

Planning Application Reference 4/23/2314/0F1

Final Appraisal of Retail and Town Centre
Policy Issues

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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 4/23/2314/0F1. The full planning application seeks planning permission for the erection of a new discount foodstore (Use Class E) on land at Preston Street in Whitehaven.
- 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. In addition to the P&R Statement, Avison Young has subsequently submitted a response letter addressing matters raised by Asda Stores Limited dated 12th April 2024 (and the Asda letter, dated 26th January 2024). We take account of each of the submissions as part of this appraisal.
- 1.3 The proposal seeks permission for a new foodstore proposed to be occupied by Aldi, who already occupy a store approximately 200 metres to the north of the application site. A key element of our review below therefore considers the specific context of the application, specifically in respect of the future use of the existing Aldi store.
- 1.4 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

- 1.5 The application site measures approximately 1ha and is located on the site of an existing car park and adjacent vacant land to the rear of a row of terraced houses to the east of Preston Street. The site is located to the south of Whitehaven town centre and is elongated and irregular in shape. The existing Aldi store is located to the north of the application site.
- 1.6 As Avison Young state at paragraphs 3.6:

‘The wider context to this application is that the proposals for this site comprise to the closure and relocation of an existing Aldi store circa 200m north along Preston Street. The current Aldi store has a dedicated customer base in Whitehaven, but the applicant recognises that its current store has an outdated layout and appearance, which affects the overall customer experience.’
- 1.7 The Statement goes on to note that the operator has explored a number of options to deliver an improved customer experience and that there are a number of constraints on the existing site limited the opportunities to extend. As such, Avison Young state that the only viable option is to relocate to a new store nearby.
- 1.8 The submitted documents indicate that the proposed discount foodstore will have a GIA of 1,916 sq.m, with a sales area of 1,356 sq.m (it is worth noting that an alternative net sales figure is provided at paragraph 3.23 but we have assumed the 1,356 sq.m figure to be correct), of which 1,085 sq.m will be used for the sale of convenience goods and 271 sq.m will be used for the sale of comparison goods.
- 1.9 We comment further in respect of the above as part of the assessment below.

Structure of Our Report

1.10 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.

1.11 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 90 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 allocated as an Employment Opportunity Site under Policy EMP3 of the adopted Local Plan. Policy EMP3 identifies areas of land at Whitehaven, Cleator Moor and Egremont as Employment Opportunity Sites. These areas are being investigated as to their future development potential and contribution they can make to the regeneration strategies in the Borough. Detailed implications and locational issues associated with these sites will be the subject of future planning policy documents as soon as practicably possible.
- 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, Strategic Policy E6PU: Opportunity Sites sets out Council support for the development and/or redevelopment of Opportunity Sites in and on the edge of the towns of Whitehaven, Cleator Moor, Egremont and Millom as the focus to help regenerate these towns. Site WEOS5 'Land at Ginns' identified in Saved Policy EMP3 is carried forward and given reference OWH05 'Land at Ginns'. This is recognised as a 2.98ha site, suitable for 'all town centre uses; also suitable for employment uses B, C, E, F and Sui Generis (town centre appropriate) uses'.
- 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.

Whitehaven Town Centre and Harbourside SPD (2012)

- 2.17 The Whitehaven Town Centre and Harbourside SPD was adopted in 2012 and provides design guidance for future development in Whitehaven Town Centre and the adjacent harbourside area, particularly those Regeneration Priority Sites identified within the adopted Local Plan.
- 2.18 The Site lies within the SPD boundary area with the reference 'Former Council Depot and adjoining land at Ginns' – WEOS5. The following notable guidelines are provided in relation to the Site:
- Interest in this former workshop site in the past has come from a major retailer for supermarket use – in a prominent position on the corner of two important approaches to the Town Centre;
 - Major development opportunity on a key gateway route into the Town Centre;
 - Could accommodate a significant high-density, mixed-use development – ideally innovative to support the proposed Sports Village (across the road at Pow Beck);
 - Opportunity to provide a high-quality environment for the cycle path running through the site should be exploited, design should maximise connectivity between Pow Beck and Town Centre; and
 - New development should extend to the back of the footpath to restore the building line on Preston Street, Ginns and Coach Road and provide a strong building edge around the Coach Road/Ginns Corner.

Overview in Respect of Relevant Retail and Town Centre Planning Policy

- 2.19 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).
- 2.20 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.
- 2.21 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 within 300m of the defined town centre boundary of Whitehaven. 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, a 7-minute drivetime is appropriate to cover all of Whitehaven, which is the customer base that

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

ALDI is intending to serve by virtue of this new store. This represents their 'Primary Catchment Area' and the area from which the vast majority of their trade will be drawn.

