

Planning Application Reference 4/24/2044/0F1

Final Appraisal of Retail and Town Centre
Policy Issues

Contents

1. Introduction	3
Instruction.....	3
Proposal and Application Site	3
Structure of Our Report	3
2. Planning Policy Context	5
National Planning Policy Framework.....	5
Overview in Respect of Relevant Retail and Town Centre Planning Policy	6
3. The Sequential Test	8
Requirements of the NPPF and Planning Practice Guidance.....	8
Suitability and Flexibility	8
Area of Search and Other Parameters	9
Consideration of Sequential Alternative Sites.....	10
Conclusion in Respect of the NPPF Sequential Test	12
4. The Impact Test	13
Requirements of the NPPF and the Ensuring the Vitality of Town Centres PPG	13
Impact of the Proposal on Public and Private Sector Investment	13
Impact of the Proposal on Town Centre Vitality and Viability.....	15
Acceptability of the Proposal in Respect of the Vitality and Viability of Centres	24
Conclusion in Respect of Impact	25
5. Summary and Recommendations	26

1. Introduction

Instruction

- 1.1 Cumberland Council (hereafter referred to as 'the Council') has instructed Nexus Planning to provide advice in respect of planning application reference 4/24/2044/0F1. The full planning application seeks planning permission for the erection of a discount foodstore (Use Class E) on land at East Road and Wyndham Place, Egremont.
- 1.2 The application is submitted by Aldi Stores Limited, the intended operator of the proposed foodstore. It is accompanied by a Planning & Retail Statement (P&R Statement) prepared by Avison Young, the applicant's planning agent.
- 1.3 In light of the above, the purpose of this appraisal report is to consider the merits of the application in terms of its compliance with retail and town centre planning policy, as set out by the statutory development plan and by the National Planning Policy Framework ('NPPF'). In doing so, we comment on the sequential and impact assessments as set out by Avison Young within their submission.

Proposal and Application Site

- 1.4 The application site measures approximately 0.6ha and is located on the site of the former East Road Garage site located on land at East Road and Wyndham Place, Egremont. The Site was previously occupied as an 'Esso' petrol filling station; 'Rapid Fit' vehicle repair garage; and 'Ford' car dealership, with associated car parking and hardstanding areas until its closure around circa. 2020.
- 1.5 The submitted documents indicate that the proposed discount foodstore will have a GIA of 1,855 sq.m, with a sales area of 1,408 sq.m, of which 1,126 sq.m will be used for the sale of convenience goods and 282 sq.m will be used for the sale of comparison goods.
- 1.6 The proposed foodstore would be located in the south eastern part of the application site, with car parking proposed to the north west. Avison Young state that the proposed site arrangement ensures that there would be no adverse impact on adjacent residential properties and maximises the accessibility of the site, particularly in relation to the nearby Egremont town centre boundary.
- 1.7 In respect of the proposed catchment of the proposal, Avison Young state at paragraph 4.15 that:

'As ALDI stores are of modest scale and fulfil a local shopping role, it means more than one store can be accommodated in a Local Authority area. In high population density areas such as towns and cities several ALDI foodstores can be sustained, reflective of the fact that each is modest in size. They work together as a network to serve the community, as opposed to mainstream foodstores whereby a single 'superstore' serves a much wider geographic area. The catchment for a new ALDI foodstore is therefore typically local in nature and often a proportion of the shoppers attracted are existing ALDI customers who have been travelling to their nearest store (possibly several miles away), but with a new store opening close by, this can reduce their need to travel.'

- 1.8 We comment further in respect of the above as part of the assessment below.

Structure of Our Report

- 1.9 In the above context, our appraisal focuses on the proposal's compliance with retail and town centre planning policy as set out by the statutory development plan and by the NPPF. All other planning policy matters and other

material considerations fall outside the scope of our instruction and it will be necessary for the Council to take appropriate account of such matters in its determination of the application.

1.10 Our report is therefore structured as follows:

- Section 2 sets out the retail and town centre planning policy of relevance to the application proposal;
- Section 3 considers the compliance of the proposal in respect of the sequential approach to development;
- Section 4 considers the applicant's approach in assessing the impacts arising from the proposal; and
- Section 5 provides our conclusions in respect of the compliance of the application proposal with retail and town centre policy, and our recommendations in respect of the Council's consideration of the application.

2. Planning Policy Context

- 2.1 We identify below the principal planning policies of relevance to retail and town centre matters.

National Planning Policy Framework

- 2.2 The most recent iteration of the National Planning Policy Framework ('the revised NPPF') was published in July 2021. It emphasises the Government's commitment to securing economic growth and building a strong, responsive and competitive economy. With regard to the assessment of proposals for main town centre development, the revised NPPF provides two principal national policy tests relating to the sequential approach to development and to impact.

- 2.3 In respect of the first of the two tests, paragraph 91 of the revised NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in accordance with an up-to-date plan.

- 2.4 Paragraph 91 goes on to state that:

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

- 2.5 Paragraph 92 then identifies that:

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

- 2.6 Paragraph 94 of the NPPF sets out a twin impact test, stating that:

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

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

- 2.7 Paragraph 95 indicates that, where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused. However, this direction cannot extinguish the requirement set out in statute to first consider development plan policy and then all material considerations in assessing the 'planning balance' when making a decision.

Adopted Development Plan

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

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

- 2.9 The Adopted Local Plan is made up of the Copeland Local Plan 2013-28 Core Strategy and Development Management Policies (adopted 2015) ('the Core Strategy') and remaining policies 'saved' from the preceding Copeland Local Plan 2001-2016 (adopted 2006) ('the 2006 Plan').
- 2.10 It is also worth noting that Copeland Borough Council are in the process of producing a new Local Plan which once adopted will replace the Core Strategy and saved policies. The emerging plan was submitted to the Secretary of State for Examination mid-2022 and hearings sessions held Q1 2023. In accordance with the requirements of NPPF Paragraph 48, given the advanced stage of its preparation, the draft policies of the emerging Copeland Local Plan 2021-2038 can be attributed significant weight in the determination of planning applications.
- 2.11 The application site is located wholly within the settlement boundary of Egremont, but is not allocated for any specific land use in the adopted Local Plan and can therefore be considered 'white land'. In the absence of any allocation or designation, white land should be determined in accordance with the existing and surrounding land uses and policies of the adopted development plan.
- 2.12 Policy ER7: 'Principal Town Centre, Key Service Centres, Local Centres and Other Service Areas' provides the retail hierarchy within the authority area, and the appropriate type and scale of retail development required for each centre so as not to adversely impact on the vitality or viability of other nearby centres. Reference is made to the need to protect and where possible enhance the services and facilities provided in the Key Service Centres, which includes Egremont. The supporting text of this policy also references the sequential approach.
- 2.13 Policy ER9: 'The Key Service Centres, Local Centres and other smaller centres' sets out that retail and service development which promotes the vitality and viability of Key Service Centres (i.e. Egremont) and is consistent with the spatial development strategy as defined in Policy ST2 and Figure 3.2, will be supported.

