Planning & Retail Statement

Malmesbury Garden Centre,
Crudwell Road, Malmesbury
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Executive Summary

This Statement has been prepared on behalf of ALDI Stores Ltd (ALDI), in support of a ‘hybrid’ planning application for the detailed approval of the erection of a Class A1 discount foodstore and associated access, and outline approval for a replacement garden centre and/or employment uses on Land at Crudwell Road, Malmesbury.

The development proposals represent a significant investment by ALDI through the development of the underused and allocated site at Malmesbury Garden Centre to provide a discount foodstore, and access road and supporting infrastructure that will facilitate the future delivery of a replacement garden centre and/or B1/B2/B8 employment uses across the remainder of the site.

The proposal will provide beneficial economic development, significantly enhancing the local shopping choice within Malmesbury and the surrounding area. Furthermore, the proposals will address the limited discount foodstore provision in the area, and assist in retaining expenditure in the area and reducing the need to travel to towns outside of Malmesbury.

The ALDI discount foodstore will facilitate a beneficial employment generating use of the site, and create approximately 40 new local jobs. In addition, the investment by ALDI will assist in employment generating uses across the rest of the site.

The proposed ALDI development will result in considerable economic benefits for the area, whilst ensuring the use integrates with its surroundings.
1. Introduction

1.1. This Planning and Retail Statement is submitted by Planning Potential, on behalf of ALDI Stores Ltd (ALDI), in support of a ‘hybrid’ planning application for the erection of a Class A1 discount foodstore, and associated access, in detail, and a replacement garden centre and/or employment uses in outline at Crudwell Road, Malmesbury.

1.2. The application proposal is described as follows:

“Hybrid planning application: Full approval for the demolition of existing buildings and the erection of a Class A1 foodstore (1,782 sq m gross internal floor area) with associated access, car parking and landscaping. Outline approval for a replacement garden centre and/or Class B1/B2/B8 employment uses.”

1.3. This Statement addresses all the relevant planning policy considerations associated with the proposed development, but should be read in conjunction with other documents and drawings submitted in support of this application.

Background

1.4. ALDI has had a longstanding requirement to open a store in Malmesbury, and indeed it is considered there is considerable qualitative need for a new discount foodstore to serve the town and surrounding areas. The site has been identified following a thorough review of potential opportunities and meets ALDI’s key locational requirements.

1.5. There is currently no discount foodstore in Malmesbury, and alternative foodstore provision is limited. Therefore, it is considered that an ALDI foodstore in this location will provide a valuable contribution towards the local convenience shopping provision.

1.6. This Brownfield site is located in Malmesbury. However, it is acknowledged that the site is allocated for employment uses (BD1 Employment Proposal) in the ‘Saved’ policies of the North Wiltshire Local Plan (2011).

1.7. Prior to submitting the application, ALDI engaged and held discussions with Council Officers, Councillors, and various statutory consultees. During these discussions, it was confirmed that the main issues to be addressed within any planning application related to retail planning, specifically the sequential approach and impact test, and the need to provide sufficient employment uses across the site. It was also confirmed that any application should cover other issues including design and amenity, landscape, and highways matters.

1.8. It was acknowledged by the Council and Councillors that alternative uses are required to enable and facilitate the delivery of employment uses and associated infrastructure on the site.
Retail Context

1.9. Paragraph 24 of the National Planning Policy Framework (NPPF) states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The application site is not within an existing centre and therefore a sequential assessment is required in this case.

1.10. Paragraph 26 of the NPPF states that applications for retail development outside of town centres that are not in accordance with an up-to-date Local Plan should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. If there is no locally set threshold, a default nationally set threshold of 2,500 sq m should be applied.

1.11. Impact assessments should relate specifically to impacts on planned public and private investments, and impacts on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

1.12. The scale of the proposed ALDI discount foodstore falls below the threshold for (retail) impact assessments (2,500 sq m) identified at Paragraph 26 of the NPPF. However, a local threshold for impact assessments is set by Core Policy 38 of the Wiltshire Core Strategy (2015), which states that “All proposals for retail or leisure uses on sites not within a town centre in excess of 200 sq m gross floorspace … must be accompanied by an impact assessment…”. An impact assessment is therefore required in this case.

1.13. A proportionate retail impact assessment, including sequential assessment, has been undertaken to demonstrate that the proposed development is in accordance with the retail policies in the Wiltshire Council Development Plan.

1.14. The assessment has been based on the published information, supporting material for recent retail planning applications in the local authority area, including Malmesbury specifically (in particular the application by Lidl (ref 18/02180/FUL)), and national data sources such as verdict and Pitney Bowes as necessary.

1.15. The impact methodology and supporting data are explained fully in Section 6 of this report.

Report Structure

1.16. This Statement is set out as follows:

- Section 2 – Summarises the site context and the development proposals, and the ALDI business;
- Section 3 – Sets out the planning and retail policy context against which the proposal should be assessed, including the NPPF and the Development Plan;
- Section 4 – Outlines the retail context, and retail ‘health checks’ for relevant centres, drawing on information from the Wiltshire Council.
Town Centre and Retailing Study (2011) and Wiltshire Core Strategy Draft Retail Review (February 2015), and recent planning applications;

- Section 5 – Sets out our sequential assessment;
- Section 6 – Sets out our retail impact assessment;
- Section 7 – Considers other relevant planning issues associated with the proposed change of use; and
- Section 8 – Presents our summary and conclusions.

1.17. It should be noted that Section 2 of this Statement sets out in some detail the nature of ALDI, in terms of the proposed use and the format of the proposed store. This should be an important consideration in Wiltshire Council’s assessment of this planning application, and demonstrates the qualitative improvement to retail provision that will be brought about through these application proposals.
2. Site Context and Development Proposals

The Site

2.1. The overall site comprises 3.59 ha of land at Crudwell Road, Malmesbury, which accommodates Malmesbury Garden Centre.

2.2. The garden centre consists of a retail sales building with associated customer café, greenhouses, outside display and storage areas, and an associated customer car park with a grassed area, which lies to the east of the site. The site also includes a builder’s merchants, plant and tool hire, skip hire, and access equipment hire. A large proportion of the site can, therefore, be described as being previously developed ‘brownfield’ land.

2.3. The ‘ALDI’ site comprises a 0.84 ha plot of land, which occupies the north western portion of the wider site where the majority of the existing built form is located. The site will be accessed from Crudwell Road (A429), utilising the recently constructed roundabout junction B4014 (Filands).

2.4. The application site is located to the north east of Malmesbury. Marsh Farm and its associated out-buildings is located to the south west of the site. There is open agricultural land to the east, south east, and to the north of the site. Three detached residential properties are located to the west of the site on the opposite side of Crudwell Road.

2.5. There are existing bus stops to the south of the site, on Milbourne Lane, just off the Whychurch Roundabout, serving local bus routes. There is pedestrian access to the western side of the A429 from the Whychurch Roundabout to the application site.

2.6. The site is classified as an out-of-centre site by the NPPF. The site is situated approximately 1.2km to the north east of Malmesbury’s defined ‘Town Centre Primary Frontage Area’. The site does not fall within the Malmesbury Conservation Area or within the Cotswold Area of Outstanding Natural Beauty (AONB).

2.7. The site is allocated for employment uses (BD1 Employment Proposal) in the ‘Saved’ policies of the North Wiltshire Local Plan (2011).