3.16 Avison Young then provide a summary of the other parameters adopted in the search for potential sequential alternative sites from paragraphs 6.20 to 6.23 of the P&R Statement. In doing so, Avison Young state that they have adopted a site search threshold of 0.8ha, which represents a 20% reduction to the application proposal, and is regarded the minimum necessary to accommodate a discount foodstore. We 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.

3.17 The list of site requirements are then provided at paragraph 6.21, referring to the required retail sales area, storage and ancillary non-retail floorspace and customer car parking. We consider that Avison Young's summary provided appropriately sets out the sequential site search parameters and is therefore a suitable basis upon which the search for alternative sites is undertaken.

Consideration of Sequential Alternative Sites

3.18 Avison Young identify nine sites which meet the criteria as set out above. These are as follows:

- Preston Street Garage;
- Jacksons Timber Yard;
- Quay Street Car Park West;
- Quay Street Car Park East;
- Marlborough Street;
- Mark House & Park Nightclub;
- Former Bus Garage, Bransty Row;
- Old Dawnfresh Factory; and
- Former Wilko Unit, Lowther Street.

3.19 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
Preston Street Garage	<p>The site measures approximately 0.45ha and is located in an edge of centre location, approximately 70m to the south of Whitehaven town centre. It is occupied by a mix of commercial uses, including vacant properties.</p> <p>The adopted local plan allocates the site as an 'Employment Opportunity Site' under policy EMP 3 and with reference 'WEOS3'. Allocation of the site for development has been carried forward into the emerging local plan.</p>	<p>Nexus has reviewed the availability and suitability of the Preston Street Garage site. Overall, we agree that although the availability of the site is unknown, there are a number of active commercial uses, and therefore it is unlikely that the site as a whole would be available within a reasonable timeframe. Although permission was granted in 2018 for a mixed used Classes B1 and C3 development (reference 4/18/2196/0f1), this development has yet to come forward.</p> <p>In terms of the site's suitability, we agree with Avison Young that the site is not of a suitable size to accommodate the proposed development,</p>

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

Site	Avison Young Considerations	Nexus Considerations and Conclusions
	<p>Avison Young state that various planning permissions have been granted on the site associated with the commercial land uses.</p> <p>In terms of the site's availability, Avison Young state that the majority of the site is in active use and that there was no available marketing. As such, it is concluded that the site's availability is unknown.</p> <p>In terms of the suitability of the site, Avison Young state that at 0.45ha, 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>	<p>even when applying a sufficient degree of flexibility.</p>
Jacksons Timber Yard	<p>The site measures approximately 0.47ha and is currently occupied by a mix of commercial uses and the Whitehaven Air Cadets. The site is situated adjacent to the town centre boundary and is therefore in an edge of centre location in planning policy terms.</p> <p>he adopted local plan allocates the site as an 'Employment Opportunity Site' under policy EMP 3 and with reference 'WEOS2'. Allocation of the site for development has been carried forward into the emerging local plan.</p> <p>In terms of the site's availability, Avison Young state that the majority of the site is in active use and that there was no available marketing. As such, it is concluded that the site's availability is unknown.</p> <p>In terms of the site's suitability, Avison Young state that at 0.47ha, 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>	<p>Overall, we agree that although the availability of the site is unknown, there are a number of active commercial uses, and therefore it is unlikely that the site as a whole would be available within a reasonable timeframe. We are not aware of any relevant planning applications associated with the site.</p> <p>In terms of the site's suitability, we agree with Avison Young that the site is not of a suitable size to accommodate the proposed development, even when applying a sufficient degree of flexibility.</p>
Quay Street Car Park West	<p>The Quay Street Car Park West measures approximately 0.3ha and is currently in use as a town centre car park. It is situated within the town centre boundary.</p> <p>The adopted local plan allocates the site as a 'Town Centre Development Opportunity Site' under policy TCN 12 and with reference 'WTC1'. Allocation of the site for development has been carried forward into the emerging local plan.</p> <p>It is understood that outline planning consent was granted in 1998 for residential development on the car park part of the site, however this does not appear to have been implemented. Planning permission was granted for apartments on the</p>	<p>Nexus has reviewed the availability and suitability of the Quay Street Car Park West. Overall, we agree that although the availability of the site is unknown, it is in use as a town centre car park and therefore provides an important facility for the town centre. In any event, we agree with Avison Young that the availability of the site is unknown.</p> <p>In terms of the site's suitability, we agree with Avison Young that the site is not of a suitable size to accommodate the proposed development, even when applying a sufficient degree of flexibility.</p>

