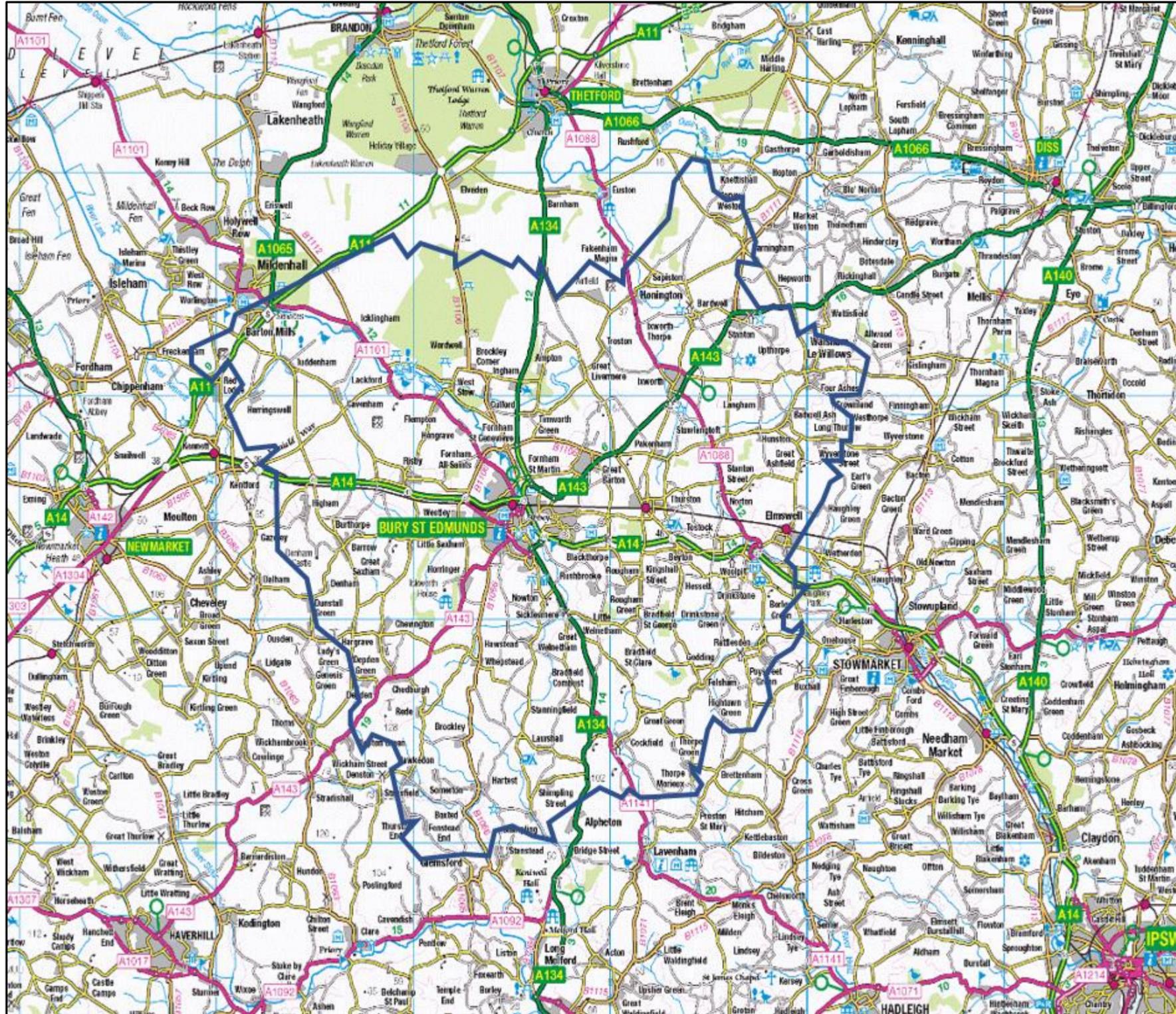


Figure 1.3: Primary Catchment Area – Options A, B, C

Primary Catchment Area Boundary 

Proposed Retail Location 

2 Retail Impact Assessment

Introduction

- 2.1 This Section considers the quantitative retail impact of the proposed development on existing retail floorspace. Section 3 considers this assessment in the context of the vitality and viability of Bury St Edmunds (and other retail locations) centres affected to assess the overall significance of the retail impacts arising.
- 2.2 The following information sources have been used for the quantitative assessments presented in these Sections:
- Surveys of retail floorspace, including all centres, within the primary catchment area, undertaken in June 2021. The surveys have been based on the Goad classification of retail and retail service units. The results of these surveys are presented in Appendix B. The survey included identification of convenience and comparison goods sales and estimates of net retail floor area within all major supermarkets and superstores within the catchment area.
 - Charles Goad Stirling Centre Survey Jan 2021 (Appendix C)
 - Base population and future population growth from the SERLS 2016 App 4 Table 1.
 - The base (2016) available expenditure per capita for both convenience and comparison goods is from SERLS App 4 Tables 2 and 4. This provides data for 2016. However, since 2016, expenditure growth and forecasts of Special Forms of Trading (SFT) have changed radically. Therefore, expenditure growth from the 2016 base, including deductions for SFT have been from Precisely (formerly Pitney Bowes/MapInfo) Retail Expenditure Guide Sept 2020. This takes into account anticipated effects arising during and after the Covid-19 pandemic on the role of SFT.
 - Floorspace is not provided in the SERLS. Floorspace data in the RIA is taken from (i) Goad floorspace report for 2021 adjusted to reflect June 2021 survey findings and, for major units, including all supermarkets etc, floorspace has been obtained from the Government Valuation Roll and planning application information.
 - Turnover is taken from expenditure data set out in the SERLS subject to adjustments described below – for these adjustments reference is made to average sales densities identified in 2020 Retail Rankings.
- 2.3 The RIA follows the Government Town Centres and Retail Guidance (Sept 2020) and, in particular, advice relevant to the Impact Test. It also follows the recommendations on RIA practice set out in research undertaken for the Scottish Government on Town Centres and Retailing Methodologies Report (2008).
- 2.4 The RIA considers each of the following:
- The primary catchment area for the proposed development – existing and future population and available expenditure. This has been identified in Section 1 above.

- Existing retail floorspace and turnover for the base year (2021) and design year (2023). The current application is for a change of use and, on this basis only limited changes would be required to implement the consent. On this basis the earliest reasonable date for the first full year of trading for the proposed development would be 2023.
- Turnover of the proposed development, trade draw from the primary catchment area and trade diversion from existing retail floorspace.
- Calculation of retail impact – this includes a range of different measures of impact.
- Significance of retail impact (Section 3) considers indicators of vitality and viability as well as quantitative impact figures.

2.5 All monetary values are expressed in 2014 prices consistent with the SERLS.

2.6 In general, the approach adopted is consistent with identifying “worst-case” impacts. This reflects each of the following:

- All trade to the proposed development is assumed to be drawn from the PCA and, in addition, all trade diversion, is identified to be from centres within the PCA or, more specifically, within BSE. This results in the identification of potentially *higher* impacts on BSE centres.
- The RIA considers the full range of impacts associated with three potential scenarios and identifies the maximum potential impacts associated with these.
- Full sensitivity tests are used to identify potential impacts arising with different assumptions in the RIA.
- For reasons set out below, the RIA assumes that the comparison turnover within BSE City Centre is considerably lower than identified in the SERLS. The result of this is that the impact on the City Centre is identified to be significantly *higher* than would be the case if SERLS figures were adopted.

Primary Catchment Area and Population

2.7 The extent of the primary catchment area was identified in Figure 1.3. Table 2.1 sets out the population and available expenditure for this area.

2.8 The population of the PCA is identified to be 96,583 in 2021 and this will increase slightly to the test year in 2023. Using the 2016 base data from the SERLS combined with up to date expenditure growth forecasts from Precisely the available expenditure for convenience goods was identified to decline marginally between 2016 and 2021 despite the growth in population. The primary factor for this is the higher levels of SFT between 2016 and 2021 combined with slow expenditure growth.

2.9 Available expenditure for convenience goods (net of SFT) in the PCA therefore declined from £200.35m in 2016 to £198.72m in 2021 but will grow to £202.99m in 2023. Available expenditure for comparison goods has grown, but at rates much lower than forecast in the SERLS – in 2016 this was £294.43m (net SFT), increasing to £297.10m in 2021 and £314.82m in 2023.

TABLE 2.1: PRIMARY CATCHMENT AREA - RESIDENT POPULATION AND EXPENDITURE

2014 Prices

YEAR		POPULATION	CONVENIENCE AVAILABLE EXPENDITURE		COMPARISON AVAILABLE EXPENDITURE	
			Net SFT		Net SFT	
			Rate Per Head	Total £m	Rate Per Head	Total £m
2016	Zone 1 Bury St Edmunds	42,795	£1,962	£83.96m	£2,721	£116.45m
	Zone 2 Rural East	36,217	£2,226	£80.62m	£3,387	£122.67m
	Zone 3 Rural Central	15,080	£2,372	£35.77m	£3,668	£55.31m
	Total	94,092		£200.35m		£294.43m
2021	Zone 1 Bury St Edmunds	43,875	£1,896	£83.17m	£2,674	£117.34m
	Zone 2 Rural East	37,184	£2,151	£79.97m	£3,329	£123.79m
	Zone 3 Rural Central	15,524	£2,292	£35.58m	£3,605	£55.97m
	Total	96,583		£198.72m		£297.10m
2023	Zone 1 Bury St Edmunds	44,264	£1,917	£84.85m	£2,806	£124.19m
	Zone 2 Rural East	37,583	£2,175	£81.74m	£3,492	£131.25m
	Zone 3 Rural Central	15,702	£2,318	£36.39m	£3,782	£59.38m
	Total	97,549		£202.99m		£314.82m

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Notes							
1	Population from SRS App 4 Table 1						
2	Population growth - estimate of 2023 Population						
		Zone 1	Zone 2	Zone 3			
	2021	43875	37184	15524			
	2023	44264	37583	15702			
	2026	44855	38190	15972			
3	Available Expenditure for 2016 from SRS App 4 Tables 2 and 4						
4	Expenditure growth from Table 3.1 Precisely Regional Expenditure Guide 2020/21						
5	Special forms of trading from Tables 3.4 and 3.5 Precisely REG 2020/21						
		Zone 1		Zone 2		Zone 3	
		Convenience	Comparison	Convenience	Comparison	Convenience	Comparison
	2016 base (gross SFT)	£2,025	£3,427	£2,297	£4,266	£2,448	£4,620
	2016 base (net SFT)	£1,962	£2,721	£2,226	£3,387	£2,372	£3,668
	2021 (gross SFT)	£2,019	£3,794	£2,290	£4,722	£2,441	£5,114
	2021 (net SFT)	£1,896	£2,674	£2,151	£3,329	£2,292	£3,605
	2023 (gross SFT)	£2,046	£4,156	£2,321	£5,174	£2,473	£5,603
	2023 (net SFT)	£1,917	£2,806	£2,175	£3,492	£2,318	£3,782

Existing Floorspace and Turnover in the PCA

Floorspace

- 2.10 Only limited information on floorspace is provided in the SERLS – that which is provided mainly relates to the size of superstores within Bury St Edmunds. Floorspace estimates within the City Centre have therefore been based on the estimates identified in the Jan 2021 Goad Report (Appendix B) adjusted to reflect the changes in retail units between January and June 2021 identified from the survey undertaken by HPL in June. Sizes of major units have been sourced direct from the Valuation Roll (<https://www.tax.service.gov.uk/business-rates-find/search>) and, for the principal retail parks, from the marketing particulars provided by agents. Superstore/supermarket floorspace is provided from SERLS (p39) and additional information has been provided from planning applications for recent developments.

Turnover

Convenience Goods

- 2.11 SERLS App 5 Table 2-6 and App 6 Tables 2-6 identifies the total expenditure flows into the principal retail locations within Bury St Edmunds for different years for convenience and comparison goods respectively. In this way Tables Apps 5&6 Table 3, combine the information on percentage of retail spend by different goods type with available expenditure from the study zones to identify the quantum of expenditure directed to different locations within BSE in 2021. For example, App 2 Table 3 identifies the total expenditure for convenience goods directed into the City Centre to total £37.7m which must, therefore, be the same as the turnover for convenience goods in shops in the City Centre.
- 2.12 However, the rate of expenditure growth for convenience goods has been slightly lower than forecast in the SERLS – expenditure in 2021 is, using the latest Precisely forecasts, 3.5% lower than estimated in the study. As a result, the turnover of all convenience floorspace has been reduced by 3.5% to reflect this lower growth. No further changes have been made to the estimate of turnover for convenience goods – however, it is considered that caution is needed particularly in relation to the Aldi sales density identified from the SERLS. This identifies Aldi's turnover as £26.6m (or adjusted, £25.7m) which produces a sales density of is £27,698 psm (after the 3.5% deduction). Although the store appears to be busy and, probably trading above the national average for the company, this figure is well over double the latest Retail Rankings average for the company (which is, itself expressed in, 2018/19 prices) and is almost certainly a significant overestimate. In contrast the turnover identified for other supermarkets, especially the Co-op may be slightly underestimated.

Comparison Goods

- 2.13 The same adjustment for lower expenditure growth between 2016 and 2021 has been made for comparison goods – this means that, based on expenditure generated from residents, expenditure flow figures (and therefore the implied turnover of locations) need to be deflated by 12.10%. The implication of this is that the comparison goods turnover of the City Centre should be revised down from £410.5m (App 6 Table 3 – BSE + RBW Retail Park) to £360.8m.
- 2.14 However, it is HPL's view that the failure of the BSERLS to corroborate implied turnover with floorspace, and therefore, implied sales densities, has resulted in this table substantially over-estimating the comparison

turnover of the City Centre in particular. The sources identified above provide a reasonably robust estimate of actual comparison goods floorspace within the City Centre at 23,990 sq m NFA (36,255 sq m GFA). Using App 6 Table 3 figures (adjusted to reflect slower expenditure growth) this implies an average sales density of over £15,000 psm. This is an extremely high figure and, through an examination of Retail Rankings and studies elsewhere, this is almost certainly close to double the actual sales density being achieved within the City Centre. It is clear therefore, that due to the survey design, sample size and failure to corroborate the findings, only very limited reliance can be placed on the BSERLS implied turnover for the City Centre. Nonetheless, the survey does indicate that there is a high level of expenditure directed to the City Centre which is, in all likelihood, trading above national average levels for the floorspace present. To reflect this a revised estimate has been included within Table 2.2 which identifies the City Centre comparison turnover to be close to £213m pa. This revised figure takes into account trade diversion to the new retail units at Western Way which commenced trading after the 2016 study.

- 2.15 ***The important point from this is that, through adopting a significantly lower turnover in the City Centre the RIA will result in significantly higher estimated retail impacts than would be the case if it relied on the SERLS report.***

Turnover Growth

- 2.16 Table 2.2 identifies estimates of turnover in the test year by changing turnover in line with changes in available expenditure within the PCA (i.e. from Table 2.1). This approach is directly comparable to that used in the SERLS but uses the latest available expenditure growth forecasts from Precisely.

Effect of Recent Developments

- 2.17 Since the 2016 SERLS new retail floorspace has been provided at Western Way (The Range and B&M) and planning permission has also been granted to permit an additional 999 sq m GFA at Glasswells furniture store. These units have been included within Table 2.2 and the impact of these taken into account in the estimate of turnover within the City Centre.

TABLE 2.2: FLOORSPACE AND TURNOVER IN 2021 AND 2023
2014 Prices

	No.	GFA	Convenience Goods		Comparison Goods		All Goods		Turnover in 2023						
			NFA	Turnover 2021 Per Sq M	Total £m	GFA	NFA	Turnover 2021 Per Sq M	Total £m	GFA	NFA	Turnover 2021 Total £m	Convenience	Comparison	Turnover 2023 Total £m
BURY ST EDMUNDS CITY CENTRE															
The Arc															
Convenience	1	91	59	£8,157	£0.48m				91	59	£0.48m	£0.49m		£0.49m	
Comparison	25					11140	7241	£12,000	£86.89m	11140	7241	£86.89m		£92.07m	£92.07m
Retail Services	1									91					
Leisure Services	7									1610					
F&B Services	0									0					
Vacant	2									7937					
TOTAL	36	91	59	£0.48m		11140	7241	£86.89m		20869	7300	£87.37m	£0.49m	£92.07m	£92.57m
Robert Boby Retail Park															
Convenience Waitrose	1	3163	1898	£11,085	£21.04m	558	335	£7,206	£2.41m	3721	2233	£23.45m	£21.49m	£2.56m	£24.05m
Comparison TK Maxx	1					1858	1486	£4,500	£6.69m	1858	1486	£6.69m		£7.09m	£7.09m
	1					796	691	£3,500	£2.42m	796	691	£2.42m		£2.56m	£2.56m
Vacant	2									1208					
TOTAL	5	3163	1898	£21.04m		3212	2512	£11.52m		7583	4410	£32.56m	£21.49m	£12.21m	£33.70m
Remainder of City Centre															
Convenience	27	3319	1991	£7,464	£14.86m					3319	1991	£14.86m	£15.18m		£15.18m
Comparison	128					21903	14237	£8,040	£114.46m	21903	14237	£114.46m		£121.29m	£121.29m
Retail Services	61									5269					
Leisure Services	91									20196					
F&B Services	51									8335					
Vacant	50									6249					
TOTAL	408	3319	1991	£14.86m		21903	14237	£114.46m		65270	16228	£129.33m	£15.18m	£121.29m	£136.47m
TOTAL CITY CENTRE															
Convenience	29	6572	3948	£9,215	£36.38m					6572	3948	£36.38m	£37.16m		£37.16m
Comparison	155					36255	23990	£8,874	£212.88	36255	23990	£212.88m		£225.57m	£225.57m
Retail Services	62									5360					
Leisure Services	98									21806					
F&B Services	51									8335					
Vacant	54									15394					
TOTAL	449	6572	3948	£36.38m		36255	23990	£212.88m		93722	27938	£249.26m	£37.16m	£225.57m	£262.74m
St Edmundsbury Retail Park															
Convenience															
All Comparison	10	335	268	£7,238	£1.94m	12411	9929	£3,000	£29.79m	12746	10197	£31.73m	£1.98m	£31.56m	£33.54m
Vacant	1									139					
TOTAL	11	335	268	£1.94m		12411	9929	£29.79m		12885	10197	£31.73m	£1.98m	£31.56m	£33.54m
Bartons Retail Park															
Convenience Farmfoods	1	498	374	£5,308	£1.98m					498	374	£1.98m	£2.02m		£2.02m
Comparison	7					2173	1412	£1,500	£2.12m	2173	1412	£2.12m		£2.25m	£2.25m
Leisure Services	2									250					
TOTAL	10	498	374	£1.98m		2173	1412	£2.12m		2921	1786	£4.10m	£2.02m	£2.25m	£4.27m
Other Major Foodstores															
Aldi	1	1426	927	£27,698	£25.67m	475	309	£18,004	£5.56m	1901	1236	£31.23m	£26.22m	£5.89m	£32.11m
Asda	1	5530	3042	£13,414	£40.80m	976	537	£8,719	£4.68m	6506	3578	£45.48m	£41.68m	£4.96m	£46.64m
Co-op	1	1646	1070	£2,976	£3.18m	291	189	£1,934	£0.37m	1937	1259	£3.55m	£3.25m	£0.39m	£3.64m
Sainsbury's	1	5333	2933	£13,094	£38.41m	941	518	£8,511	£4.41m	6274	3451	£42.81m	£39.23m	£4.67m	£43.90m
Tesco	1	5423	3254	£11,596	£37.73m	957	574	£7,537	£4.33m	6380	3828	£42.06m	£38.54m	£4.59m	£43.13m
TOTAL	5	19358	11225	£145.79m		3640	2126	£19.34m		22998	13352	£165.13m	£148.92m	£20.49m	£169.42m
Other Major Non-Foodstores															
Matalan	1					2882	2162	£1,796	£3.88m	2882	2162	£3.88m		£4.11m	£4.11m
The Range	1					1693	1166	£3,000	£3.50m	1693	1166	£3.50m		£3.71m	£3.71m
B&M	1	409	327	£4,723	£1.54m	1634	1308	£3,485	£4.56m	2043	1634	£6.10m	£1.58m	£4.83m	£6.41m
Glasswells	1					10856	7580	£868	£6.58m	10856	7580	£6.58m		£6.97m	£6.97m
House of Harmony	1					778	685	£1,500	£1.03m	778	685	£1.03m		£1.09m	£1.09m
DJ Evans	1					1368	482	£1,500	£0.72m	1368	482	£0.72m		£0.77m	£0.77m
B&Q	1					4690	3699	£1,534	£5.67m	4690	3699	£5.67m		£6.01m	£6.01m
Miscellaneous Others	15+								£42.76m					£45.31m	£45.31m
Total	22+	409	327	£1.54m		23901	17081	£68.70m		24310	17408	£70.24m	£1.58m	£72.80m	£74.37m
PRIMARY CATCHMENT AREA TOTAL															
	497+	27172	16142	£187.64m		78380	54539	£332.82m		156836	70681	£520.46m	£191.67m	£352.67m	£544.34m

Notes:
 1. Retail units identified from survey June 2021 with floorspace correlated to Goad Jan 2021 Survey
 2. Floorspace estimates from (i) Goad Jan 2021 survey; (ii) Valuation Office records for premises (iii) St Edmundsbury Retail Study (SERS) for major foodstores only.
 3. Convenience turnover from SERS (adjusted to reduced expenditure growth 2016-21 - see comments in text) but comparison turnover from reference to both SERS and 2020 Retail Rankings
 4. Turnover in 2023 increased in line with available expenditure growth Table 2.1.

Proposed Retail Development

Development Options

2.18 As noted in Section 1 the precise occupier for the retail unit is not fixed and the application is seeking planning permission for unrestricted retail use. In order to assess the potential retail impact of this use three development scenarios have been tested to reflect the potential types of retail occupier that have expressed interest in occupying the unit. Between them, these three scenarios identify the full range of potential retail impacts that could arise from the proposed development.

- Option A – Operation as a discount foodstore
- Option B – Operation as a general mid-sized supermarket
- Option C – Operation as a non-food discounter.

2.19 Other potential retail operators could be accommodated within the unit, in particular for using the unit as a foodstore for frozen goods or for bulky comparison goods. However, these possibilities would result in lower retail turnover and reduced potential impacts on Bury St Edmunds town centre. Therefore, these additional possibilities are covered through the use of the three development scenarios tested in this RIA

2.20 Table 2.3 sets out a summary schedule of the floorspace for these options.

TABLE 2.3: DEVELOPMENT SCENARIOS

Option		Scenario A <i>Food Discounter</i> Sq M	Scenario B <i>Mid-Size Supermarket</i> Sq M	Scenario C <i>Non-Food Discounter</i> Sq M
Convenience	Net	992	700	313
	Gross	1417	1167	417
General Comparison	Net	175	300	688
	Gross	250	500	917
Bulky Goods	Net	0	0	250
	Gross	0	0	333
Total	Net	1167	1000	1250
	Gross	1667	1667	1667
Scenario A:		Based on attributes of Aldi and Lidl Foodstores		
Scenario B:		Based on attributes of Co-op, M&S Foodhall and Tesco "Metro" formats (up to 2021)		
Scenario C:		Based on attributes of B&M; Home Bargains; Poundstretcher; Poundland; Wilko and The Range		

2.21 Tables 2.4A – 2.4C set out the turnover assumptions identified for each of the three scenarios. These demonstrate how the convenience and comparison goods turnover would vary. The highest convenience goods turnover is identified in Scenario A and the highest comparison goods turnover in Scenario C.

TABLE 2.4A: PROPOSED DEVELOPMENT - SCENARIO A - FOOD DISCOUNTER

2014 Prices

	GFA	NFA	Turnover Rate	Total Turnover 2023
Total Floorspace & Turnover				
Convenience	1417	992	£11,219	£11.13m
General Comparison	250	175	£11,219	£1.96m
Bulky Goods	0	0		£0.00m
Total	1667	1167		£13.09m
	1667	1167		£13.09m

Notes:

Turnover assumptions: £psm Average of stores from Retail Rankings 2020
Unit: Food Discounter 11219 Aldi; Lidl

TABLE 2.4B: PROPOSED DEVELOPMENT - SCENARIO B - GENERAL SUPERMARKET

2014 Prices

	GFA	NFA	Turnover Rate	Total Turnover 2023
Total Floorspace & Turnover				
Convenience	1167	700	£11,816	£8.27m
General Comparison	500	300	£7,680	£2.30m
Bulky Goods	0	0		£0.00m
Total	1667	1000	£10,575	£10.58m
	1667	1000		£10.58m

Notes:

Turnover assumptions: £psm Average of stores from Retail Rankings 2020
Unit: General Mid-Sized Superma 10575 Co-op, M&S Foodhall and Tesco

TABLE 2.4C: PROPOSED DEVELOPMENT - SCENARIO C - NON-FOOD DISCOUNTER

2014 Prices

	GFA	NFA	Turnover Rate	Total Turnover 2023
Total Floorspace & Turnover				
Convenience	417	313	£4,213	£1.32m
General Comparison	917	688	£4,213	£2.90m
Bulky Goods	333	250	£4,213	£1.05m
Total	1667	1250		£5.27m
	1667	1250		£5.27m

Notes:

Turnover assumptions: £psm Average of stores from Retail Rankings 2020
Unit: Non-Food Discounter 4213 B&M; Home Bargains; Poundland ; Wilko (Poundstretcher and The Range not available)

Scenario A – Diversion Assumptions

- 2.22 In this RIA, trade *diversion* is the amount of turnover of the proposed development that is diverted from competing retail locations. Competing retail locations include shops/centres both within the PCA and beyond, however, in this case the high level of self-containment for both convenience and comparison goods within the PCA and the adoption of an approach that identified the potential worst-case impacts has resulted in the RIA assuming that all turnover of the proposed development would be diverted from retail locations within Bury St Edmunds (including both the City Centre and elsewhere).
- 2.23 The term trade *draw* is used when describing the distribution of the origin of shoppers attracted to the proposed development. As noted above this RIA has assumed that all trade *draw* will originate from residents within the PCA.
- 2.24 Trade diversion to the proposed retail development (Scenario A) is set out in Table 2.5A below. The principal factors that have been taken into account in assessing trade diversion are:
- Similarity of goods traded. For convenience goods the principal competing locations would be existing supermarkets and superstores serving main food and top-up shopping requirements and, in particular for Scenario A, the existing Aldi foodstore. For general comparison goods the primary competing locations are the stores in the City Centre and, to a more limited degree, superstores and supermarkets. In Scenario C trade diverted from other general discount stores will be important. For bulky goods (relevant to Scenario C only) most trade is assumed to be diverted from St Edmundsbury RP.
 - Level of the turnover of existing retail centres/locations.
 - Similarity of catchment areas of existing retail centres/shops and the proposed store reflected in the relative distance between the proposed floorspace and competing locations.
 - Known patterns of expenditure flows (from the household survey).
- 2.25 These factors are identified in the Table together with an indication of the relative importance of each factor for assessing trade diversion.
- 2.26 Trade diversion percentages are *not* a measure of retail impact. They simply identify the proportion of *the turnover of the proposed development* diverted from different competing retail locations – since the RIA assumes that *all* trade of the proposed development is diverted from other locations the total sum of trade diversion must equal 100%. The effect that this has on percentage retail impacts requires a comparison between the quantum of trade diversion and the existing/projected turnover of the existing/competing retail locations. This is addressed in the next stage of the retail impact assessment.
- 2.27 Table 2.5A shows the following principal sources of trade diversion to the proposed new foodstore:
- Trade diversion from Bury St Edmunds City Centre accounts for only 16% of the development turnover for convenience goods (£1.60m) but 75% (£1.33m) of all comparison goods (all of which would be general comparison goods).

- Diversion from major foodstores in Bury St Edmunds account for over 80% (£8.16m) convenience turnover of the proposed development but only 6.5% of the comparison turnover (£0.11m).
- Diversion from St Edmundsbury RP is associated with only limited trade diversion to the proposed development – this is £0.28m (for combined convenience and comparison goods) and trade diversion from the Bartons RP is lower still.

TABLE 2.5A: DERIVATION OF TRADE DIVERSION - SCENARIO A - FOOD DISCOUNTER

2014 Prices

	Convenience Goods					Comparison Goods					Total Trade Diversion All Goods
	2023 Turnover (Conv only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Convenience	Total Trade Diversion Convenience	2023 Turnover (Comp only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Comparison	Total Trade Diversion Comparison	
BURY ST EDMUNDS CITY CENTRE											
The Arc											
Convenience	£0.49m	1	4	0.0%	£0.00m						£0.00m
Comparison						£92.07m	2	4	23.0%	£0.41m	£0.41m
TOTAL	£0.49m			0.0%	£0.00m	£92.07m			23.0%	£0.41m	£0.41m
Robert Boby Retail Park											
Convenience	£21.49m	3	4	10.0%	£1.00m	£2.56m	1	4	0.5%	£0.01m	£1.01m
Comparison						£7.09m	2	4	1.5%	£0.03m	£0.03m
						£2.56m	1	4	0.0%	£0.00m	£0.00m
TOTAL	£21.49m			10.0%	£1.00m	£12.21m			2.0%	£0.04m	£1.04m
Remainder of City Centre											
Convenience	£15.18m	2	4	6.0%	£0.60m						£0.60m
Comparison						£121.29m	3	4	50.0%	£0.88m	£0.88m
TOTAL	£15.18m			6.0%	£0.60m	£121.29m			50.0%	£0.88m	£1.48m
TOTAL CITY CENTRE											
Convenience	£37.16m			16.0%	£1.60m						
Comparison						£225.57m			75.0%	£1.33m	
TOTAL	£37.16m			16.0%	£1.60m	£225.57m			75.0%	£1.33m	£0.00m
St Edmundsbury Retail Park											
Convenience											
All Comparison	£1.98m	2	5	1.0%	£0.10m	£31.56m	3	5	10.0%	£0.18m	£0.28m
	£1.98m			1.0%	£0.10m	£31.56m			10.0%	£0.18m	£0.28m
Bartons Retail Park											
Convenience	£2.02m	3	5	1.0%	£0.10m						£0.10m
Comparison						£2.25m	2	5	1.0%	£0.02m	£0.02m
	£2.02m			1.0%	£0.10m	£2.25m			1.0%	£0.02m	£0.12m
Other Major Foodstores											
Aldi	£26.22m	5	2	10.5%	£1.05m	£5.89m	5	2	1.5%	£0.03m	£1.08m
Asda	£41.68m	4	2	15.0%	£1.50m	£4.96m	4	2	1.0%	£0.02m	£1.52m
Co-op	£3.25m	3	2	1.0%	£0.10m	£0.39m	4	2	0.0%	£0.00m	£0.10m
Sainsbury's	£39.23m	4	5	35.0%	£3.51m	£4.67m	4	5	2.5%	£0.04m	£3.55m
Tesco	£38.54m	4	3	20.0%	£2.00m	£4.59m	4	3	1.5%	£0.03m	£2.03m
	£148.92m			81.5%	£8.16m	£20.49m			6.5%	£0.11m	
Other Major Non-Foodstores											
Matalan						£4.11m	2	5	1.0%	£0.02m	£0.02m
The Range						£3.71m	3	2	0.5%	£0.01m	£0.01m
B&M	£1.58m	2	2	0.5%	£0.05m	£4.83m	3	2	0.5%	£0.01m	£0.06m
Glasswells						£6.97m	1	2	0.0%	£0.00m	£0.00m
House of Harmony						£1.09m	1	5	0.0%	£0.00m	£0.00m
DJ Evans						£0.77m	1	4	0.0%	£0.00m	£0.00m
B&Q						£6.01m	1	4	0.5%	£0.01m	£0.01m
Miscellaneous Others						£45.31m	2	3	5.0%	£0.09m	£0.09m
Total	£1.58m			0.5%	£0.05m	£72.80m			£0.08m	£0.00m	£0.00m
PRIMARY CATCHMENT AREA TOTAL											
	£191.67m			100.0%	£10.01m	£352.67m			100.0%	£1.77m	£11.78m

Scenario A – Retail Impact of Proposed Development

2.28 The calculation of retail impact, using a range of quantitative measures, for the Scenario A is set out in Table 2.6A. The Table sets out the following information from earlier RIA tables:

- The existing (2021) turnover of retail locations (from Table 2.2).
- The forecast turnover of retail locations in 2023 (design year) from Table 2.2 (without the proposed development).
- Trade diversion from retail locations to the proposed development (from Table 2.5A).
- The forecast turnover of retail locations in 2023 with the proposed retail development trading.

2.29 The above information is provided for each of convenience goods, for comparison goods and all retail goods.

2.30 This allows the calculation of retail impact as follows:

- Columns A and B identify the turnover of retail locations for 2021 (column A) and 2023 (column B). This is from Table 2.2.
- Column C identifies the total trade diversion (as set out in Table 2.5A) and column D identifies the turnover of these locations in 2023 following the deduction of this trade diversion (i.e. col D = col B – col C).
- Column E identifies the percentage change of turnover between 2021 and 2023 *with* the proposed foodstore i.e. this takes into account the diversion of trade to the proposed development. In this case if the change in turnover as a result of increasing market size exceeds the trade diversion to the proposed development, then this will identify positive increases in turnover. If, however, the trade diversion exceeds the change in turnover then this will identify negative percentage change. This is, in effect, a **cumulative** measure of impact and places the direct impact of the proposed development in a wider context – for example a centre benefitting from turnover growth will be more able to withstand high levels of adverse impact than a centre with low growth or declining turnover.
- Column F identifies the percentage change of turnover comparing the turnover in 2023 *without* the proposed development with the situation in 2023 *with* the development. This will always identify a negative impact (or no impact at all) and shows the **direct** impact of the proposed foodstore in isolation of wider changes.
- Retail sales densities – this allows comparison between the post-impact sales densities in 2023 with the benchmark or notional average sales densities identified in the various retail capacity studies and national average rates identified the 2020 Retail Rankings. These are identified in column G.

2.31 In summary the impacts of the proposed development on the principal retail locations are as follows:

- Bury St Edmunds City Centre (including The Arc, Robert Boby RP and the remainder of the City Centre):

- *Direct impacts in 2023: Convenience goods only: -4.3%; Comparison goods only: -0.6%; All goods: -1.1%.*
- *Impacts taking into account expenditure change: Convenience goods only: -2.3%; Comparison goods: +5.3% (i.e the turnover grows despite trade diversion to the proposed development); All goods: +4.2%.*

- St Edmundsbury Retail Park:
 - *Direct impacts in 2023: Comparison goods only: -0.8%.*
 - *Impacts taking into account expenditure change: Comparison goods: +4.9%*

- The Bartons Retail Park:
 - *Direct impacts in 2023: Convenience goods only: -4.9%; Comparison goods only: -0.8%; All goods: -2.8%.*
 - *Impacts taking into account expenditure change: Convenience goods only: -2.9%; Comparison goods: +5.1%; All goods: +1.2%.*

2.32 The significance of these impacts will be assessed in Section 3.

TABLE 2.6A: CALCULATION OF RETAIL IMPACT- SCENARIO A - FOOD DISCOUNTER

2014 Prices

	A	B	C	D	E	F	G
	2021 Existing Turnover (Without Proposed Dvpt)	2023 Turnover without Proposed Development	Trade Diversion (All Goods)	2023 Turnover with Proposed Development	Turnover Change 2021 with Dvpt v 2023 without Dvpt	Turnover Change 2023 with Dvpt v 2023 without Dvpt	Residual Turnover rate £psm
BURY ST EDMUNDS CITY CENTRE							
<i>convenience goods only</i>							
<i>coomparison goods only</i>							
The Arc							
Convenience	£0.48m	£0.49m	£0.00m	£0.49m	+2.1%	+0.0%	£8,157psm
Comparison	£86.89m	£92.07m	£0.41m	£91.67m	+5.5%	-0.4%	£11,944psm
TOTAL	£87.37m	£92.57m	£0.41m	£92.16m	+5.5%	-0.4%	
Robert Bobby Retail Park							
Convenience	£23.45m	£24.05m	£1.01m	£23.04m	-1.8%	-4.2%	£10,558psm
Comparison	£6.69m	£7.09m	£0.03m	£7.06m	+5.6%	-0.4%	£4,482psm
	£2.42m	£2.56m	£0.00m	£2.56m	+6.0%	+0.0%	£3,500psm
TOTAL	£32.56m	£33.70m	£1.04m	£32.66m	+0.3%	-3.1%	
Remainder of City Centre							
Convenience	£14.86m	£15.18m	£0.60m	£14.58m	-1.9%	-4.0%	£7,162psm
Comparison	£114.46m	£121.29m	£0.88m	£120.41m	+5.2%	-0.7%	£7,978psm
TOTAL	£129.33m	£136.47m	£1.48m	£134.99m	+4.4%	-1.1%	
TOTAL CITY CENTRE							
Convenience	£36.38m	£37.16m	£1.61m	£35.55m	-2.3%	-4.3%	£8,809psm
Comparison	£212.88m	£225.57m	£1.32m	£224.26m	+5.3%	-0.6%	£8,818psm
TOTAL	£249.26m	£262.74m	£2.93m	£259.81m	+4.2%	-1.1%	
St Edmundsbury Retail Park							
Convenience	£1.94m	£1.98m	£0.00m	£1.98m	+2.1%	+0.0%	
All Comparison	£31.73m	£33.54m	£0.28m	£33.27m	+4.9%	-0.8%	£2,982psm
	£33.67m	£35.53m	£0.28m	£35.25m	+4.7%	-0.8%	
Bartons Retail Park							
Convenience	£1.98m	£2.02m	£0.10m	£1.92m	-2.9%	-4.9%	£5,039psm
Comparison	£2.12m	£2.25m	£0.02m	£2.23m	+5.1%	-0.8%	£1,487psm
	£4.10m	£4.27m	£0.12m	£4.15m	+1.2%	-2.8%	
Other Major Foodstores							
Aldi	£31.23m	£32.11m	£1.08m	£31.04m	-0.6%	-3.4%	£26,564psm
Asda	£45.48m	£46.64m	£1.52m	£45.12m	-0.8%	-3.3%	£12,920psm
Co-op	£3.55m	£3.64m	£0.10m	£3.54m	-0.3%	-2.8%	£2,882psm
Sainsbury's	£42.81m	£43.90m	£3.55m	£40.35m	-5.7%	-8.1%	£11,899psm
Tesco	£42.06m	£43.13m	£2.03m	£41.10m	-2.3%	-4.7%	£10,981psm
	£165.13m	£169.42m	£8.28m	£161.14m	-2.4%	-4.9%	
Other Major Non-Foodstores							
Matalan	£3.88m	£4.11m	£0.02m	£4.10m	+5.5%	-0.4%	£1,788psm
The Range	£3.50m	£3.71m	£0.01m	£3.70m	+5.7%	-0.2%	£2,992psm
B&M	£6.10m	£6.41m	£0.06m	£6.35m	+4.0%	-0.9%	£3,478psm
Glasswells	£6.58m	£6.97m	£0.00m	£6.97m	+6.0%	+0.0%	£1,000psm
House of Harmony	£1.03m	£1.09m	£0.00m	£1.09m	+6.0%	+0.0%	£1,500psm
DJ Evans	£0.72m	£0.77m	£0.00m	£0.77m	+6.0%	+0.0%	£1,500psm
B&Q	£5.67m	£6.01m	£0.01m	£6.00m	+5.8%	-0.1%	£1,532psm
Miscellaneous Others	£42.76m	£45.31m	£0.09m	£45.22m	+5.8%	-0.2%	
Proposed Development			£11.78m	£11.78m			
Total	£70.24m	£74.37m	£11.60m	£85.97m	+22.4%	+15.6%	
PRIMARY CATCHMENT AREA TOTAL							
	£522.40m	£546.32m	£0.00m	£546.32m	+4.6%	+0.0%	

Scenario B – Trade Diversion and Retail Impact

- 2.33 Table 2.5B sets out the trade diversion assumptions for Scenario B which assumes occupation of the unit for a general mid-sized supermarket. Table 2.6B identifies the impacts arising using the same measures set out in Table 2.6A.

TABLE 2.5B: DERIVATION OF TRADE DIVERSION - SCENARIO B - SUPERMARKET

2014 Prices

	Convenience Goods					Comparison Goods					Total Trade Diversion All Goods
	2023 Turnover (Conv only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Convenience	Total Trade Diversion Convenience	2023 Turnover (Comp only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Comparison	Total Trade Diversion Comparison	
BURY ST EDMUNDS CITY CENTRE											
The Arc											
Convenience	£0.49m	2	4	0.0%	£0.00m						£0.00m
Comparison						£92.07m	2	4	19.0%	£0.44m	£0.44m
TOTAL	£0.49m			0.0%	£0.00m	£92.07m			19.0%	£0.44m	£0.44m
Robert Boby Retail Park											
Convenience	£21.49m	5	4	15.0%	£1.24m	£2.56m	3	4	0.0%	£0.00m	£1.24m
Comparison						£7.09m	2	4	1.0%	£0.02m	£0.02m
						£2.56m	1	4	0.0%	£0.00m	£0.00m
TOTAL	£21.49m			15.0%	£1.24m	£12.21m			1.0%	£0.02m	£1.26m
Remainder of City Centre											
Convenience	£15.18m	3	4	6.5%	£0.54m						£0.54m
Comparison						£121.29m	3	4	40.0%	£0.92m	£0.92m
TOTAL	£15.18m			6.5%	£0.54m	£121.29m			40.0%	£0.92m	£1.46m
TOTAL CITY CENTRE											
Convenience	£37.16m			21.5%	£1.78m						£1.78m
Comparison						£225.57m			60.0%	£1.38m	£1.38m
TOTAL	£37.16m			21.5%	£1.78m	£225.57m			60.0%	£1.38m	£3.16m
St Edmundsbury Retail Park											
Convenience											
All Comparison	£1.98m	2	5	0.5%	£0.04m	£31.56m	2	5	10.0%	£0.23m	£0.27m
	£1.98m			0.5%	£0.04m	£31.56m			10.0%	£0.23m	£0.27m
Bartons Retail Park											
Convenience	£2.02m	4	5	1.5%	£0.12m						£0.12m
Comparison						£2.25m	2	5	0.5%	£0.01m	£0.01m
	£2.02m			1.5%	£0.12m	£2.25m			0.5%	£0.01m	£0.14m
Other Major Foodstores											
Aldi	£26.22m	4	2	7.0%	£0.58m	£5.89m	4	2	2.5%	£0.06m	£0.64m
Asda	£41.68m	5	2	14.0%	£1.16m	£4.96m	5	2	3.0%	£0.07m	£1.23m
Co-op	£3.25m	5	2	1.0%	£0.08m	£0.39m	5	2	0.0%	£0.00m	£0.08m
Sainsbury's	£39.23m	5	5	34.0%	£2.81m	£4.67m	5	5	6.0%	£0.14m	£2.95m
Tesco	£38.54m	5	3	20.0%	£1.65m	£4.59m	5	3	4.0%	£0.09m	£1.75m
	£148.92m			76.0%	£6.29m	£20.49m			15.5%	£0.36m	
Other Major Non-Foodstores											
Matalan						£4.11m	2	5	1.0%	£0.02m	£0.02m
The Range						£3.71m	3	2	1.0%	£0.02m	£0.02m
B&M	£1.58m	3	2	0.5%	£0.04m	£4.83m	3	2	1.0%	£0.02m	£0.06m
Glasswells						£6.97m	1	2	0.5%	£0.01m	£0.01m
House of Harmony						£1.09m	1	5	0.0%	£0.00m	£0.00m
DJ Evans						£0.77m	1	4	0.0%	£0.00m	£0.00m
B&Q						£6.01m	1	4	0.5%	£0.01m	£0.01m
Miscellaneous Others						£45.31m	2	3	10.0%	£0.23m	£0.23m
Total	£1.58m			0.5%	£0.04m	£72.80m			£0.14m	£0.00m	£0.00m
PRIMARY CATCHMENT AREA TOTAL											
	£191.67m			100.0%	£8.27m	£352.67m			100.0%	£2.30m	£10.58m

TABLE 2.6B: CALCULATION OF RETAIL IMPACT- SCENARIO B - MID-SIZED SUPERMARKET

2014 Prices

	A	B	C	D	E	F	G
	2021 Existing Turnover (Without Proposed Dvpt)	2023 Turnover without Proposed Development	Trade Diversion (All Goods)	2023 Turnover with Proposed Development	Turnover Change 2021 with Dvpt v 2023 without Dvpt	Turnover Change 2023 with Dvpt v 2023 without Dvpt	Residual Turnover rate £psm
BURY ST EDMUNDS CITY CENTRE							
<i>convenience goods only</i>							
<i>comparison goods only</i>							
The Arc							
Convenience	£0.48m	£0.49m	£0.00m	£0.49m	+2.1%	+0.0%	£8,157psm
Comparison	£86.89m	£92.07m	£0.44m	£91.64m	+5.5%	-0.5%	£11,940psm
TOTAL	£87.37m	£92.57m	£0.44m	£92.13m	+5.4%	-0.5%	
Robert Boby Retail Park							
Convenience	£23.45m	£24.05m	£1.24m	£22.80m	-2.8%	-5.2%	£10,432psm
Comparison	£6.69m	£7.09m	£0.02m	£7.06m	+5.6%	-0.3%	£4,484psm
	£2.42m	£2.56m	£0.00m	£2.56m	+6.0%	+0.0%	£3,500psm
TOTAL	£32.56m	£33.70m	£1.26m	£32.43m	-0.4%	-3.8%	
Remainder of City Centre							
Convenience	£14.86m	£15.18m	£0.54m	£14.64m	-1.5%	-3.5%	£7,194psm
Comparison	£114.46m	£121.29m	£0.92m	£120.37m	+5.2%	-0.8%	£7,975psm
TOTAL	£129.33m	£136.47m	£1.46m	£135.01m	+4.4%	-1.1%	
TOTAL CITY CENTRE							
Convenience	£36.38m	£37.16m	£1.78m	£35.38m	-2.7%	-4.8%	£8,764psm
Comparison	£212.88m	£225.57m	£1.38m	£224.19m	+5.3%	-0.6%	£8,816psm
TOTAL	£249.26m	£262.74m	£3.16m	£259.57m	+4.1%	-1.2%	
St Edmundsbury Retail Park							
Convenience	£1.94m	£1.98m	£0.00m	£1.98m	+2.1%	+0.0%	
All Comparison	£31.73m	£33.54m	£0.27m	£33.27m	+4.9%	-0.8%	£2,977psm
	£33.67m	£35.53m	£0.27m	£35.25m	+4.7%	-0.8%	
Bartons Retail Park							
Convenience	£1.98m	£2.02m	£0.12m	£1.90m	-4.1%	-6.1%	£4,975psm
Comparison	£2.12m	£2.25m	£0.01m	£2.23m	+5.4%	-0.5%	£1,492psm
	£4.10m	£4.27m	£0.14m	£4.13m	+0.8%	-3.2%	
Other Major Foodstores							
Aldi	£31.23m	£32.11m	£0.64m	£31.48m	+0.8%	-2.0%	£27,073psm
Asda	£45.48m	£46.64m	£1.23m	£45.41m	-0.2%	-2.6%	£13,033psm
Co-op	£3.55m	£3.64m	£0.08m	£3.56m	+0.2%	-2.3%	£2,898psm
Sainsbury's	£42.81m	£43.90m	£2.95m	£40.95m	-4.4%	-6.7%	£12,135psm
Tesco	£42.06m	£43.13m	£1.75m	£41.38m	-1.6%	-4.1%	£11,088psm
	£165.13m	£169.42m	£6.64m	£162.77m	-1.4%	-3.9%	
Other Major Non-Foodstores							
Matalan	£3.88m	£4.11m	£0.02m	£4.09m	+5.4%	-0.6%	£1,785psm
The Range	£3.50m	£3.71m	£0.02m	£3.68m	+5.3%	-0.6%	£2,980psm
B&M	£6.10m	£6.41m	£0.06m	£6.34m	+3.9%	-1.0%	£3,467psm
Glasswells	£6.58m	£6.97m	£0.01m	£6.96m	+5.8%	-0.2%	£998psm
House of Harmony	£1.03m	£1.09m	£0.00m	£1.09m	+6.0%	+0.0%	£1,500psm
DJ Evans	£0.72m	£0.77m	£0.00m	£0.77m	+6.0%	+0.0%	£1,500psm
B&Q	£5.67m	£6.01m	£0.01m	£6.00m	+5.8%	-0.2%	£1,531psm
Miscellaneous Others	£42.76m	£45.31m	£0.23m	£45.08m	+5.4%	-0.5%	
<i>Proposed Development</i>			<i>-£10.58m</i>	<i>£10.58m</i>			
Total	£70.24m	£74.37m	-£10.21m	£84.59m	+20.4%	+13.7%	
PRIMARY CATCHMENT AREA TOTAL							
	£522.40m	£546.32m	£0.00m	£546.32m	+4.6%	+0.0%	

Scenario C – Trade Diversion and Retail Impact

- 2.34 Table 2.5C sets out the trade diversion assumptions for Scenario C which assumes occupation of the unit for a non-food (general) discounter. Table 2.6C identifies the impacts arising using the same measures set out in Table 2.6A.

TABLE 2.5C: DERIVATION OF TRADE DIVERSION - SCENARIO B - NON-FOOD DISCOUNTER

2014 Prices

	Convenience Goods					Comparison Goods					Total Trade Diversion All Goods
	2023 Turnover (Conv only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Convenience	Total Trade Diversion Convenience	2023 Turnover (Comp only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Comparison	Total Trade Diversion Comparison	
BURY ST EDMUNDS CITY CENTRE											
The Arc											
Convenience	£0.49m	1	4	0.0%	£0.00m						£0.00m
Comparison						£92.07m	2	4	21.5%	£0.85m	£0.85m
TOTAL	£0.49m			0.0%	£0.00m	£92.07m			21.5%	£0.85m	£0.85m
Robert Boby Retail Park											
Convenience	£21.49m	3	4	10.0%	£0.13m	£2.56m	1	4	0.5%	£0.02m	£0.15m
Comparison						£7.09m	3	4	2.5%	£0.10m	£0.10m
						£2.56m	2	4	0.5%	£0.02m	£0.02m
TOTAL	£21.49m			10.0%	£0.13m	£12.21m			3.5%	£0.14m	£0.27m
Remainder of City Centre											
Convenience	£15.18m	4	4	10.0%	£0.13m						£0.13m
Comparison						£121.29m	4	4	50.0%	£1.98m	£1.98m
TOTAL	£15.18m			10.0%	£0.13m	£121.29m			50.0%	£1.98m	£2.11m
TOTAL CITY CENTRE											
Convenience	£37.16m			20.0%	£0.26m						£0.26m
Comparison						£225.57m			75.0%	£2.96m	£2.96m
TOTAL	£37.16m			20.0%	£0.26m	£225.57m			75.0%	£2.96m	£3.23m
St Edmundsbury Retail Park											
Convenience											
All Comparison	£1.98m	5	5	2.0%	£0.03m	£31.56m	3	5	15.0%	£0.59m	£0.62m
	£1.98m			2.0%	£0.03m	£31.56m			15.0%	£0.59m	£0.62m
Bartons Retail Park											
Convenience	£2.02m	2	5	1.0%	£0.01m						£0.01m
Comparison						£2.25m	2	5	0.0%	£0.00m	£0.00m
	£2.02m			1.0%	£0.01m	£2.25m			0.0%	£0.00m	£0.01m
Other Major Foodstores											
Aldi	£26.22m	3	2	7.0%	£0.09m	£5.89m	3	2	1.0%	£0.04m	£0.13m
Asda	£41.68m	4	2	14.0%	£0.18m	£4.96m	3	2	0.5%	£0.02m	£0.20m
Co-op	£3.25m	4	2	1.0%	£0.01m	£0.39m	3	2	0.0%	£0.00m	£0.01m
Sainsbury's	£39.23m	4	5	34.0%	£0.45m	£4.67m	3	5	1.0%	£0.04m	£0.49m
Tesco	£38.54m	4	3	20.5%	£0.27m	£4.59m	3	3	1.0%	£0.04m	£0.31m
	£148.92m			76.5%	£1.01m	£20.49m			3.5%	£0.14m	
Other Major Non-Foodstores											
Matalan						£4.11m	2	5	0.5%	£0.02m	£0.02m
The Range						£3.71m	5	2	0.5%	£0.02m	£0.02m
B&M	£1.58m	5	2	0.5%	£0.01m	£4.83m	5	2	0.5%	£0.02m	£0.03m
Glasswells						£6.97m	1	2	0.0%	£0.00m	£0.00m
House of Harmony						£1.09m	1	5	0.0%	£0.00m	£0.00m
DJ Evans						£0.77m	1	4	0.0%	£0.00m	£0.00m
B&Q						£6.01m	1	4	0.0%	£0.00m	£0.00m
Miscellaneous Others						£45.31m	3	3	5.0%	£0.20m	£0.20m
Total	£1.58m			0.5%	£0.01m	£72.80m			7%	£0.00m	£0.00m
PRIMARY CATCHMENT AREA TOTAL											
	£191.67m			100.0%	£1.32m	£352.67m			100.0%	£3.95m	£5.27m

TABLE 2.6C: CALCULATION OF RETAIL IMPACT- SCENARIO C - NON-FOOD DISCOUNTER

2014 Prices

	A	B	C	D	E	F	G
	2021 Existing Turnover (Without Proposed Dvpt)	2023 Turnover without Proposed Development	Trade Diversion (All Goods)	2023 Turnover with Proposed Development	Turnover Change 2021 with Dvpt v 2023 without Dvpt	Turnover Change 2023 with Dvpt v 2023 without Dvpt	Residual Turnover rate £psm
BURY ST EDMUNDS CITY CENTRE							<i>convenience goods only</i> <i>comparison goods only</i>
The Arc							
Convenience	£0.48m	£0.49m	£0.00m	£0.49m	+2.1%	+0.0%	£8,157psm
Comparison	£86.89m	£92.07m	£0.85m	£91.23m	+5.0%	-0.9%	£11,883psm
TOTAL	£87.37m	£92.57m	£0.85m	£91.72m	+5.0%	-0.9%	
Robert Boby Retail Park							
Convenience Waitrose	£23.45m	£24.05m	£0.15m	£23.89m	+1.9%	-0.6%	£11,016psm
Comparison TK Maxx	£6.69m	£7.09m	£0.10m	£6.99m	+4.5%	-1.4%	£4,434psm
Halfords	£2.42m	£2.56m	£0.02m	£2.54m	+5.1%	-0.8%	£3,471psm
TOTAL	£32.56m	£33.70m	£0.27m	£33.43m	+2.7%	-0.8%	
Remainder of City Centre							
Convenience	£14.86m	£15.18m	£0.13m	£15.05m	+1.3%	-0.9%	£7,398psm
Comparison	£114.46m	£121.29m	£1.98m	£119.32m	+4.2%	-1.6%	£7,901psm
TOTAL	£129.33m	£136.47m	£2.11m	£134.37m	+3.9%	-1.5%	
TOTAL CITY CENTRE							
Convenience	£36.38m	£37.16m	£0.28m	£36.88m	+1.4%	-0.8%	£9,148psm
Comparison	£212.88m	£225.57m	£2.94m	£222.63m	+4.6%	-1.3%	£8,750psm
TOTAL	£249.26m	£262.74m	£3.23m	£259.51m	+4.1%	-1.2%	
St Edmundsbury Retail Park							
Convenience	£1.94m	£1.98m	£0.00m	£1.98m	+2.1%	+0.0%	
All Comparison	£31.73m	£33.54m	£0.62m	£32.93m	+3.8%	-1.8%	£2,940psm
	£33.67m	£35.53m	£0.62m	£34.91m	+3.7%	-1.7%	
Bartons Retail Park							
Convenience Farmfoods	£1.98m	£2.02m	£0.01m	£2.01m	+1.5%	-0.7%	£5,272psm
Comparison	£2.12m	£2.25m	£0.00m	£2.25m	+6.0%	+0.0%	£1,500psm
	£4.10m	£4.27m	£0.01m	£4.26m	+3.8%	-0.3%	
Other Major Foodstores							
Aldi	£31.23m	£32.11m	£0.13m	£31.98m	+2.4%	-0.4%	£27,599psm
Asda	£45.48m	£46.64m	£0.20m	£46.43m	+2.1%	-0.4%	£13,354psm
Co-op	£3.55m	£3.64m	£0.01m	£3.63m	+2.2%	-0.4%	£2,963psm
Sainsbury's	£42.81m	£43.90m	£0.49m	£43.41m	+1.4%	-1.1%	£12,942psm
Tesco	£42.06m	£43.13m	£0.31m	£42.82m	+1.8%	-0.7%	£11,513psm
	£165.13m	£169.42m	£1.15m	£168.27m	+1.9%	-0.7%	
Other Major Non-Foodstores							
Matalan	£3.88m	£4.11m	£0.02m	£4.09m	+5.5%	-0.5%	£1,787psm
The Range	£3.50m	£3.71m	£0.02m	£3.69m	+5.4%	-0.5%	£2,983psm
B&M	£6.10m	£6.41m	£0.03m	£6.38m	+4.6%	-0.4%	£3,470psm
Glasswells	£6.58m	£6.97m	£0.00m	£6.97m	+6.0%	+0.0%	£1,000psm
House of Harmony	£1.03m	£1.09m	£0.00m	£1.09m	+6.0%	+0.0%	£1,500psm
DJ Evans	£0.72m	£0.77m	£0.00m	£0.77m	+6.0%	+0.0%	£1,500psm
B&Q	£5.67m	£6.01m	£0.00m	£6.01m	+6.0%	+0.0%	£1,534psm
Miscellaneous Others	£42.76m	£45.31m	£0.20m	£45.11m	+5.5%	-0.4%	
<i>Proposed Development</i>			<i>-£5.27m</i>	<i>£5.27m</i>			
Total	£70.24m	£74.37m	-£5.00m	£79.38m	+13.0%	+6.7%	
PRIMARY CATCHMENT AREA TOTAL	£522.40m	£546.32m	£0.00m	£546.32m	+4.6%	+0.0%	

Sensitivity Tests

2.35 Retail impact assessment calculations are dependent on the assumptions used for the assessments. Although considerable effort has been made to make the assumptions as accurate as possible it is recognised that there will be some uncertainty regarding the results. The use of Sensitivity Tests by altering key assumptions reduces this uncertainty. These tests can show the range of impacts that could arise and also to what extent the results of impact change in line with different assumptions – for example, if calculated retail impacts are identified to be insensitive to change (i.e. impacts figures change only slightly even with substantial changes in assumptions) this can give considerable confidence to the results of the retail impact assessment for identifying the scale of adverse retail impact anticipated to occur.

2.36 The following sensitivity tests have been adopted:

- Test 1: The Central Case – this is based on the assumptions described above for each of the three scenarios and provides the best estimates of the characteristics of the proposed development and existing floorspace.
- Test 2A: Increasing the development turnover by +25%.
- Test 2B: Decreasing the development turnover by -25%.
- Test 3: Assume that only 90% of the trade draw to the development is from the identified Primary Catchment Area. Under this test it is assumed that 10% of trade diversion is from shops in centres located outside the PCA.
- Test 4A: Amend the trade diversion assumptions by reducing the trade diversion from the City Centre by one third with an increase in trade diversion from locations elsewhere in BSE. This results in lower impacts on the City Centre but higher impacts elsewhere.
- Test 4B: Amend the trade diversion assumptions by increasing the trade diversion from the City Centre by one third with a decrease in trade diversion from locations elsewhere in BSE. This results in higher impacts on the City Centre but lower impacts elsewhere.

2.37 The results of the Sensitivity Tests on the calculation of retail impact for the City Centre and two identified retail parks for all three scenarios is set out in Table 2.8. These show that the percentage impacts arising from the proposed development identified in this RIA have a limited range indicating the assessment has produced robust results and a high level of confidence can be placed on these when considering the significance of potential impacts arising from the proposal. From this Table one can identify the full range of retail impacts whichever development scenario is considered and, from this, the potential maximum adverse retail impact that would occur from the development proposal. These impacts are:

- Bury St Edmunds City Centre:
 - *Direct impacts in 2023. All goods: -1% to -2%.*

- *Impacts taking into account expenditure change: All goods: +4% to +5% (i.e. whichever scenario and sensitivity test is adopted the City Centre will experience a net increase in turnover even with the proposed development being implemented).*

- St Edmundsbury Retail Park:
 - *Direct impacts in 2023. All goods: -0% to -3%.*

 - *Impacts taking into account expenditure change: All goods: +3% to +6%.*

- The Bartons Retail Park:
 - *Direct impacts in 2023. All goods: -0% to -4%.*

 - *Impacts taking into account expenditure change: All goods: +0% to +4%.*

2.38 The significance of the quantitative retail impacts identified on the vitality and viability of centres affected is addressed in Section 3.

TABLE 2.7 - SENSITIVITY TEST RESULTS - ALL SCENARIOS

Test	Bury St Edmunds City Centre % Change in Turnover		St Edmundsbury Retail Park % Change in Turnover		The Bartons Retail Park % Change in Turnover	
	2023 with Dvpt v 2021 without	2023 with Dvpt v 2023 without	2023 with Dvpt v 2021 without	2023 with Dvpt v 2023 without	2023 with Dvpt v 2021 without	2023 with Dvpt v 2023 without
SCENARIO A - FOOD DISCOUNTER						
1. Central Case	4.1%	-1.2%	4.8%	-0.9%	0.9%	-3.1%
2. Turnover of Dvpt						
2A. Increase Turnover +25%	3.8%	-1.5%	4.5%	-1.1%	0.1%	-3.8%
2B. Reduce Turnover -25%	4.5%	-0.9%	5.0%	-0.7%	1.7%	-2.3%
3. Assume 90% of turnover is drawn from PCA	4.2%	-1.1%	4.9%	-0.8%	1.2%	-2.8%
4. Amend trade diversion assumptions:						
4A: Reduce trade diversion from City Centre by 33%	4.6%	-0.7%	3.9%	-1.7%	0.8%	-3.2%
4A: Increase trade diversion from City centre by 33%	3.9%	-1.4%	5.2%	-0.5%	1.7%	-2.3%
SCENARIO B - MID-SIZE SUPERMARKET						
1. Central Case	4.1%	-1.2%	4.9%	-0.8%	0.8%	-3.0%
2. Turnover of Dvpt						
2A. Increase Turnover +25%	3.8%	-1.5%	4.7%	-1.0%	-0.0%	-3.2%
2B. Reduce Turnover -25%	4.5%	-0.9%	5.1%	-0.6%	1.6%	-2.4%
3. Assume 90% of turnover is drawn from PCA	4.3%	-1.1%	5.0%	-0.7%	1.1%	-2.9%
4. Amend trade diversion assumptions:						
4A: Reduce trade diversion from City Centre by 33%	4.6%	-0.8%	4.5%	-1.2%	0.4%	-3.6%
4A: Increase trade diversion from City centre by 33%	3.7%	-1.6%	5.2%	-0.5%	1.2%	-2.4%
SCENARIO C - NON-FOOD DISCOUNTER						
1. Central Case	4.1%	-1.2%	3.8%	-1.8%	3.8%	-0.3%
2. Turnover of Dvpt						
2A. Increase Turnover +25%	3.8%	-1.5%	3.3%	-2.3%	3.7%	-0.4%
2B. Reduce Turnover -25%	4.4%	-0.9%	4.3%	-1.4%	3.9%	-0.2%
3. Assume 90% of turnover is drawn from PCA	4.2%	-1.1%	4.0%	-1.7%	3.8%	-0.3%
4. Amend trade diversion assumptions:						
4A: Reduce trade diversion from City Centre by 33%	4.5%	-0.9%	2.8%	-2.8%	3.8%	-0.3%
4A: Increase trade diversion from City centre by 33%	3.7%	-1.6%	5.7%	-0.1%	3.8%	-0.3%
<i>(max trade diversion from CC for comp goods = 100%)</i>						
Range	+4% to +5%	-1% to -2%	+3% to +6%	-3% to -0%	+0% to +4%	-0% to -4%

3 Significance of Retail Impact

Approach to Assessing Significance

- 3.1 Section 2 has quantified the estimated retail impact in terms of percentage change in turnover resulting from the proposed development and residual (i.e. post-impact) sales densities. This assessment has considered both the level of turnover in 2023 with the proposed development with both existing turnover (2021) and the turnover in 2023 that would have occurred without the proposals. Furthermore, the assessment has considered the impact on the convenience and comparison goods sectors alone and on all retail goods in centres.
- 3.2 In assessing significance of impact, it is important to put quantitative measures of impact in an appropriate context by assessing the sensitivity of centres affected to adverse retail effects – this is achieved by assessing the vitality and viability of centres affected. The remainder of this section therefore considers each of the following to allow an assessment of the significance of retail impact:
- Information on the vitality and viability of centres.
 - Quantitative measures of retail impact from the RIA.
 - Variability in retail impacts arising as seen through applying the different sensitivity tests and development scenarios.