2.8. The site is located within Flood Zone 1 as defined by the Environment Agency’s Flood Map.

Relevant Planning History

Application Site

2.9. The site has an established use as a garden centre (Use Class A1). The relevant recent planning history for the site is included below:

- Planning Application Ref. N/11/04092/OUT was refused planning permission for the construction of a Sainsbury’s foodstore and associated car parking, a petrol filling station with associated highway works; together with outline details for the provision of a builder’s merchants and premises or employment use (B1 & B2 Use Classes).
The application was refused planning permission on the basis that the proposed foodstore would have an adverse impact on the vitality of the town centre, and the site was not sequentially preferable to the concurrent Waitrose scheme at Avon Mills, Malmesbury. In addition, the Council considered that developing 2.4ha of the site for retail use was not consistent with the site’s employment allocation.

2.10. This planning application has sought to address these reasons for refusal.

Other Planning History

2.11. A planning application was submitted (ref: 18/02180/FUL) by Lidl GmBH UK (Lidl) for a site to the south of the application site on the 5th March 2018 and is still being considered by Wiltshire Council. This is for a 1,794 sq m (GIA) discount foodstore and associated works including Car parking and landscaping on land east of the A429, Malmesbury. The application remains undetermined at the time of writing.

Pre-Application Dialogue

2.12. On the 9th December 2016, a request for pre-application advice was submitted to Wiltshire Council on behalf of ALDI Stores Ltd for a proposal for an ALDI neighbourhood foodstore on land at Crudwell Road, Malmesbury. This pre-application advice was sought solely in relation to the development of the ALDI portion of the site only. A summary of the written response dated 7th February 2017 is set out below.

Principle of Retail Development

2.13. The response from Wiltshire Council confirms that the extent and location of the proposed retail development would require the proposals to pass the sequential and impact tests.

Use of Employment Land

2.14. The Council acknowledged that the proposed ALDI foodstore would accommodate land amounting to 0.81ha, which would have been the equivalent of approximately 20% of the employment land allocation. The 2011 application for a Sainsbury’s at the site was refused due to 2.4ha of employment land being used for retail purposes.

2.15. The Council stated that whilst the proposal would use only 0.81ha of the employment land allocation, the same objection remains. The proposals would involve the loss of land allocated for employment land without any land being substituted for an equivalent role or of equivalent value.

Urban Design & Impact to Visual Amenity

2.16. The Council had concerns that the removal of the line of trees along the western boundary would open up the whole site and expose the proposed foodstore and expanse of customer car parking.

2.17. The Council stated that the design of the store should be carefully considered, and a more bespoke design should be incorporated to reflect the character and quality of the area.
Impact to Residential Amenity

2.18. It is considered that the development would likely be acceptable in terms of loss of light, loss of privacy or noise disturbance. However, a noise report would be required to be submitted for any plant and machinery being proposed in association with the retail unit.

2.19. It was assumed that the parking area would require illumination for when the store is open during hours of darkness. Any such lighting should be outlined on plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards.

Highways Impacts and Parking

2.20. A full Transport Assessment (TA) will be required in support of any planning application. The TA should include a consideration of the cycling, walking and public transport accessibility links to the store need to be thoroughly analysed, along with suggested measures to mitigate any shortfall, and a capacity analysis of the local highway network.

2.21. It is acknowledged by the Council that the site was subject of a planning application for a Sainsbury’s supermarket in 2011, and this application received no highway objection on sustainability grounds. Therefore, the Council do not consider there are highway grounds to raise an objection for the proposed development.

Drainage

2.22. Any application would be required to be submitted with a surface and foul water drainage strategy.

Ecology

2.23. A survey would need to be carried out and a subsequent report of the survey, and any necessary proposals for mitigation and enhancements should be submitted in support of the application, if evidence of protected species is found.

Trees and Landscaping

2.24. Any application would need to be supported by a full tree survey for the site to identify the key arboricultural features within the site and, if required, an arboricultural impact assessment to determine the impacts to any of the trees within and adjoining the site.

Archaeology

2.25. There is potential for archaeological remains to be present. Archaeological evaluation of this area is required prior to the determination of an application for this development.

2.26. It is important to note that subsequent discussions have taken place with Officers at the Council to agree the strategy for bringing forward beneficial economic development on this allocated employment site.
The Proposed Development

2.27. This ‘hybrid’ planning application seeks detailed approval for the demolition of existing buildings and the erection of a Class A1 foodstore (1,782 sq m gross internal floor area) with associated access, car parking and landscaping; and outline approval for a replacement garden centre and/or employment uses including Class B1, B2, and B8 employment uses.

2.28. The proposed new store will have a net sales area of 1,315 sq m and the gross external area of the store will be 1,858 sq m. The store will be accompanied by a total of 121 car parking spaces including 5 disabled parking spaces, and 8 parent and child spaces located near to the store entrance. Spaces for 8 cycles will also be provided close to the store entrance.

2.29. The site will be accessed from Crudwell Road, utilising the recently constructed roundabout junction. The site benefits from good accessibility by public transport. There are bus stops situated approximately 300 metres from the site along the B4042, either side of the road.

2.30. Careful consideration has been given to the orientation of the proposed foodstore and the site layout, which has been informed by a thorough appraisal of the site, its context, and all existing features. The operational and servicing requirements of the store are also an important factor informing the layout.

2.31. The foodstore proposal will provide a sympathetic and bespoke building, which has been specifically designed in order to be compatible with the character of the area.

2.32. It is proposed that a replacement garden centre of up to 3,716 sq m (GEA) and/or employment uses (including Classes B1, B2, and B8) totalling up to 3,252 sq m (GEA) will be provided on the remainder of the site. The determination of matters associated with layout, scale, appearance, and landscaping of this element of the proposal are reserved.

ALDI Stores Limited

Who is ALDI?

2.33. ALDI is one of the world’s leading grocery retailers. The company has built a network of stores in Europe, the USA and Australia. ALDI first entered the UK market in 1990 and has now expanded to over 700 stores across England, Scotland and Wales.

2.34. ALDI stores offer the customer a carefully selected range of high quality, exclusive own label groceries at heavily discounted prices. These prices are guaranteed across the entire range of products. The aim is for goods to be sold with discounts of between 20–30% for a full shopping trolley.

2.35. ALDI regularly receives industry awards recognising the quality of its products and customer experience. ALDI was voted the nation’s Favourite Supermarket and Favourite Wine Retailer at the 2017 Good Housekeeping Food Awards; named Fresh Produce Supermarket of the Year at the FPC Fresh Awards 2017; and Supermarket of the Year at the 2016 Retail Industry...
Awards. For recognition of investment in people, ALDI was crowned Employer of the Year at The Grocer Gold Awards 2017.

How ALDI is Different

2.36. ALDI has a very different approach to food retailing than other food retailers based on simplicity and maximum efficiency at every stage of the business, from supplier to customer. This enables ALDI to sell high quality products, from a limited core range (compared to other supermarkets) of mainly exclusive own labels, at the lowest possible price consistently across the entire range. ALDI is a ‘deep discount’ retailer.

2.37. The main points of the trading philosophy include:

- Maximum operational efficiency and cost control;
- Standard merchandising through the stores;
- Bulk displays in original shipping cases;
- Efficient operation from supplier to customer;
- Unique delivery system;
- Efficient checkout system;
- Carefully selected and limited core range of 1,500 products;
- Own label high quality products;
- Formidable buying power;
- High volume and turnover per product;
- Heavily discounted prices providing an average 20-30% saving across the entire range, compared with similar quality products.

2.38. The consequence of providing this value retailing concept and service, of high quality food at heavily discounted prices, is that the design of the store and the sales area are uniform, in order to accommodate bulk food displays and provide the operational efficiency that a discount foodstore requires. These efficiencies are found across the entire operation from supplier to retail store and result in an enviable cost structure which allows ALDI to sell quality food at low prices, and operate on much smaller margins than other foodstores.