Emerging Development Plan

- 2.14 Within the emerging plan, the site identified within the Emerging Copeland Local Plan (2021-2038) as Opportunity Site OEG03 'East Road Garage'. It is described as a 0.62ha site and preferred uses are for commercial and employment uses, but residential may also be appropriate.
- 2.15 Policy R7PU: 'Sequential Test' of the emerging plan states that where an application is for a main town centre use which is neither in a town centre nor in accordance with the Development Plan, applicants must submit details to demonstrate that they have carried out a sequential test to the satisfaction of the Council in accordance with national policy. Locations within a town centre must be considered first, followed by edge of centre sites and only if no suitable sites are available will an out-of-town location be supported.
- 2.16 Policy R8PU: 'Retail and Leisure Impact Assessments' requires an Impact Assessment to be submitted where retail or leisure development is proposed outside of a defined centre and the proposed floorspace is equal to or above 300sqm (gross) within 800m of the respective Key Service Centre town centre boundary.

Overview in Respect of Relevant Retail and Town Centre Planning Policy

- 2.17 Paragraph 213 of Annex 1 of the revised NPPF indicates that due weight should be given to relevant policies in existing plans according to their consistency with the NPPF (the more similar the policies, the greater the weight that may be given).

- 2.18 In this case, adopted Local Plan Policy ER9 and the policies within the emerging plan indicate that the retail sequential and impact tests are of relevance to the proposal and provides substantial detail in respect of how they should be applied in practice.
- 2.19 We therefore turn our attention to the proposal's compliance with the sequential and impacts tests as set out in the Local Plan, as well as general compliance with retail policies in the revised NPPF.

3. The Sequential Test

Requirements of the NPPF and Planning Practice Guidance

- 3.1 Paragraph 91 of the NPPF sets out the order of preference in applying the sequential approach. The first preference is for main town centre use development to locate in town centres, followed then by edge of centre locations, and only if no other suitable sites are available should out of centre sites be considered.
- 3.2 Paragraph 92 indicates that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 3.3 Additional guidance on the application of the sequential approach is provided by the Town Centres and Retail Planning Practice Guidance ('the Town Centres PPG'), which was updated on 18 September 2020.
- 3.4 Paragraph 011 of the Town Centres PPG provides a 'checklist' for the application of the sequential test in decision taking. It indicates the following considerations:
 1. 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.
 2. 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.
 3. If there are no suitable sequentially preferable locations, the sequential test is passed.
- 3.5 In this instance, the application site is situated in an edge of centre location, being under 300m to the north of Whitehaven town centre. As such, there is a need to consider in centre sites, along with better connected edge of centre locations as part of the NPPF test.
- 3.6 In reviewing sequential alternative sites, it is first necessary to review parameters of relevance to the application of the test. As such, we first consider the matters of 'flexibility, and the scale of site required, before then considering the area of search for sequential alternative sites.

Suitability and Flexibility

- 3.7 Case law has emphasised that the 'suitability' of sequential alternatives must be considered with reference to the subject application proposal and whether the proposal (or a variant thereof, allowing for some flexibility in respect of its format) could be accommodated at a sequentially preferable location.
- 3.8 In particular, it is appropriate to take into account the *Tesco Stores Limited v Dundee City Council [2012] UKSC 13* Supreme Court judgment which gave specific consideration to the meaning of 'suitable' in respect of the application of the test.
- 3.9 Paragraph 38 of the Dundee judgment states that:

'The issue of suitability is directed to the developer's proposals, not some alternative scheme which might be suggested by the planning authority. I do not think that this is in the least surprising, as developments of this kind are generated by the developer's assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism...they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest in doing so.' (Our emphasis.)

3.10 The Supreme Court has jurisdiction over England and, whilst there is a clearly need to consider its findings in the appropriate local policy context, both the Courts and the SoS have found the direction to apply the test 'in the real world' to be of some relevance to the English planning system. This is demonstrated by the 'call in' decision in respect of an application by LXB RP (Rushden) Limited to provide for large-scale retail-led development at land adjacent to Skew Bridge Ski Slope at Rushden Lakes¹.

3.11 Paragraph 8.46 of the Rushden Lakes Inspector's Report states that:

'It is important to bear in mind that the sequential test as set out in NPPF require applications for main town centre uses to be located in town centres and it then runs through the sequence, edge and then out-of-centre. This makes good the very simple point that what the sequential test seeks is to see whether *the application* i.e. what is proposed, can be accommodated on a town centre site. There is no suggestion here that the sequential test means to refer to anything other than the application proposal. So Dundee clearly applies to the NPPF.' (Inspector's emphasis.)

3.12 Paragraph 15 of the SoS's decision letter endorses the Inspector's conclusions in this regard.

3.13 It is helpful to further qualify the direction provided by the above cases by also acknowledging that the Courts have found that an individual operator's particular requirements are not generally of relevance in applying the sequential test. In considering proposals for a discount foodstore in Mansfield (Aldergate v Mansfield District Council & Anor [2016] EWHC 1670 (Admin)), Ouseley J concludes (at paragraph 35 of the Judgment) that:

'In my judgment, "suitable" and "available" generally mean "suitable" and "available" for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content.'

3.14 The above three cases are widely referred to in applying the sequential test. Whilst the exact requirements with regard to flexibility will depend on the prevailing circumstances for each proposal, we believe it to be clear that:

- sequential alternative sites should be able to accommodate a broadly similar form of development as the application proposal (allowing for flexibility in respect of format and scale) in the 'real world' in which developers operate; and that
- operators' distinct models are not generally of direct relevance to the test, and as such sequential alternatives should not be discounted due to individual operator preference.

Area of Search and Other Parameters

3.15 Avison Young state at paragraph 6.7 of the P&R Statement that typically, a five to seven minute drivetime catchment is considered appropriate for a proposal of this nature. We note that Avison Young state that in the case of this proposal, an adjusted seven minute drivetime is appropriate to cover other nearby communities and the

¹ Planning Inspectorate reference APP/G2815/V/12/2190175.

rural context of the local area. In this regard, Avison Young state that it is from this area (labelled as the Primary Catchment Area) that the proposal will draw the majority of its trade.

- 3.16 Avison Young then provide a summary of the other parameters adopted in the search for potential sequential alternative sites from paragraphs 6.11 to 6.13 of the P&R Statement. In doing so, Avison Young state that Aldi require a minimum site area of circa 0.8 hectares (2 acres) and 105+ dedicated parking spaces, and the majority of new sites taken forward will exceed this to ensure that all required development parameters can be appropriately met. However, it is noted that the application site in this case measures 0.65ha, and Avison Young state that certain compromises have already been necessary when compared to minimum new store requirements.
- 3.17 No further parameters or site requirements are provided by Avison Young. We do however note that Aldi provides site requirements on their website² which states that the operator requires a minimum site size of approximately 2 acres (or 0.8ha), prominent main road frontage with good visibility and access, either central or edge of centre locations and approximately 15,000 catchment area.
- 3.18 Nexus is satisfied with the overarching list of search requirements as set out above and agree that this is a suitable basis upon which the search for alternative sites is undertaken.