Bury St Edmunds City Centre: Health Check

- 3.3 Detailed information on the vitality and viability of Bury St Edmunds City Centre was provided in the 2016 Retail Study. This information has been updated using information from the following sources:
- Survey of the City Centre undertaken in June 2021 (App B).
 - Charles Goad survey of the City Centre in Jan 2021 (App C).
 - Property market information.
- 3.4 Chapter 6 of the SERLS sets out in detail a description of the City Centre and provides a comprehensive health check of the centre. As a result, this section only provides a summary of the principal findings from the 2016 Study and focuses on key changes to the indicators of vitality and viability insofar these are available taking into account potential short-term effects arising from the Covid-19 pandemic restrictions. This section follows the principal headings used in the SERLS report.

Retail Composition and Diversity of Uses

- 3.5 The principal findings of the report in relation to retail composition and mix of uses of the centre are as follows:
- BSE is ranked 130th in 2015 Venuescore ranking of all centres – significantly higher than 2007 when it was ranked 210th. Javelin rank the centre as “middle” market position based on its shopping/fashion offer.

- Three distinct areas are identified within the City Centre – The Arc, Cornhill/Buttermarket/The Traverse and Abbeygate Street. However, the study did not include Robert Boby RP as part of the City Centre and this could be considered to be a fourth distinct part of the City Centre.
- The study identified 437 retail, service and vacant units. No floorspace was identified. Table 3.1 shows changes between the study and the June 2021 survey.

Table 3.1: Retail and Service Units – BSE City Centre

Category	No. of Units		Floorspace Sq M GFA (% of total)
	2016	2021	2021
Convenience	16 4%	249 6%	6,572 (7%)
Comparison	196 45%	155 35%	36,255 (39%)
All services	180 41%	203 45%	35,501 (38%)
Vacant	45 10%	54 12%	8,335 (9%)
Total	437	449	93,722

3.6 The principal changes identified in Table 3.1 are a significant increase in convenience goods shops (from 16 to 29) but a significant decline in comparison goods shops (from 196 to 155). In part this decline may reflect both greater merging of retail services and retail goods activities in individual units and also merging of smaller units to form larger ones but, regardless of these trends there has been a reduction in comparison goods shops in the City Centre. Service units (combining retail, leisure and business/financial services) have grown significantly. In this respect BSE reflects national trends with decline in the number of goods shops but increases in services.

3.7 Over the same period there has been a growth in vacant units. A significant aspect of this will, however, be the effect of the covid-19 pandemic and it is notable that the Goad Jan 2021 survey identified significantly higher vacant premises than were surveyed just 5 months later (see Table 3.2). It follows that there remains uncertainty as to the true level of vacancies in the City Centre at the current time.

Multiples and Independents Representation

3.8 The SERLS noted that the 2015 Goad survey report identified 165 multiple retailers in the City Centre – an increase from 159 identified in 2007. The Jan 2021 Goad survey identified a significant drop to 135 multiple outlets implying a significant increase in independent traders (retail goods and all services) over the same period. The 2016 Study noted that the centre had, at the time, “a strong independent retail and service offer” and this appears to have strengthened further between 2016 and 2021.

Street Market

3.9 The City Centre continues to have a twice weekly street market with ca. 80+ stalls retailing a wide range of convenience and comparison goods. This is an important and attractive feature of the City Centre.

Vacancies

3.10 Table 3.2 combines information from the SERLS with current data to identify changes in vacancies.

Table 3.2: Vacancies – BSE City Centre

Category	Vacant Units	
	No. of Units (% of total)	GFA (% of Total)
2011 Goad	45 (10.3%)	10,925 (12.4%)
2015 Goad	47 (10.7%)	6,800 (7.8%)
Jan 2021 Goad	64 (14.4%)	18,078 (21.0%)
June 2021 HPL (Goad classification)	54 (12.0%)	15,394 (16.4%)

3.11 The SERLS also notes a survey undertaken by the Council’s Town Centre Audit in April 2016 which identified a very low number of vacancies – this has not been included on the basis that, reflecting the large difference between this and the Goad survey of 2015, it is likely to have been undertaken on a different basis which makes comparison difficult.

3.12 Comment above has highlighted the rapid change observed between Jan and June 2021 which is likely to be explained in part due to the relaxation of covid social distancing restrictions and the re-opening of businesses. However, notwithstanding this it is likely, but not certain, that there has been some increase in vacancies since 2016. The most important of these is the closure of Debenhams which reflects national failure of that business. This is a large unit which has had a major impact on the floorspace vacancy rate.

3.13 Compared to other towns Goad (Jan 2021) indicate that the national vacancy rate is 13.9% by number of units and 12.75% by floor area. This would suggest that BSE is close to or slightly below average rates for numbers of vacant units but above average for vacant floorspace (although this would have risen nation-wide since January 2021 due to the closure of Debenhams stores).

Retailer Requirements

3.14 The 2016 Study identified strong demand from retailers for requirements in BSE and that this had increased since 2012. However, as a result of the current pandemic it is very difficult to establish an accurate position at the current time.

Retail Rents

- 3.15 The 2016 study (figure 6.1) identified changes in prime (zone A) retail rents which was ca. £100 psf and were about 15% below the pre-recession (2008) peak of £115. But this reduction was lower than for all centres (which, at that time, were 28% below the peak).
- 3.16 Due to the covid-19 pandemic and its effects on the property industry it is not possible to provide a meaningful assessment of rents at the current time.

Customer Perceptions

- 3.17 The 2016 set out information on perceptions of the City Centre from the household and in-street surveys. This indicated that:
- a high proportion of respondents appear to be happy with the town centre as it is;
 - the most frequently suggested improvements included more/better parking, and improving congestion and road access in the town;
 - the most positive attributes identified for the centre was its “character/atmosphere”, its proximity (to home/work) and the historic buildings/tourist attractions;
 - significantly, 67% of respondents did not identify any particular feature of the City Centre that they disliked. The biggest dislike was associated with associated with car parking issues (12%) – cheaper parking was suggested as the most common improvement but this was made by only 5% of respondents.

Environmental Quality

- 3.18 The environmental quality of much of the City Centre is very high reflecting the large Conservation Area, numerous listed buildings, the Abbey/Cathedral and attractive parkland/open space. Furthermore, the Arc remains (even with the closure of Debenhams) an attractive modern shopping centre with direct parking access.

Sales Densities

- 3.19 In addition to information on rents and vacancies sales densities provide additional information on the viability of a centre. As noted in Section 2 the SERLS implies extremely high sales densities for comparison goods shops within the City Centre. For the reasons highlighted earlier it is considered that reliance cannot be placed on the implied sales densities but, nonetheless, it is reasonable to assume that sales densities within the centre are strong and expected to be above relevant national averages. This is consistent with relatively high demand from potential occupiers for space.

Summary and Conclusions

- 3.20 Notwithstanding the current hiatus associated with the covid-19 pandemic, it is considered that BSE City Centre provides, in overall terms, a very health and vibrant City Centre. Indicators of viability are relatively mixed – average-above average vacancies imply weakness whereas moderate-high rent levels when compared to other towns and cities of comparable size, and above average sales densities and indicative of strength. However, the indicators of vitality including mix of uses and the very high environmental quality of much of the City Centre,

including a mix of modern and traditional retail areas, and significant traffic calmed areas, indicate that the centre is strong in terms of its vitality.

Bury St Edmunds: Significance of Retail Impacts

3.21 The calculated impacts of the development on Bury St Edmunds City Centre are as follows:

Scenario A

- The *direct* impact of the proposed development (Scenario A) in the design year is approximately -4% reduction in convenience goods, -1% comparison goods and -1% all goods turnover
- Turnover would be -2% *lower* in 2023 compared to 2021 for convenience goods, +5% *higher* for comparison goods and +4% *higher* for all goods.
- After retail impact, convenience goods sales densities in 2023 would range between £7,100 and £10,600 psm and comparison goods sales densities would range between £3,500 and £11,950 psm.

Scenario B

- The direct impact of the proposed development (Scenario B) in the design year is approximately -5% reduction in convenience goods, -1% comparison goods and -1% all goods turnover
- Turnover would be -3% *lower* in 2023 compared to 2021 for convenience goods, +5% *higher* for comparison goods and +4% *higher* for all goods.
- After retail impact, convenience goods sales densities in 2023 would range between £7,200 and £10,400 psm and comparison goods sales densities would range between £3,500 and £11,950 psm.

Scenario C

- The direct impact of the proposed development (Scenario C) in the design year is approximately -1% reduction in convenience goods, -1% comparison goods and -1% all goods turnover
- Turnover would be +1% *higher* in 2023 compared to 2021 for convenience goods, +5% *higher* for comparison goods and +4% *higher* for all goods.
- After retail impact, convenience goods sales densities in 2023 would range between £7,400 and £11,000 psm and comparison goods sales densities would range between £3,450 and £11,900 psm.

3.22 Table 2.7 also identifies the full range of impacts on the City Centre across the development scenarios combined with the sensitivity tests. These show that the direct impacts (i.e. in 2023 with the proposal compared to 2023 without the proposal) has minimal variation between -1% and -2% impacts. Furthermore, in all scenarios and all sensitivity tests, the turnover of the City Centre would be between 4% and 5% *higher* compared to the current position in 2021. These direct impacts are extremely low and, given the relative health of the town centre, it is

concluded that the impact of either of the scenarios for the proposed development would not undermine the vitality or viability of the City Centre as a whole.

- 3.23 The Scoping Note specifically requested that the assessment should take account of the planned investment at 17-18 Cornhill. This development, which commenced in late 2020, proposes two ground floor commercial units. Since this space is not currently available and it is not known whether the units would be occupied by retail goods shops or services the potential turnover of these is not included within the retail impact tables. However, the type of retail proposed at the application site and scale of impacts identified above will mean that the application would not affect the redevelopment of Cornhill in any way.
- 3.24 Various aspirations for the City Centre are also identified in the Town Centre Masterplan (Dec 2017) which is a material consideration in the determination of the planning application although it does not form part of the development plan. The masterplan identifies a series of priorities and aspirations for different parts of the centre but only limited information is provided on specific projects. This RIA has demonstrated that the proposed development would have a negligible impact on the turnover of retail shops within the City Centre and that, as a whole, even with the proposed development, the turnover of the City Centre would be higher in 2023 than currently in 2021. Furthermore, the proposed development is expressly targeting retail formats suited to an out-of-centre location and would not, therefore, have any adverse implications for the City Centre Masterplan.
- 3.25 In conclusion the proposed development unrestricted retail development at the application site will not affect the vitality or viability of Bury St Edmunds City Centre.

St Edmundsbury Retail Park (SERP)

- 3.26 St Edmundsbury Retail Park, along with the J Sainsbury superstore and units on the east side of Easlea Road are identified as part of site BV17 Bury St Edmunds Vision document. This policy does not identify the retail park as part of a centre nor a location to be protected through planning policy although it does identify that any proposals for additional space within this location would only be assessed in terms of criteria (a) (i.e. application of the sequential approach) and (b) (retail impact assessment).
- 3.27 In addition, the SERLS report identified the retail park as a distinct retail location for the purposes of describing retail floorspace within BSE and as part of the retail model. As a result of these factors impacts on SERP have been identified separately in Tables 2.6A-C and Table 2.7.

Vitality and Viability

- 3.28 Concepts of town centre health checks and indicators of vitality and viability are not normally considered relevant for retail parks. This reflects the fact that the range of activity and land uses within retail parks is, generally, quite limited. The following provides a brief summary of the characteristics of the retail park which are relevant for assessing the significance of the potential impact of the proposed development on SERP.

Range of Uses

- 3.29 SERP has been developed in two phases. The initial part comprises 8 units – 7 major retail units totalling 9031 sq m GFA and one small pod (139 sq m GFA). All, except one, of the major units are for bulky comparison goods and one unit is for pets. The small pod is being marketed for general comparison goods. The second

phase comprises 3 large units – one for bulky comparison goods and two for general comparison (including one with a significant food offer). All units are occupied by multiple retailers. The pod unit is vacant.

Floorspace and Turnover

3.30 The total floorspace is 93722 sq m GFA and the turnover is estimated to be £29.8m comparison goods and £1.9m convenience goods.

Environment

3.31 The character of SERP is typical of retail parks – dominated by car parking in front of the retail units.

Significance of Retail Impact

3.32 The calculated impacts of the development on SERP are as follows:

Scenario A

- The direct impact of the proposed development (Scenario A) in the design year is approximately 0% reduction in convenience goods, -1% comparison goods and -1% all goods turnover
- Turnover would be +2% *higher* in 2023 compared to 2021 for convenience goods, +5% *higher* for comparison goods and +5% *higher* for all goods.
- After retail impact, sales densities in 2023 would be circa £3000 psm for comparison goods.

Scenario B

- The direct impact of the proposed development (Scenario A) in the design year is approximately 0% reduction in convenience goods, -1% comparison goods and -1% all goods turnover
- Turnover would be +2% *higher* in 2023 compared to 2021 for convenience goods, +5% *higher* for comparison goods and +5% *higher* for all goods.
- After retail impact, sales densities in 2023 would be circa £3000 psm for comparison goods.

Scenario C

- The direct impact of the proposed development (Scenario A) in the design year is approximately 0% reduction in convenience goods, -2% comparison goods and -2% all goods turnover
- Turnover would be +2% *higher* in 2023 compared to 2021 for convenience goods, +4% *higher* for comparison goods and +4% *higher* for all goods.
- After retail impact, sales densities in 2023 would be circa £3000 psm for comparison goods.

- 3.33 Table 2.7 also identifies the full range of impacts on SERP Centre across the development scenarios combined with the sensitivity tests. These show that the direct impacts (i.e. in 2023 with the proposal compared to 2023 without the proposal) varies between -0% and -3% impacts. Furthermore, in all scenarios and all sensitivity tests the turnover of the SERP would be between 3% and 6% *higher* compared to the current position in 2021. These direct impacts are very low and, given the characteristics of the SERP, it is concluded that the impact of either of the scenarios for the proposed development would not undermine the vitality or viability of the Retail Park as a whole.
- 3.34 In conclusion the proposed development unrestricted retail development at the application site will not affect the vitality or viability of the St Edmundsbury Retail Park.

The Bartons Retail Park

- 3.35 The Bartons Retail Park area is identified to comprise site BV15(a) and part of BV14(b) in the Bury St Edmunds Vision document. The former policy is concerned with alternative business development within an employment area – this site is now occupied by Farmfoods for the retail of frozen foods. The latter is identified as part of a general employment area. No part of the Bartons retail Park is therefore identified to form part of the network of retail centres within BSE.
- 3.36 Nonetheless the Bartons RP is identified separately in the SERLS and, on this basis alone, it is identified separately in this retail assessment.

Vitality and Viability

Range of Uses

- 3.37 The Bartons RP is not a purpose built retail park. Instead, it comprises a diverse mix of units that have, over time, become increasingly focussed on retail activities. In total there are 8 retail goods units (1 convenience – Farmfoods) and the remainder retailing a range of, mostly, bulky comparison goods, predominantly furniture. However general comparison goods are also sold. In addition, there are two fast food/take away premises.

Floorspace and Turnover

- 3.38 The total floorspace is 2921 sq m GFA of which 250 sq m is estimated for leisure services and the retail goods' turnover is estimated to be £2.3m comparison goods and £2.0m convenience goods.

Environment

- 3.39 The character of the Bartons is that of a run of diverse older industrial/commercial properties fronting onto Barton Road with a relatively low environmental quality.

Significance of Retail Impact

- 3.40 The calculated impacts of the development on The Bartons RP are as follows:

Scenario A

- The direct impact of the proposed development (Scenario A) in the design year is approximately -5% reduction in convenience goods, -1% comparison goods and -3% all goods turnover
- Turnover would be -3% lower in 2023 compared to 2021 for convenience goods, +5% *higher* for comparison goods and +1% *higher* for all goods.
- After retail impact, convenience goods sales densities in 2023 would be circa £5000 psm and £1500 psm for comparison goods.

Scenario B

- The direct impact of the proposed development (Scenario A) in the design year is approximately -6% reduction in convenience goods, -1% comparison goods and -3% all goods turnover
- Turnover would be -4% lower in 2023 compared to 2021 for convenience goods, +5% *higher* for comparison goods and +1% *higher* for all goods.
- After retail impact, convenience goods sales densities in 2023 would be circa £5000 psm and £1500 psm for comparison goods.

Scenario C

- The direct impact of the proposed development (Scenario A) in the design year is approximately -1% reduction in convenience goods, 0% comparison goods and -0% all goods turnover
- Turnover would be +2% higher in 2023 compared to 2021 for convenience goods, +6% *higher* for comparison goods and +4% *higher* for all goods.
- After retail impact, convenience goods sales densities in 2023 would be circa £5000 psm and £1500 psm for comparison goods.

3.41 Table 2.7 also identifies the full range of impacts on The Bartons RP across the development scenarios combined with the sensitivity tests. These show that the direct impacts (i.e. in 2023 with the proposal compared to 2023 without the proposal) varies between -0% and -4% impacts. Furthermore, in all scenarios and all sensitivity tests the turnover of the SERP would be between 0% and 4% *higher* compared to the current position in 2021. These direct impacts are very low and, given the characteristics of the Bartons RP, it is concluded that the impact of either of the scenarios for the proposed development would not undermine the vitality or viability of this retail location as a whole.

Summary and Conclusion

- 3.42 The retail impact assessment has considered both the scale of trade diversion and the existing vitality and viability of all principal centres potentially affected by the proposed development, in particular on Bury St Edmunds City Centre. The assessment has also considered the potential variation in calculated retail impacts through the use of reasonable sensitivity tests for the assessments. In all cases the retail impacts arising from the proposed development will be very limited and will not significantly affect the vitality or viability of the City Centre nor any other retail location..
- 3.43 The RIA has also assessed impacts arising from three different development scenarios for the re-use of the existing building:
- Scenario A – re-use as a discount foodstore.
 - Scenario B – re-use as a mid-sized general supermarket.
 - Scenario C – re-use as a non-food discount store.
- 3.44 Other potential uses for the proposed retail unit can be considered (such as use for bulky goods retail, freezer centre or similar), however, these alternatives will result in impacts *lower* than the three scenarios tested in this RIA. The RIA has demonstrated that none of the scenarios would have significant adverse impacts on the vitality or viability of Bury St Edmunds City Centre nor on other retail locations within the City.

4 Application of the Sequential Test

Introduction

Policy Requirement for the Sequential Test

- 4.1 The application of the sequential test has been undertaken in accordance with the requirements of the development plan and the NPPF including the Government's guidance for Town Centres and Retail. It addresses each of the sites identified in the Council's Scoping Note provided to the applicants' agents.

Development Plan

- 4.2 Policy CS10 of the St Edmundsbury Local Development Framework Core Strategy (2010) states:

Retail and leisure activity elsewhere will be focused on those Key Service and Local Service Centres identified in Core Strategy Policy CS4 and in the new local centres located in the areas for growth identified in Policies CS11 and CS12. The development of services and facilities in these locations will be expected to be of an appropriate scale and character to reflect the role and function of the local centres and in accordance with the sequential approach.

- 4.3 The policy does not provide a definition of what constitutes the sequential approach.

- 4.4 Policy DM35 of the West Suffolk Joint Development Management Policies Document (2015) provides a comparable requirement but with some clarification of what is intended in the sequential approach:

Proposals for main town centre uses that are not in a defined centre and not in accordance with an up to date Local Plan must apply a sequential approach in selecting the site demonstrating that there are no suitable, viable and available sites in defined centres or edge of centre locations.

- 4.5 A similar requirement is set out in Policy BV17 of the Bury St Edmunds Vision 2031 (2014) document which states:

Proposals for retail floorspace outside defined centres will only be permitted where they comply with the following criteria:

- a. *that a sequential approach has been adopted in selecting the site demonstrating that there are no suitable, viable and available sites in defined centres or edge-of-centre locations;...*

- 4.6 From this the key requirements of the sequential approach (test) is that, for any proposed out-of-centre location, such as the application site, it needs to be demonstrated that there are no suitable, viable and available sites within the defined centres or in edge-of-centre locations.

NPPF

- 4.7 A similar requirement is set out in the National Planning Policy Framework:

86. *Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. 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.*

87. *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.*

4.8 The Town Centres and Retailing Guidance provides some additional information including a checklist that should be taken into account in determining whether or not a proposal complies with the sequential test. This checklist includes the following:

- *with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.*
- *is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*
- *if there are no suitable sequentially preferable locations, the sequential test is passed.*

Principles for Applying the Sequential Approach/Test

4.9 From the above review it is clear that a number of factors need to be taken into account when applying the sequential approach:

- In the context of an out-of-centre proposal, such as the application site, are there suitable, viable and available sites/premises in either town centre or edge-of-centre locations? If so, these would be sequentially preferable to the application site.
- In considering *suitability* of alternatives has a reasonably flexible approach been adopted regarding the form or scale of the proposal? In particular are more central sites able to make a “contribution” to accommodate a proposal?
- The boundary of the town centre is defined on the Bury Vision 2015 proposals map. However, consideration needs to be given to how “edge-of-centre” is defined to allow the categorisation of both the application site and potential alternative locations which are assessed as part of the sequential test.

4.10 It is important that these matters are addressed before considering potential alternative sites/premises for the proposed development.

Suitability and Flexibility

- 4.11 A key requirement of the sequential approach is the assessment of whether alternative sites are suitable/unsuitable for the development proposal (Policy DM35) and whether or not a reasonably flexible approach has been adopted by the applicants when considering these alternatives (Town Centres and Retailing Guidance).
- 4.12 The question of suitability and flexibility has been expressly considered in legal cases including at the Supreme Court, in particular in relation to the interpretation of the sequential approach policy in Scotland, which has direct application to the same policy in England.
- 4.13 In *Lidl UK GmbH v North Ayrshire Council and Scottish Ministers (2006)* Lord Glennie confirmed that, in the application of the approach, regard should be had to the identification of sites or premises capable of accommodating the proposed development and that it is not appropriate for the decision-maker to seek to change the type of development in order to make it fit other sites or premises. In this decision Lord Glennie stated *“The question is whether the alternative town centre site, in this case the existing Lidl site, is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit into the alternative site.”*
- 4.14 This approach, i.e. in identifying whether or not the proposed development can fit within the suggested alternative site was endorsed by judges in the Supreme Court in the case of *Tesco Stores Ltd v Dundee City Council (2012)*. This case reaffirmed the approach of Lord Glennie cited above. In the Supreme Court Lord Reed considered the extent to which the approach of the developer or operator should be flexible and realistic in the assessment of the suitability of alternatives. This is quoted at some length below because the approach endorsed by Lord Reed is the same approach that has been adopted in this appraisal:

“29...the applicant is expected to have prepared his proposals in accordance with the recommended approach: he is, for example, expected to have had regard to the circumstances of the particular town centre, to have given consideration to the scope for accommodating the development in a different form, and to have thoroughly assessed sequentially preferable locations on that footing. Provided the applicant has done so, however, the question remains, as Lord Glennie observed in Lidl UK GmbH v Scottish Ministers [2006] CSOH 165, para 14, whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site.

“30. In the present case, it is apparent that a flexible approach was adopted. The interveners did not confine their assessment to sites which could accommodate the development in the precise form in which it had been designed, but examined sites which could accommodate a smaller development and a more restricted range of retailing.”

- 4.15 In the same case Lord Hope stated:

“37. ...It is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre.”

- 4.16 Suitability of alternatives does not only apply to the size of alternative sites or premises but also concerns any other factors that are directly relevant to the operation of the proposed retail development. Location is one key factor. The target market area to be served by the proposed development is Bury St Edmunds. Given the characteristics of the proposed development (notably the limited size of the catchment area of this type of

floorspace) then it is clear that a location that is unable to serve this market area would be unsuitable. Although this should be obvious it still needs to be confirmed that a location unable to serve this catchment area, for example within, or on the edge of Haverhill town centre, would not be suitable.

4.17 In terms of flexibility, notwithstanding Lord Hope's comment (i.e. that it is the proposal for which the developer seeks permission that needs to be considered), the judgement of Lord Reed explains what is an appropriately flexible approach. That is the applicant should have *regard to the circumstances of the particular town centre, to have given consideration to the scope for accommodating the development in a different form, and to have thoroughly assessed sequentially preferable locations on that footing*. In the Dundee case Asda had proposed a major superstore (ca. 8300 sq m GFA) that included a substantial proportion of non-food sales. In the sequential assessment the applicants identified the minimum size of unit that would be able to provide this mix convenience/comparison goods and concluded that it could be possible to provide this type of unit from a store as small as 5500+ sq m GFA with surface level car parking etc. This was the size that was tested for the sequential approach and was accepted by the Supreme Court as the correct approach.

4.18 In his commentary on the case Chris Katkowski QC noted that, in considering proposals in England for the sequential approach:

- that if a site is not suitable for the commercial requirements of the developer in question, then it is not a suitable site for the purposes of the sequential approach; and
- that in terms of the size of the alternative site, provided that the applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site.

4.1 It is important to recognise that the Dundee Case has been directly applied to the same sequential test policy that is in place in development plans throughout England. This includes, for example In Warners Retail (Moreton) Ltd v Cotswold District Council (2014) in which the judgement stated that the differences between the NPPF and Scottish Planning Policy with respect to the sequential approach were not material. In Zurich Assurance v North Lincolnshire Council (2013) where, in the context of an M&S proposal a smaller town centre site was identified by the court to be unsuitable, the judge stated:

It is also important to mark that developerswork in the real world. Marks & Spencer had assessed the only available town centre alternative to the Site, and had concluded that a development that was smaller than that proposed, or one with a more restricted range of goods, was neither commercially viable nor suitable for their commercial requirements."

Defining Edge of Centre

4.2 It is important to define the characteristics of edge-of-centre locations for applying the sequential approach. The NPPF glossary provides an important starting point for this:

For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area.... In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

- 4.3 From this it is important to note that the distance measurement is *up to 300m*. 300 metres therefore sets the maximum appropriate distance for all centres within England i.e. this would apply to the very largest City Centres i.e. London, Birmingham, Manchester etc. All other things being equally it would be expected that distances significantly less than this would be appropriate for smaller centres such as Bury St Edmunds. Even adopting a generous approach this would suggest a maximum distance in the region of 200-250m from the primary shopping area would be relevant for identifying edge-of-centre sites within BSE.
- 4.4 The NPPF notes the importance of taking into account local circumstances. It is essential to take into account the precise characteristics of the physical and functional relationship between a site/premises and the main shopping area to determine whether or not a site should be considered edge-of-centre. An obvious example is that, if a site is within 300m of a major centre but separated by an impenetrable barrier for pedestrian movement (e.g. railway line or dual carriageway etc) then it is clearly not an edge-of-centre site. But there are a wide range of factors that need to be considered in determining the relationship between a site and the main shopping area. For example:
- Are there important barriers to pedestrian movement between the two: the presence of major roads to cross without crossing facilities; or significant gradients/levels changes?
 - The intervisibility between the main shopping area and a site.
 - Intervening land uses. In particular significant non-commercial uses (especially residential areas) will demonstrate a functional separation between a site and the main shopping area of a town centre.
- 4.5 In summary, the fact that a site/premises, or even a part of a site, is within 300m of Bury St Edmunds primary shopping area (or even closer) is not sufficient to determine whether or not it should be considered to be edge of centre.

Comparing Sites within the Same Sequential Category

- 4.6 Policy DM35 is clear that, when applying the sequential approach to an out-of-centre site, there is no requirement to compare alternative out-of-centre sites, i.e. there is no preference for one out-of-centre site compared to another. It states that the requirement is simply to demonstrate that *there are no suitable, viable and available sites in defined centres or edge of centre locations*.

Application of Sequential Approach to the target Bury St Edmunds Market Area

- 4.7 The approach adopted in this assessment reflects the above cases. From these the application of the sequential approach, as set out in Policy DM35, is interpreted to mean the following for the proposed catchment area:
- First preference: Bury St Edmunds City Centre.
 - Second preference: edge of Bury St Edmunds City Centre
 - Third preference: Other out-of-centre locations

Categorisation of Application Site

- 4.8 The application site is located outwith designated town centre and commercial centres. As such it is an Out-of-Centre site in terms of the sequential approach.

Comment on Existing Use

- 4.9 The current use of the unit is as a sports gym. This is within the same use class E as the proposed retail use and planning permission is required only because Condition 2 of the planning consent which permitted the use of the property as a gym (D2) (reference SE/00/2145/P) is believed by the Council to prevent any change of use and binds future amendments to the UCO. As noted in the Planning Statement the applicant is challenging this interpretation and legal advice is being taken on this matter.
- 4.10 Nonetheless, in terms of the sequential approach/test it is clear that this applies equally to the existing leisure use as it does to the proposed gym use. In this sense the current acceptability of the gym use in terms of the sequential approach implies similar acceptability for the proposed retail use.

Alternative Formats

- 4.11 The proposed development is for the change of use of an existing leisure unit to retail. In adopting a flexible approach to the re-use of the unit the applicants have considered a range of retail formats namely: food discounter; general mid-sized supermarket; and non-food general discounter. To consider what is a reasonably flexible approach for these potential occupiers it is necessary to consider each of these formats in turn.

Discount Foodstores

- 4.12 Discount foodstores are operated on the basis of minimising the costs of operation to allow the store to be able to charge low prices. This cost minimisation affects all aspects of the business operation but is particularly important for operation of the stores themselves. In particular:
- Main deliveries are limited normally to one articulated vehicle per day.
 - Goods are transferred direct onto the retail sales floor by pallets – this reduces the need for storage. However recent changes in the development of the format includes increased areas for staff and to meet legislative requirements has resulted in a significant increase in non-sales space with the result that the net to gross ratio of these stores is now in the region of 60-65%.
 - There is a need to ensure that a minimum range of goods are retailed within a single location to ensure that the shop is sufficiently attractive to customers.
 - Additional costs associated with development need to be strictly controlled.
- 4.13 The combination of these factors places major constraints on the type of store that can be developed and would remain economically viable. Reflecting recent changes in the competitive and legislative environment for these stores the practical minimum size for a viable store that would carry the range of goods necessary to draw trade **would need to be at least 1500 sq m GFA with a net sales area significantly greater than 1000 sq m**. Only in exceptional circumstances could stores of this minimum size be considered to be suitable. The most effective

size for efficient and viable discount foodstores is a gross floor area in the range of 1800-2500+ sq m GFA. By way of comparison the Aldi in BSE is marginally below this range (1425 sq m GIFA) reflecting its development before the more recent changes affecting these units whereas the more recent stores in Haverhill are larger (Aldi – 1816 sq m GIFA and Lidl 2371 sq m GIFA). The current proposal is towards the bottom size of this range. Furthermore, a key requirement is the provision of dedicated car parking for shoppers to the store. For this type of catchment area the above factors indicate that the practical minimum size for the operation of a viable discount foodstore is the provision of the following:

- a building with significantly greater than 1500 sq m gross internal floor area (and greater than 1000 sq m net floor area);
- Internal layout that permits the use of pallet trucks for transfer of goods to the shop sales floor;
- Easily accessible dedicated off street car parking (suitable for access by shoppers using trolleys); and
- this would equate to a site area of a minimum of at least 0.65ha.

Mid-Sized Supermarket

4.14 The key factors for determining the minimum size for a mid-sized supermarket is the ability to have sufficient floorspace to provide a reasonable range of goods for main food as well as top-up shopping requirements and to be able to compete with nearby superstores. In this case of the Bury St Edmunds there are a range of large superstores – each of Asda, Tesco and Sainsbury are over 6000 sq m GFA. Furthermore, to enable effective competition the store would need easy access to good levels of car parking as well as to public transport.

4.15 The principal operators for this sector provide further insight into the requirements:

- Tesco has announced that it is phasing out its Tesco Metro format (which were typically 1000-1500 sq m GIFA stores) with emphasis on either its Express stores (smaller convenience-format units) or mainstream larger supermarkets (“Superstores”) which are typically 3000+ sq m GIFA.
- M&S has increased the size of its Foodhall format with the preferred size now a *minimum* 1600 sq m GFA and 1000 sq m sales, and preferably 2000 sq m GFA or greater.
- The Co-op has a supermarket in the north of BSE. This unit is 1937 sq m GIFA with sales of 1259 sq m NFA on a 0.7ha. From the SERLS this indicates that the store is performing poorly in comparison to the nearby superstores with a turnover of only £3.55m equating to a sales density of less than £3000 psm (this compares to a national average of ca. £8000 psm for Co-op foodstores). This would indicate that, for this format, stores would need to be in the region of 1900+ sq m GIFA to be viable.

4.16 Reflecting these factors this would indicate that the minimum size for a mid-sized supermarket to be viable would require a similar sized unit and site to that identified above for a discount foodstore i.e. a *minimum* of ca 1600-1700 sq m GIFA and a site of at least 0.65ha.

Non-Food Discounter

4.17 There are typically two formats for non-food discounters – smaller stores within town centres and also within some retail parks and larger retail park/out-of-centre formats which have a wider offer, often including garden centres. The current proposal is appropriate only for the larger format which would complement the range of retail already located in the Easlea Road area (including the SERP). The following indicates the requirements for operators for this type of unit:

- B&M – up to 3250 sq m GFA, direct access to surface level parking (minimum 1858 sq m GFA).
- TJ Morris (Home Bargains) – currently seeking 2322-3716 sq m units, on sites of 0.8ha or larger with surface level parking.
- The Range – units in excess of 1858 sq m and sites greater than 1.2 ha

4.18 Taking the minimum requirements for a viable unit consistent with a flexible approach for the proposed type of retail use implies that this would require a minimum unit size of ca. 1750 sq m on a site of at least 0.7ha for new build. In other words the requirements are very similar to Options A & B.

Summary

4.19 The applicants have adopted a flexible approach in identifying potential retail operations and formats within the application site. Having considered these the *minimum* requirements for any of these options is the following:

- Unit size: ca. 1500 sq GIFA (food discounter) and slightly larger for other format options.
- Direct access to free, surface level car parking.
- Clear and level floorplate for the direct delivery of goods to the shop floor.
- Minimum site area for new development: 0.65ha.

Review of Potential Premises and Sites

4.20 West Suffolk Council officers have identified a range of potential sites and premises that need to be addressed in the sequential assessment. These are set out in the Scoping Note at Appendix A. The following considers the suitability and availability of these sites.

1. Town Centre Premises

4.21 Table 4.1 identifies all available premises within, or on the edge of, Bury St Edmunds City Centre. These have been identified through a comprehensive review of all commercial agents marketing premises within the City Centre as well as those listed in the Estates Gazette Property Link (which, it should be noted, does not identify all the properties listed in Table 4.1). It should be noted that both units at Robert Boby Way and 29 Buttermarket/High Baxter Street premises are also being marketed but these are addressed separately below.

Table 4.1: Premises Marketed in Bury St Edmunds City Centre/Edge of Centre

ADDRESS	AGENT	NFA	GFA	FLOORS	ON SITE PARKING	LOCATION	USES	
19 Abbeygate	McKinnon Nelson		114	Under Offer	1	No	TC	Sui generis pp; potential for A1-A4
59 Abbeygate Street	Fleurets		520	To Let	1	No	TC	Café Rouge
2 Baxter Court, High Baxter St	Merrifields		18	To Let	1	No	TC	Retail
7 Buttermarket	Hazells	13 (2 floors)	189	To Let	3	No	TC	
12 Buttermarket	Merrifields		315	To Let	4	No	TC	GF 105 sqm; Grade II Listed
36B Buttermarket	Kearney Bell		146	To Let	1	No	TC	Former EWM
42/42A Buttermarket	Francis Darrah	137	237	To Let	2	No	TC	Game
22-23 Churchgate Street	Hazells	62	78	To Let	2	No	TC	
The Lexicon, Cornhill	Eddisons	327	357	To Let	2	No	TC	
Market Cross, Cornhill	Merrifields		226		2	No	TC	Grade 1 Listed
5 Garland Sstreet	Hazells	46	56	To Let	1	No	TC	
Hatter Street	Marshall Buck & Cas	23	117	For sale	3	No	TC	Grade II listed
9 Hatter Street	Merrifields		50	To Let	1	No	TC	Retail
15A Hatter Street	Merrifields		23	To Let	1	No	TC	Retail
27 Hatter Street	Merrifields	45	137	To Let	4	No	TC	GF45; 1st F 32 sqm; 2nd F 18 sqm; Basement 42 sqm
17 Langton Place	Lacy Scott & Knight		51	To Let/For Sale	1	No	TC	Business for sale or just lease
11-13 Risbygate	Lacy Scott & Knight	441	140	To Let/For Sale	1	No	TC	PP for conversion to 9 flats and 2 shops
83-87 Risbygate Street	Hazells		188		2	No	TC	Office (primarily)
99 Risbygate Street	Hazells		67	Under Offer	1	No	TC	
59-61 St Andrews Street	Lacy Scott & Knight		100	To Let/For Sale	1	No	TC	
20 St Johns Street	Hazells	41	43	Under Offer	1	No	TC	
65 St Johns Street	Hazells	41	74	To Let	3	No	TC	Grade II listed
90 St Johns Street	Merrifields	234	459	To Let	3	No	TC	GF Retail - 338 sq m; 1st + 2nd offices 117 sq m GFA
Unit 28 The Arc			93			Yes (close by)	TC	NB Units 5, 18A, 19A and 35
10 The Traverse	Merrifields		83	To Let/For Sale	2	No	TC	GF Retail/1st Floor resid. GF retail 56.5 sqm
11 The Traverse	Merrifields		109	To Let	3	No	TC	GF retail 59.6 sq m; Estate agent

4.22 Examination of Table 4.1 shows that there are no available units within the City Centre/Edge of Centre that meet the minimum floor requirements for the proposed retail units. There are, therefore no suitable and available premises within the City Centre.

4.23 The following tables set out the characteristics and conclusions regarding the availability and suitability of other sites referred to the Council's scoping note.

2. Vacant Units, Robert Boby Way

TITLE	2. Robert Boby Way
LOCATION	Bury St Edmunds City Centre
CATEGORISATION	Town Centre
OWNERSHIP	Private
AVAILABILITY	Actively being marketed by Edgerley Simpson Howe for site owners. Premises should be regarded as available.
SUITABILITY	<p>1. Catchment Population Located in Bury St Edmunds City Centre – well located for catchment area to be served</p> <p>2. Size/Floor Area/Layout Two units 465 sqm and 743 sq m respectively – combined 1208 sq m GFA. Premises are smaller than minimum requirement for viable units for either of the three development options identified for the proposal.</p> <p>3. Access to car parking Direct access to surface level parking available.</p> <p>4. Site Prominence/ Location/Market attractiveness Location within City Centre provides generally attractive with good access from main arterial routes.</p> <p>5. Customer Accessibility Good accessibility by range of public transport modes and by private car.</p> <p>6. Other Factors No significant other constraints or opportunities.</p>
CONCLUSION	Site is unsuitable for proposed retail development (all options).

3. Vacant Premises, High Baxter Street (Former Argos)

TITLE	3. High Baxter Street/Buttermarket
	
LOCATION	Bury St Edmunds City Centre
CATEGORISATION	Town Centre
OWNERSHIP	Private
AVAILABILITY	Actively being marketed by Merrifields and Francis Darrah in two parts following internal alterations to unit. Premises should be regarded as available.
SUITABILITY	
7. Catchment Population	Located in Bury St Edmunds City Centre – well located for catchment area to be served
8. Size/Floor Area/Layout	<p>Front part: 29 Buttermarket – two floors – ground 374 sq m and first 116 sq m (490 sq m total). Rear part: 4 floors granted pp for residential use – 1265 sq m GFA.</p> <p>Floor area spread over 4 floors renders unit unviable for proposed development (max single floor area is 374 sq m). Layout obstructed by supporting structures and different levels.</p>
9. Access to car parking	Limited on street parking only.
10. Site Prominence/ Location/Market attractiveness	Location within City Centre provides generally attractive with high profile for Buttermarket unit in particular.
11. Customer Accessibility	Good accessibility by range of public transport modes. Limited access by private car.
12. Other Factors	Located within City Centre Conservation Area.
CONCLUSION	Site is unsuitable for proposed retail development (all options).

4. Cornhill Centre, Cornhill Walk

TITLE	4. Cornhill Centre, Cornhill Walk
	
LOCATION	Bury St Edmunds City Centre
CATEGORISATION	Town Centre
OWNERSHIP	Private – Knightspur Homes
AVAILABILITY AND GENERAL COMMENT	<p>Planning application refused and appeal dismissed for ground floor retail/leisure and three upper floors of residential development. Refused plans identified three ground floor units: retail units 630 sq m & 348 sq m; retail/gym unit 563 sqm.</p> <p>Application refused on grounds of scale/massing of building including impact on appearance and character of Conservation Area and nearby residential premises.</p> <p>The report to Committee identified that planning officers supported both the principle of the development and the retail/gym proposals. However, the proposal was refused planning permission and dismissed at appeal on the grounds of impact on Conservation Area and adverse impact on amenity of nearby residential dwellings.</p> <p>At present not known about owners' intentions re future of site. There is no indication that the site would become available which is reinforced by the appeal decision that the principle of the proposal is acceptable but that the detailed design and overall scale proposed was not.</p> <p>Site cannot be considered to be available.</p>

SUITABILITY	
13. Catchment Population	Located in Bury St Edmunds City Centre – well located for catchment area to be served
14. Size/Floor Area/Layout	<p>Rejected scheme has potentially three units totalling 1541 sq m but layout and configuration results in units providing only the minimum floorspace for Options 1 and 2 only and too small for Option 3.</p> <p>Total site area 0.38 ha. Too small for redevelopment for either option.</p> <p>The loading bay with the proposed scheme can only accommodate a maximum length vehicles of up to 9.8m whereas lorries serving the proposed development would be up to 16.5m in length (indeed these would find the access route to the development very difficult to negotiate).</p>
15. Access to car parking	No access to parking for customers. Vehicular access for deliveries via one-way system through residential streets – Short Brackland is relatively narrow.
16. Site Prominence/ Location/Market attractiveness	Location within City Centre provides generally attractive.
17. Customer Accessibility	Good accessibility by range of public transport modes but not by private car.
18. Other Factors	Location in Conservation Area. Immediately adjacent to residential properties.
CONCLUSION	Site is unsuitable and unavailable for proposed retail development (all options).

5. Land at Tayfen Road (Site BV9)

- 4.24 The location of site BV9 at Tayfen Road as identified in the 2015 Bury St Edmunds Town Centre inset is identified in Figure 4.2. This also identifies existing occupied premises and the existing residential development site (original planning application ref DC/15/0689/OUT with numerous discharge of conditions applications). The central part of the site is in the ownership of National Grid and comprises part of the former gas works, including base of former gas holder.
- 4.25 A number of documents have proposed that the Tayfen Road site would be suitable for, in part, retail development. As a result, this section considers the characteristics of this site in more detail than the other sites.

4.29 At this time the site is not available to new purchasers although it is recognised that expressions of interest may have been submitted for the site.

Development Constraints.

4.30 The site has two major development constraints: contamination and flood risk.

Contamination

4.31 The Tayfen Road site was used as part of the town gas works the main part of which was located on the east side of Tayfen Road in the 19th and 20th centuries. This is confirmed in the property particulars that were posted by BNP Paribas prior to their removal in mid-June and also from OS map records.

4.32 The production of 'Town Gas' was a complex, multi-stage process that varied from site to site. The contaminants on a site depend largely on the history of the site and the type of materials that were produced on it. Many by-products and waste materials were produced as a result of gas manufacture. These included coal tars, oils, sludges, purifier wastes (spent oxide and fowl lime), ash, coal dust, coke and ammoniacal liquors. Typical contaminants of interest at gasworks sites include:

- Inorganic compounds incl.: ammonia; cyanide etc
- Metals and metalloids: including arsenic; aluminium; cadmium; mercury etc
- BTEXs: e.g. benzene; toluene
- Phenolics: Phenol and others
- Polycyclic aromatic hydrocarbons (PAHs) Gas works of the type located at Tayfen Road are normally associated with high levels of contamination. These include:

4.33 At this stage it is not known what contaminants are present at the National Grid part of the Tayfen Road site. An examination of the various planning documents¹ that have proposed redevelopment of the site has not indicated that there has been any intrusive ground conditions surveys or remediation undertaken for the gas works in this area. This is different from the remaining parts of the site, and the Tayfen Road Masterplan (Pigeon/Paladin Ventures 2016) noted that, under the heading of contamination noted that "A Phase 1 contamination report has been prepared together with a geo-technical assessment for all the site except the land occupied by the National Grid/Transco". However, the same reported identified a range of contaminants in the land adjacent to the gas works site including a range of soil contamination:

A geo-environmental assessment has identified soil contamination that includes some metals, cyanide, total petroleum hydrocarbons (TPH) and polycyclic aromatic hydrocarbons (PAH) above generic assessment criteria relevant to the future residential land use. Central parts of the site, in the area of a former depot (north of the adjacent gasholder), are mostly affected.

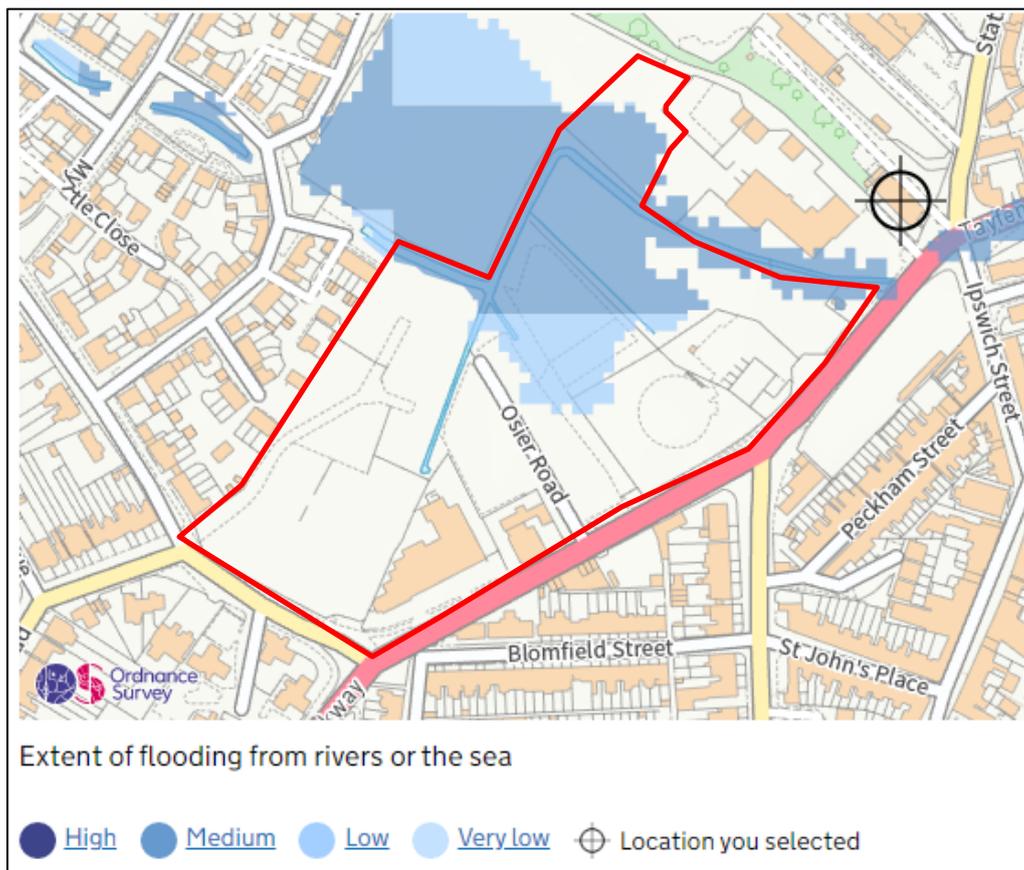
¹ Documents examined are: Tayfen Road Masterplan (pigeon Paladin Ventures, 2016); Bury Vision; SERLS; Tayfen Road Concept Statement

4.34 Given the history of the site and the above findings it is therefore highly likely that the National Grid part of the site is significantly contaminated which will need remediation prior to redevelopment.

Flood Risk

4.35 Much of the Tayfen Road site, in particular the northern part of the National Grid part of the site is at medium risk (Flood Zone 2) of flooding from rivers. Figure 4.3 provides the relevant extract from the Government's flood warning information service.

Figure 4.3: Tayfen Road Fluvial Flood Risk



4.36 Government policy in relation to development in areas at risk from flooding is the adoption of a sequential test the aim of which is to steer new development to areas away from flooding i.e. to Flood Risk Zone 1. This does not mean that it is not possible to develop in Flood Zone 2 but that development should be directed to reasonably available sites in Flood Risk Zone 1 (i.e. low and very low risk). The application site is in Flood Risk Zone 1.

4.37 The area of the site excluding the Zone 2 flood area is approx. 0.65ha i.e.at the minimum for accommodating the proposed development for Options 1 and 2 and below the minimum for Option 3.

Categorisation of Tayfen Road Site

4.38 Both the Scoping Note provided by West Suffolk officers and the SERLS suggest that the Tayfen Road site should be considered to be an edge-of-centre site in terms of the sequential approach. This categorisation of the site is not valid when examined against the definition of edge-of-centre sites set out in NPPF and advice in

Government Guidance – the site should be correctly identified as an out-of-centre site. This reflects a number of factors:

- The actual distance from the nearest point of the developable/available part of the Tayfen Road site (i.e. the gas works site, is:
 - to town centre boundary – 170m
 - to nearest part of Primary Shopping Area – 220m
 - to nearest Primary Shopping Frontage – 405m

However, the policy in the NPPF refers to the distance from the *location* and not the edge of a potential site. For any of the proposed development formats that are being considered for the application site there will be a significant area of car parking as well as landscaping and pedestrian areas between the store and the site boundary. It is, therefore, entirely reasonable to consider that the actual distance between the location and the points identified above will be higher. If one considers the central point of the National Grid part of the site this would increase the distance for pedestrians by approximately 50m (of course the actual distance will depend on the layout of the development). This would result in the distance to the nearest part of the Primary Shopping Area to be ca. 270m. This is below the maximum 300m identified in NPPF but, as noted above, this 300m figure would be appropriate in the largest City Centres whereas an appropriate distance for Bury St Edmunds would be less than 250m.

4.39 Furthermore, there are local circumstances that would indicate that this distance of 220m (or 270m) would not be reasonable for considering the site to be edge-of-centre:

- Pedestrians would need to cross Tayfen Road. This is a major arterial route which, for many pedestrians, will be difficult to cross during the day without dedicated crossing facilities. The introduction of crossing facilities would ease access across the road but result in delays to pedestrians waiting for the crossing lights to stop traffic, in effect increasing the real journey time/length between the site and the City Centre.
- There is a significant levels difference between the Tayfen Road site and the town centre. The nearest part of the site is ca 33m AOD whereas the bus station is 47m AOD and the junction of Risbygate Street/St Andrew's Street North is almost 50m AOD. This is a significant increase in height with a sustained incline over a considerable distance. This will present a major barrier to less-mobile members of the community including the elderly and shoppers encumbered with young children.
- Between the town centre boundary and the site uses along St Andrew's Street north are predominantly residential. There is a clear change in character which would confirm that the character of the Tayfen Road site is not on the edge of the town centre. This will be reinforced with the completion of the residential development on the remainder of the Tayfen Road site which will result in the replacement of the existing commercial properties with new housing/nursing home and additional residential properties.
- Due to the intervening residential uses and gradient there is no intervisibility between the Tayfen Road site and the town centre. This reinforces the fact that there is clear separation between the Tayfen Road site and the town centre.

4.40 Taking all of these factors together, along with the distance between the nearest part of the Tayfen Road site (National Grid part) and the town centre it is quite clear that, in terms of the description of edge-of-centre sites provided in the NPPF, and lack of any guidance in the development plan, the conclusion has to be that the Tayfen Road site cannot reasonably be considered to be an edge-of-centre site, rather it is an Out-of-Centre site.

4.41 As such there is no sequential preference for any part of the Tayfen Road site compared to the application site.

Conclusions

4.42 The review of the Tayfen Road site has demonstrated that:

- Most of the site is in the process of development for residential/care home use. The only part available is the majority of the National Grid/former gas works site.
- The gas works site has been on the market but is currently no longer available.
- The gas works site has major development constraints, in particular associated with ground contamination associated with its former use as a gas works and from flood risk (Zone 2).
- Having examined the site in terms of the definition of edge-of-centre sites set out in NPPF it is clear that the Tayfen Road site (BV9) is an **out-of-centre site and there is no sequential preference for this site compared to the application site** in accordance with Policy DM35 of the West Suffolk Joint Development Management Policies Document (2015), the NPPF and Government Guidance.

Conclusions

4.43 The applicants have carefully considered potential alternative sites and premises for the proposed development in accordance with the requirements of the sequential approach/test set out in the Development Plan and NPPF and in accordance with the interpretation of this policy provided in legal decisions. The review of these alternatives has demonstrated clearly that there are no sequentially preferable sites in Bury St Edmunds for the proposed development. It is, therefore, concluded that the proposal fully satisfies the requirements of the sequential approach.

5 Summary and Conclusions

Introduction

- 5.1 This Retail Impact Assessment ("RIA") and sequential assessment sets out information in support of the planning application submitted for a change of use planning application for the existing Sports Direct Gym at Easlea Road, Bury St Edmunds.
- 5.2 The unit has a gross internal floor area of 1667 sq m. At the present time no specific operators have been agreed for the proposed retail unit but there has been strong interest for both convenience and comparison goods retail from the unit. The principal characteristics of the proposed retail format is the provision of a large floorplate unit suitable for a range of potential retail uses such as a discount or mid-sized supermarket, a general (non-food) discounter or a large bulky goods retail unit. Reflecting this the application seeks unrestricted Class E (Retail) use in the unit.

Retail Impact Assessment

- 5.3 A retail impact assessment has been prepared for the proposed development which has been undertaken in line with good practice and has assessed the following:
- The characteristics of existing retail provision and available expenditure within the primary catchment area for the proposed development.
 - The proposed development in terms of: floorspace; turnover; trade draw and trade diversion.
 - Retail impact measured in terms of percentage loss of trade in 2023 taking into account changes between 2021 and 2023.
 - The vitality and viability of Bury St Edmunds City Centre and other retail locations within the town.
 - The assessment has taken into account the cumulative effects arising from retail development that has occurred since the completion of the 2016 St Edmundsbury Retail and Leisure Study.
- 5.4 The RIA demonstrates that the scale of impact arising on existing town centres will be very low and will not undermine the vitality or viability of the City Centre or any existing centre.

Sequential Approach

- 5.5 A full assessment of potential alternative sites in accordance with the requirements of the sequential approach has been undertaken as set out the NPPF and line with recent legal decisions. This demonstrates that the proposal fully meets the requirements of the sequential approach. The assessment has shown that:
- There are no premises available within or on the edge of the City Centre that meet the minimum requirements for a viable retail development of the types proposed for the application site. This includes the vacant units at Robert Boby Retail Park and High Baxter Street.

- The Cornhill Walk site is not available, is too small to accommodate the minimum development, would be unsuitable in terms of lack of car parking and servicing access, and is in a sensitive location both in terms of its location in the Conservation Area and adjacent residential properties.
- Only a limited part of the Tayfen Road site is potentially available (although it is not being advertised as available at the current time) and the site has major development constraints including contamination and flooding. The site does not satisfy the definition of an edge-of-centre site as set out in the NPPF. As such it is not sequentially preferable to the application site.

Conclusion

5.6 This report demonstrates that the proposed development meets the requirements of the policies in the development plan, the NPPF and other material considerations, relevant to the retail impact of the proposed development and application of the sequential approach:

- The proposal will not result in a significant individual or cumulative adverse impact on the vitality and viability of the City Centre or other retail location; and
- The proposal fully satisfies the requirements of the sequential approach/test.

Appendix A: Scoping Note

Planning application DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Scoping note for retail impact and sites to sequentially test

Impact assessment

- To align with the St Edmundsbury Retail and main town centre use study 2016 using up to date data.

[Microsoft Word - 170119 St Eds RLS Final Report \(westsuffolk.gov.uk\)](https://www.westsuffolk.gov.uk/Community/170119-St-Eds-RLS-Final-Report)

- Have regards to Bury St Edmunds Town Centre Master Plan adopted Dec 2017

[BSE-TC-Masterplan-December-2017.pdf \(westsuffolk.gov.uk\)](https://www.westsuffolk.gov.uk/Community/BSE-TC-Masterplan-December-2017.pdf)

- Take account of planned investment in Bury St Edmunds town centre at 17-18 Cornhill

<https://www.westsuffolk.gov.uk/community/cornhill/index.cfm>

- Cumulative impacts of recent large scale retail developments undertaken since the Retail and Main Town Centre use study 2016

Should have regard to the impact of the development of The Range and B and M store, in out to centre location at Western Way, BSE. Scheme is open. DC/16/0508/FUL (retail units) and DC/17/0623/FUL (mezzanine floor, cafe and garden centre)

Planning permission for extension to Glasswells out of town. DC/19/0325/VAR Variation of condition 3 of SE/08/1404 - To allow the increase of the retail floor area from 6,425 sqm to 7,424 sqm (an increase of 999 sqm).

Sites to sequentially test – see table below

Site	Address	TC/Edge of Centre/Out of Centre	Vacant/previous occupier	Floorspace where known	Commentary
1.	Land at Tayfen Road (Bury St Edmunds Vision 2031 local plan - policy BV9)	Edge of Centre	Vacant		Allocated for mixed use in local plan including deep discounter food store. Currently being marketed.  Tayfen Road, Bury St Edmunds - BNPPRE P.
2.	Unit at Robert Bobby Way, BSE	In Primary Shopping Area and	Vacant unit, previous occupier PC World	1500sq m circa	vacant, lies within a retail park with car parking, within easy walking

		town centre			distance of town centre.
3.	High Baxter Street, BSE	Within Local Plan Primary Shopping Area and Town Centre boundary	Vacant/formerly Argos store	10178 Sq Ft (source property link)	Has been vacant since Argos relocated to within Sainsburys out of town store. For sale Merrifields Property For Sale High Baxter Street, Bury St. Edmunds, Suffolk Propertylink (estatesgazette.com)
4.	Cornhill centre, Cornhill Walk, BSE	Within Local Plan Primary Shopping Area and Town Centre boundary	Vacant		Vacant shopping centre
5.	Other sites currently being marketed including from Property link website https://propertylink.estatesgazette.com/				

Note prepared by West Suffolk Strategic Planning Policy Team – 07/05/2021

Appendix B: Bury St Edmunds Surveys – June 2021

RETAIL SURVEY - GOAD CLASSIFICATION

LOCATION: BURY ST EDMUNDS AREA

DATE: 9th June 2021

	Area/Count			Area/Count	
	Bury St Edmunds City Centre			Town Location	
	No.	Multiples		No.	Multiples
Convenience	29		Retail Service	62	
Bakers & Confectioners	5	Hotel Chocolat	Clothing & Fancy Dress Hire		
Butchers	3		Dry Cleaners & Launderettes	2	
CTN	3	Tesco Exp	Filling Stations		
Convenience Stores	2		Health & Beauty	44	
Fishmongers			Opticians	7	Spesavers; Vision Express; Boots
Frozen Foods	2	Iceland	Other Retail Services		
Greengrocers			Photo Processing		
Grocers & Delicatessens	4	Holland & Barrett	Photo Studio		
Health Foods	1		Post Offices		
Markets			Repairs, Alterations etc	4	
Off Licences	3		Travel Agents	5	
Shoe Repairs Etc	2	Timpson (2)	TV, Cable & Video Rental		
Supermarkets	1	Waitrose	Vehicle Rental		
Ecig	3		Vehicle Repairs & Services		
Comparison	155		Video Tape Rental		
Antique Shops	3				
Art & Art Dealers	9		Other Retail Outlets		
Booksellers	2	Waterstones (2)			
Carpets & Flooring	2		Leisure Services	98	
Catalogue Showrooms			Bars & Wine Bars	10	
Charity Shops	11		Bingo & Amusements		
Chemist & Drugstores	8	Savers; Superdrug; Boots	Cafes	28	
Childrens & Infants Wear	1		Casinos & Betting Offices	2	
Clothing General			Cinemas, Theatres etc	2	
Crafts, Gifts, China & Glass	5		Clubs		
Cycles & Accessories	3		Disco, Dance & Nightclubs	1	
Department & Variety Stores	2	M&S; TK Maxx	Fast Food & Take Away	13	Greggs (2)
DIY & Home Improvement	1		Hotels & Guest Houses	not rec	
Electrical & Other Goods	11	O2; EE; Three; Hughes; Vodafone	Public Houses	7	
Florists	4		Restaurants	34	
Footwear	5	Jones; Clarks; ShoeZone	Sports & Leisure Facilities		
Furniture Fitted	1		Other Leisure Services	1	
Furniture General	1		Financial & Business Services	51	
Gardens & Equipment			Building Societies	2	
Greeting Cards	2	Card Factory; Clintons	Building Supplies & Services	1	
Hardware & Household Goods	7	Wilko; Poundland	Business Goods & Services		
Jewellery, Watches & Silver	11	Pandora; H Samuel	Employment & Careers	4	
Ladies & Mens Wear & Acc.	11	Superdry; Joules; Fat Face; Crew Clothing; River Island; Next; Hobbs; Bon Marche; Peacocks; New Look;	Financial Services	7	
Ladies Wear & Accessories	20	Accessorise; Monsoon; Claires, Whitestuff; Phase 8 Jigsaw	Legal Services	5	
Leather & Travel Goods	1		Other Business Services	2	
Mens Wear & Accessories	4		Printing & Copying		
Music/Musical Instruments	1		Property Services	23	
Music & Video Recordings	1		Retail Banks	7	
Newsagents & Stationers	6	Rymans; The Works; WH Smith			
Office Supplies			Vacant Outlets	54	
Other Comparison Goods	4	Smiggle	Vacant Retail & Service	54	
Photographic & Optical					
Secondhand Good etc	2				
Sports, Camping & Leisure	6	JD Sports; Costwold; Sports Direct; Blacks; Mountain Warehouse			
Telephones & Accessories					
Textiles & Soft Furnishings					
Toiletries, Cosmetics etc	2	Perfume Shop; L'Occitane; Bodyshop			
Toys, Games & Hobbies	6	Game			
Vehicle & Motorcycle Sales	1				
Vehicle Accessories	1	Halfords			

RETAIL SURVEY - GOAD CLASSIFICATION

LOCATION: ST EDMUNDS AREA

DATE: 9th June 2021

	Area/Count		Area/Count		Area/Count	
	Bury St Edmunds St Edmundsbury Retail Park		Bury St Edmunds Remainder Easlea Road Area		Bury St Edmunds Western Way Area	
	No.	Multiples	No.	Multiples	No.	Multiples
Convenience						
Bakers & Confectioners						
Butchers						
CTN						
Convenience Stores						
Fishmongers						
Frozen Foods						
Greengrocers						
Grocers & Delicatessens					2	Aldi; Asda
Health Foods						
Markets						
Off Licences						
Shoe Repairs Etc						
Supermarkets						
Comparison						
Antique Shops						
Art & Art Dealers						
Booksellers						
Carpets & Flooring	2	Tapi; Carpetright	1			
Catalogue Showrooms						
Charity Shops						
Chemist & Drugstores						
Childrens & Infants Wear						
Clothing General						
Crafts, Gifts, China & Glass						
Cycles & Accessories						
Department & Variety Stores						
DIY & Home Improvement	1	Homebase	2	Topps Tiles		
Electrical & Other Goods	1	Currys/PC World				
Florists						
Footwear						
Furniture Fitted			1			
Furniture General	3	DFS; Bensons; Dreams	1		1	
Gardens & Equipment						
Greeting Cards						
Hardware & Household Goods	2	Dunelm; Home Bargains			2	The Range; B&M
Jewellery, Watches & Silver						
Ladies & Mens Wear & Acc.			1	Matalan		
Ladies Wear & Accessories						
Leather & Travel Goods						
Mens Wear & Accessories						
Music/Musical Instruments						
Music & Video Recordings						
Newsagents & Stationers						
Office Supplies						
Pets	1	Pets @ Home				
Photographic & Optical						
Secondhand Good etc						
Sports, Camping & Leisure						
Telephones & Accessories						
Textiles & Soft Furnishings						
Toiletries, Cosmetics etc						
Toys, Games & Hobbies						
Vehicle & Motorcycle Sales						
Vehicle Accessories						

Appendix C: Bury St Edmunds City Centre –
Goad Survey Jan 2021



Goad Category Report

Bury St Edmunds

Survey Date: 26/01/2021

GETTING THE MOST FROM YOUR GOAD CATEGORY REPORT

Each shopping centre has its own unique mix of multiple outlets, independent shops, convenience and comparison stores, food outlets and vacant premises.