2.39. As stated, ALDI stores offer a carefully selected and limited core range of good quality exclusive own labels at heavily discounted prices. Predominantly, the limited range of goods relates to a reduced range of variations on the same product line compared to most other supermarkets. These are the most popular items: the ones most used and needed in every household.

2.40. By limiting the core range, ALDI suppliers typically only need to produce one package size instead of multiple packages within the same category. With the higher volume of one item, ALDI achieve greater purchasing power. The limited core range further allows ALDI to apply its own label to most of its
products (c.90%) which do not include costs that the national brands pass on through higher prices. This allows ALDI to gain a significant cost advantage over competitors without compromising quality.

2.41. The deliberate intention is to restrict the range of core goods to approximately 1,500 products in the interests of the consumer and operational efficiencies and pass these savings onto the customer. The restricted core range ensures a high volume and turnover of each individual item, resulting in a favourable cash flow with products effectively sold through the checkouts before they have been purchased centrally.

2.42. This is unlike the larger supermarkets which stock in the region of 20,000 - 40,000 product lines, and more modest sized operators, with floor areas of 1,000 – 1,500sqm selling 2,500 – 4,000 products. ALDI do not sell cigarettes and tobacco products, stationary products and pharmaceutical products. The ALDI trading philosophy does not include a specialist butcher, fishmonger, in-store bakery, delicatessen or hot food counter which are commonplace in larger supermarkets. ALDI stores also do not accommodate in store cafes / restaurants or franchises such as photo processing, dry cleaning or opticians.

2.43. Whilst the core range of products is limited, ALDI offers a significant choice of locally sourced produce. Where possible ALDI’s fresh meat and produce is UK sourced. Fresh fruit and vegetables are also sourced in the UK when in season and ALDI leads the way in supporting British farmers. In addition, ALDI works with a range of local businesses and suppliers in order to supply fresh bread, milk and other dairy products.

2.44. ALDI’s stores dedicate approximately 20% of their floorspace to comparison goods. These goods are sold as ‘special purchases’ on a ‘when it’s gone, it’s gone’ basis. This approach is highly seasonal and there is a continued variation in the type of goods that may be on offer. This is a key difference for ALDI when compared to larger supermarkets that typically have 30-40% of their floor area for comparison goods, the majority of which is occupied by permanent product ranges.

2.45. How ALDI differs is demonstrated clearly by the trading philosophy. ALDI complement, rather than compete with, existing local traders, independent retailers and other supermarkets, as well as service providers, as ALDI customers use other facilities to fulfil their grocery and local service needs. This generates a propensity for linked trips and associated spin-off trade which brings qualitative benefits.

**Sustainable Development**

2.46. ALDI supports sustainable development and has a strong track record in delivering schemes which contribute to the needs of the local economy.

**Catchment**

2.47. As ALDI stores are of modest scale and fulfil a neighbourhood shopping role, it means more than one store can be accommodated in a Local Authority area. The catchment for a new store is localised and often shoppers to a new ALDI store are existing ALDI customers who have been travelling to their nearest
store, but with a new store opening close by, this can reduce the need to travel.

2.48. ALDI’s local presence can assist in clawing back expenditure being spent elsewhere by providing a food store where perhaps such a facility was not available. This is most important in locations where shops and services are limited and access to stores elsewhere is difficult. A new store helps to retain expenditure within a given catchment area, to the benefit of the community.

Store Operation and Design

2.49. The uniform internal layout of an ALDI store reflects the company philosophy of offering value for money through cost effective management and efficiency. The shop fittings are specifically designed and constructed to display the goods as received in their packing cases so there isn’t a double handling of goods from packing cases to the shelves. It means new stock can be moved from the warehouse area to the shop floor quickly and in large quantities.

2.50. The operation of the store is designed to be efficient and practical for use by customers; ensuring the store offers inclusive accessibility to all. The efficient layout with typically only 4 or 5 aisles means customers can move through the store quickly. There is ease of access to goods with all shelving being within easy reach. As the range of goods is limited customers can find what they are looking for quickly. With goods being pre-packaged, such as fruit and vegetables, customer can identify goods quickly and shop efficiently. Importantly, there are long conveyors at the check-out that hold a customer’s full shop to allow goods to be unloaded for scanning and payment quickly. Goods are re-loaded back into the trolley at the check-out and packing is undertaken at the customer’s leisure beyond the check-out area.

2.51. ALDI recognises that design is a key consideration in the determination of applications for its stores. The external design has evolved over time and now the design for each store is consistent across ALDI’s portfolio, promoting modern, smart buildings with clean lines and glazed frontages which meet customer expectations.

Accessibility

2.52. The local nature of many of ALDI’s stores encourages high levels of pedestrian shoppers and users of public transport. At new stores, cycle stands are provided, close to the store entrance for natural surveillance and mostly under the store canopy, to encourage cycling as a mode of transport.

2.53. ALDI requires new stores to have car parking adjacent to cater for customers who choose this mode of transport. Most car trips to new ALDI stores are not new to the network but rather transferred or linked trips. Full details are provided in the Transport Assessment.

Residential Amenity

2.54. The opening hours of ALDI stores are more limited than some other larger supermarkets which operate 24-hour. Currently ALDI stores operate 0800 to 2200 Monday to Saturday and for six hours between 1000 to 1800 on Sundays, to comply with Sunday Trading Laws.
2.55. As ALDI stores are located in residential areas, ALDI is committed to being a responsible neighbour and seeks to ensure the amenity of residents is maintained.

Job Creation and Training

2.56. New ALDI stores generally employ between 30 - 50 staff. It is ALDI’s preference to recruit staff locally. The company’s remuneration and training policy reflects ALDI’s firm belief that a well-trained and highly motivated workforce is essential to the success of the business. All hourly paid wages for store employees exceed the Government’s National Living Wage and the Living Wage Foundation’s recommended national rate. ALDI offers full training for all its positions and the schedule and facets of the training are tailored to the individual.

2.57. ALDI has two of the most successful apprentice schemes and graduate programmes in the UK. Apprentices are trained to work in all parts of the business including at store, distribution, logistics and management level, as well as progression through to the Store Management Team.

2.58. ALDI’s on-going graduate scheme secures an annual intake for the Area Management Programme. Trainee Area Managers spend a year shadowing an Area Manager before they take on three to four stores of their own to manage. The training covers the entire spectrum of running a retail operation and is a UK-wide programme.

2.59. The construction of a new store requires the services of local building trade contractors which provides employment opportunities during the build out period. Usually a range of skills such as ground works, steel, brick and block work and shop fitting are sourced locally, as well as cleaners and labourers.
3. Planning Policy Context

3.1. The following section provides a summary of the national and local planning policy relevant to the ‘hybrid’ planning application for the erection of a Class A1 discount foodstore, and associated access, in detail, and a replacement garden centre and/or employment uses in outline.

National Planning Policy Framework (March 2012)

3.2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and forms the planning framework for England. The previous National policy tier of PPS/PPG/MPG (as well as Circular 05/2005 and some Chief Planning Officer letters) has been superseded by the NPPF.

Achieving Sustainable Development

3.3. Paragraph 7 of the NPPF states that: There are three dimensions to sustainable development:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Presumption in Favour

3.4. A ‘Presumption in Favour of Sustainable Development’ is central to the NPPF. Paragraph 14 of the NPPF states that:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”

3.5. Paragraph 14 of the NPPF requires that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

Specific policies in this Framework indicate development should be restricted.

3.6. For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;

- Local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- Specific policies in this Framework indicate development should be restricted.