Consideration of Sequential Alternative Sites

- 3.19 Avison Young identify four sites which meet the criteria as set out above. These are as follows:

- Land at Chapel Street, Egremont;
- Main Street, Egremont;
- Castle Villas, Egremont; and
- Market Square, Cleator Moor.

- 3.20 We set out in Table 3.1 below Avison Young's consideration of the availability and suitability of the sites to accommodate the proposal, and Nexus' associated consideration and overarching recommendations.

Table 3.1: Consideration of Sequential Opportunities

Site	Avison Young Considerations	Nexus Considerations and Conclusions
Land at Chapel Street, Egremont	<p>The site at Chapel Street measures approximately 0.83ha and is currently occupied by a mix of existing business uses, a private dwelling and a surface level car park. Avison Young note that at the time of inspection, the car park was occupied by a fair.</p> <p>Avison Young note that most of the site is in active use, including an active car park. The car park is understood to be owned by the Council and as it is allocated in the local plan, it is likely that this part of the site could be made available. Overall however, Avison Young consider that the site is unavailable.</p> <p>Avison Young states that as the site measures 0.88ha (previously sited as measuring 0.83ha), it is of a suitable size to accommodate the proposal.</p>	<p>Nexus has considered the availability and suitability of the site at Chapel Street, and the assessment presented by Avison Young.</p> <p>Overall, we agree with Avison Young that as the majority of the site is in active use by a variety of commercial operators, that the availability of the site is uncertain.</p> <p>In any event, given the nature of the site and its context and location, we agree with Avison Young that it is not a suitable alternative to accommodate the proposal. In particular, due to it straddling Chapel Street and its shape, we are of the view that it would not lend itself well to accommodate a modern format convenience operator, alongside the necessary parking and servicing.</p>

² [Property - Required Towns - ALDI UK](#)

Site	Avison Young Considerations	Nexus Considerations and Conclusions
	<p>However, they go on to state that in terms of the layout, as the site is bisected by Chapel Street, the site is essentially cut in two and any proposed development would need to be located on the eastern parcel, with car parking to the west.</p> <p>Avison Young state that without the closure of Chapel Street, the site would be inappropriate from an operational and safety perspective.</p> <p>Furthermore, Avison Young note that the site occupies a 'backland' location with limited frontage or profile to Main Street. Although there is a degree of frontage onto the A595 Egremont by-pass, this is screened and set down in terms of level.</p> <p>Overall, Avison Young therefore conclude that the site is not a suitable alternative.</p>	
Main Street, Egremont	<p>The site at Main Street in Egremont measures approximately 0.27ha and is located within the town centre. The surrounding uses are a mix of commercial and residential.</p> <p>Avison Young state that at the time of the assessment, the site was not being actively marketed but that press reports from 2021 state that part of the site had been acquired for redevelopment.</p> <p>In terms of its suitability, Avison Young state that at 0.27ha, the site is not of a sufficient site to accommodate the proposal, even when a sufficient degree of flexibility is applied.</p>	Nexus agrees with Avison Young that although the status of the site's availability is unknown, it is considerably smaller than the application site and even when applying a sufficient degree of flexibility, would not be suitable to accommodate the proposal.
Castle Villas, Egremont	<p>Castle Villas is a vacant parcel of land previously occupied by a cinema. It is part located within the town centre boundary. The site measures 0.11ha.</p> <p>Avison Young refer to planning permission which has been granted for the site, for residential purposes. No further information is provided at this stage of the appraisal.</p> <p>They then go on to state that at 0.11ha, the site is not of a sufficient size to accommodate the scale and form of the development proposed, even if an appropriate level of flexibility was applied. Furthermore, part of the site has already been developed for housing.</p>	<p>Nexus agrees with Avison Young that the site is neither available nor suitable to accommodate the proposed development.</p> <p>At 0.11ha, it is not considered to be of a sufficient scale to appropriately accommodate the development event when applying a sufficient degree of flexibility.</p>
Market Square, Cleator Moor	<p>The Market Square in Cleator Moor town centre measures approximately 0.18ha. The site is part vacant and part occupied by a single storey building in commercial use. It is also being used informally as a car park.</p>	Nexus agrees with Avison Young that although the status of the site's availability is unknown, it is considerably smaller than the application site and even when applying a sufficient degree of flexibility, would not be suitable to accommodate the proposal.

Site	Avison Young Considerations	Nexus Considerations and Conclusions
	<p>Avison Young note that there was no active marketing for the site but beyond that, the availability of the site is unknown.</p> <p>In terms of its suitability, Avison Young state that at 0.18ha, the site is not of a sufficient size to accommodate the scale and form of the development proposed, even if an appropriate level of flexibility was applied.</p>	

- 3.21 Overall, we therefore conclude that there are no potentially sequential alternative sites which could be considered to be both available and suitable to accommodate the proposal.

Conclusion in Respect of the NPPF Sequential Test

- 3.22 We are unaware of any site which is 'in centre', 'edge of centre', or better connected to a centre, that could support the application proposal in practice.
- 3.23 Given the above, we find that the application proposal conforms to the requirements of the sequential test as articulated by Policy ER9 of the Local Plan, Emerging Policy E7PU and by paragraphs 91 and 92 of the NPPF.

4. The Impact Test

Requirements of the NPPF and the Ensuring the Vitality of Town Centres PPG

4.1 Paragraphs 90 and 91 of the NPPF indicate that application proposals for retail and leisure development should be refused planning permission where a significant adverse impact is likely to arise from development.

4.2 In assessing the significance of impacts arising from development, it is necessary to reflect upon the advice set out in the Town Centres and Retail PPG. In this regard, paragraph 018 states that:

‘A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example, in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.’ (Our emphasis.)

4.3 It should also be recognised that impacts will arise with all retail developments, but that these will not always be unacceptable, not least because development often enhances choice, competition and innovation. It is therefore necessary to differentiate between those developments that will have an impact and those that will undermine the future vitality and viability of established centres, i.e. have a ‘significant adverse’ impact.

4.4 Paragraph 015 of the Town Centres and Retail PPG is also of some relevance in considering how the impact test should be applied. It states that:

‘As a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities.’

4.5 The two key impact tests identified by paragraph 90 of the revised NPPF are considered below. The tests relate to:

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

4.6 The compliance of the proposal with each of the two strands of the test is set out below.

Impact of the Proposal on Public and Private Sector Investment

4.7 Avison Young does not identify any specific existing, committed or planned investment within the catchment area of the application proposal in its Planning & Retail Statement. However, its paragraph 7.47 states that:

‘Based on a review of the development plan and emerging documents, as well as the conclusions above in relation to retail impact, there will be no adverse impacts arising on any investment plans identified for either centre [i.e. for Egremont and/or Cleator Moor Key Service Centres]. This was also not raised by Copeland Council officers during the pre-application stages. Indeed, in the case of Egremont, any impacts will be positive for the reasons highlighted above.’