Understanding the retail composition of a centre and its effect on local consumers is crucial to the success of any business. By studying the information in the report, you will be able to examine site quality, evaluate threats opportunities, and assess the vitality and viability of the centre. However, you will only achieve this if you are aware of the various implications of the data that you see. This guide is designed to help you interpret the information you see on the Goad Category Report.

1. The Local Area

When evaluating the quality of a site, it is often beneficial to compare it with other local shopping centres. Category Reports are available for the majority of retail centre that we map.

2. The Indexing System

A simple indexing system appears throughout the report. This illustrates the difference between a percentage figure for the centre and the UK average. An index of 100 represents an exact match, anything less than 100 indicates a below average count for the centre, and a figure over 100 represents an above average count.

For example, if restaurants accounted for 10% of a centre's outlets and the UK average was also 10%, the index would be 100. If however, the UK average was 8%, the index would be 125.

The index is an effective gap analysis tool and can be used to identify areas that are under and over represented within a centre. A retail category that is heavily under represented could indicate poor local demand. On the other hand, it could show that there is an untapped market waiting to be serviced. Either way, it provides a strong indication that the site will need to be examined further.

3. Floor Space

The floor space figures shown on the report are derived from the relevant Goad Plan, but only show the footprint floorspace, and the site area without the building lines. They should not therefore be read as a definitive report of floor space, but do provide a useful means of

comparison between centres, as all outlets are measured in a consistent manner.

4. Vacant Outlets

Comparing the number of vacant outlets with the GB average provides a useful insight into the current economic status of a centre. For example, a high index generally represents under-development or decay, while a low index shows a strong retail presence.

5. Multiple Outlets/Major Retailers

A multiple retailer is defined as being part of a network of nine or more outlets. The presence of multiple outlets can greatly enhance the appeal of a centre to local consumers. The strong branding and comprehensive product mix of retailers such as Marks & Spencer, Boots and HMV are often sufficient in itself to attract consumers to a centre. 30 national multiples have been identified as Major Retailers, (i.e. those retailers most likely to improve the consumer appeal of a centre).

The presence of multiple outlets and major retailers can have a significant impact on neighbouring outlets. While other retailers will undoubtedly benefit from increased pedestrian traffic, (and therefore increased sales opportunities), multiples provide fierce competition for rivals in their retail categories.

Also available from Experian

The Goad Centre Report

This defines the retail extent and composition of a centre; showing the number of premises in over 27 retail categories and detailing the space allocation across each of them. A comparison of these figures with the national average illustrates under or over representation by category, allowing you to assess the degree of competition or opportunity within the centre.

The Goad Distribution Report

Goad Distribution Reports provides a top-level analysis of the total retail mix and composition of a centre. It shows the number of premises in 16 categories and details the space allocation across each of them.

Retail Planner

Retail Planner is a service for retail planners, property consultants and retailers, providing comprehensive, up-to-date information for retail planning related decisions. Specifically we provide data for three different types of expenditure: Comparison, Convenience and Leisure. Each category is broken down into the European standard COICOP (Classification of Individual Consumption by Purpose) classification. Data is available at output area and postal sector levels. We can also provide data for predefined areas such as Local Authority District Boundaries.

Goad Paper Plans

These provide a bird's eye view of over 1,250 UK retail centres. The name, retail category, floor space and exact location of all outlets and vacant premises is recorded and mapped. Key location factors such as pedestrian zones, road crossings, bus stops and car parks are also featured. There are also over 800 retail park plans available.

Goad Digital Plans

Digital plans are available online through our Goad Network system. This enables the user to View, Interrogate Edit & Print plans to their own requirements. For a demonstration logon to <http://www.goadnetwork.co.uk/demologin.asp>

Tailored Plans and Extracts

We are able to provide tailored plans and extracts which highlight the information most relevant to your enquiry.

The Retail Address Database

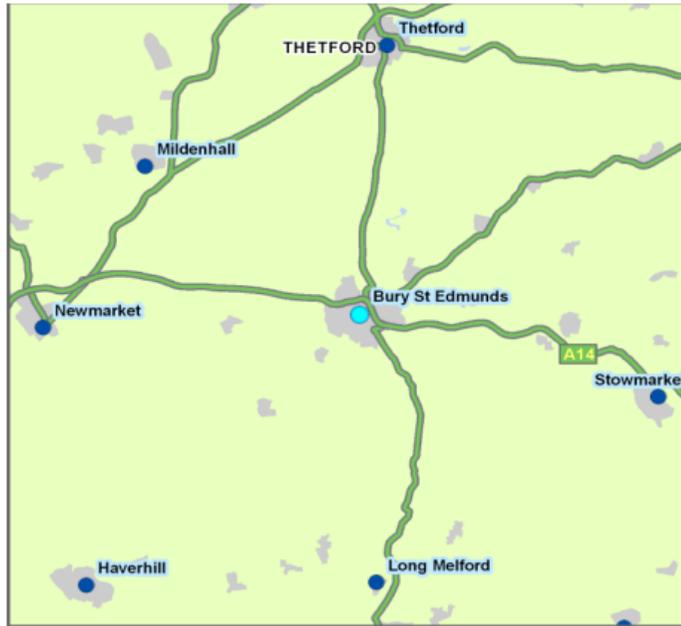
An extensive database covering the addresses of 360,000 retail outlets across the UK, this is a highly effective tool for site evaluation and competitor analysis.

For further details on these products or if you have any queries regarding your Goad Category Report, please contact Experian on: Tel: 0845 601 6011

Fax: 0115 968 5003 E-mail: goad.sales@uk.experian.com

Nearest Centres and Major Retailers

Bury St Edmunds



Nearest Location	Distance KM
Mildenhall	17.47
Long Melford	18.65
Thetford	18.83
Stowmarket	20.40
Newmarket	20.82

Major Retailers Present

Department Stores		Clothing	
Debenhams	1	Burton	0
House of Fraser	0	Dorothy Perkins	0
John Lewis	0	H & M	1
Marks & Spencer	1	Monsoon Accessorize	2
		New Look	1
		Next	1
		Primark	0
		River Island	1
		Topman	1
		Topshop	1
Mixed Goods Retailers		Other Retailers	
Argos	0	Carphone Warehouse	1
Boots the Chemist	1	Clarks	1
T K Maxx	0	Clintons	1
W H Smith	1	EE	1
Wilkinson	1	H M V	0
		O2	1
Supermarkets		Superdrug	1
Sainsburys	0	Vodafone	1
Tesco	1	Waterstones	2
Waitrose	0		

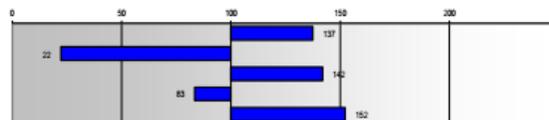
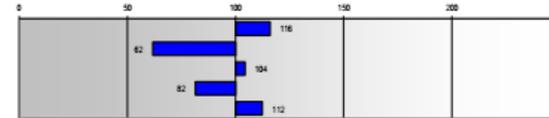
Multiple Counts & Floorspace by Sector

Counts	Outlets	Area %	Base %	Index
Comparison	65	48.15	41.53	116
Convenience	10	7.41	11.98	62
Retail Service	14	10.37	9.94	104
Leisure Services	25	18.52	22.72	82
Financial & Business Services	21	15.56	13.84	112

Total Multiple Outlets 135

Floorspace Sq Ft	Outlets	Area %	Base %	Index
Comparison	245,700	62.92	45.77	137
Convenience	22,000	5.63	25.40	22
Retail Service	20,400	5.22	3.68	142
Leisure Services	57,200	14.65	17.56	83
Financial & Business Services	45,200	11.57	7.60	152

Total Multiple Floorspace 390,500

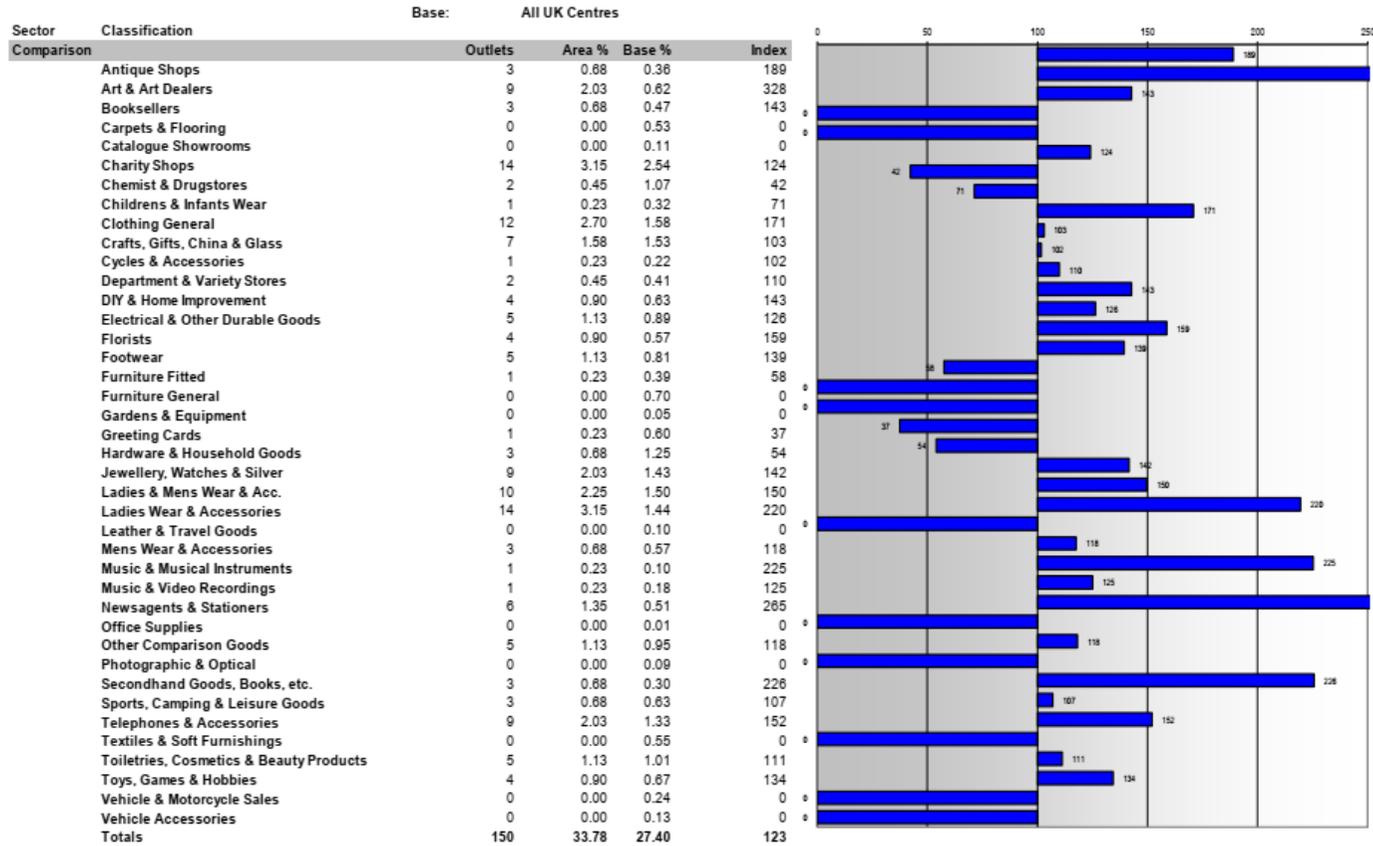


Outlet Counts

Centre:

Bury St Edmunds

Survey Date: 26/01/2021



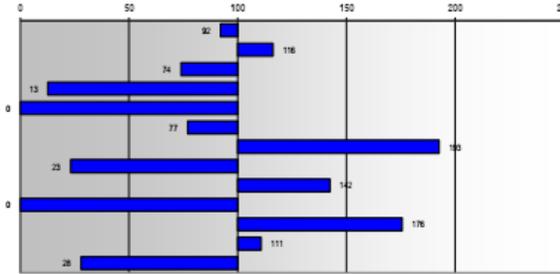
Outlet Counts

Centre:

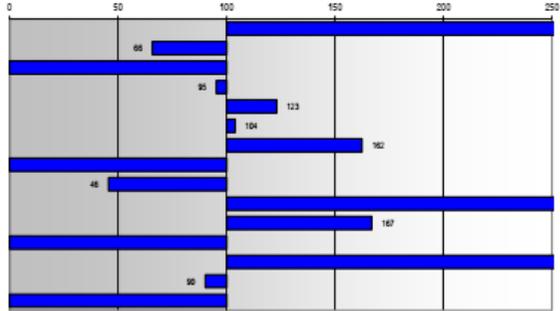
Bury St Edmunds

Survey Date: 26/01/2021

Convenience	Outlets	Area %	Base %	Index
Bakers & Confectioners	7	1.58	1.71	92
Butchers	3	0.68	0.58	116
CTN	4	0.90	1.22	74
Convenience Stores	1	0.23	1.78	13
Fishmongers	0	0.00	0.11	0
Frozen Foods	1	0.23	0.29	77
Greengrocers	2	0.45	0.23	193
Grocers & Delicatessens	1	0.23	0.98	23
Health Foods	3	0.68	0.47	142
Markets	0	0.00	0.15	0
Off Licences	3	0.68	0.38	176
Shoe Repairs Etc	2	0.45	0.41	111
Supermarkets	1	0.23	0.81	28
Total Convenience	28	6.31	9.13	69



Retail Service	Outlets	Area %	Base %	Index
Clothing & Fancy Dress Hire	2	0.45	0.05	848
Dry Cleaners & Launderettes	2	0.45	0.68	66
Filling Stations	0	0.00	0.23	0
Health & Beauty	44	9.91	10.38	95
Opticians	7	1.58	1.28	123
Other Retail Services	3	0.68	0.65	104
Photo Processing	1	0.23	0.14	162
Photo Studio	0	0.00	0.12	0
Post Offices	1	0.23	0.49	46
Repairs, Alterations & Restoration	4	0.90	0.30	302
Travel Agents	5	1.13	0.67	167
TV, Cable & Video Rental	0	0.00	0.08	0
Vehicle Rental	1	0.23	0.05	440
Vehicle Repairs & Services	2	0.45	0.50	90
Video Tape Rental	0	0.00	0.01	0
Totals	72	16.22	15.64	104



Other Retail	Outlets	Area %	Base %	Index
Other Retail Outlets	0	0.00	0.07	0



Outlet Counts

Centre:

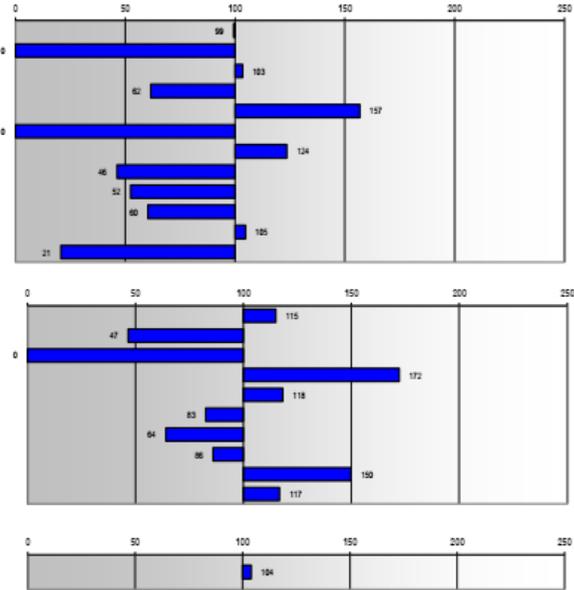
Bury St Edmunds

Survey Date: 26/01/2021

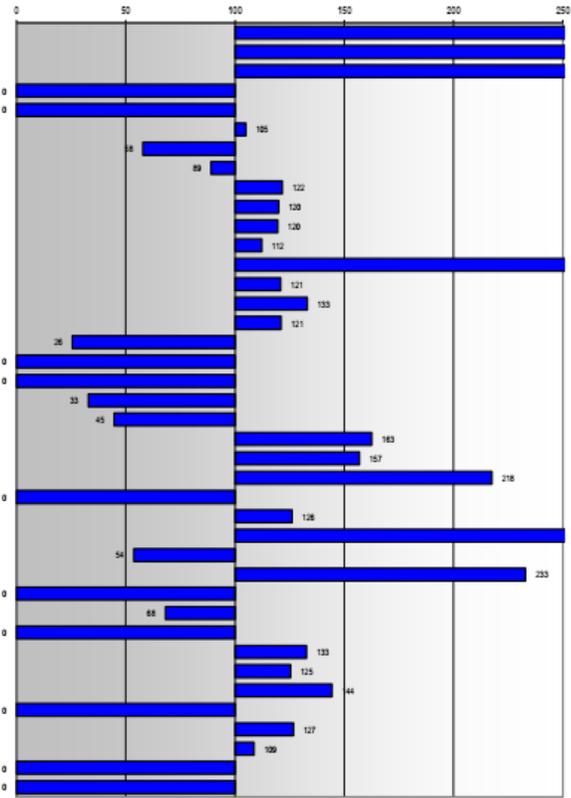
Leisure Services	Outlets	Area %	Base %	Index
Bars & Wine Bars	9	2.03	2.04	99
Bingo & Amusements	0	0.00	0.42	0
Cafes	22	4.95	4.79	103
Casinos & Betting Offices	3	0.68	1.10	62
Cinemas, Theatres & Concert Halls	2	0.45	0.29	157
Clubs	0	0.00	0.57	0
Disco, Dance & Nightclubs	1	0.23	0.18	124
Fast Food & Take Away	12	2.70	5.85	46
Hotels & Guest Houses	2	0.45	0.86	52
Public Houses	7	1.58	2.61	60
Restaurants	22	4.95	4.73	105
Sports & Leisure Facilities	1	0.23	1.09	21
Totals	81	18.24	24.53	74

Financial & Business Services	Outlets	Area %	Base %	Index
Building Societies	2	0.45	0.39	115
Building Supplies & Services	1	0.23	0.48	47
Business Goods & Services	0	0.00	0.03	0
Employment & Careers	3	0.68	0.39	172
Financial Services	7	1.58	1.33	118
Legal Services	4	0.90	1.09	83
Other Business Services	1	0.23	0.35	64
Printing & Copying	1	0.23	0.26	86
Property Services	21	4.73	3.16	150
Retail Banks	9	2.03	1.74	117
Totals	49	11.04	9.23	120

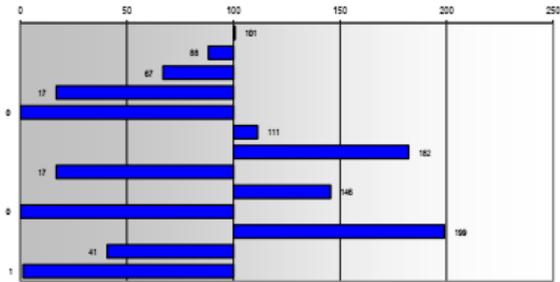
Vacant Outlets	Outlets	Area %	Base %	Index
Vacant Retail & Service Outlets	64	14.41	13.86	104
Total Number of Outlets	444			



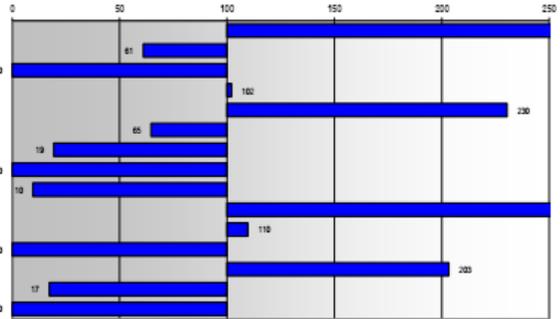
Sector	Classification	Floorspace	Area %	Base %	Index
Comparison					
	Antique Shops	7,100	0.77	0.19	396
	Art & Art Dealers	9,800	1.06	0.36	290
	Booksellers	11,400	1.23	0.43	285
	Carpets & Flooring	0	0.00	0.50	0
	Catalogue Showrooms	0	0.00	0.35	0
	Charity Shops	17,900	1.93	1.84	105
	Chemist & Drugstores	7,900	0.85	1.47	58
	Childrens & Infants Wear	1,800	0.17	0.19	89
	Clothing General	35,100	3.79	3.11	122
	Crafts, Gifts, China & Glass	8,600	0.93	0.77	120
	Cycles & Accessories	1,900	0.20	0.17	120
	Department & Variety Stores	43,900	4.73	4.22	112
	DIY & Home Improvement	42,600	4.59	0.95	483
	Electrical & Other Durable Goods	7,600	0.82	0.68	121
	Florists	2,500	0.27	0.20	133
	Footwear	8,300	0.90	0.74	121
	Furniture Fitted	800	0.09	0.34	26
	Furniture General	0	0.00	1.18	0
	Gardens & Equipment	0	0.00	0.06	0
	Greeting Cards	1,300	0.14	0.43	33
	Hardware & Household Goods	12,000	1.29	2.89	45
	Jewellery, Watches & Silver	10,000	1.08	0.66	163
	Ladies & Mens Wear & Acc.	32,000	3.45	2.20	157
	Ladies Wear & Accessories	22,800	2.46	1.13	218
	Leather & Travel Goods	0	0.00	0.06	0
	Mens Wear & Accessories	5,400	0.58	0.46	126
	Music & Musical Instruments	2,700	0.29	0.07	436
	Music & Video Recordings	700	0.08	0.14	54
	Newsagents & Stationers	12,000	1.29	0.56	233
	Office Supplies	0	0.00	0.01	0
	Other Comparison Goods	3,900	0.42	0.62	68
	Photographic & Optical	0	0.00	0.04	0
	Secondhand Goods, Books, etc.	1,900	0.20	0.15	133
	Sports, Camping & Leisure Goods	11,900	1.28	1.02	125
	Telephones & Accessories	8,000	0.86	0.60	144
	Textiles & Soft Furnishings	0	0.00	0.42	0
	Toiletries, Cosmetics & Beauty Products	11,400	1.23	0.97	127
	Toys, Games & Hobbies	5,700	0.61	0.57	109
	Vehicle & Motorcycle Sales	0	0.00	0.48	0
	Vehicle Accessories	0	0.00	0.18	0
	Totals	348,700	37.61	31.42	120



Convenience	Floorspace	Area %	Base %	Index
Bakers & Confectioners	7,900	0.85	0.85	101
Butchers	2,400	0.26	0.29	88
CTN	2,800	0.30	0.45	67
Convenience Stores	2,700	0.29	1.73	17
Fishmongers	0	0.00	0.05	0
Frozen Foods	8,700	0.94	0.84	111
Greengrocers	1,800	0.19	0.11	182
Grocers & Delicatessens	900	0.10	0.58	17
Health Foods	4,000	0.43	0.30	146
Markets	0	0.00	0.87	0
Off Licences	3,900	0.42	0.21	199
Shoe Repairs Etc	500	0.05	0.13	41
Supermarkets	1,100	0.12	8.97	1
Total Convenience	36,700	3.96	15.37	26



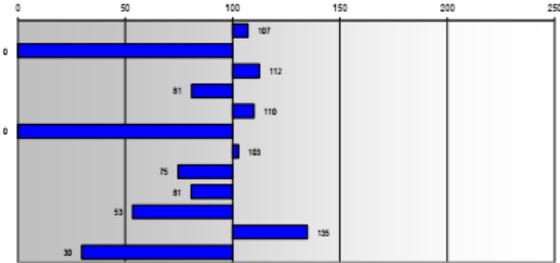
Retail Service	Floorspace	Area %	Base %	Index
Clothing & Fancy Dress Hire	1,200	0.13	0.03	466
Dry Cleaners & Launderettes	1,800	0.17	0.28	61
Filling Stations	0	0.00	0.12	0
Health & Beauty	37,500	4.04	3.96	102
Opticians	15,300	1.65	0.72	230
Other Retail Services	2,800	0.28	0.43	65
Photo Processing	100	0.01	0.06	19
Photo Studio	0	0.00	0.05	0
Post Offices	300	0.03	0.34	10
Repairs, Alterations & Restoration	2,800	0.30	0.10	302
Travel Agents	3,800	0.39	0.35	110
TV, Cable & Video Rental	0	0.00	0.01	0
Vehicle Rental	900	0.10	0.05	203
Vehicle Repairs & Services	1,100	0.12	0.69	17
Video Tape Rental	0	0.00	0.00	0
Totals	67,000	7.23	7.20	100



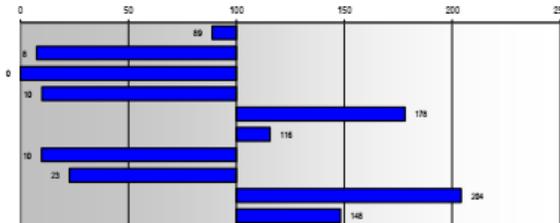
Other Retail	Floorspace	Area %	Base %	Index
Other Retail Outlets	0	0.00	0.04	0



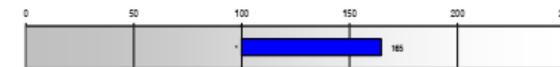
Leisure Services	Floorspace	Area %	Base %	Index
Bars & Wine Bars	21,900	2.36	2.20	107
Bingo & Amusements	0	0.00	0.88	0
Cafes	28,500	3.07	2.73	112
Casinos & Betting Offices	6,800	0.71	0.88	81
Cinemas, Theatres & Concert Halls	18,400	1.98	1.81	110
Clubs	0	0.00	1.01	0
Disco, Dance & Nightclubs	3,400	0.37	0.36	103
Fast Food & Take Away	20,100	2.17	2.90	75
Hotels & Guest Houses	18,800	2.01	2.48	81
Public Houses	17,200	1.86	3.47	53
Restaurants	51,400	5.54	4.11	135
Sports & Leisure Facilities	7,900	0.85	2.86	30
Totals	194,000	20.92	25.70	81



Financial & Business Services	Floorspace	Area %	Base %	Index
Building Societies	2,500	0.27	0.30	89
Building Supplies & Services	300	0.03	0.43	8
Business Goods & Services	0	0.00	0.01	0
Employment & Careers	200	0.02	0.22	10
Financial Services	12,300	1.33	0.75	178
Legal Services	8,500	0.92	0.79	116
Other Business Services	400	0.04	0.45	10
Printing & Copying	300	0.03	0.14	23
Property Services	31,700	3.42	1.67	204
Retail Banks	30,000	3.24	2.18	148
Totals	86,200	9.30	6.95	134



Vacant Outlets	Floorspace	Area %	Base %	Index
Vacant Retail & Service Outlets	194,600	20.99	12.75	165
Total Floorspace	927,200			



TERMS AND CONDITIONS

1. DEFINITIONS

"this agreement" means the terms and conditions hereunder and the correspondence between the parties attached hereto.

"Experian" means Experian Group Limited.

"the Client" means the person, firm or limited company to whom the Services are to be provided.

"the Information" means any information (in whatsoever form) provided to the Client by Experian in connection with the Services.

"the Media" means the records, tapes or other materials and documents by which the information is communicated to the Client.

"the Services" means the services to be provided by Experian to the Client more particularly described in the correspondence between the parties attached hereto.

2. CONTRACT TERMS

Subject to Clause 14 hereunder this Agreement shall be on the terms and conditions set out below to the exclusion of any other terms and conditions whether or not the same are endorsed upon, delivered with or referred to in any document delivered or sent by the client to Experian.

3. PAYMENT OF CHARGES

3.1 The charges for the Services ("the Charges") shall be specified by Experian to the Client.

3.2 The Client shall pay the Charges within 28 days of the date of Experian's invoice thereof.

3.3 Interest at an annual rate of 5% above Barclays Bank plc's base rate from time to time shall accrue daily and be calculated on a daily basis on any sum overdue from the date of invoice until payment in full of the Charges.

3.4 Unless expressly stated otherwise the Charges shall be exclusive of VAT (or any other duty chargeable in respect thereof) (which for the avoidance of doubt shall be payable by the Client in accordance with the terms and conditions hereof).

4. PROVISION OF THE SERVICES

4.1 Experian shall use all reasonable endeavours to ensure that the information is accurate in all material respects.

4.2 Save as provided in sub-clause 4.1 above or otherwise expressly provided in this Agreement or to the extent that it is unlawful for any said representations and warranties to be excluded Experian makes no representations or warranties whether express or implied (by statute or otherwise) in connection with the Services or use thereof by the Client or otherwise in connection with this Agreement.

4.3 The parties hereto agree that the time for the performance of Experian's obligations in connection with the Services shall not be of the essence in this Agreement.

5. LIMITATION OF LIABILITY

Notwithstanding anything to the contrary contained in this Agreement:

5.1 Experian shall not be liable (whether in contract or in negligence (other than the liability in respect of death or personal injury arising out of the negligence of Experian its servants or agents) or other tort or otherwise) for any indirect or consequential loss of any kind whatsoever (including without limitation loss of profit or loss of business) suffered by the Client in connection with the Services.

5.2 Without prejudice to the provisions of sub-clause 4.1 above Experian's maximum aggregate liability hereunder (other than liability in respect of death or personal injury arising out of the negligence of Experian its servants or agents) whether for breach of this Agreement or otherwise and whether or not arising from the negligence of Experian or any other person involved directly or indirectly in the provision of the Services shall not exceed an amount equal to the Charges (exclusive of VAT) payable to Experian hereunder.

6. COPYRIGHT

Property and the copyright (and all other intellectual property rights) in the Media and the Information (other than any information which has passed to Experian by the Client in connection with the Services or which has been obtained from any third party by Experian which copyright and all other intellectual property rights as appropriate shall remain vested in such third party) shall at all times remain vested in Experian.

7. CONFIDENTIALITY

7.1 The Client undertakes that it shall use the Information solely for the purpose of its own business and shall not (without the prior written consent of Experian) copy reproduce publish or transmit any part of the Information in any manner whatsoever and the media shall be returned to Experian upon demand.

7.2 The Client undertakes with Experian that the Client shall permit access to the Information only to those of its authorized officers or employees who need to know or use the Information and that the Client shall procure that its offices and employees shall maintain in strictest confidence and not divulge communicate or permit access to any third party any confidential information relating to Experian.

7.3 For the purpose of sub-clause 7.2 hereof the expression "confidential information" shall mean (as the context may require)

7.3.1 the Information; and/or

7.3.2 any information concerning Experian's trade secrets or business dealings transactions or affairs which may come to the notice of the client; and/or

7.3.3 any information and/or know how relating to the methods or techniques used by Experian in devising and developing the Services and any tapes documents or other materials comprising any part of such information and/or know how made available by Experian hereunder.

7.4 The provisions of sub-clause 7.2 hereof shall not apply to any confidential information to the extent that:

7.4.1 the Client is required to divulge the same by a Court tribunal or government authority with competent jurisdiction

7.4.2 it has already come within the public domain

7.4.3 it was already known to the Client prior to the date of disclosure by Experian (as evidence by written records)

8. INDEMNITY

The Client shall indemnify and keep indemnified Experian from and against any and all liability loss claims demands costs or expenses of any kind whatsoever which shall at any time suffer or incur and which arise out of or in connection with the services provided that this indemnity shall not apply to the extent that any such liability arises of the default of Experian.

9. DATA PROTECTION ACT 1984

The Client undertakes that at all times they shall comply fully with the provisions of the Data Protection Act 1984 and any subsequent amendments thereto or re-enactments thereof.

10. TERMINATION

10.1 Experian shall be entitled to terminate this Agreement immediately by written notice to the Client if:

10.1.1 The Client is guilty of any material breach of the provisions of this Agreement and such breach if capable of remedy is not remedied within twenty one working days of written notice having been given to remedy such breach.

10.1.2 The Client has had a bankruptcy order made against it or has made an arrangement or composition with its creditors or (being a body corporate) has had convened a meeting of creditors (whether formal or informal) or has entered into liquidation (whether voluntary or compulsory) except a solvent voluntary liquidation for the purpose only of reconstruction or amalgamation or has a receiver manager administrator or administrative receiver appointed of its undertaking or any part thereof or a resolution has been passed or a petition presented to any Court for the winding-up of the Client or for the granting of an administration order in respect of the Client or any proceedings have been commenced relating to the insolvency of the Client.

10.2 The termination of this Agreement shall be without prejudice to the rights of Experian accrued prior to such termination.

11. FORCE MAJEURE

Notwithstanding anything herein contained neither party shall be under any liability to the other in respect of any failure to perform or delay in performing any of the obligations hereunder which is due to any cause of whatsoever nature beyond its reasonable control and no such failure or delay shall be deemed for any purposes to be a breach of this Agreement.

12. ASSIGNMENT

The rights granted to the Client hereunder are personal to it and the Client shall not assign or grant any rights in respect of or otherwise deal in the same.

13. WAIVER

Failure by either party to enforce any of the provisions of this Agreement shall not operate as a waiver of any of its rights hereunder or operate so as to bar the exercise or enforcement thereof at any time or times.

14. VARIATIONS

This Agreement constitutes the whole of the terms agreed between the parties hereto in respect of the subject matter hereof and supersedes all previous negotiations, understandings or representations and shall be capable of being varied only by an instrument in writing signed by a duly authorised representative of each of the parties hereto.

15. NOTICE

Any notice to be given hereunder by either party to the other may be given by first class mail addressed to the party of the address herein specified or such other address as such party may from time to time nominate for the purpose hereof or by telex or telefax and shall be deemed to have been served.

15.1 If given by mail seventy-two hours after the same shall have been despatched and 15.2 if given by telex or telefax one hour after transmission (if transmitted during normal business hours) and twelve hours after transmission (if transmitted outside normal business hours).

16. SEVERANCE

This Agreement is severable in that if any provision hereof is determined to be illegal or unenforceable by any Court or competent jurisdiction such provision shall be deemed to have been deleted without affecting the remaining provisions of this Agreement.

17. LAW

This Agreement shall be governed by and construed in accordance with English Law and the parties hereto agree that the English Courts shall have exclusive jurisdiction.

11th October 2021

Marianna Hall
Senior Planning Officer
Planning Development
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By email

Your Ref: DC/21/0427/FUL

Dear Ms Hall

APPRAISAL OF RETAIL ASSESSMENT IN SUPPORT OF A PLANNING PERMISSION FOR THE CHANGE OF USE FROM GYM TO RETAIL (CLASS E), SPORTS DIRECT FITNESS, EASTLEA ROAD, BURY ST EDMUNDS IP32 7BY

1. Lambert Smith Hampton ('LSH') was instructed by West Suffolk District Council ('the Council') in September 2021 to provide independent advice on the retail planning (sequential and impact) merits of the application submitted by Wilson Wright in March 2021 on behalf of K/S Cratfield (the 'applicant').
2. The planning application seeks the change of use to the unit and site that is currently occupied by Sports Direct Gym on Easlea Road, Bury St Edmunds. The site is restricted to leisure use (former Use Class D2) in accordance with Condition 2 of the original planning consent (planning application reference SE/00/2145/P). The change of use sought is for unrestricted Class E (Retail).

THE PROPOSAL

3. The unit has a gross internal floor area of 1,667 sqm and no development is proposed as part of this application. The change of use is intended to facilitate the reoccupation of the unit by one of three different types of retail formats as summarised in para. 1.6 of the RIA:

“Scenario A) a discount foodstore (predominantly convenience with limited general comparison goods)

Scenario B) a general mid-sized supermarket (predominantly convenience with limited general comparison goods)

Scenario C) a non-food discounter (predominantly a mix of general and bulky comparison goods with some convenience)”

4. In retail planning policy terms, the change of use will create new retail floorspace at an out of centre location. Therefore, the proposal must satisfy the provisions of national and development plan policy on out of centre retail development, which in summary requires the sequential and impact tests to be addressed.

5. Whilst the applicant disputes the need to satisfy the sequential and impact tests, these have been assessed and presented in a 'Retail Impact Assessment & Sequential Test' ('RIA') prepared by Hargest Planning Ltd ('HPL'). The RIA considers the three retail format scenarios set out above. However, the RIA does not consider the impact of an unrestricted retail use.
6. This appraisal focuses on the outputs of the RIA and considers whether the sequential and impact tests have been robustly assessed.
7. We do not consider other planning aspects relating to the scheme such as design, transport, environment or other considerations.

THE SEQUENTIAL TEST

Policy & Interpretation

8. HPL provide an overview of national and development plan sequential test policy across paragraphs 4.1 to 4.8. Looking first at development plan policy, the requirement to satisfy the sequential test is set out in Policy CS10 of the St Edmundsbury Local Development Framework Core Strategy (2010), Policy DM35 of the West Suffolk Joint Development Management Policies Document (2015) and Policy BV17 of the Bury St Edmunds Vision 2031 (2014) document. These policies support the standard sequential test principle that proposals for main town centre uses that are not in a defined centre should first demonstrate that there are no suitable, viable and available sites in defined centres or edge of centre locations.
9. The development plan policies reflect the provisions for the sequential test in the National Planning Policy Framework (NPPF). Paragraph 86 of the updated (NPPF) states that applications for main town centre uses should be located in town centres first: "*...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 states that "*when considering edge and out of centre proposals preference should be given to accessible sites which are well connected to the town centre, and 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*".
10. Therefore, only if suitable sites in town centres or edge of centre locations are not available (or expected to become available within a reasonable period) should out-of-centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of the potentially suitable town or edge of centre sites should be taken into account.
11. The NPPF is supplemented by further guidance on the application of the sequential approach is set out within the Planning Practice Guidance (PPG), which is referred to by HPL. A 'checklist' for the application of the sequential test is set out in Paragraph 010 of the PPG, including the following considerations.
 - With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered?
 - Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
 - Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what

contribution more central sites are able to make individually to accommodate the proposal.

12. If there are no suitable sequentially preferable locations, the sequential test is passed.
13. Notwithstanding this additional guidance, recent case law and call-in decisions have also been instructive in providing greater clarity as to how the requirement for 'flexibility' should be applied in practice.
14. There have been many appeal decisions and judgements that have provided different interpretations of the sequential test, particularly regarding the issue of flexibility in format and scale, and the **suitability and availability** of alternative sites. HPL make reference to a number of high profile cases. The first is the *Lidl UK GmbH v North Ayrshire Council and Scottish Ministers* case from 2006 which HPL provide an overview on in paras 4.13 and 4.14 of the RIA. The key interpretation of the sequential test that came from this case that HPL seek to highlight is that the suitability of an alternative site should be based on whether or not the proposed development can fit within the suggested alternative site, rather than assessing how the proposal could be altered to fit within an alternative site. This leads to the second of case prominent cases highlighted by HPL, the judgement from the Supreme Court case of *Tesco Stores Ltd v Dundee City Council* (2012). This often quoted case is highlighted to support the same interpretation of the sequential test highlighted in respect to the *Lidl UK GmbH v North Ayrshire Council and Scottish Ministers* case.
15. The understanding of 'suitability' was considered by the Inspector in the conclusions to the reached on the granting of planning permission for the retail development at Rushden Lakes¹ to the Secretary of State. The concluded that it was reasonable when assessing 'flexibility' to consider: *"...flexibility in a business model, use of multi-level stores, flexible car parking requirements or arrangements, innovative servicing solutions and a willingness to depart from standard formats"* (para 8.49). The Court also held in the Dundee decision that when it comes to flexibility, local planning authorities are expected to consider different built forms and the sub-division of large proposals:

"As part of such an approach, they are expected to consider the scope for accommodating the proposed development in a different built form, and where appropriate adjusting or sub-dividing large proposals in order that their scale may fit better within existing developments in the town centre" (para 28).
16. At the same time, we must acknowledge paragraph 61 of the North Lincolnshire Council Judgement² where it states that it is *"...important to mark that developers, and planning authorities, work in the real world."* This case is highlighted by HLP, who focus on the presiding judge's conclusion that an alternative site was not suitable on the basis that the site could not support the scheme as proposed and that to reduce the size of the scheme was *"neither commercially viable nor suitable for their commercial requirements"*. However, it is doubtful that the judge's comments are meant to preclude an applicant from demonstrating flexibility in format and scale.
17. The need to apply a good degree of flexibility on a case-by-case basis is supported by the Exeter decision³, where in June 2016 the Secretary of State agreed with the Inspector's conclusion and refused the application for a mixed use development. This case came after the

¹ Appeal ref: APP/G2815/V/12/2190175)

² R (Zurich Assurance Limited) v North Lincolnshire Council [2012] EWHC 3708 (Admin)

³ Appeal ref: APP/Y1110/W/15/3005333)

2012 North Lincolnshire Council Judgement. In the Exeter decision the appellant had acknowledged that although an alternative edge-of-centre site could accommodate the quantum of retail floorspace proposed, it would necessitate a reconfiguration of the proposed floorspace. Furthermore, the appellant in this case stated that the alternative site could not accommodate the proposed access road, parking areas or the drive-through aspect of the proposed restaurants. In his conclusions the Inspector found that the configuration of floorspace needed "*would be no more than showing reasonable flexibility*" (para 11.32). He also concluded that it would be "*unreasonable*" to insist on the same requirement for parking and access in a town centre, as the town has ample parking, service roads and excellent links to public transport (para 11.33).

18. In terms of availability, para 86 of the 2018 NPPF update introduced the words "*or expected to become available within a reasonable time period*" which has carried through in subsequent revisions of the NPPF. A reasonable time period was recently been considered in the Secretary of State's decision in respect of the proposed Mall at Cribbs Causeway⁴. In the decision the SoS confirmed (paragraph 19) that "*what would be reasonable and appropriate will depend on the particular circumstances of the sequential site and the proposal that it is expected to accommodate*".
19. We must also refer to the 'Mansfield' Judgment⁵, which related to a developer led scheme with Aldi as the named operator. In this case, the Judgment states that the identity of an applicant is not "*generally*" relevant but acknowledges also that "*there are instances where identity may matter*". This has particular relevance to this CoU application and the complexities raised with applying the sequential test to three different retail format options.
20. Based on their interpretation of relevant policy, case law and planning appeals, HLP set out three principles for assessing the sequential test. The first two align with standard provisions for the sequential test that are covered in development plan and national policy while the third makes particular note of the town centre boundary for Bury St Edmunds as defined in the Bury Vision 2015 proposals map. Here HPL highlight that consideration needs to be given on how edge of centre is defined, which they cover in paras 4.2 to 4.6 of the RIA. HPL refer to the NPPF's definition of edge of centre sites being within 300 metres of the Primary Shopping Area (PSA), but that this applies to all centres irrespective of their size. The main point that HLP seeks to make is that a 300m distance for a city centre is different to a smaller centre, and that a smaller distance of 200-250m would be more appropriate for a town the size of Bury St Edmunds. In addition, HPL argue that distances should also take account of physical barriers that influence the connection of an edge of centre site to the PSA, such as those highlighted in the accompanying bullet points to para 4.4.
21. Turning to out of centre sites, which HPL accept is the correct designation for the application site, they highlight that under Policy DM35 there is no need to compare alternative out of centre sites. It appears that this is the correct interpretation based on the wording of the policy. Therefore, HLP has assessed sites with priority made to those in Bury St Edmunds, followed by edge of centre sites to Bury St Edmunds, and lastly out of centre locations, but with the latter category only relating to the application site.
22. In considering the interpretation of the sequential test we have taken account of the three end user scenarios and how HLP has considered flexibility and format in scale in their assessment

⁴ Appeal ref: APP/P0119/V/17/3170627)

⁵ Aldergate v Mansfield District Council & Anor [2016] EWHC 1670 (Admin)

of alternative sites. It is also important to note that the applicant is seeking unrestricted Class E retail use. However HLP's approach to assessing the sequential test (and impact test) is based on the three particular retail formats and end users as described throughout the RIA. Given the parameters of the sequential test that the HPL has restricted their assessment to (i.e. one of three retail formats) then the Council should be reminded that the sequential assessment is only valid against these three formats. It does not support an unrestricted speculative Class E retail format.

Parameters for Assessment

23. HLP provide an overview in paras 4.12 to 4.19 of the RIA of the operational requirements of the broad types of retailers that fall within the three tested retail formats options, which has informed their approach to demonstrating flexibility in format and scale.
24. The following summarises the key considerations and our response:

Option A: Discount Foodstore

25. Formats are influenced by the need to maintain low operational costs to allow for low prices for goods, service arrangements to allow for an articulated vehicle, increased net to gross ratio to allow for improvements to staff accommodation (compared to previous formats).
26. HLP state that the "*practical minimum size for a viable store that would carry the range of goods necessary to draw trade would need to be at least 1,500 sqm GFA with a net sales area significantly greater than 1,000 sqm*". They go on to say that only in exceptional cases would this minimum threshold be considered. A review is provided on the optimum size of a store and comparisons are made to recently opened LADs in Haverhill which provide accommodation ranging from 1,816 sqm to 2,371 sqm.
 - HLP conclude that a viable store requires the following:
 - A building greater than 1,500 sqm GIA and supporting a net sales area greater than 1,000 sqm
 - Internal layouts that accommodate transfer of goods to shop sales floor via pallet trucks
 - Dedicated and easily accessible off street parking that can accommodate shopping trolleys
 - A minimum site area of 0.65 ha.
27. It should be noted that both Aldi and Lidl have published requirements that set out the minimum store size and site area for new store opportunities. For Lidl, the company's published requirements seek a minimum store size and site area of 1,300 sqm (14,000 sqft) and 0.607 ha. In Aldi's case, the minimum store size and site area required for new stores outside of London is 1,672 sqm (18,000 sqft) and 0.607 (1.5 acres). The minimum site area quoted by HPL is not far off the minimum site area cited in Lidl and Aldi's published requirements. However, we question how HPL can defend a minimum store area of 1,500 sqm GIA when Lidl are happy to consider smaller units of 1,300 sqm GIA. Therefore, in our view the minimum floor area quoted by Lidl should be applied in demonstrating flexibility in format and scale for Option A.
28. It is accepted that dedicated parking or shared adjacent parking is a genuine requirement for the operation of a discount foodstore that serves a trolley shop function, but should not preclude town centres where safe and convenient access to parking for customers making bulk shopping purchases is available. There are many examples of supermarkets that are supported by adjacent public car parks.

29. We agree that configuration of a prospective site for a discount foodstore needs to be able to accommodate a standard format store, albeit a minimum unit size of **1,300 sqm GIA**.

Option B: Mid-Sized Foodstore

30. HPL refer to three examples of mid-sized foodstores operated by mainstream grocers and their trading characteristics and unit size and site parameters, which they rely on to demonstrate flexibility in format and scale. Tesco Metro (albeit this format is to be phased out), M&S Foodhall, and Co-op supermarkets are considered the most comparable formats to what HPL state could be supported within the existing unit under Scenario B.
31. HPL set out the requirements of these three retailers and their comparable formats in para 4.15 of the RIA. The conclusion is that for a mid-sized foodstore to operate viably it requires a minimum store size of circa 1,600 sqm to 1,700 sqm GIA and a minimum site area of 0.65 ha, which is broadly in line with what HPL identified for Scenario A.
32. A review of store requirements for the three retailers is less clear cut than those considered under Option A. For example, M&S have published requirements for new Foodhall formats, which state a minimum store size of 1,442 sqm GIA (15,000 sqft) on sites with a minimum area of 0.809 ha (2 acres). Tesco have a similar store size requirement for their supermarkets as published on their website⁶.
33. Co-op's store portfolio is based on a franchise model and franchise opportunities are assessed based on the catchment potential of a candidate site, locational benefits, as well as store size, and access and parking. According to franchise criteria published on Co-op's website, sites are required to have good visibility on a main route with the potential of picking up the main traffic flows. Whilst store sales area requirements are typically between 196 sqm to 282 sqm (2,500 to 3,000sq ft), consideration will be given to larger stores that can provide 1,115 sqm (12,000 sqft) of sales area in unique locations. It is noted that back of house can extend up to 93 sqm (1,000 sqft) if an in store bakery is provided, which would increase the store size GIA to circa 1,208 sqm, This falls well below the 1,600 sqm minimum floor area applied by HPL.
34. It is accepted that some dedicated parking or shared adjacent parking is a requirement for many mid-sized mainstream supermarkets although it should not preclude town centres where safe and convenient access to parking is available for customers making bulk shopping purchases.
35. In summary, we consider that HPL has not sufficiently demonstrated flexibility in format and scale for Option B. A lower figure of circa **1,300 sqm** would be appropriate if the potential for a mid-sized supermarket is to be seriously considered. It is accepted that some accessible parking would be required but that alternative sites where nearby parking is available and can be safely accessed (e.g. town centre sites adjacent to car parks)

Option C: Non-Food Discounter

36. HPL highlight two different formats for non-food discounters in para. 4.17 of their RIA. The first being smaller formats that are found within town centres and some retail parks and the second type are the larger formats that often have ancillary garden centres. The latter is what could be accommodated on the application site. In identifying site requirements for a larger format non-food discounter HPL rely on the requirements for three of the UK's leading non-food

⁶ <https://www.tescopl.com/contacts/tesco-property/>

discounter brands – B&M, Home Bargains, and The Range. Based on the requirements quoted in the accompanying bullet points to para. 4.17 HPL conclude that in order to operate viability a non-food discounter (in line with the three brands assessed) would require a minimum unit size of circa 1,750 sqm on a site of 0.7 ha.

37. We note from published data that The Range is seeking units in excess of 1,858 sqm (20,000 sqft) at retail park locations⁷. As far as we are aware, The Range does not have requirements for a second store in Bury St Edmunds, particularly given that a new store and garden centre opened at Haldo House on Western Way in March 2018. According to Home Bargains' website, the retailer has a minimum store size requirement of 1,394 sqm (15,000 sqft) or will consider development sites of at least 0.607 ha (1.5 acres). It should be noted that Home Bargains are currently trading within St Edmundsbury Retail Park from a unit that provides 1,140 sqm in ground floor accommodation. There is no published information on B&M, but according to feedback from LSH retail agents, the retailer is seeking minimum store sizes of 1,858 sqm at retail park locations. However, it is unlikely that the unit would be occupied by B&M given that the retailer opened their store on Western Way in November 2021.
38. Three retailers relied on by HPL to inform their sequential assessment for Option C are already trading in Bury St Edmunds, of which two have recently opened new stores. Therefore, less weight can be placed on the parameters used to inform the flexibility in format and scale. There is no reason why a smaller floor area could not be considered for another non-food discounter format operator (either a branded operator, of which there are others, or an independent operator) or whether there is a genuine need to support an ancillary garden centre.
39. It is accepted that dedicated parking or shared adjacent parking is a genuine requirement for non-food discount retailers, but where their product range includes bulky goods. Otherwise, there are many examples of non-food discounters that do not sell bulky goods that trade successfully from retail pitches that do not benefit from dedicated/ adjacent parking (such as those located on high streets and within shopping centres).

Summary on Parameters for Assessment

40. HPL summarise the minimum requirements that will apply to the sites appraisal in paragraph 4.19 of their RIA, which states that candidate sites must be able to accommodate a unit size of circa 1,500 sqm for a discount foodstore, but larger for other format options, have direct access to free surface level parking, a clear and level floorplate for the direct delivery of goods and a minimum site area for development of 0.65 ha.
41. Whilst we broadly agree with the minimum site area for development for Options A and B, we consider that HPL has not fully demonstrated a reasonable level of flexibility in respect to scale in their consideration of potential alternative sites for the three options. Smaller unit sizes than 1,500 sqm could be supported for Option A and B based on published requirements for the comparable retailers that are cited. For Option C in particular, we question the reliance on site requirements quoted for the three retailers given that is highly unlikely that two of these retailers would occupy the application site. It must also be remembered that there are other non-food discounters, be they other branded operators or independents that could operate from smaller stores and sites.

⁷ <https://www.therange.co.uk/property/>

Sites Assessment

42. HPL has confined their area of search sites within and to the edge of Bury St Edmunds and the sites for consideration have been agreed with the Council's officers.
43. Firstly, HPL consider the potential to accommodate the three retail formats within vacant units in the town centre's shopping streets. A list of units on the market at the time of the assessment is provided in Table 4.1. The largest unit listed measures 520 sqm gross (59 Abbeygate Street). There do not appear to be any adjoining units that could be amalgamated to provide a minimum floor area for a discount foodstore or a mid-sized supermarket.
44. Looking beyond the town's key shopping streets, HPL has considered other vacant units and development sites that site within and on the edge of the Primary Shopping Area:

Robert Boby Way

45. A review of the suitability and availability of the vacant unit adjoining TK Maxx at Robert Boby Way has been undertaken. The unit is discounted by HPL on the basis that it is too small to support the three development options. The unit measures 1,208 sqm, which is just below the minimum threshold that we consider appropriate for Option A and B. However, it could support a non-food discounter. Whilst HPL have identified the unit as being available, the acting agent for the site has confirmed that the unit has now been let to a gym operator. This coincided with planning permission in July 2021 to support the change of use (planning ref: DC/21/0936/FUL).
46. Therefore, whilst we consider that the vacant unit could potentially support Option C the unit is no longer available and can be discounted.

29 Buttermarket

47. The former Argos unit is located between Buttermarket and High Baxter Street. The unit provides 1,265 sqm of retail accommodation, but spread over four floors. The ground floor measures 374 sqm. We agree with HPL's position that the unit is not suitable on the basis of the accommodation arrangement. It is also noted that the unit was identified as available by HPL but we can confirm that the unit is now let. Therefore, the unit can be discounted.

Cornhill Centre, Cornhill Walk

48. The former shopping centre has been vacant for some time and has recently been subject to a planning application to redevelop the site for residential use. Commercial ground floor uses were proposed providing 1,541 sqm of commercial floorspace. As HPL highlight, the planning application was refused planning permission by the Council and subsequently dismissed at appeal on grounds of impact on the character of the Conservation Area and nearby residential dwellings.
49. No comment is made by HPL on the suitability of the site to support the three retail formats. Instead, HPL dismiss the availability of the site on the basis there is uncertainty about the owners' intentions for the site. We broadly agree as any future proposal is likely to be for a full redevelopment of the site rather than the potential to bring forward a single retail unit. Whilst it is for the applicant/ HPL to make enquiries with the site owner on availability we understand that any new scheme coming forward is likely to be residential led. There could be potential to support a discount food retailer or mid-size supermarket at ground floor subject to meeting servicing requirements. However, given that the availability of the site is dependent on a third party bringing forward proposals for a mixed use scheme and the uncertainty of when

proposals will come forward, it is reasonable to discount the site as being unavailable within a reasonable time period.

Land at Tayfen Road

50. The site is allocated in the Local Plan for development including for retail use. The majority of the site is coming forward for residential development, which is currently in progress. The remaining area of land that is not subject to development measures 1.05 ha, which HPL highlight as irregular in shape and is affected in part by a pipeline easement.
51. The undeveloped area of land was being marketed, but according to HPL it is no longer being actively marketed by a property agent; instead being promoted directly by the site owner, National Grid. HPL's conclusion is that the site is not available to new purchasers but that expressions of interest may be submitted by a since expired deadline (June 2021). There is no indication that HPL have contacted National Grid about the availability of the site. We have sought confirmation from BNP Paribas, agents for National Grid, who have confirmed that the site is being progressed to sale. Therefore, at the current time NG are not marketing the site and are not considering other offers. As such, the site is not available.
52. In terms of the site's suitability, HPL highlight a number of development constraints associated with the former use of the site and its topography including contamination and flood risk.
53. BNP Paribas has confirmed that the NG are undertaking remediation works that would allow the site to operate as open storage and any further remediation works to support other uses would be the responsibility of the purchaser. They confirmed that remediation works would only be needed to the area of the site that is developed, such as where underground work is required (e.g. piles). Given that NG are covering a significant amount of the remediation work we consider that development of the site could still be viable for a retail scheme.
54. With regards to flood risk, part of the site is falls within Flood Risk Zones 1 and 2. HPL highlight that development is discouraged from flood risk areas, which follows its own flood risk sequential test for sites. In order to avoid development in Flood Risk Zone 2, this would reduce the area of land for development to 0.65 ha. According to HPL, whilst this area would meet the minimum site area for Option 1 and 2, it would not support the minimum site area for Option 3. Given that we have questioned the parameters used to inform the sequential assessment of Option 3, we do not consider that there is sufficient justification to discount the site on grounds of flood risk.
55. In summary, while we consider that the site is suitable in potentially supporting the three development options, the site is no longer available and can be discounted.

Summary on Sequential Assessment

56. The assessment of sites was based on the potential to accommodate three different retail development scenarios, but subject to demonstrating flexibility in format and scale. We have questioned whether HPL has adequately demonstrated flexibility in format in scale for each development option. For Option 1 and 2, we consider that a smaller unit size should be considered, which correlates to the minimum size of unit sought by the retailers they rely upon to inform their assessment parameters.
57. For Option 3, HPL has relied on the operational requirements of retailers that are already trading in Bury St Edmunds, two of which opened recently, and the third is trading from a unit smaller than what is proposed. Therefore, we do not consider that flexibility in format and scale has been robustly demonstrated for Option 3.

58. Turning to the assessment of sites, it is accepted that there are no suitable or available vacant units in the town centre that could accommodate the three development options even taking account of our reservations of HPL's assessment of Option 3. The largest available unit in the town centre measures just 520 sqm and other units that were subject to further assessment are no longer available to the market.
59. Two development sites have been considered. It is accepted that there is uncertainty on when a new scheme will be submitted for Cornhill Shopping Centre, which is expected to be residential led. Any potential to bring forward retail uses at ground floor will be dependent on the site owner and as such, it is accepted that that site may not be available within a reasonable time period. The second development site considered is at Tayfen Road and whilst we consider that the area of the site outwith Flood Risk Zone 2 is large enough to support the three development options and that remediation costs are largely covered by the site owner, the site is being progressed to sale and can be confirmed as no longer available.
60. Therefore, we consider that the sequential test has been passed in line with paragraph 86 of the NPPF and Policy CS10 of the St Edmundsbury Local Development Framework Core Strategy (2010), Policy DM35 of the West Suffolk Joint Development Management Policies Document (2015), and Policy BV17 of the Bury St Edmunds Vision 2031 (2014) document.

RETAIL IMPACT ASSESSMENT

61. HPL's assessment of the 'solus' impact of the three proposed retail development options is set out in Section 2 of their RIA, although key assumptions that have informed the impact assessment are covered first in Section 1. The assessment considers impact on Bury St Edmunds Town Centre, St Edmundsbury Retail Park, and The Bartons Retail Park. Our appraisal only considers HPL's assessment of impact on Bury St Edmunds Town Centre.
62. Our review and appraisal has been carried out in accordance with the main policies and provisions of the recently revised NPPF (paragraphs 89-90), relevant local plan policies and other material considerations. Paragraph 90 of the NPPF is clear that where an application is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.
63. The PPG is an important material consideration in this case as it helpfully provides clarification on the interpretation and implementation of impact (paras 014-018) and a checklist for applying the impact test (para 018).
64. The following first sets out our review of HPL's impact approach and our appraisal of the potential impact of the proposed development on in-centre trade/turnover. We then consider the implications for the vitality and viability of Bury St Edmunds Town Centre, including the impact on existing, committed and planned investment. Finally we consider whether the 'cumulative' impacts have been properly assessed and if not, how this may affect the overall impact conclusions.
65. HPL's assessment of the 'solus' impact of the proposed retail development on the trade/turnover performance of existing centres and stores within its defined catchment is necessarily based on a series of assumptions and judgements on their part. The following summarises our review and comments on the robustness of some of these key inputs to their economic impact assessment.

Evidence Base & Catchment Areas

66. HPL have relied on evidence from the St Edmundsbury Retail and Leisure Study 2016 ('2016 Study') to inform the catchment and market share data. We appreciate that the 2016 Study is the most up to date evidence base available to the public. The only issue with relying on the study evidence is that there have been considerable changes in the retail and leisure markets since the study was completed, particularly in the last two years as a result of the COVID-19 pandemic.
67. Therefore, we would expect HPL to adjust forecasts on expenditure to take account of higher rates of online expenditure and adjust online market share at forecast years. **Further clarity is needed from on HPL on how market shares identified in the 2016 Study have been adjusted at the base (2021) and design year (2023).**
68. In addition, we would expect HPL to take account of new store openings and major store closures that are likely to have impacted on market shares for Bury St Edmunds. New store openings include The Range, B&M, and an extension to Glasswells. HPL stated that Table 2.2 (Floorspace and Turnover in 2021 and 2023) has been adjusted to take account of these stores openings. **Further clarity is need on how market shares have been adjusted to take account of trade diversion from other stores. In addition, HPL should confirm whether Bury St Edmunds comparison goods turnover has been adjusted to take account of the closure of Debenhams and other anchor high street stores (e.g. TopShop / TopMan).**
69. In identifying the catchment area for the proposed foodstore development options (Scenario A and B) HPL highlight how the 2016 Study market shares for convenience goods expenditure shows that the majority of expenditure in Zones 1 to 3 are retained in by supermarkets in these zones.
- 70.
71. For Scenario C, HPL has relied on the market share data to highlight how comparison goods expenditure turnover for stores in Bury St Edmunds and the retail parks is mainly drawn from Zones 1 to 3.
72. HPL conclude that as the application site is located close to St Edmundsbury Retail Park that the Scenario C operator would have a similar catchment. This is would not necessarily be the case given the differences in retail offer. However, we accept that the market share evidence indicates that comparable non-food discounters are drawing most of their trade from Zones 1 and 3.
73. In summary, we accept that Zones 1 to 3 is an acceptable catchment area for assessing impact of the three development scenarios, but only against the formats described for each scenario. However, the catchment cannot be used to support a retail format without any restrictions on the sale of retail goods.

Base, Design & Forecast Years

74. HPL have adopted a base year of 2021 and a design (assessment) year of 2023. This would result in one year to implement the consent and one year to achieve a settled pattern of trading. We would normally advise on an 18 month period to achieve a settled period of trading. However, in this case we will accept a 12 month period.

Proposal Turnover

75. The forecast turnover for the three retail format scenarios is set out in Tables 2.4A, 2.4B and 2.4C of the RIA. The turnover of each scenario is based on the average turnover of identified comparable stores, which were highlighted before as part of the sequential assessment. A summary is provided below on turnover assumptions:
- **Scenario A** – a sales density of £11,219 p/sqm has been applied to both convenience and comparison floorspace at 2023, which generates a total turnover of £13.09m. The sales density is based on company averages for LADS (i.e. Lidl and Aldi).
 - **Scenario B** – a sales density of £11,816 p/sqm is applied to convenience floorspace in 2023 and £7,680 p/sqm to comparison goods floorspace, which is informed by company averages for Co-op, M&S Foodhalls and Tesco. The Tesco sales density appears to relate to the average for their superstore formats. This generates a total turnover of £10.98m in 2023.
 - **Scenario C** – a sales density of £4,213 p/sqm has been applied to both convenience and comparison floorspace at 2023, which generates a total turnover of £5.27m. The sales density is based on company averages for B&M, Home Bargains, Poundland, and Wilko. It is noted that company averages are not published in Mintel Retail Rankings for Poundstretcher and The Range, but we would expect these stores to achieve similar trading levels to Poundland and Wilko, respectively.
76. HPL has not provided estimates for the 2021 base year sale density and instead has only quoted the design year figure. It appears that the same rate of productivity growth has been applied to both convenience and comparison turnover. There are considerable differences in productivity growth between the two retail types, which should be accounted for.
77. At this stage, we are unable to verify the productivity rate that has been applied and at this stage we cannot confirm that HPL has appropriately assessed the turnover of the proposed scheme. Therefore, **we request that HPL provide more clarity on the base year sales density figures and review forecast turnover to take account of differences in growth for convenience and comparison goods.**
78. When reviewing forecast turnover we advise that productivity growth rates are applied to the base year sales density rate and separately for convenience goods and comparison goods. We defer to the latest Experian Business Strategies Retail Planning Briefing Note (No.18, published in October 2021) for the most up to date forecasts.

Trade Diversion and Impact

79. We have reviewed the trade draw and trade diversion assumptions that inform impact for the three development scenarios.

Scenario A

80. Trade diversion assumptions for Scenario A are set out in Table 2.5A of the RIA. We note the principles that have informed HPL's assumptions on the distribution of trade diversion of Scenario A convenience goods and comparison goods turnover, which are explained in para.2.24.
81. We agree that under this scenario that turnover will mainly be diverted from edge and out of centre supermarkets and superstores (80%) that have a main food and top-up function. Although, we consider that within this, trade diversion would be substantially higher than what is quoted for Aldi and less than what is quoted for Sainsbury's. However, overall, we do not dispute the aggregated trade diversion estimate for 'Other Major Foodstores'. HPL has assumed that 16% of the proposed store's turnover would be drawn from Bury St Edmunds,

which we consider a reasonable estimate given the profile of convenience turnover in the town centre.