Site	Avison Young Considerations	Nexus Considerations and Conclusions
	<p>north western part of the site and this has been implemented.</p> <p>In terms of the site's availability, Avison Young state that the site is in active use as a car park and that there was no available marketing. As such, it is concluded that the site's availability is unknown.</p> <p>Avison Young state that at 0.3ha, 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>Overall, Avison Young conclude that the site may be available, but it is not suitable to accommodate the proposal.</p>	
Quay Street Park East	<p>The Quay Street Car Park East measures approximately 0.15ha and is currently in use as a town centre car park. It is situated within the town centre boundary.</p> <p>The emerging local plan allocates the site as an 'Opportunity Site' 'OWH09', suitable for all town centre uses.</p> <p>In terms of the site's availability, Avison Young state that the site is in active use as a car park and that there was no available marketing. As such, it is concluded that the site's availability is unknown.</p> <p>Avison Young state that at 0.15ha, 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>Overall, Avison Young conclude that the site may be available, but it is not suitable to accommodate the proposal.</p>	<p>Nexus has reviewed the availability and suitability of the Quay Street Car Park East. Overall, we agree that although the availability of the site is unknown, it is in use as a town centre car park and therefore provides an important facility for the town centre. In any event, we agree with Avison Young that the availability of the site is unknown.</p> <p>In terms of the site's suitability, we agree with Avison Young that the site is not of a suitable size to accommodate the proposed development, even when applying a sufficient degree of flexibility.</p>
Marlborough Street	<p>The site measures approximately 0.1ha and includes a vacant building that appears to have been used for commercial purposes, together with surface level car parking which is currently being used.</p> <p>Avison Young note that the site is in active use and that the availability of it is unknown, with no available marketing particulars.</p> <p>At 0.1ha, 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>	<p>We agree with Avison Young that as the site is significantly smaller than the application site, it does not represent a suitable alternative to accommodate the proposal.</p> <p>As such, although the availability of the site is unknown, it is clearly not suitable.</p>

Site	Avison Young Considerations	Nexus Considerations and Conclusions
Mark House and Nightclub		
Former Bus Garage	<p>The former bus garage site measures approximately 0.18ha and is situated within Whitehaven town centre. It is currently vacant.</p> <p>The adopted local plan allocates the site as a 'Town Centre Development Opportunity Site' under policy 'TCN12', reference 'WTC4'. Allocation of the site for development has been carried forward into the emerging local plan.</p> <p>Avison Young state that in terms of the site's availability, there are no marketing particulars available and therefore the availability of the site is unknown.</p> <p>In terms of the site's 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>	<p>We agree with Avison Young that as the site is significantly smaller than the application site, it does not represent a suitable alternative to accommodate the proposal.</p> <p>As such, although the availability of the site is unknown, it is clearly not suitable.</p>
Old Dawnfresh Factory	<p>The site measures approximately 0.64ha and is a vacant, brownfield parcel of land. It is situated approximately 100m from the town centre boundary and is an edge of centre site in planning policy terms.</p> <p>In terms of the site's availability, Avison Young refer to a board on the site, which states that the site acquisition has been funded by English Partnerships. Beyond this, Avison Young state that its availability is unknown.</p> <p>Avison Young state that at 0.64ha, 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, the configuration of the site does not lend itself to development that would meet ALDI's requirements.</p> <p>They then go on to state that the site occupies an edge of centre location, similar to that proposed by ALDI. It is therefore no more suitable, in sequential terms, than the application site.</p>	<p>We have considered Avison Young's assessment of the Old Dawnfresh Factory site.</p> <p>In terms of the site's availability, we agree that it is unknown whether the site is available for purchase and/or redevelopment. However, given the site's current vacant status, we consider it to be available.</p> <p>In terms of the site's suitability, we agree that although the site is the largest of those assessed by the applicant, it is not of a sufficient size to accommodate the proposal, particularly when taking account of the irregular shape and wider context.</p> <p>In any event, even if a development proposal for a foodstore was to be considered for the site, there is no real benefit of locating the proposal at the Old Dawnfresh Factory site when compared to the application site. It is our view that both would offer similar benefits to the town centre in terms of encouraging footfall and expenditure to town centre stores.</p> <p>Overall, whilst we consider the site could be made available, we agree that it is not a suitable alternative to the application site.</p>
Former Wilko Store, Whitehaven	<p>The former Wilko site extends to 0.44ha, and is currently vacant following the administration of the company and its closure in September 2023.</p>	<p>Nexus has considered Avison Young's appraisal of the former Wilko store.</p> <p>We note that Avison Young have stated that there are no current marketing particulars for the site. However, from a quick search online it does</p>