4.8 Our own research, however, has identified a number of investments in Egremont and Cleator Moor that are of potential relevance to the application scheme.

4.9 These include the interventions identified in the Egremont Place Plan 2021-2031³, which was produced by the former Cumbria County Council, Copeland Borough Council and Egremont Town Council in support of the Borderlands Partnership Place Programme. The Place Programme is part of the wider Borderlands Inclusive Growth Deal, to which £50m has been committed by the UK and Scottish Governments including £18m for six towns in the former county of Cumbria.

4.10 The Egremont Place Plan, which was approved by Cumbria County Council's Local Committee for Copeland in January 2022, sets out how £3m of this funding could be used as part of a 10-year vision which will result in improvements to Egremont. Five themes are identified within the Place Plan, which have informed the consideration of potential interventions and investments. These five themes are:

- Theme 1 - Vibrant Town
- Theme 2 – Heritage Town
- Theme 3 – Connected Town
- Theme 4 – Healthy Town
- Theme 5 – Safe and Secure Town

4.11 The town centre-specific interventions highlighted in the Action Plan within the document include:

- the repurposing of old buildings and sites through a grant programme, focussing on the former Red Lion, Cinema, Garage, Beck Green Nursery buildings and other empty properties to support the private sector and third sector to bring forward a range of facilities to reinvigorate the main street and town centre;
- support to enhance the cultural assets within the town to improve the visitor offer;
- investment in infrastructure and connectivity that will support and enable other key interventions, including improvements to Greenways, Cyclepaths, Art Trails, signage and wayfinding, public realm and green spaces, EV Charging points, cycling infrastructure, and Motor Home Infrastructure; and
- measures to enhance feelings of safety and security in the town, including improved lighting in key areas in the town to reduce anti-social behaviour and the creation of an integrated network of clean, well-lit footpaths.

4.12 In addition to the investment now secured from the Borderlands Inclusive Growth Deal, the Place Plan also identifies other potential funding streams. These include the UK Shared Prosperity Fund, which, together with Copeland Council and Sellafeld Ltd, funded a number of public realm upgrades to Main Street in Egremont town centre in 2023, including new benches, bus shelters and planters, and the refurbishment of some existing street furniture.⁴

4.13 In addition, Cleator Moor is the subject of a Town Deal worth £40.9m, with £22.5 million coming from the Government's Towns Fund and a further £18.4m from match funders.⁵ The funds will be invested into four key projects, the most relevant of which for the purposes of this assessment is 'Revitalised Town'. The Town Deal website explains that:

'Revitalised Town aims to tackle the issue of underutilised buildings and improve the presentation and perception of Cleator Moor town centre, making the town more attractive to investors and providing skills and employment opportunities for local people.'

³ Available here: <https://www.cumbria.gov.uk/elibrary/Content/Internet/535/38309/4463014840.pdf> [accessed 4th June 2024]

⁴ See: [Firm appointed for Egremont revamp work | Copeland Borough Council](#) [accessed 5th June 2024]

⁵ See: [Home - Cleator Moor \(cleatormoortowndeal.org.uk\)](#) [accessed 5th June 2024]

A new public services and cultural community hub will be created by refurbishing and reconfiguring two existing buildings in the Town Square – the Town Hall and library.

The hub will look to provide a range of new facilities such as a cafe, exhibition and arts space, tourist information and reception point, a sound proofed digital media studio and services for youth provision and employability support.

The library would be reconfigured with reading space and internet access.

There will also be a programme of work to enhance the appearance and ambience of the Town Square with the aim of making it an attractive proposition for businesses and visitors.'

- 4.14 A planning application linked to this project has been submitted to Copeland Borough Council (reference: 4/23/2253/0L1) and is as yet undetermined.
- 4.15 Given the stage reached with regards to the investments identified in Egremont's Place Plan and the Cleator Moor Town Deal, much of the funding has already been implemented and will not be affected by the application proposal.
- 4.16 Moreover, we consider it unlikely that a permission for the proposed supermarket would prejudice the delivery of the remaining (committed and planned) funding, due to the limited overlap between the discount foodstore offer and the existing traders in both Key Service Centres, and due to the level of trade impact on the town centre that we identify later in this section of our report.
- 4.17 In light of the above, we too are unaware of any investment of relevance to the first part of the NPPF paragraph 90 impact test. In particular, we are not aware of any current planned or committed investment within the town centre which could be impacted upon as a result of the proposal.
- 4.18 Accordingly, we conclude that proposal conforms to the requirements of the first strand of the national impact test.

Impact of the Proposal on Town Centre Vitality and Viability

- 4.19 The applicant sets out its approach to trade diversion at Section 7 and Appendix VIII of its Planning & Retail Statement. We set out below our appraisal of the principal inputs and assumptions relied upon by Avison Young before then providing our conclusions in respect of the impact test.
- 4.20 At the outset, we recognise that the comparison goods floorspace associated with the application is limited (amounting to 282 sq.m) and that, in practice, this element of the proposal will trade against a wide range of destinations (including online retailers and other foodstores). The comparison goods offer of a discount foodstore comprises a range of products which are offered on a cyclical basis. The overall comparison goods offer is qualitatively different to that which is evident in Egremont and Cleator Moor Key Service Centres (which are the centres of greatest relevance in respect of retail impact).
- 4.21 Due to the nature of the comparison goods floorspace and its limited turnover, we believe it to be clear that there would be no significant adverse impact arising from the comparison goods floorspace, subject to the convenience goods floorspace being acceptable.
- 4.22 In this context, it is also relevant to note that household shopper surveys can often understate the comparison goods turnover of foodstores. Given that the comparison goods turnover of the application proposal will be diverted in part from foodstore locations, it is our view that a monetary trade diversion impact assessment relating

to this part of the proposal may be somewhat imprecise. A convenience goods trade diversion assessment is generally more accurate and a more appropriate basis upon which to determine the acceptability of the subject proposal.

Proposed Catchment Area

- 4.23 Avison Young considers that the primary catchment of the proposed foodstore will be localised to an area roughly equivalent to a seven-minute, off-peak drivetime from the application site. This area corresponds to the isochrone outlined in blue in Appendix III of the submitted Planning & Retail Statement.
- 4.24 As such, the Primary Catchment Area ('PCA') is focussed on Zone 7 (Egremont) from the West Cumbria Retail, Town Centres and Leisure Study of August 2020 and the subsequent Update of August 2021, with additional trade anticipated to be drawn from Zone 6 (Whitehaven), which includes the Key Service Centre of Cleator Moor.
- 4.25 Nexus is satisfied with the catchment area adopted by Avison Young, which covers an extensive area including both the rural and urbanised areas surrounding Egremont and Cleator Moor. We agree that the majority of the turnover of the proposed store will be drawn from residents within Zone 7, but that there is likely to be some trade drawn from residents located in Zone 6, with negligible trade drawn from outside these areas.
- 4.26 Notwithstanding, as explained in further detail later in this section of our report, we would caution against the approach to the trade draw of the application proposal set out in Table 6 of the applicant's quantitative retail impact assessment.

