

Planning & Retail Statement

For Honeyview Investments Ltd | 18-592

Full planning application for the construction of a Class E foodstore (Lidl) with associated access, car parking, servicing and landscaping – 10 Barnard Road, Bowthorpe, Norwich, NR5 9JB

Project: 18-592
Site Address: 10 Barnard Road, Bowthorpe, Norwich, NR5 9JB
Client: Honeyview Investments Ltd
Date: 18 December 2023
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Appendices

- EP1.** Site Location Plan
- EP2.** Planning Permission for Bowling Use
- EP3.** Retail Impact Tables
- EP4.** Pre-application Advice Letter
- EP5.** Catchment Plan
- EP6.** Health Check Assessments



1. Introduction

Purpose of the report

- 1.1 Emery Planning has prepared this Planning & Retail Statement on behalf of Honeyview Investments Ltd. It is written to accompany an application for planning permission for development of land at 10 Barnard Road, Bowthorpe, Norwich, NR5 9JB. The application site has an area of 1 hectare. Full planning permission is sought for:

“The construction of a Class E foodstore (Lidl) with associated access, car parking, servicing and landscaping at 10 Barnard Road, Bowthorpe, Norwich, NR5 9JB.”

- 1.2 This Planning & Retail Statement addresses planning considerations relevant to the application. Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, this statement considers the conformity of the proposed development with the Development Plan, having regard to relevant national policy and guidance and other material considerations.

- 1.3 In addition to this report, other technical reports submitted with the planning application are:

- Plans and Drawings (prepared by Corstorphine & Wright);
- Design and Access Statement (prepared by Corstorphine & Wright);
- Transport Assessment including Travel Plan (prepared by Focus Transport Planning);
- Air Quality Assessment (prepared by Ardent);
- Noise Assessment (prepared by Ardent);
- Ecological Assessment (prepared by Eco Check Consultancy Ltd);
- Biodiversity Metric (prepared by Eco Check Consultancy Ltd);
- Tree Survey and Arboricultural Implications Assessment (prepared by Greenleaf Planning Ltd);
- Flood Risk Assessment and Drainage Strategy (prepared by Jackson Purdue Lever);
- Phase 2 Geo-Environmental Desk Study (prepared by BRD Environmental Ltd); and
- Energy Statement prepared by BWB.

- 1.4 This Planning & Retail Statement should be read in conjunction with other submitted technical reports.



Structure of the report

1.5 The Statement is set out as follows:

- Section 2 outlines the proposed development;
- Section 3 describes the site, relevant planning history and consultation;
- Section 4 sets out the Lidl operation;
- Section 5 outlines the relevant planning policy framework for the determination of the application;
- Section 6 assesses the proposed development against the key planning policy considerations;
- Section 7 assesses the proposed development against the retail sequential test;
- Section 8 assesses the proposed development against the retail impact test; and
- Section 9 sets out conclusions.



2. The application

The proposed development

- 2.1 The application seeks planning permission for the demolition of an existing bowling facility and construction of a foodstore (Use Class E) with associated car parking, walking and cycling infrastructure improvements and landscaping at the site. Full details of the proposed development are presented on the drawings accompanying the submission which confirms:
- A new single-storey foodstore will be constructed;
 - A high-quality landscaping plan will be delivered; and
 - The provision of 120 car parking spaces (including 6 disabled spaces, 9 P&C spaces and 2 EV spaces).
- 2.2 The proposed Lidl foodstore will comprise 1,949 sq.m GIA with a net sales area of 1,331 sq.m of which 1,001 sq.m (approx. 80% of net floor space) will be for convenience good sales. A figure of 250 sq.m (approx. 20% of net floor space) has been identified for comparison goods sales.
- 2.3 The nearest Lidl foodstore was located at Drayton Road, approximately 5 kilometres (by road) east of the application site. We understand that this foodstore performed poorly and closed on 30 April 2023. Therefore, it is considered that through redevelopment of the site, this scheme will improve the range and choice of the retail offer within this area through the delivery of a new foodstore which will assist in improving the retail offer in this area, allowing residents to shop locally and sustainably. It is further understood that Lidl are actively seeking a replacement site for the Drayton Road store as this is still considered to be a distinctly different catchment and the performance of the previous store was related to its age and the physical constraints of the site preventing upgrades to the current Lidl format.
- 2.4 The new Lidl foodstore will be located to the north west of the site, close to Dereham Road and will be oriented facing east, with the car park located immediately adjacent to the foodstore to the north and east of the site. The delivery bay will be located adjacent to the foodstore on the south elevation of the building.
- 2.5 Vehicular access to the Lidl foodstore will be from Barnard Road via an existing priority junction. Both customers and heavy goods vehicles (HGV) will share the same vehicular access. The proposed car park will provide a total of 120 car parking spaces with 9 designated for parent and child, 7 being built to a disabled standard, and 2 accompanied by EV charging points.



- 2.6 The proposed Lidl foodstore, and the overall site, will have a clean and contemporary design featuring a single height glazed entrance along the east elevation facing out on to the car park. Additional glazing is provided to the north elevation, close to Dereham Road.
- 2.7 Dedicated pedestrian and cycle access is provided from Dereham Road to the north and Barnard Road to the south which will also provide links to the wider network and improve accessibility across Dereham Road.
- 2.8 The proposed layout plan shows two totem signs (one to the north of the proposed foodstore and one to the south). This is for indicative purposes and any proposed signage will be subject to a separate advertisement consent application at a later date.
- 2.9 The Design and Access Statement that accompanies this application appraises how the proposed development represents a suitable response to the site and its setting and demonstrates that the development can be appropriately accessed by prospective customers.



3. Context

Site location and description

- 3.1 The application site is situated within the New Costessey area of Norwich, which is to the northwest of Norwich City (see [Appendix EP1: Site Location Plan](#)). The application site is 2.10 acres in size and is part of a wider existing industrial estate (albeit that the estate contains minimal true industrial uses and more office, storage / distribution and leisure uses). There is a hotel on the adjacent site and a public house on the opposite side of Barnard Road. The site itself and the existing building is in leisure use as a bowling alley (Namco Funscape is the operator) and has been since the estate was first constructed in respect of this particular site. The bowling alley is currently operational but is not viable in the medium / long term.

Relevant planning history

- 3.2 Relevant planning history at the application site is as follows:

Ref.	Proposal	Decision	Date
4/1992/0793	No. 2 post mounted triangular signs	Temporary	18-12-92
4/1994/1013	Erection of signs	Approved	06-01-95
4/1999/0985	Extensions to building at front and rear and to car park	Approved	17-02-00
4/2000/0399	Extensions and alterations to front of building, new mezzanine level restaurant and alterations to car park	Approved	12-07-00
06/00056/O	Outline proposals for the demolition of existing bowling alley and erection of hotel and separate public house / restaurant	Withdrawn	27-04-06
07/00056/O	Outline application for the erection of hotel and bowling alley	Refused / appeal dismissed	30-04-07

- 3.3 There is little relevant planning history associated with the site. The original consent for the bowling alley was approved under Decision Notice reference: 4910701/F: Erection of single storey building to provide 30 lane ten pin bowling centre with associated parking.
- 3.4 An application for demolition of the bowl unit and construction of a hotel with leisure facilities was made under application ref: 06/00056/O. Permission was refused and an appeal (ref.



APP/G2625/A/07/2049067) dismissed in April 2009. The conclusions at that time related to a very different policy position in terms of protection of the employment area allocation, town centre uses and accessibility. We consider that the policy context now would be supportive of the proposals and that there are further material considerations that address the conclusions reached in this previous appeal notwithstanding that the proposed development is of a different nature to that considered at appeal.



4. The Lidl retail operation

- 4.1 This section provides an overview of the Lidl retail operation, including the position of the company within the UK retail market and its key trading characteristics.

Position within the market

- 4.2 Lidl is a substantial presence in the convenience retail market, with over 900 stores currently trading in the UK. Lidl invested £1.5 billion in its UK expansion drive between 2020-2022 and are committed to investing a further £1.3 billion in 2023 and 2024. They are in the process of delivering around 60 new stores a year across the UK helping them achieve their goal of 1,000 stores by 2023. The Kantar Worldpanel Grocery Market Share data found that in the 12 weeks ending on 27 November 2022 Lidl was the sixth largest convenience retailer in Great Britain, with 7.4% of the total grocery market share.

Lidl's market

- 4.3 The Lidl retail philosophy is centred on simplicity and maximum efficiency at every stage of the business, from supplier to customer, enabling the company to sell high quality own brand products at the lowest prices.
- 4.4 Lidl is able to offer high quality products at low process due to extensive bulk purchasing. This enables the company to achieve significant economies of scale that can then be passed on to the customer in the form of highly competitive prices. Other factors that enable Lidl to offer consistently low prices include the format of its stores and the approach taken to the display and sales of products.

Limited product range

- 4.5 Aside from the difference in pricing from the main convenience retailers, another characteristic of the Lidl business model, is that Lidl carry a comparatively limited range of primarily own brand products (around 90% of all products in store).
- 4.6 The majority of the Lidl product lines consist of basic convenience goods sourced from Europe, with a few recognised brands sold, in addition to a limited range of fresh fruit and vegetables and also pre-packed meats and frozen food stuffs. Lidl aims to keep the shopping experience simple for its customers and operates a 'no frills' policy by avoiding unnecessary packaging and presentation, including a basic store fit-out, all of which contributes to keeping the cost of products low.



- 4.7 Non-food items are limited to around 15-20% of floorspace in store. The non-food offer is mainly focused on household cleaning and health and beauty products. Lidl foodstores do receive a twice weekly delivery of non-food 'specials', which can range from garden equipment and small items of furniture to flat screen TVs. These are also sourced on a pan European scale at competitive prices. These items are provided on a 'when it's gone, it's gone' basis and owing to the limited and constantly changing offer, the potential for impact upon other retailers is negligible.

Not the 'full' retail offer

- 4.8 Lidl foodstores also differ from other convenience retailers by not offering any of the following products or services:

- Fresh meat counter;
- Fresh fish counter;
- Delicatessen/Cheese counter;
- Hot food counter;
- Home Delivery/click and collect;
- Pharmacy;
- Dry-cleaning service;
- Post Office services;
- Photographic shop;
- Mobile phone shop; and
- Café/restaurant.

- 4.9 Lidl does not offer any of the above products/services because these do not fit with the company's retail concept and business model. Lidl has a successful, proven format that works, and there is no intention to change it. The introduction of any of the above could have an adverse impact on the prices offered to customers.

- 4.10 As a consequence of the Lidl business model, its customers tend to purchase part of their main grocery shop (i.e. basic staples) in store, taking advantage of low prices, but then visit other retailers to purchase luxury food or more specialist items. This, combined with the fact that Lidl does not offer products and services listed above that are found in many of the main convenience retailers as well as smaller local independents, means that its stores complement existing retail provision, while providing additional opportunity and choice for shoppers.



Shorter trading hours

- 4.11 The standard opening hours for Lidl foodstores are also more limited than the main convenience retailers, as well as smaller independent convenience retailers. Generally, Lidl foodstores open for a core period of between 07.00-23.00 Monday to Saturday (Inclusive of Bank Holidays) and 10.00-18.00 on Sundays (only open for 6 consecutive hours).
- 4.12 The standard opening hours for Lidl foodstores are therefore more limited than other retailers, which is another factor underlining that Lidl do not compete to any significant degree with other retailers, in particular, smaller convenience retailers, many of whom offer different products and services and stay open for much longer periods.

Store format

- 4.13 Lidl has an established store format that is integral to the success of its business model. The minimum store size that is required by Lidl for its operational requirements is circa 2,200 sq.m gross external area (GEA). This equates to a net sales area of approximately 1,300 sq.m Gross Internal Area. There are a number of reasons why this size of store is required. The minimum new store concept store size that is normally required by Lidl (unless there are unusual circumstances) is a single level store of circa 2,200 sq.m gross GEA. This equates to a net sales area of approximately 1,250 sq.m.
- 4.14 A single level store of c.2,200 sq.m Gross External Area allows for pallets to be easily moved directly from the delivery bay and placed in the sales area. This cannot be achieved in the same way in smaller stores, resulting in the need to break pallets down and stack more products on shelves, which consequently increases staff costs. This therefore makes it more difficult for Lidl to pass cost savings on to its customers.
- 4.15 In addition, the standard store format has been purposefully designed in order to provide mobility impaired customers, the elderly and those with small children, space to move through the store easily. Also, by placing bulky products on the sales floor, Lidl ensure easy access to these items for all customers.

Local catchment

- 4.16 Lidl foodstores serve a relatively compact catchment area and are intended to provide a local shopping facility. The locational strategy of Lidl is for foodstores in urban areas, to serve an area that broadly equates to a 0-5 minute drive-time of the site. Owing to its limited offer, people do not tend to travel long distances



to shop at Lidl. The catchment has regard to the nature of the settlement and surrounding area, the location of existing food retail provision within the catchment and consumer travel patterns.

- 4.17 As stated above, many customers use Lidl foodstores to purchase part of their main grocery shop (i.e. basic staples), often on foot, taking advantage of the low prices, but then visit other retailers to purchase luxury food or more specialist items that are not offered at Lidl (e.g. fresh fish). In addition, many Lidl customers also continue to visit smaller independent convenience stores close to their homes for top-up/basket shopping (i.e. buying a pint of milk or loaf of bread) as well as to use services that are not provided by Lidl (e.g. dry cleaning, Post Office etc.).

Employment opportunities

- 4.18 Lidl offer many different career paths and opportunities within the retail sector. These include managerial and administrative positions in addition to positions such as store assistants and cashiers. The company also runs comprehensive management development and training programmes, enhancing skills of staff and maximising staff retention.
- 4.19 When setting up a new foodstore, Lidl will bring in a manager from another store that ideally has links with the area. This is vital to provide the necessary experience and leadership during the training period of the new store staff. It is then the responsibility of the store manager and district manager to recruit and train the necessary numbers of staff prior to store opening. New staff are recruited from the local community using a variety of methods, including local newspaper advertisements, Job Centre advertisements and open days.