82. It is noted that HPL has assumed that comparison goods turnover would mainly be drawn from Bury St Edmunds (75%) and to a lesser degree the supermarkets and superstores (6.5%). This is an acceptable position, although we would expect a greater potential to draw trade for like for like comparison goods products from other supermarkets, particularly Aldi.
83. The resulting impact of the proposed Scenario A development option on the convenience and comparison goods turnover of Bury St Edmunds (The Arc, Robert Boby RP and the remainder of the City Centre) is set out in para. 2.31 of the RIA with the economic assessment provided in Table 2.6B, but only for total retail turnover. For transparency, HPL should have provided the economic tables for impact on convenience and comparison goods.
84. Using the data in Table 2.5A we have estimated impact by retail type. Trade diversion from the town centre would have an impact of **-4.3%** on convenience goods turnover and an impact of **-0.6%** on comparison goods. Combined, Scenario A would have an impact of **-1.1%** on Bury St Edmunds total retail turnover.

Scenario B

85. Trade diversion assumptions for Scenario B are set out in Table 2.5B of the RIA. HPL have applied the same principles to their assumptions on trade diversion that informed Scenario A.
86. There are differences in the distribution of trade diversion between Scenario A and Scenario B, which is to be expected given the variances in trading characteristics and retail offer. HPL have assumed that over a fifth (21.5%) of Scenario B's convenience goods turnover would be diverted from stores in Bury St Edmunds, particularly Waitrose (15%) at Robert Boby Retail Park. Whilst this may be the case if the store is occupied by Co-op or Tesco, we would expect a higher level of trade diversion if the store is occupied by an M&S Foodhall. This has not been taken into account by HPL and highlights the difficulty in assessing trade diversion for a speculative scheme.
87. Further still, M&S operate a Foodhall within their department store on Buttermarket. M&S attracts brand loyalty with customers and if the application site was occupied by an M&S Foodhall we would expect a significantly higher level of trade diversion from the town centre. There is also the potential that the existing M&S Foodhall in Bury St Edmunds would close, which would follow a similar pattern of store relocations from town centre sites undertaken by M&S in recent years.
88. Looking beyond Bury St Edmunds Town Centre, HPL have assumed that over three quarters (76%) of Scenario B's convenience goods turnover would be diverted from 'Other Major Foodstores', particularly from Sainsbury's and Tesco. These estimates would be acceptable if the store is occupied by Tesco, Co-op or any other mainstream grocer that is not currently trading in Bury St Edmunds Town Centre. However, if the store was occupied by M&S then trade diversion would be lower from 'Other Major Foodstores' listed to account for a higher level of trade diversion from Bury St Edmunds Town Centre.
89. For Scenario B's comparison goods turnover, HPL has assumed that 60% would be diverted from the town centre, including 19% from stores in The Arc, just 1% from Waitrose, and 40% from other stores in the rest of the town centre. The remaining 40% would be diverted from out of centre retail locations including St Edmundsbury Retail Park (10%), 'Other Major Foodstores' (15.5%), and Other Major Non-foodstores (14%). We consider that comparison goods purchases made at supermarkets are typically linked to convenience goods purchases

made at the same venue. Therefore, we would expect trade diversion for comparison goods to broadly mirror that for convenience goods trade diversion.

90. As such, even considering the potential that HPL has under estimated the potential for trade diversion from Bury St Edmunds Town Centre in respect to convenience goods (linked to the potential for the site to be occupied by M&S Foodhall), they have applied what would identify as an upper limit for trade diversion from the town centre. Whilst we would expect trade diversion to be lower if the application site was occupied by supermarket that is not already trading in the town centre, it would be representative of potential trade diversion if the store was occupied by an M&S Foodhall.
91. The resulting impact of HPL's assumptions on trade diversion on Bury St Edmund's Town Centre retail turnover is set out in Table 2.5B, which results in an impact of -1.2% in 2023. Again, HPL has not provided a breakdown of impact by retail type. However, using the calculations from Table 2.5B we can identify impact separately for town centre convenience goods (-4.8%) and comparison goods (-0.6%) turnover.
92. These levels of impact are tolerable, but only if the store was occupied by a supermarket that is not already trading in Bury St Edmunds Town Centre. HPL has not taken into account the potential for the store to be occupied by M&S Foodhall or Waitrose. Therefore, trade diversion and impact is underestimated for Scenario B.
93. In summary, we do not consider that HPL has robustly assessed the potential impact of Scenario B. Given that M&S Foodhall is an example format identified by HPL to inform the sequential and impact assessments we consider that the potential occupation of the site by M&S Foodhall under development Scenario C should be taken into account in respect to potential impact on the town centre. **We advise the Council seeks a response from HPL and that the impact assessment is modelled to take account of this potential outcome.** This should include the potential closure of the existing M&S Foodhall in the town centre and consequences of this loss of turnover from the town centre.

Scenario C

94. Trade diversion assumptions for Scenario C are set out in Table 2.5C of the RIA. No explanation is given on the principals that have informed the trade diversion assumptions. We will assume that trade diversion is based on the 'like-for-like' principal and reflecting the type of goods sold by key discount multi-goods retailers (i.e. B&M; Home Bargains; The Range; Poundland, Poundstretcher; Original Factory Shop and Wilko) as described in para. 1.14 of the RIA (i.e. "*furniture, garden equipment/plants, general household goods, stationery and convenience goods*"). It should be noted that an assumption on goods sold at these retailers does not apply to all. For example, Poundland, Poundstretcher and Original Factory Shop primarily retail convenience and non-bulky comparison goods. As far as we are aware, Poundland do not offer bulky comparison goods in-store (i.e. only available online).
95. Trade diversion is applied separately to Scenario C's convenience goods and comparison goods turnover. Looking firstly at convenience goods turnover trade diversion, HPL have assumed that 20% of the store's turnover would be diverted from Bury St Edmunds including Waitrose (10%) and other stores that sell convenience goods (10%). The latter is likely to include Wilko and Poundland, which are highlighted as example formats for Scenario C (para.1.14, RIA). Therefore, trade diversion estimates from Bury St Edmunds Town Centre could be higher.
96. HPL has assumed that the majority of Scenario B's convenience goods turnover would be diverted from the District's 'Other Major Foodstores', particularly Sainsbury's and Tesco. HPL

have assumed 0.5% from B&M despite the retailer being highlighted as an example of the type of operator that would occupy the Scenario C scheme. We would expect a higher level of trade diversion from this store. Notwithstanding our comments on trade diversion from the town centre, we agree that the majority of convenience turnover for Scenario C would be diverted from edge and out of centre stores within the defined catchment.

97. Turning to comparison goods turnover trade diversion, HPL have assumed a higher rate of trade diversion from stores in Bury St Edmunds Town Centre (50%) of which 21.5% would be diverted from stores in The Arc and 53.5% from other stores in the town. Given the profile of retailers in The Arc, we question the trade diversion assumption. Fashion retail makes up the vast majority of The Arc's retail offer. It is more reasonable to assume that a higher rate level of trade diversion would apply to like-for-like retailers in the rest of the town centre, such as Wilko and Poundland.
98. Based on HPL's assumptions of trade diversion, Scenario C would result in an impact of -1.2% on Bury St Edmunds' total retail turnover in 2023. HPL has not identified impact separately for convenience goods and comparison goods. Using the trade diversion estimates and turnover for Bury St Edmunds quoted in Table 4.5C we can estimate these impacts at -0.7% and -1.3%, respectively, in 2023.
99. It must be noted that the impact figures quoted for Scenario C are only valid for the retail formats that have informed this particular scenario (i.e. a non-food discounter) and the associated breakdown of retail floorspace (i.e. ratio between convenience and comparison goods).
100. Whilst the impact figures are considered low in percentage terms, we are concerned that HPL has under estimated trade diversion from Wilko and Poundland, which we consider to be anchor stores for the town centre. Similar to our queries on Scenario B, there is a potential that a Scenario C scheme could be occupied by Poundland or Wilko. This is not an unreasonable assumption given that no end user has been identified. Under this scenario, we would expect a higher level of trade diversion from the town centre and this should be considered by HPL in a revised assessment.

Sensitivity Analysis

101. The sensitivity assessment findings are set out in Table 2.7 and summarised in para 2.37 of the RIA. It should be noted that the results only relate to impact on total retail turnover and we have not been able to consider how the sensitivity assessment impacts on convenience and comparison goods separately.
102. The sensitivity analysis on impact considers variances in:
 - the turnover of the three development scenarios by increasing by +25% and decreasing by -25%;
 - catchment penetration by reducing from 100% to 90%; and
 - trade diversion from Bury St Edmunds Town Centre by increasing and decreasing estimates.

103. We consider each of the sensitivity tests and their results in turn:

Increase in Scheme Turnover

104. By increasing the turnover of each of the three development scenarios we assume this would equate to the use of a higher sales density given that the size of the unit is fixed.

105. The increase in turnover for each development scenario would result in the same impact of -1.5% on Bury St Edmunds' total retail turnover in 2023.
106. Using the assessment figures on trade diversion for Scenario A, B and C we have been able to test the impact on the town centre's convenience and comparison goods turnover separately.

	Convenience Goods	Comparison Goods
Scenario A: Impact on HPL Estimate of BSE Turnover:	-4.3%	-0.6%
Scenario B: Impact on HPL Estimate of BSE Turnover:	-6.0%	-0.6%
Scenario C: Impact on HPL Estimate of BSE Turnover:	-0.9%	-1.3%

107. For Scenario A, it is expected that impact on Bury St Edmund's convenience and comparison goods turnover would be -4.3% when based on the turnover identified for Bury St Edmunds in the 2016 Study.
108. For Scenario B, we have identified an impact of -6% on the town's convenience goods turnover. This level of impact is expected to be higher if the store was occupied an M&S Foodhall and it would increase further if it lead to the closure of the existing M&S Foodhall at Buttermarket.
109. Under Scenario C, an increase in turnover by 25% would still result in a minimal impact on convenience and comparison good turnover. However, this is based on the pattern of trade diversion applied by HPL, which is informed by the potential for Scenario C to be occupied by a non-food discounter. It must be noted that if the store's turnover was higher as a result of a different range of goods on sale (e.g. where the store primarily retails clothing, electricals, etc) then alternative scenarios for trade diversion should be considered. This is considered later in the report.

Reducing the catchment penetration from 100% to 90%

110. We do not consider that this is a realistic scenario for Options A and B, given that convenience retail catchments are more localised. For Scenario C, it is possible that a store under this scenario could draw an element of turnover from passing trade, although in this case we consider it would more likely to be 5% than 10%.
111. Nonetheless, applying a 90% catchment penetration to Scenario C would result in HPL's Central Case impact on Bury St Edmunds Town Centre reducing by a 0.1% of a percentage point.

Increase Vs Reduction of Trade Diversion from Bury St Edmunds Town Centre

112. We do not consider that a reduction trade diversion from Bury St Edmunds is a realistic option for consideration in any of the development scenarios. A more likely scenario is an increase in trade diversion if the format proposed for Scenario B and C changes or an open retail consent is allowed. For example, if the application site is occupied by M&S Foodhall we could reasonably expect trade diversion from Bury St Edmunds to increase by potentially a third (33%). However, we would also have to consider related impacts, such as the potential closure of the existing M&S Foodhall in the town centre. This would reduce the town's overall convenience turnover, if the store is not reoccupied for the sale of convenience goods, and result in a higher level of impact.

113. Under Scenario C, an increase trade diversion from Bury St Edmunds could apply under a number of scenarios where it deviates from the formats that inform the Central Case. For example, if the store was occupied by a clothing retailer, footwear sports clothing retailer, etc., particularly a brand already trading in the town centre, this could increase trade diversion by potentially a third (33%). We would also have to consider a higher sales density to reflect a broader range of comparison goods sold.

Impact on the Vitality and Viability of Bury St Edmunds

114. Before considering trade diversion and impact we have reviewed HPL's health check assessment of Bury St Edmunds, which is needed to interpret impact figures.

115. HPL's assessment has considered the findings of the health check assessment contained in the 2016 Study and updated indicators by way of a site visit and an analysis of the latest Experian Goad survey.

116. The assessment is based on a review of the following indicators: retail composition and diversity of uses, multiples and representation; street market provision; vacancies; retailer requirements; retail rents; customer perceptions (based on the 2016 household survey); and environmental qualities. It should be noted that the other KPIs recommended for assessment in the Planning Practice Guidance are not assessed. However, we consider that the indicators assessed provide a sufficient basis to establish the performance of the town centre.

117. HPL's health check assessment concludes that despite the impact of the pandemic, an increase in vacancies since 2015 and change in diversity of uses, Bury St Edmunds is a very healthy and vibrant town centre. Whilst the town centre has seen areas of growth despite the pandemic (particular within the independent retail and leisure sector) the impact has yet to be fully realised. In addition, the town centre is vulnerable to a loss of retailers as a result of the closure of Debenhams and a number of other major retailers in the Arc (e.g. TopShop/ TopMan).

118. As the scheme is speculative (i.e. has no confirmed retailer attached) there is concern that the scheme could facilitate the relocation of an anchor town centre retailer.

119. HPL's overall conclusion is that the retail impact figures for Scenarios A, B and C on Bury St Edmunds would not undermine the vitality or viability of the town centre as a whole.

120. We consider that HPL has provided a case to support the conclusion that the development of Scenario A (discount foodstore) would not have a significant adverse impact on town centre vitality and viability.

121. In contrast, we consider that HPL has not adequately assessed the potential impact of Scenario B and C. We have queries on how the turnover of Scenario B and C has been assessed and on trade diversion estimates.

122. Particular issues also arise in attempting to assess the impact of a speculative supermarket and non-food discounter; particularly the potential for the application site to be occupied by an anchor retailer that is already trading in the town centre.

123. Whilst it is helpful that HPL has undertaken sensitivity analysis on the three scenarios they raise more questions on the robustness of assessing speculative retail schemes. There are still many unknowns about the potential end users for Scenario B and C and we consider that further consideration is need to ascertain the potential impact on Bury St Edmunds under these two scenarios.

124. Contrary to HPL's statement in para. 3.25 of their RIA, the impact assessment does not provide a robust assessment in support of an open retail consent. This can only be achieved by considering a broader range of retail format scenarios.

Impact on Existing, Committed and Planned Public and Private Investment

125. The applicant was advised by the Council to consider how the proposal could impact on the redevelopment of the Cornhill Shopping Centre.

126. We note the response given by HPL in para. 3.23 of the RIA and we agree that the redevelopment of the site is unlikely to be undermined by proposal but on in respect to the parameters that have informed the three retail format scenarios.

127. With regard to impact on the delivery of the Bury St Edmunds Town Centre Masterplan we will reserve our opinion on this until further clarification is given to queries raised on the economic impact assessment.

CONCLUSIONS AND RECOMMENDATIONS

128. In conclusion, the applicant in this case is seeking permission for a change of use of the existing Sports Direct Fitness at Eastlea Road from leisure (former Class D2) to open Class E, with the intention to provide 1,667 sqm (internal floor area) for the sale of unrestricted retail goods.

129. This is an out-of-centre location in retail policy terms and therefore to be in accordance with planning policy it needs to be shown both that there are no sequentially preferable sites available to accommodate the development and that the proposal will not have a significant adverse impact on one or more town centres in its catchment area.

130. The scheme is speculative with no end user identified. Instead, for the purpose of assessing the sequential and impact tests three development scenarios have been assessed by Hargest Planning Ltd (HPL).

131. Based upon our review of HPL's sequential assessment against the three development scenarios we are satisfied that the sequential test has been passed. However, our conclusions on the sequential assessment only relate to the retail formats described under the three development scenarios. HPL's sequential assessment does not support an open Class E retail consent as sought under the planning application.

132. We have the following queries on HPL's methodology that should be answered:

- **Online Market Share** – HPL should confirm whether online market share has been adjusted to take account growth experienced nationally and if not, why not.
- **Bury St Edmunds Comparison Goods Turnover** - HPL should confirm whether the town's comparison goods turnover has been adjusted to take account of the closure of Debenhams and other retail anchors.
- **Scenario Turnover** - Base year sales density used to assess base year turnover (2021) and application of separate productivity growth rates for convenience and comparison goods retail turnover for the three scenarios.

133. Despite the above queries, we conclude that Scenario A/ discount foodstore is unlikely to result in a significant adverse impact on the vitality and viability of Bury St Edmunds Town Centre.

134. However, we do not consider that HPL has fully considered the potential impact on Bury St Edmunds associated with Scenarios B and C. Therefore, without further testing of these two

scenarios planning permission should not be not supported. We consider that further consideration / clarity is need on:

- **Potential occupation by M&S Foodhall** – assess the potential for Scenario B to be occupied by an M&S Foodhall including the potential impact on the loss of turnover from the town centre if the Buttermarket Foodhall closes.
- **Trade diversion from The Arc** – further justification is required to support comparison goods trade diversion assumptions from The Arc to a Scenario C scheme.
- **Trade diversion from Wilko and Poundland and potential occupation by either store** – review trade diversion from these stores for Scenario C and assess the potential for Scenario C to be occupied by Wilko or Poundland.

135. Without addressing the above queries we do not consider that the applicant has robustly assessed retail impact.

136. Furthermore, whilst we accept HPL's assessment of impact for Scenario A we do not consider that an assessment of the three scenarios is a reliable approach to assessing the potential impact of an open Class E retail scheme.

137. Notwithstanding our recommendations, if the local planning authority was to allow the proposed, additional reasonable and necessary conditions would need to be imposed that reflect the development scenarios assessed, including restrictions on goods sold. We would also advise on a condition that prevents the sub-division of the unit into smaller units and the insertion of additional mezzanine space without the Council's permission.

138. It will be for the local planning authority as the decision-taker in this case to assess the retail (sequential and impact) planning merits of the application proposal, and to weigh our advice against any wider impacts and/or benefits arising from the application.

Yours sincerely



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WORKING PAPER 3

From: Dan Hewett
Sent: Wed, 24 Nov 2021 09:15:39 +0000
To: Hall, Marianna
Cc: Durrant, Gareth;Beighton, Dave
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

[THIS IS AN EXTERNAL EMAIL]

Hi Marianna

Thank you for your email. I have now had the chance to discuss this with Keith Hargest, the author of the RIA. We would make the following comments/observations in response to the points raised by LSH:

1. LSH concluded that, at para 60, the proposal satisfies the sequential approach. Therefore, do officers agree that no further regarding this is required?
2. In relation to the retail impact assessment:
 - a. LSH raise a limited number of detailed points e.g. seeking clarification re derivation of turnover of specific stores (paras 67 & 68); base year sales density figures (para 77). These are detailed matters and will not make a significant change to the quantified retail impact figures beyond the maximum impacts identified in para 2.37 of the RIA. LSH summarise their position in para 132. However, we can provide responses to the matters raised if necessary.
 - b. At various points LSH state that impacts on the town centre as a whole cannot be identified from the tables and therefore LSH, using the info from the Tables, calculate the impact on the town centre as a whole. This is presented as a criticism at para 83 of the review. For the record the LPA should note that Tables 2.6A, B and C all identify completely clearly the impact on the City Centre as a whole (shown immediately above the first thick horizontal line in the tables). The figures in these tables are the mathematically correct calculation of impact using the assumptions set out in the RIA – in most instances, but not all, LSH have identified the same calculated impacts for the three scenarios.
 - c. LSH accept that Scenario A for a discount foodstore would not be expected to significantly affect the V&V of the City Centre. The identified impacts for this scenario are, on a worst-case calculation (i.e. direct impact ignoring expenditure change between 2021 and 2023) -4.3% convenience goods, -0.6% comparison goods, -1.1% all goods.
 - d. By way of comparison Scenario B identifies -4.8% convenience goods, -0.6% comparison goods and -1.2% all goods. In effect there is no material difference in the impacts identified between scenarios A & B.
 - e. In terms of Scenario C the impacts identified are: -0.8% convenience goods; -1.3% comparison goods and -1.2% all goods. Again the difference in impacts on the City Centre as a whole for Scenario C is very similar to that identified in the earlier two scenarios.
 - f. In relation to Scenarios B&C, although LSH raise some limited points regarding sales densities and trade diversion, they key factor that leads to LSH questioning the significance of impact is if the proposed operator within the proposed development is one of three named operators (i.e. M&S Foodhall, Poundland and Wilko). Planning permission is granted for a specific land use and not an individual. On this basis it is difficult to see any justification for providing an RIA for a named operator when there is no indication, at all, that the named company would actually be trading from the proposed unit. Furthermore, in relation to these operators:
 - i. M&S has a large general merchandising store in the City Centre. For a settlement of this size M&S would typically operate *both* a GM store and out-of-centre foodhall units. The only issue is the extent to which convenience turnover would reduce in the City Centre and whether or not M&S choose, as a commercial decision to replace the City Centre in-store foodhall with additional GM floorspace.

- ii. Although both Poundland and Wilko are significant units in terms of floorspace both stores have only low sales densities. In terms of the functioning of the City Centre neither can properly be regarded as “anchor units”.
 - iii. In relation to Wilko, it is not conceivable that the company would relocate to a significantly smaller unit at the application site.
 - g. Therefore it is questioned whether it is appropriate, on planning grounds, to provide additional impact information relating to these particular operators given the above.
 - h. Finally, it should be noted that RIA provide, at best, indications of the scale of impact only. For this reason the RIA submitted identifies the range of impacts that could arise given that there will, inevitably, be uncertainties regarding turnover, trade diversion and so on. Para 2.37/Table 2.7 identifies very clearly the full possible range of impacts arising, even with quite radical adjustments to assumptions. In this way the *worst possible* impact on the City Centre is identified to be -2% direct impact for all goods in the City Centre – this occurs even with turnover 25% above the estimated turnover of the development and with maximum trade diversion from stores in the City Centre. In this context the scale of impacts is negligible. Equivalent figures for retail sectors (i.e. convenience and comparison) can be provided.
3. Finally, if the LP has particular concerns about specific sectors within the City Centre, although from the healthcheck undertaken for the City Centre none has been identified in particular, it is quite reasonable for conditions to be applied that limit total and retail sector sales floorspace in accordance with that assessed in the RIA and, if necessary, impose conditions regarding matters such as minimum/maximum units size. However, for the LPA to propose these, it would be incumbent on them to explain the justification for such restrictions.

Can the Council confirm how they intend to proceed and whether they are now able to recommend approval?

Best regards

Dan

Dan Hewett MRTPI MRICS
Head of Planning

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The logo for Wilson Wraight, featuring the company name in a white sans-serif font on a dark blue background. A yellow diagonal bar is positioned to the left of the text.

Wilson Wraight LLP is a Limited Liability Partnership registered in England and Wales under Company Number OC432603. The registered office is Regent House, 110 Northgate Street, Bury St Edmunds, Suffolk, IP33 1HP. A list of Members is available for inspection at the registered office



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From: Hall, Marianna <marianna.hall@westsuffolk.gov.uk>
Sent: 16 November 2021 14:20
To: Dan Hewett <DHewett@wilsonwraight.co.uk>
Cc: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>; Beighton, Dave <dave.beighton@westsuffolk.gov.uk>
Subject: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Dear Dan,

Please find attached the appraisal by Lambert Smith Hampton of the Retail Impact Assessment and Sequential Test submitted.

The appraisal concludes that the sequential test has been passed under the three retail formats described, but does not support an open Class E retail consent as sought under the planning application. In terms of the retail impact assessment, the appraisal raises a number of queries on the methodology used by Hargest Planning. Despite these queries, it concludes that Scenario A (discount foodstore) is unlikely to result in a significant impact on the vitality and viability of the town centre. The consultant does not consider however that the potential impacts associated with Scenarios B (general mid-sized supermarket) and C (non-food discounter) have been fully considered, for the reasons set out in the appraisal. We would welcome a response to the points raised within the appraisal once you have had the opportunity to review and consider them.

I will be leaving the authority next month, and my colleague Gareth Durrant (copied in) will now be the case officer for this application going forward. Gareth and I have discussed the proposals, and as you know Dave Beighton has also been involved and can assist if needed.

Kind regards,

Marianna

Marianna Hall
Senior Planning Officer
Planning Development

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West Suffolk Council

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WORKING PAPER 4

This note sets out further information in relation to the application of the sequential test addressing the additional points raised in the email of Ms S Robertson sent to Dan Hewett dated 12th January 2022.

At the outset two important points should be noted:

- The first is that West Suffolk Council planning officers provided a “Scoping note” for the application of the retail impact and sequential test to be applied to application DC/21/0427/FUL dated 7th May 2021. This identified the sites that should be considered for the application of the test and this did not include either of the two additional sites/premises referred to in the email of 12/1/2022. Furthermore, in relation to the Debenhams store, the store finally closed on 8th May 2021 and the fact that this store would close had been known since late January 2021 and the precise date known since 27th April 2021. It is clear, therefore, that the closure of the Debenhams store was well known at the time that the Scoping Note was prepared and it was the clear conclusion of Council Officers at that time that it was not appropriate to include the former Debenhams store for consideration within the sequential approach.
- The second is that, in their review of the sequential test undertaken for West Suffolk Council, Lambert Smith Hampton conclude:

60. Therefore, we consider that the sequential test has been passed in line with paragraph 86 of the NPPF and Policy CS10 of the St Edmundsbury Local Development Framework Core Strategy (2010), Policy DM35 of the West Suffolk Joint Development Management Policies Document (2015), and Policy BV17 of the Bury St Edmunds Vision 2031 (2014) document.

It is, therefore, highly significant that the Council’s own consultants, specifically appointed to advise the planning authority on matters relating to the sequential test, consider that the proposal satisfies the test as set out in both the NPPF and the development plan.

The comments in relation to the two additional sites and also the Tayfen Road site are therefore made in this context.

Former Debenhams Store, The Arc

Suitability

This unit is located within the defined town centre of Bury St Edmunds. It is a large unit totalling 7844 sq m gross internal floor area across two levels. Each floor is, therefore, ca. 3900 sq m. Based on the information set out in Section 4 of the Retail Impact Assessment submitted with the application it is clear that the Debenhams unit is much too large for either of the proposed development options. In addition, the ground floor of the unit is also significantly larger than that required for the development options (even if large non-food discounters are considered this would still result in a significant ground floor area that is not required for the proposed development).

On this basis it is clear that, should the unit be available (see comment below), the proposed development would be too small to secure the Debenhams unit.

In the email it is suggested that “*we understand that the owner is likely to rationalise the floorspace into smaller units*”. Unfortunately this comment is entirely speculative and there is no evidence, in terms of marketing information or planning applications that suggest that this is the case. Furthermore, even if it is the case there is no indication that any of the units would be suitable in terms of the factors highlighted as the minimum requirements for the proposed development options.

As noted above, it is, in theory at least, possible for the applicant to amend the proposed development in order to fit the Debenhams unit. However, as noted in both the RIA and LSH’s review, to amend the proposed development to the degree required to fit with the Debenhams unit is clearly contrary to the legal judgements set out for the application of the sequential test. There is clearly a role for some flexibility which is acknowledged in both the RIA and LSH review but, as Lord Reed, noted:

“however, the question remains, as Lord Glennie observed in Lidl UK GmbH v Scottish Ministers [2006] CSOH 165, para 14, whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site”. (Lord Reed, Tesco Stores v Dundee City Council, 2012, para 29).

To require the applicant to fundamentally alter the proposed scheme in order to fit the Debenhams unit would clearly be contrary to the Supreme Court judgement for the application of the sequential test.

A further factor undermining the suitability of the unit is the distance from the store to surface level parking. As noted in the RIA direct access to surface level parking is very important given that many shoppers (particularly for discount foodstore and mid-sized supermarket development options would be carrying significant amount of shopping by trolley from the store to cars and, to a lesser degree, this could also be true for the non-food discounter option. Although relatively close to the car parks located immediately west of The Arc, the nearest car parking space is 120m from the existing store entrance and, shoppers would need to push their trolleys up the long ramp to the car park. For many shoppers with full trolleys this would, at the least, be inconvenient and for some this could be dangerous with the risk of losing control of trolleys when travelling up the incline. This problem remains whatever future development options the owners come forward with.

Availability

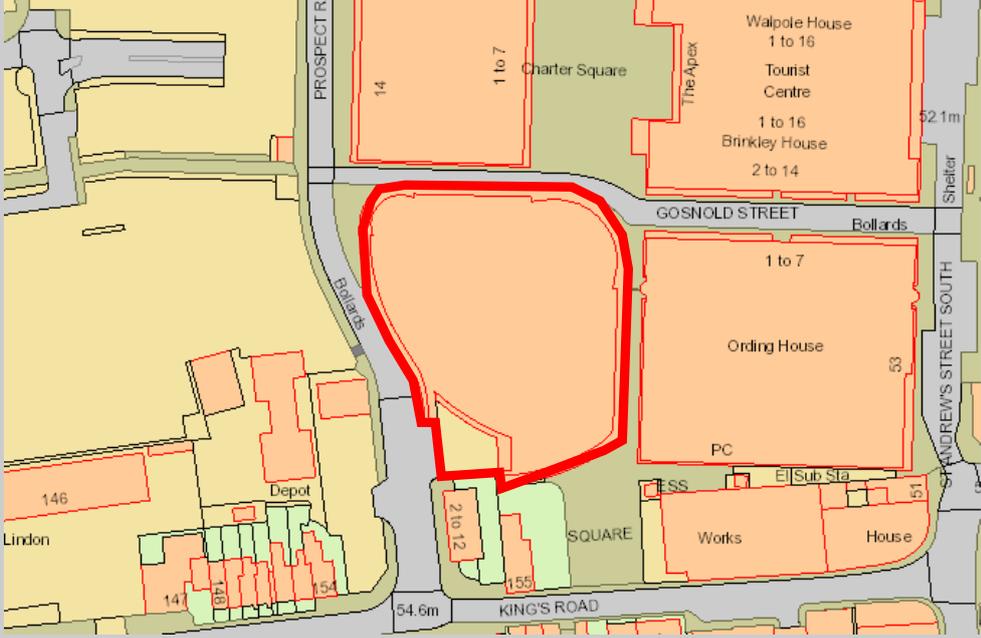
The former Debenhams unit is *not* available for the proposed development. The unit is *not* being actively marketed, although it is understood from announcements made in July 2021 that the owners of the Arc were in discussions with parties regarding the re-use of the whole unit (as reported in the Suffolk News (29/7/2021)). The current marketing brochure provided by JLL/Knight Frank (joint agents for the Arc) do not identify the unit as available. No information on progress with these discussions has been made available.

In conclusion:

- Debenhams was not identified as a unit for consideration in the Scoping Note prepared by SWC planning officers in May 2021.
- The unit is not suitable for the development options considered for planning application DC/21/0427/FUL.
- To amend the proposed development in order for the unit to become suitable would be in fundamental breach of the correct application of the sequential approach – as highlighted in both legal cases and would be directly contrary to the relevant policies in NPPF and the development plan.
- There is no basis for the assertion that the current owners are considering subdivision of the store so that a unit within it could be suitable for the proposed development – no application has been submitted and no public announcements have been made to that effect.
- The unit is not being actively marketed and cannot be considered to be available.

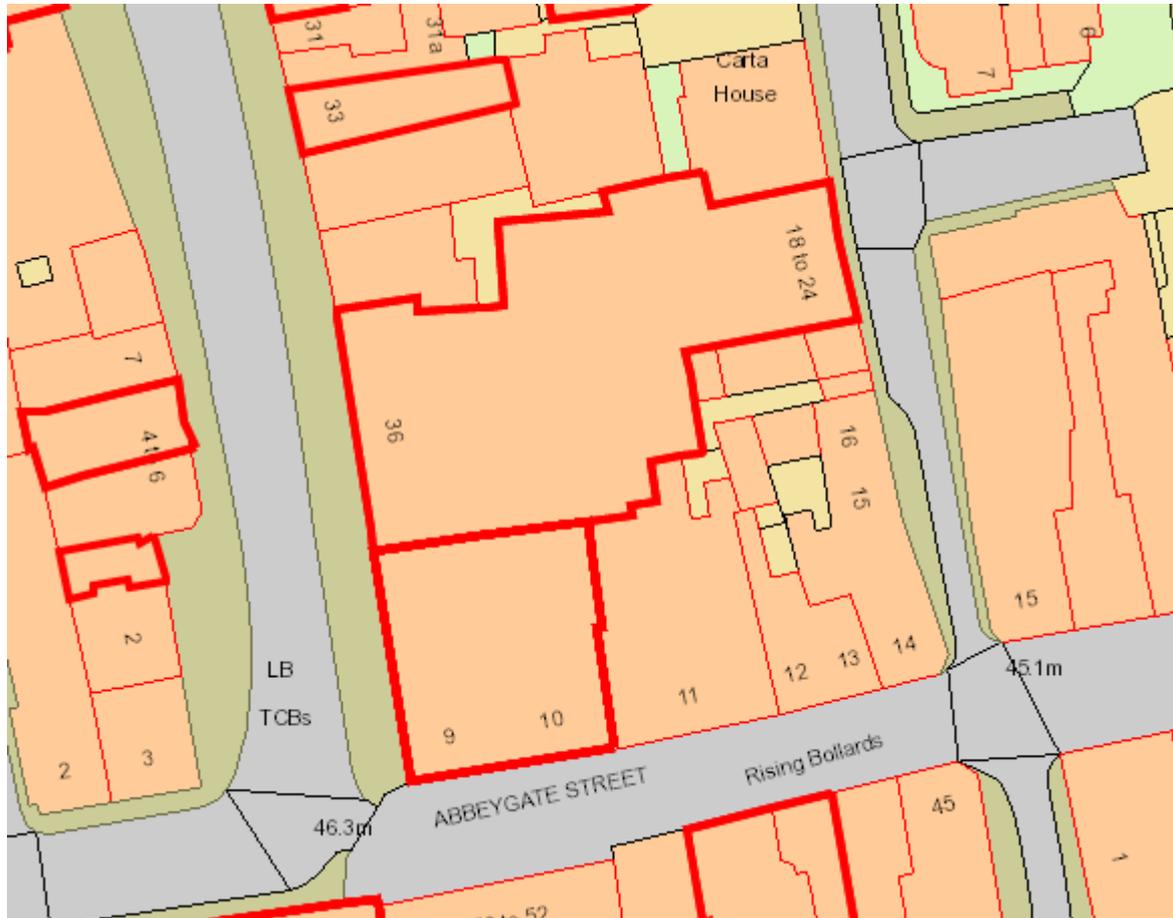
Therefore it is clear that the former Debenham's unit in the Arc is neither suitable nor available for the proposed development.

The following is a summary schedule for this unit similar to those set out in the Retail Impact Assessment.

TITLE	4. Former Debenhams Department Store
	
LOCATION	Bury St Edmunds City Centre
CATEGORISATION	Town Centre
OWNERSHIP	Private
AVAILABILITY	Premises not being actively marketed. Press reports from July 2021 indicate owners in discussion with potential occupiers. Not available.
SUITABILITY	<ol style="list-style-type: none"> <li data-bbox="303 1332 542 1400">1. Catchment Population Located in Bury St Edmunds City Centre – well located for catchment area to be served <li data-bbox="303 1422 542 1512">2. Size/Floor Area/Layout Single unit over two floors with 7833 sq m. proposed development would only occupy small fraction of total floorspace although upper floor would be unsuitable for proposed uses. <li data-bbox="303 1534 542 1635">3. Access to car parking Access to car parking is via 40m ramp which is unsuited to full trolleys. Nearest car parking spaces (via ramp) are 120m from store entrance. Not suitable for significant food shopping trips. <li data-bbox="303 1657 542 1747">4. Site Prominence/ Location/Market attractiveness Location within City Centre provides generally attractive with good access from main arterial routes. <li data-bbox="303 1769 542 1859">5. Customer Accessibility Good accessibility by range of public transport modes and by private car. <li data-bbox="303 1881 542 1926">6. Other Factors No significant other constraints or opportunities.
CONCLUSION	Site is unsuitable for proposed retail development and is not available (all options).

Former Palmers Department Store

Palmers formerly occupied a large unit comprising frontage along Buttermarket (36 Buttermarket) and also with a side elevation along Abbeygate Street. The store ceased trading in January 2018. Since then a number of planning applications have been approved by West Suffolk Council for the redevelopment of the Department Store as set out below. Reflecting these active proposals for redevelopment the store cannot be regarded as available for new development.



- Ref. No: DC/20/0004/FUL. Planning Application - change of use of first and second floor from retail department store (class A1) to offices (class B1(a)) or financial and professional services (class A2) following internal and external alterations to include recladding, moving existing shop frontage and creation of second shop frontage. Status: Application Granted
- Ref. No: DC/20/0005/LB. Application for Listed Building Consent - internal alterations to include (i) divide ground floor into 2no. units etc. Status: Application Granted
- Ref. No: DC/20/1640/FUL. Planning application - (i) subdivision of ground floor and basement to two retail units (ii) change of use of first, second and third floors from retail shop (Class E) to 8no. residential apartments (Class C3). Status: Application Granted
- Ref. No: DC/20/1641/LB. Listed building application - Sub-divide ground floor and basement to form two shop units etc. Status: Application Granted
- Ref. No: NMA(A)/20/1640 Non-material amendment to DC/20/1640/FUL - a. Increase in size of dormer extension at second floor level, b. enlargement of window opening, c. revised mansard elevation. Status: Application Granted
- Ref. No: DC/21/0497/FUL Planning application - replacement timber shop front. Status: Application Granted
- Ref. No: DC/21/0498/LB Application for listed building consent - replacement timber shop front. Status: Application Granted
- Ref. No: DC/21/0538/LB Application for listed building consent - replacement windows to first and second floors, 12 to South elevation and 14 to West elevation. Status: Application Granted

Applications have also been submitted and approved for the discharge of conditions for the above consents. The effect of these works are to change from the department store to residential and offices (upper floors) and ground floor retail units. The total gross internal floor area of the two retail units formed fronting onto Abbeygate is 325 sq m GFA Street and 458 sq m for the two fronting onto Buttermarket. The units on Buttermarket are separated by an existing alley which only permits the potential amalgamation of one unit (36B Buttermarket) with the two on Abbeygate Street providing a maximum floorplate of ca. 475 sq m GFA. This is significantly smaller than minimum requirement for viable units for either of the three development options identified for the proposal.

In addition, the units are constrained by awkward configuration and the presence of columns within the floorplate. The proposed units are, therefore unsuitable for the proposed development.

The new retail units are, therefore unsuitable for the minimum viable proposed development. The following provides a summary schedule for the site similar to those provided for other sites within the RIA.

TITL	5. Former Palmers Dept Store
LOCATION	Bury St Edmunds City Centre
CATEGORISATION	Town Centre
OWNERSHIP	Private
AVAILABILITY	Redevelopment proposals approved, commencement on site anticipated. Development proposed for ground floor retail (4 units) and upper floor offices, residential, hotel. Assume retail units will become available as redevelopment proceeds (not currently marketed).
SUITABILITY	
7. Catchment Population	Located in Bury St Edmunds City Centre – well located for catchment area to be served
8. Size/Floor Area/Layout	4 new units totalling 783 sq m, in theory three can be combined to ca 475 sq m. Layout does not have regular configuration and floorplate interrupted by columns. Not suitable for proposed development..
9. Access to car parking	No direct access to surface level parking available.
10. Site Prominence/ Location/Market attractiveness	Location within City Centre provides generally attractive with good access from main arterial routes.
11. Customer Accessibility	Good accessibility by range of public transport modes and by private car.
12. Other Factors	No significant other constraints or opportunities.
CONCLUSION	Site is unsuitable for proposed development due to limited total retail floorplate, poor configuration and lack of access to surface car parking.

Tayfen Road

It is noted that the comments in the email of 12th January express concern about the site being dismissed on the grounds of its location. This matter is considered below. However, regardless of the acceptability or otherwise of its location, the site cannot be regarded as available. This was explained in the RIA and, significantly, LSH have also advised West Suffolk Council that this site is not available – they state at para 51: “...We have sought confirmation from BNP Paribas, agents for National Grid, who have confirmed that the site is being progressed to sale. Therefore, at the current time NG are not marketing the site and are not considering other offers. As such the site is not available”.

It is important to consider the basis of the sequential approach set out in the development plan and in NPPF. This is explained in paras 4.2 to 4.8 of the RIA:

- Policy CS10 of the St Edmundsbury Core Strategy (2010) states clearly that retail and leisure activity should be provided “in accordance with the sequential approach” but does not explain further.
- Policy DM35 of the West Suffolk JDM Policies Document (2015) states: “Proposals for main town centre uses that are not in a defined centre and not in accordance with an up to date Local Plan must apply a sequential approach in selecting the site demonstrating that there are no suitable, viable and available sites in defined centres or edge of centre locations.”
- Policy BV17 of Bury St Edmunds Vision 2031(2014) states, similarly, “that a sequential approach has been adopted in selecting the site demonstrating that there are no suitable, viable and available sites in defined centres or edge-of-centre locations”.
- Para 86 of the NPPF states: “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”.

LSH in their advice to West Suffolk Council cover the same points and highlight further some of the questions that the NPPF proposes should be considered (see LSH para 8 et seq).

In the officer’s email of 12/1/2022 the following point is made: ... *the appraisal fails to acknowledge the location of the site on a major distributor road (with potential for linked trips by car), its location within reasonable distance (certainly walking distance) of i) the town train station, ii) the town bus interchange and iii) a large town centre car park. These are shown on the plan below. In light of i) the policy and land allocation context and ii) the site context I do not consider this site should be ruled out so quickly. Further justification is required.*

In terms of the application of the sequential approach/test, as set out in the development plan, there is, in essence, only one locational issue that has to be considered – that is the relationship between the application site and the town centre. Is the site in the town centre? If there are no suitable and available town centre sites then, and only then, can edge-of centre sites be considered. Only if there are no suitable and available edge-of-centre (as well as town centre) sites then one can consider out-of-centre sites.

The Tayfen Road site is an out-of-centre location. The reasons for this are set out clearly at paras 4.38 to 4.41 of the RIA. This is the same category as the application site – the sites are, therefore, equivalent in terms of the application of the sequential approach/test.

As has been demonstrated above and in the RIA, and accepted by LSH advising the Council, **there are no town centre or edge of town centre sites that are suitable or available. On this basis alone the proposal must satisfy the sequential approach as set out in the development plan. This is LSH’s conclusion in their advice to the Council.**

In terms of the NPPF some consideration can be given to the overall accessibility of edge-of-centre and out-of-centre sites, however, the accessibility of the Tayfen Road (former gas holder) site for those travelling via the locations referred to in the email is overstated. For each of those travelling from the car park referred to and the bus/rail stations, potential customers will have to walk to, or more importantly from the Tayfen Road site, on foot and carrying significant amounts of shopping:

- The St Andrews Car park is 325-375m from the site and requires a significant ascent up St Andrews Street N from the Tayfen Road site for those who would be carrying shopping from the proposed development.
- The Bus Station is 340m from the site and also requires a significant ascent up St Andrews Street N. for pedestrians.
- The railway station is further from the site (420m) and requires a significant ascent up Station Hill for pedestrians.

None of these three locations provide an easy option for those walking burdened by shopping to/from the Tayfen Road site.

It is accepted that Tayfen Road is an important arterial route and this is adjacent to the Tayfen Road site which makes access by car easy. However, the application site is also close to Bedingfield Way which is also an important arterial route. Furthermore the application site is located very close to the well-established major retail location at St Edmundsbury Retail Park and is equally easily accessible by those travelling by car and, potentially it could be considered to have easier access due to its proximity to the A14.

In conclusion therefore, in terms of the application of the sequential approach:

- Both the application site and Tayfen Road sites are out-of-centre sites.
- It has been demonstrated that there are no suitable and available town centre and edge of centre sites. On this basis alone the application site satisfies the sequential approach as set out in the development plan. LSH agree with this conclusion.
- In terms of the development plan there is *no* preference between sites within the same sequential category. Therefore there is no policy basis for preferring Tayfen Road to the application site.
- In terms of relative accessibility (relevant for the NPPF) the Tayfen Road site does not provide easy access for those travelling from the site to either the bus station, railway station or St Andrew's car park.
- Both the Tayfen Road site and application site are easily accessible for those travelling by car.
- The application site is located very close to the well-established St Edmundsbury Retail Park which is already attractive to those travelling by car and by public transport.

Finally, and importantly, the Tayfen Road site is not available. This has been confirmed by the Council's own retail consultants. Lack of availability renders any discussion of relative accessibility irrelevant to the application of the sequential approach.

17/01/2022

Hargest Planning Ltd

[THIS IS AN EXTERNAL EMAIL]

Dear Gareth

I have had more time to review the comments raised in Dan Hewitt's email and I have responded directly to each item raised.

1. LSH concluded that, at para 60, the proposal satisfies the sequential approach. Therefore, do officers agree that no further regarding this is required? **No comment.**
2. In relation to the retail impact assessment:
 - a. LSH raise a limited number of detailed points e.g. seeking clarification re derivation of turnover of specific stores (paras 67 & 68); base year sales density figures (para 77). These are detailed matters and will not make a significant change to the quantified retail impact figures beyond the maximum impacts identified in para 2.37 of the RIA. LSH summarise their position in para 132. However, we can provide responses to the matters raised if necessary. **We disagree. It is for the applicant to demonstrate transparency in their retail assessment.**
 - b. At various points LSH state that impacts on the town centre as a whole cannot be identified from the tables and therefore LSH, using the info from the Tables, calculate the impact on the town centre as a whole. This is presented as a criticism at para 83 of the review. For the record the LPA should note that Tables 2.6A, B and C all identify completely clearly the impact on the City Centre as a whole (shown immediately above the first thick horizontal line in the tables). The figures in these tables are the mathematically correct calculation of impact using the assumptions set out in the RIA – in most instances, but not all, LSH have identified the same calculated impacts for the three scenarios. **Accepted.**
 - c. LSH accept that Scenario A for a discount foodstore would not be expected to significantly affect the V&V of the City Centre. The identified impacts for this scenario are, on a worst-case calculation (i.e. direct impact ignoring expenditure change between 2021 and 2023) -4.3% convenience goods, -0.6% comparison goods, -1.1% all goods. **Accepted.**
 - d. By way of comparison Scenario B identifies -4.8% convenience goods, -0.6% comparison goods and -1.2% all goods. In effect there is no material difference in the impacts identified between scenarios A & B. **There is on convenience turnover. While an impact of -4.8% is acceptable the issue we have is that there is no end tenant identified for this type of foodstore format. If the end user is M&S Food then trade diversion and impact would be greater. This is discussed further in the response to point (f)(i).**
 - e. In terms of Scenario C the impacts identified are: -0.8% convenience goods; -1.3% comparison goods and -1.2% all goods. Again the difference in impacts on the City Centre as a whole for Scenario C is very similar to that identified in the earlier two scenarios. **But only in relation to total retail turnover impact and subject to further clarification on information requests made in the LSH appraisal, which have not been fully addressed.**
 - f. In relation to Scenarios B&C, although LSH raise some limited points regarding sales densities and trade diversion, they key factor that leads to LSH questioning the significance of impact is if the proposed operator within the proposed development is one of three named operators (i.e. M&S Foodhall, Poundland and Wilko). Planning permission is granted for a specific land use and not an individual. On this basis it is difficult to see any justification for providing an RIA for a named operator when there is no indication, at all, that the named company would actually be trading from the proposed unit. **The applicant is seeking open retail use but has limited the impact assessment scenarios to three specific retail formats. The applicant**

themselves have use the turnover of these three retailers (along with others within the respective retail categories to inform their retail impact assessment. It is reasonable to assume that M&S, Poundland and Wilko could be the future operator, which we would see as a worst case scenario for these options given they are already trading in the town centre. Therefore, it is reasonable to request that the application considers these operator scenarios for Scenarios B and C. Furthermore, in relation to these operators:

- i. M&S has a large general merchandising store in the City Centre. For a settlement of this size M&S would typically operate both a GM store and out-of-centre foodhall units. The only issue is the extent to which convenience turnover would reduce in the City Centre and whether or not M&S choose, as a commercial decision to replace the City Centre in-store foodhall with additional GM floorspace. **We know that M&S are rationalising GM stores, not expanding them. Plenty of examples of M&S closing GM stores and relocated out of centre with MS Foodhalls. It is a reasonable request for the applicant to consider this scenario given they have not identified an end user for Scenario B. If the applicant is resistant to assessing impact associated with M&S as tenant then the Council may want to seek a unilateral undertaking that prevents M&S from occupying the application site. The Council should seek legal advice on this option.**
 - ii. Although both Poundland and Wilko are significant units in terms of floorspace both stores have only low sales densities. In terms of the functioning of the City Centre neither can properly be regarded as “anchor units”. **Completely disagree. This simply is not just a case of impact associated by loss of turnover but relates to the potential closure of one of these two stores if relates to a relocation situation. Hargest Planning may not see the value in these brands as anchors but they are key stores for those seeking affordable goods. There is no single anchor store now that Debenhams has closed. Instead the town is now anchored by a number of important retail stores that draw shoppers to the town.**
 - iii. In relation to Wilko, it is not conceivable that the company would relocate to a significantly smaller unit at the application site. **It is not inconceivable in the current market where brands are downsizing from larger units. A unilateral agreement could be put in place to prevent Wilko occupying the unit. The Council should seek legal advice on this option.**
- g. Therefore it is questioned whether it is appropriate, on planning grounds, to provide additional impact information relating to these particular operators given the above. **It is a reasonable request given the speculative nature of this scheme. Without further review (and alongside other clarifications made in the LSH appraisal) we do not consider that a robust impact assessment has been made.**
- h. Finally, it should be noted that RIA provide, at best, indications of the scale of impact only. For this reason the RIA submitted identifies the range of impacts that could arise given that there will, inevitably, be uncertainties regarding turnover, trade diversion and so on. Para 2.37/Table 2.7 identifies very clearly the full possible range of impacts arising, even with quite radical adjustments to assumptions. In this way the worst possible impact on the City Centre is identified to be -2% direct impact for all goods in the City Centre – this occurs even with turnover 25% above the estimated turnover of the development and with maximum trade diversion from stores in the City Centre. In this context the scale of impacts is negligible. Equivalent figures for retail sectors (i.e. convenience and comparison) can be

provided. Disagree. The impacts assessed relate to only three types of retailer. **It does not assess the full spectrum of retail categories that would be supported under an open retail use. An open A1 consent should not be supported based on the assessed parameters of the applicant's RIA.**

3. Finally, if the LP has particular concerns about specific sectors within the City Centre, although from the healthcheck undertaken for the City Centre none has been identified in particular, it is quite reasonable for conditions to be applied that limit total and retail sector sales floorspace in accordance with that assessed in the RIA and, if necessary, impose conditions regarding matters such as minimum/maximum units size. However, for the LPA to propose these, it would be incumbent on them to explain the justification for such restrictions. **It is for the applicant to demonstrate that there will be no impact on any of the retail sectors if they are to seek an open A1 consent. As highlighted above, the applicant has chosen to only assess three types of retail operator. Therefore, it is entirely reasonable to apply conditions that limit the sale of goods associated with the assessed retail sectors.**

At this stage, we do not consider that the applicant has provided a fully compliant impact assessment. Wilson Wraight has ignored the majority of clarification requests raised in the LSH appraisal. Those that have not been addressed to date include the three clarification requests made in para 132 of the LSH appraisal:

- *“Online Market Share – HPL should confirm whether online market share has been adjusted to take account growth experienced nationally and if not, why not.*
- *Bury St Edmunds Comparison Goods Turnover - HPL should confirm whether the town's comparison goods turnover has been adjusted to take account of the closure of Debenhams and other retail anchors.*
- *Scenario Turnover - Base year sales density used to assess base year turnover (2021) and application of separate productivity growth rates for convenience and comparison goods retail turnover for the three scenarios.”*

In addition, we still consider that the three additional clarification requests cited in para 134 of the LSH appraisal are still warranted to verify the impact assessment findings for Scenario B and C. They included:

- *“Potential occupation by M&S Foodhall – assess the potential for Scenario B to be occupied by an M&S Foodhall including the potential impact on the loss of turnover from the town centre if the Buttermarket Foodhall closes.*
- *Trade diversion from The Arc – further justification is required to support comparison goods trade diversion assumptions from The Arc to a Scenario C scheme.*
- *Trade diversion from Wilko and Poundland and potential occupation by either store – review trade diversion from these stores for Scenario C and assess the potential for Scenario C to be occupied by Wilko or Poundland.”*

Further response from LSH:

A response was provided to two of the three clarification requests in Wilson Wraight's email response. As we highlighted above, we are not satisfied with their justification to discount these clarification requests. No response has been given to the third clarification request which sought further justification to support comparison goods trade diversion assumptions from The Arc to a Scenario C scheme.

In summary, while we agree that the sequential assessment has been passed we do not support the impact assessment. There are too many outstanding queries.

If the Council do want to proceed and grant permission then we strongly advise that an open Class E retail consent is not provided. Instead, conditions should limit the sale of goods to reflect the retail operator type that has been assessed under Scenarios A, B and C. We can assist you with the wording of these conditions which are very typical when it comes to speculative schemes.

We would also advise that the Council seek a unilateral undertaking or similar to prevent town centre anchors that fall within the limited retail categories assessed from relocating to the application site. However, the Council may want to get legal advice on whether UUs can be followed through. They have been used in the past.

I'm conscious that the response may not fit with your draft report so I'm very happy to talk through it if you wish to call me. I don't work on Fridays but I am available today up to 5:30pm and then available from 11am on Monday.

Kind regards

Blathnaid

 **Bláthnaid Duffy**
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From: Durrant, Gareth [<mailto:Gareth.Durrant@Westsuffolk.gov.uk>]
Sent: 12 January 2022 17:11
To: Duffy Bláthnaid
Subject: FW: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Hi Blathnaid,

Ref Planning application DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSEdmunds

Happy new year. I hope all is well.

You recently critiqued an impact assessment submitted with this planning application and made various recommendations.

The previous case officer, Marianna Hall, has recently left the Council and I have been passed the planning application to deal with.

There are a couple of matters that I would like you to comment on if possible please.

Firstly, the applicant has responded to your report. This is set out at the very bottom of this e-mail. I would be grateful for any general comments in relation to points 2 and 3 of their e-mail.

Secondly (and with respect to point 1 of the applicants e-mail), I have challenged the applicants appraisal of potentially sequentially suitable sites for the retail floorspace they are proposing in the planning application. This is set out in the e-mail directly below. I note you were not concerned about the applicants approach to the alternative sites so I would be grateful if you could consider the sites and points I have made to the applicant (i.e. is it worth pursuing further?).

I am not sure what arrangement you came to with Marianna for any 'spin-off' matters after your report had been shared with the applicant. If your initial quotation did not cover these additional matters I would be grateful if you could provide a quote for the further advice. I will then seek authority to approve the work and raise a new Purchase Order for you.

I look forward to hearing from you,

Kind regard

Gareth Durrant

Gareth Durrant
Principal Planning Officer - Major Projects
Planning Development
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requested, fulfil a request for information or because we have a legal requirement to do so. Any information about you that we pass to a third party will be held securely by that party. For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website: [How we use your information](#)

From: Durrant, Gareth

Sent: 12 January 2022 16:49

To: Dan Hewett <DHewett@wilsonwraight.co.uk>

Cc: Robertson, Samantha <Samantha.Robertson@Westsuffolk.gov.uk>

Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Dear Mr Hewett,

Ref: DC/21/0427/FUL – Sports Direct Fitness, Easlea Road, BSE – Retail matters

Thankyou for your email as set out below. I repeat my previous apologies for the delay in my reply.

I have taken the opportunity to read through the background evidence material (regarding town centre impact) including our specialist's advice.

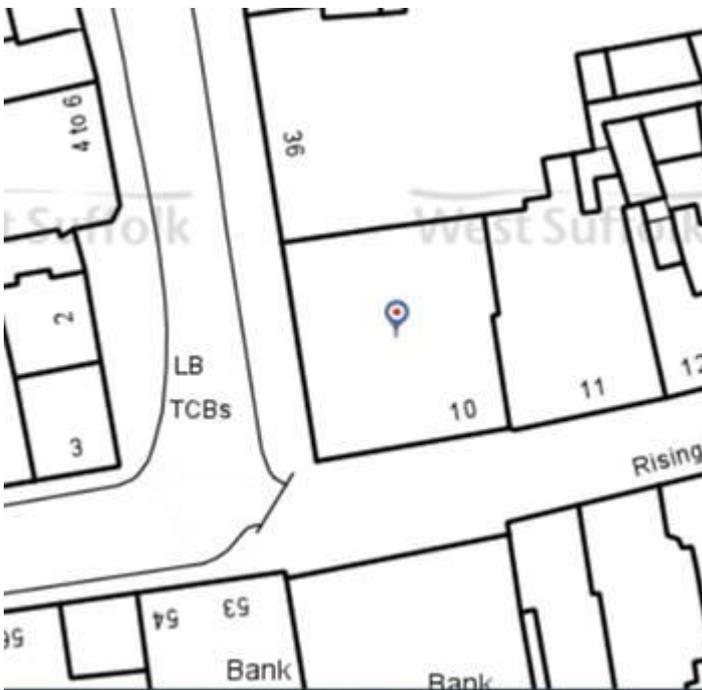
My comments in response to the numbered points in your e-mail (below) are as follows:

Point 1 – Officers are not yet in a position to agree that the NPPF 'town centre first' sequential approach to town centre uses policy has been satisfied. There are a couple of other sites that need to be included in the assessment and I have some comments to make with respect to the 'Tayfen Road' site.

The other sites that I consider need to be need to be included in the appraisal of alternative sites are i) the site of the former Debenhams department store in 'The Arc' component of the town centre and ii) the former Palmers department store on the Buttermarket.

The former Debenhams building is a flagship town centre store that is, unfortunately, presently vacant following the rationalisation of the Debenhams chain and its recent move to on-line retailing. The building is around 6 or 7 times the size (floorspace) of the application building in Easlea Road but we understand the owner is likely to rationalise the floorspace into smaller units. It would appear that this building could accommodate any retailers interested in the Easlea Road site and be made available to the market in a potentially similar time period.

There is a second large recently vacated multi-storey retail department store within the town centre. This is the former 'Palmers' department store (see below for further details). Planning permission has been granted for mixed use redevelopment of the shop with the ground floor remaining in commercial/retail use (reference DC/20/0004/FUL), but there might still be scope to retain all (or more) of its floorspace in retail use (I have not visited the town centre recently to establish if the planning permission has been implemented and if so, how far it has got). Whilst this particular premises might not be comparable directly to the gymnasium site building at Easlea Road, it ought to be included and properly considered.



Tayfen Road site (former gas holder site) I am concerned that this site has seemingly been discounted on the basis of its location. The site is allocated (within the relevant Masterplan document) for retail or retail led use. The relevant planning policy (BV9 of Bury Vision 2031) which is linked in with the current Masterplan document allocates the land for (inter alia) retail warehouse floorspace and/or a food store. The comments within the sequential appraisal about the include of the site to the primary retail area of the town centre is noted. Whilst this is a negative aspect of the site locationally, the appraisal fails to acknowledge the location of the site on a major distributor road (with potential for linked trips by car), its location within reasonable distance (certainly walking distance) of i) the town train station, ii) the town bus interchange and iii) a large town centre car park. These are shown on the plan below. In light of i) the policy and land allocation context and ii) the site context I do not consider this site should be ruled out so quickly. Further justification is required.



Points 2 and 3 – I will need to return to our retail specialist for further advice before commenting on these aspects. I will request further advice and come back shortly.

In the meantime, I would be grateful to receive the applicants further thoughts, particularly in relation to the three sites discussed above.

Kind regards,

Gareth Durrant

Gareth Durrant
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From: Dan Hewett <DHewett@wilsonwright.co.uk>
Sent: 24 November 2021 09:16
To: Hall, Marianna <marianna.hall@westsuffolk.gov.uk>
Cc: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>; Beighton, Dave <dave.beighton@westsuffolk.gov.uk>
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

[THIS IS AN EXTERNAL EMAIL]

Hi Marianna

Thank you for your email. I have now had the chance to discuss this with Keith Hargest, the author of the RIA. We would make the following comments/observations in response to the points raised by LSH:

1. LSH concluded that, at para 60, the proposal satisfies the sequential approach. Therefore, do officers agree that no further regarding this is required?
2. In relation to the retail impact assessment:
 - a. LSH raise a limited number of detailed points e.g. seeking clarification re derivation of turnover of specific stores (paras 67 & 68); base year sales density figures (para 77). These are detailed matters and will not make a significant change to the quantified retail impact figures beyond the maximum impacts identified in para 2.37 of the RIA. LSH summarise their position in para 132. However, we can provide responses to the matters raised if necessary.
 - b. At various points LSH state that impacts on the town centre as a whole cannot be identified from the tables and therefore LSH, using the info from the Tables, calculate the impact on the town centre as a whole. This is presented as a criticism at para 83 of the review. For the record the LPA should note that Tables 2.6A, B and C all identify completely clearly the impact on the City Centre as a whole (shown immediately above the first thick horizontal line in the tables). The figures in these tables are the mathematically correct calculation of impact using the assumptions set out in the RIA – in most instances, but not all, LSH have identified the same calculated impacts for the three scenarios.
 - c. LSH accept that Scenario A for a discount foodstore would not be expected to significantly affect the V&V of the City Centre. The identified impacts for this scenario are, on a worst-case calculation (i.e. direct impact ignoring expenditure change between 2021 and 2023) - 4.3% convenience goods, -0.6% comparison goods, -1.1% all goods.
 - d. By way of comparison Scenario B identifies -4.8% convenience goods, -0.6% comparison goods and -1.2% all goods. In effect there is no material difference in the impacts identified between scenarios A & B.

- e. In terms of Scenario C the impacts identified are: -0.8% convenience goods; -1.3% comparison goods and -1.2% all goods. Again the difference in impacts on the City Centre as a whole for Scenario C is very similar to that identified in the earlier two scenarios.
 - f. In relation to Scenarios B&C, although LSH raise some limited points regarding sales densities and trade diversion, the key factor that leads to LSH questioning the significance of impact is if the proposed operator within the proposed development is one of three named operators (i.e. M&S Foodhall, Poundland and Wilko). Planning permission is granted for a specific land use and not an individual. On this basis it is difficult to see any justification for providing an RIA for a named operator when there is no indication, at all, that the named company would actually be trading from the proposed unit. Furthermore, in relation to these operators:
 - i. M&S has a large general merchandising store in the City Centre. For a settlement of this size M&S would typically operate *both* a GM store and out-of-centre foodhall units. The only issue is the extent to which convenience turnover would reduce in the City Centre and whether or not M&S choose, as a commercial decision to replace the City Centre in-store foodhall with additional GM floorspace.
 - ii. Although both Poundland and Wilko are significant units in terms of floorspace both stores have only low sales densities. In terms of the functioning of the City Centre neither can properly be regarded as “anchor units”.
 - iii. In relation to Wilko, it is not conceivable that the company would relocate to a significantly smaller unit at the application site.
 - g. Therefore it is questioned whether it is appropriate, on planning grounds, to provide additional impact information relating to these particular operators given the above.
 - h. Finally, it should be noted that RIA provide, at best, indications of the scale of impact only. For this reason the RIA submitted identifies the range of impacts that could arise given that there will, inevitably, be uncertainties regarding turnover, trade diversion and so on. Para 2.37/Table 2.7 identifies very clearly the full possible range of impacts arising, even with quite radical adjustments to assumptions. In this way the *worst possible* impact on the City Centre is identified to be -2% direct impact for all goods in the City Centre – this occurs even with turnover 25% above the estimated turnover of the development and with maximum trade diversion from stores in the City Centre. In this context the scale of impacts is negligible. Equivalent figures for retail sectors (i.e. convenience and comparison) can be provided.
3. Finally, if the LP has particular concerns about specific sectors within the City Centre, although from the healthcheck undertaken for the City Centre none has been identified in particular, it is quite reasonable for conditions to be applied that limit total and retail sector sales floorspace in accordance with that assessed in the RIA and, if necessary, impose conditions regarding matters such as minimum/maximum units size. However, for the LPA to propose these, it would be incumbent on them to explain the justification for such restrictions.

Can the Council confirm how they intend to proceed and whether they are now able to recommend approval?

Best regards

Dan

Dan Hewett MRTPI MRICS
Head of Planning

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From: Hall, Marianna <marianna.hall@westsuffolk.gov.uk>
Sent: 16 November 2021 14:20
To: Dan Hewett <DHewett@wilsonwright.co.uk>
Cc: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>; Beighton, Dave <dave.beighton@westsuffolk.gov.uk>
Subject: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Dear Dan,

Please find attached the appraisal by Lambert Smith Hampton of the Retail Impact Assessment and Sequential Test submitted.

The appraisal concludes that the sequential test has been passed under the three retail formats described, but does not support an open Class E retail consent as sought under the planning application. In terms of the retail impact assessment, the appraisal raises a number of queries on the methodology used by Hargest Planning. Despite these queries, it concludes that Scenario A (discount foodstore) is unlikely to result in a significant impact on the vitality and viability of the town centre. The consultant does not consider however that the potential impacts associated with Scenarios B (general mid-sized supermarket) and C (non-food discounter) have been fully considered, for the reasons set out in the appraisal. We would welcome a response to the points raised within the appraisal once you have had the opportunity to review and consider them.