Core Policies

3.7. Paragraph 17 of the NPPF outlines the overarching role that the planning system ought to play and planning principles that should underpin both place-making and decision-taking. The elements of these principles of particular relevance to the application include:

- encouraging effective use of land by re-using previously developed land not of high environmental value;

- taking account of the different roles and character of different areas;

- proactively driving and supporting sustainable economic development;

- making every effort to identify objectively the development needs of an area; responding positively to wider opportunities of growth;

- taking account of market signals; setting clear strategies for allocating sufficient land suitable for development taking account of the needs of communities;

- delivering sufficient community and cultural facilities to meet local needs; and

- focusing significant development in locations which are/or can be made sustainable.

3.8. ‘Delivering sustainable development’ is a key element in NPPF. Paragraph 22 of the NPPF states that:

‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use,
applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.’

Retail Guidance

3.9. National policy applying to proposals involving retail development is set out at Paragraphs 23-27 of the NPPF.

3.10. Paragraph 24 of the NPPF confirms that Local Authorities should apply a ‘sequential test’ to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.

3.11. Such proposals are required to be located in town centres, then edge-of-centre locations, and only if suitable sites are not available should out-of-centre sites be considered. The NPPF advises that in considering edge and out-of-centre sites, preference should be given to sites that are accessible and well connected to the town centre.

3.12. Town centres are defined in the NPPF as city, town, district and local centres, but exclude small parades of shops of purely neighbourhood significance. The relevant area is to be defined on the Local Authority proposals map, including the Primary Shopping Area (PSA) and areas predominantly occupied by main town centre uses within or adjacent to the PSA.

3.13. Paragraph 26 of the NPPF confirms that when assessing retail proposals outside town centres, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. If there is no threshold, the NPPF confirms that the default threshold is 2,500 sq m.

3.14. Core Policy 38 of the Wiltshire Core Strategy (2015) states that “All proposals for retail or leisure uses on sites not within a town centre in excess of 200 sq m gross floorspace … must be accompanied by an impact assessment …”. An impact assessment is therefore required in this case.

3.15. A proportionate retail impact assessment, including sequential assessment, has been undertaken to demonstrate that the proposed development is in accordance with the retail policies in the Development Plan.

3.16. Where impact assessments are required, policy relating to retail impact has been simplified in the NPPF to reference two criteria only: impacts on planned public and private investment; and impacts on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area (up to 5 years from the time the application is made; 10 years in the case of ‘major schemes’ where the full impact will not be realised in 5 years).

3.17. The impact methodology and supporting data are explained fully in Section 6 and 7 of the report.

Requiring Good Design

3.18. Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from
good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Determining Applications

3.19. Paragraph 196 of the NPPF confirms that the planning system is plan-led and that planning law requires that ‘applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.’

3.20. Paragraph 198 of the NPPF states that where a ‘Neighbourhood Development Order has been made, a planning application is not required for development that is within the terms of the order. Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.’

Development Plan


3.22. A number of plans are currently in preparation. The plans currently in preparation include:

- Wiltshire Housing Site Allocations Plan (WH SAP)
- Wiltshire Local Plan Review (LPR) including Swindon & Wiltshire Joint Spatial Framework (JSF)
- Neighbourhood Plans (NP)

Saved Policies of the North Wiltshire Local Plan 2011

3.23. The North Wiltshire Local Plan 2011 (the Local Plan) was adopted by the former North Wiltshire District Council in 2006 and a number of policies were saved in 2009. The following policies remain relevant and continue to be saved. The saved policies sit alongside the Core Strategy.

3.24. Saved Core Policy C1 advises that proposals will be determined against sustainable development principles, which state that developments should:

i. Promote or maintain the long term economic health of the local economy;

ii. Promote or maintain socially inclusive communities and their access to community infrastructure;

iii. Promote or maintain the quality of the natural and the historic environment; and

iv. Demonstrate the prudent use of natural resources and incorporate, where relevant, recycling, renewable energy and energy conservation measures.
3.25. Saved Core Policy C3 advises that new development will be permitted subject to satisfying various criteria, which includes protecting the amenity of adjacent dwellings and uses, ensuring safe access and minimising the risk of crime, and avoiding overloading the road network.

3.26. Saved Policy R4 advises that retail development proposals on the edge, or outside, the defined Town Centre shopping areas in market towns, including Malmesbury, will only be permitted where:

- There is a demonstrable need for the development; [no longer relevant]
- It can be demonstrated the sequential test has been followed, whereby there are no suitable sites in the town centre and edge of centre;
- Proposals do not individually or cumulatively undermine the vitality or viability of existing centres; and
- The proposal is accessible by a range of means including walking, cycling and by public transport.

Wiltshire Core Strategy 2015


3.28. At the strategic level the Core Strategy’s Core Policies set out the direction of development over the plan period. The key policies relevant to the proposed development are set out below.

3.29. Core Policy 1 (Settlement Strategy) identifies Malmesbury as a market town. It states that Market Towns are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. In addition, they have the potential for significant development that will increase the number of jobs and homes in that town.

3.30. Core Policy 2 (Delivery Strategy) encourages growth and development to redress the imbalance between jobs and homes and confirming the presumption in favour of sustainable development. It states that outside the defined limits of development, development will not be permitted, unless permitted by other policies within the Wiltshire Core Strategy.

3.31. Core Policy 3 (Infrastructure Requirements) states that all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development.

3.32. Core Policy 13 (Spatial Strategy for the Malmesbury Community Area) advises that development in the Malmesbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1. In addition, it states that over the plan period (2006 to 2026), 5 ha of new employment
land will be provided, including 4 ha on land at Nurdens Garden Centre, in accordance with ‘saved’ Policy BD1 of the North Wiltshire Local Plan.

3.33. Core Policy 35 (Existing Employment Land) states that Wiltshire’s Principal Employment Areas (as listed in the Area Strategies) should be retained for employment purposes within use classes B1, B2 and B8 to safeguard their contribution to the Wiltshire economy and the role and function of individual towns.

“Proposals for renewal and intensification of the above employment uses within these areas will be supported. Within the Principal Employment Areas proposals for the redevelopment of land used for activities falling within use classes B1, B2 and B8 must demonstrate that they meet, and will be assessed against, the following criteria:

i. The proposed development will generate the same number, or more permanent jobs than could be expected from the existing, or any potential employment use.

ii. Where the proposal concerns loss of employment land of more than 0.25 ha in the Principal Settlements, Market Towns or Local Service Centres it is replaced with employment land of similar size elsewhere at that settlement.

iii. It can be shown that the loss of a small proportion of employment floorspace would facilitate the redevelopment and continuation of employment uses on a greater part of the site, providing the same number or more permanent jobs than on the original whole site.

iv. The site is not appropriate for the continuation of its present or any employment use due to a significant detriment to the environment or amenity of the area.

v. There is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy both currently and in the long term. It must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let on reasonable terms for employment use, taking into account prevailing market conditions.”

3.34. Core Policy 36 (Economic Regeneration) facilitates the delivery of Core Policy 1 by stating that the regeneration of brownfield sites in the identified Market Towns, such as Malmesbury, will be supported where the proposed uses help to deliver the overall strategy for that settlement, as identified in Core Policy 1.

3.35. Core Policy 38 (Retail and Leisure) states that all proposals for retail or leisure uses on sites not within a town centre and in excess of 200sqm gross floorspace should be accompanied by an impact assessment that meets the requirement of national guidance, and demonstrates that the proposal will not harm the vitality or viability of any nearby centres. It also requires that all such
proposals must also comply with the sequential approach, as set out in national guidance, to ensure that development is on the most central site available.

3.36. Core Policy 41 (Sustainable Construction and Low Carbon Energy) requires new developments to submit a Sustainable Energy Strategy alongside the planning application outlining the low-carbon strategy for the proposal.