Site	Avison Young Considerations	Nexus Considerations and Conclusions
	<p>Avison Young state that there are no active marketing particulars, and therefore the site's availability is unknown.</p> <p>Avison Young state that at 0.44ha, 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>	<p>appear that the site is being actively marketed by a range of commercial agents, including Peill & Co and Carigiet Cowen. As such, it is clear that the site is currently available.</p> <p>In terms of the site's suitability, we do agree with Avison Young that the site does not provide sufficient floorspace to be able to appropriately accommodate the proposed development.</p> <p>Although the ground floor floorspace is sufficient to accommodate the proposed foodstore (the marketing particulars state it measures 3,209.5 sq.m), the wider site does not provide for the required space to provide the necessary adjacent car parking or servicing.</p> <p>Overall, whilst we are of the view that the site is available, we agree with Avison Young that it does not represent a suitable alternative to accommodate the proposal.</p>

- 3.20 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

- 3.21 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.
- 3.22 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 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 7.43 states that:

‘Given the conclusions reached in relation to retail impact matters above, there are no implications arising from these proposals in relation to impacts on existing, committed or planned investment in Whitehaven Town Centre.’

4.8 Our own research has not identified any investments in Whitehaven, or any other centre within the catchment area of the proposal that are of potential relevance to the application scheme. Moreover, the local planning authority highlighted any existing, committed or planned investment which could be impacted upon as a result of the proposal.

- 4.9 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

- 4.10 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.
- 4.11 At the outset, we recognise that the comparison goods floorspace associated with the application is limited (amounting to 271 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 Whitehaven town centre (which is the centre of greatest relevance in respect of retail impact).
- 4.12 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.
- 4.13 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

- 4.14 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.
- 4.15 As such, the Primary Catchment Area ('PCA') is focussed on Zone 6 (Whitehaven) from the West Cumbria Retail, Town Centres and Leisure Study of August 2020 and the subsequent Update of August 2021.
- 4.16 Nexus is satisfied with the catchment area adopted by Avison Young. We agree that the majority of the turnover of the proposed store will be drawn from residents within Zone 6, but that there is likely to be some trade drawn from residents located in Zone 7, with negligible trade drawn from outside these areas.
- 4.17 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

- 4.18 The applicant undertakes its impact assessment based on a test year of 2026. 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.

- 4.19 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 2026 is a reasonable test year to adopt for the purposes of the assessment, although our own assessment (as set out below) uses 2027 as the design year because we consider this to be a more realistic timeline for the likely development should permission be granted. Nonetheless, given the limited growth in convenience sales densities and expenditure forecast to occur over the next five years, the applicant's choice of 2026 is not material to our findings.

Baseline Position

- 4.20 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.
- 4.21 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'**
- 4.22 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.
- 4.23 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.
- 4.24 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 164,166 people in 2024 to 163,783 by the test year of 2026.
- 4.25 The applicant estimates the turnover of existing stores in the catchment area at the base year of 2023 and the design year of 2026 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.
- 4.26 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.
- 4.27 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

- 4.28 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.
- 4.29 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.

- 4.30 Moreover, we note the objection to the application submitted by Asda Stores Limited on 26th January 2024. This representation highlights the fact that, at the time of the 2020 household survey, Aldi's existing store on Preston Road was found to be overtrading compared to the company average benchmark by approximately £21.8m per annum (i.e. at approximately 284% of benchmark).
- 4.31 Despite the proposed store being larger than the existing, the turnover estimate in the submitted Planning & Retail Statement uses company average sales data, resulting in a convenience turnover of £12.19m in 2026, which is substantially lower than that achieved by the existing store. Asda's representation suggests that the turnover estimate should reflect the sales density achieved by the current store, equating to a turnover of £37.6m (which is around three times higher than Avison Young's original estimate).
- 4.32 In response, Avison Young submitted additional information in its representation of 12th April 2024. The applicant's advised turnover estimate assumes that the proposed new store would retain the current turnover generated by the existing store, but applies an uplift to account for the additional floorspace that would be delivered as part of the application scheme. The net increase in floorspace amounts to 416 sq.m, of which 333 sq.m would be dedicated to the sale of convenience goods. This uplift has been multiplied by the average UK sales density for Aldi (albeit, as set out above, there is now more up-to-date information available on average sales densities).
- 4.33 Similarly, our own estimate of the proposal's turnover assumes that a local foodstore relocation will retain the current level of turnover claimed by the existing store, and that any additional floorspace will secure additional turnover. This is on the basis that an operator will usually expect to secure a good return on its investment in the form of additional revenue. We do not believe that a new, modern attractive store will trade at a substantially lesser sales density than the current store.
- 4.34 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.
- 4.35 As the table identifies, we believe that the proposed new Aldi at Preston Road would have a convenience goods turnover around £3.65m more than the existing store at 2027. Our survey-derived convenience turnover estimate for the existing Aldi store in Whitehaven in 2027 is £27.34m. Thus, we anticipate that the proposed foodstore will have a convenience goods turnover of around £30.99m at 2027.