Deliveries

- 4.20 Lidl products are purchased throughout Europe and then packaged and distributed directly to the relevant Regional Distribution Centre (RDC), of which there are currently 13 in the UK, for onward distribution to its stores across the UK.
- 4.21 Lidl is mindful of the need to minimise any disturbance to neighbouring residents and landowners. To assist in achieving this, each foodstore only has one, or occasionally two, dedicated deliveries per day. This provides all the necessary products for the foodstore, including frozen and chilled goods, which are carried using individual temperature controlled units that can be loaded on to the vehicle. This ensures minimum disruption by removing the need for noisy air conditioning units on the vehicle. The same delivery vehicle is used to transport store returns; such as food waste and recycling back to the RDC to minimize HGV movements.



4.22 During deliveries, it is company policy that vehicle engines are switched off to reduce noise and disturbance. New foodstores (such as that proposed) also feature graded ramps in the delivery bay and manual dock levellers, negating the need for noisy scissor or tail lifts. The total unloading time for deliveries is approximately 45 minutes.

Sustainability measures

4.23 Lidl implement a variety of measures to minimise the environmental impact of its stores and contribute toward sustainability objectives, including:

- Limiting deliveries to a maximum of two per day. Delivery vehicles are also used to remove waste from the foodstore on their return journey to the RDC where the waste/recyclable material is sorted and managed centrally. This also helps to reduce vehicle trips and emissions.
- Lidl lead the sector in terms of recycling and waste to landfill reduction by recycling all paper/cardboard and plastic waste produced by the foodstore. This means that over 90% of all waste produced in store is recycled.
- Lidl foodstores use a manual dock leveller for deliveries, reducing noise emissions and energy use.
- All Lidl foodstores are fitted with a 'Building Management System' incorporating movement sensors, Lux meters and thermostatic controls. This ensures that the back of house areas of the foodstore are only lit when people are using them, that external lighting is only used when required and that the temperatures of the various areas within the foodstore are maintained at the correct levels. Energy efficient LED lighting is used and lighting within the sales area is cutback to one third before and after trading hours.
- Water consumption is carefully monitored and flow control devices and water meters are fitted in all stores.
- Car park lighting is designed in accordance with Lidl's 'Dark Sky' policy with light fittings carefully specified in order to keep light spill beyond the site boundary to a minimum, with Lux and timer controls fitted.
- The potential provision of Electric Vehicle Charging points.

4.24 Lidl also produces and implements Travel Plans to promote sustainable transport choices. A Travel Plan has been submitted as part of the application.

4.25 Lidl communicate to staff and customers on a continual basis and encourage all stakeholders to implement environmentally friendly practices where possible.



Secure by design and the equalities act

- 4.26 Lidl design their stores and sites to minimise anti-social behavior and crime. Lidl provide open and well-lit schemes to deter criminal activity. Lidl will, if required, fit CCTV internally and/or externally to ensure the safety of staff, customers and property.
- 4.27 Lidl provides its customers with disabled car parking spaces that comply with the latest legislation, ensuring all customers are able to access the foodstore as simply as possible. Lidl car parks are designed with the customer in mind to ensure that cars can maneuver easily into and around the car park. Accessible and parent and child spaces are positioned near the store entrance, in order to provide shorter walking distances from cars to the store.

Summary

- 4.28 The key trading characteristics that distinguish Lidl from the mainstream convenience retailers and smaller independent retailers are therefore as follows:
1. Restricted number of product lines – Lidl is not a one stop shop and sells a limited range of predominantly own brand goods, with customers visiting other stores for branded or luxury goods.
 2. Not the full retail offer – Lidl does not provide the full retail offer. A limited range of comparison goods are sold and the constantly changing nature of ‘non-food specials’ ensures that any impact of other retailers is not constant and is limited. Lidl foodstores do not offer the range of services provided by the mainstream food retailers or smaller independent stores.
 3. Small foodstore size and localised catchment – Lidl foodstores do not draw customers from a wide area.
 4. Shorter trading hours – Lidl foodstores are not open ‘all hours’ and so do not attempt to compete with mainstream food retailers and local convenience foodstores.
- 4.29 The above factors ensure that the trading impacts of new Lidl foodstores on existing retailers and centres is very limited.



5. Policy context

Introduction

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The Development Plan for the site comprises:
- The adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, amended 2014; and
 - The adopted Norwich Development Management Policies Local Plan 2014.
- 5.3 The site is designated as being within Bowthorpe Employment Area in the Development Plan (Norwich Development Management Policies Local Plan Policy DM16: Supporting the needs of business).
- 5.4 The Greater Norwich Local Plan is still undergoing examination and has a possible adoption date of early 2024. As the Greater Norwich Local Plan is an emerging document, we consider that only very limited weight should be given to this emerging document.
- 5.5 Relevant national planning policy comprises the National Planning Policy Framework [the Framework] (September 2023) and Planning Practice Guidance [Practice Guidance] (November 2023). These are both material considerations in the determination of planning applications.
- 5.6 Table 5.1 below summarises the key areas of planning policy that are relevant to the determination of the application.

DEVELOPMENT PLAN POLICIES AND MATERIAL CONSIDERATIONS			
<u>Sustainable Development</u>			
Joint Core Strategy	Local Plan	SPDs	NPPF / PPG
N/A	<u>DM1</u> Achieving and delivering sustainable development	N/A	<u>Section 2</u> Achieving sustainable development
<u>Economy</u>			



DEVELOPMENT PLAN POLICIES AND MATERIAL CONSIDERATIONS			
Joint Core Strategy	Local Plan	SPDs	NPPF / PPG
<u>JCS5</u> The economy <u>JCS9</u> Strategy for growth in the Norwich policy area	<u>DM2</u> Ensuring satisfactory living and working conditions <u>DM16</u> Supporting the needs of business	N/A	<u>Section 6</u> Building a strong, competitive economy
<u>Town Centres & Retail</u>			
Joint Core Strategy	Local Plan	SPDs	NPPF / PPG
N/A	<u>DM18</u> Promoting and supporting centres <u>DM20</u> Protecting and supporting city centre shopping <u>DM21</u> Protecting and supporting district and local centres <u>DM22</u> Planning for and safeguarding community facilities	<u>Main town centre and retail frontages SPD</u>	<u>Section 7</u> Ensuring the vitality of town centres
<u>Promoting Healthy Communities</u>			
Joint Core Strategy	Local Plan	SPDs	NPPF / PPG
<u>JCS7</u> Supporting communities	N/A	N/A	<u>Section 8</u> Promoting healthy and safe communities
<u>Highways, Transportation & Parking</u>			
Joint Core Strategy	Local Plan	SPDs	NPPF / PPG
<u>JCS6</u>	<u>DM28</u>	N/A	<u>Section 9</u>



DEVELOPMENT PLAN POLICIES AND MATERIAL CONSIDERATIONS			
Access and transportation	Encouraging sustainable travel <u>DM30</u> Access and highway safety <u>DM31</u> Car parking and servicing <u>DM33</u> Planning obligations and development viability		Promoting sustainable transport
Design & Layout			
Joint Core Strategy	Local Plan	SPDs	NPPF / PPG
<u>JCS2</u> Promoting good design	<u>DM3</u> Delivering high quality design	N/A	<u>Section 12</u> Achieving well-designed places
Climate Change			
Joint Core Strategy	Local Plan	SPDs	NPPF / PPG
<u>JCS1</u> Addressing climate change and protecting environmental assets <u>JCS3</u> Energy and water	<u>DM5</u> Flood resilience	N/A	<u>Section 14</u> Meeting the challenge of climate change, flooding and coastal change
Environment & Ecology			
Joint Core Strategy	Local Plan	SPDs	NPPF / PPG
N/A	<u>DM6</u> Protecting and enhancing the natural environment <u>DM7</u> Trees and development <u>DM11</u>	<u>Landscape and Trees SPD</u>	<u>Section 15</u> Conserving and enhancing the natural environment



DEVELOPMENT PLAN POLICIES AND MATERIAL CONSIDERATIONS			
	Protecting against environmental hazards		



6. Planning considerations

Introduction

6.1 The relevant planning policies are set out in Section 5 above. The key planning issues relevant to the determination of this application are as follows:

- Existing employment site;
- Fall-back: Class E conversion;
- Community use;
- Sustainable development;
- Economy;
- Town centres & retail;
- Promoting healthy communities;
- Highways, transportation & parking;
- Design & layout;
- Climate change; and
- Environment & ecology.

Existing employment site

6.2 In order to demonstrate compliance with the Development Plan, adopted Policy DM16 needs to be addressed. The policy prioritises employment and economic development uses (which it defines as B1, B2 and B8 uses), but does not preclude other uses, so long as they meet the policy tests.

6.3 Policy DM16 states that proposals for main town centre uses will be assessed on Policies DM18 and DM22.

6.4 Policy DM18 requires proposals for town centre uses (which includes foodstores) to demonstrate that the proposal complies with the sustainable development criteria in Policy DM1; and that it meets the sequential and where applicable impact tests.

6.5 Policy DM22 relates to the provision and enhancement of community facilities, so it does not apply to this proposal.



- 6.6 In addition to demonstrating compliance with Policies DM16 and DM22, Policy DM16 requires proposals for town centre uses to demonstrate that they do not prejudice the function of the employment area nor undermine proposals for its redevelopment or regeneration.
- 6.7 The site itself is currently in leisure use as a bowling alley, which does not have a viable future and does not comply with the site's allocation as an employment location in any case. The proposed loss of this use will not therefore prejudice the function of the employment area as it will not result in the loss of any land currently in employment use as envisaged by the policy. In actual fact, the provision of the proposed foodstore should be considered as more compatible with any employment designation when compared to the existing use as employment numbers will increase and in addition, the provision of the foodstore will provide a complementary facility for the employment area and has the potential to reduce wider car journeys through the potential for linked trips associated with people travelling to and from their place of work within the employment area, utilising a foodstore close to their place of work and cutting down on longer trips to access alternate locations.

Fall-back: Class E conversion

- 6.8 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020.
- 6.9 As part of the amendment, some uses that formerly fell under Class D2 use (Assembly and Leisure) became Class E, including indoor sport, recreation or fitness. The bowling alley, being indoor sport and recreation, therefore became Class E on 1 September 2020.
- 6.10 The former A1 use class also transferred to Class E on 1 September 2021.
- 6.11 The planning permission for the bowling use on the site (refer to [Appendix EP2: Planning Permission for Bowling Use](#)) did not remove permitted development rights nor restrict the use of the building or site to any specific use. On this basis, the existing unit could be converted into a foodstore under permitted development rights, without the need for planning permission. The only requirement for planning permission would relate to any material proposed external changes to the unit.
- 6.12 Given the permitted development position and the fact that the existing unit is larger in floor area than the proposed unit (approximately 3,258 sqm), this represents a robust 'fall-back' position which should be afforded significant weight in the context of the proposed development for a new foodstore.
- 6.13 In terms of the correct approach to the fall-back position in the decision-making process and the weight to be attributed to it, case law is set out in: *R v Secretary of State for the Environment and Havering BC* [1998] Env LR 189 and *Gambone v Secretary of State for Communities* [2014] EWHC 952 (Admin). The test



is also referred to in the more recent judgment (attached) in *Mansell v Tonbridge and Malling* [2016] EWHC 2832 (Admin) (subsequently upheld in the Court of Appeal) sets out that there is a 2 or 3-staged process (stages 2 and 3 essentially being that set out in 2 below:

1. The first stage is to establish whether or not there is a Fallback Position. That question can be answered with reference to there being a realistic (i.e. more than theoretical) prospect of a particular scenario coming to pass in the event that a development proposal is not permitted; and
2. The second stage is to attribute weight to the Fallback Position and this will involve an assessment to the extent to which the Fallback is more or less harmful than the proposed development and the degree of likelihood of the Fallback Position taking place.

- 6.14 In this instance, if planning permission was not granted for the proposed redevelopment of the site for a foodstore, there is a realistic (i.e. more than theoretical) prospect that the site owner (our client) would pursue the conversion of the existing unit into a foodstore. This prospect is more than adequately demonstrated by the extent to which foodstore operators have established new stores within former pubs and similar leisure type buildings over recent years to meet the needs of local neighbourhood areas and catchments such as that proposed here.
- 6.15 The main reason the fall-back would be pursued by our client is that the foodstore use is the most viable and feasible option for the future of the site in the context of the current operator wanting to relinquish their use of the site, a lack of interest for ongoing solely leisure use of the building and the greater returns offered by alternate uses, in particular retail.
- 6.16 The existing floor area is larger than typically required by Lidl. However, it may not necessarily be Lidl who pursue the unit if our client had to revert to a conversion, and if Lidl was not the operator then some of the other convenience foodstore operators would likely have a requirement for a larger floor area.
- 6.17 Secondly, even if Lidl wished to occupy the conversion based on the same floor area as the proposal, the unit could be sub-divided either to provide a smaller leisure use alongside the retail use, or to provide another complementary E Class use alongside the foodstore.
- 6.18 Furthermore, the smaller nature of the proposed foodstore alongside the size of a potential conversion feeds into the second consideration which is the weight to be afforded to the fall-back. There are many benefits to demolishing the existing building, which is old, unattractive and inefficient, with a purpose-built building conforming to modern standards and this needs to be considered against the benefits of the replacement building when considering the benefits of the fallback and in assessing the merits of the proposed development when compared against the fallback. In addition to this, weight should be attached to the fact that the proposed foodstore is smaller than the existing unit and the fall-back scenario. A smaller



proposed unit will also attract less traffic movements, which is a further consideration when comparing the proposed option with the fall-back option which is a further benefit of the proposed scheme.