3.37. Core Policy 50 (Biodiversity and Geodiversity) states that Protection Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. All development should seek opportunities to enhance biodiversity

3.38. Core Policy 51 (Landscape) encourages new developments to protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services

3.39. Core Policy 55 (Air Quality) states development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity

3.40. Core Policy 56 (Contaminated Land) Contaminated Land Development proposals which are likely to be on or adjacent to land which may have been subject to contamination will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality, the built environment and amenity

3.41. Core Policy 57 (Ensuring High Quality Design and Place Shaping) states that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire

3.42. Core Policy 60 (Sustainable Transport) seeks to reduce the need to travel, particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods.

3.43. Core Policy 61 (Transport and Development) relates to transport and new development, and develops this strategy further by seeking to ensure new development is located and designed to reduce the need to travel, in particular by private car, and to encourage the use of sustainable transport alternatives.
Core Policy 62 (Development Impacts on the Transport Network) states that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages. Proposals for new development should not be accessed directly from the national primary route network outside built-up areas, unless an over-riding need can be demonstrated.

Core Policy 67 (Flood Risk) states that development proposed in Flood Zones 2 and 3 as identified within the Strategic Flood Risk Assessment will need to refer to the Strategic Housing Land Availability Assessment when providing evidence to the local planning authority in order to apply the sequential test in line with the requirements of national policy and established best practice. All new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

Malmesbury Neighbourhood Plan (Adopted 2015)

Policy 10 of the Malmesbury Neighbourhood Plan: Volume 1 advises that planning permission for an additional foodstore will only be granted if the development would enhance the economic vitality and viability of Malmesbury Town Centre, and not negatively impact on existing and planned investment in the town centre.

Additionally, the Plan states “Business and economic vitality is of great importance to the community of Malmesbury and its surrounding villages. A significant increase in local housing over the last few years and future planned building means additional jobs are required for people to be able to work in the place where they live. We want to ensure that more employment opportunities come forward and that our local economy is supported and continues to grow”.

Policy 13 of the Malmesbury Neighbourhood Plan: Volume 1 states that the Neighbourhood Plan Design Guide as set out in Volume II of this Plan should be taken into consideration in all developments to ensure a high quality of design that respects the specific character of Malmesbury Town and the surrounding area.

Retail Evidence

Wiltshire Council Town Centre and Retail Study Final Report (March 2011)

The study reports that within north Wiltshire, shopping is undertaken on a highly localised basis for convenience goods. It states that approximately 37% of the expenditure on comparison goods of residents of the North Wiltshire study area is retained and spent in town, district and local centres, and in freestanding stores which are located in the study area. However, there is some localised leakage where residents in Malmesbury who travel to Tetbury and Cirencester.

For convenience goods, assuming a constant market share, the report states that there is a need for between 5,700 and 7,800 sq m gross by 2026. These
figures indicate the quantitative retail need for the whole of the North Wiltshire catchment area.

**Draft Wiltshire Core Strategy Retail Review (February 2015)**

3.51. The study reports that within north Wiltshire shopping is undertaken on a highly localised basis for convenience goods.

3.52. Whilst the amount of comparison goods floorspace capacity in Malmesbury has remained relatively constant (795 sq m net by 2026) since the 2011 Retail Study, the amount of convenience goods floorspace capacity in the town has fallen (-455 sq m net by 2026) due to the grant of permission for a new Waitrose supermarket.
4. Retail Context

4.1. This Section provides further context in respect of the retail background to the proposals.

4.2. The principal policies for assessing town centre and retail uses are set out in Paragraphs 23 – 27 of the NPPF. It is stated that retail centres are the preferred location for new development. The NPPF (Annex 2) also confirms that references to ‘town centres’ relate to all designated centres (e.g. town centres, district centres and local centres).

4.3. Where proposals for ‘town centre uses’ (including retail) are not located within existing centres, the NPPF requires proposals to demonstrate compliance with the sequential approach and, if over 2,500 sq m, consider potential impacts of the development (unless there is a lower locally set threshold). Only where a proposal fails to comply with the sequential test or would have significant adverse impact should permission be refused.

4.4. This is an important consideration. Retail facilities are an important component of everyday life and, whilst existing centres may be a preference, this may not always be possible owing to a number of factors. Where the sequential approach is satisfied and potential impacts would not be ‘significantly adverse’, the NPPF accepts the principle of new retail floorspace in non-town centre locations, including where they are in edge-of-centre, out-of-centre, and out-of-town locations.

4.5. The fact a retail application does not fall within or relate to a town centre location is not therefore a default reason to refuse planning permission.

4.6. Indeed, although not a specific retail policy test, it is useful to refer to the wider strategic context of the NPPF and the role of the planning system in, “…helping to make this [sustainable economic growth] happen… Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision” [NPPF, Ministerial Forward].

4.7. In this context, all aspects of a planning application must be considered in assessing potential merits and indeed this is a fundamental point of planning law (S.70, Town & Country Planning Act, 1990), which requires planning applications to be considered against the development plan and all other material considerations.

Town Centre Health Check

4.8. To assist consideration of the potential implications of the proposed store’s development, we set out below a baseline assessment of the current health of Malmesbury town centre.

4.9. Core Policy 1 of the Wiltshire Core Strategy (2015) designates Malmesbury as a ‘Market Town’. Market Towns are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services, and employment opportunities.
4.10. It advises that Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and, where necessary, enhance their services and facilities, and promote better levels of self-containment and viable sustainable communities.

4.11. Furthermore, Paragraph 5.73 of the Core Strategy advises that whilst the Council consider that there is little capacity for additional convenience retail provision in Malmesbury, there has been market interest and as many residents from the town travel outside of the Community Area to shop. Therefore, there may be scope for an appropriate scale of supermarket development at Malmesbury during the plan Period.

4.12. Additional retail floorspace in the form of this ALDI proposal may be appropriate to address qualitative need and improve the retention of convenience goods expenditure.

4.13. The health checks, set out below, utilise earlier survey data provided within the Wiltshire Council Town Centre and Retailing Study (2011) and Wiltshire Core Strategy Draft Retail Review (February 2015), and the recent planning application by Lidl, specifically the health check that was undertaken by DPP in November 2017. These have been updated by Planning Potential in May 2018.

Malmesbury

4.14. Malmesbury’s town centre is fundamentally linear in form. The High Street runs north-south, and links the Market Cross and the Abbey House Gardens, which are widely acknowledged as major tourist attractions.

Diversity of Uses

4.15. The convenience goods offer in Malmesbury town centre is below the national average. In contrast there is a significantly higher proportion of units in the comparison goods sector compared with the national average.

4.16. Regarding convenience retailing, the centre’s role is clearly orientated towards top-up/basket shopping as evidenced by the several small “specialist” businesses and the Co-op store fulfilling a predominant top-up shopping role. A Waitrose and further Co-op stores are located outside the town centre.

Vacancies

4.17. The vacancy rate in the centre is lower than average, which is slightly lower than it was preceding the opening of the Waitrose store. Additionally there is indication of investment and business confidence in the centre as demonstrated by recent current property development and refurbishment.

Pedestrian Flows

4.18. In terms of pedestrian flows, Malmesbury town centre has ‘specialist’ retail/services, which attract shoppers from both Malmesbury itself and a comparatively extensive rural hinterland. This is coupled with visitors wishing to see the centre’s many heritage assets.
Accessibility

4.19. The town centre is accessible by various means of transport. The Cross Hayes short-stay car park, to the rear of the eastern side of High Street, is fulfilling an important role in supporting the centre’s overall role and attraction.

Town Centre Environmental Quality

4.20. Malmesbury’s town centre environmental quality is of a good standard, with many historic buildings and attractive architecture. The centre’s environmental quality is very high, with little or no signs of vandalism or graffiti.