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

Scheme	Net Uplift in Convenience Goods Sales Area (sq.m)	Convenience Sales Density at 2021 (£ per sq.m)	Uplift in Convenience Turnover at 2021 (£m)	Uplift in Convenience Turnover at 2024 (£m)	Uplift in Convenience Turnover at 2027 (£m)	Retained Turnover of Existing Aldi Store at 2027 (£m)	Total Convenience Turnover of Proposal at 2027 (£m)
Proposed Aldi at Preston Street, Whitehaven	333	11,913	3.96	3.63	3.65	27.34	30.99

- 4.36 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.
- 4.37 However, we are aware of Aldi's concurrent application for a new foodstore at East Road in Egremont (reference: 4/24/2044/0F1), which is as yet undetermined. This application is the subject of a separate appraisal report, also prepared by Nexus Planning in June 2024. 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 Whitehaven proposal and the cumulative impacts if this scheme were to come forward in tandem with the Egremont proposal. At present, the support material submitted by the applicant does not include any detailed quantitative consideration of the cumulative impacts of the proposals.
- 4.38 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 Preston Street in Whitehaven.
- 4.39 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:
- a) Permission is granted for both the Egremont and Whitehaven Aldi proposals, with no new foodstore in the newly vacant Preston Street unit; or
 - b) Permission is granted for both the Egremont and Whitehaven Aldi proposals, and a new food retailer occupies the Preston Street unit.
- 4.40 Moreover, we understand that, if the Whitehaven application is approved and Aldi relocates to the proposed new unit, it intends to immediately commence marketing its existing premises at Preston Road (with potential occupiers who aren't currently represented in the area including Lidl, Farmfoods and M&S Simply Food). The additional information submitted by Avison Young in April 2024 includes consideration of the potential trade diversion impacts should the existing unit be reoccupied by another food retailer (Sensitivity Test 1) or by a comparison retailer or other land use (Sensitivity Test 2). We consider the assumptions made by the applicant in its assessment below.

Patterns of Convenience Goods Trade Diversion

- 4.41 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 6 and 10% will come from residents of Zone 7, with no allowance made for any inflow from beyond these survey zones.
- 4.42 We consider that the estimated trade draw from Zone 7 is unrealistically low, given the high rates of expenditure leakage from Zone 7 to destinations in Zone 6 recorded by the 2020 household survey. We are aware of Aldi's concurrent proposal for a new foodstore at East Road in Egremont (reference: 4/24/2044/0F1), which is the subject of a separate appraisal report by Nexus Planning of June 2024, and which would likely result in a much-increased level of convenience expenditure retention in Zone 7. However, the Egremont application is not yet determined and therefore does not represent a commitment for the purposes of assessing the solus impacts of the proposal at Preston Street in Whitehaven.
- 4.43 The survey-derived shopping patterns set out in the 2020 Study and 2021 Update show that the existing Aldi store on Preston Street achieves a market share of 26.0% of the main grocery shopping trips of residents of Zone 7. Thus,

we consider that as much as 15% of the trade drawn to the application proposal, which will lie just 200m from the current store, could realistically be drawn from Zone 7.