- 6.19 In Mansell, the weighting to be attributed to a fallback development was considered. In that case the LPA had granted planning permission for redevelopment of an agricultural building and a bungalow, with 4 large dwellings, justified by a fallback potential to undertake alternative development, including converting the agricultural building using PD rights. The decision was challenged by a neighbour on various grounds. In particular, we refer to paragraphs 11 – 41 of the judgment.
- 6.20 The substance of the challenge in relation to the fallback issue is summarised at paragraph 28, including that it had not been shown that there was any real prospect of the alternative development occurring as no application for prior approval had been submitted; and the fallback scheme would additionally involve development requiring planning permission, for which no application had been submitted either. Consequently, it was claimed to be no more than a theoretical prospect.
- 6.21 The judge stated that it was crystal clear from discussions between the Council and the applicant's planning agent that the intention was to develop the site in one way or another. He found it wholly unrealistic to imagine that if permission was refused, the owner would not take advantage of PD rights to the fullest extent possible. In fact, he determined it would have been unrealistic to conclude that the interested party would do nothing to develop the site. The implication is clear – the fallback was more than a theoretical prospect, as the site had clear development potential, even though the details had not been approved.
- 6.22 In this case our client has considered redevelopment of this site on a number of occasions since the mid 2000's both through a formal application and appeal and latterly through pre application submissions. It is clear that they are not 'doing nothing' in terms of seeking to develop the site and the change in circumstances in terms of permitted development gives them an alternate route to re-development. The fallback is directly comparable to the example in Mansell, and it is more than a theoretical probability that our client would look to use those rights if that is what they were faced with, and they do not need to have made any formal submissions to that effect for weight to be increased.
- 6.23 Overall, it is considered that the fall-back option set out above is realistic and should be afforded significant weight for the reasons above.

Community use

- 6.24 Local Plan Policy DM22 (Planning for and safeguarding community facilities) seeks the protection of community facilities. The policy states that development resulting in the loss of an existing community facility will only be permitted where:



- a) adequate alternative provision exists or will be provided in an equally accessible or more accessible location within 800 metres walking distance; or
- b) all reasonable efforts have been made to preserve the facility but it has been demonstrated that it would not be economically viable, feasible or practicable to retain the building or site for its existing use; and
- c) evidence is provided to confirm that the property or site has been marketed for a meaningful period and that there is no realistic interest in its retention for the current use or for an alternative community use.

6.25 Appendix 10 of the Local Plan defines 'community facilities / uses' as:

"Facilities and uses generally available to and used by the local community at large for the purposes of leisure, social interaction, health and well-being or learning. This will include, but not be confined to, community centres, historic and community public houses, premises for indoor sport, leisure and cultural centres, places of worship, doctor's surgeries/ health centres, crèches, playgroups, libraries, schools and other training and educational facilities."

6.26 The pre-application advice letter received from the LPA (see [Appendix EP3: Pre-application Advice Letter](#)) states that:

".....local knowledge together with historic information suggests that the business operating from the site is well attended by clubs and organized groups for structured bowling and provides a facility that meets specific demands which differ from other bowling facilities within Norwich aimed more at recreational / casual users, ensuring its continued success in this out of centre location. The proposals would therefore result in the loss of a valued indoor leisure facility, currently used by community groups which falls within the Local Plan definition of community facilities / uses".

6.27 Council officers have not provided us with any evidence, current or historic, that the existing bowling facility is well attended by clubs and organized groups for structured bowling. It is our view that a commercial bowling facility such as Namco Funscape is not a community facility and is just like any other commercial bowling facilities. The existing bowling facility does not meet specific demands, anymore than any other commercial bowling facility. It should not therefore be afforded any special or different status to any other similar facility within the city. Any clubs and organised groups which use the existing bowling facility make up a small proportion of the facilities' turnover and certainly do not contribute enough to ensure the facility as a viable entity moving forward as Namco have indicated to our client over a long period that they wish to vacate the site. It is clear that premises for indoor sport relate to leisure centres and the like, as opposed to any indoor commercial leisure facility. As such, it is our view that the existing bowling facility at the application site is not protected under Local Plan Policy DM22.



Sustainable development

- 6.28 The proposed foodstore will provide economic, social and environmental sustainability benefits, including providing accessible opportunities to employment and training; supporting the economic growth of Bowthorpe by providing essential facilities to support local communities; and making efficient use of resources by building on previously developed land.
- 6.29 In terms of sustainable travel, the proposed development will serve a very specific catchment area, which correlates to a 10-minute drive time catchment around the foodstore. This catchment area will be discussed further in the sequential test section of this statement, however, for the purposes of assessing the sustainability of the proposal, locating a foodstore within the heart of the catchment that it will serve is a sustainable approach and will minimise the travel time and distances for those using the store.
- 6.30 By its nature, given the quantity of shopping the majority of visitors to a foodstore will purchase, foodstore uses will always need a level of car parking which assumes that the majority of visitors will travel by car. However, there are opportunities to link in with bus routes, and provide facilities on site to encourage sustainable travel to include electric vehicle charging points, cycle parking, and safe circulation route and connectivity for cyclists and pedestrians, all of which have been included within the application.

Economy

- 6.31 It should be acknowledged that a typical Lidl foodstore will provide around 40 FTE jobs, together with a multimillion-pound investment into the area, delivering a significant boost to the local economy. Therefore, the proposal is principally supported by Section 6 of the NPPF which focuses on building a strong, competitive economy.
- 6.32 The economic role is one of the three dimensions for achieving sustainable development. In these terms, the economic role of sustainable development contributes to building a strong, responsive and competitive economy. In particular, paragraph 81 of the NPPF stipulates planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.
- 6.33 Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 6.34 The development proposal in itself, represents a significant economic investment by Lidl and will provide around 40 job positions once opened, which will be principally taken by local residents.



6.35 As outlined within Section 4, Lidl offers an excellent work ethic and training opportunities for staff to progress within the company. The development proposals therefore support the local economy of Bowthorpe and provide employment opportunities for local people during construction and once opened to the public. The positions will be wide ranging from material and administrative positions in addition to store assistants and cashiers.

Town centres & retail

- 6.36 The site is in an 'out-of-centre' location in retail policy terms. As such, there are two main retail policy issues for the development to address relating to the need for a sequential and impact test.
- 6.37 Paragraph 87 of the NPPF confirms Local Planning Authorities should apply a sequential test to planning applications for main Town Centre uses (including retail) that are not in an existing centre and are not in accordance with an up-to-date Development Plan.
- 6.38 Paragraph 88 of the NPPF confirms 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. The scope of the sequential assessment which accompanies this application was set out by the LPA in response to the formal prep application enquiry that was made.
- 6.39 Paragraph 90 of the Framework advises that when assessing applications for retail development outside of Town Centres, which are not in accordance with an up-to-date Local Plan, Local Planning Authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold.
- 6.40 The application is supported by a commensurate retail assessment which considers the impact of the proposed new Lidl foodstore which is a main Town Centre use (as defined by the NPPF). The assessment provides a commensurate assessment of the main Town Centre uses on both an impact and sequential basis, concluding that the scale and nature of the retail use proposed would not be in direct competition with existing centres.
- 6.41 The sequential assessment set out in this Statement (below) demonstrates that there are no sequentially preferable sites within, or on the edge of the identified centres within the catchment which could accommodate the scale and form of development for which permission is sought.
- 6.42 The proposal would enable the provision of a 1,949 sq.m GIA (Use Class E) foodstore which cannot be readily accommodated within a nearby Centre, and which will also enhance the sustainability of this out-



of-centre location. Therefore, given that the retail assessment submitted with this application clearly demonstrates that the proposed development cannot be accommodated in a sequentially preferable location, this sustainable out-of-centre location is considered appropriate to accommodate a food retailer.

- 6.43 It has been demonstrated in Sections 7 and 8 of this statement that the proposed development complies with relevant policy requirements and should therefore be deemed accepted in accordance with national and local policies.

Promoting healthy communities

- 6.44 This proposal is for a retail development which meets an identified need by Lidl in this area. The application site is located approximately 270m east of the Stafford Avenue bus stop (bus services 24, 24A, 31, 56 and 515). Thus, the application site will promote sustainable economic development.
- 6.45 The proposals will create several on-site construction jobs (preferably for local residents of Bowthorpe) and support off-site jobs in construction related industries. The proposals will provide 40 gross new on-site full time equivalent jobs supported by the development of new commercial floorspace. It is intended that an active local recruitment programme will be undertaken, which will help to tackle the causes of deprivation and disadvantage. Albeit, Lidl will have its own policy on recruitment.
- 6.46 The scheme has the potential to facilitate greater social interaction between members of the community and provide a safe, accessible and legible environment which helps to enhance the quality of life.
- 6.47 The proposals will provide opportunities for positive lifestyle choices by improving the site for the local community, enhancing quality of life and strengthening community cohesion. The new foodstore will ensure that local residents are able to shop locally. A proportion of local residents are likely to walk or cycle to the application site and as discussed above, public transport provision is provided close-by. Some local residents will currently travel further afield for their convenience goods needs. This proposal will reduce drive times and allow local residents to walk to their local foodstore. The proposal is in accordance with Joint Core Strategy Policy JCS7 (Supporting Communities).

Highways, transportation & parking

- 6.48 A Transport Assessment and Travel Plan have been prepared by Focus Transport Planning. The Transport Assessment fully appraises the existing transportation conditions and the likely impact of the proposed development. It has been prepared in close co-operation with the local highway authority and was prepared through formal prep application engagement.



- 6.49 These documents conclude that the proposed scheme would not result in a material change in conditions on the local highways. Supplementary to this, the transport network benefits from a good level of accessibility from sustainable transport options, reflecting one of the overarching aims of the NPPF.
- 6.50 The accompanying Transport Assessment and Travel Plan provide more details on the access and transport credentials of the proposed development, however for ease of reference the Transport Assessment concludes that the proposed development will not result in any impact with regard to the safety or capacity of the local highway network:
- The scheme proposes a total of 120 car parking spaces, including 7 disabled, 9 parent and child spaces, and 2 electric vehicle charging spaces;
 - Pedestrians will be able to access the store from the vehicular access as well as via dedicated pedestrian access points;
 - The site is clearly accessible by all non-car modes;
 - The assessment shows that there is sufficient capacity on the network to accommodate the proposed development; and
 - Personal injury accident data has been obtained. Road safety does not present a material concern in the context of the proposed development. Accessibility to the local cycling and pedestrian network will be enhanced not only for users of the site but for those in the surrounding locality.
- 6.51 It has therefore been demonstrated that the proposal is compliant with Joint Core Strategy Policy JCS6 and Local Plan policies DM28, DM30, DM31 and DM33 and the overarching principles of the NPPF.

Design & layout

- 6.52 A Design and Access Statement prepared by Corstorphine & Wright accompanies this application in support of the proposed development. The report highlights that the design rationale was informed by Lidl's operational requirements within the context of the site constraints and surrounding land uses.
- 6.53 The new Lidl foodstore will be located to the north west of the site, close to Dereham Road and will be oriented facing east, with the car park located immediately adjacent to the foodstore to the north and east of the site. The delivery bay will be located adjacent to the foodstore on the south elevation of the building. The layout as proposed aims to attract pass-by-trade, which is essential to Lidl's business model.
- 6.54 The proposed layout is considered to encourage openness and vibrancy whilst ensuring good visibility into the site from the local highway network. The report also states that the proposed layout is functional whilst promoting legibility and excellent natural surveillance that promotes safety, accessibility as well as positive visual amenity.



- 6.55 Overall, the layout and materials used are considered to be in appropriate for the surrounding whilst being in accordance with Lidl's operational requirements as well as adhering to the relevant national and local policies.
- 6.56 The redevelopment of the site represents significant betterment when set against the current building present on the site.

Climate change

- 6.57 The new building will be significantly more energy efficient than the current building on the application site. Where possible, the building will be manufactured from sustainable materials from local suppliers. The foodstore benefits from good building orientation, being generally east facing. This means that the unit will not require excessive comfort cooling as heat gains associated with solar gain through the shop front are largely mitigated in line with Joint Core Strategy policies JCS1 and JCS3.
- 6.58 The foodstore unit will use reversible air source heat pumps, which are a very efficient means of heating and cooling. Photovoltaics are an accepted means of providing on-site generation and electricity can either be used locally or exported if not required on site. The foodstore will use photovoltaic technology.
- 6.59 The foodstore unit is of a 'box-like' design and is flexible enough to be used for other uses in the future if necessary. The foodstore unit will be at grade with maximum natural surveillance across the site, to include appropriately located landscaping which does not hinder safety or security.
- 6.60 A Flood Risk Assessment & Drainage Strategy Report has been prepared by Jackson Purdue Lever in support of the planning application.
- 6.61 The Flood Risk Assessment concludes that the site is within Flood Zone 1 and there is therefore not at significant risk of flooding and the site is a sequential preferable location in respect of flood risk.
- 6.62 The application site will incorporate Sustainable Drainage Systems to manage flood risk on the site. Thus, the proposal is in accordance with Local Plan Policy DM5. The Drainage Strategy confirms that the development will be restricted to a maximum discharge rate of 5.0 l/s and that attenuation will be provided through underground storage crates and SUSS features.
- 6.63 On this basis, the proposal is considered to comply with Local Plan Policy DM5, and the overarching principles of the NPPF.



Environment & ecology

- 6.64 The application is supported by a Landscape Plan, prepared by Corstorphine & Wright.
- 6.65 Overall, the proposed landscaping will represent a significant enhancement to the visual amenity of the location by providing improved landscaped areas across the site. The proposed landscaping forms an intrinsic element of the overall design of the development proposal and is of a high standard in line with the policy objectives. The landscaping approach is considered appropriate to the proposed use and character of the development.
- 6.66 Therefore, it is considered that the landscaping scheme proposed accords with the Development Plan, and the overarching principles of the NPPF regarding landscaping.
- 6.67 Local Plan Policy DM6 (Protecting and Enhancing the Natural Environment) states that development will be expected to take all reasonable opportunities to avoid harm to and protect and enhance the natural environment of Norwich and its setting. Appropriate proposals which deliver significant benefits or enhancements to local biodiversity or geodiversity will be strongly supported and encouraged.
- 6.68 A Tree Survey and Arboricultural Implication Assessment has been submitted in support of the application. The assessment states that any trees likely to be impacted have been inspected and any potential conflicts addressed in the report.
- 6.69 A Preliminary Ecological Assessment and Biodiversity Metric has been prepared by Ecocheck in support of the planning application.
- 6.70 The assessment has confirmed the site provides opportunity to incorporate appropriate measures to mitigate any potential impacts to ecological features and to demonstrate 'biodiversity net gain in accordance with NPPF and local planning policy. As such, no significant residual impact can be expected which would prevent a positive determination of the planning application in ecological terms. The trees that will be removed on site are being done so to provide new and enhanced pedestrian and cycling linkages which are suitable for all users and do not dissuade the use of them from the potential for overshadowing and leaf drop.
- 6.71 On this basis, the proposal is considered to comply with Local Plan Policy DM6, and the overarching principles of the NPPF.
- 6.72 Local Plan Policy DM11 (Protecting and Environmental Hazards) states that development will be required to incorporate measures which will mitigate against the effects of existing or potential further deterioration in local air quality as appropriate, on a case by case basis.