Assessment Period

- 4.27 The applicant undertakes its impact assessment based on a test year of 2027. In this regard, we note that paragraph 017 of the Town Centres PPG directs that the design year for impact testing should be the year that the proposal has achieved a 'mature' trading pattern. It states that this is conventionally taken to be the second full calendar year of trading after the opening of a new retail development.
- 4.28 We consider that a development of this nature could commence in 2024 and likely be completed and trading in 2025 or 2026. Indeed, the applicant advises in paragraph 9.4 of its Planning & Retail Statement that Aldi is targeting construction within 18 months of planning permission. We therefore consider 2027 is a reasonable test year to adopt for the purposes of the assessment.

Baseline Position

- 4.29 Avison Young has derived the turnover of existing stores with reference to the West Cumbria Retail, Town Centres and Leisure Study of August 2020 ('the 2020 Study') and its subsequent 2021 Update ('the 2021 Update'), both undertaken by Nexus Planning. The submitted retail impact assessment uses the market share figures set out in Table 3 of Appendix I of the 2021 Update, which are derived from a telephone survey of 1,000 households conducted in January 2020.
- 4.30 Whilst Experian has subsequently issued more up to date baseline expenditure and population data, we note that paragraph 017 of the Town Centres and Retail PPG clearly directs that:

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

- 4.31 Given the nature of the proposal and the location of the stores that will be the subject of the largest impacts (which are generally situated in out of centre locations), we believe that the use of the Retail Study base data is wholly appropriate in this instance.
- 4.32 Moreover, we consider that the survey remains robust for the purposes of this assessment, despite the time elapsed since 2020, because there is little evidence to suggest that shopping patterns have changed dramatically over the intervening period.
- 4.33 The applicant has sourced up-to-date population and per capita expenditure data for the 2020 Study Area from an Experian Location Analyst report of January 2024. These figures show that the Study Area population is forecast to decrease slightly from 64,166 people in 2024 to 163,574 by the test year of 2027.
- 4.34 The applicant estimates the turnover of existing stores in the catchment area at the base year of 2024 and the design year of 2027 by applying Experian's forecasts in respect of changes in the future sales efficiency of convenience and comparison goods floorspace to the baseline trading position of stores identified in the 2020 Retail Study and 2021 Update. However, we note that the forecast growth rates are derived from Experian Retail Planner Briefing Note 20 of February 2023, whereas more up-to-date data are set out in Experian Retail Planner Briefing Note 21 of February 2024.
- 4.35 The most recent Retail Planner Briefing Note identifies a decrease in predicted convenience growth rates and an increase in the proportion of sales made through Special Forms of Trading (SFT). These changes affect the estimated trading performance of existing stores in the Study Area.
- 4.36 We have therefore produced our own estimates of the turnovers of existing stores and centres in the Primary Catchment Area, using the most up-to-date data provided by Experian. The results of this exercise are summarised in Table 4.1 overleaf.

Table 4.1: Nexus Planning Estimates of Convenience Goods Turnovers of Key Existing Foodstores (Baseline Position)

Location	Turnover at 2024 in 'No Development' Scenario (£m)	Turnover at 2027 in 'No Development' Scenario (£m)
Zone 6		
Whitehaven Town Centre		
Morrisons, Flatt Walks, Whitehaven	£43.7m	£43.0m
Whitehaven Edge-of-Centre		
Tesco Superstore, Bransty Row, North Shore, Whitehaven	£30.9m	£30.4m
Iceland, Preston Street, Whitehaven	£2.0m	£1.9m
Home Bargains, Preston Street, Whitehaven, CA28 9DL	£0.5m	£0.5m
Asda, Preston Street, Whitehaven	£4.8m	£4.7m
Aldi, Preston Street, Whitehaven	£27.8m	£27.3m
Whitehaven Sub-Total	£109.5m	£107.9m
Cleator Moor Key Service Centre		
Local Shops, Cleator Moor Town Centre	£0.0m	£0.0m
Cleator Moor Edge-of-Centre		
Co-op, Leconfield Street, Cleator Moor	£7.7m	£7.6m
Cleator Moor Sub-Total	£7.7m	£7.6m
ZONE 6 SUB-TOTAL	£117.3m	£115.5m
Zone 7		
Egremont Key Service Centre		
Co-op, Main Street, Egremont	£6.6m	£6.5m
Heron Foods, Main Street, Egremont, CA22 2DR	£2.7m	£2.6m
Local Shops, Egremont Town Centre	£0.6m	£0.6m
ZONE 7 SUB-TOTAL	£9.9m	£9.8m
OVERALL TOTAL	£127.2m	£125.3m

Turnover of the Application Proposal and Relevant Commitments

- 4.37 Avison Young provides its estimated turnover of the proposed foodstore at Table 1 of Appendix VIII of its Planning & Retail Statement. This identifies a convenience goods sales density for Aldi at 2021 of £11,427, based on figures derived from Global Data's 2022 data pack.
- 4.38 Once again, however, more up-to-date information is available. Global Data's 2023 data pack is its most recent release and is therefore Nexus Planning's preferred source for grocers' sales densities. We have therefore provided our own estimate of the turnover of the application proposal below, as set out in Table 4.2. Using Aldi's average

sales density, as supplied by Global Data, as a starting point, the turnover estimate has been projected forwards and adjusted for the projected changes in convenience sales densities set out in Experian's Retail Planner Briefing Note 21 of February 2024. As noted above, Experian is considered to be a reliable source for sales density data and the Retail Planner Briefing Note 21 is the most recent available.

Table 4.2: Nexus Planning Estimates of Convenience Goods Turnovers of Key Existing Foodstores (Baseline Position)

Scheme	Net Convenience Goods Sales Area (sq.m)	Convenience Sales Density at 2021 (£ per sq.m)	Convenience Turnover at 2021 (£m)	Convenience Turnover at 2024 (£m)	Convenience Turnover at 2027 (£m)
Proposed Aldi at East Road, Egremont	1,126	11,913	13.42	12.30	12.35