I will be leaving the authority next month, and my colleague Gareth Durrant (copied in) will now be the case officer for this application going forward. Gareth and I have discussed the proposals, and as you know Dave Beighton has also been involved and can assist if needed.

Kind regards,

Marianna

Marianna Hall
Senior Planning Officer
Planning Development
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Mobile: 07971 535541
Email: marianna.hall@westsuffolk.gov.uk

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WORKING PAPER 6

From: [Dan Hewett](#)
To: [Durrant, Gareth](#)
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE
Date: 09 March 2022 16:29:36
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

[THIS IS AN EXTERNAL EMAIL]

Hi Gareth

Thanks for your email which was very timely and helped guide our discussion. I set out below the points for the Council to consider.

1. We don't believe that a legal condition preventing the occupation of the unit to a specific town centre retailer would be legally valid. We suggest that we ask the applicants agent (Colliers) to approach M&S and ask them to confirm whether they are interested in occupying the unit. Our retail consultant believes this is unlikely due to the size of the unit, the fact that it would be a conversion, i.e. not M&S specified design, and has sub-optimal location. These factors are all fixed and none can be overcome with the current application.
2. We will also obtain a letter from Colliers confirming that the applicants would not be willing to consider Wilko as potential occupier (poor covenant, impact on asset value renders unviable etc).
3. We note that LSH have raised a number of relatively detailed points re. the RIA assumptions. Can WSC confirm if they need all of these points addressed, i.e. that answering these detailed points is necessary to enable you to take the application to Committee.
4. We also recognise that a food freezer operator is not addressed in the existing scenarios. However, impacts would be comparable to Scenario A except that total turnover of a freezer operator would be significantly lower. Nonetheless, if required we can provide an assessment of this freezer operator scenario. In terms of non-food discounter, if required, we could provide an assessment on the basis that the operator is Poundland assuming (worst case) that the town centre store closes.
5. In terms of the proposed operator, matters have moved forward over the intervening period. Due to the sensitivity of discussions we are not in a position to name the specific operators but we can confirm that we have strong market interest from:
 - Food discount retailer (i.e. as tested in Scenario A in the RIA)
 - Food freezer operator
 - Non-food discounter (i.e. as tested in Scenario C)
6. Finally, we would accept the principle of conditions and would be happy to assist in drafting.

Best regards

Dan

Dan Hewett MRTPI MRICS
Head of Planning

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From: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>
Sent: 09 March 2022 09:27
To: Dan Hewett <DHewett@wilsonwright.co.uk>
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Thanks Dan,

I also have a 9:30 meeting!

Yes, we consider all possibilities need to be considered in the RIA. If the applicant is not prepared to accept a restriction on certain existing TC retailers occupying the application building as has been suggested by our consultant (or indeed if such a restriction is deemed to be 'unlawful' (ref CIL Regulation 122/advice in relation to planning conditions) the impact of a potential relocation of the important retailers to the application site should be considered and demonstrated. The RIA suggests there has already been interest from retailers in the premises. Are you able to confirm which retailers have expressed interest?

Our consultant will be advising of the content of a planning condition that restricts the range of goods to be sold. We are not in a position to share this yet. I would be happy to consider any suggestions from the applicant too.

Kind regards

Gareth

Gareth Durrant
Principal Planning Officer - Major Projects
Planning Development
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From: Dan Hewett <DHewett@wilsonwright.co.uk>
Sent: 09 March 2022 09:15
To: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>
Subject: FW: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE
Importance: High

[THIS IS AN EXTERNAL EMAIL]

Hi Gareth

Can I chase these queries up please as I have the meeting with the client at 09:30 this morning.

Best regards

Dan

Dan Hewett MRTPI MRICS
Head of Planning

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From: Dan Hewett

Sent: 07 March 2022 10:15
To: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>
Subject: FW: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Hi Gareth

Further to my email below can you also comment on whether the LPA want/need a response to all the points made by LSH e.g. tests for named retailers given that there is no named operator?

Best regards

Dan

Dan Hewett MRTPI MRICS
Head of Planning

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From: Dan Hewett
Sent: 04 March 2022 10:07
To: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Hi Gareth

By way of an update we are aiming to discuss this next week via a Teams meeting with the retail planning consultant and client. To assist us at this meeting (and on a without prejudice basis) are you able to provide a draft condition for us to consider that is in line with LSHs advice i.e. to limit the sale of goods to reflect the retail operator type that has been assessed under Scenarios A, B and C?

Best regards

Dan

Dan Hewett MRTPI MRICS
Head of Planning

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From: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>
Sent: 03 March 2022 15:56
To: Dan Hewett <DHewett@wilsonwraight.co.uk>
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Hi Dan,

Further to my last e-mail, please see below for further comments in relation to the RIA. This responds (new advice in **bold** text) to the various points you made in response to the first critique.

Please note that, for the avoidance of doubt and following the more recent additional submissions, officers accept that the NPPF 'town centre first' sequential test requirement has been met and will be happy to include this advice in our committee report.

I look forward to receiving your further thoughts in due course.

Kind regards,

Gareth

1. LSH concluded that, at para 60, the proposal satisfies the sequential approach. Therefore, do officers agree that no further regarding this is required? **No comment.**
2. In relation to the retail impact assessment:
 - a. LSH raise a limited number of detailed points e.g. seeking clarification re derivation of turnover of specific stores (paras 67 & 68); base year sales density figures (para 77). These are detailed matters and will not make a significant change to the quantified retail impact figures beyond the maximum impacts identified in para 2.37 of the RIA. LSH summarise their position in para 132. However, we can provide responses to the matters raised if necessary. **We disagree. It is for the applicant to demonstrate transparency in their retail assessment.**
 - b. At various points LSH state that impacts on the town centre as a whole cannot be identified from the tables and therefore LSH, using the info from the Tables, calculate the impact on the town centre as a whole. This is presented as a criticism at para 83 of the review. For the record the LPA should note that Tables 2.6A, B and C call identify completely clearly the impact on the City Centre as a whole (shown immediately above the first thick horizontal line in the tables). The figures in these tables are the mathematically correct calculation of impact using the assumptions set out in the RIA – in most instances, but not all, LSH have identified the same calculated impacts for the three scenarios. **Accepted.**
 - c. LSH accept that Scenario A for a discount foodstore would not be expected to significantly affect the V&V of the City Centre. The identified impacts for this scenario are, on a worst-case calculation (i.e. direct impact ignoring expenditure change between 2021 and 2023) -4.3% convenience goods, -0.6% comparison goods, -1.1% all goods. **Accepted.**
 - d. By way of comparison Scenario B identifies -4.8% convenience goods, -0.6% comparison goods and -1.2% all goods. In effect there is no material difference in the impacts identified between scenarios A & B. **There is on convenience turnover. While an impact of -4.8% is acceptable the issue we have is that there is no end tenant identified for this type of foodstore format. If the end user is M&S Food then trade diversion and impact would be greater. This is discussed further in the response to point (f)(i).**
 - e. In terms of Scenario C the impacts identified are: -0.8% convenience goods; -1.3% comparison goods and -1.2% all goods. Again the difference in impacts on the City Centre as a whole for Scenario C is very similar to that identified in the earlier two scenarios. **But only in relation to total retail turnover impact and subject to further clarification on information requests made in the LSH appraisal, which have not been fully addressed.**
 - f. In relation to Scenarios B&C, although LSH raise some limited points regarding sales densities and trade diversion, their key factor that leads to LSH questioning the significance of impact is if the proposed operator within the proposed development is one of three named operators (i.e. M&S Foodhall, Poundland and Wilko). Planning permission is granted for a specific land use and not an individual. On this basis it is difficult to see any justification for providing an RIA for a named operator when there is no indication, at all, that the named company would actually be trading from the proposed unit. **The applicant is seeking open retail use but has limited the impact assessment scenarios to three specific retail formats. The applicant themselves have used the turnover of these three retailers (along with others within the respective retail categories to inform their retail impact assessment. It is reasonable to assume that M&S, Poundland and Wilko could be the future operator, which we would see as a worst case scenario for these options given they are already trading in the town centre. Therefore, it is reasonable to request that the application considers these operator scenarios for Scenarios B and C. Furthermore, in relation to these operators:**
 - i. M&S has a large general merchandising store in the City Centre. For a settlement of this size M&S would typically operate both a GM store and out-of-centre foodhall units. The only issue is the extent to which convenience turnover would reduce in the City Centre and whether or not M&S choose, as a commercial decision to replace the City Centre in-store foodhall with additional GM floorspace. **We know that M&S are rationalising GM stores, not expanding them. Plenty of examples of M&S closing GM stores and relocated out of centre with MS Foodhalls. It is a reasonable request for the applicant to consider this scenario given they have not identified an end user for Scenario B. If the applicant is resistant to assessing impact associated with M&S as tenant then the Council may want to seek a unilateral undertaking that prevents M&S from occupying the application site.**
 - ii. Although both Poundland and Wilko are significant units in terms of floorspace both stores have only low sales densities. In terms of the functioning of the City Centre neither can properly be regarded as "anchor units". **Completely disagree. This simply is not just a case of impact associated by loss of turnover but relates to the potential closure of one of these two stores if relates to a relocation situation. Hargest Planning may not see the value in these brands as anchors but they are key stores for those seeking affordable goods. There is no single anchor store now that Debenhams has closed. Instead the town is now anchored by a number of important retail stores that draw shoppers to the town.**
 - iii. In relation to Wilko, it is not conceivable that the company would relocate to a significantly smaller unit at the application site. **It is not inconceivable in the current market where brands are downsizing from larger units. A unilateral agreement could be put in place to prevent Wilko occupying the unit.**
 - g. Therefore it is questioned whether it is appropriate, on planning grounds, to provide additional impact information relating to these particular operators given the above. **It is a reasonable request given the speculative nature of this scheme. Without further review (and alongside other clarifications made in the LSH appraisal) we do not consider that a robust impact assessment has been made.**
 - h. Finally, it should be noted that RIA provide, at best, indications of the scale of impact only. For this reason the RIA submitted identifies the range of impacts that could arise given that there will, inevitably, be uncertainties regarding turnover, trade diversion and so on. Para 2.37/Table 2.7 identifies very clearly the full possible range of impacts arising, even with quite radical adjustments to assumptions. In this way the worst possible impact on the City Centre is identified to be -2% direct impact for all goods in the City Centre – this occurs even with turnover 25% above the estimated turnover of the development and with maximum trade diversion from stores in the City Centre. In this context the scale of impacts is negligible. Equivalent figures for retail sectors (i.e. convenience and comparison) can be provided. **Disagree. The impacts assessed relate to only three types of retailer. It does not assess the full spectrum of retail categories that would be supported under an open retail use. An open A1 consent should not be supported based on the assessed parameters of the applicant's RIA.**
3. Finally, if the LP has particular concerns about specific sectors within the City Centre, although from the healthcheck undertaken for the City Centre none has been identified in particular, it is quite reasonable for conditions to be

applied that limit total and retail sector sales floorspace in accordance with that assessed in the RIA and, if necessary, impose conditions regarding matters such as minimum/maximum units size. However, for the LPA to propose these, it would be incumbent on them to explain the justification for such restrictions. **It is for the applicant to demonstrate that there will be no impact on any of the retail sectors if they are to seek an open A1 consent. As highlighted above, the applicant has chosen to only assess three types of retail operator. Therefore, it is entirely reasonable to apply conditions that limit the sale of goods associated with the assessed retail sectors.**

At this stage, we do not consider that the applicant has provided a fully compliant impact assessment. Wilson Wraight has ignored the majority of clarification requests raised in the LSH appraisal. Those that have not been addressed to date include the three clarification requests made in para 132 of the LSH appraisal:

- *"Online Market Share – HPL should confirm whether online market share has been adjusted to take account growth experienced nationally and if not, why not.*
- *Bury St Edmunds Comparison Goods Turnover - HPL should confirm whether the town's comparison goods turnover has been adjusted to take account of the closure of Debenhams and other retail anchors.*
- *Scenario Turnover - Base year sales density used to assess base year turnover (2021) and application of separate productivity growth rates for convenience and comparison goods retail turnover for the three scenarios."*

In addition, we still consider that the three additional clarification requests cited in para 134 of the LSH appraisal are still warranted to verify the impact assessment findings for Scenario B and C. They included:

- *"Potential occupation by M&S Foodhall – assess the potential for Scenario B to be occupied by an M&S Foodhall including the potential impact on the loss of turnover from the town centre if the Buttermarket Foodhall closes.*
- *Trade diversion from The Arc – further justification is required to support comparison goods trade diversion assumptions from The Arc to a Scenario C scheme.*
- *Trade diversion from Wilko and Poundland and potential occupation by either store – review trade diversion from these stores for Scenario C and assess the potential for Scenario C to be occupied by Wilko or Poundland."*

Further response from LSH:

A response was provided to two of the three clarification requests in Wilson Wraight's email response. As we highlighted above, we are not satisfied with their justification to discount these clarification requests. No response has been given to the third clarification request which sought further justification to support comparison goods trade diversion assumptions from The Arc to a Scenario C scheme.

In summary, while we agree that the sequential assessment has been passed we do not support the impact assessment. There are too many outstanding queries.

If the Council do want to proceed and grant permission then we strongly advise that an open Class E retail consent is not provided. Instead, conditions should limit the sale of goods to reflect the retail operator type that has been assessed under Scenarios A, B and C.

We would also advise that the Council seek a unilateral undertaking or similar to prevent town centre anchors that fall within the limited retail categories assessed from relocating to the application site.

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From: Durrant, Gareth
Sent: 02 March 2022 18:36
To: Dan Hewett <DHewett@wilsonwright.co.uk>
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Hi Dan,

I have received further advice but have run out of time to action it this evening. I have some meetings tomorrow but will find time around these to update you.

Kind regards

Gareth

Gareth Durrant
Principal Planning Officer - Major Projects
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From: Dan Hewett <DHewett@wilsonwright.co.uk>
Sent: 28 February 2022 14:37
To: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>
Subject: Re: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

[THIS IS AN EXTERNAL EMAIL]

Hi Gareth

Is there an update on when LSH will be responding? Have you given them a deadline?

Best regards

Dan

From: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>
Sent: Thursday, 17 February 2022, 16:31
To: Dan Hewett
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Hi Dan,

Apologies for the delay in responding. I should have by now updated you about what has been happening since you submitted your reply to my queries about the sequential test.

The headline is that I am expecting to be able to report the planning application to the planning committee that sits on Weds 6th April. I am anticipating to be in a position to recommend approval but of course you will appreciate I am not fully in that position yet and there is a chance this could change, depending upon the position we finally adopt with respect to town centre impact.

Whilst matters are not yet fully resolved (with respect to retail impact/sequential test) I am continuing to liaise with our retail consultant. She will be advising in response to your two e-mails shortly and I will advise of any further requirements/information as soon as I am able.

Finally, I note that the planning application proposes 'change of use' of the building as opposed to varying the condition of the planning permission for the gymnasium which necessitated this submission. Is there any reason for this particular route?

Apologies, I have just been sent a message to return a telephone call that you have made, possibly in the last few minutes. Unfortunately I don't have access to my phone today. I assume this e-mail will be sufficient to bring you up to date but if you do wish to discuss further please confirm by return of e-mail and I will call you tomorrow.

Kind regards,

Gareth

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From: Dan Hewett <DHewett@wilsonwright.co.uk>
Sent: 10 February 2022 15:58
To: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

[THIS IS AN EXTERNAL EMAIL]

Hi Gareth

My client would like to request that more pressure be put on LSH to respond as it is taking an extraordinarily long time for them to come back. My client is very keen for the Council to either refuse the application so they can appeal, or for it to be confirmed at committee with Officer recommendation to approve. They need a decision on this either way rather than it to continue drifting.

Best regards

Dan

Dan Hewett MRTPI MRICS
Head of Planning

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From: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>
Sent: 01 February 2022 13:25
To: Dan Hewett <DHewett@wilsonwright.co.uk>
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Hi Dan,

Its resting with our retail advisor at the moment. I have chased it up today.

Kind regards,

Gareth

Gareth Durrant
Principal Planning Officer - Major Projects
Planning Development
Direct dial: 01284 757345
Email: Gareth.Durrant@WestSuffolk.gov.uk
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From: Dan Hewett <DHewett@wilsonwright.co.uk>
Sent: 01 February 2022 09:29
To: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

[THIS IS AN EXTERNAL EMAIL]

Hi Gareth

Is there any further update on this?

Best regards

Dan

Dan Hewett MRTPI MRICS
Head of Planning

T \ 01284 772425
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From: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>
Sent: 21 January 2022 16:29
To: Dan Hewett <DHewett@wilsonwright.co.uk>
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Thanks Dan,

I have passed this on to our consultant. I hope to be able to comment further or agree a position with you at some point next week.

If we are now able to move on from the retail considerations and I am able to make a positive recommendation, you may be aware that the application will need to be determined by our planning committee. If we reach that point, I will target the next available meeting on 2nd March 2022.

Kind regards,

Gareth

Gareth Durrant
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From: Dan Hewett <DHewett@wilsonwright.co.uk>
Sent: 18 January 2022 11:27
To: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>
Cc: Robertson, Samantha <Samantha.Robertson@WestSuffolk.gov.uk>
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

[THIS IS AN EXTERNAL EMAIL]

Hi Gareth

Please see comments attached from our retail planning consultant Keith Hargest of Hargest Planning Ltd in response to the points raised in your email below.

I trust this provides the Council with the necessary comfort needed to conclude that the sequential test has been satisfied. I would be grateful if you could confirm this point.

I note you are in the process of gathering responses to the other points relating to the Impact test element. Are you able to indicate a timescale for responding?

Best regards

Dan Hewett MRTPI MRICS
Head of Planning

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From: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>
Sent: 12 January 2022 16:49
To: Dan Hewett <DHewett@wilsonwright.co.uk>
Cc: Robertson, Samantha <Samantha.Robertson@WestSuffolk.gov.uk>
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Dear Mr Hewett,

Ref: DC/21/0427/FUL – Sports Direct Fitness, Easlea Road, BSE – Retail matters

Thankyou for your email as set out below. I repeat my previous apologies for the delay in my reply.

I have taken the opportunity to read through the background evidence material (regarding town centre impact) including our specialist's advice.

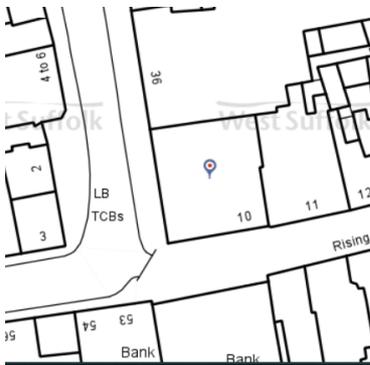
My comments in response to the numbered points in your e-mail (below) are as follows:

Point 1 – Officers are not yet in a position to agree that the NPPF 'town centre first' sequential approach to town centre uses policy has been satisfied. There are a couple of other sites that need to be included in the assessment and I have some comments to make with respect to the 'Tayfen Road' site.

The other sites that I consider need to be included in the appraisal of alternative sites are i) the site of the former Debenhams department store in 'The Arc' component of the town centre and ii) the former Palmers department store on the Buttermarket.

The former Debenhams building is a flagship town centre store that is, unfortunately, presently vacant following the rationalisation of the Debenhams chain and its recent move to on-line retailing. The building is around 6 or 7 times the size (floorspace) of the application building in Easlea Road but we understand the owner is likely to rationalise the floorspace into smaller units. It would appear that this building could accommodate any retailers interested in the Easlea Road site and be made available to the market in a potentially similar time period.

There is a second large recently vacated multi-storey retail department store within the town centre. This is the former 'Palmers' department store (see below for further details). Planning permission has been granted for mixed use redevelopment of the shop with the ground floor remaining in commercial/retail use (reference DC/20/0004/FUL), but there might still be scope to retain all (or more) of its floorspace in retail use (I have not visited the town centre recently to establish if the planning permission has been implemented and if so, how far it has got). Whilst this particular premises might not be comparable directly to the gymnasium site building at Easlea Road, it ought to be included and properly considered.



Tayfen Road site (former gas holder site) I am concerned that this site has seemingly been discounted on the basis of its location. The site is allocated (within the relevant Masterplan document) for retail or retail led use. The relevant planning policy (BV9 of Bury Vision 2031) which is linked in with the current Masterplan document allocates the land for (inter alia) retail warehouse floorspace and/or a food store. The comments within the sequential appraisal about the include of the site to the primary retail area of the town centre is noted. Whilst this is a negative aspect of the site locationally, the appraisal fails to acknowledge the location of the site on a major distributor road (with potential for linked trips by car), its location within reasonable distance (certainly walking distance) of i) the town train station, ii) the town bus interchange and iii) a large town centre car park. These are shown on the plan below. In light of i) the policy and land allocation context and ii) the site context I do not consider this site should be ruled out so quickly. Further justification is required.



Points 2 and 3 - I will need to return to our retail specialist for further advice before commenting on these aspects. I will request further advice and come back shortly. In the meantime, I would be grateful to receive the applicants further thoughts, particularly in relation to the three sites discussed above.

Kind regards,
Gareth Durrant

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From: Dan Hewett <DHewett@wilsonwright.co.uk>
Sent: 24 November 2021 09:16
To: Hall, Marianna <marianna.hall@westsuffolk.gov.uk>
Cc: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>; Beighton, Dave <dave.beighton@westsuffolk.gov.uk>
Subject: RE: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

[THIS IS AN EXTERNAL EMAIL]

Hi Marianna

Thank you for your email. I have now had the chance to discuss this with Keith Hargest, the author of the RIA. We would make the following comments/observations in response to the points raised by LSH:

1. LSH concluded that, at para 60, the proposal satisfies the sequential approach. Therefore, do officers agree that no further regarding this is required?
2. In relation to the retail impact assessment:
 - a. LSH raise a limited number of detailed points e.g. seeking clarification re derivation of turnover of specific stores (paras 67 & 68); base year sales density figures (para 77). These are detailed matters and will not make a significant change to the quantified retail impact figures beyond the maximum impacts identified in para 2.37 of the RIA. LSH summarise their position in para 132. However, we can provide responses to the matters raised if necessary.
 - b. At various points LSH state that impacts on the town centre as a whole cannot be identified from the tables and therefore LSH, using the info from the Tables, calculate the impact on the town centre as a whole. This is presented as a criticism at para 83 of the review. For the record the LPA should note that Tables 2.6A, B and C all identify completely clearly the impact on the City Centre as a whole (shown immediately above the first thick horizontal line in the tables). The figures in these tables are the mathematically correct calculation of impact using the assumptions set out in the RIA – in most instances, but not all, LSH have identified the same calculated impacts for the three scenarios.
 - c. LSH accept that Scenario A for a discount foodstore would not be expected to significantly affect the V&V of the City Centre. The identified impacts for this scenario are, on a worst-case calculation (i.e. direct impact ignoring expenditure change between 2021 and 2023) -4.3% convenience goods, -0.6% comparison goods, -1.1% all goods.
 - d. By way of comparison Scenario B identifies -4.8% convenience goods, -0.6% comparison goods and -1.2% all goods. In effect there is no material difference in the impacts identified between scenarios A & B.
 - e. In terms of Scenario C the impacts identified are: -0.8% convenience goods; -1.3% comparison goods and -1.2% all goods. Again the difference in impacts on the City Centre as a whole for Scenario C is very similar to that identified in the earlier two scenarios.
 - f. In relation to Scenarios B&C, although LSH raise some limited points regarding sales densities and trade diversion, they key factor that leads to LSH questioning the significance of impact is if the proposed operator within the proposed development is one of three named operators (i.e. M&S Foodhall, Poundland and Wilko). Planning permission is granted for a specific land use and not an individual. On this basis it is difficult to see any justification for providing an RIA for a named operator when there is no indication, at all, that the named company would actually be trading from the proposed unit. Furthermore, in relation to these operators:

M&S has a large general merchandising store in the City Centre. For a settlement of this size M&S would typically operate both a GM store and out-of-centre foodhall units. The only issue is the extent to which convenience turnover would reduce in the City Centre and whether or not M&S choose, as a commercial decision to replace the City Centre in-store foodhall with additional GM floorspace.

Although both Poundland and Wilko are significant units in terms of floorspace both stores have only low sales densities. In terms of the functioning of the City Centre neither can properly be regarded as 'anchor units'.

- In relation to Wilko, it is not conceivable that the company would relocate to a significantly smaller unit at the application site.
- g. Therefore it is questioned whether it is appropriate, on planning grounds, to provide additional impact information relating to these particular operators given the above.
 - h. Finally, it should be noted that RIA provide, at best, indications of the scale of impact only. For this reason the RIA submitted identifies the range of impacts that could arise given that there will, inevitably, be uncertainties regarding turnover, trade diversion and so on. Para 2.37/Table 2.7 identifies very clearly the full possible range of impacts arising, even with quite radical adjustments to assumptions. In this way the *worst possible* impact on the City Centre is identified to be -2% direct impact for all goods in the City Centre – this occurs even with turnover 25% above the estimated turnover of the development and with maximum trade diversion from stores in the City Centre. In this context the scale of impacts is negligible. Equivalent figures for retail sectors (i.e. convenience and comparison) can be provided.
3. Finally, if the LP has particular concerns about specific sectors within the City Centre, although from the healthcheck undertaken for the City Centre none has been identified in particular, it is quite reasonable for conditions to be applied that limit total and retail sector sales floorspace in accordance with that assessed in the RIA and, if necessary, impose conditions regarding matters such as minimum/maximum units size. However, for the LPA to propose these, it would be incumbent on them to explain the justification for such restrictions.

Can the Council confirm how they intend to proceed and whether they are now able to recommend approval?

Best regards

Dan

Dan Hewett MRTPI MRICS
Head of Planning

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From: Hall, Marianna <marianna.hall@westsuffolk.gov.uk>
Sent: 16 November 2021 14:20
To: Dan Hewett <DHewett@wilsonwright.co.uk>
Cc: Durrant, Gareth <Gareth.Durrant@WestSuffolk.gov.uk>; Beighton, Dave <dave.beighton@westsuffolk.gov.uk>
Subject: DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, BSE

Dear Dan,

Please find attached the appraisal by Lambert Smith Hampton of the Retail Impact Assessment and Sequential Test submitted.

The appraisal concludes that the sequential test has been passed under the three retail formats described, but does not support an open Class E retail consent as sought under the planning application. In terms of the retail impact assessment, the appraisal raises a number of queries on the methodology used by Hargest Planning. Despite these queries, it concludes that Scenario A (discount foodstore) is unlikely to result in a significant impact on the vitality and viability of the town centre. The consultant does not consider however that the potential impacts associated with Scenarios B (general mid-sized supermarket) and C (non-food discounter) have been fully considered, for the reasons set out in the appraisal. We would welcome a response to the points raised within the appraisal once you have had the opportunity to review and consider them.

I will be leaving the authority next month, and my colleague Gareth Durrant (copied in) will now be the case officer for this application going forward. Gareth and I have discussed the proposals, and as you know Dave Beighton has also been involved and can assist if needed.

Kind regards,

Marianna

Marianna Hall
Senior Planning Officer
Planning Development
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Change of Use from Gym (Class E) to Retail (Class E)

Sports Direct Gym,
Easlea Road,
Bury St Edmunds

Appn Ref: DC/21/0427/FUL

Retail Impact Assessment
Update and Additional
Scenario Tests

April 2022

**Change of Use from Gym (Class E) to Retail
(Class E)**

**Sports Direct Gym, Easlea Road,
Bury St Edmunds**

Appn Ref: DC/21/0427/FUL

**Retail Impact Assessment Update and
Additional Scenario Tests**

Applicant: K/S Cratfield

April 2022

reference:

Contact: Keith Hargest

Tel: 07977 982357

Email: keith.hargest@btconnect.com

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3	Additional Scenarios	25
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1 Introduction

1.1 This report sets out an Update to the Retail Impact Assessment submitted for planning application DC/21/0427/FUL for change of use from Gym (Class E) to Retail (Class E) for the Sports Direct Gym, Easlea Road, Bury St Edmunds.

1.2 The Update addresses the following issues:

- It rebases the RIA reflecting the time that has passed since the original RIA was submitted – the base year is updated to 2022 and test year to 2024. Not only does this provide a more accurate basis for assessing the proposed development but it avoids the difficulties associated with estimates of expenditure and turnover during 2021 which were particularly affected by atypical trading conditions during the main period of the Covid-19 pandemic. Although the pandemic is still present and will be having some effect on retail expenditure patterns and turnover it is anticipated that this will be significantly less in 2022 than in 2021.
- It provides the opportunity to use the latest forecasts of expenditure growth provided by Experian published in Feb 2022 which provides the greatest opportunity to take into account the current forecast impacts of expenditure growth and future trends for special forms of trading. Comment is also provided concerning the most recent forecasts provided by Precisely (published October 2021).
- It specifically addresses the general comments raised by LSH in their review of the RIA (letter dated 11th October 2021) concerning:
 - adjustments of market share from the 2016 South Edmundsbury Retail and Leisure Study (SERS) between 2016 and the base/test years (LSH para 67).
 - Comment on assumptions regarding trade diversion assumptions (LSH para 68).
 - Confirmation that turnover estimates take into account major closures in Bury St Edmunds (notably Debenhams and Topshop) (LSH Para 68).
 - Clarity regarding turnover sales densities adopted for the proposed development scenarios including reference to “productivity” growth (LSH para 77).
- Additional scenarios are tested on the hypothetical basis, that the operator could be:
 - Freezer centre operator
 - Wilko
 - Poundland

2 Updating the RIA Model

Overview

- 2.1 The social restrictions introduced to combat the Covid-19 pandemic have caused major short term disruption to retail expenditure patterns and, as a consequence of this, to the turnover of retailers. This impact has not, necessarily been negative in that, for certain retailers classed as “essential”, sales and turnover in 2021 were significantly higher than in earlier years and it is notable that convenience goods expenditure per capita was also significantly higher. However this was also associated with a significant increase in expenditure directed through special forms of trading (dominated by online sales) and, for comparison goods, although there was an increase in sales between 2020 and 2021, the growth rate was much lower than had occurred prior to 2020.
- 2.2 At the time that the RIA was prepared in 2021 the long term effects of the pandemic restrictions on retail expenditure patterns were uncertain. Although the RIA used the most up to date information available through the use of Precisely 2020 forecasts the position concerning future trends now appears to be clearer. In particular Experian delayed the publication of their latest forecasts (Retail Planner 19) until February 2022 so that they were able to gain a better understanding of the impacts of the pandemic and, in particular, the effect of the “omicron” wave. Given this earlier uncertainty it is sensible to review the assumptions adopted in the RIA to take into account the latest expenditure forecasts.
- 2.3 Linked to the forecast of expenditure growth is the assessment and estimate of existing turnover within Bury St Edmunds and in the catchment area for the proposed development. The original RIA linked turnover estimates to the 2016 SERS report but reduced the forecast turnover for convenience floorspace by 3.5% to reflect the fact that available expenditure for these goods was anticipated not to have grown as rapidly as forecast in the SERS report. As it turned out, because of the impacts of lockdown, expenditure on convenience goods in 2021 was, in fact unusually high according to both Experian and Precisely, but this was due to atypical short term factors and, as such they cannot be relied upon for the RIA. Rebasing the assessment to 2022 largely avoids the unusual circumstances prevalent during 2021.
- 2.4 Use of the latest expenditure forecasts allows a more accurate assessment of expenditure change from 2016 and the implications that this has for the turnover of existing floorspace within Bury St Edmunds.

Population and Available Expenditure

- 2.5 Table 2.1 presents the update forecasts of available expenditure for the base year of 2022 and test year of 2024. The assumptions are set out in the notes to the table:
- Population growth has been assumed to be at a constant rate using the population forecasts sets out in SERS but adjusted to 2022 and 2024 resulting in a marginal population increase.
 - Expenditure growth has been updated and is based on Experian Retail Planner 19 (RP19).
- 2.6 It is noted that, in the original RIA, use was made on the 2020 Precisely REG forecasts. For convenience goods there is limited difference between Precisely and Experian although there are more significantly differences for

comparison goods with Precisely forecasting higher levels of SFT compared to Experian. Experian has been adopted in this case for the following reasons:

- The SERS report is actually based on Experian expenditure estimates – see the note to SERS App 4 Table 2. Given that the source data used for base expenditure was Experian it is more consistent to use the same forecasting organisation for identifying future years turnover.
- The most recent Precisely forecasts (Retail Expenditure Guide 2021-22) were published in October 2021, i.e. *before* the Omicron wave. Experian's RP19 are not only more up to date, in that they benefit from an additional 4 months data on actual expenditure habits, but they have tried to take into account the most recent consumer responses to the pandemic.

2.7 Notwithstanding the above a comparable analysis has been undertaken by Hargest Planning Ltd using the Precisely forecasts and these can be provided if required.

2.8 In addition to the above it should be noted that Table 2.1 uses the RP19 forecasts for adjusted special forms of trading for 2016 – these differ from those used in the SERS report and it is not clear why the authors of the SERS report decided not to use the actual Experian estimates of SFT available at that time but, instead, used lower figures (see App 4 Tables 2 and 4). However, the effect of this is that the RIA Update presented here assumes significantly higher levels of SFT for both 2016 and the base/test years which would lead to *lower* estimates of retail turnover within Bury St Edmunds (and, consequently, *higher* retail impacts).

2.9 This update to the available expenditure therefore fully takes into account changes in expenditure between 2016 and 2022/2024 in line with the best available forecasts. This therefore addresses the concerns of LSH at para 67 of their letter.

TABLE 2.1: PRIMARY CATCHMENT AREA - RESIDENT POPULATION AND EXPENDITURE

2014 Prices

Updated to 2022/2024 and latest expenditure forecasts (Experian RP 19 Feb 2022)

YEAR		POPULATION	CONVENIENCE AVAILABLE EXPENDITURE		COMPARISON AVAILABLE EXPENDITURE	
			Net SFT		Net SFT	
			Rate Per Head	Total £m	Rate Per Head	Total £m
2016	Zone 1 Bury St Edmunds	42,795	£1,929	£82.57m	£2,735	£117.04m
	Zone 2 Rural East	36,217	£2,189	£79.28m	£3,405	£123.30m
	Zone 3 Rural Central	15,080	£2,333	£35.18m	£3,687	£55.60m
	Total	94,092		£197.03m		£295.94m
2022	Zone 1 Bury St Edmunds	44,069	£1,901	£83.76m	£2,733	£120.44m
	Zone 2 Rural East	37,184	£2,156	£80.18m	£3,402	£126.51m
	Zone 3 Rural Central	15,524	£2,298	£35.67m	£3,684	£57.19m
	Total	96,777		£199.61m		£304.14m
2024	Zone 1 Bury St Edmunds	44,460	£1,891	£84.07m	£2,831	£125.85m
	Zone 2 Rural East	38,190	£2,145	£81.93m	£3,524	£134.57m
	Zone 3 Rural Central	15,972	£2,286	£36.52m	£3,816	£60.95m
	Total	98,622		£202.52m		£321.37m

Notes

- 1 Population from SRS App 4 Table 1
- 2 Population growth - estimate of 2022-24 Population

	Zone 1	Zone 2	Zone 3
2021	43875	37184	15524
2022	44069	37383	15613
2023	44264	37583	15702
2024	44460	37784	15791
2026	44855	38190	15972
- 3 Base Available Expenditure for 2016 from SERS App 4 Tables 2 and 4

Experian Retail Planner 19 Feb 2022	Zone 1		Zone 2		Zone 3		Source
	Convenience	Comparison	Convenience	Comparison	Convenience	Comparison	
2016 base (gross SFT)	£1,985	£3,169	£2,252	£3,945	£2,400	£4,272	SERS App 4 Tables 2 and 4
2016 base (net SFT)	£1,929	£2,735	£2,189	£3,405	£2,333	£3,687	Experian RB Note 19 (Jan 2022) Figure 5
2021 (gross SFT)	£2,056	£3,516	£2,333	£4,377	£2,486	£4,740	Experian RB Note 19 (Jan 2022) App 4a
2021 (net SFT)	£1,927	£2,581	£2,186	£3,213	£2,330	£3,479	Experian RB Note 19 (Jan 2022) Figure 5
2022 (gross SFT)	£2,015	£3,591	£2,287	£4,471	£2,437	£4,841	Experian RB Note 19 (Jan 2022) App 4a
2022 (net SFT)	£1,901	£2,733	£2,156	£3,402	£2,298	£3,684	Experian RB Note 19 (Jan 2022) Figure 5
2023 (gross SFT)	£2,017	£3,692	£2,289	£4,596	£2,439	£4,976	Experian RB Note 19 (Jan 2022) App 4a
2023 (net SFT)	£1,896	£2,780	£2,151	£3,460	£2,293	£3,747	Experian RB Note 19 (Jan 2022) Figure 5
2024 (gross SFT)	£2,018	£3,794	£2,290	£4,724	£2,440	£5,115	Experian RB Note 19 (Jan 2022) App 4a
2024 (net SFT)	£1,891	£2,831	£2,145	£3,524	£2,286	£3,816	Experian RB Note 19 (Jan 2022) Figure 5

Estimate of Existing Turnover

2.10 SERS estimates the turnover of both convenience and comparison floorspace on the basis of market share estimates from the household survey. For convenience goods this produces reasonably reliable results although, it should be noted, the sales density for Aldi would appear to be unrealistically high. However, use of household surveys for estimating comparison turnover is very unreliable reflecting the fact that comparison goods shopping trips are highly variable (significantly more so than for convenience goods) and there is a particular bias in responses to major shopping destinations.

2.11 Table 2.2 sets out the updated estimates of turnover of existing floorspace in 2022 and 2024.

Convenience Goods

2.12 SERS identified that the 2016 existing turnover for convenience goods in Bury St Edmunds in Appendix 5 Table 7: City Centre - £38.5m (including net inflows); Remainder of town - £155.2m (including net outflows); total = £193.7m..

2.13 Most of this convenience turnover was derived from study Zones 1, 2 and 3 (see App 5 Table 2 – these zones accounted for £30.8m turnover). The forecast of turnover was a direct function of market share multiplied by available expenditure. Therefore, adopting the same market share approach and assumptions, any change in available expenditure will lead to a change in turnover (on the basis that there have been no significant new convenience stores developed in the town since 2016).

2.14 For 2016 SERS identified that convenience available expenditure (net SFT) from Zones 1 -3 as £200.4m whereas, in comparison, Table 2.1 identifies the current estimate of available expenditure in these zones to be £199.6, i.e. a reduction of 0.4%. In fact, if one considered inflows from other zones these would also be subject to the same adjustments in expenditure forecasts as used for Zones 1 to 3. Therefore, the best estimate of convenience turnover within Bury St Edmunds in 2022 would be 0.4% lower than identified for 2016 in SERS. This marginal reduction has therefore been identified in the turnover estimates for 2022 set out in Table 2.2 in which total convenience turnover in the town is £192.9m.

2.15 Table 2.2 does adjust the figures slightly since it is considered that SERS underestimates the turnover of “Other Bury St Edmunds Out of Centre” increasing this and, correspondingly, reducing the Aldi figure.

Comparison Goods

2.16 The same approach can be adopted for comparison goods and described above for convenience goods. On this basis:

- SERS identifies: available expenditure for comparison goods from Zones 1-3 to be £294.4m in 2016 (SERS App 4 Table 5) and turnover for existing floorspace (TC plus OOC) as £389.6m for the City Centre and £78.9m for OOC for 2016 (SERS App 6 Table 7).
- Table 2.1 identifies the TAE for comparison goods in 2022 to be £304.1m in 2022 which implies a modest uplift of 3.3% compared to the 2016 SERS figures implying a turnover of: £304.1m for the TC and £81.5m in 2022.

- 2.17 However, the implied turnover and sales densities for comparison goods, especially for floorspace within the City Centre, is not tenable. Table 2.2 uses the best estimates available for 2021 floorspace within the City Centre (sourced from a combination of Retail Rankings, Valuation Office data, property particulars and planning applications). If one adopts the SERS information the average sales density within the City Centre would be £12,676 psm which is an unrealistically high sales density and would be indicative of an exceptionally strong pressure on retail floorspace. Although the vitality and viability of the City Centre is strong, it is not exceptionally strong. Conversely the implied sales density for OOC comparison floorspace is unrealistically low. Using the adjusted SERS implied turnover figure for OOC space, this implies a sales density of only £1906psm out of centre.
- 2.18 These results are not unexpected when one relies literally on the results of the household survey for estimating comparison turnover. The authors of SERS should have verified the validity of the implied turnover by considering the amount of floorspace and implied sales densities as part of the SERS study but there is express consideration of this in that report.
- 2.19 As a result of this Table 2.2 estimates turnover of existing floorspace by referring both to the information from SERS and by reference to average sales densities in Retail Rankings. It is accepted that this is only an estimate. It should, however, be noted that Table 2.2 estimates existing comparison turnover within the whole of BSE as £333.06m which is substantially less than would be implied for the whole of the town from the SERS household survey (i.e. £385.6m when adjusted to 2022 available expenditure). The overall effect of assuming a lower turnover is that this will **over-estimate retail impacts** for example, if one assumes comparison goods trade diversion of £10m from the City Centre the RIA would forecast an impact of 3.0% whereas, if one adopted the SERS figure, the impact would be 2.6%.
- 2.20 Table 2.2 has also identified the principal non-food discounters in Bury St Edmunds. This information is used for the assessment of retail impacts associated with the operator of the non-food discounter being named as either Poundland or Wilko (scenario tests E & F in Section 3).
- 2.21 As a result of this it is considered that the estimate of comparison turnover provides the basis for a robust estimate of retail impact from the proposed development. This takes full account of recent impacts of the pandemic on special forms of trading as forecast by Experian.

Effect of Recent Closures and New Floorspace

- 2.22 Table 2.2 identifies all occupied retail floorspace. It therefore takes into account recent store closures. For example Debenhams (7844 sq m GFA) and Topshop (825 sq m GFA), which are both noted in the LSH review, would, if still trading, be expected to have a turnover in the region of £15m and, consequently, if trading the estimated turnover of the City Centre would have been correspondingly higher.
- 2.23 Table 2.2 also expressly identifies the turnover associated with new store openings including The Range, B&M and Glasswells extension. These are clearly identified in Table 2.2.
- 2.24 This explanation of the basis for deriving existing floorspace turnover and the treatment of new floorspace/closures addresses the questions raised by LSH at para 68 of their letter.

TABLE 2.2: FLOORSPACE AND TURNOVER IN 2022 AND 2024

2014 Prices

	No.	Convenience Goods				Comparison Goods				All Goods			Turnover in 2024		
		GFA	NFA	Turnover 2022 Per Sq M	Total £m	GFA	NFA	Turnover 2022 Per Sq M	Total £m	GFA	NFA	Turnover 2022 Total £m	Convenience	Comparison	Turnover 2024 Total £m
BURY ST EDMUNDS CITY CENTRE															
The Arc															
Convenience	1	91	59	£8,863	£0.52m					91	59	£0.52m	£0.53m		£0.53m
Comparison	25					11140	7241	£12,000	£86.89m	11140	7241	£86.89m		£91.81m	£91.81m
Retail Services	1									91					
Leisure Services	7									1610					
F&B Services	0									0					
Vacant	2									7937					
TOTAL	36	91	59	£0.52m		11140	7241	£86.89m		20869	7300	£87.42m	£0.53m	£91.81m	£92.35m
Robert Boby Retail Park															
Convenience	1	3163	1898	£11,658	£22.12m	558	335	£7,577	£2.54m	3721	2233	£24.66m	£22.45m	£2.68m	£25.13m
Comparison	1					1858	1486	£4,500	£6.69m	1858	1486	£6.69m		£7.07m	£7.07m
	1					796	691	£3,500	£2.42m	796	691	£2.42m		£2.56m	£2.56m
Vacant	2									1208					
TOTAL	5	3163	1898	£22.12m		3212	2512	£11.64m		7583	4410	£33.77m	£22.45m	£12.30m	£34.75m
Remainder of City Centre															
Convenience	27	3319	1991	£7,899	£15.73m					3319	1991	£15.73m	£15.96m		£15.96m
Comparison															
	1	114	86	£6,500	£0.56m	457	345	£3,250	£1.12m	571	431	£1.68m	£0.57m	£1.18m	£1.75m
	1					3472	2250	£2,500	£5.63m	3472	2250	£5.63m		£5.94m	£5.94m
	126					17974	11642	£9,253	£107.72m	17860	11642	£107.72m		£113.82m	£113.82m
<i>All Comparison</i>	128	114	86	£0.56m		21903	14237	£8,040	£114.46m	21903	14323	£115.02m	£0.57m	£120.95m	£121.52m
Retail Services	61									5269					
Leisure Services	91									20196					
F&B Services	51									8335					
Vacant	50									6249					
TOTAL	536	3433	2077	£16.29m		21903	14237	£114.46m		25221	16314	£130.75m	£16.52m	£120.95m	£137.47m
TOTAL CITY CENTRE															
Convenience	29	6572	3948	£9,862	£38.93m					6572	3948	£38.93m	£39.50m		£39.50m
Comparison	155					36255	23990	£8,879	£213.00	36255	23990	£213.00m		£225.07m	£225.07m
Retail Services	62									5360					
Leisure Services	98									21806					
F&B Services	51									8335					
Vacant	54									15394					
TOTAL	449	6572	3948	£38.93m		36255	23990	£213.00m		93722	27938	£251.94m	£39.50m	£225.07m	£264.57m
St Edmundsbury Retail Park/Easlea Road															
Convenience	1	335	268	£9,000	£2.41m	782	626	£7,000	£4.38m	1117	894	£6.79m	£2.45m	£4.63m	£7.08m
Comparison	9					11629	9303		£25.40m	11629	9303	£25.40m		£26.84m	£26.84m
	10	335	268	£8,990	£2.41m	12411	9929	£3,000	£29.79m	12746	10197	£32.20m	£2.45m	£31.47m	£33.92m
Vacant	1									139					
TOTAL	21	335	268	£2.41m		12411	9929	£29.79m		12885	10197	£32.20m	£2.45m	£31.47m	£33.92m
Bartons Retail Park															
Convenience	1	498	374	£5,334	£1.99m					498	374	£1.99m	£2.02m		£2.02m
Comparison	7					2173	1412	£1,500	£2.12m	2173	1412	£2.12m		£2.24m	£2.24m
Leisure Services	2									250					
TOTAL	10	498	374	£1.99m		2173	1412	£2.12m		2921	1786	£4.11m	£2.02m	£2.24m	£4.26m
Other Major Foodstores															
Aldi	1	1426	927	£24,515	£22.72m	475	309	£15,935	£4.92m	1901	1236	£27.64m	£23.05m	£5.20m	£28.25m
Asda	1	5530	3042	£13,582	£41.31m	976	537	£8,828	£4.74m	6506	3578	£46.05m	£41.91m	£5.01m	£46.92m
Co-op	1	1646	1070	£3,135	£3.36m	291	189	£2,038	£0.38m	1937	1259	£3.74m	£3.40m	£0.41m	£3.81m
Sainsbury's	1	5333	2933	£13,798	£40.47m	941	518	£8,969	£4.64m	6274	3451	£45.11m	£41.06m	£4.91m	£45.97m
Tesco	1	5423	3254	£12,212	£39.74m	957	574	£7,938	£4.56m	6380	3828	£44.29m	£40.32m	£4.82m	£45.13m
TOTAL	5	19358	11225	£147.59m		3640	2126	£19.25m		22998	13352	£166.84m	£149.74m	£20.34m	£170.08m
Other Major Non-Foodstores															
Matalan	1					2882	2162	£1,796	£3.88m	2882	2162	£3.88m		£4.10m	£4.10m
The Range	1					5058	4496	£1,900	£8.54m	1693	1166	£8.54m		£9.03m	£9.03m
B&M	1	455	364	£5,473	£1.99m	1820	1456	£3,485	£5.07m	2275	1820	£7.07m	£2.02m	£5.36m	£7.38m
Glasswells	1					10856	7580	£868	£6.58m	10856	7580	£6.58m		£6.95m	£6.95m
House of Harmony	1					778	685	£1,500	£1.03m	778	685	£1.03m		£1.09m	£1.09m
DJ Evans	1					1368	482	£1,500	£0.72m	1368	482	£0.72m		£0.76m	£0.76m
B&Q	1					4690	3699	£1,534	£5.67m	4690	3699	£5.67m		£6.00m	£6.00m
Miscellaneous Others	15+													£39.30m	£39.30m
Total	22+	455	364	£1.99m		27452	20560	£68.70m		24542	17594	£70.69m	£2.02m	£72.59m	£74.61m
PRIMARY CATCHMENT AREA TOTAL															
	507+	27219	16179	£192.92m		81931	58017	£332.85m		157068	70866	£525.77m	£195.73m	£351.71m	£547.44m

- Notes:
- Retail units identified from survey June 2021 with floorspace correlated to Goad Jan 2021 Survey
 - Floorspace estimates from (i) Goad Jan 2021 survey; (ii) Valuation Office records for premises (iii) St Edmundsbury Retail Study (SERS) for major foodstores only.
 - Convenience turnover from SERS (adjusted to reduced expenditure growth 2016-21 - see comments in text) but comparison turnover from reference to both SERS and 2021 Retail Rankings
 - Turnover in 2024 increased in line with available expenditure growth Table 2.1.

Development Scenarios

- 2.25 This section updates the assessment of impact for the three scenarios presented in the RIA. At paras 76 and 77 of their letter LSH raise questions regarding “productivity” growth and use of base year sales density figures.

Base Year Sales Density

- 2.26 At the outset the “base year” sales density is an irrelevance. The base year is 2022 and is used as a reference point for assessing how turnover in defined centres will change with the proposed development. In 2022 there is absolutely no possibility that a store would be trading in the application site – planning permission has not been granted, conditions have not been discharged and the store needs to be constructed and fitted-out. The only issue that is significant is the sales density adopted in the Test Year, i.e. 2024 and this is addressed below.

Assumptions re Productivity

- 2.27 There is no basis for assuming that there should be an automatic increase in sales densities for retail floorspace. The practice to do this in retail planning is a hangover from past practice (pre-2008) when there was very rapid growth in expenditure (especially for comparison goods but, compared to today, for convenience goods as well) and, as a result it was assumed that this should continue. This RIA present assessments on a constant price basis and there is no entitlement for new floorspace to assume that sales densities will increase indefinitely. It is accepted that, for example, Experian assume growth in sales densities for comparison goods (but not for convenience goods) but the rates of growth they identify are, in fact, not consistent with long term information provided by Retail Rankings and it is notable that precisely do not adopt such an approach. Indeed, there is an argument to suggest that, once floorspace is developed, after a period of time, without major new investment retail units tend to become tired and outdated and, if anything, existing floorspace is more likely to experienced reduced sales densities. However, the key issue affecting sales densities is not the physical space itself but the ability of the retail operator to provide a retail offer that continues to be attractive to customers and this is the key factor that determines future sales densities.
- 2.28 By way of comparison, if one considers the sales densities identified in the 2021 edition of Retail Rankings which were also available for 2018 and 2019 one can identify an average growth of sales densities of 0.9% pa in constant prices between 2018 and 2020. However, this figure is in fact distorted by one operator, namely Apple stores, and if this is excluded real growth is only 0.4% pa. Given that the base year in the RIA is 2022 and test year is 2024 an appropriate uplift would be only 0.9%. The figure for convenience goods shops is marginally higher – on a constant price basis the increase is +1.7% over the two years.
- 2.29 Rather than assuming an increase in sales densities of <1% for comparison goods and <2% for convenience goods a more sensible approach is the use of a sensitivity test where the assumed sales density is altered. This has been undertaken where sales densities were altered by +/-25% i.e. far dwarfing any potential changes in sales densities that may occur.
- 2.30 In addition, one should also consider the sales densities that have been adopted in the three scenarios and compare these to “average” sales densities for the type of retail proposed which is set out in the following paragraphs.

Scenario A – Food Discounter

2.31 Table 2.4A sets out the assumed sales density for a food discounter at £10,097 psm for both convenience and comparison goods. The following Table A summaries the most recent information for sales densities for food discounters from Retail Rankings and Global data.

Table A: Scenario A Sales Densities Comparators

	Aldi	Lidl	Average	Ratio of Scenario
	£psm	£psm	£psm	£psm to Average
1. Current Prices				
2021 Retail Rankings				
2018	11915	7301	9608	
2019	12387	7542	9965	
2020	12588	7549	10069	
Globaldata (est) 2021 (inc VAT)				
Conv	11199	8883	10041	
Comp	7876	4789	6333	
All Goods (80/20)	10534	8064	9299	
2 2014 Prices				
2021 Retail Rankings				
2018	11438	7009	9224	122%
2019	11681	7112	9397	119%
2020	11733	7036	9384	120%
Globaldata (est) 2021 (inc VAT)				
Conv	10408	8255	9331	120%
Comp	7719	4693	6206	181%
All Goods (80/20)	9870	7543	8706	129%

2.32 The adopted sales density for Scenario A is significantly higher than the comparators set out in Table A i.e. 19-22% higher than the RR2021 figures for 2018-2020 (all goods) 20% higher than Globaldata for 2021 for convenience goods and much higher than 2021 Globaldata figure for comparison goods.

2.33 Given that the sales densities adopted in Scenario A are already high there is no basis for amending these to reflect questionable “productivity” gains.

Scenario B General Supermarket

2.34 Table B provides the same analysis for Scenario B from the same sources.

Table B: Scenario B Sales Densities Comparators

	Co-op	M&S	Tesco	Average	Ratio of Scenario £psm to Average
<i>1. Current Prices</i>					
2021 Retail Rankings					
2018	8599	9466	11147	9032.5	
2019	9434	9096	11533	9265	
2020	9722	9246	12156	9484	
Global (est) 2021 (inc VAT)					
Conv	11169	11257	14304	11213	
Comp	9043	9033	8722	9038	
All Goods (80/20)	10744	10812		10778	
<i>2 2014 Prices</i>					
2021 Retail Rankings					
2018	8582	9087	11611	8835	120%
2019	9411	8578	11556	8994	131%
2020	9693	8618	12156	9155	129%
Global (est) 2021 (inc VAT)					
Conv	10380	10461	14018	10421	113%
Comp	8863	8853	8548	8858	87%
All Goods (80/20)	10076	10140		10108	105%

2.35 In this scenario sales densities for convenience goods are even higher than for Scenario A. The only aspect where they are lower is for comparison goods sales but, given that these comprise only a small proportion of floorspace this is not significant. Furthermore, the sensitivity tests include an assessment where both convenience and comparison sales densities are a further 25% higher. The conclusion for Scenario B is the same as for Scenario A – there is no basis for making any further adjustments for “productivity” gains.

Scenario C Non Food Discounter

2.36 Table C provides the same analysis for Scenario C from the same sources (information from Globaldata is not available for these non-food retailers). It should be noted that Home Bargains data is only available in RR21 for year ending 2018 and for Poundland for 2018 and 2019).

Table C: Scenario C Sales Densities Comparators

	B&M	HB	Poundland	Wilko	Average	Ratio of Scenario £psm to Average
<i>1. Current Prices</i>						
2021 Retail Rankings						
2018	3485	7391	3583	2390	4212	
2019	3319	7391	3389	2199	4075	
2020	3586	7391	3583	2070	4158	
<i>2 2014 Prices</i>						
2021 Retail Rankings						
2018	3422	7258	3519	2347	4136	102%
2019	3250	7236	3318	2153	3989	106%
2020	3504	7222	3501	2023	4062	104%

2.37 In this scenario assumed sales densities are closer to those identified in Retail Rankings although they are still above the identified averages and would remain above the averages if allowance was made for the marginal growth in sales densities identified for comparison goods shops over the period 2018-2020 noted earlier. As with the other scenarios there is, therefore, no basis for making any further allowances for “productivity” gains.

Updated Retail Impact Assessment Calculations

2.38 Tables 2.1 and 2.2 have updated the available expenditure and existing floorspace turnover estimates. It has been demonstrated that there is no justification for incorporating a “productivity” factor for the three scenarios tested in the RIA on the grounds that (i) there is no clear evidence that there any expectation of productivity to increase; (ii) regardless of this each of the scenarios adopts sales densities significantly in excess of relevant average levels; and (iii) much higher sales densities are also tested in the sensitivity tests.

2.39 The following tables therefore provide an update to the calculated retail impacts for the three Scenarios presented in the original RIA.

Development Scenarios – Floorspace and Turnover

TABLE 2.4A: PROPOSED DEVELOPMENT - SCENARIO A - FOOD DISCOUNTER

2014 Prices

	GFA	NFA	Turnover Rate	Total Turnover 2024
Total Floorspace & Turnover				
Convenience	1417	992	£11,219	£11.13m
General Comparison	250	175	£11,219	£1.96m
Bulky Goods	0	0		£0.00m
Total	1667	1167		£13.09m
	1667	1167		£13.09m

Notes:

Turnover assumptions: £psm Average of stores from Retail Rankings 2021/Globaldata
2018-2021
Unit: Food Discounter 9178 Aldi; Lidl. 2014 prices

TABLE 2.4B: PROPOSED DEVELOPMENT - SCENARIO B - GENERAL SUPERMARKET

2014 Prices

	GFA	NFA	Turnover Rate	Total Turnover 2024
Total Floorspace & Turnover				
Convenience	1167	700	£11,816	£8.27m
General Comparison	500	300	£7,680	£2.30m
Bulky Goods	0	0		£0.00m
Total	1667	1000	£10,575	£10.58m
	1667	1000		£10.58m

Notes:

Turnover assumptions: £psm Average of stores from Retail Rankings 2021
Globaldata - 2018-2021 2014 prices
Unit: General Mid-Sized Supermarket 9273 Co-op, M&S Foodhall and Tesco

TABLE 2.4C: PROPOSED DEVELOPMENT - SCENARIO C - NON-FOOD DISCOUNTER
2014 Prices

	GFA	NFA	Turnover Rate	Total Turnover 2024
Total Floorspace & Turnover				
Convenience	417	313	£4,213	£1.32m
General Comparison	917	688	£4,213	£2.90m
Bulky Goods	333	250	£4,213	£1.05m
Total	1667	1250		£5.27m
	1667	1250		£5.27m

Notes:

Turnover assumptions:	£psm	Average of stores from Retail Rankings 2021 Globaldata 2018-2021	2014 prices
Unit: Non-Food Discounter	4063	B&M; Home Bargains; Poundland ; Wilko (Poundstretcher and The Range not available)	

Development Scenarios – Trade Diversion

2.40 Trade diversion assumptions remain the same as those used in the RIA tables 2.5A to 2.5C and are not, therefore, repeated here.

Comment on Scenario C Trade Diversion from the Arc

2.41 At para 134 LSH request further clarification on the basis of trade diversion for this Scenario from the Arc. As explained in the original RIA the same general principles for identifying trade diversion assumptions were adopted for each of Scenarios A to C which were explained at para 2.24 of the RIA. These factors are:

- Similarity of goods traded
- Level of turnover
- Similarity of catchment areas (distance weighting)
- Known patterns of expenditure flows (from the SERS study).

2.42 Using these factors Table 2.5C (as updated in this statement) assumes that 21.5% of comparison goods turnover diverted to the non-food discounter would be diverted from shops within the Arc (i.e. £0.85m). This can be compared to the equivalent figure for the remainder of the City Centre (58.5%) and can be compared to the estimated turnover of these locations identified in that Table:

- The Arc – 21.5% trade diversion = £0.85m from £91.8m comparison turnover – ratio = 0.93%
- Remainder of the City Centre – 58.5% trade diversion = £2.31m from £133.3m – ratio = 1.73%

2.43 The ratio between trade diversion from the Arc and the remainder of the City Centre reflects the difference in the retail offer between the Arc and the remainder of the City Centre and the extent to which the proposed Scenario C proposal (a non-food discounter) would compete with this existing floorspace. The large majority of comparison floorspace within the Arc is for fashion goods and, normally, limited floorspace is given to these goods in non-food discounters (Pep franchises in Poundland being the main exception but also some clothing is present in Original Factory Shops). It follows that the ratio of trade diversion to turnover should be significantly lower from the Arc than the remainder of the City Centre, especially given that the latter includes both a Poundland and Willko. Taking these factors into account could suggest that, if anything, Table 2.C *overestimates* trade diversion from the Arc and, correspondingly, *underestimates* the amount from the remainder of the City Centre. The additional comments made by LSH regarding diversity in retail mix in non-food discounters do not affect these conclusions.

2.44 *However*, all of the above is immaterial since the key impact test is the impact that the proposed development will have on the vitality and viability of City Centre as a whole and, in this regard, it makes absolutely no difference whether more or less is diverted from the Arc and, correspondingly, less or more is diverted from the remainder of the City Centre, since, of course, the total amount diverted from the City Centre as a whole, remains the same.

Calculation of Retail Impact

2.45 Calculated retail impacts use the same measures as identified for the original RIA but amended to reflect the update base and test years, that is:

- Turnover change 2022 (existing) compared to 2024 with the proposed development (i.e. cumulative impact taking into account expenditure change affecting existing floorspace).
- Turnover change in 2024 comparing the position with the proposed development and without the proposed development (no regard is given to changes between 2022 and 2024).
- Post impact (residual) sales densities for convenience and comparison goods.