6.73 DM11 states that where a proposed development will give rise to give rise to certain sources of noise which will impact on the quality of life of existing adjoining or nearby occupiers, or result in adverse impacts on health or quality of life of future occupiers appropriate and proportionate mitigating measures and appropriate limiting conditions will be required.

6.74 The planning application is supported by an Air Quality Assessment and a Noise Assessment.

6.75 The Air Quality Assessment concludes that:

- The potential impact for dust impacts during construction can be appropriately mitigated and the residual impact will be not significant;
- The impacts of construction traffic (with the use of a Construction Environmental Management Plan (CEMP) is likely to be not significant;
- The impacts of the operational traffic generation has been modelled and would not result in exceedances of national air quality objectives;
- The impact of pollutant concentrations has been qualitatively assessed and is considered it has been judged that that users of the proposed development will experience good air quality.

6.76 The Noise Assessment states that the report demonstrates that the site is suitable for development, subject to the recommendations detailed.

6.77 On this basis, the proposal is considered to comply with Local Plan Policy D11, and the overarching principles of the NPPF.



7. Sequential site assessment

Introduction

- 7.1 This section sets out the applicant's approach to the sequential site assessment. The NPPF requires that the sequential approach to site selection should be applied to all development proposals for main Town Centre uses that are not in an identified centre and not in accordance with an up to date Development Plan. Applications for main Town centre uses should be located within a Town centre, then in edge-of-centre locations, and only if suitable sites are not available should out of centre sites be considered. The NPPF further requires that applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale.
- 7.2 Accordingly, the sequential site assessment has been undertaken because the site occupies an out-of-centre location. The proposal is assessed against local and national policy requirements below.

Methodology

- 7.3 The National Planning Practice Guidance (NPPG) 'Ensuring the vitality of Town Centres' provides guidance on the application and interpretation of the sequential test. This includes the importance for scoping the remit of the sequential assessment, for agreement between the applicant and Local Planning Authority (ref: ID 2b-015-20140306). The catchment and scope was agreed with the LPA through the formal pre application procedure.
- 7.4 The NPPG further identifies those considerations that should be taken into account when determining whether a proposal complies with the sequential test, based on the following:
- Has the suitability of more central sites to accommodate the proposals been considered, having regard to flexibility?
 - Is there scope for flexibility in the format and/or scale of the proposal?
 - If there are no suitable sequentially preferable locations, the sequential test is passed.
- 7.5 Potentially sequentially preferable Town Centre sites within the agreed catchment area should be identified and considered in terms of their ability to accommodate the application proposal.



Catchment area

7.6 The applicant has undertaken a sequential site assessment appropriate to the proposal and includes the following centres set out in the written pre-application advice:

- Bowthorpe District Centre;
- The Larkham District Centre;
- *Norwich Road, Costessey Local Centre;
- Earlham West Local Centre;
- University of East Anglia Local Centre;
- Colman Road, The Parade Local Centre; and
- Colman Road, The Avenues Local Centre.

7.7 *Norwich Road, Costessey (within the neighbouring borough of South Norfolk) has been included within the Sequential Assessment at the request of the Local Planning Authority. However, it is not a sequentially preferable, as it is not a designated retail centre within the South Norfolk Local Plan and is therefore included for information purposes only.

7.8 Notwithstanding the above position, the site is discounted on the grounds that it is not suitable or available for the proposed development.

7.9 In addition, the Local Planning Authority requested that Easton / Costessey is included with the sequential assessment. These locations (known as Lodge Farm and Easton Village) are also within South Norfolk, on the periphery of the 10 minute drive-time catchment (unlike Norwich Road which is much more central) and they are designated housing locations not retail centres. They are not therefore sequential preferable to the application site. They each have provision for a very small convenience retail provision of circa 300 sq.m with is designed to provide essential items for residents of the developments as a top-up store. This scale of store is not comparable with the proposed Lidl store and these sites would not be suitable or available for a store of the scale of the proposed Lidl. On this basis, these sites have not been formally included in the sequential assessment.

Scope of the assessment

7.10 When addressing the sequential approach, both the applicant and Local Planning Authority must adopt realism and only consider sites which are 'suitable' for the development proposed by the applicant. The Supreme Court case, involving Tesco and Dundee Council (March 2012), considered the issue and



definition of ‘suitability’, and the degree to which an application should demonstrate flexibility. The judgement concluded that:

- The natural reading of each policy is that the word suitable, in the first criteria, refers to the suitability of site for the proposed development (our emphasis) – it is the proposed development which will be acceptable if no suitable site is available more centrally (paragraph 25) and
- The application of the sequential approach requires flexibility and realism from developers and retailers, as well as planning authorities (paragraph 28).

7.11 When determining what constitutes a suitable site, regard has to be given to the need that the proposed development is intending to serve. The High Court Decision involving Warners Retail and Cotswold District Council (July 2014), confirmed that the Dundee decision applies in England.

7.12 The judgement of Justice Ouseley in Aldergate Properties v Mansfield District Council (EWHC 1670 (Admin) 8 July 2016), further clarifies the context in which the ‘suitability’ and ‘availability’ of sites should be considered:

- “‘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” (Paragraph 35);
- “this incorporates the requirement for flexibility in the NPPF, and excludes generally, the identity and personal or corporate attitudes of an individual retailer” (Paragraph 35); and
- “‘Available’ must generally mean available for the type of retail use for which permission is being sought” (Paragraph 42).

Former Lidl foodstore, Drayton Road

7.13 The Lidl foodstore at Drayton Road closed on 30 April 2023. This Drayton Road site is outside of the 10-minute catchment area. As such, it is clear that this site must not form part of our sequential assessment.

7.14 In relation to the Drayton Road site, Lidl has said:

“The Barnard Rd site [the application site] is required for our store expansion and is unrelated to our store closure on Drayton Road.

The proposed site on Barnard Road would meet the needs of both the customer and our in-store colleagues on the west side of Norwich.

We have closed the store for a number of reasons. The store was undersized meaning that the customer and colleague offering was not to the standard required, the sales



area was too small meaning that we could not offer the full range of products, we had no customer toilets, cannot offer the full bakery offering etc. Partially due to this and the opening of Aldi nearby we have seen that the site is vastly under trading, the site needs large investment to improve the offering as well as the energy efficiency of the building, the surrounding area does not allow for expansion and as such a relocation of the store has been determined as the right course action.”

Sequential parameters

- 7.15 Emery Planning has taken the above judgements into account in defining the parameters for assessing the suitability and availability of potentially sequentially preferable sites.
- 7.16 In this case, Lidl is the intended occupier for the proposed development. The broad type of development is therefore a foodstore.
- 7.17 On this basis, the following parameters have been identified, which reflect the development proposed having regard to the scale, nature and range of goods typically sold by a ‘LAD’ retailer:
- i. A minimum total site area of 2.10 acres, reflecting the size of the site, the need to provide the store, warehousing area and associated servicing, parking and landscaping requirements;
 - ii. A site that can accommodate a minimum store size of 1,949 sq.m (GIA);
 - iii. A site that can allow for the safe manoeuvring of customer vehicles;
 - iv. A prominent site with the ability to attract passing trade;
 - v. A site that is able to offer adjacent surface level car parking, so that customers can easily transfer foods to their vehicles;
 - vi. A site that can accommodate a dedicated service area to the rear of the store and associated HGV’s deliveries and manoeuvres; and
 - vii. A single storey, open and unrestricted sales floor area which befits from a generally level/flat topography, or which has the ability to be developed as such.
- 7.18 The above parameters reflect the minimum requirement necessary to accommodate a Lidl foodstore and, as such, the applicant has applied reasonable flexibility in the consideration of potentially sequentially preferable sites within the identified catchment area in this context.

Site assessment

- 7.19 In assessing and identifying any other potential sequentially preferable sites, for each of the centres within the catchment area, a review of the Norwich City Council Development Plan Documents was undertaken.



Site 1 – Bowthorpe District Retail Centre	
Aerial Image	
Site Description	Site area (ha): 3.57 Number of units: 17 Car park: Approximately 650 spaces
Policy Status	Norwich Local Plan (Local Centre DC01): Policy DM18 – Promoting and supporting centres Policy DM21 – Protecting and supporting district and local centres
Planned Investment	We are not aware of any planned investment in the site and were not advised of any planned investments as part of the pre-application process.
Suitability	Bowthorpe District Centre is anchored by Roy's of Bowthorpe. The website describes the store as an 'independent department store'. It is one of 13 retail outlets in the region owned by the independent chain. In addition to this store, Bowthorpe District Centre contains a small precinct of retail / commercial units and a stand-alone doctor's surgery and public House (The Norkie). Roy's of Bowthorpe is 4,020 sq.m in size. Although (if it was available) it would theoretically be large enough to accommodate the proposed Lidl store (1,949 sq.m GIA), it is very dated in its format and would not meet the modern operational requirements of Lidl. The other units in retail / commercial use are significantly smaller than Lidl's requirement and would not be able to accommodate the proposed development. There is a total of circa. 650 car parking spaces serving the District Centre. The total floorspace of the centre is 7,390 sq.m. Based on Norfolk County Council's parking standards, shops (other than stand-alone food retail stores) require 1 space per 20 sq.m. Based upon this standard, the District Centre potentially has an over provision in parking of around 200 spaces, however, this would not provide a large enough site for the proposed development of 1,949 sq.m with 122 car parking spaces. Adjacent to the District Centre are the remains of Bowthorpe Church, which are a Scheduled Monument (List Entry Number: 1003904). This Heritage Asset would be a key consideration in relation to any proposed development at the site and as such is a constraint. The absence of units that would be suitable for the proposed development (if they were available) or planned investment rule out this centre on suitability grounds.



Availability	There are 4 modest vacant units (not adjacent to one another). These units are of 220 sq.m, 200 sq.m, 190 sq.m and 90 sq.m in size and are therefore significantly smaller than Lidl's required floor area of 1,949 sq.m. The absence of available units results in this site being unavailable to accommodate the proposed development.
Conclusions	For the reasons set out above, this Local Centre is not suitable or available to accommodate the proposed development.
Site 2 – (The Larkham) District Retail Centre	
Aerial Image	
Site Description	Site area (ha): 0.91 Number of units: 16 Car park: Approximately 85 spaces
Policy Status	Norwich Local Plan (Local Centre DC07): Policy DM18 – Promoting and supporting centres Policy DM21 – Protecting and supporting district and local centres
Planned Investment	We are not aware of any planned investment in the site and were not advised of any planned investments as part of the pre-application process.
Suitability	This District Centre consists of an anchor Aldi Store, a Kwiksave, a Morrisons Daily and a variety of small, dated commercial units including take-aways. There is a dedicated car park with approximately 70 spaces adjacent to the Aldi store and a small bay accommodating around 15 parking spaces in front of the parade. The Aldi store is 1,510 sq.m, and is the only unit that is of a scale that could potentially accommodate a Lidl store, however it is occupied with no plans for closure and is circa 400 sq.m smaller than Lidl's requirement, with 52 less parking spaces. This centre is therefore unsuitable to accommodate the proposed development.
Availability	Fully occupied: no units available.
Conclusions	For the reasons set out above, this Local Centre is not suitable or available to accommodate the proposed development.
Site 3 – Norwich Road, Costessey (South Norfolk DC)	



Aerial Image (Approximate red line edge)		
Site Description	Site area (ha): 0.4ha Number of units: 5 Car park: approximately 30 spaces	
Policy Status	No site specific policy designation is South Norfolk Local Plan. This site is not a designated centre and is therefore not sequentially preferable to the application site. It has been included in the Sequential Assessment as the request of the Council.	
Planned Investment	N/A	
Suitability	This small retail area consists of a Co-operative and a handful of small, dated retail / commercial units. None of the units are of a scale or format that could potentially accommodate a Lidl store There is a parking area with approximately 30 spaces in front of the parade. This centre is therefore unsuitable to accommodate the proposed development.	
Availability	Fully occupied: no units available.	
Conclusions	This site is not a designated centre and is therefore not sequentially preferable to the application site. Notwithstanding this, for the reasons set out above, this Local Centre is not suitable or available to accommodate the proposed development.	
Site 4 – (Earlham West) Local Retail Centre		
Aerial Image		
Site Description	Site area (ha): 1.32 Number of units: 19 (excluding student housing block – former Shoemakers Court Hotel) Car park: Approximately 30 spaces	

Policy Status	Norwich Local Plan (Local Centre LC18): Policy DM18 – Promoting and supporting centres Policy DM21 – Protecting and supporting district and local centres
Planned Investment	We are not aware of any planned investment in the site and were not advised of any planned investments as part of the pre-application process.
Suitability	This Local Centre consists of a large former hotel (Shoemakers Court) which has been converted into student accommodation, a GP surgery and pharmacy and a row of small, dated commercial units, some of which have residential accommodation over. There is limited car parking to the rear of the parade of shops. The format of the centre is not suitable to accommodate the proposed Lidl foodstore, which combined with the very limited car parking provision would rule out this centre on suitability grounds.
Availability	Fully occupied: no units available.
Conclusions	For the reasons set out above, this Local Centre is not suitable or available to accommodate the proposed development.
Site 5 - (University of East Anglia) Local Retail Centre	
Aerial Image	
Site Description	Site area (ha): 0.62 Number of units: - Car park: Approximately 39 spaces
Policy Status	Norwich Local Plan (LC26): Policy DM18 – Promoting and supporting centres Policy DM21 – Protecting and supporting district and local centres
Planned Investment	We are not aware of any planned investment in the site and were not advised of any planned investments as part of the pre-application process.
Suitability	This small retail area is within the privately owned University of East Anglia campus and is primarily aimed at serving the needs of students and staff on the campus. It is not a traditional retail area and is not aimed at providing the retail needs of the general public. The car parking areas are privately managed by National Parking and are either on the basis of a permit or pay and display. The parking signs at the entrances inform anyone driving in that the land is private and give the indication that the site is not open to the general public. This Local Centre would not be a location that would be suitable for the proposed Lidl store due to restricted access of the site, the units being too small and the catchment being primarily the University Campus.