4.21. Malmesbury town centre appears relatively safe. The main High Street has lighting throughout and some evidence of CCTV.

Conclusion

4.22. Generally, it can be perceived that Malmesbury town centre is performing well and fulfils its role as a Market Town. Indicators confirm that the centre is viable and resistant to change through a diverse mix of uses focusing on independent traders.
5. The Sequential Approach

5.1. Paragraph 24 of the NPPF states that local planning authorities should require applications for main town centre uses to be located in town centres, then edge of centre locations, and only if suitable sites are not available should out of centre sites be considered.

5.2. Although the site of the proposed ALDI store is a brownfield site with an existing retail use, it is acknowledged that the application site does not lie within an existing designated retail centre.

5.3. A sequential assessment has therefore been undertaken for this development proposal. This assessment is based on information regarding the potential availability of alternative sites and the consideration of other recent and relevant application proposals, in particular the previous application (ref: N/11/04092/OUT) by Sainsbury’s on the Garden Centre site and the application by Lidl for a store currently proposed to the east of the A429 Bypass, Malmesbury (ref: 18/02180/FUL).

5.4. The assessment prepared by WYG (December 2011) in support of the Sainsbury’s application and DPP Planning (November 2017) in support of the Lidl application include a sequential assessment. These consider a number of sites within Malmesbury, three of which are still relevant (Land to the rear of Avon Mills, A429 and Land south of Filiands are no longer available, having been developed by Waitrose and for a residential scheme respectively).

5.5. The sites still relevant consist of the Cross Hayes Car Park and Station Yard Car Park, Malmesbury.

5.6. It is important to note that these sites were discounted by Sainsbury’s and Officers at Wiltshire Council when considering the Sainsbury’s application. However, our research has still identified these sites worthy of consideration, and our assessment is set out below.

5.7. We have also given consideration to the site currently subject of a planning application by Lidl (ref: 18/02180/FUL) on land east of the A429 Bypass, Malmesbury.

Sequential Assessment - Parameters

5.8. Paragraph 24 of the NPPF and the Planning Practice Guidance (Paragraph 009 – Ensuring the vitality of town centres) confirms that, in reviewing alternative sites, regard should be given to suitability, viability and availability of those sites (with reference to the nature of the need that is to be addressed). These are defined as follows:

- **Availability** – whether sites are available now or are likely to become available for development within a reasonable period of time (determined on the merits of a particular case).

- **Suitability** – with due regard to the requirement to demonstrate flexibility, whether sites are suitable to accommodate the proposal.
• Viability – whether there is a reasonable prospect that development will occur on the site at a particular point in time. Again, the importance of demonstrating the viability of alternatives depends in part on the need that is to be addressed.

5.9. Section 2 above outlines the key characteristics of ALDI, including the specific matters relating to the design and layout of an ALDI store. This change of use proposal represents a significant level of flexibility by ALDI through a reduced sales area, the amount and layout of warehouse/welfare space, and the position and external appearance of the building compared with the preferred store format. A similar criteria has been adopted when analysing possible alternative sites.

5.10. Whilst ‘viability’ is not expressly referenced by the NPPF in relation to planning applications, it is cited as a relevant consideration in the allocation of sites. It is our view that viability remains relevant to the consideration of whether sites are ‘suitable’ (for completeness we have therefore included viability within our consideration of sequentially preferable sites).

5.11. Paragraph 012 of the Planning Practice Guidance acknowledges that providing “new development in town centre locations can be more expensive and complicated than building elsewhere”. As a result, local planning authorities are required to be both realistic and flexible in terms of their expectations.

5.12. The above parameters provide a robust and policy-compliant basis for assessment.

5.13. In considering the sites, we have had regard to case law that has influenced the interpretation of the NPPF (and PPG). This case law has included the principles established by the Supreme Court in their judgment with regard to a challenge by Tesco Stores Limited in Dundee, which was further clarified by the Secretary of State decision at Rushden Lakes.

5.14. More recent guidance has been provided with regard to the application of the sequential test through a High Court judgment relating to an out of centre food retail proposal in Mansfield (Aldergate Properties Limited and Mansfield District Council and Regal Sherwood Oaks Limited; CO/6256/2015; 8 July 2016). This judgment builds on a Secretary of State decision relating to a mixed use retail proposal in Exeter (Land North of Honiton Road and West of Fitzroy Road; APP/Y1110/W/15/3005333) dated 30 June 2016.

5.15. Both decisions re-emphasise the ‘town centres first’ principle. They provide further clarity with regard to the assessment of potential sequentially preferable sites in terms of their ‘suitability’, ‘availability’, and the need for the applicant to demonstrate flexibility. In particular, the Mansfield decision confirms that when reviewing potential alternative sites:

• The terms ‘suitable’ and ‘available’ 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 is to include the requirement for flexibility and “excludes, generally, the identity and personal or corporate attitudes of an individual retailer” (Paragraph 35).

• In terms of a site’s ‘availability’, this relates to a site’s availability for the type of retail use for which permission is sought and not to its availability to a particular retailer (Paragraph 42).

5.16. The Mansfield decision therefore confirms that the sites covered by the sequential test search should not vary from applicant to applicant depending on the identity or specific retail model proposed. It is clear, for example, that the requirements of an individual retailer, their commercial attitudes, site preferences and competitive preferences should not dictate those sites that are ‘suitable’ or ‘available’ (Paragraph 38). In other words, sequential sites in town centres cannot be dismissed simply because an operator does not wish to compete with its own existing or committed stores located in or close to that centre.

5.17. In the Exeter case, the Inspector concluded (and the Secretary of State agreed) that ‘availability’ did not require a site to be on the open market to any developer (IR 11.39) and that the requirement to develop other parts of the site did not mean the area identified for retail was not ‘available’ (IR 11.40).

5.18. The sequential assessment set out below has been undertaken in the context set by both relevant policy and the clarification provided through these decisions.

Relevant Sequential Sites

5.19. Our research identified the following sites that are worthy of detailed consideration. This was also informed by the previous Sainsbury’s and recent Lidl planning applications.

• Cross Hayes Car Park, Cross Hayes, Malmesbury.

• Station Yard Car Park, off Gloucester Road, Malmesbury.

5.20. Planning Potential has undertaken an extensive review of these sites. An assessment of all the sites is set out below. This outlines the specific details of the sites and sets out why they do not represent suitable, available or viable sequential alternatives for a new ALDI store.

5.21. It is not considered necessary to widen the area of sequential search further as such sites would not benefit the residents of Malmesbury. The area of search is consistent with the Sainsbury’s application, which was accepted by the Wiltshire Council, and the recent Lidl application.

Cross Hayes Car Park

5.22. The Cross Hayes Car Park, Malmesbury site extends to approximately 0.3ha. It is located to the rear and east of High Street, in the centre of Malmesbury.

5.23. We understand the site to be Council owned, providing a short stay car park facility for the town, which is well used and contributes to the vitality and
viability of the town centre. We are not aware that the Council has identified the site for disposal.

5.24. It is also important to note that the adopted Malmesbury Neighbourhood Plan identifies the need to provide short stay car parking facilities for the visitors to the town centre.

5.25. This analysis is consistent with the assessments by Waitrose and Sainsbury’s in support of their previous planning applications, which were accepted by Officers. We are not aware that the situation has altered.

5.26. In summary, this site is not large enough to accommodate the foodstore proposal. In addition, the site is in active use and provides an important short stay town centre car park facility for Malmesbury.

Station Yard Car Park

5.27. The Station Yard Car Park, Malmesbury extends to approximately 0.3ha. The site is located to the north of the town centre, and provides a vital short and long stay car park facility. The car park is well used by visitors to the town.