- 4.44 We concur with the applicant's assumption 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.
- 4.45 Table 4.3 provides our estimates of the likely convenience trade diversion impacts arising from the application proposal should the existing Aldi unit on Preston Street remain unoccupied, or occupied by a comparison retailer or other non-convenience land use. This scenario reflects 'Sensitivity 2' in the applicant's representation of April 2024.
- 4.46 The estimates set out in Table 4.3 reflect our assumption that the proposal is likely to compete primarily against 'main' food shopping destinations, and particularly against the existing edge-of-centre Tesco, Asda and Iceland stores 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, with No New Foodstore in the Vacated Aldi Unit (Sensitivity 2)

Location	Estimated Convenience Goods Trade Diversion (%)	Diversion at 2027 (£m)	Impact (%)
Zone 6			
Whitehaven Town Centre			
Morrisons, Flatt Walks, Whitehaven	37.0%	1.3	-3.1%
Whitehaven Edge-of-Centre			
Tesco Superstore, Bransty Row, North Shore, Whitehaven	38.5%	1.4	-4.6%
Iceland, Preston Street, Whitehaven	3.0%	0.1	-5.8%
Home Bargains, Preston Street, Whitehaven, CA28 9DL			
Asda, Preston Street, Whitehaven	5.0%	0.2	-3.9%
Aldi, Preston Street, Whitehaven			
Whitehaven Sub-Total	83.5%	3.0	-2.8%
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	1.5%	0.1	-0.7%
Cleator Moor Sub-Total	1.5%	0.1	-0.7%
ZONE 6 SUB-TOTAL	85.0%	3.1	-2.7%
Zone 7			
Egremont Key Service Centre			
Co-op, Main Street, Egremont	12.0%	0.4	-6.7%
Heron Foods, Main Street, Egremont, CA22 2DR	3.0%	0.1	-4.2%
Local Shops, Egremont Town Centre	0.0%	0.0	0.0%

Location	Estimated Convenience Goods Trade Diversion (%)	Diversion at 2027 (£m)	Impact (%)
ZONE 7 SUB-TOTAL	15.0%	0.5	-5.6%
OVERALL TOTAL	100.0%	3.65	

4.47 Table 4.4 provides a similar assessment, but in this case reflecting Sensitivity 1 as set out in the additional information submitted by the applicant in April 2024. This scenario considers the convenience goods trade diversions arising from the uplift in floorspace associated with the application proposal itself, together with the impacts of the occupation of the vacated Aldi premises by a new food retailer.

4.48 In estimating the turnover of a potential new foodstore operator, the applicant has utilised a sales density based on the company averages of retailers who are not currently represented in Whitehaven. These include Lidl and M&S Simply Food, with Global Data supplying company average sales densities for both retailers. We consider that this is a reasonable approach, and our own estimate of the likely sales density of the proposal uses the same methodology but employing the more up-to-date Global Data information of 2023.

4.49 The net convenience floorspace of the existing Aldi at Preston Street amounts to 827 sq.m. Using the average sales density of Lidl and M&S Food as supplied by Global Data (£10,062 per sq.m in 2021 prices), this results in a turnover of £8.32m in 2021. This figure has been adjusted and projected forward using the latest projected changes in convenience sales densities set out in Experian's Retail Planner Briefing Note 21 of February 2024. This results in an estimated turnover for the hypothetical new foodstore of £7.66m by our design year of 2027.

Table 4.4: Nexus Planning Estimates of Convenience Goods Trade Diversion and Impact Arising from the Application Proposal, with New Foodstore in the Vacated Aldi Unit (Sensitivity 1)

Location	New Foodstore			New Aldi (App Proposal)			Cumulative Trading Impact
	Estimated Convenience Goods Trade Diversion (%)	Diversion at 2027 (£m)	Impact (%)	Estimated Convenience Goods Trade Diversion (%)	Diversion at 2027 (£m)	Impact (%)	Impact (%)
Zone 6							
Whitehaven Town Centre							
Morrisons, Flatt Walks, Whitehaven	31.0%	2.4	-5.5%	31.0%	1.1	-2.6%	-8.2%
Whitehaven Edge-of-Centre							
Tesco Superstore, Bransty Row, North Shore, Whitehaven	32.5%	2.5	-8.2%	32.5%	1.2	-3.9%	-12.1%
Iceland, Preston Street, Whitehaven	1.0%	0.1	-4.0%	1.0%	0.0	-1.9%	-6.0%
Home Bargains, Preston Street, Whitehaven, CA28 9DL							
Asda, Preston Street, Whitehaven	3.0%	0.2	-4.9%	3.0%	0.1	-2.3%	-7.2%
Aldi, Preston Street, Whitehaven (CLOSED)							
Whitehaven Sub-Total	67.5%	5.2	-4.8%	67.5%	2.5	-2.3%	-7.1%