Availability	The units available currently appear fully occupied, but due to privately owned nature of the site a GOAD survey was not possible.
Conclusions	For the reasons set out above, this Local Centre is not suitable or available to accommodate the proposed development.
Site 6 – Colman Road, The Avenues Local Centre	
Aerial Image	
Site Description	Site area (ha): 0.91 Number of units: 17 Car park: Approximately 22 spaces
Policy Status	Norwich Local Plan (LC19): Policy DM18 – Promoting and supporting centres Policy DM21 – Protecting and supporting district and local centres
Planned Investment	We are not aware of any planned investment in the site and were not advised of any planned investments as part of the pre-application process.
Suitability	This Local Centre consists of small units underneath residential accommodation. The largest unit is a stand-alone Co-op Daily. The format and scale of the centre is not suitable to accommodate the proposed Lidl foodstore, which combined with the very limited car parking would rule out this centre on suitability grounds.
Availability	Fully occupied: no units available.
Conclusions	For the reasons set out above, this Local Centre is not suitable or available to accommodate the proposed development.

7.20 From a comprehensive review of the above, there are no sites within or on the edge of the identified retail centres, which are sequentially preferable to the application site and that are suitable and available.

Summary

7.21 As set out above, a sequential site assessment has been undertaken, giving consideration to potentially sequentially preferable sites and premises.

7.22 The assessment has found that there are no suitable and available sequentially preferable sites to accommodate the proposed development, even with the application of appropriate flexibility to the site search parameters.



7.23 The proposal therefore fully complies with the NPPF requirement for a sequential site assessment to be undertaken for new retail development which is not situated within a defined retail centre.



8. Retail impact assessment

Introduction

- 8.1 This section sets out the applicant's approach to the retail impact assessment taking into consideration the site's location and the requirements of national and local retail policy.
- 8.2 The new Lidl foodstore (Use Class E) will be 1,949 sq.m GIA with a net sales area of 1,331 sq.m. The Lidl foodstore will be accompanied by a total of 120 car parking spaces. The development will also include adequate cycle parking and a trolley bay located adjacent to the entrance of the foodstore.

Policy requirement

- 8.3 The supporting text to Local Plan Policy DM18 (paragraph 18.15) and also set out in Appendix 4 of the Local Plan states that:

“For Norwich therefore, the default 2,500 sq. m floorspace threshold set by the impact test requirement of the NPPF may be excessive when assessing impact on the suburban district centres and local centres. The local threshold used in this plan is, therefore lower than the national threshold (1,000 sq. m gross internal area) and reflects a proportionate and reasonable approach tailored to local circumstances.”

- 8.4 The Council's position therefore is that for retail development outside town centres, the Council requires an impact assessment if the development is over the locally set floorspace threshold of 1,000 sq.m GIA.
- 8.5 Emery Planning and the applicant's position is that the Local Plan is not up-to-date and any evidence for the locally set impact threshold is at least 8.5 years out-of-date. Our position therefore is that the Council's locally set floorspace threshold does not apply and that the default position is the default threshold is 2,500 sq.m of gross floorspace as outlined in 8.7 Paragraph 90 of the NPPF. As the proposal has a floorspace of 1,949 sq.m GIA, a retail impact assessment is not required to be submitted in support of this planning application. However, without prejudice and in the interests of providing a robust approach, a retail impact assessment has been provided.
- 8.6 Paragraph 90 of the NPPF states that when assessing proposals for edge or out of centre retail development the following two tests should be satisfactorily addressed:
- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and



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

8.7 Each retail test addressed below is therefore assessed on the basis set out above.

Methodology

8.8 Further to the health of existing centres in the locality being established, an assessment of the impacts on existing centres / facilities has been undertaken on a commensurate basis. The steps that have been taken are as follows:

- Established the state of existing centres;
- Determine the appropriate time frame for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur;
- Examine the 'no development' scenario (which should not necessarily be based on the assumption that all centres are likely to benefit from expenditure growth in convenience and comparison goods and reflect both changes in the market or role of centres, as well as changes in the environment such as new infrastructure);
- Assess the proposal's turnover and trade draw (drawing on information from comparable schemes and carefully considering likely catchments and trade draw);
- Set out the likely impact of the proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues; and
- Any conclusions should be proportionate: for example, it may be sufficient to give a broad indication of the proportion of the proposal's trade draw likely to be derived from different centres and facilities in the catchment area and the likely consequences for the vitality and viability of these centres.

8.9 With the above considerations in mind, this Statement's quantitative assessment is set out within a series of Tables in [Appendix EP4: Retail Impact Tables](#) and the text below.

8.10 A price base of 2020 has been used for monetary figures. The base year for the economic assessment is 2023, with a forecast date of 2028. Where appropriate, population and expenditure growth data has been sourced from Experian Micromarketer and Experian Retail Planner Briefing Note 19 (January 2022). Sales densities have been adjusted to a 2020 price base.

8.11 Forecasts for each step of the assessment process are outlined below.



Catchment area adopted

- 8.12 A typical Lidl foodstore will serve a compact 5-minute drive-time core catchment. This reflects the fact that Lidl foodstores provide a neighbourhood shopping facility reflecting their comparatively limited retail offer. On this basis, it is therefore considered that the majority of customers of the new Lidl foodstore will come from within this 5-minute catchment area. However, at the request of the Local Authority and in the interests of a truly robust approach, a 10-minute drive-time catchment area has been adopted, to capture the vast majority of trade drawn from residents. For reference, a copy of the proposal's catchment can be found at [Appendix EP5: Catchment Plan](#).
- 8.13 The assessment therefore takes account of the following centres, which sit within the catchment area:
- Bowthorpe District Centre;
 - The Larkham District Centre;
 - Norwich Road, Costessey Local Centre;
 - Earlham West Local Centre;
 - University of East Anglia Local Centre;
 - Colman Road, The Parade Local Centre;
 - Colman Road, The Avenues Local Centre; and
- 8.14 In addition to the above 10-minute catchment and corresponding retail centres, existing retailer representation needs to be considered. There is just one comparable retailer within 10 minutes of the proposal, this being the Aldi foodstore at Larkman Lane.
- 8.15 The Asda foodstore at Drayton High Road and the Sainsbury's foodstore at William Frost Way, New Costessey are the major main food destinations within the catchment area.
- 8.16 Other provision within the catchment comprises local convenience stores such as Roys of Bowthorpe in Bowthorpe District Centre. In addition to small scale convenience stores such as Co-ops and Morrisons Daily.
- 8.17 A Lidl foodstore at Drayton Road, which is outside of the 10-minute catchment area, closed on 30 April 2023.



8.18 Existing / recent provision is set out in Table 8.1 below.

Destination	Open / closed
<u>In-Centre</u>	
Roys of Bowthorpe, Bowthorpe District Centre	Open
Aldi, Larkman Lane, The Larkman District Centre	Open
<u>Out-of-Centre</u>	
Asda, Drayton High Road	Open
Sainsbury's William Frost Way, New Costessey	Open
Co-op, Dereham Road, New Costessey	Open
Co-op, Norwich Road, New Costessey	Open
Morrisons Daily, Dereham Road	Open
<u>Other</u>	
Lidl, Drayton Road	Closed

8.19 Residents wishing to access a Lidl foodstore must therefore travel further afield.

8.20 In light of the above, the proposed Lidl foodstore is appropriately placed to cater for the lack of comparable foodstores within a reasonable drivetime. There is considered to be a qualitative deficiency of foodstores comparable with the proposed store within this location.

8.21 In consideration of all of the above, the retail impact analysis has therefore been provided in this context.

Potential retail turnover of the proposed foodstore

8.22 For the purposes of this assessment, the turnover of the proposed Lidl foodstore is based on comparison goods sales densities (£ per sq.m) sourced from Lidl.



8.23 The proposal's benchmarked turnover is summarised within Table 8.2 below.

	Gross internal area (sq.m)	Total net sales (sq.m)	Net sales area (sq.m)	Sales density (£ / sq.m)	Turnover 2023 (£m)	Turnover 2028 (£m)
Lidl foodstore	1,949	1,331	-	-	-	-
<i>Convenience</i>	-	-	1,065	8,444	9.0	9.0
<i>Comparison</i>	-	-	266	4,548	1.2	1.3
Total	-	-	-	-	10.2	10.3

8.24 The proposal's benchmarked turnover is based on an average of Lidl's sales density across its entire portfolio of foodstores. As such, it is important to note, as part of the material consideration of the proposal, that some foodstores will trade below the benchmark whilst others will trade above the benchmark.

Impact of retail floorspace on vitality and viability of centres

8.25 The full quantitative trade diversion patterns and projected impact as a result of the development proposed is provided within [Appendix EP3: Retail Impact Tables](#) (Table 4). However, for readers' assistance, the percentage impact for each centre as a whole, are also summarised within Table 8.3 below.

Destination	Trade Diversion 2028 (£m)	Impact 2028 (%)
Bowthorpe District Centre (includes Roys of Bowthorpe)	0.1	1.1
The Larkman District Centre (includes Aldi, Larkman Lane)	0.9	4.8
Norwich Road, Costessey Local Centre	0.0	0.0
Earlham West Local Centre	0.0	0.0
University of East Anglia Local Centre	0.0	0.0
Colman Road, The Parade Local Centre	0.0	0.0



Destination	Trade Diversion 2028 (£m)	Impact 2028 (%)
Colman Road, The Avenues Local Centre	0.0	0.0

8.26 Table 8.4 summarises anticipated monetary impact on the most affected stores within the proposal's catchment area.

Destination	Trade Diversion 2028 (£m)	Impact 2028 (%)
<u>In-Centre</u>		
Roys of Bowthorpe, Bowthorpe District Centre	0.1	1.1
Aldi, Larkman Lane, The Larkman District Centre	0.9	4.8
<u>Out-of-Centre</u>		
Asda, Drayton High Road	0.3	0.6
Sainsbury's, William Frost Way, New Costessey	0.9	1.1
Co-op, Dereham Road, New Costessey	0.4	16.4
Co-op, Norwich Road, New Costessey	0.3	5.0
Morrisons Daily, Dereham Road	0.3	7.5
<u>Other</u>		
Recent closure of Lidl, Drayton Road	5.1	N/A
Other	0.4	N/A

8.27 Tables 8.3 and 8.4 above clearly demonstrate that the proposed development would not have a significant adverse impact on the vitality and viability of any of the identified centres, nor any foodstore, within the catchment area.



- 8.28 When considering the impact of the development proposal in retail planning terms, it is necessary to look at the impact of the development on the centre as a whole, as opposed to its impact upon any single retailer within the centre.
- 8.29 The proposals are forecast to divert £0.9m trade from The Larkman District Centre, which equates to an impact of 4.8%. In the context of Larkman District Centre being healthy, an impact of 4.8% on The Larkman District Centre cannot be considered to be a significant adverse impact.
- 8.30 The proposals are forecast to divert just £0.1m trade from Bowthorpe District Centre, which equates to an impact of 1.1%. Again, in the context of Bowthorpe District Centre being healthy, such an impact is considered to be negligible.
- 8.31 Of the remaining centres in the catchment, it is not anticipated that they will be impacted by the application proposals, due to the scale and nature of shopping destinations within these centres, when compared with the application proposals. On this basis, it is considered that the level of impact arising from the proposed development will not have a significant adverse impact on any of these centres.
- 8.32 In relation to the impact test, the planning practice guidance [PPG] for ‘town centres and retail’, states that the purpose of the test is to consider the impact over time of certain out of centre and edge of centre proposals on town centre vitality / viability and investment¹. The PPG 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 facilities². The PPG states that the impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible³. The PPG states that a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances⁴.

¹ Paragraph: 014 Reference ID: 2b-014-20190722

² Paragraph: 015 Reference ID: 2b-015-20190722

³ Paragraph: 017 Reference ID: 2b-017-20190722

⁴ Paragraph: 018 Reference ID: 2b-018-20190722



8.33 We have carefully considered where the application proposals will divert trade from, to form a robust position on retail impact. Key factors in our decision making process were:

- That the application proposals will compete the most with other comparable foodstores (such as Aldi) and large foodstores which primarily provide a 'main food' offer (such as Asda, Morrisons, Sainsbury's and Tesco).
- That the application proposals will likely divert trade from the closest facilities and those on the same road network or easy access to the application site.

8.34 As set out above, the Lidl foodstore, Drayton Road closed on 30 April 2023. The former foodstore was located 5.6 kilometres east of the application site, within easy access on the road network. The turnover from the former foodstore will be diverted amongst existing destinations initially and then a proportion of its turnover will be diverted to the application proposals, particularly as the application proposals will provide a new and improved 'Lidl offer'. We forecast that 60 per cent (or £5.1m) of the application proposal's turnover will come from the closure of the Lidl foodstore, Drayton Road. This is primarily on the basis that there is an overlap between the catchment area of the closed Lidl store and the proposed store on the application site.

8.35 Aldi, Larkman Lane is located 2.4 kilometres east of the application site, with easy access via Dereham Road. We forecast that 10 per cent (or £0.9m) of the application proposal's turnover will be diverted from Aldi, Larkman Lane.

8.36 We forecast that a further 10 per cent (or £0.9m) of the application proposal's turnover will be diverted from Sainsbury's William Frost Way, New Costessey. The Sainsbury's foodstore is located 3.4 kilometres west of the application site, on the same broad road network.

8.37 Co-op, Dereham Road, New Costessey is located 5 kilometres east of the application site, on the Dereham Road road network. Co-op, Dereham Road is a convenience foodstore, providing a 'top-up' food destination, in the main. We forecast that 5 per cent (or £0.4m) of the application proposal's turnover will be diverted from Co-op, Dereham Road.

8.38 We forecast that a further 5 per cent (or £0.4m) of the application proposal's turnover will be diverted from other destinations within the catchment area of the proposals.

8.39 The remainder of the application proposal's turnover will be diverted from the following destinations: Asda, Drayton High Road (3 per cent / £0.3m); Co-op, Norwich Road, New Costessey (3 per cent / £0.3m); Morrisons Daily, Dereham Road (3 per cent / £0.3m); and Roys of Bowthorpe, Bowthorpe District Centre (1 per cent / £0.1m).



8.40 Based on all of the above considerations, it is deemed that the development fully complies with the requirements of Local Plan Policy DM18, and paragraph 90 of the NPPF.