5.28. The site is understood to be Council owned, and we are not aware that the Council has identified the site for redevelopment or disposal. The need for the retention of car parks to serve the town is highlighted in the adopted Malmesbury Neighbourhood Plan.

5.29. The above consideration is consistent with the findings by Waitrose and Sainsbury’s in their analysis to support their previous foodstore proposals, which was accepted by Officers. We are not aware that the situation has altered.

5.30. In summary, this site is in active use, providing an important short stay car park to serve the town, and it is not considered large enough to accommodate the proposed ALDI foodstore.

Land Adjacent to A429 – Lidl Proposal

5.31. The site of the current Lidl proposal on land adjacent to the A429, Malmesbury has also been considered. This site is an undeveloped greenfield site on the opposite site of the A429 to Malmesbury town centre, outside the settlement boundary.

5.32. The site has no policy status as a retail allocation or for any other form of development, and is not accessible and not well connected to Malmesbury town centre.

5.33. Therefore, the ‘Lidl’ site is not materially more preferable than the application site at Malmesbury Garden Centre, and it will not deliver the same level of benefits as the ALDI proposal.

5.34. The ALDI proposal at the Malmesbury Garden Centre is on a previously developed brownfield site with a recently upgraded roundabout access. The proposal will provide an improved retail offer for Malmesbury, whilst also facilitating a replacement garden centre and/or employment uses, including associated infrastructure on a site that is allocated for development. Without
the ALDI proposal, the employment allocation will not come forward and the uses will not be provided.

Sequential Assessment Conclusion

5.35. On the basis of the above consideration of alternative sites, we consider that there are no alternative sites within town or edge of centre locations that should be considered sequentially preferable to the application site. It is therefore clear that the application meets the sequential test set by Paragraph 24 of the NPPF and Core Policy 38 of the Wiltshire Core Strategy (2015).

5.36. The current Lidl planning application has been reviewed by GVA (Wiltshire Council’s retail consultant) in their report ‘Assessment of Retail Planning Policy (May 2018). GVA conclude that “the applicant’s assessment has considered the same locations as previously assessed at the time of the Waitrose and Sainsbury’s proposals in 2012 and we agree with the conclusions that the sequentially preferable sites are not suitable and available alternatives for the proposed development.”

5.37. For the reasons set out above, we consider that the ‘Lidl’ site is not materially more preferable than the application site at Malmesbury Garden Centre, and it will not deliver the same level of benefits as the ALDI proposal located on a brownfield site.

5.38. Therefore, we see no reason why GVA and Wiltshire Council should not come to the same conclusion on the ALDI proposal i.e. that the proposal meets the provisions of Policy 38 of the Core Strategy and also Paragraph 24 of the NPPF.
6. Assessment of Impact

6.1. This section of the report sets out our assessment of the economic implications of the proposed ALDI development.

6.2. This chapter first considers the context, in particular the current planning application (ref: 18/02180/FUL) by Lidl for a discount foodstore to the east of the A429 Bypass, south east of Malmesbury, which is being considered by Wiltshire Council. It then considers recent studies on retail impact, focusing on Malmesbury.

6.3. Alongside this, we discuss an updated impact analysis, prepared by Planning Potential and set out in a series of tables included in Appendix 3, to support the foodstore proposal by ALDI Stores Limited.

6.4. Notwithstanding the context, this stand-alone assessment directly addresses the policy context as set out in Section 3 above, including the impact ‘test’ identified at Paragraph 26 of the NPPF.

Context

6.5. A planning application was submitted (ref: 18/02180/FUL) by Lidl on the 5th March 2018, on a site to the south of the application site, and is still under consideration by Wiltshire Council. This is for a 1,794 sq m (GIA) discount foodstore and associated works, including car parking and landscaping, on land east of the A429, Malmesbury.

6.6. The Lidl planning application is supported by a full Retail Assessment, prepared on behalf of the applicant by DPP Planning (DPP) in November 2017. The DPP assessment adopts the results of a household telephone survey of the study area, which was undertaken in November 2017.

6.7. This application by ALDI raises the same retail policy issues and should therefore be determined on a consistent basis: there have been no material changes in circumstance since the Lidl application was submitted.

6.8. To allow for consistency with the current Lidl application, whilst ensuring compliance with relevant policy at both the national and local level, and maintaining a comprehensive planning application submission, we have adopted the principles of the DPP retail impact assessment undertaken in support of the Lidl application.

6.9. Given the similarities with the respective opening programmes, the proximity of both sites to one another, and similarities between the nature of the operators, the majority of the baseline data used in the assessment of the Lidl application (DPP, November 2017) can be re-used, with adjustments being made only where necessary (e.g. proposed floorspace and operator sales density).

Retail Impact Assessment Methodology

6.10. When assessing trading impacts, the 2017 Retail Assessment prepared by DPP in support of the current Lidl application explains that an alternative
approach has been undertaken to the earlier GVA retail study prepared on behalf of Wiltshire Council.

6.11. In its assessment, DPP has identified a study area that is defined by postcode sectors, broadly corresponding with the catchment of the proposed store, and taking into account the proximity of larger centres and foodstores. This is then sub-divided into four sub-zones for the purposes of their assessment. Although DPP acknowledge that this area does not represent the full catchment area of their proposal (the proposal is also likely to attract some of its trade from outside the area), we agree that it represents an appropriate assessment area.

6.12. The DPP assessment adopts up to date population and expenditure data for the catchment area (both sets of data were provided by Experian). DPP has then followed the traditional step by step retail assessment approach. This is based on an estimate of store turnover (and supporting catchment area expenditure) in the ‘design’ year, based on the results of the 2017 household survey.

6.13. This indicates that in 2017, the Waitrose store in Malmesbury was performing well, but a significant level of expenditure was being drawn away from the town (for example, to Tesco in Tetbury and the Morrisons in Chippenham). This ‘leakage’ of expenditure represents an opportunity to provide alternative and competing facilities in Malmesbury capable of providing competition and choice in the town. This application by ALDI represents such an opportunity.

6.14. The approach taken by DPP in its impact assessment is to model the effect of a new store on the existing shopping patterns. These judgements, are informed by factors such as scale, nature of retail offer, location/distance, and extent of ‘trading overlap’ (or competition), and considered and underpinned by the principle of ‘like competing with like’. Proximate facilities with a similar catchment, and trading in the same market sector, will experience the greatest impacts applying these assumptions. Conversely, distant facilities of a differing scale and nature (such as local facilities and convenience stores catering for day-to-day needs) will be far less likely to experience diversion of trade.

6.15. This overall methodology is widely applied in retail assessment work and reflects that advocated in the Planning Practice Guidance (PPG, March 2014). The approach is considered to be logical, robust, transparent and proportionate.

6.16. There are six main steps underlying this approach:

- Step 1: define a catchment area and quantify population and spending
- Step 2: identify base and design years for the assessment
- Step 3: estimate the turnover of existing centres and retail destinations
- Step 4: estimate the turnover of the proposal
- Step 5: apportion the turnover of the subject proposal to stores/centres using a trade draw methodology, based on an
understanding of location/proximity and the extent to which the proposal will compete with existing facilities (centres and schemes in the same market sector having the greatest propensity to divert trade from comparable facilities).

- Step 6: quantify trade diversion (impact) and assess the significance of the predicted impacts.

6.17. Impact is expressed as a percentage of existing centre/retail destination turnover diverted to the proposals in the design year.

6.18. The assessment of retail impact associated with the new store now proposed ALDI is undertaken on the basis of an up-to-date, accurate and robust position.