Location	New Foodstore			New Aldi (App Proposal)			Cumulative Trading Impact
	Estimated Convenience Goods Trade Diversion (%)	Diversion at 2027 (£m)	Impact (%)	Estimated Convenience Goods Trade Diversion (%)	Diversion at 2027 (£m)	Impact (%)	Impact (%)
Cleator Moor Key Service Centre							
Local Shops, Cleator Moor Town Centre							
Cleator Moor Edge-of-Centre							
Co-op, Leconfield Street, Cleator Moor	1.5%	0.1	-1.5%	1.5%	0.1	-0.7%	-2.2%
Cleator Moor Sub-Total	1.5%	0.1	-1.5%	1.5%	0.1	-0.7%	-2.2%
ZONE 6 SUB-TOTAL	69.0%	5.3	-4.6%	69.0%	2.5	-2.2%	-6.8%
Zone 7							
Egremont Key Service Centre							
Co-op, Main Street, Egremont	5.0%	0.4	-54.9%	5.0%	0.2	-2.8%	-8.7%
Heron Foods, Main Street, Egremont, CA22 2DR	1.0%	0.1	-2.9%	1.0%	0.0	-1.4%	-4.3%
Local Shops, Egremont Town Centre			0.0%			0.0%	0.0%
ZONE 7 SUB-TOTAL	6.0%	0.5	-38.2%	6.0%	0.2	-2.2%	-6.9%
New Foodstores							
New Aldi Store, Preston Street, Whitehaven	25.0%	1.9	-6.2%				-6.2%
New Convenience Occupier in former Aldi Store				25.0%	0.9	-11.9%	-11.9%
OVERALL TOTAL	100.0%	7.66		100.0%	3.65		

Current Health of Whitehaven Town Centre

4.50 Appendix 7 of Avison Young's Planning & Retail Statement provides a detailed healthcheck assessment of Whitehaven Town Centre.

4.51 In order to place the identified trade diversion impact into context and inform our own view on the acceptability of the proposal, we also visited Whitehaven in May 2024. Our assessment of the town centre's vitality and viability is also informed by the detailed healthcheck set out at Appendix H of the 2020 West Cumbria Retail Study. We set out our observations in respect of the health of the centre below.

4.52 We note at the outset that our survey data derives from the Experian/Goad area for Whitehaven, which comprises 278 retail, leisure and service units; whereas Avison Young's survey area encompasses 335 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.

- 4.53 Table 4.5 summarises the composition of Whitehaven town centre at the time of our visit. These uses are mapped on the Goad plan provided at Appendix 1 to this report. Whitehaven is the principal town within the Borough of Whitehaven and, as such, provides a focus for shopping and service uses, including higher order comparison retailers, together with a number of important civic and community facilities.

Table 4.5: Land Use Composition of Whitehaven Town Centre

Experian/Goad Classification	Whitehaven Floorspace (sq.m)	Whitehaven Floorspace (%)	UK Average Floorspace (%)	Whitehaven Units (no.)	Whitehaven Units (%)	UK Average Units (%)
Comparison	10,800	21.8%	29.7%	48	17.3%	26.8%
Convenience	5,900	11.9%	15.5%	20	7.2%	9.3%
Financial & Business	2,280	4.6%	6.3%	15	5.4%	8.7%
Leisure	11,550	23.3%	26.6%	71	25.5%	25.4%
Retail Service	4,630	9.3%	7.3%	55	19.8%	15.8%
Vacant	14,470	29.2%	14.0%	69	24.8%	14.0%
Total	49,630	100.0%	100.0%	278	100.0%	100.0%

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

- 4.54 With regard to convenience retail provision, Whitehaven benefits from a number of large supermarkets both within and on the edge of the town centre. The largest foodstore within the town centre boundary is the Morrisons at Flatt Walks, although this store lies outside the Goad area and is not included in the figures set out in the table above.
- 4.55 The Tesco superstore on North Shore Road, which is within the Goad area but outside the defined town centre boundary, acts as an important anchor which draws trade and footfall to the centre from an extensive catchment. Similarly, edge-of-centre Aldi, Iceland and Asda stores to the south of the centre provide for the retail needs of both local residents and those from further afield.
- 4.56 The national multiples are supplemented by a reasonably good range of smaller town centre food shops, including bakeries, convenience stores, a Heron Foods frozen goods specialist, a greengrocer, and off licenses. All of these stores make an important contribution to the vitality and viability of the centre.
- 4.57 Both Avison Young and Nexus find that the proportion of vacant units in Whitehaven exceeds the national average of 14.0%. Avison Young's survey of September 2023 found 67 vacancies equating to 20.0% of the total number of units within the centre; whereas our own survey of May 2024 recorded 69 vacancies, amounting to 24.8% of units. Notably, Whitehaven's proportion of vacant floorspace (29.2% according to Nexus' May 2024 survey) is even higher and equates to more than double the national average of 14.0%.
- 4.58 As the figures suggest, a substantial proportion of these vacancies are large in footprint and therefore prominent within the street-scene. The largest comprises the former Wilko unit on Church Street, which measures approximately 3,300 sq.m gross. Empty premises are dispersed throughout the centre, with a particular concentration in the north around Duke Street and King Street. Their detrimental impact on the look and feel of the centre is exacerbated by several clusters of three or more units, resulting in a sense of inactivity in some parts of the town centre. Encouragingly, several of the vacancies were under alteration on the day of our fieldwork visit.
- 4.59 Notwithstanding the concerns outlined above, the centre benefits from good levels of footfall and, despite the high proportion of vacancies, a generally decent standard of environmental quality, especially around the harbour area. Overall, Whitehaven is considered to be a moderately vital and viable centre that meets the day-to-day needs of residents and users.