Fall-back vs application proposals

8.41 The proposal's benchmarked turnover compared with that of a fall-back foodstore⁵ at the application site is summarised within Table 8.5 below.

	Gross internal area (sq.m)	Total net sales (sq.m)	Convenience net sales area (sq.m)	Convenience sales density (£ / sq.m)	Turnover 2023 (£m)	Turnover 2028 (£m)
Lidl foodstore	1,949	1,331	1,065	8,444	9.0	9.0
Fall-back foodstore	3,258	2,150	1,720	10,000	17.2	17.2

8.42 As set out above, the benchmark turnover of the proposed Lidl foodstore is predicted to be £9.0m in 2028. A fall-back foodstore occupying the entire unit is forecast to have a benchmark turnover of £17.2m in 2028. This is a conservative estimate. The turnover of a fall-back foodstore is close to double that of the Lidl foodstore.

8.43 Different foodstore operators will have different trade diversionary patterns, however, there will be some similarities, in particular, impacting on nearby foodstores. Without doubt, the fall-back foodstore having twice the turnover of a Lidl foodstore, will have higher trade diversionary figures / higher impact figures when compared with the Lidl foodstore. This means that the fall-back position is worse when compared with the Lidl foodstore in terms of retail impact.

Health check Assessments

8.44 Full health check assessments are provided at [Appendix EP6: Health Check Assessments](#) and as stated previously, the centres assessed are considered to be healthy.

⁵ The gross to net ratio and convenience to comparison sales area ratio of the Lidl foodstore has also been applied to the fall-back foodstore. This is a conservative estimate, with other foodstore operators typically having different ratios. Likewise, the convenience goods sales density of £10,000 / sq.m is a conservative estimate with other foodstore operators having a higher convenience goods sales density.



Impact on investment in centres

- 8.45 Emery Planning is not aware of any existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. Given this, it is considered that the proposal will not have any significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.

Comparison floorspace

- 8.46 Any comparison goods sales within the foodstore will be ancillary to its primary role as a food and grocery shopping destination, with trade diversion and impacts on existing comparison goods destinations being extremely limited. Table 8.2 above shows that the Lidl foodstore will have a comparison goods turnover of just £1.3m in 2028. On this basis, the impacts of the comparison goods turnover of the proposed foodstore are minimal; they do not form part of our retail impact assessment; and in no way could be described as significant adverse impacts.

Summary

- 8.47 In summary, it has been demonstrated within the above analysis and commensurate assessment above that the application proposal will not have a significant adverse impact on the vitality and viability of any defined retail centre.
- 8.48 The proposal will deliver many benefits for the local residents, including an improved range and choice of convenience goods, increased employment opportunities, and reduced journey times.
- 8.49 The proposal will not have any significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.
- 8.50 It is considered that the development proposed fully complies with the requirements of Local Plan Policy DM18. Policy DM18 outlines that proposals for main town centre uses on employment areas will be permitted where the proposal would not result in a significantly harmful impact on the vitality and viability of the city centre or other existing and proposed centres, would not compromise committed proposals for their expansion and would not significantly undermine prospects for their regeneration, improvement or enhancement.
- 8.51 In summary, and for the reasons set out above, it is considered that the proposals are in accordance with the NPPF, NPPG, and all retail related Development Plan policies.



9. Conclusion

- 9.1 This Planning & Retail Statement demonstrates that the proposed development will create a high quality and well-designed foodstore that is entirely appropriate in composition and character to its location. The proposed development will enhance the site and assist in meeting local community needs.
- 9.2 In summarising the comprehensive benefits of the proposed development, and following a detailed consideration of its appropriateness, having regard to its accordance with the Development Plan in the context of the Framework and other material considerations, this concluding section sets out its consistency with the sustainable development principles of the Framework. It demonstrates that the proposals perform a positive economic, social and environmental role and therefore benefits from the presumption in favour of granting planning permission within the Framework (Paragraph 14).

Sustainable development

The proposed development performs a positive economic, social and environmental role in following ways:

Economic

- 9.3 The proposals will provide economic benefits including the creation of on-site construction jobs (preferably for local residents of Bowthorpe) and support off-site jobs in construction related industries. The construction of the site will also have the opportunity to provide training opportunities, in the form of apprenticeships.
- 9.4 It is considered that the proposal will help support sustainable economic development and thriving local places that the country needs [Paragraph 17 of the Framework]. Main Town Centre uses are included within the definition of “economic development” in the Framework; as such developments will assist the Council in meeting the economic component of sustainable development.



Social

- 9.5 The proposed development will support the creation of a strong, vibrant and healthy community by providing a foodstore which will meet the needs of the area, in a sustainable location.
- 9.6 The social role and impact of the application proposals has been considered in detail and the main benefits are as follows:
- The proposals ensure the provision of a foodstore within the catchment area;
 - The site is within walking distance of a number of employment industries, services and housing; and
 - The application site is located in a sustainable location. Excellent public transport services in particular means that the site benefits from good connections to the sub-region and beyond.
- 9.7 The proposed development will therefore meet the social component of sustainable development.

Environmental

- 9.8 The environmental impacts of the proposed development have been considered in detail in a number of the technical reports that accompany the application.
- 9.9 The proposed development will not harm the natural, built or historic environment and will help to improve biodiversity.
- 9.10 The key environmental benefits relating to the application site are summarised below:
- The proposals provide biodiversity net gain which exceeds 10 per cent.
 - No designated nature conservation sites will be affected by the proposed development on this site;
 - The development is not located where it would have an adverse impact on any heritage assets;
 - The development proposals include adequate mitigation to ensure habitats and protected species on the site are not adversely affected;
 - Through appropriate mitigation the development will not adversely impact on any residential amenity issues;
 - The proposals will deliver improved access to the site; and
 - Existing trees and hedgerows will be accommodated as part of the development proposals where possible and there will be new landscaping and planting as part of the scheme.



- 9.11 It is therefore concluded that the proposed development will play a positive economic, social and environmental role and comprises sustainable development in accordance with the provisions of the Framework [Paragraph 7]. As a result, there is a presumption in favour of granting planning permission for the proposals (the Framework Paragraph 14).

Retail

- 9.12 Consideration has been given to alternative sites within and on the edge of defined centres within the catchment area of the proposals, in order to assess their potential to accommodate the proposed developments. None of the sites are considered to be suitable and available, due to a range of constraints, including their size and existing uses. It is therefore considered that the proposals are compliant with the sequential approach to site selections as set out in the Framework.
- 9.13 The retail impact assessment concludes that there will not be any significant adverse impact on the health of defined centres within the catchment area of the proposals. There are not any current, committed or planned public or private investments for main town centre uses in defined centres within the catchment area of the proposals upon which the proposed scheme could have a significant adverse impact. It is not considered that the proposed development would have any significant adverse impact upon the ability to attract new investment to defined centres within the catchment area of the proposals.

Other considerations

- 9.14 There are no other material considerations relating to technical or other matters which would outweigh the considerations set out above.

Overall conclusions

- 9.15 This planning application seeks permission for a proposed foodstore (Use Class E) with associated car parking and landscaping.
- 9.16 It has been demonstrated, through this report, that the proposed development is acceptable in planning terms, having regard to national and local planning guidance particularly in respect of the principle of development but also in respect of other technical considerations.
- 9.17 The proposed development performs a positive economic, social and environmental role and comprises sustainable development in accordance with the provisions of the Framework. As a result the proposed development benefits from a presumption in favour of granting planning permission for sustainable development.



9.18 It has been demonstrated that the proposals pass the retail sequential and impact tests.

9.19 The proposed development complies with the policies and proposals of the Development Plan. There is a presumption in favour of the proposed development arising from Section 38(6) of the 2004 Act. There are no material considerations that outweigh this. Honeyview Investments Ltd therefore respectfully requests that positive and expeditious consideration is given to this application.



EP1

EP2



TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application submitted by: On behalf of :

Griffiths McAllister Designs Ltd., Solar Bowl
Cornfields,
Wicks Lane,
Earl Stonham,
Suffolk, IP14 5HL

Date of application : 23rd August 1991 Application No. :

Decision Date: 12th February 1992 4910701/F

Location and Proposal :

Site EM1A Barnard Road, Bowthorpe

Erection of single storey building to provide 30 lane
ten pin bowling centre with associated parking.

Conditions :

- 01 The development must be begun not later than the expiration of five years beginning with the date of this permission.
- 02 Within six months of the completion or first occupation of the development hereby permitted (whichever is the earlier) landscaping, planting and site treatment works shall be carried out in accordance with a scheme to be first approved by the Council and shall be permanently retained thereafter.
- 03 The existing tree belt along the north end of the site shall be protected during construction by the erection of a Chestnut paling fence and the planting belt shall be reinstated to the satisfaction of the City Council following construction of the embankment between the

Brian Smith

City Planning Officer

DECISION SENT 17 FEB 1992



Norwich City Council

PLANNING DEPARTMENT

Brian Smith, Dip. T.P., M.R.T.P.I., D.M.S., M.B.I.M.

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Continued

APPLICATION NO. 4910701/F

planting belt and the service road.

- 04 The installation of any plant or machinery on the premises shall be in accordance with a scheme approved by the Council for the reduction, where necessary, of the level of noise and vibration emanating from the premises.
- 05 Details of any extract ventilation or fume extraction system including the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment to be installed and used in the premises in pursuance of this permission shall be first approved by the Council and installed before the use hereby permitted commences and thereafter retained in full accordance with the approved details.
- 06 Prior to the first occupation of the buildings hereby permitted car parking areas shall be laid out, surfaced and available for use and bicycle storage provided, in accordance with the plan (no.016/91-021) attached to this consent and shall thereafter be permanently retained.
- 07 Prior to the first occupation of the buildings hereby permitted servicing areas shall be laid out, surfaced and available for use and refuse storage areas shall be provided, in accordance with the plan (no.016/91-021) attached to this consent and shall thereafter be permanently retained.
- 08 Within five years of the first occupation of the building the area indicated on the plan as "future parking if required" shall be laid out and surfaced to match the main car park and made available for use for visitor parking, unless before that time application is made to the City Council to vary or remove this requirement following monitoring of the levels of use of the building and the main car park.
- 09 The materials to be used in the construction of the building shall be as specified in the agent's letter of 31st January 1992, except that the blue colour shall correspond to RAL 5019.

Brian Smith

City Planning Officer



Norwich City Council

PLANNING DEPARTMENT

Brian Smith, Dip. T.P., M.R.T.P.I., D.M.S., M.B.I.M.

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Continued

APPLICATION NO. 4910701/F

Reasons for Conditions :

- 01 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 02 To enhance the visual amenity of the area.
- 03 To safeguard the existing trees on the site.
- 04 To prevent nuisance arising from noise.
- 05 To protect the visual amenity of the area and prevent nuisance arising from the discharge of fumes.
- 06 To ensure an acceptable minimum provision of parking on the site.
- 07 To ensure proper servicing provision is with the site.
- 08 To ensure adequate parking on the site.
- 09 To ensure the appropriate detailing of the scheme.

NOTE:

The approved drawings are;

Site plan 016/91-15

Floor plan 016/91-02

Amended elevations 016/91-019 Received 25th November 1991

Amended site layout plan 016/91-021 Received 4th February 1992.

City Planning Officer

EP3

Barnard Road, Bowthorpe

Table 1: Convenience goods turnover of defined centres within the catchment area of the proposals (£m)

Destination	Convenience goods turnover 2020 (£m)	Convenience goods turnover 2023 (£m)	Convenience goods turnover 2028 (£m)
Bowthorpe District Centre	7.7	7.7	7.7
The Larkman District Centre	17.9	17.9	17.9
Norwich Road, Costessey Local Centre	No data available	No data available	No data available
Earlham West Local Centre	No data available	No data available	No data available
University of East Anglia Local Centre	No data available	No data available	No data available
Colman Road, The Parade Local Centre	No data available	No data available	No data available
Colman Road, The Avenues Local Centre	No data available	No data available	No data available

(1) Convenience goods turnover in 2020 sourced from Table 5a, Appendix II, Volume 3 of the Greater Norwich: Town Centres & Retail Study (2017)

(2) Price base converted from 2015 prices to 2020 prices using EXRPBN 19 Apx 4b (Jan 2022)

(3) Turnover carried forward to 2028 based on Emery Planning's assumed forecast sales efficiency increase, based on EXRPBN 19 Figs 4a&b (Jan 2022)

(4) 2020 prices

Table 2: Retail turnover of proposed development (£m)

	Gross internal area (sq.m)	Total net sales ⁽¹⁾ (sq.m)	Net sales area ⁽²⁾ (sq.m)	Sales density ⁽³⁾ (£ / sq.m)	Turnover 2023 ⁽⁴⁾ (£m)	Turnover 2028 ⁽⁵⁾ (£m)
Lidl foodstore	1,949	1,331				
Convenience			1,065	8,444	9.0	9.0
Comparison			266	4,548	1.2	1.3
Total					10.2	10.3

(1) Net sales area taken from application drawings
(2) Assumed 80% net convenience sales and 20% net comparison sales
(3) Sales density sourced from Lidl
(4) Turnover = net sales area * sales density / 1,000,000
(5) Turnover carried forward to 2028 based on Emery Planning's assumed forecast sales efficiency increase, based on EXRPBN 19 Figs 4a&b (Jan 2022)
(6) 2020 prices

Table 3: Trade draw from residents

		Inside 10-minute drivetime	Outside 10-minute drivetime	Total
Lidl foodstore	Draw % ⁽¹⁾	95	5	100
	Draw £m	8.5	0.4	9.0

(1) Trade draw from residents based on Emery Planning's assumptions and typical trade draw from Lidl foodstores

(2) 2020 prices

Table 4: Convenience trading effects of the proposed development (£m)

Destination	Turnover 2020 (£m)	Turnover 2023 (£m)	Turnover 2028 (£m)	Convenience trade diversion to proposals (%)	(£m)	Residual turnover 2028 (£m)	Impact 2028 (%)
In-Centre							
Bowthorpe District Centre (includes Roys of Bowthorpe)	7.7	7.7	7.7	1	0.1	7.6	-1.1
The Larkman District Centre (includes Aldi, Larkman Lane)	17.9	17.9	17.9	10	0.9	17.0	-4.8
Out of Centre							
Asda, Drayton High Road	41.2	41.2	41.2	3	0.3	40.9	-0.6
Sainsbury's, William Frost Way, New Costessey	75.9	75.9	75.9	10	0.9	75.0	-1.1
Co-op, Dereham Road, New Costessey	2.6	2.6	2.6	5	0.4	2.2	-16.4
Co-op, Norwich Road, New Costessey	5.1	5.1	5.1	3	0.3	4.8	-5.0
Morrisons Daily, Dereham Road	3.4	3.4	3.4	3	0.3	3.1	-7.5
Other							
Recent closure of Lidl, Drayton Road	-	-	-	60	5.1	-	-
Other	-	-	-	5	0.4	-	-
Total	-	-	-	100	8.5	-	-

(1) Turnover of Bowthorpe District Centre in 2020, 2023 and 2028 taken from Table 1
(2) Turnover of The Larkman District Centre in 2020, 2023 and 2028 taken from Table 1
(3) Benchmark turnover of Asda, Drayton High Road estimated to be £41.2m in 2020
(4) Benchmark turnover of Sainsbury's, William Frost Way, New Costessey estimated to be £75.9m in 2020
(5) Benchmark turnover of Co-op, Dereham Road, New Costessey estimated to be £2.6m in 2020
(6) Benchmark turnover of Co-op, Norwich Road, New Costessey estimated to be £5.1m in 2020
(7) Benchmark turnover of Morrisons Daily, Dereham Road estimated to be £3.4m in 2020
(8) Trade diversionary figures based on Emery Planning's assumptions
(9) 2020 prices

EP4



Alexa Burns
Emery Planning
Unit 2-4 South Park Business Court
Hobson Street
Macclesfield
Cheshire
SK11 8BS

19th May 2023

Your reference

Our reference 23/00276/PREAPP

By email

Dear Alexa

- **Proposed Class E Foodstore, 10 Barnard Road, Norwich**

Thank you for your request for advice relating to the above proposed development. This advice is provided further to a meeting between the council and yourself on 13th April 2023 and the submission of further correspondence relating to fall-back position received 5th May 2023.