2.46 The updated calculated impacts are set out in Tables 2.5A to 2.5C.

TABLE 2.5A: DERIVATION OF TRADE DIVERSION - SCENARIO A - FOOD DISCOUNTER

2014 Prices

	Convenience Goods					Comparison Goods					Total Trade Diversion All Goods
	2024 Turnover (Conv only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Convenience	Total Trade Diversion Convenience	2024 Turnover (Comp only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Comparison	Total Trade Diversion Comparison	
BURY ST EDMUNDS CITY CENTRE											
The Arc											
Convenience	£0.53m	1	4	0.0%	£0.00m						£0.00m
Comparison						£91.81m	2	4	23.0%	£0.45m	£0.45m
TOTAL	£0.53m			0.0%	£0.00m	£91.81m			23.0%	£0.45m	£0.45m
Robert Boby Retail Park											
Convenience	£22.45m	3	4	10.0%	£1.11m	£2.68m	1	4	0.5%	£0.01m	£1.12m
Comparison						£7.07m	2	4	1.5%	£0.03m	£0.03m
						£2.56m	1	4	0.0%	£0.00m	£0.00m
TOTAL	£22.45m			10.0%	£1.11m	£12.30m			2.0%	£0.04m	£1.15m
Remainder of City Centre											
Convenience	£15.96m	3	4	6.0%	£0.67m						£0.67m
Comparison						£120.95m	3	4	50.0%	£0.98m	£0.98m
TOTAL	£16.52m			6.0%	£0.67m	£120.95m			50.0%	£0.98m	£1.65m
TOTAL CITY CENTRE											
Convenience	£39.50m			16.0%	£1.78m						
Comparison						£225.07m			75.0%	£1.47m	
TOTAL	£39.50m			16.0%	£1.78m	£225.07m			75.0%	£1.47m	£0.00m
St Edmundsbury Retail Park											
Convenience											
All Comparison	£2.45m	2	5	1.0%	£0.11m	£31.47m	3	5	10.0%	£0.20m	£0.31m
	£2.45m			1.0%	£0.11m	£31.47m			10.0%	£0.20m	£0.31m
Bartons Retail Park											
Convenience	£2.02m	5	5	1.0%	£0.11m						£0.11m
Comparison						£2.24m	2	5	1.0%	£0.02m	£0.02m
	£2.02m			1.0%	£0.11m	£2.24m			1.0%	£0.02m	£0.13m
Other Major Foodstores											
Aldi	£23.05m	5	2	10.5%	£1.17m	£5.20m	5	2	1.5%	£0.03m	£1.20m
Asda	£41.91m	4	2	15.0%	£1.67m	£5.01m	4	2	1.0%	£0.02m	£1.69m
Co-op	£3.40m	3	2	1.0%	£0.11m	£0.41m	4	2	0.0%	£0.00m	£0.11m
Sainsbury's	£41.06m	4	5	35.0%	£3.89m	£4.91m	4	5	2.5%	£0.05m	£3.94m
Tesco	£40.32m	4	3	20.0%	£2.23m	£4.82m	4	3	1.5%	£0.03m	£2.26m
	£149.74m			81.5%	£9.07m	£20.34m			6.5%	£0.13m	
Other Major Non-Foodstores											
Matalan						£4.10m	2	5	1.0%	£0.02m	£0.02m
The Range						£9.03m	3	2	0.5%	£0.01m	£0.01m
B&M	£2.02m	2	2	0.5%	£0.06m	£5.36m	3	2	0.5%	£0.01m	£0.07m
Glasswells						£6.95m	1	2	0.0%	£0.00m	£0.00m
House of Harmony						£1.09m	1	5	0.0%	£0.00m	£0.00m
DJ Evans						£0.76m	1	4	0.0%	£0.00m	£0.00m
B&Q						£6.00m	1	4	0.5%	£0.01m	£0.01m
Miscellaneous Others						£39.30m	2	3	5.0%	£0.10m	£0.10m
Total	£2.02m			0.5%	£0.06m	£72.59m			£0.08m	£0.00m	£0.00m
PRIMARY CATCHMENT AREA TOTAL											
	£195.73m			100.0%	£11.13m	£351.71m			100.0%	£1.96m	£13.09m

TABLE 2.5B: DERIVATION OF TRADE DIVERSION - SCENARIO B - SUPERMARKET

2014 Prices

	Convenience Goods					Comparison Goods					Total Trade Diversion All Goods
	2024 Turnover (Conv only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Convenience	Total Trade Diversion Convenience	2024 Turnover (Comp only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Comparison	Total Trade Diversion Comparison	
BURY ST EDMUNDS CITY CENTRE											
The Arc											
Convenience	£0.53m	2	4	0.0%	£0.00m						£0.00m
Comparison						£91.81m	2	4	19.0%	£0.44m	£0.44m
TOTAL	£0.53m			0.0%	£0.00m	£91.81m			19.0%	£0.44m	£0.44m
Robert Boby Retail Park											
Convenience	£22.45m	5	4	15.0%	£1.24m	£2.68m	3	4	0.0%	£0.00m	£1.24m
Comparison						£7.07m	2	4	1.0%	£0.02m	£0.02m
						£2.56m	1	4	0.0%	£0.00m	£0.00m
TOTAL	£22.45m			15.0%	£1.24m	£12.30m			1.0%	£0.02m	£1.26m
Remainder of City Centre											
Convenience	£15.96m	3	4	6.5%	£0.54m						£0.54m
Comparison						£120.95m	3	4	40.0%	£0.92m	£0.92m
TOTAL	£16.52m			6.5%	£0.54m	£120.95m			40.0%	£0.92m	£1.46m
TOTAL CITY CENTRE											
Convenience	£39.50m			21.5%	£1.78m						£1.78m
Comparison						£225.07m			60.0%	£1.38m	£1.38m
TOTAL	£39.50m			21.5%	£1.78m	£225.07m			60.0%	£1.38m	£3.16m
St Edmundsbury Retail Park											
Convenience											
All Comparison	£2.45m	2	5	0.5%	£0.04m	£31.47m	2	5	10.0%	£0.23m	£0.27m
	£2.45m			0.5%	£0.04m	£31.47m			10.0%	£0.23m	£0.27m
Bartons Retail Park											
Convenience	£2.02m	4	5	1.5%	£0.12m						£0.12m
Comparison						£2.24m	2	5	0.5%	£0.01m	£0.01m
	£2.02m			1.5%	£0.12m	£2.24m			0.5%	£0.01m	£0.14m
Other Major Foodstores											
Aldi	£23.05m	4	2	7.0%	£0.58m	£5.20m	4	2	2.5%	£0.06m	£0.64m
Asda	£41.91m	5	2	14.0%	£1.16m	£5.01m	5	2	3.0%	£0.07m	£1.23m
Co-op	£3.40m	5	2	1.0%	£0.08m	£0.41m	5	2	0.0%	£0.00m	£0.08m
Sainsbury's	£41.06m	5	5	34.0%	£2.81m	£4.91m	5	5	6.0%	£0.14m	£2.95m
Tesco	£40.32m	5	3	20.0%	£1.65m	£4.82m	5	3	4.0%	£0.09m	£1.75m
	£149.74m			76.0%	£6.29m	£20.34m			15.5%	£0.36m	
Other Major Non-Foodstores											
Matalan						£4.10m	2	5	1.0%	£0.02m	£0.02m
The Range						£9.03m	3	2	1.0%	£0.02m	£0.02m
B&M	£2.02m	3	2	0.5%	£0.04m	£5.36m	3	2	1.0%	£0.02m	£0.06m
Glasswells						£6.95m	1	2	0.5%	£0.01m	£0.01m
House of Harmony						£1.09m	1	5	0.0%	£0.00m	£0.00m
DJ Evans						£0.76m	1	4	0.0%	£0.00m	£0.00m
B&Q						£6.00m	1	4	0.5%	£0.01m	£0.01m
Miscellaneous Others						£39.30m	2	3	10.0%	£0.23m	£0.23m
Total	£2.02m			0.5%	£0.04m	£72.59m			£0.14m	£0.00m	£0.00m
PRIMARY CATCHMENT AREA TOTAL											
	£195.73m			100.0%	£8.27m	£351.71m			100.0%	£2.30m	£10.58m

TABLE 2.5C: DERIVATION OF TRADE DIVERSION - SCENARIO C - NON-FOOD DISCOUNTER

2014 Prices

	Convenience Goods					Comparison Goods					Total Trade Diversion All Goods
	2024 Turnover (Conv only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Convenience	Total Trade Diversion Convenience	2024 Turnover (Comp only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Comparison	Total Trade Diversion Comparison	
BURY ST EDMUNDS CITY CENTRE											
The Arc											
Convenience	£0.53m	1	4	0.0%	£0.00m						£0.00m
Comparison						£91.81m	2	4	21.5%	£0.85m	£0.85m
TOTAL	£0.53m			0.0%	£0.00m	£91.81m			21.5%	£0.85m	£0.85m
Robert Boby Retail Park											
Convenience	£22.45m	3	4	10.0%	£0.13m	£2.68m	1	4	0.5%	£0.02m	£0.15m
Comparison						£7.07m	3	4	2.5%	£0.10m	£0.10m
						£2.56m	2	4	0.5%	£0.02m	£0.02m
TOTAL	£22.45m			10.0%	£0.13m	£12.30m			3.5%	£0.14m	£0.27m
Remainder of City Centre											
Convenience	£15.96m	4	4	10.0%	£0.13m						£0.13m
Comparison						£120.95m	4	4	55.0%	£2.17m	£2.17m
TOTAL	£16.52m			10.0%	£0.13m	£120.95m			55.0%	£2.17m	£2.30m
TOTAL CITY CENTRE											
Convenience	£39.50m			20.0%	£0.26m						£0.26m
Comparison						£225.07m			80.0%	£3.16m	£3.16m
TOTAL	£39.50m			20.0%	£0.26m	£225.07m			80.0%	£3.16m	£3.42m
St Edmundsbury Retail Park											
Convenience											
All Comparison	£2.45m	5	5	2.0%	£0.03m	£31.47m	3	5	10.0%	£0.40m	£0.42m
	£2.45m			2.0%	£0.03m	£31.47m			10.0%	£0.40m	£0.42m
Bartons Retail Park											
Convenience	£2.02m	2	5	1.0%	£0.01m						£0.01m
Comparison						£2.24m	2	5	0.0%	£0.00m	£0.00m
	£2.02m			1.0%	£0.01m	£2.24m			0.0%	£0.00m	£0.01m
Other Major Foodstores											
Aldi	£23.05m	3	2	7.0%	£0.09m	£5.20m	3	2	1.0%	£0.04m	£0.13m
Asda	£41.91m	4	2	14.0%	£0.18m	£5.01m	3	2	0.5%	£0.02m	£0.20m
Co-op	£3.40m	4	2	1.0%	£0.01m	£0.41m	3	2	0.0%	£0.00m	£0.01m
Sainsbury's	£41.06m	4	5	34.0%	£0.45m	£4.91m	3	5	1.0%	£0.04m	£0.49m
Tesco	£40.32m	4	3	20.5%	£0.27m	£4.82m	3	3	1.0%	£0.04m	£0.31m
	£149.74m			76.5%	£1.01m	£20.34m			3.5%	£0.14m	
Other Major Non-Foodstores											
Matalan						£4.10m	2	5	0.5%	£0.02m	£0.02m
The Range						£9.03m	5	2	0.5%	£0.02m	£0.02m
B&M	£2.02m	5	2	0.5%	£0.01m	£5.36m	5	2	0.5%	£0.02m	£0.03m
Glasswells						£6.95m	1	2	0.0%	£0.00m	£0.00m
House of Harmony						£1.09m	1	5	0.0%	£0.00m	£0.00m
DJ Evans						£0.76m	1	4	0.0%	£0.00m	£0.00m
B&Q						£6.00m	1	4	0.0%	£0.00m	£0.00m
Miscellaneous Others						£39.30m	3	3	5.0%	£0.20m	£0.20m
Total	£2.02m			0.5%	£0.01m	£72.59m			7%	£0.00m	£0.00m
PRIMARY CATCHMENT AREA TOTAL											
	£195.73m			100.0%	£1.32m	£351.71m			100.0%	£3.95m	£5.27m

TABLE 2.6A: CALCULATION OF RETAIL IMPACT- SCENARIO A - FOOD DISCOUNTER - UPDATED ASSESSMENT - APRIL 2022

2014 Prices

	A	B	C	D	E	F	G
	2022 Existing Turnover (Without Proposed Dvpt)	2024 Turnover without Proposed Development	Trade Diversion (All Goods)	2024 Turnover with Proposed Development	Turnover Change 2022 with Dvpt v 2024 without Dvpt	Turnover Change 2024 with Dvpt v 2024 without Dvpt	Residual Turnover rate £psm
BURY ST EDMUNDS CITY CENTRE							<i>convenience goods only</i> <i>comparison goods only</i>
TOTAL CITY CENTRE							
Convenience	£38.37m	£38.93m	£1.79m	£37.14m	-3.2%	-4.6%	£9,269psm
Comparison	£213.00m	£225.07m	£1.46m	£223.61m	+5.0%	-0.7%	£8,817psm
TOTAL	£251.38m	£264.00m	£3.25m	£260.75m	+3.7%	-1.2%	
St Edmundsbury Retail Park							
Convenience	£1.99m	£2.02m	£0.00m	£2.02m	+1.5%	+0.0%	
All Comparison	£31.78m	£33.49m	£0.31m	£33.19m	+4.4%	-0.9%	£2,980psm
	£33.77m	£35.52m	£0.31m	£35.21m	+4.3%	-0.9%	
Bartons Retail Park							
Convenience Farmfoods	£1.99m	£2.02m	£0.11m	£1.91m	-4.1%	-5.5%	£5,036psm
Comparison	£2.12m	£2.24m	£0.02m	£2.22m	+4.7%	-0.9%	£1,486psm
	£4.11m	£4.26m	£0.13m	£4.13m	+0.4%	-3.1%	
Other Major Foodstores							
Aldi	£28.83m	£29.47m	£1.20m	£28.27m	-1.9%	-4.1%	£24,310psm
Asda	£46.05m	£46.92m	£1.69m	£45.23m	-1.8%	-3.6%	£13,033psm
Co-op	£3.74m	£3.81m	£0.11m	£3.70m	-1.1%	-2.9%	£3,031psm
Sainsbury's	£45.11m	£45.97m	£3.94m	£42.02m	-6.9%	-8.6%	£12,470psm
Tesco	£44.29m	£45.13m	£2.26m	£42.88m	-3.2%	-5.0%	£11,528psm
	£168.03m	£171.30m	£9.20m	£162.10m	-3.5%	-5.4%	
Other Major Non-Foodstores							
Matalan	£3.88m	£4.10m	£0.02m	£4.08m	+5.2%	-0.5%	£1,787psm
The Range	£3.50m	£3.70m	£0.01m	£3.69m	+5.4%	-0.3%	£2,992psm
B&M	£6.55m	£6.84m	£0.07m	£6.77m	+3.4%	-1.0%	£3,477psm
Glasswells	£6.58m	£6.95m	£0.00m	£6.95m	+5.7%	+0.0%	£868psm
House of Harmony	£1.03m	£1.09m	£0.00m	£1.09m	+5.7%	+0.0%	£1,500psm
DJ Evans	£0.72m	£0.76m	£0.00m	£0.76m	+5.7%	+0.0%	£1,500psm
B&Q	£5.67m	£6.00m	£0.01m	£5.99m	+5.5%	-0.2%	£1,531psm
Miscellaneous Others	£42.76m	£45.18m	£0.10m	£45.08m	+5.4%	-0.2%	
<i>Proposed Development</i>			<i>-£13.09m</i>	<i>£13.09m</i>			
Total	£70.69m	£74.61m	-£12.89m	£87.50m	+23.8%	+17.3%	
PRIMARY CATCHMENT AREA TOTAL	£527.98m	£549.69m	£0.00m	£549.69m	+4.1%	+0.0%	

TABLE 2.6B: CALCULATION OF RETAIL IMPACT- SCENARIO B - MID-SIZED SUPERMARKET - UPDATED ASSESSMENT - APRIL 2022

2014 Prices

	A	B	C	D	E	F	G
	2022 Existing Turnover (Without Proposed Dvpt)	2024 Turnover without Proposed Development	Trade Diversion (All Goods)	2024 Turnover with Proposed Development	Turnover Change 2022 with Dvpt v 2024 without Dvpt	Turnover Change 2024 with Dvpt v 2024 without Dvpt	Residual Turnover rate £psm
BURY ST EDMUNDS CITY CENTRE							<i>convenience goods only</i> <i>comparison goods only</i>
TOTAL CITY CENTRE							
Convenience	£38.37m	£38.93m	£1.78m	£37.15m	-3.2%	-4.6%	£9,269psm
Comparison	£213.00m	£225.07m	£1.38m	£223.69m	+5.0%	-0.6%	£8,821psm
TOTAL	£251.38m	£264.00m	£3.16m	£260.84m	+3.8%	-1.2%	
St Edmundsbury Retail Park							
Convenience	£1.99m	£2.02m	£0.00m	£2.02m	+1.5%	+0.0%	
All Comparison	£31.78m	£33.49m	£0.27m	£33.22m	+4.5%	-0.8%	£2,977psm
	£33.77m	£35.52m	£0.27m	£35.24m	+4.4%	-0.8%	
Bartons Retail Park							
Convenience Farmfoods	£1.99m	£2.02m	£0.12m	£1.90m	-4.8%	-6.1%	£5,001psm
Comparison	£2.12m	£2.24m	£0.01m	£2.23m	+5.1%	-0.5%	£1,492psm
	£4.11m	£4.26m	£0.14m	£4.12m	+0.3%	-3.2%	
Other Major Foodstores							
Aldi	£28.83m	£29.47m	£0.64m	£28.83m	-0.0%	-2.2%	£24,946psm
Asda	£46.05m	£46.92m	£1.23m	£45.69m	-0.8%	-2.6%	£13,201psm
Co-op	£3.74m	£3.81m	£0.08m	£3.73m	-0.3%	-2.2%	£3,058psm
Sainsbury's	£45.11m	£45.97m	£2.95m	£43.01m	-4.7%	-6.4%	£12,839psm
Tesco	£44.29m	£45.13m	£1.75m	£43.39m	-2.1%	-3.9%	£11,704psm
	£168.03m	£171.30m	£6.64m	£164.65m	-2.0%	-3.9%	
Other Major Non-Foodstores							
Matalan	£3.88m	£4.10m	£0.02m	£4.08m	+5.1%	-0.6%	£1,785psm
The Range	£3.50m	£3.70m	£0.02m	£3.67m	+5.0%	-0.6%	£2,980psm
B&M	£6.55m	£6.84m	£0.06m	£6.77m	+3.4%	-0.9%	£3,467psm
Glasswells	£6.58m	£6.95m	£0.01m	£6.94m	+5.5%	-0.2%	£867psm
House of Harmony	£1.03m	£1.09m	£0.00m	£1.09m	+5.7%	+0.0%	£1,500psm
DJ Evans	£0.72m	£0.76m	£0.00m	£0.76m	+5.7%	+0.0%	£1,500psm
B&Q	£5.67m	£6.00m	£0.01m	£5.98m	+5.5%	-0.2%	£1,531psm
Miscellaneous Others	£42.76m	£45.18m	£0.23m	£44.95m	+5.1%	-0.5%	
<i>Proposed Development</i>			<i>-£10.58m</i>	<i>£10.58m</i>			
Total	£70.69m	£74.61m	-£10.21m	£84.83m	+20.0%	+13.7%	
PRIMARY CATCHMENT AREA TOTAL	£527.98m	£549.69m	£0.00m	£549.69m	+4.1%	+0.0%	

TABLE 2.6C: CALCULATION OF RETAIL IMPACT- SCENARIO C - NON-FOOD DISCOUNTER - UPDATED ASSESSMENT - APRIL 2022

2014 Prices

	A	B	C	D	E	F	G
	2022 Existing Turnover (Without Proposed Dvpt)	2024 Turnover without Proposed Development	Trade Diversion (All Goods)	2024 Turnover with Proposed Development	Turnover Change 2022 with Dvpt v 2024 without Dvpt	Turnover Change 2024 with Dvpt v 2024 without Dvpt	Residual Turnover rate £psm
BURY ST EDMUNDS CITY CENTRE							<i>convenience goods only</i> <i>comparison goods only</i>
TOTAL CITY CENTRE							
Convenience	£38.37m	£38.93m	£0.28m	£38.65m	+0.7%	-0.7%	£9,653psm
Comparison	£213.00m	£225.07m	£3.14m	£221.93m	+4.2%	-1.4%	£8,747psm
TOTAL	£251.38m	£264.00m	£3.42m	£260.58m	+3.7%	-1.3%	
St Edmundsbury Retail Park							
Convenience	£1.99m	£2.02m	£0.00m	£2.02m	+1.5%	+0.0%	
All Comparison	£31.78m	£33.49m	£0.42m	£33.07m	+4.1%	-1.3%	£2,960psm
	£33.77m	£35.52m	£0.42m	£35.09m	+3.9%	-1.2%	
Bartons Retail Park							
Convenience Farmfoods	£1.99m	£2.02m	£0.01m	£2.01m	+0.8%	-0.7%	£5,298psm
Comparison	£2.12m	£2.24m	£0.00m	£2.24m	+5.7%	+0.0%	£1,500psm
	£4.11m	£4.26m	£0.01m	£4.25m	+3.3%	-0.3%	
Other Major Foodstores							
Aldi	£28.83m	£29.47m	£0.13m	£29.34m	+1.7%	-0.4%	£25,471psm
Asda	£46.05m	£46.92m	£0.20m	£46.71m	+1.4%	-0.4%	£13,521psm
Co-op	£3.74m	£3.81m	£0.01m	£3.80m	+1.5%	-0.3%	£3,123psm
Sainsbury's	£45.11m	£45.97m	£0.49m	£45.48m	+0.8%	-1.1%	£13,645psm
Tesco	£44.29m	£45.13m	£0.31m	£44.82m	+1.2%	-0.7%	£12,129psm
	£168.03m	£171.30m	£1.15m	£170.15m	+1.3%	-0.7%	
Other Major Non-Foodstores							
Matalan	£3.88m	£4.10m	£0.02m	£4.08m	+5.2%	-0.5%	£1,787psm
The Range	£3.50m	£3.70m	£0.02m	£3.68m	+5.1%	-0.5%	£2,983psm
B&M	£6.55m	£6.84m	£0.03m	£6.81m	+4.0%	-0.4%	£3,470psm
Glasswells	£6.58m	£6.95m	£0.00m	£6.95m	+5.7%	+0.0%	£868psm
House of Harmony	£1.03m	£1.09m	£0.00m	£1.09m	+5.7%	+0.0%	£1,500psm
DJ Evans	£0.72m	£0.76m	£0.00m	£0.76m	+5.7%	+0.0%	£1,500psm
B&Q	£5.67m	£6.00m	£0.00m	£6.00m	+5.7%	+0.0%	£1,534psm
Miscellaneous Others	£42.76m	£45.18m	£0.20m	£44.98m	+5.2%	-0.4%	
<i>Proposed Development</i>			<i>-£5.27m</i>	<i>£5.27m</i>			
Total	£70.69m	£74.61m	-£5.00m	£79.62m	+12.6%	+6.7%	
PRIMARY CATCHMENT AREA TOTAL	£527.98m	£549.69m	£0.00m	£549.69m	+4.1%	+0.0%	

Sensitivity Tests

2.47 The same sensitivity tests have been adopted as used in the original RIA. The results of these are set out in Table 2.7.

2.48 It should be noted that the highest impacts are associated with highly unlikely scenarios, for example sales densities in Test 2A are at levels: 50%-60% *above* average trading levels for 2018-2021 for Scenario A (Food Discounter); 30%-65% *above* average levels for 2018-2021 for Scenario B (General Supermarket); and 27% to 32% *above* average levels for 2018-2020 for Scenario C (Non-food Discounter).

2.49 The differences in results compared to the original RIA are:

- Marginal reduction in net growth in real terms for all locations by 0.5% (e.g. central case for Bury St Edmunds City Centre reduces from growth of +4.1% to growth of +3.7%). This reflects the reduced forecasts of expenditure growth identified in Table 2.1 in this update compared to the original forecasts.
- No material change in direct impacts (i.e. 2024 with proposal compared to 2024 without proposal) for any location.

TABLE 2.7 - SENSITIVITY TEST RESULTS - ALL SCENARIOS

Test	Bury St Edmunds City Centre % Change in Turnover		St Edmundsbury Retail Park % Change in Turnover		The Bartons Retail Park % Change in Turnover	
	2024 with Dvpt v 2022 without	2024 with Dvpt v 2022 without	2024 with Dvpt v 2022 without	2024 with Dvpt v 2024 without	2024 with Dvpt v 2022 without	2024 with Dvpt v 2024 without
SCENARIO A - FOOD DISCOUNTER						
1. Central Case	+3.7%	-1.2%	+4.3%	-0.9%	+0.4%	-3.1%
2. Turnover of Dvpt						
2A. Increase Turnover +25%	+3.4%	-1.5%	+4.0%	-1.1%	-0.4%	-3.8%
2B. Reduce Turnover -25%	+4.1%	-0.9%	+4.5%	-0.6%	+1.2%	-2.3%
3. Assume 90% of turnover is drawn from PCA	+3.9%	-1.1%	+4.3%	-0.8%	+0.8%	-2.8%
4. Amend trade diversion assumptions:						
4A: Reduce trade diversion from City Centre by 33%	+4.2%	-0.8%	+3.7%	-1.4%	-0.2%	-3.7%
4A: Increase trade diversion from City Centre by 33%	+3.3%	-1.6%	+4.9%	-0.3%	+1.1%	-2.5%
SCENARIO B - MID-SIZE SUPERMARKET						
1. Central Case	+3.8%	-1.2%	+4.4%	-0.8%	+0.3%	-3.2%
2. Turnover of Dvpt						
2A. Increase Turnover +25%	+3.5%	-1.5%	+4.2%	-1.0%	-0.5%	-4.0%
2B. Reduce Turnover -25%	+4.1%	-0.9%	+4.6%	-0.6%	+1.2%	-2.4%
3. Assume 90% of turnover is drawn from PCA	+3.9%	-1.1%	+4.4%	-0.7%	+0.7%	-2.9%
4. Amend trade diversion assumptions:						
4A: Reduce trade diversion from City Centre by 33%	+4.2%	-0.8%	+4.0%	-1.1%	-0.1%	-3.6%
4A: Increase trade diversion from City Centre by 33%	+3.4%	-1.6%	+4.7%	-0.4%	+0.7%	-2.8%
SCENARIO C - NON-FOOD DISCOUNTER						
1. Central Case	+3.7%	-1.2%	+3.3%	-1.7%	+3.3%	-0.3%
2. Turnover of Dvpt						
2A. Increase Turnover +25%	+3.4%	-1.5%	+2.9%	-2.2%	+3.2%	-0.4%
2B. Reduce Turnover -25%	+4.1%	-0.9%	+3.8%	-1.3%	+3.4%	-0.2%
3. Assume 90% of turnover is drawn from PCA	+3.9%	-1.1%	+3.5%	-1.6%	+3.3%	-0.3%
4. Amend trade diversion assumptions:						
4A: Reduce trade diversion from City Centre by 33%	+4.1%	-0.9%	+2.4%	-2.7%	+3.3%	-0.3%
4A: Increase trade diversion from City Centre by 33%	+3.3%	-1.6%	+5.1%	-0.1%	+3.3%	-0.3%
<i>(max trade diversion from CC for comp goods = 100%)</i>						
Range	+3% to +4%	-1% to -2%	+3% to +5%	-3% to -0%	-1% to +3%	-0% to -4%

Conclusion – RIA Update

- 2.50 This update of the RIA has taken into account the latest available forecasts of expenditure growth, including effects on the role of special forms of trading arising from the impact of social restriction measures associated with the Covid-19 pandemic. As with the original RIA, it also takes into account changes of occupied floorspace within the City Centre and the effect of comparison floorspace developed since the completion of the SERS report in 2016. The update has also revised the base and test dates to reflect time elapsed since the original RIA was prepared.
- 2.51 The update has confirmed that sales densities adopted for the proposed development scenarios are significantly in excess of observed recent average sales densities and is, therefore, a robust and reliable assessment in this respect.
- 2.52 The update identifies only marginal changes in calculated retail impacts and these are solely associated with the reduced rate of growth forecast between the base year and test year. In all scenarios and sensitivity tests the turnover of Bury St Edmunds City Centre will *increase (by 3-4%) even with the operation of retail use within the Easlea Road unit* and this applies to all of the original three development scenarios. The following section considers additional potential development scenarios based on named operators and an additional category of retail operation. Given the relative strength of Bury St Edmund City Centre, the minimal level of direct retail impact arising, the strength of post impact sales densities and the fact that the turnover of the City Centre would continue to grow even with the proposed development, it is concluded that none of the retail development scenarios examined in this assessment will have any adverse impact on the vitality or viability of the City Centre nor any other location protected by retail planning policy.

3 Additional Scenarios

Introduction

- 3.1 In their letter of 11th October 2021 reviewing the RIA LSH indicated that, in their view, further consideration should be given to the potential occupation of the unit by the following named operators:
- M&S Foodhall
 - Wilko
 - Poundland
- 3.2 In response to this it should be noted that, as LSH will be aware, the planning system is not concerned with individual operators and that personal planning consents should be issued only in exceptional circumstances. Planning is, primarily, concerned with the proposed land use and the physical form of the proposed development (and its consequential impacts on the physical, social and economic environments). Planning control for retail developments is normally exercised through restrictions on the gross or net floorspace of the proposed development, minimum/maximum sizes of units and/or restrictions regarding the range of goods permitted to be sold.
- 3.3 However, the applicants have accepted that, in order to provided the planning authority with the confidence that the proposed development would not affect the vitality or viability of any protected centre, they have instructed HPL to undertake additional scenarios based on named operators/additional retail subcategories. These are:
- Scenario D: Operation by a Frozen Food specialist operator (such as Iceland/Food Warehouse; Farmfoods or Heron Foods)
 - Scenario E: Named operator Wilko
 - Scenario F: Named operator Poundland
- 3.4 An assessment based on the operation of the retail unit for an M&S Foodhall has not been undertaken on the grounds that M&S have confirmed to the applicants that they are not willing to consider occupation of the unit because the characteristics of the unit (size, configuration and location) do not meet their operational requirements. Confirmation of this is being sought and will be submitted as soon as this is received by the agents for the planning application. In addition it should be noted that M&S's town centre unit, at 23 Buttermarket, is owned by M&S (i.e. not leased) and, on that basis, it is evident that this is not a unit that M&S would readily vacate in favour of a medium sized, sub-optimally configured and peripherally located unit at the application site.
- 3.5 The method for undertaking these additional scenarios follows that adopted for Scenarios A-C and therefore, only the key issues associated with each Scenario are explained in the text accompanying the retail impact assessment tables. It is confirmed that Scenarios D-F are based on the updated existing turnover estimates and expenditure set out in Section 2 above.
- 3.6 Table 2.3X summarises the characteristics of each of the six scenarios tested for the proposed development. Table numbering keeps the same as used in the original RIA for consistency (i.e. tables are 2.x etc).

TABLE 2.3X: DEVELOPMENT SCENARIOS

Option		Scenario A <i>Food Discounter</i> Sq M	Scenario B <i>Mid-Size Supermarket</i> Sq M	Scenario C <i>Non-Food Discounter</i> Sq M	Scenario D <i>Freezer Food Retailer</i> Sq M	Scenario E <i>Wilko</i> Sq M	Scenario F <i>Poundland</i> Sq M
Convenience	Net	992	700	313	1167	0	250
	Gross	1417	1167	417	1667	0	333
General Comparison	Net	175	300	688	0	1000	850
	Gross	250	500	917	0	1317	1084
Bulky Goods	Net	0	0	250	0	250	150
	Gross	0	0	333	0	350	250
Total	Net	1167	1000	1250	1167	1250	1250
	Gross	1667	1667	1667	1667	1667	1667

- Scenario A: Based on attributes of Aldi and Lidl Foodstores
- Scenario B: Based on attributes of Co-op, M&S Foodhall and Tesco "Metro" formats (up to 2021)
- Scenario C: Based on attributes of B&M; Home Bargains; Poundstretcher; Poundland; Wilko and The Range
- Scenario D: Based on attributes of Iceland and Farmfoods/Food Warehouse, Heron Foods
- Scenario E: Based on attributes of Wilko
- Scenario F: Based on attributes of Poundland

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Scenario D: Freezer Food Retailer

Floorspace and Turnover

3.7 Table 2.4D identifies the floorspace and turnover of Scenario D.

TABLE 2.4D: PROPOSED DEVELOPMENT - SCENARIO D - FREEZER FOOD RETAILER

2014 Prices

	GFA	NFA	Turnover Rate	Total Turnover 2024
Total Floorspace & Turnover				
Convenience	1667	1167	£7,000	£8.17m
General Comparison	0	0		£0.00m
Bulky Goods	0	0		£0.00m
Total	1667	1167		£8.17m
	1667	1167		£8.17m

Notes:

Turnover assumptions:	£psm	Average of stores from Retail Rankings 2021/Globaldata 2018-2021
Freezer Food Retailer	6317	Iceland/Food Warehouse, Farmfoods, Heron - 2014 Prices

3.8 Table D presents a similar analysis to that provided in Section 2 for Scenarios A to C of sales densities for the three principal freezer food operators in the UK market. With the exception of 2019 the proposed sales density adopted for the test year is at, or significantly above, average sales densities for this subsector of convenience goods retail. It is clear that there is considerable variation in the recorded sales densities for 2018-2021 for these operators and the high increase recorded for Heron between 2018 and 2019 and then failure to provide comparable data for 2020 appears anomalous. On this basis it is considered that the reference turnover best considered is the average for all operators for the whole of 2018-2021, which is £6317psm (2014 prices). The adopted sales density for Scenario D is £7000 psm which is 11% higher than this reference level. This sales density is therefore considered appropriate for a robust assessment of potential impacts. Sensitivity test 2A (see Table 2.8) adopts a rate which is 39% higher than the reference rate..

Table D: Scenario D Sales Densities Comparators

	Iceland/FW £psm	Farmfoods £psm	Heron £psm	Average £psm	Ratio of Scenario £psm to Average
1. Current Prices					
2021 Retail Rankings					
2018	7502	5687	5578	6256	
2019	7396	5620	9850	7622	
2020	7301	5424	n/a	6363	
Globaldata (est) 2021 (inc VAT)					
Conv	7568	n/a	n/a	7568	
Comp	2651	n/a	n/a	2651	
All Goods (95/5)	7322	n/a	n/a	7322	
2 2014 Prices					
2021 Retail Rankings					
2018	7202	5460	5355	6005	117%
2019	6975	5300	9289	7188	97%
2020	6805	5055	n/a	5930	118%
Globaldata (est) 2021 (inc VAT): Iceland Only					
Conv	7033	n/a	n/a	7033	100%
Comp	2598	n/a	n/a	2598	n/a
All Goods (80/20)	6146	n/a	n/a	6146	114%

3.9 Table 2.5D sets out the trade diversion assumptions and Table 2.6D calculated retail impacts using the same measures identified earlier.

3.10 The significance of retail impacts arising from all three additional scenarios is reviewed in the final part of this section.

TABLE 2.5D: DERIVATION OF TRADE DIVERSION - SCENARIO D - FREEZER FOOD RETAILER

2014 Prices

	Convenience Goods					Comparison Goods					Total Trade Diversion All Goods
	2024 Turnover (Conv only)	Similarity of Offer	Percent	Percent of Trade Diversion Convenience	Total Trade Diversion Convenience	2024 Turnover (Comp only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Comparison	Total Trade Diversion Comparison	
BURY ST EDMUNDS CITY CENTRE											
The Arc											
Convenience	£0.53m	1	0.1%	0.0%	£0.00m						£0.00m
Comparison						£91.81m	2	4	23.0%	£0.00m	£0.00m
TOTAL	£0.53m			0.0%	£0.00m	£91.81m			23.0%	£0.00m	£0.00m
Robert Boby Retail Park											
Convenience	£22.45m	3	10.8%	10.0%	£0.82m	£2.68m	1	4	0.5%	£0.00m	£0.82m
Comparison						£7.07m	2	4	1.5%	£0.00m	£0.00m
						£2.56m	1	4	0.0%	£0.00m	£0.00m
TOTAL	£22.45m			10.0%	£0.82m	£12.30m			2.0%	£0.00m	£0.82m
Remainder of City Centre											
Convenience	£15.96m	4	10.2%	10.0%	£0.82m						£0.82m
Comparison											
						£1.18m	3	4	0.0%	£0.00m	£0.00m
						£5.94m	3	4	2.0%	£0.00m	£0.00m
						£113.82m	3	4	48.0%	£0.00m	£0.00m
<i>All Comparison</i>	<i>£0.57m</i>			<i>0.0%</i>	<i>£0.00m</i>	<i>£120.95m</i>			<i>50.0%</i>	<i>£0.00m</i>	<i>£0.00m</i>
TOTAL	£16.52m			10.0%	£0.82m	£120.95m			50.0%	£0.00m	£0.82m
TOTAL CITY CENTRE											
Convenience	£39.50m			20.0%	£1.63m						£1.63m
Comparison						£225.07m			75.0%	£0.00m	£0.00m
TOTAL	£39.50m			20.0%	£1.63m	£225.07m			75.0%	£0.00m	£1.63m
St Edmundsbury Retail Park											
Convenience	£2.45m	1	0.5%	0.0%	£0.00m	£31.47m	3	5	10.0%	£0.00m	£0.00m
All Comparison	£2.45m			1.0%	£0.00m	£31.47m			10.0%	£0.00m	£0.00m
Bartons Retail Park											
Convenience	£2.02m	5	2.0%	4.0%	£0.33m						£0.33m
Comparison						£2.24m	2	5	1.0%	£0.00m	£0.00m
	£2.02m			4.0%	£0.33m	£2.24m			1.0%	£0.00m	£0.33m
Other Major Foodstores											
Aldi	£23.05m	5	9.3%	9.0%	£0.74m	£5.20m	5	2	1.5%	£0.00m	£0.74m
Asda	£41.91m	4	13.5%	15.0%	£1.23m	£5.01m	4	2	1.0%	£0.00m	£1.23m
Co-op	£3.40m	3	0.8%	0.0%	£0.00m	£0.41m	4	2	0.0%	£0.00m	£0.00m
Sainsbury's	£41.06m	4	33.0%	32.0%	£2.61m	£4.91m	4	5	2.5%	£0.00m	£2.61m
Tesco	£40.32m	4	19.4%	19.5%	£1.59m	£4.82m	4	3	1.5%	£0.00m	£1.59m
	£149.74m			74.5%	£6.17m	£20.34m			6.5%	£0.00m	£6.17m
Other Major Non-Foodstores											
Matalan						£4.10m	2	5	1.0%	£0.00m	£0.00m
The Range						£9.03m	3	2	0.5%	£0.00m	£0.00m
B&M	£2.02m	2	0.3%	0.5%	£0.04m	£5.36m	3	2	0.5%	£0.00m	£0.04m
Glasswells						£6.95m	1	2	0.0%	£0.00m	£0.00m
House of Harmony						£1.09m	1	5	0.0%	£0.00m	£0.00m
DJ Evans						£0.76m	1	4	0.0%	£0.00m	£0.00m
B&Q						£6.00m	1	4	0.5%	£0.00m	£0.00m
Miscellaneous Others						£39.30m	2	3	5.0%	£0.00m	£0.00m
Total	£2.02m			0.5%	£0.04m	£72.59m			£0.08m	£0.00m	£0.04m
PRIMARY CATCHMENT AREA TOTAL											
	£195.73m		100.0%	100.0%	£8.17m	£351.71m			100.0%	£0.00m	£8.17m

TABLE 2.6D: CALCULATION OF RETAIL IMPACT- SCENARIO D - FREEZER FOOD RETAILER

2014 Prices

	A	B	C	D	E	F	G
	2022 Existing Turnover (Without Proposed Dvpt)	2024 Turnover without Proposed Development	Trade Diversion (All Goods)	2024 Turnover with Proposed Development	Turnover Change 2022 with Dvpt v 2024 without Dvpt	Turnover Change 2024 with Dvpt v 2024 without Dvpt	Residual Turnover rate £psm
BURY ST EDMUNDS CITY CENTRE							
<i>convenience goods only</i>							
<i>comparison goods only</i>							
The Arc							
Convenience	£0.52m	£0.53m	£0.00m	£0.53m	+1.5%	+0.0%	£8,863psm
Comparison	£86.89m	£91.81m	£0.00m	£91.81m	+5.7%	+0.0%	£11,883psm
TOTAL	£87.42m	£92.35m	£0.00m	£92.35m	+5.6%	+0.0%	
Robert Boby Retail Park							
Convenience Waitrose	£24.66m	£25.13m	£0.82m	£24.31m	-1.4%	-3.3%	£11,588psm
Comparison TK Maxx	£6.69m	£7.07m	£0.00m	£7.07m	+5.7%	+0.0%	£4,434psm
Halfords	£2.42m	£2.56m	£0.00m	£2.56m	+5.7%	+0.0%	£3,471psm
TOTAL	£33.77m	£34.75m	£0.82m	£33.93m	+0.5%	-2.4%	
Remainder of City Centre							
Convenience	£15.73m	£15.96m	£0.82m	£15.14m	-3.7%	-5.1%	£7,832psm
Comparison							
Poundland	£1.68m	£1.75m	£0.00m	£1.75m	+4.3%	+0.0%	£4,066psm
Wilko	£5.63m	£5.94m	£0.00m	£5.94m	+5.7%	+0.0%	£2,642psm
Others	£107.72m	£113.82m	£0.00m	£113.82m	+5.7%	+0.0%	£9,777psm
<i>All Comparison</i>	<i>£115.02m</i>	<i>£121.52m</i>	<i>£0.00m</i>	<i>£121.52m</i>	<i>+5.6%</i>	<i>+0.0%</i>	<i>£8,484psm</i>
TOTAL	£130.75m	£137.47m	£0.82m	£136.66m	+4.5%	-0.6%	
TOTAL CITY CENTRE							
Convenience	£38.93m	£39.50m	£1.63m	£37.87m	-2.7%	-4.1%	£9,795psm
Comparison	£213.00m	£225.07m	£0.00m	£225.07m	+5.7%	+0.0%	£8,747psm
TOTAL	£251.94m	£264.57m	£1.63m	£262.94m	+4.4%	-0.6%	
St Edmundsbury Retail Park							
Convenience	£2.41m	£2.45m	£0.00m	£2.45m	+1.5%	+0.0%	
All Comparison	£32.20m	£33.92m	£0.00m	£33.92m	+5.4%	+0.0%	£2,960psm
	£34.61m	£36.36m	£0.00m	£36.36m	+5.1%	+0.0%	
Bartons Retail Park							
Convenience Farmfoods	£1.99m	£2.02m	£0.33m	£1.69m	-14.9%	-16.2%	£5,298psm
Comparison	£2.12m	£2.24m	£0.00m	£2.24m	+5.7%	+0.0%	£1,500psm
	£4.11m	£4.26m	£0.33m	£3.93m	-4.3%	-7.7%	
Other Major Foodstores							
Aldi	£27.64m	£28.25m	£0.74m	£27.52m	-0.5%	-2.6%	£24,416psm
Asda	£46.05m	£46.92m	£1.23m	£45.69m	-0.8%	-2.6%	£13,521psm
Co-op	£3.74m	£3.81m	£0.00m	£3.81m	+1.9%	+0.0%	£3,123psm
Sainsbury's	£45.11m	£45.97m	£2.61m	£43.35m	-3.9%	-5.7%	£13,645psm
Tesco	£44.29m	£45.13m	£1.59m	£43.54m	-1.7%	-3.5%	£12,129psm
	£166.84m	£170.08m	£6.17m	£163.91m	-1.8%	-3.6%	
Other Major Non-Foodstores							
Matalan	£3.88m	£4.10m	£0.00m	£4.10m	+5.7%	+0.0%	£1,787psm
The Range	£8.54m	£9.03m	£0.00m	£9.03m	+5.7%	+0.0%	£1,896psm
B&M	£7.07m	£7.38m	£0.04m	£7.34m	+3.9%	-0.6%	£3,471psm
Glasswells	£6.58m	£6.95m	£0.00m	£6.95m	+5.7%	+0.0%	£868psm
House of Harmony	£1.03m	£1.09m	£0.00m	£1.09m	+5.7%	+0.0%	£1,500psm
DJ Evans	£0.72m	£0.76m	£0.00m	£0.76m	+5.7%	+0.0%	£1,500psm
B&Q	£5.67m	£6.00m	£0.00m	£6.00m	+5.7%	+0.0%	£1,534psm
Miscellaneous Others	£37.20m	£39.30m	£0.00m	£39.30m	+5.7%	+0.0%	
<i>Proposed Development</i>			<i>-£8.17m</i>	<i>£5.27m</i>			
Total	£70.69m	£74.61m	-£8.13m	£79.84m	+12.9%	+7.0%	
PRIMARY CATCHMENT AREA TOTAL							
	£528.18m	£549.89m	£0.00m	£546.98m	+3.6%	-0.5%	

Scenario E: Wilko Non-Food Discounter

- 3.11 Wilko occupies a large unit (3245 sq m – source: Valuation Office Agency) in a secondary location at the west end of Risbygate Street. This unit benefits from surface level car parking adjacent to the store (St Andrew’s Car Park).
- 3.12 The current application would provide a unit that is less than half the gross floor area of the existing store and the car parking provision would be no better than Wilko’s current store. In this scenario, therefore, it is assumed that Wilko would only consider the application site at Easlea Road as part of a two-store strategy for the town, i.e. the significantly larger City Centre store would continue to trade. The alternative, that Wilko relocates from a large City Centre store with high quality parking to a much smaller unit, which is a conversion from a gym, could only be countenanced if the existing Wilko is trading very poorly and they have too much space in the existing unit. However, this is implausible because, first there is no indication that the Risbygate Street Wilko is trading poorly and, secondly, it would be relatively straightforward for Wilko to subdivide the existing store and retain the benefit of easy access to St Andrews Street car park and retain a City Centre location.
- 3.13 It can be confirmed that, to date, there has been no indication that Wilko are interested in the Easlea Road unit which reflects a relative lack of development/new store activity by Wilko nationally. Furthermore the applicants confirm that, due to Wilko’s weak covenant, they would not be willing to have Wilko as a tenant for the Easlea Road site. Therefore, this scenario must be regarded as purely hypothetical.

Floorspace and Turnover

- 3.14 Table 2.4E identifies the floorspace and turnover of Scenario E.

TABLE 2.4E: PROPOSED DEVELOPMENT - SCENARIO E - WILKO NON-FOOD DISCOUNT
2014 Prices

	GFA	NFA	Turnover Rate	Total Turnover 2024
Total Floorspace & Turnover				
Convenience	0	0	£2,500	£0.00m
General Comparison	1317	1000	£2,500	£2.50m
Bulky Goods	350	250	£2,500	£0.63m
Total	1667	1250		£3.13m
	1667	1250		£3.13m

Notes:

Turnover assumptions:	£psm	Average of stores from Retail Rankings 2021 for 2018-2020	2014 prices
Unit: Non-Food Discounter	2174	Wilko	

- 3.15 Table E presents a similar analysis to that provided in Section 2 for Scenarios A to C of sales densities of Wilko for 2018-2020. It should be noted that Wilko’ sales densities are declining (a factor underpinning their weak

covenant). The sales density adopted for 2024 is £2500 psm which is 24% above the most recent sales density information for 2020. This sales density is therefore considered appropriate for a robust assessment of potential impacts. Sensitivity test 2A (see Table 2.8) adopts a rate 55% above the Retail Rankings rate for Wilko.

Table E: Scenario E Sales Densities Comparators

	Wilko	Average	Ratio of Scenario £psm to Average
<i>1. Current Prices</i>			
2021 Retail Rankings			
2018	2390	2390	
2019	2199	2199	
2020	2070	2070	
<i>2 2014 Prices</i>			
2021 Retail Rankings			
2018	2347	2347	107%
2019	2153	2153	116%
2020	2023	2023	124%

3.16 Table 2.5E sets out the trade diversion assumptions and Table 2.6E calculated retail impacts using the same measures identified earlier.

3.17 The significance of retail impacts arising from all three additional scenarios is reviewed in the final part of this section.

TABLE 2.5E: DERIVATION OF TRADE DIVERSION - SCENARIO E - WILKO NON-FOOD DISCOUNTER

2014 Prices

	Convenience Goods			Comparison Goods					Total Trade Diversion All Goods
	2024 Turnover (Conv only)	Percent of Trade Diversion Convenience	Total Trade Diversion Convenience	2024 Turnover (Comp only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Comparison	Total Trade Diversion Comparison	
BURY ST EDMUNDS CITY CENTRE									
The Arc									
Convenience	£0.53m	0.0%	£0.00m						£0.00m
Comparison				£91.81m	0	4	0.0%	£0.00m	£0.00m
TOTAL	£0.53m	0.0%	£0.00m	£91.81m			0.0%	£0.00m	£0.00m
Robert Boby Retail Park									
Convenience	£22.45m	0.0%	£0.00m	£2.68m	0	4	0.0%	£0.00m	£0.00m
Comparison				£7.07m	0	4	0.0%	£0.00m	£0.00m
				£2.56m	0	4	0.0%	£0.00m	£0.00m
TOTAL	£22.45m	0.0%	£0.00m	£12.30m			0.0%	£0.00m	£0.00m
Remainder of City Centre									
Convenience	£15.96m	0.0%	£0.00m						£0.00m
Comparison									
	£0.57m	0.0%	£0.00m	£1.18m	5	4	2.5%	£0.08m	£0.08m
				£5.94m	5	4	50.0%	£1.56m	£1.56m
				£113.82m	0.5	4	10.0%	£0.31m	£0.31m
<i>All Comparison</i>	<i>£0.57m</i>	<i>0.0%</i>	<i>£0.00m</i>	<i>£120.95m</i>			<i>62.5%</i>	<i>£1.95m</i>	<i>£1.95m</i>
TOTAL	£16.52m	0.0%	£0.00m	£120.95m			62.5%	£1.95m	£1.95m
TOTAL CITY CENTRE									
Convenience	£39.50m	0.0%	£0.00m						£0.00m
Comparison				£225.07m			62.5%	£1.95m	£1.95m
TOTAL	£39.50m	0.0%	£0.00m	£225.07m			62.5%	£1.95m	£1.95m
St Edmundsbury Retail Park									
Convenience	£2.45m	0.0%	£0.00m	£31.47m	5	5	32.0%	£1.00m	£1.00m
All Comparison									
	£2.45m	0.0%	£0.00m	£31.47m			32.0%	£1.00m	£1.00m
Bartons Retail Park									
Convenience	£2.02m	0.0%	£0.00m						£0.00m
Comparison				£2.24m	0	5	0.0%	£0.00m	£0.00m
	£2.02m	0.0%	£0.00m	£2.24m			0.0%	£0.00m	£0.00m
Other Major Foodstores									
Aldi	£23.05m	0.0%	£0.00m	£5.20m	1	2	0.0%	£0.00m	£0.00m
Asda	£41.91m	0.0%	£0.00m	£5.01m	1	2	1.0%	£0.03m	£0.03m
Co-op	£3.40m	0.0%	£0.00m	£0.41m	1	2	0.0%	£0.00m	£0.00m
Sainsbury's	£41.06m	0.0%	£0.00m	£4.91m	1	5	1.0%	£0.03m	£0.03m
Tesco	£40.32m	0.0%	£0.00m	£4.82m	1	3	1.0%	£0.03m	£0.03m
	£149.74m	0.0%	£0.00m	£20.34m			3.0%	£0.09m	£0.09m
Other Major Non-Foodstores									
Matalan				£4.10m	0	5	0.0%	£0.00m	£0.00m
The Range				£9.03m	5	2	1.5%	£0.05m	£0.05m
B&M	£2.02m	0.0%	£0.00m	£5.36m	5	2	1.0%	£0.03m	£0.03m
Glasswells				£6.95m	0	2	0.0%	£0.00m	£0.00m
House of Harmony				£1.09m	0	5	0.0%	£0.00m	£0.00m
DJ Evans				£0.76m	0	4	0.0%	£0.00m	£0.00m
B&Q				£6.00m	0	4	0.0%	£0.00m	£0.00m
Miscellaneous Others				£39.30m	0	3	0.0%	£0.00m	£0.00m
Total	£2.02m	0.0%	£0.00m	£72.59m			3%	£0.08m	£0.08m
PRIMARY CATCHMENT AREA TOTAL									
	£195.73m	0.0%	£0.00m	£351.71m			100.0%	£3.13m	£3.13m

TABLE 2.6E: CALCULATION OF RETAIL IMPACT- SCENARIO E - WILKO NON-FOOD DISCOUNTER

2014 Prices

	A	B	C	D	E	F	G
	2022 Existing Turnover (Without Proposed Dvpt)	2024 Turnover without Proposed Development	Trade Diversion (All Goods)	2024 Turnover with Proposed Development	Turnover Change 2022 with Dvpt v 2024 without Dvpt	Turnover Change 2024 with Dvpt v 2024 without Dvpt	Residual Turnover rate £psm
BURY ST EDMUNDS CITY CENTRE							
<i>convenience goods only</i>							
<i>comparison goods only</i>							
The Arc							
Convenience	£0.52m	£0.53m	£0.00m	£0.53m	+1.5%	+0.0%	£8,863psm
Comparison	£86.89m	£91.81m	£0.00m	£91.81m	+5.7%	+0.0%	£11,883psm
TOTAL	£87.42m	£92.35m	£0.00m	£92.35m	+5.6%	+0.0%	
Robert Boby Retail Park							
Convenience Waitrose	£24.66m	£25.13m	£0.00m	£25.13m	+1.9%	+0.0%	£11,588psm
Comparison TK Maxx	£6.69m	£7.07m	£0.00m	£7.07m	+5.7%	+0.0%	£4,434psm
Halfords	£2.42m	£2.56m	£0.00m	£2.56m	+5.7%	+0.0%	£3,471psm
TOTAL	£33.77m	£34.75m	£0.00m	£34.75m	+2.9%	+0.0%	
Remainder of City Centre							
Convenience	£15.73m	£15.96m	£0.00m	£15.96m	+1.5%	+0.0%	£7,832psm
Comparison							
Poundland	£1.68m	£1.75m	£0.08m	£1.67m	-0.4%	-4.5%	£3,885psm
Wilko	£5.63m	£5.94m	£1.56m	£4.38m	-22.1%	-26.3%	£1,947psm
Others	£107.72m	£113.82m	£0.31m	£113.51m	+5.4%	-0.3%	£9,750psm
<i>All Comparison</i>	<i>£115.02m</i>	<i>£121.52m</i>	<i>£1.95m</i>	<i>£119.56m</i>	<i>+3.9%</i>	<i>-1.6%</i>	<i>£8,348psm</i>
TOTAL	£130.75m	£137.47m	£1.95m	£135.52m	+3.6%	-1.4%	
TOTAL CITY CENTRE							
Convenience	£38.93m	£39.50m	£0.00m	£39.50m	+1.5%	+0.0%	£9,795psm
Comparison	£213.00m	£225.07m	£1.95m	£223.11m	+4.7%	-0.9%	£8,747psm
TOTAL	£251.94m	£264.57m	£1.95m	£262.62m	+4.2%	-0.7%	
St Edmundsbury Retail Park							
Convenience	£2.41m	£2.45m	£0.00m	£2.45m	+1.5%	+0.0%	
All Comparison	£32.20m	£33.92m	£1.00m	£32.92m	+2.2%	-2.9%	£2,960psm
	£34.61m	£36.36m	£1.00m	£35.36m	+2.2%	-2.8%	
Bartons Retail Park							
Convenience Farmfoods	£1.99m	£2.02m	£0.00m	£2.02m	+1.5%	+0.0%	£5,298psm
Comparison	£2.12m	£2.24m	£0.00m	£2.24m	+5.7%	+0.0%	£1,500psm
	£4.11m	£4.26m	£0.00m	£4.26m	+3.6%	+0.0%	
Other Major Foodstores							
Aldi	£27.64m	£28.25m	£0.00m	£28.25m	+2.2%	+0.0%	£24,416psm
Asda	£46.05m	£46.92m	£0.03m	£46.89m	+1.8%	-0.1%	£13,521psm
Co-op	£3.74m	£3.81m	£0.00m	£3.81m	+1.9%	+0.0%	£3,123psm
Sainsbury's	£45.11m	£45.97m	£0.03m	£45.93m	+1.8%	-0.1%	£13,645psm
Tesco	£44.29m	£45.13m	£0.03m	£45.10m	+1.8%	-0.1%	£12,129psm
	£166.84m	£170.08m	£0.09m	£169.99m	+1.9%	-0.1%	
Other Major Non-Foodstores							
Matalan	£3.88m	£4.10m	£0.00m	£4.10m	+5.7%	+0.0%	£1,787psm
The Range	£8.54m	£9.03m	£0.05m	£8.98m	+5.1%	-0.5%	£1,896psm
B&M	£7.07m	£7.38m	£0.03m	£7.35m	+4.0%	-0.4%	£3,471psm
Glasswells	£6.58m	£6.95m	£0.00m	£6.95m	+5.7%	+0.0%	£868psm
House of Harmony	£1.03m	£1.09m	£0.00m	£1.09m	+5.7%	+0.0%	£1,500psm
DJ Evans	£0.72m	£0.76m	£0.00m	£0.76m	+5.7%	+0.0%	£1,500psm
B&Q	£5.67m	£6.00m	£0.00m	£6.00m	+5.7%	+0.0%	£1,534psm
Miscellaneous Others	£37.20m	£39.30m	£0.00m	£39.30m	+5.7%	+0.0%	
<i>Proposed Development</i>			<i>-£3.13m</i>	<i>£5.27m</i>			
Total	£70.69m	£74.61m	-£3.05m	£79.80m	+12.9%	+7.0%	
PRIMARY CATCHMENT AREA TOTAL							
	£528.18m	£549.89m	£0.00m	£552.03m	+4.5%	+0.4%	

Scenario F: Poundland Non-Food Discounter

- 3.18 Poundland occupies a small-medium unit (571 sq m over two levels – source: Valuation Office Agency) in a prime location at Cornhill. This unit does not have direct access to surface level car parking.
- 3.19 The proposed development would provide a significantly larger unit than the existing Poundland with the benefit of surface level parking although its location in terms of potential footfall would be less attractive than the Cornhill store. In this scenario it has been assumed that Poundland would relocate from the City Centre to the application site since this is consistent with a worst-case analysis of potential retail impact.
- 3.20 It can be confirmed that, to date, there has been no indication that Poundland are interested in the Easlea Road unit. Therefore, this scenario must be regarded as hypothetical.

Floorspace and Turnover

- 3.21 Table 2.4F identifies the floorspace and turnover of Scenario F.

TABLE 2.4F: PROPOSED DEVELOPMENT - SCENARIO F - POUNDLAND NON-FOOD DISCOUN
2014 Prices

	GFA	NFA	Turnover Rate	Total Turnover 2024
Total Floorspace & Turnover				
Convenience	333	250	£6,500	£1.625m
General Comparison	1084	850	£3,250	£2.76m
Bulky Goods	250	150	£3,250	£0.49m
Total	1667	1250	£3,900	£4.88m
	1667	1250		£4.88m

Notes:

Turnover assumptions:	£psm	Average of stores from Retail Rankings 2021 Globaldata 2018-2021	2014 prices
Unit: Non-Food Discounter	3418	Poundland	

- 3.22 Table F presents a similar analysis to that provided in Section 2 for Scenarios A to C of sales densities of Poundland for 2018-2019 (2020 data is not available). It should be noted that Poundland's sales densities have been declining for a number of years (they were, for example, £4057 psm in 2014). The sales density adopted for 2024 is an average of £3900 psm which is 18% above the most recent sales density information for 2019. This sales density is therefore considered appropriate for a robust assessment of potential impacts. Sensitivity test 2A (see Table 2.8) adopts a rate 48% above the Retail Rankings rate for Poundland.

Table F: Scenario F Sales Densities Comparators

	Poundland	Average	Ratio of Scenario £psm to Average
<i>1. Current Prices</i>			
2021 Retail Rankings			
2018	3583	3583	
2019	3389	3389	
2020	n/a	n/a	
<i>2 2014 Prices</i>			
2021 Retail Rankings			
2018	3519	3519	111%
2019	3318	3318	118%
2020	n/a	n/a	n/a

3.23 Table 2.5F sets out the trade diversion assumptions and Table 2.6F calculated retail impacts using the same measures identified earlier.

3.24 The significance of retail impacts arising from all three additional scenarios is reviewed in the final part of this section.

Sensitivity Tests

3.25 Table 2.8 sets out the results of the sensitivity tests for Scenarios D to F. These use the same tests that were provided for Scenarios A to C (see Table 2.7 page 19 above).

TABLE 2.5F: DERIVATION OF TRADE DIVERSION - SCENARIO F - POUNDLAND NON-FOOD DISCOUNTER

2014 Prices

	Convenience Goods					Comparison Goods					Total Trade Diversion All Goods
	2024 Turnover (Conv only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Convenience	Total Trade Diversion Convenience	2024 Turnover (Comp only)	Similarity of Offer	Distance Weight	Percent of Trade Diversion Comparison	Total Trade Diversion Comparison	
BURY ST EDMUNDS CITY CENTRE											
The Arc											
Convenience	£0.53m	1	4	0.0%	£0.00m						£0.00m
Comparison						£91.81m	2	4	15.0%	£0.49m	£0.49m
TOTAL	£0.53m			0.0%	£0.00m	£91.81m			15.0%	£0.49m	£0.49m
Robert Boby Retail Park											
Convenience	£22.45m	3	4	7.5%	£0.12m	£2.68m	1	4	0.0%	£0.00m	£0.12m
Comparison						£7.07m	1	4	0.5%	£0.02m	£0.02m
						£2.56m	3	4	0.5%	£0.02m	£0.02m
TOTAL	£22.45m			7.5%	£0.12m	£12.30m			1.0%	£0.03m	£0.15m
Remainder of City Centre											
Convenience	£15.96m	4	4	10.0%	£0.16m						£0.16m
Comparison											
	£0.57m	<i>Assume store closes</i>		35.0%	£0.57m	£1.18m	<i>Assume store closes</i>		36.4%	£1.18m	£1.75m
						£5.94m	5	4	2.0%	£0.07m	£0.07m
						£113.82m	2	4	20.0%	£0.65m	£0.65m
<i>All Comparison</i>	<i>£0.57m</i>			<i>35.0%</i>	<i>£0.57m</i>	<i>£120.95m</i>			<i>58.4%</i>	<i>£1.90m</i>	<i>£2.47m</i>
TOTAL	£16.52m			45.0%	£0.73m	£120.95m			58.4%	£1.90m	£2.63m
TOTAL CITY CENTRE											
Convenience	£39.50m			52.5%	£0.85m						£0.85m
Comparison						£225.07m			74.4%	£2.42m	£2.42m
TOTAL	£39.50m			52.5%	£0.85m	£225.07m			74.4%	£2.42m	£3.27m
St Edmundsbury Retail Park											
Convenience	£2.45m	5	5	2.0%	£0.03m	£31.47m	3	5	10.0%	£0.33m	£0.36m
All Comparison											
	£2.45m			2.0%	£0.03m	£31.47m			10.0%	£0.33m	£0.36m
Bartons Retail Park											
Convenience	£2.02m	2	5	1.0%	£0.02m						£0.02m
Comparison						£2.24m	1	5	0.0%	£0.00m	£0.00m
	£2.02m			1.0%	£0.02m	£2.24m			0.0%	£0.00m	£0.02m
Other Major Foodstores											
Aldi	£23.05m	2	2	3.0%	£0.05m	£5.20m	1	2	0.0%	£0.00m	£0.05m
Asda	£41.91m	3	2	8.0%	£0.13m	£5.01m	3	2	0.5%	£0.02m	£0.15m
Co-op	£3.40m	3	2	1.0%	£0.02m	£0.41m	3	2	0.0%	£0.00m	£0.02m
Sainsbury's	£41.06m	3	5	20.0%	£0.33m	£4.91m	3	5	1.5%	£0.05m	£0.37m
Tesco	£40.32m	3	3	12.0%	£0.20m	£4.82m	3	3	1.0%	£0.03m	£0.23m
	£149.74m			44.0%	£0.72m	£20.34m			3.0%	£0.10m	£0.81m
Other Major Non-Foodstores											
Matalan						£4.10m	1	5	0.5%	£0.02m	£0.02m
The Range						£9.03m	5	2	2.0%	£0.07m	£0.07m
B&M	£2.02m	5	2	0.5%	£0.01m	£5.36m	5	2	1.5%	£0.05m	£0.06m
Glasswells						£6.95m	1	2	0.0%	£0.00m	£0.00m
House of Harmony						£1.09m	1	5	0.0%	£0.00m	£0.00m
DJ Evans						£0.76m	1	4	0.0%	£0.00m	£0.00m
B&Q						£6.00m	4	4	1.1%	£0.04m	£0.04m
Miscellaneous Others						£39.30m	3	3	7.5%	£0.24m	£0.24m
Total	£2.02m			0.5%	£0.01m	£72.59m			12.6%	£0.41m	£0.42m
PRIMARY CATCHMENT AREA TOTAL											
	£195.73m			100.0%	£1.625m	£351.71m			100.0%	£3.25m	£7.34m

TABLE 2.6F: CALCULATION OF RETAIL IMPACT- SCENARIO F - POUNDLAND NON-FOOD DISCOUNTER

2014 Prices

	A	B	C	D	E	F	G
	2022 Existing Turnover (Without Proposed Dvpt)	2024 Turnover without Proposed Development	Trade Diversion (All Goods)	2024 Turnover with Proposed Development	Turnover Change 2022 with Dvpt v 2024 without Dvpt	Turnover Change 2024 with Dvpt v 2024 without Dvpt	Residual Turnover rate £psm
BURY ST EDMUNDS CITY CENTRE							
<i>convenience goods only</i>							
<i>comparison goods only</i>							
The Arc							
Convenience	£0.52m	£0.53m	£0.00m	£0.53m	+1.5%	+0.0%	£8,863psm
Comparison	£86.89m	£91.81m	£0.49m	£91.33m	+5.1%	-0.5%	£11,883psm
TOTAL	£87.42m	£92.35m	£0.49m	£91.86m	+5.1%	-0.5%	
Robert Boby Retail Park							
Convenience Waitrose	£24.66m	£25.13m	£0.12m	£25.00m	+1.4%	-0.5%	£11,588psm
Comparison TK Maxx	£6.69m	£7.07m	£0.02m	£7.05m	+5.4%	-0.2%	£4,434psm
Halfords	£2.42m	£2.56m	£0.02m	£2.54m	+5.0%	-0.6%	£3,471psm
TOTAL	£33.77m	£34.75m	£0.15m	£34.60m	+2.5%	-0.4%	
Remainder of City Centre							
Convenience	£15.73m	£15.96m	£0.16m	£15.79m	+0.4%	-1.0%	£7,832psm
Comparison							
Poundland	£1.68m	£1.75m	£1.75m	£0.00m	-100.0%	-100.0%	£0psm
Wilko	£5.63m	£5.94m	£0.07m	£5.88m	+4.5%	-1.1%	£2,613psm
Others	£107.72m	£113.82m	£0.65m	£113.17m	+5.1%	-0.6%	£9,721psm
<i>All Comparison</i>	<i>£115.02m</i>	<i>£121.52m</i>	<i>£2.47m</i>	<i>£119.05m</i>	<i>+3.5%</i>	<i>-2.0%</i>	<i>£8,312psm</i>
TOTAL	£130.75m	£137.47m	£2.63m	£134.84m	+3.1%	-1.9%	
TOTAL CITY CENTRE							
Convenience	£38.93m	£39.50m	£0.28m	£39.22m	+0.7%	-0.7%	£9,795psm
Comparison	£213.00m	£225.07m	£2.99m	£222.08m	+4.3%	-1.3%	£8,747psm
TOTAL	£251.94m	£264.57m	£3.27m	£261.30m	+3.7%	-1.2%	
St Edmundsbury Retail Park							
Convenience	£2.41m	£2.45m	£0.03m	£2.41m	+0.1%	-1.3%	
All Comparison	£32.20m	£33.92m	£0.33m	£33.59m	+4.3%	-1.0%	£2,960psm
	£34.61m	£36.36m	£0.36m	£36.01m	+4.0%	-1.0%	
Bartons Retail Park							
Convenience Farmfoods	£1.99m	£2.02m	£0.02m	£2.00m	+0.6%	-0.8%	£5,298psm
Comparison	£2.12m	£2.24m	£0.00m	£2.24m	+5.7%	+0.0%	£1,500psm
	£4.11m	£4.26m	£0.02m	£4.24m	+3.2%	-0.4%	
Other Major Foodstores							
Aldi	£27.64m	£28.25m	£0.05m	£28.20m	+2.0%	-0.2%	£24,416psm
Asda	£46.05m	£46.92m	£0.15m	£46.77m	+1.6%	-0.3%	£13,521psm
Co-op	£3.74m	£3.81m	£0.02m	£3.79m	+1.5%	-0.4%	£3,123psm
Sainsbury's	£45.11m	£45.97m	£0.37m	£45.59m	+1.1%	-0.8%	£13,645psm
Tesco	£44.29m	£45.13m	£0.23m	£44.90m	+1.4%	-0.5%	£12,129psm
	£166.84m	£170.08m	£0.81m	£169.27m	+1.5%	-0.5%	
Other Major Non-Foodstores							
Matalan	£3.88m	£4.10m	£0.02m	£4.09m	+5.2%	-0.4%	£1,787psm
The Range	£8.54m	£9.03m	£0.07m	£8.96m	+4.9%	-0.7%	£1,896psm
B&M	£7.07m	£7.38m	£0.06m	£7.33m	+3.7%	-0.8%	£3,471psm
Glasswells	£6.58m	£6.95m	£0.00m	£6.95m	+5.7%	+0.0%	£868psm
House of Harmony	£1.03m	£1.09m	£0.00m	£1.09m	+5.7%	+0.0%	£1,500psm
DJ Evans	£0.72m	£0.76m	£0.00m	£0.76m	+5.7%	+0.0%	£1,500psm
B&Q	£5.67m	£6.00m	£0.04m	£5.96m	+5.0%	-0.6%	£1,534psm
Miscellaneous Others	£37.20m	£39.30m	£0.24m	£39.06m	+5.0%	-0.6%	
<i>Proposed Development</i>			<i>-£4.88m</i>	<i>£5.27m</i>			
Total	£70.69m	£74.61m	-£4.46m	£79.46m	+12.4%	+6.5%	
PRIMARY CATCHMENT AREA TOTAL							
	£528.18m	£549.89m	£0.00m	£550.28m	+4.2%	+0.1%	

TABLE 2.8 - SENSITIVITY TEST RESULTS - SCENARIOS D TO F

Test	Bury St Edmunds City Centre % Change in Turnover		St Edmundsbury Retail Park % Change in Turnover		The Bartons Retail Park % Change in Turnover	
	2024 with Dvpt v 2022 without	2024 with Dvpt v 2022 without	2024 with Dvpt v 2022 without	2024 with Dvpt v 2024 without	2024 with Dvpt v 2022 without	2024 with Dvpt v 2024 without
SCENARIO D - FREEZER FOOD RETAILER						
1. Central Case	+4.4%	-0.6%	+5.1%	+0.0%	-4.3%	-7.7%
2. Turnover of Dvpt						
2A. Increase Turnover +25%	+4.2%	-0.8%	+5.1%	+0.0%	-6.3%	-9.6%
2B. Reduce Turnover -25%	+4.5%	-0.5%	+5.2%	+0.0%	-2.3%	-5.8%
3. Assume 90% of turnover is drawn from PCA	+4.4%	-0.6%	+5.2%	+0.0%	-3.5%	-6.9%
4. Amend trade diversion assumptions:						
4A: Reduce trade diversion from City Centre by 33%	+4.6%	-0.4%	+5.1%	+0.0%	-5.0%	-8.3%
4A: Increase trade diversion from City Centre by 33%	+4.2%	-0.8%	+5.2%	+0.0%	-3.7%	-7.0%
SCENARIO E - WILKO NON-FOOD DISCOUNTER						
1. Central Case	+4.2%	-0.7%	+2.2%	-2.8%	+3.6%	+0.0%
2. Turnover of Dvpt						
2A. Increase Turnover +25%	+4.0%	-0.9%	+1.5%	-3.4%	+3.6%	+0.0%
2B. Reduce Turnover -25%	+4.4%	-0.6%	+2.9%	-2.1%	+3.6%	+0.0%
3. Assume 90% of turnover is drawn from PCA	+4.3%	-0.7%	+2.5%	-2.5%	+3.6%	+0.0%
4. Amend trade diversion assumptions:						
4A: Reduce trade diversion from City Centre by 33%	+4.5%	-0.5%	+0.6%	-4.3%	+3.6%	+0.0%
4A: Increase trade diversion from City Centre by 33%	+4.0%	-1.0%	+3.8%	-1.2%	+0.7%	-2.8%
SCENARIO F - POUNDLAND NON-FOOD DISCOUNTER						
1. Central Case	+3.7%	-1.2%	+4.0%	-1.0%	+3.2%	-0.4%
2. Turnover of Dvpt						
2A. Increase Turnover +25%	+3.4%	-1.5%	+3.8%	-1.2%	+3.1%	-0.5%
2B. Reduce Turnover -25%	+4.0%	-0.9%	+4.3%	-0.7%	+3.3%	-0.3%
3. Assume 90% of turnover is drawn from PCA	+3.8%	-1.1%	+4.1%	-0.9%	+3.3%	-0.3%
4. Amend trade diversion assumptions:						
4A: Reduce trade diversion from City Centre by 33%	+3.4%	-1.6%	+5.0%	-0.1%	+3.4%	-0.2%
4A: Increase trade diversion from City Centre by 33%	+4.1%	-0.8%	+3.1%	-1.9%	+3.1%	-0.5%
<i>(max trade diversion from CC for comp goods = 100%)</i>						
Range	+3% to +5%	-0% to -2%	+0.6% to +5%	-4% to -0%	-6% to +4%	-0% to -10%

Significance of Retail Impacts – Scenarios D to F

Scenario D – Freezer Food Retailer

Bury St Edmunds City Centre

- 3.26 Impacts on the City Centre with this scenario are lower than identified for either Scenarios A or B. There will be a minimal direct impact on convenience goods shopping in the City Centre and turnover in 2024 would be less than 3% lower than in 2022. Sales densities for convenience goods shops in the City Centre will remain strong. The proposal will have no impact on comparison goods retailing in the City Centre. In overall terms this scenario will not affect the viability or vitality of the centre.