- 4.39 Thus, Nexus' estimate of the convenience turnover of the proposal in the design year of 2027 (£12.35m) is slightly lower than the applicant's estimate of £12.67m.
- 4.40 The assumed convenience goods turnover of the proposal is therefore found to be robust.
- 4.41 Neither the applicant nor the Council's Planning Policy Team has identified any retail planning commitments of relevance to this assessment of impact. We are also not aware of any relevant commitments. As such, there is no requirement to consider any committed retail developments as part of a cumulative impact exercise.
- 4.42 However, we are aware of Aldi's concurrent application for a new foodstore at Preston Street, Whitehaven (reference: 4/23/2314/0F1), which is as yet undetermined. This application is the subject of a separate appraisal report, also prepared by Nexus Planning in June 2024. If the Whitehaven application is approved, Aldi intends to relocate from its nearby existing store on Preston Street, leaving a vacant unit which may or may not be reoccupied by another food retailer.
- 4.43 In order to provide clarity for the Council in the event that it is minded to approve one or both of the live applications, the applicant's assessment of likely convenience trade diversions should include consideration of both the potential solus impacts of the Egremont proposal and the cumulative impacts if both schemes were to come forward. At present, the support material submitted by the applicant does not include any detailed quantitative consideration of the cumulative impacts of the proposals, nor any detailed consideration of the implications of another food retailer occupying the existing store at Preston Street.
- 4.44 Accordingly, based on the information submitted thus far, this report focusses solely on the potential solus impacts of the proposal for a new Aldi foodstore at East Road on the edge of Egremont Key Service Centre.
- 4.45 However, we request that the applicant be asked to submit additional evidence to demonstrate that the proposals will be acceptable in retail policy terms in the following potential scenarios:
- Permission is granted for both the Egremont and Whitehaven Aldi proposals, with no new foodstore in the newly vacant Preston Street unit;
 - Permission is granted for both the Egremont and Whitehaven Aldi proposals, and a new food retailer occupies the Preston Street unit;
 - Permission is granted for the Whitehaven Aldi proposal only, with no new foodstore in the newly vacant Preston Street unit;

- d) Permission is granted for the Whitehaven Aldi proposal only, and a new food retailer occupies the Preston Street unit.

Patterns of Convenience Goods Trade Diversion

4.46 Table 6 of the applicant's retail impact assessment sets out its assumptions that 90% of the proposal's trade will be derived from residents of Zone 7 and 10% will come from residents of Zone 6, with no allowance made for any inflow from beyond these survey zones. Paragraph 7.31 of the Planning & Retail Statement explains that this anticipated pattern of trade draw:

'reflects Aldi's proposals to serve residents in zones 6 (Whitehaven) and 7 (Egremont) with a store in each respective settlement.'

4.47 However, given that the concurrent application for a new Aldi store at Preston Street in Whitehaven (reference: 4/23/2314/0F1) is not yet determined and is therefore not a formal commitment, we consider that this approach to trade draw is flawed. Indeed, as set out above, we are of the view that the applicant should provide an assessment of likely solus and cumulative trading impacts of the two live applications in order to provide the Council with the necessary clarity with respect to the acceptability of the proposals in the event that it is minded to approve one or both.

4.48 Thus, given that we have made a separate request for further information on the cumulative position, the assessment in this part of our report focusses on the likely solus impacts of the proposal at East Road in Egremont.

4.49 Nonetheless, we consider that the Egremont proposal, on its own, is likely to draw around 10% of its trade from Zone 6. We also concur that, given the geography of the surrounding area and the likely catchment of the application proposal, we agree that the proposed discount supermarket is unlikely to draw more than negligible levels of inflow from beyond Zones 6 and 7, and this assumption is reflected in our own estimates of trade draw, which are set out in Table 4.3.

4.50 We concur with the applicant that the proposal is likely to compete primarily against 'main' food shopping destinations, and particularly against the existing Aldi store at Preston Street in Whitehaven. This approach is consistent with the 'like affects like' principle enshrined in paragraph 015 of the Town Centres and Retail PPG.

Table 4.3: Nexus Planning Estimates of Convenience Goods Trade Diversion and Impact Arising from the Application Proposal

Location	Estimated Convenience Goods Trade Diversion (%)	Diversion at 2027 (£m)	Impact (%)
Zone 6			
Whitehaven Town Centre			
Morrisons, Flatt Walks, Whitehaven	15.0%	1.9	-4.3%
Whitehaven Edge-of-Centre			
Tesco Superstore, Bransty Row, North Shore, Whitehaven	11.5%	1.4	-4.7%
Iceland, Preston Street, Whitehaven	2.0%	0.2	-13.0%
Home Bargains, Preston Street, Whitehaven, CA28 9DL	0.5%	0.1	-12.3%
Asda, Preston Street, Whitehaven	1.0%	0.1	-2.6%
Aldi, Preston Street, Whitehaven	55.0%	6.8	-24.9%
Whitehaven Sub-Total	85.0%	10.5	-9.7%
Cleator Moor Key Service Centre			
Local Shops, Cleator Moor Town Centre	0.0%	0.0	0.0%
Cleator Moor Edge-of-Centre			
Co-op, Leconfield Street, Cleator Moor	5.0%	0.6	-8.1%
Cleator Moor Sub-Total	5.0%	0.6	-8.1%
ZONE 6 SUB-TOTAL	90.0%	11.1	-9.6%
Zone 7			
Egremont Key Service Centre			
Co-op, Main Street, Egremont	8.0%	1.0	-15.2%
Heron Foods, Main Street, Egremont, CA22 2DR	2.0%	0.2	-9.5%
Local Shops, Egremont Town Centre	0.0%	0.0	0.0%
ZONE 7 SUB-TOTAL	10.0%	1.2	-12.6%
OVERALL TOTAL	100.0%	12.35	

Current Health of Egremont and Cleator Moor Key Service Centres

4.51 Appendix 7 of Avison Young's Planning & Retail Statement provides detailed healthcheck assessments of Egremont and Cleator Moor Key Service Centres.

4.52 However, in order to place the identified trade diversion impact into context and inform our own view on the acceptability of the proposal, we visited the relevant centres in May 2024. Our assessment of the vitality and viability of Egremont and Cleator Moor is also informed by the detailed healthchecks set out at Appendix H of the 2020 West Cumbria Retail Study. We set out our observations in respect of the health of the respective centres below.

Egremont Key Service Centre

- 4.53 Egremont is located off the A595 which connects the town to various key service centres between Carlisle and Millom. It is home to Egremont Castle, the West Lakes Academy and Egremont Market Hall. The centre is accessible by a range of means of transport, and benefits from some attractive historic buildings and incorporates benches, mature trees and statues that make a positive contribution to the public realm. However, the high proportion of vacant units, some of which are poorly maintained, does detract from the overall environmental quality.
- 4.54 We note at the outset that our survey data derives from the Experian/Goad area for Egremont, which comprises 70 retail, leisure and service units; whereas Avison Young's survey area encompasses 76 units and appears to be based on the town centre boundary shown on the Policies Map of the Copeland Local Plan 2013-28. We consider that the Experian/Goad area represents the main commercial core of the centre, which is key to understanding its health, and allows for easier comparison with the evidence contained in the 2020 Study to show changes in the composition and environment of the centre over time.
- 4.55 Table 4.4 summarises the composition of Egremont town centre at the time of our visit. These uses are mapped on the Goad plan provided at Appendix 1 to this report. The centre provides for a reasonable range of convenience and comparison goods, with its offer being focussed on leisure and retail service uses commensurate with its role as a Key Service Centre and appropriate in meeting most of the day-to-day needs of the local residential community.
- 4.56 The town centre is anchored by its Co-op Food store, supported by a moderately-sized Heron Foods frozen goods specialist. Both of these convenience traders are located centrally on Main Street, Egremont's primary shopping and service street. The town's Market Hall hosts a monthly Farmers Craft and Fair-Trade Market, providing mostly for independent and local traders, which makes an important contribution to footfall in Egremont and to diversity in its retail offer.