You have applied for advice relating to proposals for redevelopment of the site to provide a Class E retail foodstore for a specific site operator (Lidl). You are seeking to agree the scope of the application, its retail assessment and transport assessment.

In terms of the acceptability of the proposals this has been assessed under the sections below.

Constraints

- Designated employment land – Bowthorpe Employment Area (policy DM16 applies).

Relevant planning policy

The following main policies, documents and guidance will be used in considering your proposal:

Joint Core Strategy for Broadland, Norwich and South Norfolk, 2011 amended 2014 (JCS) - available [here](#);

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS5 The economy
- JCS6 Access and transportation
- JCS7 Supporting communities
- JCS9 Strategy for growth in the Norwich policy area

- JCS11 Norwich City Centre
- JCS19 The hierarchy of centres
- JCS20 Implementation

Norwich Development Management Policies Local Plan 2014 (DMPLP) – available [here](#).

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM11 Protecting against environmental hazards
- DM16 Supporting the needs of business
- DM18 Promoting and supporting centres
- DM20 Protecting and supporting city centre shopping
- DM21 Protecting and supporting district and local centres
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM33 Planning obligations and development viability

Other material considerations

Relevant sections of the National Planning Policy Framework July 2021 (NPPF):

- NPPF 2 Achieving sustainable development
- NPPF 4 Decision-making
- NPPF6 Building a strong, competitive economy
- NPPF7 Ensuring the vitality of town centres
- NPPF8 Promoting healthy and safe communities
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF 12 Achieving well-designed places
- NPPF 14 Meeting the challenge of climate change, flooding and coastal change
- NPPF 15 Conserving and enhancing the natural environment

The NPPF is available at the following link:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- National Model Design Code,
- National Design Guide,
- Building for a Healthy Life

Emerging Policy

Greater Norwich Local Plan (GNLP) – still undergoing examination. Will replace the Joint Core Strategy and Site allocations and site specific policies plan only. Adoption likely early 2024.

The proposal

To demolish the existing building on the site (approx. 3,258sqm) to allow redevelopment and construction of a Class E foodstore, to be occupied by Lidl. The proposed building has a gross external area of 1,900sqm (approx. 1,250 sqm sales area) with 120-122 parking spaces, hard and soft landscaping and improved pedestrian and cycle access on the northern part of the site only. The site will continue to be accessed from the existing access from Barnard Road which is shared with the hotel site adjacent to the east. The southern part of the site may be subject to a further application in the future and would be served from the same point of access.

Planning history

Ref	Proposal	Decision	Date
4/2000/0399	Extensions and alterations to front of building, new mezzanine level restaurant and alterations to car park.	APPR	12/07/2000
4/1992/0793	No.2 Post mounted triangular signs.	TEMP	18/12/1992
4/1994/1013	Erection of signs.	APCON	06/01/1995
4/1999/0985	Extensions to building at front and rear and to car park.	APPR	17/02/2000
06/00056/O	Outline proposals for the demolition of existing bowling alley and erection of hotel and separate public house/restaurant.	WITHDN	27/04/2006
07/00056/O	Outline application for the erection of hotel and bowling alley.	REF APPEAL DISMISSED	30/04/2007

Principle of development

Loss of existing leisure use/community use

The site is in the Bowthorpe Employment Area and currently operational as a bowling centre, a leisure use which the NPPF defines as a 'main town centre use' and is therefore not currently in employment use (as defined by policy DM16). The existing bowling alley dates from the early 1990s and was approved prior to the adoption of the previous and current Local Plan (DMPLP), in the context of more permissive planning policies relating to the location of large-scale leisure development, and a relatively good supply of alternate sites and premises for B class employment use.

The premises is not currently vacant, however you suggest that the bowling centre will not be viable in the medium/long term. However, local knowledge together with historic information suggests that the business operating from the site is well attended by clubs and organised groups for structured bowling and provides a facility that meets specific demands which differ from other bowling facilities within Norwich aimed more at recreational/casual users, ensuring its continued success in this out of

centre location. The proposals would therefore result in the loss of a valued indoor leisure facility, currently used by community groups which falls within the local plan definition of 'community facilities/uses'.

DMPLP policy DM22 states that development resulting in the loss of an existing community facility will only be permitted where:

- a) adequate alternative provision exists or will be provided in an equally accessible or more accessible location within 800 metres walking distance; or
- b) all reasonable efforts have been made to preserve the facility but it has been demonstrated that it would not be economically viable, feasible or practicable to retain the building or site for its existing use; and
- c) evidence is provided to confirm that the property or site has been marketed for a meaningful period and that there is no realistic interest in its retention for the current use or for an alternative community use.

As no alternative provision currently exists within 800 metres then you will need to satisfy the requirements of both (b) and (c) of the policy and demonstrate lack of viability concerning the continued use of the site for the existing use and lack of realistic interest in retaining the building for an alternative community use.

Based on the requirements of policy DM22 there may be merit in maintaining a continued bowling centre use of the site at a smaller scale than the existing if you are able to demonstrate that the need for a reduced size of facility would perhaps be a more viable longer term alternative and if this could be accommodated on part of the site which would fall outside of the requirements of the current retail operator interest.

Need to retain employment areas

Any proposals for redevelopment for other uses of the site need to be assessed against current planning policies. In November 2019 a Reg 10A review took place and conclusions for DM16 and DM18 were that these policies are considered to be fit for purpose at the present time, however a future review is considered desirable. Whilst the GNLP notes that committed employment land is sufficient in quantity and quality to meet the potential for enhanced growth, paragraph 295 of the Reg 19 version of the GNLP sets out that the 'Employment Town Centre and Retail study' reviewed existing employment sites and allocations and did not conclude that any should be reallocated for other uses. This position will be given further consideration when a review of the DM policies plan takes place (after adoption of the GNLP). At this point in time however the existing employment areas still apply and policy DM16 and DM18 are both relevant (and will remain in place and relevant once the GNLP is adopted). Of note here is the fact that the employment area is a policy designation and not a site allocation and such designation remains in place upon the adoption of the GNLP and until the DMPLP policies are reviewed.

Proposed retail use

Notwithstanding its current leisure use, the site remains designated as part of a defined 'employment area' promoted primarily for employment use. Under DMPLP policy DM16, within employment areas, proposals for new employment development (Use Class B1 (now Class E(g)), B2 and B8) will be prioritised along with other forms of economic development where this would not conflict with the requirements of

policy DM18 in relation to town centre uses [or with policy DM19 in relation to city centre office development], would not prejudice the function of the employment area and would not undermine committed proposals for its redevelopment or regeneration.

The site is an 'out of centre' location and the retail use proposed is a 'main town centre use' as defined by the DMPLP and NPPF. DMPLP Policy DM18 states that proposals for main town centre uses on employment areas will be assessed and determined in accordance with the criteria in policy DM16 (and, where applicable, DM17) prioritising these areas for employment and other economic development uses, and permitted exceptionally where:

- a) the sequential and impact assessment requirements have been satisfied and it is demonstrated that it is not practical to accommodate the development on a more sequentially preferable or accessible site; and
- b) the use is appropriate to the character and function of the employment area; or
- c) the use is ancillary to or associated with an existing use already on the employment area.

The sequential and impact assessments must demonstrate clearly that:

- the proposal could not be accommodated on any reasonable alternative and available site or sites within or adjacent to a defined centre at the appropriate level of the hierarchy; and
- the proposal would not result in a significantly harmful impact on the vitality and viability of the city centre or other existing and proposed centres, would not compromise committed proposals for their expansion and would not significantly undermine prospects for their regeneration, improvement or enhancement.

The applicable floorspace threshold for such sequential and impact assessments as set out in appendix 4 of the DMPLP is 1000 sqm gross internal area. As mentioned above the Reg 10A review concluded that this policy is still fit for purpose. The NPPF sets out that the default threshold of 2,500sqm should only be used where there is no local threshold. Given that a local threshold exists which is not considered out of date, an impact assessment will be required rather than a Health Check of Bowthorpe district centre as you initially suggested.

Therefore in summary, subject to being able to justify the loss of community use from the site (or its retention at a smaller scale) in accordance with policy DM22, retail use could be permitted as an exception where the requirements of parts (a) and (b) or (a) and (c) of policy DM18 as set out above are met and the use would not prejudice the function of the employment area and would not undermine committed proposals for its redevelopment or regeneration as required by policy DM16.

Sequential and Impact Assessments

The adopted retail strategy for the Greater Norwich area, requires major retail development to be located in accordance with the identified hierarchy. Norwich city centre is located at the top of hierarchy of centres set out in JCS Policy 19 and is identified as the main focus in the sub-region for future retail development (Policy 11). Other district and local centres are also identified for lower order retail uses in the adopted Development Management Policies Local Plan.

You suggest that the proposed development will serve a very specific catchment area correlating to a 5 minute drive time catchment, however no further justification or explanation has been provided as to why such a specific catchment is relevant. It is however recognised that the nature of this type of retail use means that it would not compete directly with the mainly comparison based retail offer of the city centre.

As the site is located on the very edge of Norwich City Council's administrative area your assessment will need to extend into the adjacent district of South Norfolk Council. You go on to suggest a 10 minute peak drive time as an appropriate catchment area for a sequential assessment for a foodstore of the size and type proposed. I am aware that recent applications at Longwater retail park within South Norfolk district have used a 10 minute drive time as their core catchment area and therefore for consistency of approach I would suggest that a 10 minute drive time (not peak) represents an appropriate area of search for sequential site assessment.

The district and local centres which should be subject to impact and sequential testing which lie within a 10-minute drivetime catchment area of the proposal are:

- Bowthorpe District Centre (Norwich CC) – includes comparable food /convenience store
- The Larkham District Centre (Norwich CC) – includes comparable food /convenience store
- Norwich Road, Costessey Local Centre (South Norfolk DC)
- Earlham West Local Centre (Norwich CC)
- University of East Anglia Local Centre (Norwich CC)
- Colman Road, The Parade Local Centre (Norwich CC)
- Colman Road, The Avenues Local Centre (Norwich CC)
- Easton / Costessey (South Norfolk DC - Mixed Use allocation under EAS1)

The large car park at Bowthorpe District Centre should also be explored as a potential option which may have some scope for a new food store. This should be investigated further to establish whether there is capacity for a new build foodstore here at the expense of some car parking.

I am also aware that Lidl's closest store in the Drayton Road District Centre is just outside of a 10-minute drive time catchment and is expected to close soon. I would expect options for redevelopment of this site to be considered/addressed as part of the retail assessment.

In general, other relevant policies that require consideration in this case would be those concerning access and highway safety, protecting biodiversity and the natural environment and flood risk.

Fallback position: Class E conversion

Extensive changes to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 created a new 'commercial, business and service' Class E, which incorporates a wide range of uses which previously fell within different use classes. With relevance to these proposals indoor sport and recreation, leisure uses (previously Class D2) now fall within the same use class as retail uses (previously Class A1).

As the planning history for the site does not suggest that the use was restricted by planning condition or that permitted development rights have been removed then it

would be reasonable to conclude that the use of the existing building on the site could be changed from its existing use as a bowling centre to the proposed retail use as a permitted change without the need for planning permission. Both uses now fall within the wider array of alternate proposals now possible within the same Class E Use class.

The changes to the Use Classes Order would only permit a change of use and not physical building works associated with the proposed change of use. You explain that the existing building (3,258sqm) is larger in floor area than that required of the proposed use and suggest that this represents a robust 'fall-back' position which should be afforded significant weight.

I agree that fall-back is a material consideration in the decision making process, of which the permitted development rights given by the Use Classes Order comprise an element. Case law suggests that regard must be had to an applicant's ability to implement a fall-back permission and whether the prospect of the fall-back taking place is realistic and not just theoretical. The weight to be attached to the fall-back position should be determined by the decision-maker accordingly.

You have already highlighted that the existing building is greater in size than Lidl's specific operational needs, necessitating an application to demolish and rebuild. In addition, the redevelopment only requires part of the site. It would therefore appear that neither the building nor the site meet the specific requirements of the proposed development as specified by Lidl in several ways. The change of use of the existing building is not likely to occur as it is not of a suitable size for the proposed operator, it is in excess of their requirements and would result in vacant floor space which could be occupied by another operator and as I understand it this would not be attractive to Lidl. I would therefore question whether these specific proposals represent a robust or realistic fall-back position and therefore consider it should only attract very limited weight as a material planning consideration. Also, as only part of the overall site is required by the potential retail operator this represents inefficient use of the site within your client's ownership as a whole leaving over a third of the site vacant and subject to uncertainty.