St Edmundsbury Retail Park

- 3.27 The proposed development will not have any impact on the Retail Park.

Bartons Retail Park

- 3.28 The proposed development will have an impact on the existing Farmfoods store located within the retail park. As a result direct impacts (2024 with development compared to 2024 without) on all goods will be in the range of -6% to -10% but overall levels of turnover will only be between -2% and -6% lower than at present. This is a very low level of change which will not affect the viability of the retail park as a whole.
- 3.29 Impacts will, however, be concentrated on the Farmfoods. This is identified to be trading approximately 15% below existing levels. However it is not considered that this will affect the viability of the store because the turnover of the store would remain close to £5300 psm. Existing sales densities, reflecting the analysis set out in SERS are currently above UK national average levels (currently at £5055 psm – see Table D) and so the post-impact sales density of the store would remain above this average level for the company.

Conclusion

- 3.30 In overall terms it is not considered that Scenario D would not affect the vitality or viability of the City Centre or either of the two retail parks. In addition, it should be noted that Bury St Edmunds only currently has two specialist frozen food retailers and this scenario would provide a third operator which will improve the offer in this subsector enhancing the choice for residents within the town.

Scenario E – Wilko Non-Food Discounter

Bury St Edmunds City Centre

- 3.31 In overall terms this scenario would result in only a marginal direct impact in 2024 of -0.7% for all goods and -0.9% for comparison goods. Both all goods and comparison goods would be trading significantly higher in real terms in 2024 compared to the current position in 2022 even with the development of the proposed store.
- 3.32 The principal impacts will be on the existing Wilko which will lose approximately 25% of its existing turnover and Poundland (-5% direct impact in 2024 but turnover in 2024 would be almost the same as 2022 levels in real terms). As discussed in the introduction this scenario would only be plausible if Wilko are seeking to expand

their representation in the town and therefore the existing City Centre store would remain trading. Furthermore this is reflected in the residual sales density for the City Centre store which would remain close to £2000 psm which would only be marginally less than their current national average (see Table E). In conclusion, it is evident that, in this scenario, there would be no impact on the vitality or viability of the City Centre.

St Edmundsbury Retail Park

- 3.33 Reflecting both the similarity of retail offer and very close proximity, this scenario identifies significant trade diversion from the Home Bargains store on Easlea Road. This store, although adjacent to the retail park is actually located outside the retail park boundary. However, even reflecting these assumptions of trade diversion the direct impacts on comparison goods turnover in SERP (including adjoining areas) would only be -2.9% and turnover would be *higher* than at present (2022). The proposal will not, therefore, affect the viability of any retail units in the SERP area.

Bartons Retail Park

- 3.34 It is not considered that Scenario E will have any direct or cumulative impact on the Bartons Retail Park.

Conclusion

- 3.35 In overall terms it is not considered that Scenario E would not affect the vitality or viability of the City Centre or either of the two retail parks.

Scenario F – Poundland Non-Food Discounter

Bury St Edmunds City Centre

- 3.36 This scenario assumes the closure of the City Centre Poundland. This scenario also assumes the diversion of some additional trade from other City Centre shops (for both convenience and comparison goods reflecting the mix found in Poundland stores). However, impacts on the City Centre, even with these assumptions will be very low. Direct impacts are identified to be -0.7% for convenience goods and -1.3% for comparison goods (-1.2% all goods – range in sensitivity tests -0.8% to -1.6%). For both convenience and comparison goods turnover in the City Centre would be higher than currently (2022) (+3% to +4% for all tests).
- 3.37 In addition the limited size of the Poundland store, which accounts for only 1.3% of the total occupied retail floorspace within the City Centre, would not result in a significant increase in vacancies. It is accepted that this store has a high profile location in Cornhill but it is expected that, should this scenario occur, the size of the unit and its location would result in the unit being rapidly re-let.
- 3.38 The proposed development would not, therefore, affect the vitality or viability of the City Centre.

St Edmundsbury Retail Park

- 3.39 As with Scenario E this scenario identifies significant levels of trade diversion from the Home Bargains store. However, because this scenario assumes a relocation from the City Centre, trade diversion and retail impacts are less than with Scenario E. As a result of this impacts are extremely low and this Scenario would not affect the viability of any retail units in the SERP locality.

Bartons Retail Park

- 3.40 Impacts on Bartons Retail Park in this Scenario are associated with the limited convenience sales in the Poundland unit of which a small proportion is assumed to be diverted from Farmfoods. However, direct and cumulative impacts are extremely low and would not affect the viability of Farmfoods and, as a consequence of this, nor the vitality or viability of Bartons Retail Park.

Conclusions

- 3.41 In overall terms it is not considered that Scenario F would not affect the vitality or viability of the City Centre or either of the two retail parks.

Summary

- 3.42 This update has included testing three additional scenarios: Scenario D with a frozen food specialist retailer; Scenario E with Wilko as the named operator of the unit; and Scenario F with Poundland as the named operator. The assessment has used the updated expenditure and turnover data provided in Section 2 of this Report. The selection of these additional scenarios has been in response to the recommendation for these to be undertaken by LSH although, as noted, the operation of the planning system in England is not concerned with the identity of individual operators since planning consents are, in the vast majority of cases, not personal consents. Instead the focus of the retail assessment should reflect the characteristics of types of retail operation that would be determined by conditions limiting the gross and net floor area of the unit, size and configuration of unit(s) and restrictions concerning the permitted ranges of goods. As such there is no planning merit in restricting the assessment to named operators unless there is a strong expectation that a particular operator would be trading from the proposed store (as would be the case if the application is submitted by a named operator or there is an agreement in place with a named operator).
- 3.43 Notwithstanding these comments Scenarios E and F have been based on named operators. Scenario D considers the potential impacts arising from a subcategory of food retailer which was not requested by LSH. LSH also recommended consideration to be given to the operation of an M&S Foodhall in the unit. This has not been undertaken because M&S have confirmed that the unit would not be suitable for their operation and written confirmation of this is being sought and will be submitted as soon as this is available.
- 3.44 The assessment of these three additional scenarios has demonstrated that none would have an adverse impact on the vitality or viability of Bury St Edmunds City Centre nor of the St Edmundsbury or Bartons Retail Parks.

4 Summary and Conclusions

- 4.1 This update to the RIA addresses specific matters raised by LSH in their review of the original RIA submitted in support of the planning application for change of use from leisure to retail at the Sports Direct Gym, Easlea Road, Bury St Edmunds.
- 4.2 The update also takes the opportunity to use the most up-to-date information for expenditure growth, including the future growth of special forms of trading, provided through the Experian Retail Planner Briefing Note 19, published in February 2022. From this revised estimates of turnover and available expenditure have been provided that take into account, insofar as this is possible, the effects of the covid-19 pandemic on retailing trends.
- 4.3 In addition to this three further scenarios have been tested:
- Scenario D – Freezer Food Retailer
 - Scenario E – Wilko Non-Food Discounter
 - Scenario F – Poundland Non-Food Operator
- 4.4 It has been noted that testing the impacts of specific operators when none have been identified is not consistent with the basis of the grant of planning consents for retail use in England. Nonetheless, robust assessments of retail impact have been undertaken and it has been demonstrated that no scenario (i.e. of all six scenarios A to F) will result in a significant adverse impact that will undermine the vitality or viability of Bury St Edmunds City Centre nor the St Edmundsbury or Bartons Retail Parks,

20 June 2022

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Bury St Edmunds
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Lambert Smith Hampton
55 Wells Street
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W1T 3PT

By email only

Your Ref: DC/21/0427/FUL

Dear Mr Durrant

APPRAISAL OF RETAIL ASSESSMENT IN SUPPORT OF A PLANNING PERMISSION FOR THE CHANGE OF USE FROM GYM TO RETAIL (CLASS E), SPORTS DIRECT FITNESS, EASTLEA ROAD, BURY ST EDMUNDS IP32 7BY

This letter sets out our response to additional information provided by Hargest Planning Ltd ('HPL') on behalf of K/S Cratfield, the applicant for the proposed scheme. Additional information was requested by LSH following our appraisal of the supporting Retail Impact Assessment & Sequential Test ('RA') prepared by HPL.

The RA assessed the sequential and impact tests against three different end user scenarios to support the application to allow for former Sports Direct Fitness Unit on Easlea Road to trade as an unrestricted Class E retail use.

LSH's appraisal of the RA ('RA Appraisal') considered the sequential and impact assessments prepared by HPL. LSH was satisfied that the sequential test was passed, which was informed by the availability and suitability of sites within and on the edge of Bury St Edmunds at the time of reporting. However, HPL had not provided sufficient evidence for LSH to make a recommendation on the impact test. As such, LSH's RA Appraisal requested that HPL submit the following additional information / clarifications for review:

- Online Market Share – HPL should confirm whether online market share has been adjusted to take account growth experienced nationally and if not, why not.
- Bury St Edmunds Comparison Goods Turnover - HPL should confirm whether the town's comparison goods turnover has been adjusted to take account of the closure of Debenhams and other retail anchors.
- Scenario Turnover - Base year sales density used to assess base year turnover (2021) and application of separate productivity growth rates for convenience and comparison goods retail turnover for the three scenarios.
- Potential occupation by M&S Foodhall – assess the potential for Scenario B to be occupied by an M&S Foodhall including the potential impact on the loss of turnover from the town centre if the Buttermarket Foodhall closes.
- Trade diversion from The Arc – further justification is required to support comparison goods trade diversion assumptions from The Arc to a Scenario C scheme.

- Trade diversion from Wilko and Poundland and potential occupation by either store – review trade diversion from these stores for Scenario C and assess the potential for Scenario C to be occupied by Wilko or Poundland.

In response to the appraisal HPL has provided further evidence which is contained in their Retail Impact Assessment Update and Additional Scenario Tests document ('RIA Update').

This addendum appraisal has been prepared on behalf of the Council and reviews the additional evidence provided in the RIA Update. The key themes for reassessment and assessment are set out as follows:

Population and Expenditure

HPL has revised the expenditure variables to reflect the most up to date Experian Retail Planner Briefing Note 19 (published in January 2022). A description on how HPL has applied the updated variables is described in paras. 2.3 to 2.9 of the RIA Update. It is noted that population and expenditure has been adjusted from 2021 to 2022, which HPL state is to avoid the expenditure growth anomaly that occurred in 2021.

Turnover of Existing Centres

Revisions to expenditure rates and growth highlighted above have in turn resulted in revisions to the turnover market share of existing stores and centres in the study area. The revised turnovers are set out in Table 2.2 of the RIA Update. HPL provide an overview of these revised turnovers for key centres/stores for consideration, with separate commentary provided on convenience turnover (paras. 2.12 to 2.15, RIA Update) and comparison goods turnover (paras. 2.16 to 2.21, RIA Update).

Based on HPL's revisions the convenience turnover Bury St Edmunds (BSE) reduces by -0.4%. For comparison goods turnover, the value for BSE increases in line with an overall increase in total available expenditure.

HPL has provided further explanation on the assessment of existing centre turnover that clarifies that vacant floorspace is accounted for in the turnover estimates presented in Table 2.2 of the RIA Update. We are satisfied that the centre turnover assessment, which is based on benchmark turnovers rather than derived from the 2016 South Edmundsbury Retail and Leisure Study accounts for the closure of Debenhams and Topshop and new out of centre retail floorspace (i.e. The Range and B&M, and the extension of Glasswells).

Productivity Growth

HPL maintain the same position taken in their original RA that the sales density used to inform the impact assessment scenarios should not be estimated from a base year and projected to the design year using an efficiency growth. The justification being that there is no actual floorspace to benefit from an appreciation in turnover.

The application of a productivity growth rate against a base year sales density to inform future turnover is an approach that is accepted by most retail planning consultants to inform retail impact assessments, RIA appraisals and retail evidence base work.

We take note of HPL's observations on how published sale densities in Retail Rankings (RR) have changed for over recent years. Allowing for a fluctuation in company sales densities is entirely reasonable which HPL to agree with. Whilst the application of productivity growth rates may not be the most exact metric to assess future turnover rates, it is an accepted methodology and provides the best indicator of how sales densities could perform in future years.

However, it is noted that while HPL has based their estimates on sales densities for identified retail formats on the most current sales density figures, HPL has sought to adjust sales densities upwards to account for potential growth.

We have carried out a high level review of the most recent sales densities published by Mintel in their 2022 RR database which have been projected to the design year using Experian productivity growth rates ('constant floorspace' variable). The exercise confirmed that the sales densities applied by HPL for the design year are higher than what LSH identified based on the standard approach. As such, while we query the adopted approach by HPL to assess forecast turnover, we are satisfied that the uplift in sales density that they have applied does not under estimate the turnover of Scenarios A to C.

Trade Diversion Estimates for Scenario C

LSH's appraisal requested that HPL review the trade diversion estimates associated with Scenario C on the basis that too much reliance on trade diversion from retailers in The Arc. HPL has duly revised the distribution of turnover between The Arc and the rest of the town centre. Whilst HPL highlight that this exercise makes no difference to the overall outcome on trade diversion from the town centre, it is still prudent to ensure patterns of distribution are realistic for identified locations.

Revised Impact - Scenarios A, B & C

The various amendments to the economic variables and assumptions discussed above result in changes to the monetary and percentage impact figures previously identified by HPL in their original RA. This includes the central case impact scenario and resulting impact figures informed by HPL's applied sensitivity tests (i.e. notably +25% increase in turnover and 33% increase in trade diversion from BSE)

Focusing on impact figures for BSE, the following table summarises the impact on retail turnover:

	Convenience	Comparison	Total	Upper Range on Sensitivity Impact
Scenario A	-4.6%	-0.7%	-1.2%	-1.6% ¹
Scenario B	-4.6%	-0.6%	-1.2%	-1.6% ¹
Scenario C	-0.7%	-1.4%	-1.3%	-1.6% ¹

1) Based on a 33% increase in trade diversion from the town centre.

The impacts identified by HPL under the three scenarios do not represent a significant impact in respect to BSE's total retail turnover, although this assumes that the scheme will not result in the relocation of an existing store from the town centre.

HPL have also tested scenarios under which the unit is occupied by a frozen food retailer (Scenario D), Wilko (Scenario E), and Poundland (Scenario F).

LSH requested in the RA Appraisal that HPL consider an impact scenario whereby the application site is occupied by an M&S Foodhall and where it coincides with the closure of the town centre department store. HPL have not assessed the potential for the unit to be occupied by M&S based on feedback the applicant's agent received from M&S' retail agent (CBRE). The feedback received by email states that the site that *"the site is too small and not prominent enough"*.

HPL follow the same methodology for assessing the retail impact of the additional three development scenarios that informed Scenarios A to C. The impact assessments for the three additional scenarios are discussed in turn:

Scenario D/ Frozen Food Retailer

Under Scenario D/ Frozen Food Retailer, HPL has assumed that the net sales area equates to 70% of gross. A more appropriate ratio is 80%, which is in line with other Limited Assortment Retailers (LADs) and reflects how LADs and Frozen Food Retailers have limited, if any stock in storage. This is also informed by LSH's appraisal of both Farmfoods and Iceland RIAs, which apply the 80% net of gross ratio.

However, this is not an issue that needs to be remodelled by HPL as the Council can condition the net sales floor area to 70% of gross to reflect what has been assessed.

HPL base the average sale density for a frozen food retailer using the average for three national brands – Iceland/ Food Warehouse, Farmfoods and Heron. However, it is noted that average applied does not account for a sales density for Heron in 2021. We do not consider it necessary to include Heron within the average given that this retail brand is exclusive to the north of England.

Of the three additional scenarios tested, we found that HPL's sales density estimation for Scenario E is under estimated. For example, HPL's applied sales density for 2024 is £7,000/sqm which according to para. 3.8 and Table 2.2D is an over estimate. However, the latest RR database identifies a higher sales density for both Iceland (£8,274/sqm in 2021 @ 2021 Prices) and Farmfoods (£7,286/sqm in 2021 @ 2021 Prices), which even if these rates were rebased to 2014 are still likely to be higher than what was quantified by HPL. As such, we consider that the turnover for Scenario E is underestimated. However, we accept these concerns are addressed in HPL's sensitivity testing on turnover in Table 2.8 (RIA Update).

HPL assume that 20% of Scenario D's convenience goods turnover would be drawn from BSE with diversions split between Waitrose and the rest of the town centre. The total estimate for town centre trade diversion seems reasonable in the context of comparable out of centre provision, albeit we would not identify trade diversion from Waitrose. Instead, trade diversion would be focused on Iceland (Cornhill) and other value food retailers in the town centre.

Trade diversion from out of centre retail locations is focused on the larger stores. It is noted that only 4% of Scenario D's turnover is diverted from Barton Retail Park. The retail park includes Iceland Food Warehouse which would be subject to much higher levels of trade diversion.

The resulting impact from Scenario D on BSE town centre's total convenience turnover is -4.1% reducing to -0.6% when based on total retail turnover.

Scenario E/ Wilko Non-Food Discounter

Under Scenario E, HPL has assessed the potential for the application site to be occupied by Wilko, who currently trade from Risbygate Street. HPL do not consider that Wilko would relocate to the application site on the basis that the application site represents a smaller store. In addition, HPL state that the applicant would not consider Wilko as a tenant.

LSH requested in the RIA Appraisal that HPL consider a scenario under which Wilko relocate from their town centre store to the application site. HPL has declined this request and only assesses the scenario based on Wilko operating a second store from the application site. We do not accept the rationale given by HPL for not considering the closure of Wilko's town centre store and we consider it to be a less likely scenario that the retailer would maintain a dual presence in Bury St Edmunds given that many retailers are now rationalising store portfolios rather opening multiple stores in same locality (with the exception being convenience retailers).

In assessing Wilko's retail turnover, HPL assume a net sales area of 1,250 sqm, which equates to 75% of gross floorspace. This is a reasonable assumption for Wilko. HPL apply a sales density for Wilko that is derived from Retail Rankings (2014 Prices) and which has been rounded up to £2,500/sqm. The latest Retail Rankings database (2022) identifies Wilko's sales density at £1,865/sqm for 2021 (2021 Prices) which indicates that HPL has applied a higher sales density than what would be expected for Wilko.

It is assumed by HPL that 62.5% of the store's turnover would be diverted from BSE town centre, of which half would be diverted from the Wilko store. In respect to the 37.5% of store turnover diverted from beyond BSE town centre HPL focus trade diversion from St Edmundsbury Retail Park where there are retailers that cumulatively sell some comparable retail products to Wilko. We would expect a different distribution of turnover from locations outside the town centre, but this does not have a bearing on the impact figures.

The resulting impact in Table 2.6e shows that Scenario E would have a -1.4% impact on the total turnover of BSE town centre. Notably, the impact on the town centre Wilko would be -26.3%. Whilst a hypothetical scenario, it raises the question as to whether this would impact on the viability of the town centre store.

Scenario F/ Poundland

Under Scenario F, HPL has assessed the potential for the application site to be occupied by Poundland, who currently trade from 24-26 Cornhill. HPL has assumed that under this scenario that Poundland would relocate to the application site.

HPL assume the same net sales area as Scenario equates to 70% of gross floorspace. A sales density of £3,900/sqm has been applied to the design year, which HPL state is 18% higher than the average identified for Poundland in 2019 (Retail Rankings 2021, rebased to 2014 prices). As highlighted by HPL in para. 3.22, Mintel's Retail Rankings does not record of Poundland's sales density for 2020. We can confirm that Poundland is not identified in the 2022 RR database. LSH has tested the 2019 RR sales density figure to allow for productivity growth up to the design year, which indicates that HPL has applied a slightly higher sales density for Poundland than what would be expected.

The trade diversion assumptions for this Scenario F assume that the Poundland would divert 52.5% and 74.4% of its convenience and comparison goods turnover, respectively, from BSE town centre. This includes current estimated turnover of the existing Poundland at Cornhill. Beyond BSE town centre, HPL assume that the convenience turnover would be drawn from out of centre foodstores. The remaining comparison turnover is drawn from retailers at St Edmundsbury Retail Park and other standalone out of centre non-food retailers. We consider that these trade diversion estimates are reasonable for Scenario E.

The trade diversion estimates result in -0.7% impact on BSE's convenience goods turnover and -1.3% impact on comparison goods turnover. The overall impact on BSE's retail turnover is -1.2%.

Scenarios D to F: Sensitivity Testing

HPL apply the same sensitivity testing metrics to Scenarios D to F as was applied to Scenarios A to C. The results are set out in Table 2.8 and summarised below to show the upper range identified and how it compares to the central case impact result.

	Convenience	Comparison	Total	Upper Range on Sensitivity Impact
Scenario A	-4.1%	0.0%	-0.6%	-0.8% ¹
Scenario B	0.0%	-0.9%	-0.7%	-1.0% ¹
Scenario F	-0.7%	-1.3%	-1.2%	-1.8% ¹

1) Based on a 33% increase in trade diversion from the town centre.

The impacts identified by HPL under the three scenarios do not represent a significant impact in respect to BSE's total retail turnover, although this assumes that the scheme will not result in the relocation of an existing store from the town centre. However, there would be knock on impact associated with Scenario C with the loss of linked trips as a consequence of Poundland closing in BSE town centre. Similarly, if Wilko was to open a second store as tested under Scenario B there is concern that the cannibalisation of market share from its BSE store could render this store unviable and risking its closure. This would also have the knock on impact associated with loss of linked trips to other town centre businesses. Whilst we recognise that the Poundland or Wilko stores could be re-let if they closed this cannot be taken as a certainty.

However, we consider that even when allowing for an increase in impact based on the sensitivity metrics tested the additional Scenarios D to F would still sit within a tolerable impact range on BSE's total retail turnover.

LSH still remained concerned that an open E Class consent could facilitate the relocation of anchor retailer from BSE. HPL's reluctance to model the impact of a scenario in which M&S closes its town centre store and relocates its food offering to the application site raises more queries. If the site is not suited to a foodstore operator such as M&S on the grounds that the site does not offer sufficient frontage then we question why the site would appeal to any other branded food retailers.

Summary on Revised Impact Assessment

HPL has broadly co-operated with the further information requests put by LSH in the original appraisal. There still remain differences in opinion between LSH and HPL to how design turnover of the proposed retail format scenarios should be assessed; specifically in how sales densities at the design year should be treated. However, we consider that HPL's approach to applying a higher sales density to what they consider is necessary (e.g. a higher rate for the base year) overcomes any concerns that the proposed retail turnover for Scenarios A to E have been underestimated. However, this assumes that of the six retail format scenarios tested that only Scenario E would lead to the relocation of a town centre store (i.e. Poundland).

HPL's approach to originally testing three retail format scenarios was done so in order to demonstrate that an unrestricted retail use within the former Sports Direct unit would not lead to a significant adverse impact on BSE town centre, thereby justifying a deviation from Policy DM35 of the Joint Development Management Policies Document and complying with paras. 90 and 91 of the National Planning Policy Framework. The three additional retail format scenarios tested in the RIA Update provide further clarity on potential impact but it must be noted that these additional scenarios still relate back to the type of formats tested under Scenarios A to C.

Applications for open Class E retail where the end retailer is not disclosed and where the applicant is not willing to restrict the type of goods sold through planning conditions creates difficulties in accurately assessing the potential impact on a town centre. HPL's impact assessments (as contained in their RA and RIA Update) have covered a number of scenarios but they do not reflect an open Class E retail use for the site. What has not been considered is the impact of wider comparison retail formats, such as retail formats that offer comparison goods typically associated with town centres and high streets (e.g. clothing, footwear, sports goods, etc).

We consider that while the impact assessments demonstrate a tolerable range of impact for the type of retail formats tested this should be reflected in the type of permission granted. In other words, the planning consent for Class E use should be restricted to allow the sale of goods typically sold within the retail formats tested under Scenarios A to E. We consider that this is a necessary and a justifiable step to ensure that BSE town centre is not subject to untested retail impact. Otherwise, it is the onus of the applicant to test a broader range of retail formats to justify an open Class E retail consent.

We do not consider that it is necessary to restrict the type of convenience goods sold within the unit, but a planning condition should restrict the type of comparison retail goods sold to reflect the range of products limited to Scenario C, E and F.

The suggested condition could contain the following text:

"....The unit and 3 shall be used for the sale of convenience goods Use Class E(a), and for the sale of non-food comparison goods within Use Class E(a1) of the Town and Country Planning Act excluding fashion clothing, footwear and fashion accessories, health and beauty / personal care products, jewellery, sports, toys and hobby goods and books and stationary, unless ancillary to the primary use of the unit".

A planning condition should also be applied that limit the sale of convenience goods to a maximum net sales area of 992 sqm (as tested under Scenario A) and the sale of comparison goods to a maximum net sales area of 1,000 sqm (as tested under Scenario E). The GIA of the unit should

also be conditioned and the Council should require that permission is sought to install mezzanine floorspace.

Finally, as the decision-taker in this case the local planning authority will have to apply the planning balance and weigh our advice against any wider impacts and/or benefits arising from the planning application.

I trust our advice set out in this letter is of assistance to the Council in its determination of the application proposal. However, if you do require further clarification and/or advice please do not hesitate to me directly.

Yours sincerely,

Bláthnaid Duffy

Director

Planning, Regeneration + Infrastructure

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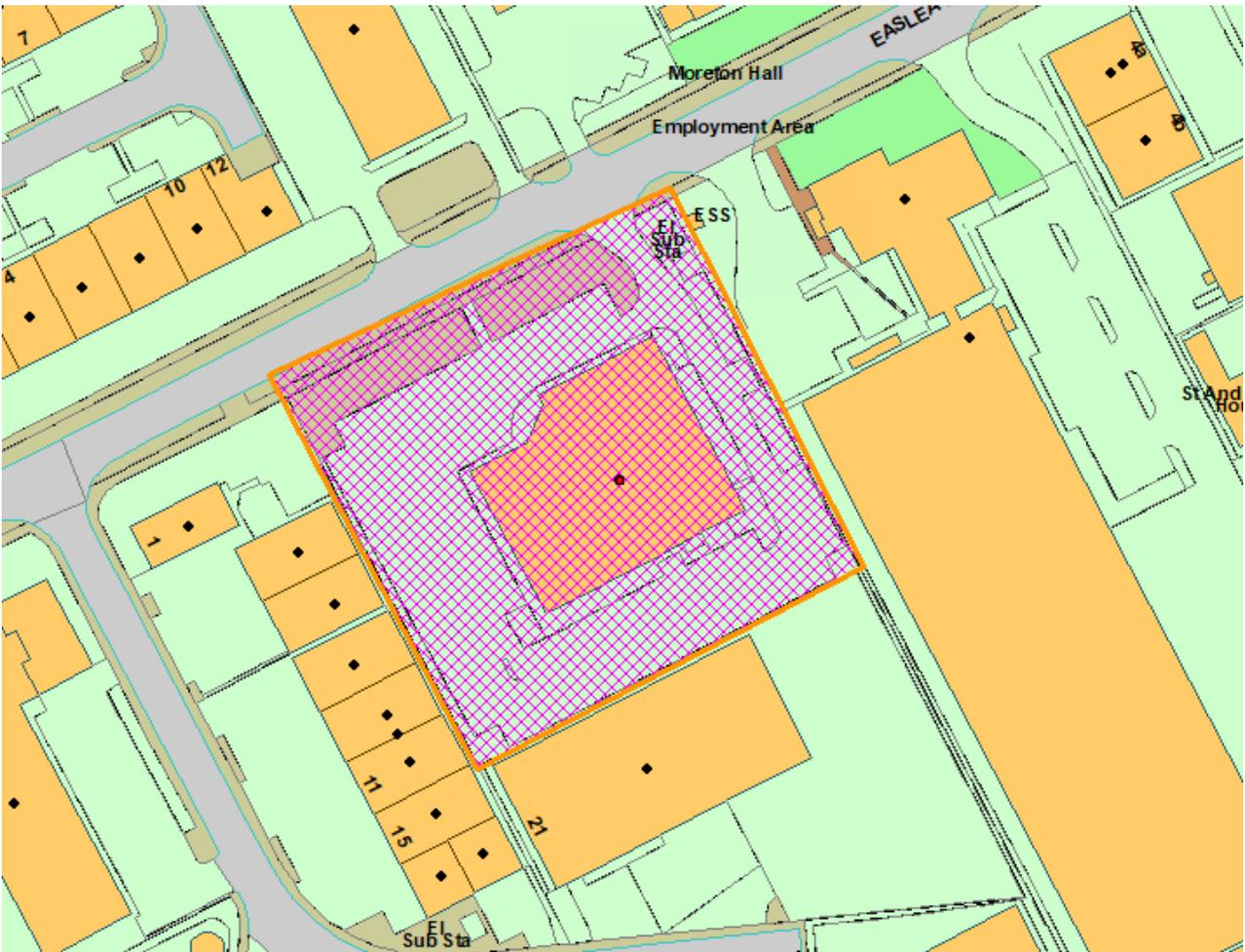
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DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, Bury St Edmunds

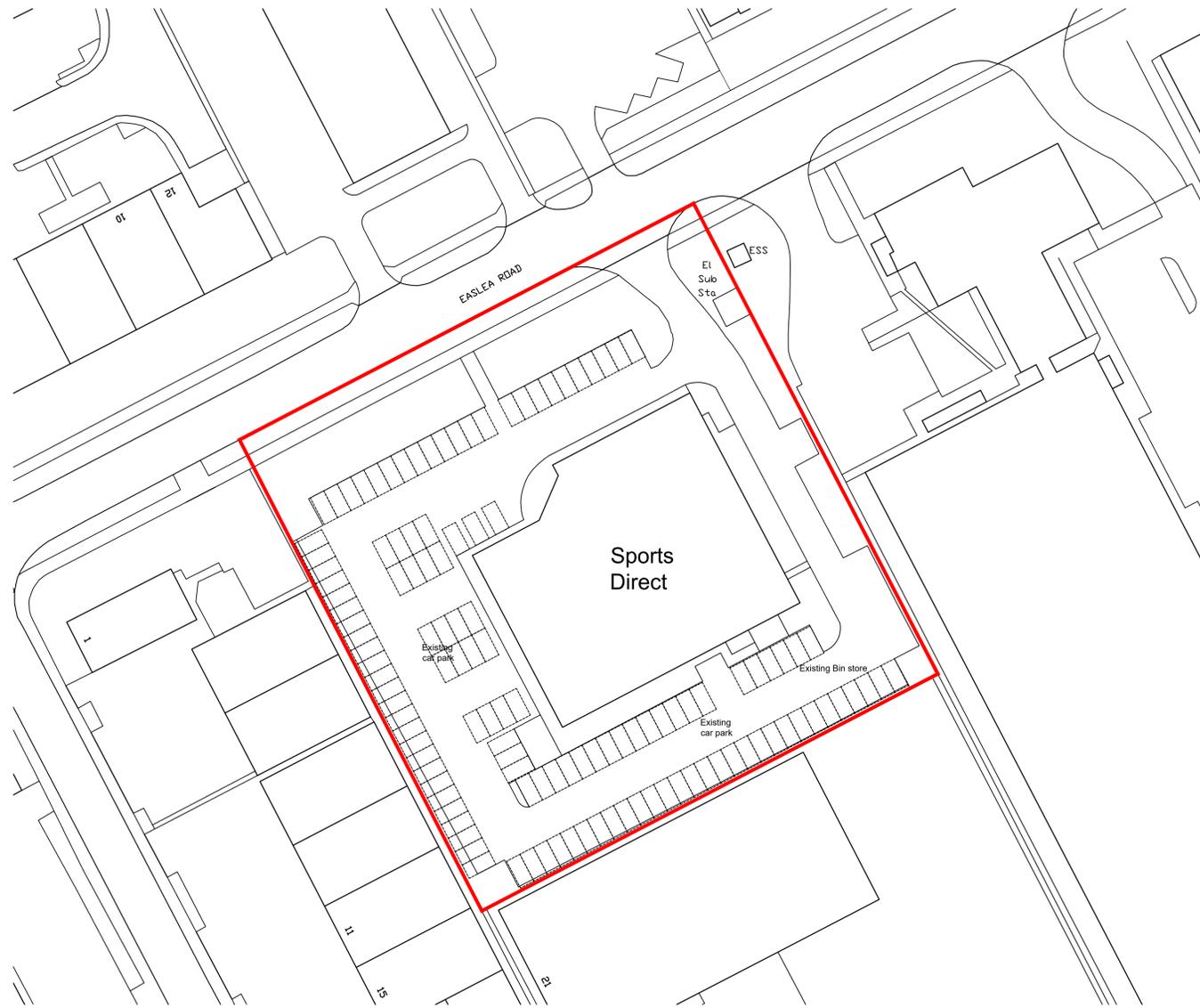


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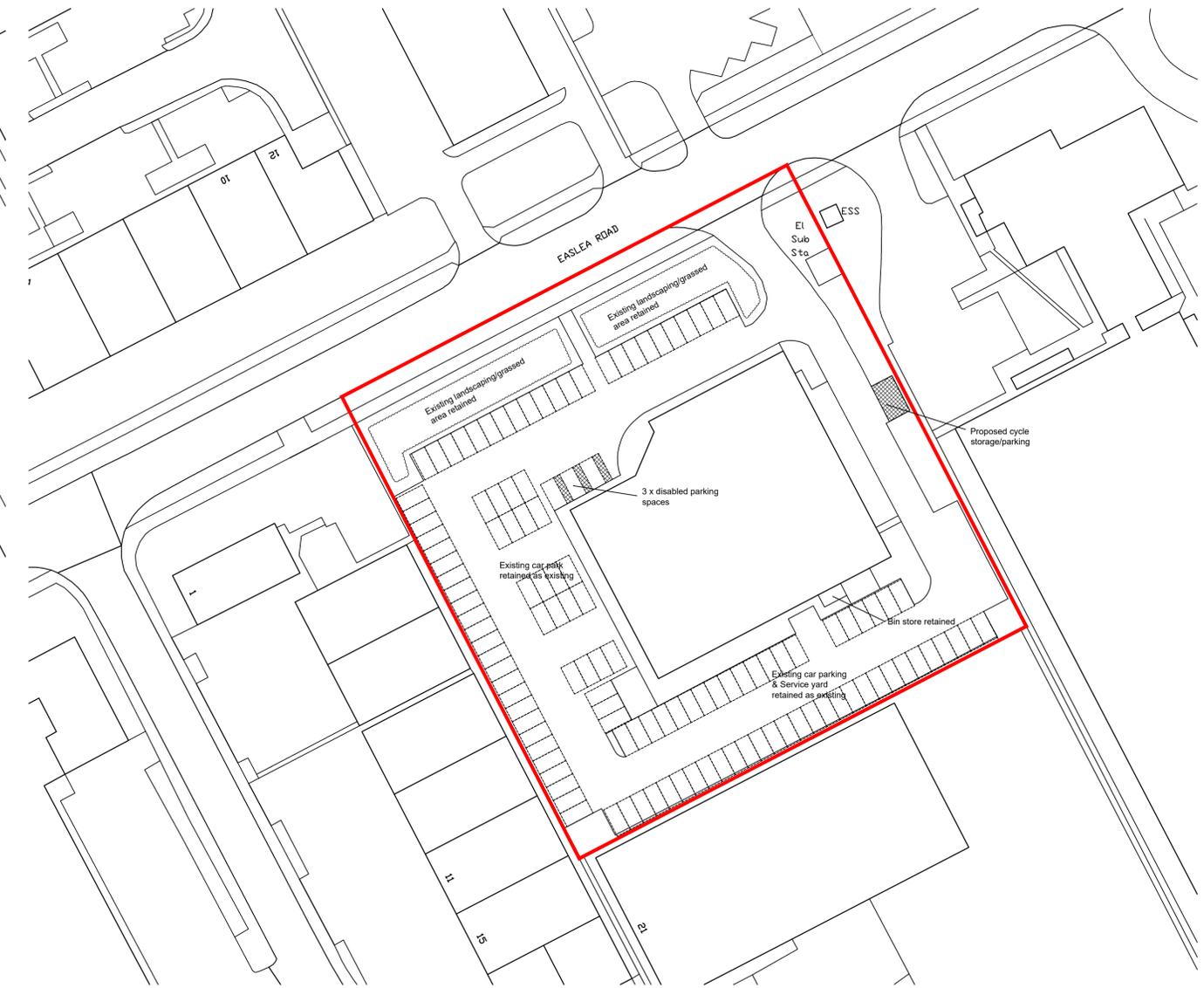


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Existing Block Plan



Proposed Block Plan

P01	First Issue	10/12/20	AC	AC
Rev	Description	Date	CHK	APP
Project No:	501865	Scale @ A1:	As Indicated	Drawn By:
				JD

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Vision, form and function

Project:
Sports Direct
 Easlea Road
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Client:
Nectar Asset Management

Title:
Existing & Proposed Block Plan

Drawing Number:
SPORTD-IWD-XX-XX-DR-A-1001

Status:	Purpose of Issue:	Revision:
S2	Planning	P01

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Development Control Committee

7 December 2022

Planning Application DC/22/0994/FUL – The Old Blacksmiths, The Street, Gazeley

Date registered:	6 June 2022	Expiry date:	1 August 2022 (EOT 9 December 2022)
Case officer:	Savannah Cobbold	Recommendation:	Approve application
Parish:	Gazeley	Ward:	Kentford and Moulton
Proposal:	Planning application - Reconstruct existing building, extension and conversion of forge to create two dwellings		
Site:	The Old Blacksmiths, The Street, Gazeley		
Applicant:	Mr P Wiseman		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Savannah Cobbold

Email: savannah.cobbold@westsuffolk.gov.uk

Telephone: 07971 534117

Background:

The application was considered by the Delegation Panel on 15 November 2022 at the request of the Ward Member (Councillor Roger Dicker), where it was decided that the application should be presented at Development Control Committee.

Proposal:

1. The application seeks planning permission for the reconstruction of the existing forge building, along with a small extension, plus the conversion of the forge to create two dwellings. At present, the building is in a state of disrepair and is currently fenced off to protect the public under the provisions Building Control legislation.
2. The building will remain generally on the same footprint and the only notable change relates to the small rear element, which will consist of a slightly different roof form.
3. The existing building is subject to ongoing enforcement investigations that have led to the service of a Notice under Section 215 of the Town and Country Planning Act which requires the demolition of the building. Section 215 can be used to require works to be undertaken to remedy the appearance of land or buildings where that appearance is causing harm to the amenity of the area, as was considered the case in this matter due to the poor appearance of the structure. Compliance has been outstanding since July 2021 but the Notice does not in itself preclude the granting of planning permission, which must be considered on its own merits. Furthermore, if planning permission were to be granted and implemented, then the requirements of the Notice would be withdrawn.

Application supporting material:

- Application form
- Location plan
- Existing elevations and floor plan
- Proposed elevations and floor plans
- Block plan
- Design and access statement
- Structural survey

Site details:

4. The application site sits within the settlement boundary for Gazeley, fronting onto The Street. The building sits in a prominent position on an existing green area, sitting forward of a public house (The Chequers). There is a bus stop that sits towards the south of the site which is fenced off due to the current state of the building. There are various residential dwellings in the immediate proximity of the site.

5. Consultations:

Environment Team

No objections subject to conditions.

Public Health and Housing

No objections subject to conditions.

Suffolk County Council as Local Highway Authority

No objections subject to conditions – please refer to report.

Representations:

6. 18 letters of representation have been received which between them raise the following matters.
7. Officer comments are added where relevant in italics.
 - No objection but concerns that the proposal will not be brought forward and the eyesore would therefore remain indefinitely.
 - It is sad to see the loss of the building but it is already beyond repair and the demolition order should stand. The property is not fit or safe.
 - The building is currently spoiling the beauty and centre of the village. It would be much more beneficial if the space was utilised as village green.
 - Parked cars would be a hazard.
 - The properties have no gardens.
 - Query the accuracy of the plans. *Officers are satisfied that the plans are accurate.*
 - Query how services would be provided at the property. *This would be an issue for the developer to satisfy, including rights to cross any third party land.*
 - Query whether any trees would be affected. *There are no trees that would be affected.*
 - Query surface water and foul sewerage issues.
 - Any further expansion would encroach on the village green. *Any further expansion of the building would require planning permission.*
 - The proposed development would have a devastating and permanent impact on the use of the green and to the Gazeley community.
 - There is limited space for cycles and bins.
 - There is inadequate parking. *The plans have been amended to now show a car free scheme. SCC as Local Highway Authority offer no objections.*
 - The proposed windows would open directly onto the green and bus stop which would limit enjoyment of the green.
 - The proposal conflicts with Para. 130 of the NPPF and Para. 185.
 - The proposal would adversely affect the viability of the public house.
 - How will downpipes and guttering work? *Any fixtures on the exterior of the building would require the approval of any adjoining landowners.*

- The building has no solid foundations so how will it be built without encroaching on third party land. *This would be a matter covered by the Party Wall Act.*
- What has been done to ensure the privacy of residents and users of the bus stop?
- If approved the building should look the same as the current building.
- This would set a precedent for other applications. *All applications are considered on their own merits.*
- Strongly support the application.
- This is a sympathetic reconstruction of the building that will be in keeping.
- The site will never again function as a viable business and the proposed change of use to permit it to be developed as two small dwellings is, I submit, a modest one and a price well worth paying in order to improve the appearance of this part of the village which is currently severely blighted.
- Refusing this and allowing the building to be demolished would not lead to the space being incorporated back into the green.
- Objections on parking grounds are misplaced.
- Windows overlooking the green will preclude the use of the green.
- It is an eyesore and fully support the proposal.
- It will give first time buyers an opportunity to purchase in the village.
- How will the building be maintained once built?
- How will natural light be provided in the property?
- Changing from commercial to residential is the best possible outcome.
- Cars parked outside will calm traffic on The Street.
- There is enough garden and bin storage space.
- The proposal would be in the best interests of the village.
- Has a building regulations application been submitted? *This is not a material consideration.*
- Can the LPA require works to be completed within 24 months? *No, it would not be reasonable to impose such a requirement.*
- Does the car parking meet standards? *No, it does not, but no objection to such has been received from the Local Highway Authority.*

8. 12 August 2022: The Parish Council has considered all the comments that have been submitted on the above application. The Parish Council has also held a village meeting to enable residents to comment further. The Blacksmith's Forge is a commercial storage property situated on the village green and has been in a state of dilapidation for many years. The village green is owned and maintained by Gazeley Parish Council. Due to the unsafe nature of the site, the use of this important amenity (including the bus stop) has been limited for quite some time. In March 2021 the walls of the building started to collapse and the District Council surrounded the whole building with emergency fencing in order to protect the public from falling masonry and roof timbers. At that point a Section 215 order was issued to the owner for the demolition of the building. The forge was subsequently sold but we understand that the demolition order is still 'live'. The saga of the Blacksmith's Forge has been one of increasing frustration to the residents of Gazeley and undoubtedly the feeling in the village is that a swift resolution to what has become a dangerous and unsightly property in the heart of the village is needed. The majority feedback from the village meeting was to support applications for a restoration of the property. That said, the plans that have been submitted by the new owner for the renovation of the building to restore it to its previous condition and to convert in into two dwellings need very careful consideration. This is a property which is not currently a residential one and does not have electricity, running water or sewerage facilities. Whilst there is large support for a successful renovation, it is the duty of the Parish Council to ensure that all views are put forward. To this end, several concerns have been raised in the village by residents who live nearest to the site and would be the most affected have included the following:

1 The possible lack of parking provision, in an area where none of the surrounding cottages have parking facilities, and the fear that future residents of the two units might have as many as four vehicles on the site, in which case two would have to be parked on the road. It is noted that Highways Development Control are unable to comment on the application due to lack of information and have recommended a holding objection until such information becomes available.

2 The lack of amenity space for the residents, as the building is abutted to three sides by a Registered Village Green.

3 The feasibility of providing enough space at the front of the building for the envisaged parking of two vehicles, six refuse bins, storage for two bikes, paths, lawns and hedges, as detailed on the plans.

4 The privacy of future residents, when all the windows will face the village green at ground level, especially as the building is in such close proximity to the Chequers public house, the public bus stop and bus shelter.

It is noted that the applicable period for the commencement of the project is three years, once the necessary approval has been obtained. However, as already mentioned, for the past 18 months the village has lost the amenity of the village green, and of the public bus shelter, because the building has, of necessity, been surrounded by the protective fencing. If

the application is approved, the Parish Council would like to see the work started as soon as possible so that these vital amenities can be restored to the village.

It is of some concern to the Parish Council that the present owner has failed to respond to correspondence sent to him, via his solicitor, with regard to his entering into an Access Licence Agreement to protect the village green and to allow access for contractors to install the necessary services to the site. It is essential that the green should be restored to its previous condition, once the work is finished, and that an agreement is in place before any contractors are allowed to access parish land.

Gazeley Parish Council is supportive of any attempts to restore this building to something resembling its previous appearance on the condition that all the above issues raised are properly addressed.

9. **15 November 2022:** This further submission is made by the Parish Council in response to the letter issued by Suffolk County Council (Highways Development Control) dated 27 October 2022 of which it has since received clarification to the effect that;

“given the previous use of the building street parking for these 2 small units would not create concerns in relation to highway safety”.

This statement contradicts HDC’s earlier provisional comment dated 28 July 2022, arising out of the original plans submitted by the applicant on 6 June 2022, that;

“The parking arrangement is acceptable in principle however the applicant should widen the parallel parking bay to 3m and lengthen them to 7m to facilitate safe access to the properties and width for driver egress on the roadside.”

HDC has offered no details of further information it requested/received of the applicant subsequent to its letter of 28 July 2022 or the circumstances which led to the applicant’s revised plan being submitted on 21 October 2022.

In the absence of any evidence to the contrary it is inferred that the applicant’s revised plan was filed as a result of further consultations between him, HDC and/or WSC and the details of which have not been made known to the Parish Council.

In its original submission the Parish Council noted their concerns that the application could lead to a; “possible lack of parking provision, in an area where none of the surrounding cottages have parking facilities, and the fear that future residents of the two units might have as many as four vehicles on the site, in which case two would have to be parked on the road.”

The proposed switch from on site to on street parking only serves to highlight and reinforce the Parish Council’s initial concerns regarding the lack of adequate parking provision.

Suffolk County Council’s own Guidance for Parking 2019 notes that: “parking is part of the palette that makes for a high quality environment and sense of place”.

Although the Parish Council is in principle sympathetic to the application it is respectfully submitted that the use of on street parking for the purposes of this development will not achieve the most desirable or satisfactory result for the village as a whole.

In particular the use of on street parking does not take into consideration the very close proximity of the proposed development to the junction of The Street/Higham Road and the former's junction with Stubbins Lane thereby increasing the risk of vehicle collisions at both junctions due to reduced visibility and the fact that they are both unlit at night.

In so far as HDC asserts that off street parking is satisfactory having regard to the "previous use of the building" the Parish Council submits that if in line with the current application the proposed change of use is permitted then parking provision must reflect its future usage and that its historical use as the former village forge is entirely irrelevant in this context.

The proposed use of on street parking to serve the development also fails to take into consideration its proximity to other nearby residential properties without on site parking, the use of the feeder road for parking by patrons of The Chequers PH, its proximity to Grade 1 listed All Saints Church, Gazeley, its proximity to the village green (which surrounds the property on all sides, save for its front elevation) and the adjacent village bus stop and shelter which is situate within a few feet of its southern elevation.

In conclusion the Parish Council urges HDC to reconsider its decision dated 27 October 2022 and to proceed in line with its provisional recommendations dated 6 June 2022 on the grounds that if its current decision stands it will significantly compromise highway safety in the immediate proximity of the development as well as compromising the village's environment and sense of place.

Policy:

10. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.
11. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM7 Sustainable Design and Construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding Hazards

Policy DM22 Residential Design

Policy DM46 Parking Standards

Core Strategy Policy CS1 - Spatial Strategy

Core Strategy Policy CS5 - Design quality and local distinctiveness

Other planning policy:

12.National Planning Policy Framework (NPPF)

13.The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

14.The issues to be considered in the determination of the application are:

- Principle of development
- Impact on character and appearance of the area
- Impact on residential amenity
- Highway safety impacts
- Other matters

Principle of development

15.Policy DM1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

16.Policy CS1 of the Forest Heath Core Strategy deals with spatial strategy and states that the protection of the natural and historic environment, the

distinctive character of settlements and the ability to deliver infrastructure will take priority when determining the location of future development.

17. The application seeks planning permission for the reconstruction and conversion of the existing forge building to create two dwellings within the settlement boundary of Gazeley where within this area the principle of a new dwelling is generally considered acceptable subject to compliance with policies relating, amongst other things, to design, scale, layout, access and trees. Development such as the provision of a new dwelling will need to be in accordance with policy DM2 and requires proposals to respect the character and appearance of the immediate and surrounding area, and that there is not an adverse impact upon residential amenity, highway safety or important trees within the street scene. Along with CS5, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.
18. The existing building is subject to ongoing enforcement investigations that have led to the service of a Notice under Section 215 of the Town and Country Planning Act that requires the demolition of the building. Compliance is outstanding but the Notice does not in and of itself preclude the granting of planning permission in this instance, which must be considered on its own merits.
19. The structural survey provided with the application leads Officers to conclude that, based on the nature and extent of works required, that this proposal is a new building, rather than the conversion of the existing structure. The structural survey confirms that the building is not capable of conversion without such significant works that in the opinion of officers means that it would largely amount to a new structure.
20. Therefore, the assessment made by officers is on the basis of this being a new building within the settlement boundary, not as a conversion of an existing building. In reaching this conclusion officers note that the structural survey submitted with the application denotes that only a visual inspection was made and is in relation only to 'accessible parts' of the building. No structural measurements or calculations appear to have been taken or made. From a site visit, the condition of the building is clearly dilapidated and this alone casts significant doubt on the ability of the building to be converted. The survey submitted further indicates that parts of the wall have fallen away and the original roof has been removed. It also shows that the building has been in this condition for some considerable time. Extensive remedial works are required to flintwork and essential maintenance and repairs are necessary to allow for reinstatement of the building. It has also identified that there are several holes where flintwork is not in a satisfactory condition.
21. On this basis the proposal is considered to be a replacement building, not a conversion, as a matter of judgement based on the above matters and conclusions. However, noting the position of the building within the settlement boundary this is considered to be a development type that is supportable as a matter of principle, subject nonetheless to a further consideration of the matters of detail.
22. In this instance therefore, the principle of the development is considered acceptable.

Impact on character and appearance of the area

23. Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape; and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.
24. In this case, the existing building is in an extremely dilapidated state in which the majority of the roof form is non-existent and for this reason, the site has been fenced off for public safety. The building has been a feature within the village of Gazeley for a number of years and features traditional flint walls. The proposals seek to restore the building to its original appearance with minor alterations to the fenestration in order to suit the new use and internal layout, albeit as concluded above, the current condition of the building plus the extent of works necessary does lead to a conclusion that it is a replacement building. There is however no increase in size to the floor area of the existing building nor any increase in height.
25. The proposal incorporates flint work and red brick quoins in order to reflect the existing forge building. Noting the condition of the existing structure on the site, this proposal is considered to better enhance the building, bringing it back to viable use.
26. Given the mixed character of this area of Gazeley and noting the condition of the existing building on site, this proposal is considered to positively reinforce the existing structure on site and enhance the character and appearance of the area.

Impact on residential amenity

27. The proposed dwellings are to sit in the same position as the existing forge building which is located on the village green. The building itself is detached and is generally spaced away from residential dwellings within proximity of the site. The building will remain as single storey and it is therefore considered that no harm will result upon residential amenity.
28. Representations have been received regarding this application, but these have been summarised under the representations tab of this report.
29. Given the location of the existing building, in a central location on village green, the impact on residential amenity is therefore considered satisfactory, noting the separation distance, in line with the requirements of policy DM2.

Highway safety impacts

30. On first submission of the application, the block plan showed a single parking space for each dwelling at the front of the site. The Local Highway Authority advised that the parking bay needed to be expanded in order to measure 7 metres by 3 metres to facilitate a safe access to the properties and width for driver egress on the roadside. The applicant supplied a revised plan showing the revised parking bays, however a further response from the Local Highway Authority then provided further objection

to the scheme as they had noted that the proposed spaces were in fact partially on land identified as public highway.

31. It is not acceptable for private parking spaces to be conditioned for retention on the highway, as the highway must remain available for the public in perpetuity. It was therefore requested that the applicant either find an alternative way to provide parking spaces in order to not obstruct the highway or otherwise to remove any proposed car parking spaces from the scheme. The result of this being that any parking associated with the dwellings would be on street.
32. The block plan also showed the provision of hedging along the boundary of the parking spaces in which the Local Highway Authority concluded that this was unacceptable because this planting would be on the highway and also because the southern boundary would have a detrimental impact on the departure area for buses leaving the adjacent bus stop.
33. The applicant provided a land registry map to show that the land was within their ownership. However, the ownership of the land is not contested it is simply that part of the land in the title of this property is maintainable highway and that development cannot therefore proceed within this area. Noting the limitations of the red line application site area, the applicant advised it would be near impossible to provide parking elsewhere on the site. Officers sought further advice from the Local Highway Authority and queried if the scheme would be looked at more favourably if the proposed car parking and front garden obstructions were removed completely. Noting that the roads in the vicinity have no restrictions precluding parking it would then be for vehicles associated with the dwellings to park where safe to do so. Officers also questioned if they would prefer to see a single unit, with an attached garage/carport. In the opinion of officers, the use of two dwellings with one bedroom each would generate a maximum of three cars for this whole development, thereby not putting any material pressure on on-street parking at any level that would give rise to highway safety related concerns.
34. The Local Highway Authority confirmed that an informal, unconditioned parking arrangement would be preferable taking into account the past commercial use of the site. There are no parking restrictions so parking in the vicinity would not be prohibited. Putting aside the highway obstacles/parking matter, the Local Highway Authority is open to all of the potential development configurations. They would wish to see sustainable transport measures supported with cycle storage facilities.
35. An amended plan was put forward, and the Local Highway Authority provided the following comments.

‘On the assumption that residents may choose to park to the front, it was suggested the front hedge is not appropriate because it would prevent cars being parked clear of the carriageway. It would be desirable if the frontage area was not lawn, but was surfaced and could be used as informal parking’.
36. A further amended plan was put forward which shows ‘grasscrete’ at the front of the dwellings. The Local Highway Authority has confirmed that it has no objections to this and are satisfied that this is the optimal outcome

with regards to the safety of the highway. Given previous commercial use of the site, the unrestricted nature of on-street parking and the general arrangement of roads in the area the Local Highways Authority has raised no objection to the lack of on-site parking for this development and is satisfied this will not create highway safety concerns such that the application should be refused. The development demonstrates adequate secure cycle storage and is therefore considered to be in line with DM2 and DM46.

Other matters

37. The application is not supported by any information on land contamination. As the proposals are for a change of use to new dwellings, policy would normally require a land contamination assessment to be submitted with the application. The former use as a forge would normally be considered a potential source of contamination due to the historic activities at these sites. However, it is noted the very small scale of the development and site and its open nature mean the environment team consider that undertaking a desk based land contamination survey is unlikely to give any significant further details. However, small areas of landscaping are proposed to the front of the properties and there is the potential for future residents to interact with potentially contaminated soils. It was recommended that the standard land contamination condition is attached, should planning be granted.
38. Following amended plans, and removal of planting at the front of the site, the environment team have confirmed that the requirement for land contamination surveys is now not needed and Policy DM14 is therefore satisfied. No objections are offered by this service.
39. Public Health and Housing has reviewed the information submitted with this application and also raise no objections to this application subject to conditions relating to construction hours, which is considered reasonable to control via condition.
40. The Local Planning Authority is required to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.
41. Noting the condition of the existing structure on site, it is not considered that this would be suitable for roosting bats. The Local Planning Authority support biodiversity net gain through condition to secure the placement of ecological enhancements in accordance with Policies DM11 and DM12. This has therefore been conditioned.
42. During the course of the application, various representations have been submitted with regard to the proposal. A mix of support and objection comments have been received. Residents have raised no objections to the proposals but are concerned that the proposal will not be brought forward, and that the demolition order should still stand; the building is spoiling the beauty and centre of the village and it would be much more beneficial if the space was utilised as village green.

43. Concerns have been raised regarding car parking and how cars parked on the road would be a hazard. Following negotiations and discussions with the Local Highways Authority, no objections are raised to a car free scheme noting the 'no restrictions' to on-street parking. The front of the properties is to be laid with grasscrete to create informal car parking. Concerns have also been raised regarding the fact the properties will have no gardens; there is a small area of amenity space towards the front of the dwellings. Queries have been raised regarding the plans and how services would be provided to the properties; this would be an issue for the developer to satisfy, including rights across third party land. It is questioned if any trees would be affected by this development and how any further expansion would encroach on village green. No trees will be affected by this development and any further plans to extend the building would require planning permission which would be considered on its own merits.
44. Residents request that the building should look the same as the current building. The information submitted with the application concludes that the proposal will be to rebuild the building like for like and to restore it to its original appearance prior to its recent dilapidation with some minor alterations to fenestration.
45. In order to maintain the appearance of the building, Officers consider it appropriate to restrict permitted development rights in relation to alterations to the roof and fences/gates in the interests of highway safety and to protect the character and appearance of the area.
46. The Parish Council raise concern regarding the provision of parking and how this will impact other residential property's including the Grade I listed church. Officers consider the setting of listed buildings a satisfactory separation distance from the proposed development as to not have an adverse impact on these.
47. DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7

Conclusion:

48. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies such as DM2 and DM22 and the National Planning Policy Framework, noting the settlement boundary location of the proposed dwellings and sympathetic design approach that seeks to replace this structure with a new building in a way that will restore the character and appearance of the area.

Recommendation:

49. It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. Time limit

The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. Approved plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Plan Type	Reference	Date Received
Existing floor plans and elevations	22-2663-2	6 June 2022
Proposed elevations and floor plans	22-2663-3	6 June 2022
Location and block plan	22-2663-1 C	21 October 2022
Design and access statement		6 June 2022
Application form		6 June 2022

Reason: To define the scope and extent of this permission, in accordance with policy DM1 and DM2 of the West Suffolk Joint Development Management Policies Document 2015 and all relevant Core Strategy Policies.

3. Construction hours

Any site preparation, demolition, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the works shall only be carried out between the hours of:

8am to 6pm Mondays to Fridays
8am to 1pm Saturdays

And at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies.