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

- 4.60 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. In any event, the majority of the supermarkets serving Whitehaven are edge of centre and therefore do not benefit from policy protection.
- 4.61 Similarly, we do not believe that the identified level of impact identified would lead to the closure of the Co-op, or any other existing retailer, in Egremont town centre. The Co-op store trades strongly and will also experience spin-off benefits such as enhanced footfall generated by the proposed edge-of-centre supermarket.
- 4.62 With regard to the other, smaller foodstores in the identified centres, there is limited overlap between the proposed discount foodstore and their more specialist and/or top-up shopping offers.
- 4.63 As a consequence, we consider that the solus impacts of the proposal on the vitality and viability of centres within its catchment are acceptable, whether or not the vacated Aldi unit on Preston Street is reoccupied by a food retailer.
- 4.64 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:
- a) Permission is granted for both the Egremont and Whitehaven Aldi proposals, with no new foodstore in the newly vacant Preston Street unit; or
 - b) Permission is granted for both the Egremont and Whitehaven Aldi proposals, and a new food retailer occupies the Preston Street unit.

Conclusion in Respect of Impact

- 4.65 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.
- 4.66 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 Preston Street in Whitehaven.
- 4.67 However, based on the information submitted by the applicant, this report focusses solely on the potential solus impacts of the Whitehaven application proposal. Aldi's concurrent application for a new foodstore at East Road in Egremont (reference: 4/24/2044/0F1) is as yet undecided and is a key material consideration in the determination of the proposal that is the subject of this report. The Egremont scheme is the subject of a separate appraisal report also prepared by Nexus Planning in June 2024.
- 4.68 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 Whitehaven 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 Aldi's existing store at Preston Street.

4.69 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; or
- b) Permission is granted for both the Egremont and Whitehaven Aldi proposals, 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 4/23/2314/0F1. The full planning application seeks planning permission for the erection of a new discount foodstore (Use Class E) on land at Preston Street in Whitehaven.
- 5.2 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. In addition to the P&R Statement, Avison Young has subsequently submitted a response letter addressing matters raised by Asda Stores Limited dated 12th April 2024 (and the Asda letter, dated 26th January 2024). We have taken account of each of the submissions as part of this appraisal.
- 5.3 The proposal seeks permission for a new foodstore proposed to be occupied by Aldi, who already occupy a store approximately 200 metres to the north of the application site. A key element of our review below therefore considers the specific context of the application, specifically in respect of the future use of the existing Aldi store.
- 5.4 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.
- 5.5 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.
- 5.6 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 Whitehaven 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, the emerging local plan policies and paragraphs 91 and 92 of the NPPF.
- 5.7 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. We have reviewed recent documents and wider aspirations for the future of Whitehaven town centre published by the Council, and do not consider that the proposed development could jeopardise any future planned improvements to the centre.
- 5.8 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 Preston Street in Whitehaven.
- 5.9 However, based on the information submitted by the applicant, this report focusses solely on the potential solus impacts of the Whitehaven application proposal. Aldi's concurrent application for a new foodstore at East Road in Egremont (reference: 4/24/2044/0F1) is as yet undecided and is a key material consideration in the determination of the proposal that is the subject of this report. The Egremont scheme is the subject of a separate appraisal report also prepared by Nexus Planning in June 2024.

- 5.10 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 Whitehaven 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 Aldi's existing store at Preston Street.
- 5.11 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:
- c) Permission is granted for both the Egremont and Whitehaven Aldi proposals, with no new foodstore in the newly vacant Preston Street unit; or
 - d) Permission is granted for both the Egremont and Whitehaven Aldi proposals, and a new food retailer occupies the Preston Street unit.



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