Table 4.4: Land Use Composition of Egremont Key Service Centre

Experian/Goad Classification	Egremont Floorspace (sq.m)	Egremont Floorspace (%)	UK Average Floorspace (%)	Egremont Units (no.)	Egremont Units (%)	UK Average Units (%)
Comparison	1,840	17.1%	29.7%	13	18.6%	26.8%
Convenience	2,030	18.9%	15.5%	4	5.7%	9.3%
Financial & Business	140	1.3%	6.3%	2	2.9%	8.7%
Leisure	3,180	29.6%	26.6%	21	30.0%	25.4%
Retail Service	1,880	17.5%	7.3%	14	20.0%	15.8%
Vacant	1,660	15.5%	14.0%	16	22.9%	14.0%
Total	10,730	100.0%	100.0%	70	100.0%	100.0%

Source: Nexus Planning land use survey of 15th May 2024; UK Average derived from Experian/Goad report of March 2024

- 4.57 All of the town centre's food retailers are primarily geared towards top-up shopping, although the Co-op is of sufficient size to support some main grocery shopping trips (achieving a 5.6% market share of the main food shopping trips made by residents of Zone 7 according to the survey evidence gathered for the 2020 Retail Study). On the day of our site visit, the Co-op appeared to be trading strongly, attracting high levels of foot and car traffic.
- 4.58 Both Avison Young and Nexus find that the proportion of vacant units in Egremont exceeds the national average of 14.0%. Avison Young's survey of September 2023 found 13 vacancies equating to 17.1% of the total number of

units within the centre; whereas our own survey of May 2024 recorded 16 vacancies in Egremont, amounting to 22.9% of units. Notably, Egremont's proportion of vacant floorspace (15.5% according to Nexus' May 2024 survey) is closer to, albeit still above, the national average of 14.0%.

- 4.59 The vacant units are dispersed throughout the central and southern parts of the centre, with a particular concentration around South Street. As the percentage figures set out in the table above suggest, the empty premises are mostly relatively small in size, with the largest being the former dental practice at 9-10 Market Place (which measures approximately 290 sq.m gross). Nevertheless, the high proportion of vacant units, and the fact that a number of them are dilapidated in appearance, results in an adverse impact on the vitality and viability of Egremont.
- 4.60 Given these findings, we concur with Avison Young's view that Egremont is a moderately performing centre. Notwithstanding the concerns set out above with regard to vacancy rates, the town centre performs an important localised retail and service role, offering a reasonably good range of uses which fulfil many of the day-to-day needs of its walk-in catchment.

Cleator Moor Key Service Centre

- 4.61 Cleator Moor is located approximately 5km to the south-east of Whitehaven. The centre is largely linear in nature, with most commercial frontages being located along High Street. Market Square in the middle of the centre provides a focus for some important civic uses (including a library, community centre and council offices) and the public realm in this area is generally higher in quality than the remainder of the centre. Another key generator of footfall is the Cleator Moor Health Centre on Birks Road, which encompasses a Cohens Chemist.
- 4.62 The Experian/Goad area of the town centre includes 50 retail, leisure and service units, providing for 6,580 sq.m of commercial floorspace. The land use composition of the centre is set out in Table 4.5 below and mapped in the plan that forms Appendix 2 to this report. In accordance with Cleator Moor's role as a Key Service Centre, service uses account for more than half of its floorspace, albeit that the offer is somewhat lacking in diversity, being dominated by takeaways and health & beauty operators.

Table 4.5: Land Use Composition of Cleator Moor Key Service Centre

Experian/Goad Classification	Cleator Moor Floorspace (sq.m)	Cleator Moor Floorspace (%)	UK Average Floorspace (%)	Cleator Moor Units (no.)	Cleator Moor Units (%)	UK Average Units (%)
Comparison	1,380	21.0%	29.7%	11	22.0%	26.8%
Convenience	250	3.8%	15.5%	3	6.0%	9.3%
Financial & Business	50	0.8%	6.3%	1	2.0%	8.7%
Leisure	3,100	47.1%	26.6%	18	36.0%	25.4%
Retail Service	410	6.2%	7.3%	4	8.0%	15.8%
Vacant	1,390	21.1%	14.0%	13	26.0%	14.0%
Total	6,580	100.0%	100.0%	50	100.0%	100.0%

Source: Nexus Planning land use survey of 15th May 2024; UK Average derived from Experian/Goad report of March 2024

- 4.63 With regard to its convenience retail offer, the centre is limited. Cleator Moor's three food retailers comprise an independent butcher and convenience store, together with a Greggs bakery. All of these units are small in scale (collectively measuring just 250 sq.m gross) and cater entirely for top-up shopping. While there are out-of-centre Co-op and Nisa foodstores located within walking distance to the west of the centre boundary, these are also of a

scale which means that they overwhelmingly provide for top-up shopping only. As a consequence, the majority of Cleator Moor residents currently travel to Whitehaven for their main food and grocery shopping (as evidenced by the survey data set out in the 2020 Study and 2021 Update).

- 4.64 In terms of vacancies, both the applicant and Nexus Planning concur that the rate is significantly above the national average of 14.0% of units, although we differ with regard to the extent. Avison Young's survey of September 2023 found 10 vacancies, equating to 19.6% of the total number of units within the centre. Our own May 2024 survey recorded 13 vacancies, amounting to 26.0% of units. As per the figures set out in the table above, Nexus' survey found that 21.1% of the commercial floorspace in the centre is vacant, a level which also substantially exceeds the UK average of 14.0%.
- 4.65 Given the compact nature of the centre, the high proportions of vacant units and floorspace have a noticeable adverse effect on the look and feel of Cleator Moor. This negative impact is exacerbated by the poor state and prominence of some of the vacancies, such as the extremely dilapidated former Commercial public house on the corner of High Street and North Street. The centre also suffers from a lack of footfall and a number of its takeaway uses are shuttered during the day, leading to a general sense of inactivity.
- 4.66 Overall, we conclude that the health of Cleator Moor is fragile. Its convenience retail function, in particular, is limited, with the majority of local residents needing to travel to other centres for their main food shopping trips. The centre also suffers from vacancy rates significantly higher than the UK averages in terms of both units and floorspace, which have a detrimental impact on its environmental quality and result in a lack of footfall and activity.
- 4.67 Nonetheless, Cleator Moor does provide for a number of important civic and service uses that serve its walk-in catchment. In addition, as set out above under the 'Impact of the Proposal on Public and Private Sector Investment' heading, the town centre is set to benefit from multi-million-pound investments aimed at enhancing its attractiveness for both businesses and visitors.