Further to our meeting you have provided additional information as to your thoughts on the matter of the fallback position at this site. It is important here to differentiate between your client's wider options for the site rather than the specific proposals initially presented to the Council around the use of the site by a specific retail operator (Lidl) and their specific store/site requirements. Your case has changed emphasis in your submission of 5th May to widen the scope of the fall back to your client seeking to find the most viable and feasible use of the site moving forward, not specific to one particular operator's requirements. This arguably becomes more of a theoretical approach to redevelopment. This differs from the position put to the Council in the initial stages of the pre-application enquiry which was focused on one specific operator's operational requirements, in this case Lidl. As you no doubt appreciate the matter of the weight to be attributed to fall-back may differ depending on the proposals.

A true fall back would allow a change of use to take place and occupation of a building for the new use without the need for any consent from the local planning authority.

It is however clear through initiating these discussions that your client intends to revisit the possibilities surrounding redevelopment of the site/putting it to an alternative use some 16 years since it was last considered by the council and tested at appeal. There have been some significant changes in the intervening period including the adoption of the current development plan in 2014; progress being made on a replacement Greater Norwich Local Plan; identified changes to the Use Classes Order surrounding commercial, business and service uses and the immediate and then more limited longer term impacts of the covid pandemic. However, the bowling centre use operating at the site has diversified and to date continues to operate from the site which suggests that at the current time at least it continues to be a viable operation.

Rather than concentrating on fallback I feel that it would be more beneficial to discuss (subject to meeting the policy requirements as set out above) the possibilities surrounding a mixed retail and leisure proposal for the whole of the site within your client's ownership.

Access and highways matters

As advised, I understand that you are progressing advice direct with Norfolk County Council as highway authority on specific matters relating to agreeing the scope of a Transport Assessment. It is assumed that you will also be discussing with them specific measures required to improve pedestrian and cycle access to the site.

Parking

Norwich City Council parking standards are found at [Appendix 3](#) of the DMPLP.

Car parking (retail) Max 1 space per 20sqm gfa (1900sqm = 95 spaces), 5% of total disabled (4-5), 5% of total parent and child (4-5), 5% of level of car parking should be secure motor cycle parking. One electric vehicle charging space.

Cycle parking – Staff – 1 space (covered and secure) per 100sqm (19 spaces), customers 1 space per 50sqm adjacent to principle entrances (38 spaces).

In general terms the site is accessed from Barnard Road but also has a frontage (without direct access) to Dereham Road which is a corridor of movement. Not only is this an out-of-centre location in policy terms, the area and this site in particular, is not sustainably located or sufficiently accessible to adopt a retail role as travel would predominantly be by private car, contrary to the objectives of JCS Policies 1 and 6 to minimise the need to travel, encourage walking, cycling and the use of public transport and to concentrate development close to essential services.

Accessibility

The site is poorly related to adjoining residential areas, with limited accessibility to public transport routes for both staff and customers and extremely limited opportunity for linked trips other than from a workplace within the employment area. Housing in Costessey to the north is located beyond the A1074 Dereham Road which has very limited crossing facilities. Housing in Chapel Break, Clover Hill and Three Score (part of Bowthorpe) is located to the south. This area has some footpath/cycle path provision from the employment area but is separated by Chapel Break Road which although this has footway provision it is not actively overlooked and only allows opportunity to cross in specific locations. Public transport to and from the city centre is available on Dereham Road and Chapel Break Road, however access to bus stops will require further investigation and likely improvements. The proposed use is

clearly intended for private car users and its location does little to reduce dependency on the private car, as it is not currently well related to the surrounding residential areas, or located in a centre where linked trips could be reasonably made. The location of the proposed development is thus contrary to the aims of policy DM1 and DM28 unless sufficient improvements can be made to rectify the issues identified and promote access to and through the site by sustainable travel modes other than the private car.

Layout observations

I understand that the choice of location of the proposed food store is on the northern part of the site so as to provide greatest visibility from Dereham Road. Large scale totem signage is proposed to the Dereham Road frontage, which would be a form of advertisement which is not particularly characteristic of the area. There is only one other such totem sign in the area at the Coop petrol filling station on Dereham Road. The Dereham Road edge of the Bowthorpe Employment Area is quite verdant and mainly heavily vegetated, with the exception of this part of the frontage which has less mature trees and smaller scale advertisements. There is residential development on the opposite side of the Dereham Road. Large scale signage is unlikely to be acceptable in this location. A more subtle form of signage would likely be required in this location, subject to input from the highway authority on highway safety considerations.

As set out in the highways matters section above the provision of approx. 120-122 car parking spaces represents an over provision of car parking for the amount of retail floor space proposed. There is no relief across the car parking area through the provision of landscaping. No details of cycle parking or pedestrian linkages through the site are shown.

A smaller parcel of land adjacent to the Barnard Road frontage is shown to be for 'future development opportunity'. In adopting this approach however there is a potential that the food store could become hidden in future behind an unspecified other use towards the back of the site. Also, in the short term the frontage of the site would have the potential to become unsightly/unkempt which is not something that the council would want to see happen.

It is agreed that the site is not currently used in a very efficient way. A large, perhaps underutilised building is situated behind a large extent of underutilised car parking area. A more acceptable approach to explore as stated above could be to redevelop the entire site for a mixed use development which makes some reprovision of the bowling facility that exists on the site and accommodates the proposed operators food store.

Additional general advice

Any new development should look to seek a net increase in biodiversity (Biodiversity Net Gain) and connection with the adjacent habitats. Please note that NPPF para 174 states that the planning system should contribute to and enhance the natural and local environment by providing net gains in biodiversity. A mandatory 10% Biodiversity Net Gain (BNG) will be introduced under the Environment Act later in 2023. The Greater Norwich Local Plan (GNLP) requires 10% BNG, which has been subject to examination. As such a 10% requirement is likely to be required locally from when the plan is adopted. Developments of this scale would need to

demonstrate compliance, potentially utilising the Natural England metric ([The Biodiversity Metric 3.0 - JP039](#)).

Conclusion

Further consideration of each of the issues detailed above will be required in order to address matters relating to the loss of the existing use and the principle of the new development proposed as presented within the pre-application submission.

I hope you find this advice of assistance. However, please remember that the advice given in this letter is based on the information submitted, a full planning history may not have been researched and is the opinion of the case officer and cannot in any way prejudice the decision made on a formal planning application by Norwich City Council.

Should you require any further assistance please do not hesitate to contact me.

Yours sincerely

Sarah Hinchcliffe
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EP5



Legend

NR5 9JB (10 Minutes)

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Date: 12/05/23

EP6

Appendix EP6



Bowthorpe District Centre Health Check Assessment

Diversity of uses

Bowthorpe District Centre comprises of 16 retail units. The centre is anchored by Roys (variety store). There is one convenience unit present, a bakers. The centre contains five comparison units, which, aside from Roys, includes a pet shop, optician, charity shop and a toys & games shop. The centre contains six service units, including two takeaways, an undertakers, pub, a health & beauty salon and a café.

Non-retail facilities include a doctor's surgery, place of worship, an office and public toilets.

Bowthorpe District Centre – Diversity of Uses			
Category	No. of units	% of total units	UK (%)
Convenience	1	5.9	10.0
Comparison	6	35.3	37.1
Service	6	35,3	38.9
Miscellaneous	0	0.0	1.2
Vacant	4	23.5	12.8
Total	17	100	100

Proportion of vacant street level property

The centre contains four small vacant units.

Accessibility

The centre is accessed from Bowthorpe Hall Road to the south and Wendene to the west. The nearest main road is the A47 (Norwich Southern Bypass) to the west.

The centre contains a car park off Wendene comprising of 500 car parking spaces. The car park off Bowthorpe Hall Road contains 150 car parking spaces.

State of town centre environmental quality

Bowthorpe District Centre is a purpose-built shopping centre, built in the 1970s. The centre does not appear to have been modernized but contains some street furniture and is free of litter. Whilst the shopping centre is open-air, it does contain areas to shelter from bad weather.

Balance between independent and multiple stores

The centre is wholly made up of independents, with no national multiple retailers present.

Conclusion on health

Bowthorpe District Centre performs a localised function and is suitable for independent retailers who do not require large retail units, with the exception of the Roy’s unit. The centre provides a variety store which offers both convenience (food) and comparison (non-food) goods. The centre contains a few vacant units at the time of assessment, which is not uncommon for a centre of this size which will have natural turnover. The centre is easily accessible with a good level of environmental quality. Bowthorpe District Centre is performing well, relative to its size and position within the retail hierarchy.

Larkman District Centre Health Check Assessment

Diversity of uses

Larkman District Centre comprises of 15 retail units. The centre is anchored by Aldi (foodstore), along with Kwiksave (convenience foodstore) and Morrisons Daily (convenience foodstore). The other convenience unit present is an international foodstore. The centre contains one comparison unit, this being a Boots pharmacy. The centre contains 10 service units including five takeaways, two hairdressers, barbers, betting office and a health & beauty salon.

Non-retail facilities are limited to housing and a garage.

Larkman District Centre – Diversity of Uses			
Category	No. of units	% of total units	UK (%)
Convenience	4	25	10.0
Comparison	1	6.25	37.1
Service	11	68.75	38.9
Miscellaneous	0	0.0	1.2
Vacant	0	0.0	12.8
Total	16	100	100

Proportion of vacant street level property

Larkman does not contain any vacant units.

Accessibility

The centre is located off the A1074 (Dereham Road). This leads to the A140 (Guardian Road) to the east.

The Aldi foodstore contains 70 car parking spaces. There are a further 15 car parking spaces in front of the shops along Dereham Road.

State of town centre environmental quality

Larkman District Centre comprises of a series of older buildings, several of which appear to be former dwellings. The Aldi foodstore appears to be modern or has recently been modernized, with lots of landscaping present. The Kwiksave convenience foodstore is located within an unattractive, flat roofed building. As the centre is located directly off an 'A road', this detracts from the overall environmental quality. The centre contains little street furniture. Shop fronts appear to be well-maintained.

Balance between independent and multiple stores

The centre contains a good mix of independent and multiple retailers. National multiple retailers present include Aldi, Kwiksave, Morrisons Daily, Boots and Betfred.

Conclusion on health

Larkman District Centre, like Bowthorpe, performs a localised function. The centre is located off a busy 'A road' and is a centre which would attract those with a specific need, with little dwell time. There are likely to be some linked trips between the Aldi foodstore and the other retail units. The centre is dominated by convenience goods shopping and takeaways. That the centre has no vacant units is a positive sign. Environmental quality is mixed. There is a good balance between independent and multiple retailers. Larkman is a very different centre to Bowthorpe, but contains strong indicators of good health.

Local Centres

There are four local centres within our defined catchment areas, as follows:

- Earlham West Local Centre;
- University of East Anglia Local Centre;
- Colman Road, The Parade Local Centre; and
- Colman Road, The Avenues Local Centre.

Each of the local centres are considered to be performing well, with very few vacancies present.

Emery Planning / Experian undertook an audit of facilities of each of these local centres in June 2023, the findings of which are set out below.

Category	Norwich Road, Costessey	Earlham West Local Centre	University of East Anglia Local Centre	Colman Road, The Parade Local Centre	Colman Road, The Avenues Local Centre
	Number of Units				
Convenience	1	2	1	3	5
Comparison	2	3	2	2	4
Service	5	10	4	5	8
Vacant	0	3	0	1	0
Total	8	18	7	11	17
Miscellaneous	0	0	0	0	0
Number of Multiple Retailers	1	0	2	3	3

Norwich Road, Costessey

Norwich Road, Costessey Local Centre is anchored by a Co-op convenience foodstore. The location also contains a pharmacy, pet shop, two take-aways, a pub, estate agent and hairdressers. It is not however a designated centre and is therefore not sequentially preferable to the proposed development.

Earlham West Local Centre

Earlham West Local Centre is located adjacent to West Earlham Junior Primary School. A health centre is located in the middle of the centre with hotels directly north and south of the centre. That aside, the centre contains two convenience foodstores, two take-aways, pet shop, clothes shop, technology repair shop, betting office, financial provider, barbers, café and a hairdressers. The centre also contains three small vacant units.

University of East Anglia Local Centre

University of East Anglia Local Centre is part of the University of East Anglia. The centre contains a hotel, convenience foodstore (Spar), two cafés, bar, pharmacy (Boots) and a bike shop.

Colman Road, The Parade Local Centre

Colman Road, The Parade Local Centre is anchored by a McColl’s convenience foodstore. The centre also contains an oriental foodstore, a bakers, four-takeaways, a pub, a car tyre garage, a carpet shop and one

vacant unit (former Boots pharmacy). Aside from McColl's, national multiple retailers include Greggs, Dominos and Papa Johns.

Colman Road, The Avenues Local Centre

Colman Road, The Avenues Local Centre is split into two shopping parades, on either side of Colman Road. The centre is anchored by two convenience foodstores (Co-op Daily and Premier). It also contains an oriental foodstore, two newsagents, betting shop, pawnbroker, three takeaways, café, pharmacy, two charity shops, estate agent, hairdresser and a e-cigarette shop. Aside from Co-op Daily and Premier, Lloyds Pharmacy is the other national multiple retailer present.

Easton / Costessey

Easton / Costessey is a retail park. The retail park contains several national multiples including Sainsbury's (supermarket), M&S Simply Food (convenience foodstore), Next (clothing shop), The Range (variety store), Greggs (baker), Costa (coffee shop), Smyths Toys (toy shop), Boots (pharmacy), Pets at Home (pet shop), Sports Direct (sports clothing), three restaurants (Pizza Hut, KFC and McDonalds's), and a Premier Inn (hotel).

Aside from this, Easton / Costessey contains a convenience foodstore, five car sales, two car spares shops, two pubs, a health club, sports goods, boat accessories, a lighting shop, and a building supplies shop.

Commented [RG1]: Do we want to reference the larger retail park as we haven't covered this in the sequential and planning statement?