4. Limit water use

The dwelling(s) hereby approved shall not be occupied until the requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

5. Bin storage

The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 22-2663-1 Rev C shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

6. Cycle storage

The use shall not commence until the areas within the site shown on Drawing No. 22-2663-1 Rev C for the purposes of secure cycle storage have been provided and thereafter the areas shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for cycle storage are provided in accordance with Suffolk Guidance for Parking (2019), in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

7. Ecological enhancements

Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

8. Material details

No development above slab level shall take place until details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

9. Removal of PD rights – alterations to roof

Notwithstanding the provisions of Schedule 2 Part 1 Class A, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the roof space of each dwelling shall not be extended or altered in any way and shall not be used for living, hobby or other incidental domestic use, except for domestic storage associated with the occupation of the dwelling.

Reason: To safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with policies DM2 and DM22 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

10. Removal of PD rights – fences, gates and walls

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of the dwellinghouse in front of any wall of the dwellinghouse which fronts onto a road.

Reason: To safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with policies DM2 and DM22 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0994/FUL](https://www.westsuffolk.gov.uk/DC/22/0994/FUL)



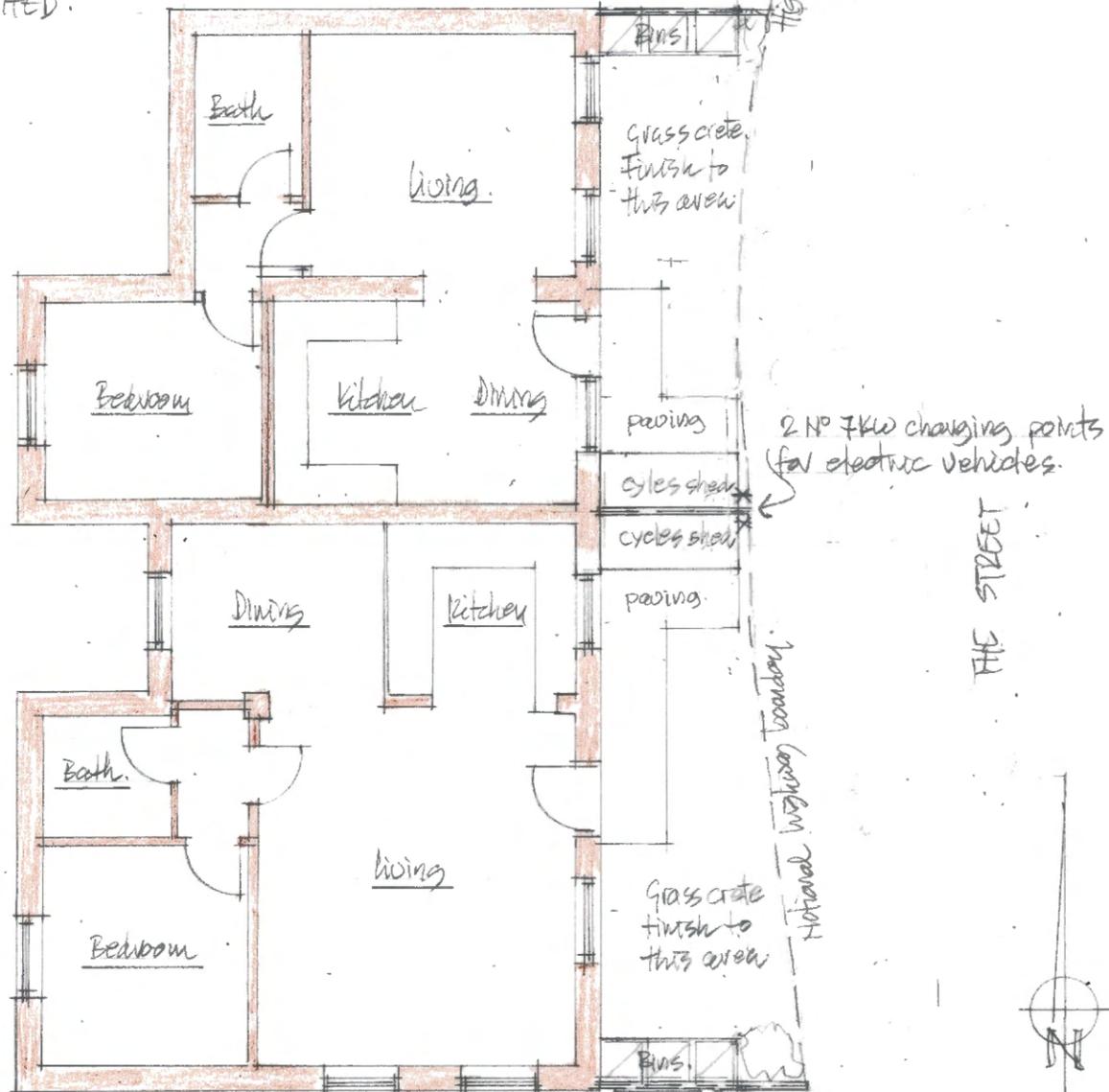
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Grey metal secure cycle shed for 3 bicycles.
1950 wide 880 deep, 1200 high.

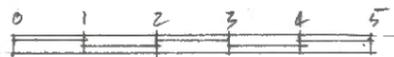
Village Green

BICYCLE SHED.



Village Green

SITE LAYOUT 1:100



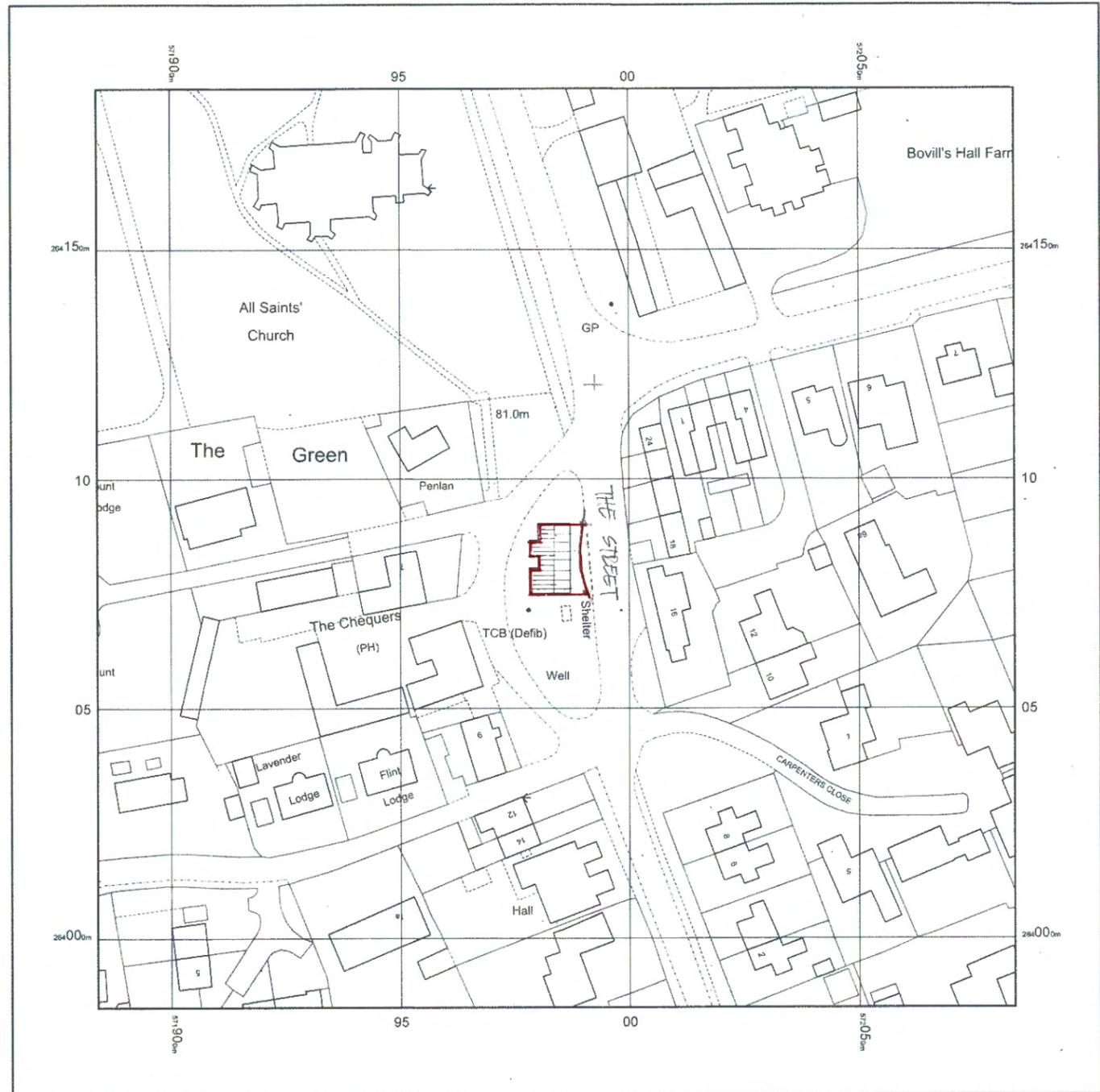
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Village Green

Gazeley

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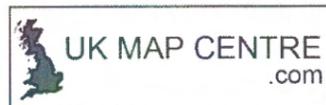


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0m 1cm = 12.5m 62.5m

Scale 1:1250

- Rev A. 21/10/22 Grasscrete finish to front of site. Lavender hedge removed.
- Rev B. 18/10/22 layout plan revised, cycle shed added.
- Rev A. 16/8/22 Parking Bays revised. Charging points added.



THE OLD FORGE & SHOP, THE STREET, GAZELEY.
RENOVATION OF BUILDING TO FORM 2 NO 1 BEDROOM UNITS.

SITE LAYOUT & LOCATION PLAN.

Vincent & Associates
Designers & Building Consultants
Fenview, 40a Church Street, Holme, PE7 3PB
Tel/Fax: 01487 830999 Email: kitvincent@ic24.net

VA 1:100 1:1250 & A3
May 2022
22-2063-KBC

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Development Control Committee 7 December 2022

Planning Application DC/22/0359/FUL – Green Farm, The Green, Hargrave

Date registered:	16 March 2022	Expiry date:	12 May 2022 (EOT 9 December 2022)
Case officer:	Savannah Cobbold	Recommendation:	Refuse application
Parish:	Hargrave	Ward:	Chedburgh and Chevington
Proposal:	Planning application - a. change of use of land to domestic garden b. all weather tennis court with associated fencing		
Site:	Green Farm, The Green, Hargrave		
Applicant:	Mr and Mrs G Wells		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Savannah Cobbold

Email: savannah.cobbold@westsuffolk.gov.uk

Telephone: 07971 534117

Background:

The application is referred to Development Control Committee following consideration from the Delegation Panel on 1 November 2022. The Parish Council support the application, which conflicts with officer's recommendation of refusal.

Proposal:

1. The application seeks planning permission for the change of use of land to domestic garden, along with the provision of an all weather tennis court and associated fencing. The court will measure 35 metres by 17 metres and will be surrounded by a 2.75 metre high fence.
2. **Application supporting material:**
 - Application form
 - Indicative fencing photo
 - Location plan
 - Block plan
 - Planning statement

Site details:

3. The application site sits outside of the designated settlement boundary, within the countryside in Hargrave. The application site contains a large, detached dwelling with a grade II listed status. There is a public right of way that runs towards the west of the site.

Planning history:

Reference	Proposal	Status	Decision date
DC/19/1668/HH	Householder Planning Application - (i) two storey rear extension and (ii) removal of outbuilding	Application Granted	12 November 2019
DC/19/1669/LB	Application for Listed Building Consent - (i) Two storey rear extension (ii) internal alterations and studwork to ground floor (iii) partition to rear wall to create utility room (iv) removal of outbuilding to form opening to hallway into utility area (v) minor adjustments to stud walling to first floor	Application Granted	12 November 2019
DCON(A)/19/1669	Application to Discharge Conditions 3 (roofing slates and schedule of structural works and repairs), 7 (new casement windows) and 8 (new doors) of application DC/19/1669/LB Condition 3 - specification of roofing slates and	Application Granted	19 March 2020

schedule of structural works and repairs
Condition 7 - details for replacement of existing windows and doors to existing house
Condition 8 - details for replacement of internal doors to existing house

4. Consultations:

Conservation Officer

No objections.

Public Rights of Way

No objections.

Public Health and Housing

No objections.

Hargrave Parish Council

Support the application but would like to add a condition to it being granted that no lighting be permitted.

Representations:

Neighbours

No representations received.

Policy

5. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

Joint Development Management Policies

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM15 Listed Buildings

Policy DM25 Extensions to Domestic Gardens within the Countryside

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Hargrave Neighbourhood Plan

Policy HAR6 – Protecting the Landscape Setting of Hargrave

Policy HAR10 – Village Character

Other planning policy:

6. National Planning Policy Framework (NPPF)
7. The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

8. The issues to be considered in the determination of the application are:
 - Principle of development
 - Impact on character and appearance of the area
 - Impact on residential amenity
 - Impact on listed building

Principle of development

9. Policy DM1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
10. Policy CS1 of the St Edmundsbury Core Strategy deals with spatial strategy and states that the protection of the natural and historic environment, the distinctive character of settlements and the ability to deliver infrastructure will take priority when determining the location of future development.
11. The application firstly seeks planning permission to extend the area of domestic garden in an area of countryside as defined by planning policy. The area proposed appears to be separated from the current garden area of the property. The relevant policy in this case is policy DM25 which deals with extensions to domestic gardens within the countryside and states that:

Extensions to domestic gardens within the countryside will not normally be permitted. Small, unobtrusive extensions of residential

curtilages into the surrounding countryside, which will not adversely affect the character and rural amenities of the site and wider countryside will be permitted where the following criteria are met:

- a. the development will not involve the loss of the best and most versatile agricultural land;*
- b. the proposal will not involve the loss of an important hedgerow or other important landscape feature;*
- c. there will be no significant detrimental effect upon biodiversity interests; and*
- d. that provision is made for suitable landscaping to ensure boundary treatment is of an appropriate rural character and appearance.*

12. Noting the context of the site officers are satisfied, that the garden extension proposed meets the relevant test of DM25 that it be 'small'. However, the test of whether the extension proposed is 'unobtrusive' is a matter that it best considered with reference to the following section relating to character and appearance. The land is considered to be grade three agricultural land but the available records do not indicate if this is 3A (which is considered to be 'best and most versatile', or Grade 3B (which is not). Nonetheless, noting that neither the application site nor the wider parcel of land are currently in agricultural use, and noting also that the development is generally reversible, this is not a matter that is considered to weigh heavily against the scheme in the balance of considerations. Noting the existing boundary treatments and nature of the site, it is considered that provision can be made for suitable landscaping to maintain the rural character and appearance, along with removal of permitted development rights. The change of use of land is therefore considered acceptable in principle but consideration is given below to the impact on the visual amenity and character of the area.

Impact on character and appearance of the area

13. Development such as the provision of tennis courts will need to be in accordance with policy DM2 which requires proposals to respect the character and appearance of the immediate and surrounding area, and ensure that there is not an adverse impact upon residential amenity, highway safety or important trees within the street scene. Along with CS3, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.
14. Hargrave's neighbourhood plan was 'made' (adopted) in July 2018 and given the location of Hargrave on a relatively high level, views into and out of the village are of high importance to its character and sense of rurality. Development that does not have regard to its potential impact on these views could have a significant detrimental impact on the setting of the village. As such, policy HAR6 within the neighbourhood plan deals with protecting the landscape setting of Hargrave and states that outside of the housing settlement boundary, priority will be given to protecting and enhancing the countryside from inappropriate development. Proposals should not have a significant adverse impact on the landscape setting of Hargrave nor should the proposal result in the loss or erosion of an important settlement gap.

15. The Hargrave Neighbourhood Plan identifies where the important and 'key views' are and in this instance, a relevant 'key view' runs along the public right of way towards the west of the site. The provision of an artificial surface to the court, with coloured lines, plus a fence which is 2.75 metres in height, is considered to represent a dominant and utilitarian feature within the context of this site, and it is considered that views of the court and fencing would be extremely visible from the public right of way that runs close to the site. Officers therefore hold strong reservations noting the prominence of the tennis court in this location and the tall fencing associated as such, in line with an important view as identified within the Hargrave neighbourhood plan. The provision of a tennis court and associated fencing is considered to interrupt this important key view in a way that will be intrusive and materially harmful to it, and to the setting of the village as a result. This harm is further exacerbated by the prominent and stark appearance of the tennis court and associated fencing which officers consider to conflict with the requirements of policies DM2 of the Joint Development Management Policies Plan and HAR6 of the Hargrave Neighbourhood Plan, which seeks to protect and avoid the loss of an important settlement gap and allowing distinctive views of the surrounding countryside from public vantage points to be retained. As a result the proposal is also not considered to be obtrusive and there is also therefore conflict with DM25.
16. Further to the above, policy HAR10 of the Hargrave Neighbourhood Plan deals with village character and states that to maintain the character of Hargrave, all new developments should ensure that the specific context of the site and the wider character of the street scene are fully taken into account in relation to scale, appearance and materials.
17. New development proposals require careful and detailed consideration, particularly where they could impact upon the general aspiration of the local community to maintain its unique rural and unspoilt character as far as possible. It is accepted that to attempt to 'preserve the village in aspic' and prevent all new development is both unrealistic and ultimately detrimental to the future health of the village, its community and its facilities. However, this should be balanced with the view that any future development should be appropriate to the size of the village and the maintenance of its character as a small rural community. Hargrave is a diverse mix of areas of development set within a wider rural landscape, and the proposed development is considered to change the character of the village irreversibly and result in the loss of distinct key views as identified within the Neighbourhood Plan, as further explained above.

Impact on residential amenity

18. Noting the scale of the plot and location of the tennis court, it is considered that the proposed development would not adversely impact the residential amenity of occupants of nearby dwellings.

Impact on listed building

19. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or

any features of special architecture or historical interest which it possesses.

Policy DM15 states that proposals to alter, extend or change the use of a Listed Building or development affecting its setting will be permitted where they are of an appropriate scale, form, height, massing and design which respects the existing building and its setting and respect the setting of a Listed Building. In this case, the host dwelling is grade II listed.

20. The land in question is beyond the domestic garden of the property and is separated from it by existing vegetation. This vegetation would screen views of the tennis court from the street and from within the garden of the house. Views of the property and tennis court location from the public right of way to the west of the site are generally well screened from the listed building itself, except from the gate at the south end of the path, due to the dense planting along the boundary of the property with the path. From the gate, there is a view of the southern end of the tennis court site and it is this view in which the concerns set out above are held by Officers, the house is not visible within the same context. The conservation officer is therefore satisfied that the tennis courts and associated fencing would not harm the setting of the listed building and as such, offers no objections to this application.

Conclusion:

21. In conclusion, the development is considered to be unacceptable and fails to comply with relevant development plan policies, in particular Policies DM2 and DM25 of the Joint Development Management Policies Plan and policy HAR6 of the Hargrave Neighbourhood Plan, and the National Planning Policy Framework as discussed above.

Recommendation:

22. It is recommended that planning permission be **REFUSED** for the following reasons:

1. Given the location of Hargrave on a relatively high level, views into and out of the village are of high importance to its character and sense of rurality, as reiterated within the Hargrave Neighbourhood Plan. Development that does not have regard to its potential impact on these views could have a significant detrimental impact on the setting of the village. As such, policy HAR6 within the neighbourhood plan deals with protecting the landscape setting of Hargrave and states that outside of the housing settlement boundary, priority will be given to protecting and enhancing the countryside from inappropriate development. Proposals should not have a significant adverse impact on the landscape setting of Hargrave nor should the proposal result in the loss or erosion of an important settlement gap. Policy HAR10 of the Hargrave Neighbourhood Plan deals with village character and states that to maintain the character of Hargrave, all new developments should ensure that the specific context of the site and the wider character of the street scene are fully taken into account in relation to scale, appearance and materials.

The Hargrave neighbourhood plan identifies where the important and 'key views' are and in this instance, a relevant 'key view' runs along the public

right of way towards the west of the site. The provision of an artificial surface to the court, with coloured lines, plus a fence which is 2.75 metres in height, is considered to represent a dominant and utilitarian feature within the context of this site, and whereby views of the court and fencing would be extremely visible from the public right of way that runs close to the site. Strong concerns are therefore held noting the prominence of the tennis court in this location and the tall fencing associated as such, in line with an important view as identified within the Hargrave Neighbourhood Plan. The provision of a tennis court and associated fencing is considered to interrupt this important key view in a way that will be intrusive and materially harmful to it, and to the setting of the village as a result. This harm is further exacerbated by the prominent and stark appearance of the tennis court and associated fencing which officers consider to conflict with the requirements of policies DM2 of the Joint Development Management Policies Plan and to HAR6 of the Hargrave Neighbourhood Plan, which seeks to protect and avoid the loss of an important settlement gap and allowing distinctive views of the surrounding countryside from public vantage points to be retained.

New development proposals require careful and detailed consideration, particularly where they could impact upon the general aspiration of the local community to maintain its unique rural and unspoilt character as far as possible. It is accepted that to attempt to 'preserve the village in aspic' and prevent all new development is both unrealistic and ultimately detrimental to the future health of the village, its community and its facilities. However, this should be balanced with the view that any future development should be appropriate to the size of the village and the maintenance of its character as a small rural community. Hargrave is a diverse mix of a settlement set within a wider rural landscape, and the proposed development is considered to change the character of the village irreversibly and result in the loss of distinct key views as identified within the Neighbourhood Plan.

As a result the proposal is also not considered to be unobtrusive and there is also therefore conflict with DM25.

Documents:

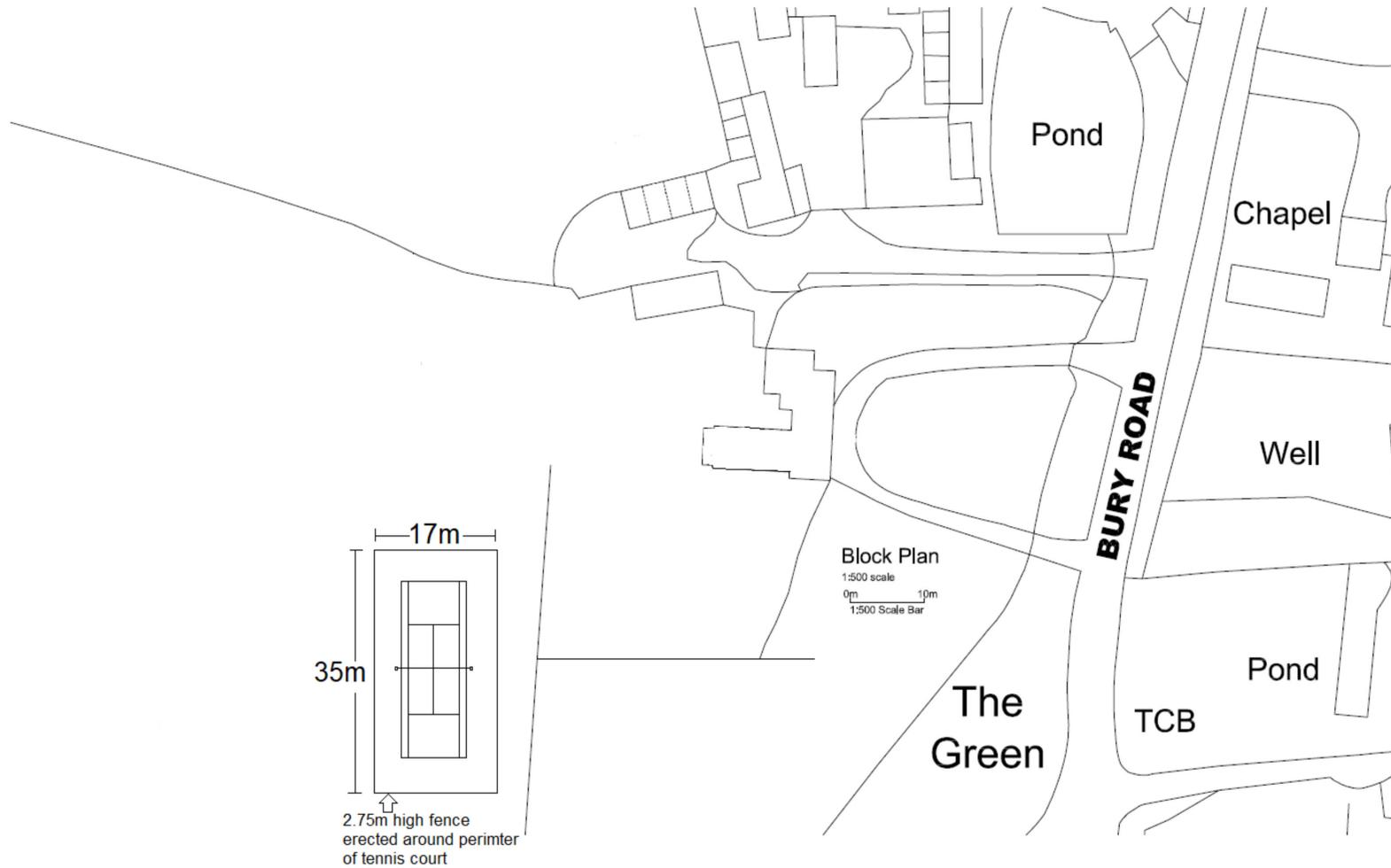
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0359/FUL](https://www.hargravevillage.org.uk/DC/22/0359/FUL)



DC/22/0359/FUL – Green Farm, The Green, Hargrave



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**CHANGE OF USE OF LAND TO DOMESTIC GARDEN, CONSTRUCTION OF TENNIS COURT AND ERECTION OF FENCE
GREEN FARM, THE GREEN, HARGRAVE IP29 5HS**

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Development Control Committee 7 December 2022

Planning Application DC/22/0511/FUL – 104 High Street, Newmarket

Date registered:	9 May 2022	Expiry date:	6 July 2022 EoT: 9 December 2022
Case officer:	Ed Fosker	Recommendation:	Approve application
Parish:	Newmarket Town Council	Ward:	Newmarket West
Proposal:	Planning application - change of use from Bank (Class E) to Adult Gaming Centre (Sui Generis)		
Site:	104 High Street, Newmarket, Suffolk, CB8 8JQ		
Applicant:	Remco Leisure Limited		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Ed Fosker

Email: edward.fosker@westsuffolk.gov.uk

Telephone: 07971 534107

Background:

This application is presented to the Development Control Committee following consideration at Delegation Panel on the 15 November 2022. It was presented to the Delegation Panel due to the concerns from Newmarket Town Council, as well as from Councillor James Lay and Councillor Andy Drummond (Ward Members). The application is recommended for APPROVAL.

Proposal:

1. This proposal is for a change of use of the ground floor of the former Santander bank which has been vacant since May 2019 to an Adult Gaming Centre (AGC). The unit has an extant consent (DC/20/0583/FUL) to be used as a takeaway albeit the takeaway use has at the time of writing not been implemented. The AGC will provide slot machines, bingo machines and tablets for gaming. The machines offer low stakes of between 10p and £2. No alcohol is served on the premises and the proposed opening hours have been reduced by negotiation during the course of the application, from 24 hours to:

Between 08:00 and 23:00 Monday to Thursday, 08:00 and 02:00 on Fridays and Saturdays and 08:00 to 23:00 on Sundays and Bank Holidays.

This is consistent with the hours of use of the currently extant permission for the takeaway.

Site details:

2. 104 High Street is in the Conservation Area and Primary Shopping Area of Newmarket, located in a prominent position on the North side of Newmarket High Street. It is a relatively modern, flat-roofed, two-storey building
3. Above the premises is a residential flat which was approved under planning application ref DC/19/0894/FUL. To the east is 'The Graze Kitchen' and 'Shoe Zone' (which also has consent for an Adult Gaming Centre – DC/22/0096/FUL) and to the west is 'Calzone House' kebab and pizza takeaway Hughes Electrical and 'New Look'.

4. Planning history:

Reference	Proposal	Status	Decision date
DC/15/1988/FUL	Planning Application - (i) Installation of new shop front (ii) Replacement first floor windows to front elevation (iii) Removal and blocking up of first floor rear windows (iv) Removal of window and installation of new fire exit door to rear elevation	Application Granted	9 December 2015

DC/19/0894/FUL	Change of Use from (i) A2 (Financial) to A1 (Retail) basement and ground floor level; and (ii) A2 (Financial) to C3 (Residential) first floor level; and (iii) create 1no flat to second floor; (iv) installation of entrance to flats; and (v) new shopfront	Application Granted	9 August 2019
DC/19/1967/FUL	Planning Application - (i) Replace entrance doors (ii) replace first floor windows to front and rear elevations	Application Granted	27 November 2019
DC/20/0583/FUL	Planning Application - Change of use from financial service (class A2) to hot food takeaway (class A5)	Application Granted	3 June 2020
F/2009/0474/ADI	Display of externally illuminated fascia sign	Approve with Conditions	6 November 2009
F/2005/0038/ADI	Display of externally illuminated fascia and projecting sign and replacement ATM header panels	Approve with Conditions	8 March 2005
F/2005/0449/ADI	Display of externally illuminated fascia and hanging sign	Approve with Conditions	18 July 2005
F/2004/0706/ADI	Resubmission: display of internally illuminated fascia and projecting sign and replacement ATM header panels	Refuse	21 September 2004
F/2003/0963/ADI	Display of illuminated signs.	Application Withdrawn	10 December 2003

Consultations:

Public Health and Housing

5. I confirm the condition below should be attached to any permission granted. This is necessary to ensure the amenity of the residential property above is protected from noise and nuisance.
6. The building hereby permitted shall not be open except between the hours of 08:00 and 23:00 Monday to Thursday, 08:00 and 02:00 on Fridays and Saturdays and 08:00 to 23:00 on Sundays and Bank Holidays.

Waste Management

7. No comment.

Suffolk Fire and Rescue

8. No additional water supply for firefighting purposes is required in respect of this planning application.

Newmarket Town Council

9. The Committee had no means of objecting to the gambling licensing application for this property and now objects to this change of use application. It is not appropriate to have adult gaming centres in our historic High Street.
There are many gambling establishments already on the High Street - an appropriate mix of uses should be maintained there - as stated in WSC policy DM35.

Ward Members

10. Councillor Andy Drummond - Newmarket West: Does not support the application.
11. Councillor James Lay - Newmarket West: Ask that this application goes in front of the Full Planning Committee. I will object to this application.

Representations:

12. None received.
13. **Policy:** On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM17 Conservation Areas

Policy DM35 Proposals for main town centre uses

14. Other planning policy:

National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision-making process.

Officer comment:

15.The issues to be considered in the determination of the application are:

- Principle of Development
- Amenity impacts
- Other matters

Principle of Development

16.Policy DM1 provides that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

17.Policy DM35 provides support for main town centres uses such as shops, food and drink, financial and professional services, offices and leisure. This proposal, for an Adult Gaming Centre (AGC), is considered a sui generis 'leisure' use. However, whilst support is provided for a range of uses in town centres, DM35 seeks to maintain a predominance of retail uses, to secure the vitality and viability of the Primary Shopping Areas. DM35 states that changes of use from retail to other town centre uses will only be permitted if the balance of retail vitality and viability is not likely to be harmed and the following criteria are met:

- a. the proposal will not result in three or more non A1 uses in adjoining premises
- b. the shop front is retained or will not harm the character of the building or street scene
- c. The proposal will not remove the existing or potential beneficial use of upper floors
- d. The proposal will not adversely affect the amenity of the surrounding area.

18.Criteria b and c are not applicable in this case and criterion d is discussed below. With regards to criterion a, this proposal does not on the face of it

comply with criterion a, as it would result in three non A1 uses in adjoining premises (a kebab/pizza takeaway and a café/restaurant are adjacent to the site) this is somewhat of a moot point in any event as the premises currently is not in retail use, plus it also has an extant consent for a takeaway (Sui Generis). The degree to which DM35 is therefore relevant is significantly limited.

Due weight must be given to the extant permission for the takeaway, that said, even if the permission for the takeaway use was not in place, with the introduction of the new Class E, the Local Planning Authority (LPA) has no control over the retention of retail and shops in locations such as this, which otherwise can change to a non-retail use (such as a gym or creche) without the express permission of the LPA (see Table 1 below for all the uses permitted under Class E). Indeed, it is feasible that there would be no shops remaining in town centre locations due to the introduction of Class E but this is for the market to regulate. Therefore, it is considered that this part of the policy has only limited weight and it would not be reasonable to refuse this application on the basis of being contrary to criterion a, noting, in any event, the limited relevance of DM35 given that the premises are not currently in retail use.

19. The introduction of Class E illustrates the government's acknowledgement that retail can no longer be relied upon to sustain the vitality and viability of town centres and that other uses must be encouraged to support the vibrancy, economy and sense of community of town centres.

E(a) Display or retail sale of goods, other than hot food

E(b) Sale of food and drink for consumption (mostly) on the premises

E(c) Provision of:

E(c)(i) Financial services,

E(c)(ii) Professional services (other than health or medical services), or

E(c)(iii) Other appropriate services in a commercial, business or service locality

E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)

E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

E(f) Creche, day nursery or day centre (not including a residential use)

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

E(g)(iii) Industrial processes

Table 1: Uses permitted under Class E without the express permission of the LPA

20. In August 2022, planning permission was approved for a change of use of ground floor and basement from retail (class E) to Adult Gaming Centre (sui generis) (Planning application: DC/22/0096/FUL) at 98 High Street, Newmarket. This unit has been in use as the shop 'Shoe Zone' with a dental practice above at first floor and is located to the eastern side of No. 104 and separated by 'The Graze Kitchen' and Wellington Street.
- 21.. AGCs are an accepted 'main town centre use' and as set out in paragraph 86 of the NPPF having regard to the sequential test the first preference for such uses is to be located within town centres. Additionally, the NPPF calls for flexibility and requires LPAs to allow town centres to grow and diversify "in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters." Paragraph 86 of the NPPF (2021) also states:
22. "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation."
23. Furthermore, chapter 6 of the NPPF, requires LPAs to support businesses and economic growth, which forms an intrinsic part of sustainable development. In this case, this proposal will bring a unit, which has been empty since May 2019 into use and generate an increase in footfall on High Street and within the wider town centre.. It is considered that customers using the site could help to support other businesses. It is logical to assume due to the investment by the applicant (who has ten other sites within Suffolk and Essex) that there is market demand for this type of business in Newmarket. Furthermore, it is expected that the AGC will create a minimum of 6 full time jobs and 4 part time jobs.
24. Noting this, it is considered that the proposal can be supported as a matter of principle.

Amenity impacts

25. Policy DM2 of the Joint Development Management Policies Document is clear in that proposals for all development should not, taking mitigation measures into account, adversely impact the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, volume or type of vehicular activity generated. This extends to residential amenity.
26. The proposed opening hours are:
Between 08:00 and 23:00 Monday to Thursday, 08:00 and 02:00 on Fridays and
Saturdays and 08:00 to 23:00 on Sundays and Bank Holidays.
27. The supporting documentation states that only background music is played within venues (similar to shops) and there are no tannoy systems. The late-night customer base is predominately late shift workers and larger groups are very rare due to the offer within the AGCs. The agents

supporting information contained within the planning statement suggests that at similar venues:

- patrons were typically alone or in a couple or small group
- normal level conversation was the only sound recorded which occurred infrequently
- People occasionally stood outside to smoke and had brief conversations at normal speech level with no shouting or otherwise anti-social behaviour
- patrons do not typically congregate outside of the application site (unlike takeaways, pubs etc)

28. Public Health and Housing colleagues have reviewed the proposal and have no objection, subject to a condition to control the hours of opening.

29. Given the town centre context of the site, and the proposed condition, it is not considered adverse noise impacts will arise as a result of this development in compliance with policy DM2

Other matters

30. Policy DM17 requires that proposals within Conservations Areas should preserve or enhance the character of the Conservation Area and retain important natural features such as open spaces, plot divisions, trees and boundary treatments which contribute to the special character of the area and demonstrate a clear understanding of the significance of the Conservation Area.

31. Currently no external changes are proposed to the existing façade of the building and therefore the existing character of the Conservation Area would be preserved, However if consent were to be approved any additional signage required would need to be the subject of a further advertisement consent application.

Conclusion:

32. In conclusion, this proposal will bring a unit, which has been empty since May 2019, into use and generate an increase in footfall on the High Street and the wider town centre, also providing additional employment opportunities within Newmarket and allowing the town centre to grow and diversify. It is not considered that there are any adverse impacts which cannot be controlled by suitably worded conditions. The principle and detail of the development are therefore considered to be acceptable and in compliance with policies DM1, DM2, DM17, DM35 of the Joint Development Management Policies Document 2015 and the provisions of the National Planning Policy Framework.

Recommendation:

33. It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning

Act 1990.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

Reason: To define the scope and extent of this permission.

Reference number	Plan type	Date received
(-)	Location plan	22 March 2022
(-)	Existing block plan	22 March 2022
1977 02	Proposed elevations & floor plans	5 May 2022
1977 01	Ex elevations & floor plans	5 May 2022

- 3 The opening hours of the premises shall be restricted to the following hours:

Between 08:00 and 23:00 Monday to Thursday, 08:00 and 02:00 on Fridays and Saturdays and 08:00 to 23:00 on Sundays and Bank Holidays.

Reason: To minimise the impact of the development on the locality in the interests of amenity in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

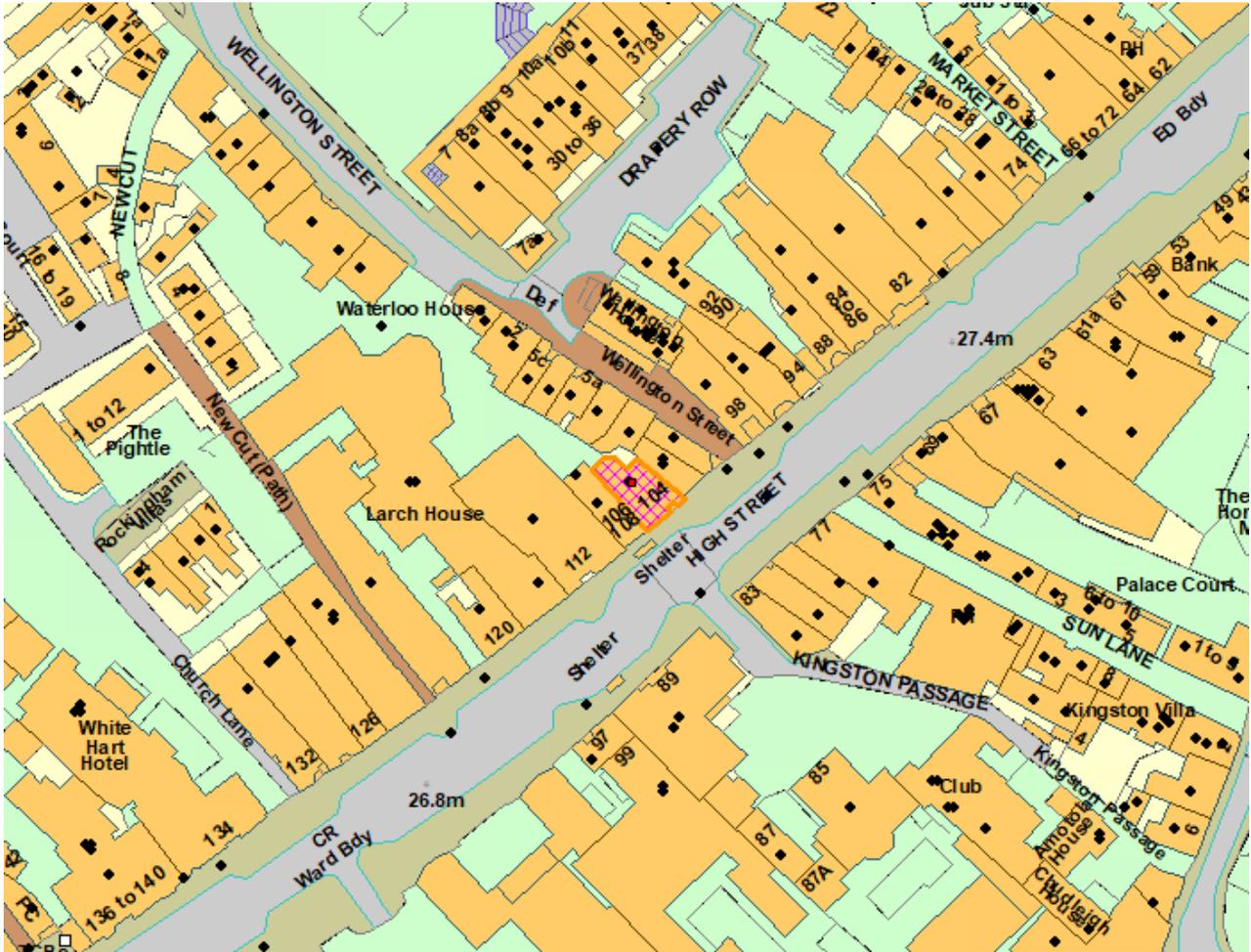
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0511/FUL](https://www.suffolk.gov.uk/DC/22/0511/FUL)

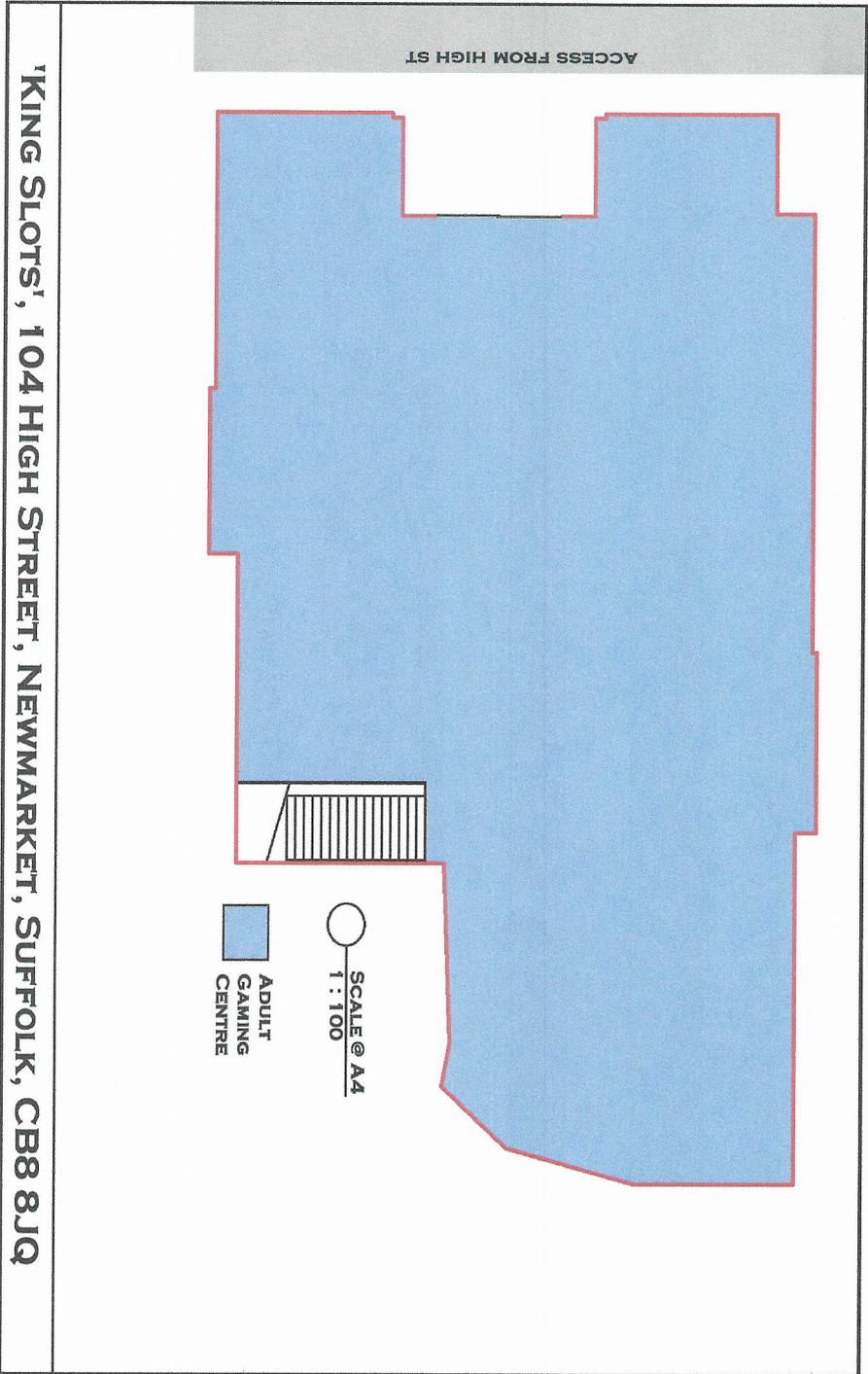
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DC/22/0511/FUL - 104 High Street, Newmarket



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Development Control Committee 7 December 2022

Planning Application DC/22/1439/TPO – 66 Woodlands Way, Mildenhall

Date registered:	22 August 2022	Expiry date:	17 October 2022
		EOT agreed:	15 November 2022
Case officer:	Debbie Cooper	Recommendation:	Approve application
Parish:	Mildenhall	Ward:	Mildenhall Kingsway and Market
Proposal:	Tree preservation order TPO 097 (1969) - one Sweet Chestnut (indicated on plan, within area A1 on order) fell		
Site:	66 Woodlands Way, Mildenhall, Suffolk		
Applicant:	Mr Jordan Nivet		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Debbie Cooper

Email: deborah.cooper@westsuffolk.gov.uk

Telephone: 01638 719437

Background:

This application is before the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel as the officer's recommendation is one of APPROVAL, contrary to the Town Council's objection to the application.

Proposal:

1. Permission is sought to fell a large Sweet Chestnut tree situated in the rear garden, in close proximity to the house.

Site details:

2. The application site comprises of a semi-detached dwelling situated within the countryside (for planning purposes) in a wooded housing estate on the outskirts of Mildenhall. The tree is protected by Tree Preservation Order 097 (1969) and is within A1 on the Order.
3. There are public footpaths running along the side and front boundaries of the property.

Planning history:

4.

Reference	Proposal	Status	Decision date
DC/15/1746/TPO	TPO/1969/097 - Tree Preservation Order - Sweet Chestnut - T1 - as hatched on plan - 4 metre all round crown reduction	Application Granted	22 October 2015
F/2008/0753/TPO	Fell 1 no. twin stemmed Oak tree to ground level	Approve with Conditions	16 December 2008
F/2002/668	Re-advertisement: change of use of land at front and side of property to private residential garden and erection of side extension.	Approve with Conditions	16 May 2003

Consultations:

5. **Arboricultural Officer:**

The Sweet Chestnut subject to this application is a large specimen. Its size and stature is such that it does contribute to the unique and very verdant character of this area. As such, it does have notable amenity value. While there may be a good number of trees in this areas, removal of this tree would erode this density of tree cover.

However, turning to the reasons for the proposal to remove the tree, I would be of the view this tree does meet the threshold where it does dominate the property, given the relatively small size of the property, including garden. Combined with the level of nuisance the applicants are

experiencing, I would be of the view it would be unreasonable for the Local Planning Authority to object to the proposal, particularly when combined with securing a replacement tree, which would help provide a more diverse species and age spread, which would enhance the long-term amenity of the area. I also note the applicants have taken reasonable steps to reduce or accommodate the nuisances, such as removing shoes before entering the property, but the nuisance still occurs to a level I would be of the view, would be considered unreasonable.

I note the town council objection to the application, and I would note that it is not necessary for a tree to be diseased, dying or dangerous to justify removal, in the context of a TPO application. There is also not requirement for an arboricultural report, nor indeed an arboricultural reason to remove a tree. An arboricultural report would be required where the reasons for the proposal are due to its condition.

Given the above I have no objection to the removal of the tree, with the following replacement condition:

1 no standard (8-10cm girth), specimen, planted anywhere within the bounds of the applicants property, from the following list: Liquidambar styraciflua; Acer campestre; Prunus avium; Acer buergerianum; Davidia involucrate; Amelanchier arborea 'Robin Hill'.

Representations:

6. Parish Council:

Object - The tree is not diseased, dying or dangerous and no qualified arboriculturist report to substantiate the tree to be felled. (Officer note: following consideration of the comments made by the Council's Arboricultural Officer, the Town Council confirmed that they object to the application due to the felling of an otherwise healthy tree).

7. Neighbours:

no representations received

Policy:

8. Assessment of Tree Preservation Order (TPO) works are not made with reference to specific Development Management Policies. Rather, they are assessed on the basis of good arboricultural practise, balancing the need and justification for the works against any harm to amenity.

Officer comment:

9. The issues to be considered in the determination of the application are:
 - Reason for the works / impacts on residential amenity
 - Impacts on the visual amenity of the local area

Reasons for the works / impacts on residential amenity

10. Permission is sought to fell the tree due to the nuisance it causes, primarily the volume of spiked produce which causes injuries to skin. The fruit/seed covers a large proportion of the garden and is easily transferred to the house. It gets stuck in hands and feet and can cause painful injuries. This is exacerbated by the fact that young children live here. The occupants have tried to make reasonable adjustments such as removing shoes before entering the house, but the nuisance remains.
11. The applicant also cites a loss of light and given the size and siting of the tree and the small size of the property this is true to a degree, particularly as the tree is on the southern aspect of the property.
12. A more modest stated nuisance of broken roof tiles from falling foliage is noted. Likewise, the suggested potential damage to foundations. However, the Arboricultural Officer has confirmed that subsidence would not occur in this location due to the known soil types and therefore this aspect does not feature in his assessment of the proposal.

Impacts on the visual amenity of the local area

13. It is acknowledged that this large tree has a notable amenity value, contributing to the unique and verdant character of the area. Even though there are a number of other trees in the vicinity, its removal would erode the density of tree cover.
14. Given this and the apparent good health of the tree, the reasons for the felling need to be convincing.

The balance of considerations

15. The size and location of the tree is such that it dominates the property, which is of a modest size with a relatively small garden.
16. The significant issue of the nuisance of fruit fall in combination with the dominance of the tree and the loss of light means that in this instance the level of nuisance caused is considered to be unreasonable, impacting on the reasonable enjoyment of the property by the occupiers. The level of nuisance will also increase as the tree gets bigger.
17. As is the case with all TPO applications, the Arboricultural Officer has considered alternative tree management options. In terms of alternatives to the felling, there are no pruning options that would significantly reduce the impact of the nuisances cited nor significantly reduce its dominance on the property.
18. Therefore, the balance is tipped towards allowing the felling of the tree and replanting with a different species further away from the house. This replanting will benefit the long-term amenity of the area as Woodlands Way has mostly trees of the same age with a limited species spread. Replacement planting can be secured by condition.

Conclusion:

19. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

20. It is recommended that consent be **APPROVED** subject to the following conditions:

1. The authorised works shall be carried out to the latest arboricultural standards (ref BS 3998:2010 Tree Works: recommendations)

Reason: To ensure the works are carried out in a satisfactory manner.

2. The works which are the subject of this consent shall be carried out within two years of the date of the decision notice.

Reason: To enable the Local Planning Authority to review the situation in the event that the authorised works are not carried out within a reasonable period of time.

3. The 1 No. Sweet Chestnut tree, the removal of which is authorised by this consent, shall be replaced by 1 No. standard tree of 8-10cm girth, planted anywhere within the bounds of the applicant's property, from the following list: Liquidambar styraciflua; Acer campestre; Prunus avium; Acer buergerianum; Davidia involucrate; or Amelanchier arborea 'Robin Hill'; within 6 months of the date on which felling is commenced or during the same planting season within which that felling takes place (whichever shall be the sooner) and the Local Planning Authority shall be advised in writing that the replanting has been carried out. If any replacement tree is removed, becomes severely damaged or becomes seriously diseased it shall be replaced with a tree of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To preserve trees and hedges on the site in the interest of visual amenity and character of the area, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/1439/TPO](https://www.westsuffolk.gov.uk/DC/22/1439/TPO)

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DC/22/1439/TPO - 66 Woodlands Way, Mildenhall

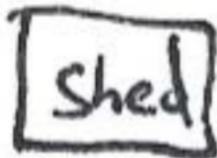


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House



Path



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Development Control Committee 7 December 2022

Planning Application DC/22/1631/FUL – Abbotts House, 2 Newmarket Road, Bury St Edmunds

Date registered:	26 September 2022	Expiry date:	21 November 2022 EOT 09 December 2022
Case officer:	Tamara Benford-Brown	Recommendation:	Approve application
Parish:	Bury St Edmunds Town Council	Ward:	Minden
Proposal:	Planning application - a. single storey rear extension (demolition of existing conservatory) b. external wall insulation c. re roofing d. PV solar panels to south and east elevation e. free-standing pergola in rear garden		
Site:	Abbotts House, 2 Newmarket Road, Bury St Edmunds, IP33 3SN		
Applicant:	West Suffolk Council		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Tamara Benford-Brown

Email: tamara.benford-brown@westsuffolk.gov.uk

Telephone: 01284 757133

Background:

This application is before Development Control Committee as the applicant is West Suffolk Council.

The Town Council raise no objections and the application is recommended for APPROVAL.

Proposal:

1. Planning permission is sought for alterations and extensions to Abbotts House, Bury St Edmunds, including:
 - i. A single storey rear extension (replacing an existing conservatory) to create a new dining and kitchen area. The new extension will measure approx. 5.5m deep from the rear elevation, 4.3m in width, 2.4m to the eaves and will include a flat roof with a maximum height of 3.0m.
 - ii. External wall insulation and re-rendering on all elevations finished in white.
 - iii. Re-roofing the existing roof using natural red pantiles and adding pv solar panels to the south and east elevations. On the front elevation, the existing bay windows and porches are also being changed from pitched to flat roofed to match the new rear extension.
 - iv. A free-standing pergola/canopy structure in the rear garden. The structure will measure approx. 6.0m deep, 3.0m in width, 2.0m to the eaves and includes a 2.8m high hipped roof.

Site details:

2. The site is situated on Newmarket Road, within the settlement boundary of Bury St. Edmunds. Beetons Way footpath runs along the eastern boundary which links down to Abbeycroft Leisure centre and West Suffolk House council offices. There are residential properties to the north and west and on the opposite side of Newmarket Road to the south. The town centre is approximately 1km to the east. Abbotts House is sited adjacent to Gibraltar Barracks which is surrounded by a Grade II Listed wall. In addition, there are many protected trees within the Barracks however it is not considered the proposal will impact the wall or any trees.
3. The property is used for temporary accommodation for families and vulnerable adults who have become in need of temporary accommodation whilst waiting for permanent rehousing. Residential parking for the property is accessed off Newmarket Road and is sited towards the back on the property in a private parking area.

Planning history:

4. Most recent:

Reference	Proposal	Status	Decision date
DC/14/1106/FUL	Planning Application - Subdivision of first floor living	Application Granted	15 December 2014

accommodation to create three self-contained flats with associated alterations as amended by drawing no's 1376 07 rev B received on 1st September and 1376 09 rev B rec 8th September amending the external staircase and indicating nominated parking.

DC/15/1540/FUL	Planning Application- Change of use of existing Bed & Breakfast establishment to a House of Multiple Occupation	Application Granted	1 October 2015
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Consultations:

5. Town Council:

13.10.2022

Based on information received Bury St Edmunds Town Council recommends APPROVAL

6. Ward Councillor(s):

No comments received.

7. Green Access Team, Suffolk County Council:

No comments received.

8. Ramblers Association:

No comments received.

Representations:

9. No neighbour representations received.

Policy:

10. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

11. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

- Policy DM2 Creating Places Development Principles and Local Distinctiveness.
- Policy DM8 Low and Zero Carbon Energy Generation.
- Policy DM23 Special Housing Needs
- Core Strategy Policy CS3 – Design and Local Distinctiveness.

Other planning policy:

12. National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision-making process.

Officer comment:

13. The issues to be considered in the determination of the application are:

- Principle of Development
- Character and Design
- Impact on Neighbouring Amenity

Principle of Development

14. Policy DM23 seeks to support proposals for extensions to existing accommodation (for particular housing needs). Such proposals will be permitted providing the proposed development is designed to meet the specific needs of residents including requirements for disabled persons where appropriate; and includes appropriate amenity space for residents of an acceptable quantity and quality. The policy also seeks to ensure sites are well served by public transport, community and retail facilities and do not create an over concentration of similar accommodation in any one street or area.

In this case, Abbots House is an existing house in multiple occupation (HMO) housing vulnerable adults and families and is located close to shops, services and retail facilities and is therefore already ideally located. An extension to improve the facilities at the property is welcomed and can therefore be supported in principle. Matters of design and amenity are considered further below.

Character and Design

15. Policies DM2, DM23 and CS3 all seek to ensure that proposed extensions and alterations to dwellings respect the character, scale and design of the host dwelling and the surrounding area and retain adequate amenity space within its curtilage.
16. Policy DM2 states that proposals for all development should (i) recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and (ii) maintain or create a sense of place and/or local character.
17. The replacement rear extension is a subservient addition to the property and replicates a similar footprint to the existing conservatory which is to be demolished. It will be constructed from brick for the external walls and include UPVC windows on the north elevation and a UPVC door and side windows on the west elevation which will lead out into the garden area. A rooflight will also be included within the flat roof to provide additional natural light. As the extension is on a similar footprint to the conservatory, adequate amenity space within the rear garden will be retained. Furthermore, the extension in terms of design and form is considered to be respectful of the character, scale, design and appearance of the existing dwelling and the surrounding area.
18. Within the preamble of policy DM8 it states that "the authorities will consider favourably...proposals for the generation of renewable energy". Solar panels are proposed to be added to the south and east elevation roof slopes of Abbotts House. The panels on the south elevation will be sited on the front and therefore will be visible within the public domain. Replacement roof tiles coloured natural red are proposed which will match the existing, as well as changing the existing front pitched roofs on the bay windows and porches to flat roofs. Throughout Newmarket Road and the surrounding street-scene there is a range of character in terms of roofing designs and in relation to differing external materials for the dwellings. The implementation of solar panels, replacement roof tiles and amending the pitched roof sections to flat roofs, will not have an adverse impact on the character of Abbotts House or the surrounding area, in accordance with policy DM2. The implementation of solar panels would contribute to the eco-credentials of the property as encouraged within policy DM8 and are therefore considered to be acceptable.
19. Abbotts House currently has red brick external walls, however the application proposes to add external wall insulation and re-render all elevations, finished white in colour. Newmarket Road does not have a uniform character in terms of dwelling materials and design. Render is present along the road towards the west in neighbouring dwellings so therefore it is not considered the addition of this material would adversely impact the dwelling or wider street scene and is therefore appropriate and policy compliant in this case.

Neighbouring Amenity

20. Policy DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity, nor the amenities of the wider area. Policy states the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution

(including light pollution, or volume or type or vehicular activity generated), must be considered.

21. The replacement rear extension is single storey in design and is positioned away from the boundary with the immediate neighbour to the east with enough separation distance between the two properties. Furthermore, it is not considered that the rear extension will have adverse impacts to neighbouring amenity by virtue of loss of light, overbearing or overlooking and therefore complies with policy DM2.
22. The addition of the free-standing pergola will provide a covered amenity space within the garden of Abbots House. The structure will sit adjacent to the proposed extension to the east and include a white PVC translucent cover. This element of the proposal would ordinarily accord with permitted development (PD) requirements under Class E (GPDO, 2015). However, as Abbots House is in multiple occupancy, it does not benefit from PD rights and therefore has been included and assessed within this application. Although the structure will be positioned closer to the boundary, it is not considered it will have adverse impacts to neighbouring amenity and is therefore acceptable.

Conclusion:

23. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

24. It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun not later than three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

Reference number	Plan type	Date received
30-001	Site location plan	16 September 2022
30-002	Block plan	16 September 2022
30-005	Demolition plan	16 September 2022
30-007	SHEET 1 Proposed elevations	16 September 2022
30-008	SHEET 2 Proposed elevations	16 September 2022
30-011	Site plan	16 September 2022
30-013	Proposed roof plan	16 September 2022
30-014	Proposed elevations	16 September 2022
LSDP 1889.01	Landscape photos	16 September 2022

Reason: To define the scope and extent of this permission.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/1631/FUL](#)

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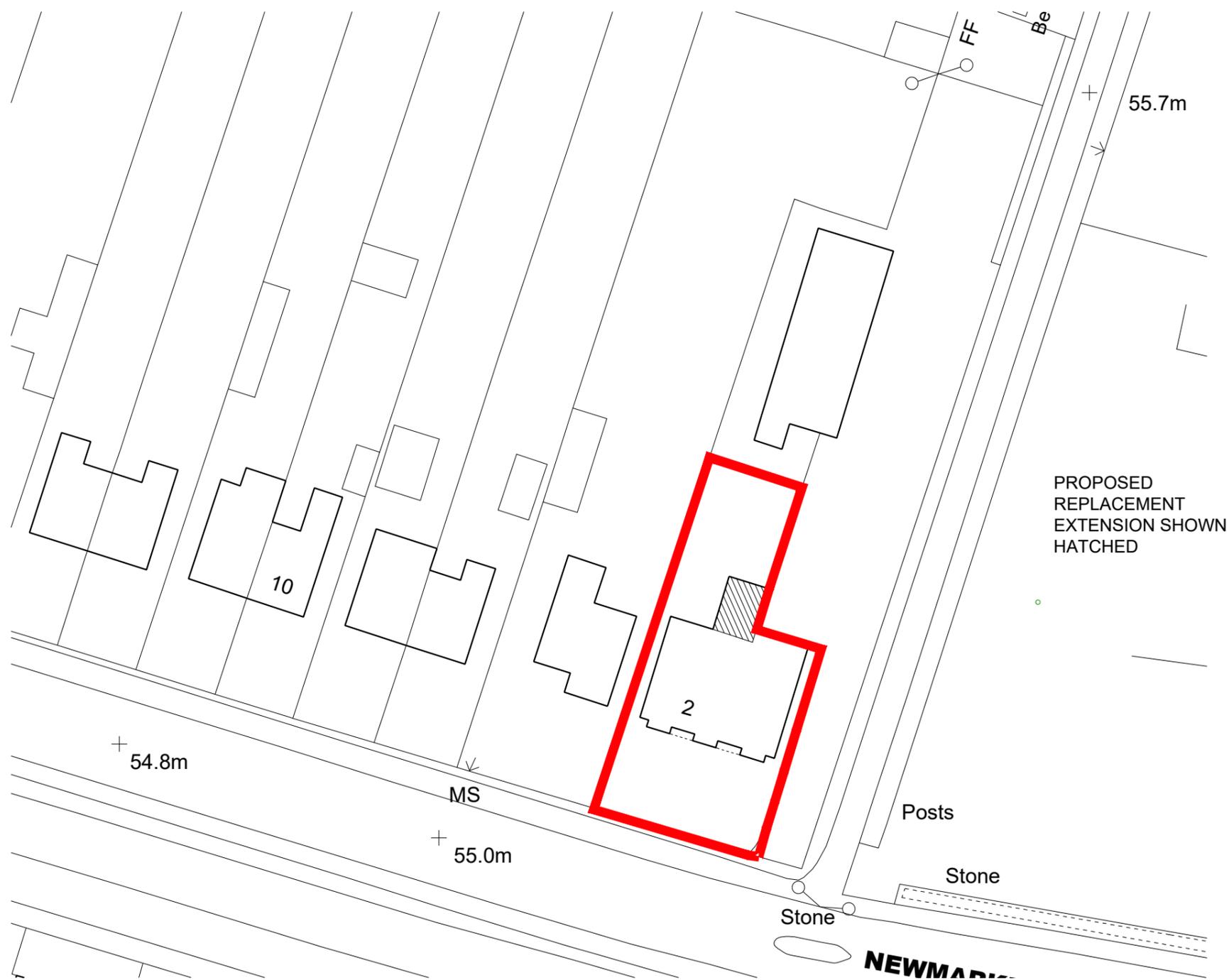


DC/22/1631/FUL

Abbotts House
2 Newmarket Road
Bury St Edmunds
Suffolk
IP33 3SN



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BLOCK PLAN
Scale 1:500



27.05.22	FIRST ISSUE	PD	RL
Rev.	Date	Details	Drawn Checked

PLANNING

West Suffolk
Council

West Suffolk Property Services
Weston Way,
Bury St. Edmunds
Suffolk. IP33 3YU
Tel: 01284 763233
Web: <https://www.westsuffolk.gov.uk>
E-Mail: property.services@westsuffolk.gov.uk

Project:
REFURBISHMENT & RENNOVATIONS
ABBOT HOUSE, 2 NEWMARKET RD
Title:
BLOCK PLAN

Scale: 1:500	Drawing Size: A3
Date: APR 22	Drawn By: PD Approved By: RL
File No.: 10406	Revision: -

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