Acceptability of the Proposal in Respect of the Vitality and Viability of Centres

- 4.68 As detailed in full in the submitted Planning & Retail Statement, the 2020 Study and 2021 Update found that the Aldi store and other supermarkets in Whitehaven substantially overtrade, with leakage from Zone 7 in particular being exceptionally high. We consider that none of the identified stores is likely to close as a result of a permission for the application proposal, and the increased expenditure retention within Zone 7 is a benefit weighing in favour of the proposal in the planning balance. In any event, the majority of the supermarkets serving Whitehaven are edge of centre and therefore do not benefit from policy protection.
- 4.69 Given its proximity to the application site and ability to support some main food shopping trips, around 8% of the proposal's trade is anticipated to be drawn from the Co-op store in Egremont (resulting in an impact of approximately 15.2% at 2027). However, this store trades strongly and will also experience spin-off benefits such as enhanced footfall generated by the proposed edge-of-centre supermarket.
- 4.70 We also consider it unlikely that the level of trade diversion estimated would lead to the closure of the other smaller foodstores in either Egremont or Cleator Moor Key Service Centres, given the lack of overlap between the proposed discount foodstore and their more specialist and/or top-up shopping offers.
- 4.71 It should also be noted that Egremont has only limited provision in respect of main food shopping destinations, and the application proposal will provide a moderate beneficial impact in supporting a discount operator within the settlement. Some weight should also be afforded to this in the decision-making process given that paragraph 94 of the NPPF requires consideration of:

‘...the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).’ (Our emphasis.)

Conclusion in Respect of Impact

- 4.72 As we set out above, we are not aware of any planned or committed investment which is likely to be impacted on as a result of the proposed development. We therefore consider the proposal to comply with the first part of the impact test.
- 4.73 Turning to the second part of the impact test, we have examined the applicant’s retail impact assessment in detail, and do not believe that any centre would be the subject of an unacceptable impact as a result of a permission for the proposed discount supermarket at East Road in Egremont, when considered on a ‘solus’ basis.
- 4.74 However, based on the information submitted by the applicant, this report focusses solely on the potential solus impacts of the Egremont application proposal. Aldi’s concurrent application for a new foodstore at Preston Street, Whitehaven (reference: 4/23/2314/0F1) is as yet undecided and is a key material consideration in the determination of the proposal that is the subject of this report. The Whitehaven scheme is the subject of a separate appraisal report also prepared by Nexus Planning in June 2024.
- 4.75 In order to provide clarity for the Council in the event that it is minded to approve one or both of the live applications, the applicant’s assessment of likely convenience trade diversions should include consideration of both the potential solus impacts of the Egremont proposal and the cumulative impacts if both schemes were to come forward. At present, the support material submitted by the applicant does not include any detailed quantitative consideration of the cumulative impacts of the proposals, nor any detailed consideration of the implications of another food retailer occupying the existing store at Preston Street.
- 4.76 Accordingly, we request that the applicant be asked to submit additional evidence to demonstrate that the proposals will be acceptable in retail policy terms in the following potential scenarios:
- a) Permission is granted for both the Egremont and Whitehaven Aldi proposals, with no new foodstore in the newly vacant Preston Street unit;
 - b) Permission is granted for both the Egremont and Whitehaven Aldi proposals, and a new food retailer occupies the Preston Street unit;
 - c) Permission is granted for the Whitehaven Aldi proposal only, with no new foodstore in the newly vacant Preston Street unit; and
 - d) Permission is granted for the Whitehaven Aldi proposal only, and a new food retailer occupies the Preston Street unit.

5. Summary and Recommendations

- 5.1 Cumberland Council instructed Nexus Planning to provide advice in respect of planning application reference 4/24/2044/0F1. The full planning application seeks planning permission for the erection of a discount foodstore (Use Class E) on land at East Road and Wyndham Place, Egremont.
- 5.2 The application site measures approximately 0.6ha and is located on the site of the former East Road Garage site located on land at East Road and Wyndham Place, Egremont. The Site was previously occupied as an 'Esso' petrol filling station; 'Rapid Fit' vehicle repair garage; and 'Ford' car dealership, with associated car parking and hardstanding areas until its closure around circa. 2020.
- 5.3 The purpose of this appraisal report is to consider the merits of the application in terms of its compliance with retail and town centre planning policy, as set out by the statutory development plan and by the National Planning Policy Framework. Our appraisal concentrates on the retail and town centre policy matters and does not comment on the other development plan policy guidance of direct relevance to the application site and proposal.
- 5.4 Paragraph 91 of the NPPF indicates that planning applications for retail uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where they fail to satisfy the requirements of the sequential approach or are likely to result in a significant adverse impact.
- 5.5 In respect of the sequential approach to development we have reviewed the submission provided by Avison Young and undertaken our own search for potentially available and suitable units and sites within and on the edge of Egremont town centre. We are unaware of any other sequential sites offering realistic potential to accommodate the proposal and, as such, find that it accords with the requirements of Policy ER9 of the adopted local plan and paragraphs 91 and 92 of the NPPF.
- 5.6 With regard to the first part of the NPPF impact test, we do not believe that the grant of planning permission for the proposed development would lead to a significant adverse impact in respect of existing, committed and planned public and private sector investment.
- 5.7 Turning to the second part of the impact test, we have examined the applicant's retail impact assessment in detail, and do not believe that any centre would be the subject of an unacceptable impact as a result of a permission for the proposed discount supermarket at East Road in Egremont, when considered on a 'solus' basis.
- 5.8 However, based on the information submitted by the applicant, this report focusses solely on the potential solus impacts of the Egremont application proposal. Aldi's concurrent application for a new foodstore at Preston Street, Whitehaven (reference: 4/23/2314/0F1) is as yet undecided and is a key material consideration in the determination of the proposal that is the subject of this report. The Whitehaven scheme is the subject of a separate appraisal report also prepared by Nexus Planning in June 2024.
- 5.9 In order to provide clarity for the Council in the event that it is minded to approve one or both of the live applications, the applicant's assessment of likely convenience trade diversions should include consideration of both the potential solus impacts of the Egremont proposal and the cumulative impacts if both schemes were to come forward. At present, the support material submitted by the applicant does not include any detailed quantitative consideration of the cumulative impacts of the proposals, nor any detailed consideration of the implications of another food retailer occupying the existing store at Preston Street.

5.10 Accordingly, we request that the applicant be asked to submit additional evidence to demonstrate that the proposals will be acceptable in retail policy terms in the following potential scenarios:

- a) Permission is granted for both the Egremont and Whitehaven Aldi proposals, with no new foodstore in the newly vacant Preston Street unit;
- b) Permission is granted for both the Egremont and Whitehaven Aldi proposals, and a new food retailer occupies the Preston Street unit;
- c) Permission is granted for the Whitehaven Aldi proposal only, with no new foodstore in the newly vacant Preston Street unit; and
- d) Permission is granted for the Whitehaven Aldi proposal only, and a new food retailer occupies the Preston Street unit.



Nexus Planning
Manchester

nexusplanning.co.uk