Assumptions and Assessment Parameters

Convenience Goods

6.19. The principal supporting assumptions and assessment parameters used within the analysis are as follows. We have adopted the same approach used by DPP to ensure consistency with their analysis of the current Lidl proposal. This includes:

6.20. **Study Area:** In their assessment, DPP identified postcode sectors corresponding broadly with the proposal’s catchment, which was then subdivided into four Zones (Study Area Plan at Appendix 2). We agree with this approach, and consider that it is a reasonable and robust study area to adopt for the impact assessment. Furthermore, a review of the DPP Retail Assessment by GVA on behalf of Wiltshire Council considers that this is “a reasonable study area for the purposes of assessing a foodstore proposal in Malmesbury”.

6.21. **Base and Design Years:** We have also adopted a consistent Base Year (2017) for our assessment and a consistent design year of 2022 to allow for mature trading patterns to develop. This application proposal is on a previously developed site, facilitating the delivery of employment uses on an allocated site. Subject to receiving planning permission ALDI expect the store to be open in 2019. A mature trading position should therefore be established by 2022, consistent with the Lidl approach, submitted only recently.

6.22. **Price Year:** 2015 prices (consistent with the DPP assessment) have also been adopted.

6.23. **Population:** We note that within their assessment, DPP sourced up to date population base data from Experian. We have also adopted these figures for consistency.

6.24. **Expenditure:** Average per capita expenditure has been sourced by DPP from Experian. This is then adjusted by DPP for base and design years using forecast growth rates within Experian’s Retail Planner Briefing Note, December 2017 (with an allowance to account for ‘special forms of trading’). We have adopted the same information as the basis for this assessment to allow for a consistent approach.
6.25. **Shopping Patterns:** As set out above, the DPP assessment relies on a November 2017 NEMS household telephone survey of 450 respondents across the study area. Carrying out a new specific household survey is welcomed by GVA, and the approach adopted by DPP in their impact assessment (and subsequently clarified by DPP) is supported by GVA. We have followed the same approach.

6.26. **2017 and 2022 Turnover of existing convenience stores:** These are derived directly from the results of the household shopping survey and the total expenditure within the study area.

6.27. **Turnover of Proposal:** The proposed ALDI store will result in the development of a store that provides 1,315 sq m net sales floorspace, 1,052 sq m (80%) of which will be for convenience goods. Based on Mintel Retail Rankings 2017, ALDI’s convenience goods sales density is £11,153/sq m. Adjusted to 2015 prices, the equivalent figure is £11,097/sq m, which results in a convenience goods turnover for the proposed ALDI store of £11.67m per annum in 2017 and £11.91m in 2022.

**Convenience Goods Impact Assessment**

6.28. As set out above, given the similarities of the proposed Lidl store and the ALDI development, in particular the nature of their retail offer, we have adopted a consistent approach in our retail assessment. This will greatly assist the Council (and their advisers) in the determination of this planning application.

6.29. Using the same base population and forecast expenditure, and adopting the results of the NEMS household telephone survey and thus the same turnover position of the existing convenience goods destinations in 2017 and 2022, it can be seen that a large proportion of the local population undertake their food shopping in the Waitrose in Malmesbury, as well as the Co-op on Gloucester Road, Malmesbury.

6.30. Significant levels of convenience goods expenditure is, however, being drawn away from Malmesbury, in particular to Tesco in Tetbury, and to a lesser extent to stores in Chippenham (notably Marrisons and Sainsburys) and Cirecenster (notably Tesco, Lidl, and ALDI). The ALDI proposal represents a significant opportunity to retain expenditure within Malmesbury, which will have important benefits for the local economy and growth.

**Impact on Vitality & Viability**

6.31. We have adopted the same trade draw approach used by DPP, as set out in Table 5 of Appendix 3. Although, we have made slight judgements to the anticipated trade being drawing from Lidl and ALDI in Cirencester respectively to reflect the different operators for the stores being proposed.

6.32. Consistent with the DPP analysis, we have assumed a diversion of approximately c. 30% from stores within Malmesbury. Our assessment is also consistent with DPP by assuming that the majority of the ALDI store’s trade is diverted from the Waitrose in Malmesbury (23%), and 5% and 1% from the Co-op stores on Gloucester Road and High Street respectively.
6.33. Again, consistent with the DPP analysis, we have assumed that the remainder of the ALDI store’s turnover will be derived from Tesco in Tetbury (13%), as well as from elsewhere in the catchment area, specifically the Morrisons and Sainsbury’s in Chippenham, and Tesco, ALDI and Lidl in Cirencester.

6.34. GVA has reviewed the DPP Retail Assessment on behalf of Wiltshire Council. Whilst GVA considers that the trade diversion by DPP is ‘credible’, GVA carried out their own assessment to reflect a higher sales density for Lidl and a more constrained pattern of trade draw. Notwithstanding, crucially, GVA state that “there is general agreement with DPP over the amount of convenience goods diversion from Malmesbury town centre.”

6.35. Table 6 provides an impact analysis of the application proposal. The impact of the proposal on Malmesbury town centre is limited, with an impact of -6.32%. This level of impact is not considered to be significantly adverse. Impacts on the majority of the remaining other centres overall will be very limited and will have no material effect on the performance of the centres as a whole.

6.36. Moreover, the ALDI proposal represents a significant opportunity to retain expenditure within Malmesbury, which will provide benefits in the town, including reducing the need to travel and greater local economic growth.

Assessing the Significance of Impact on Existing Centres

6.37. As noted in Section 3 above, the NPPF (Paragraph 26) identifies the impact considerations against which planning applications for main town centre uses above the relevant impact threshold (not in a centre and not in accordance with an up-to-date development plan) should be assessed.

6.38. When assessing impact, the NPPF requires consideration against two issues only:

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

The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made...”

6.39. Paragraph 27 of the NPPF sets out key guidance on the interpretation of the Paragraph 26 ‘impact tests’. An application should only be refused where the proposed development is likely to have a ‘significant adverse’ impact on ‘one or more of the above factors’ (NPPF, Paragraph 27). This is a critical consideration – impact alone does not justify refusal; unless impact is both significant and adverse, planning permission should not be withheld.

6.40. Through GVA’s review of the DPP Retail Assessment, they consider that convenience goods impact of the Lidl proposal on Malmesbury town centre could range from 4.5% and 5.3%, which is slightly higher than the levels suggested by DPP. Although it is acknowledged that our estimated impact on Malmesbury town centre from the proposed ALDI store is marginally higher at -6.32%, GVA state that on face value, “these levels of impact appear to be...”
small, although the severity of the impact will be, in part, dependent on the trading performance of these stores.” GVA also comment that further information should be provided on the change in turnover levels of convenience goods stores in Malmesbury since the opening of the Waitrose store.

6.41. The Wiltshire Council Retail Study 2011 and the Retail Assessment prepared in support of the Waitrose store in 2012, estimate the annual ‘pre-Waitrose’ turnover of Malmesbury town centre to have been approximately £4m. It is acknowledged from the DPP Retail Assessment that the annual turnover of Malmesbury town centre appears to have almost halved to £2.16m since the opening of the Waitrose store.

6.42. However, we estimate that the pre-ALDI impact turnover of the High Street Co-op store (the main town centre convenience store) in 2022 to be £1.92m, based on the DPP Retail Assessment. GVA suggest that the average trading performance of the High Street store could be around £1.9m. Therefore, the High Street Co-op store is still trading at approximately company average even after the opening of the Waitrose store.

6.43. GVA consider that an impact of -5% on the High Street Co-op store as a result of the Lidl proposal “may not, on face value, materially affect the future performance of that store.” It is considered that a slightly higher impact from the ALDI proposal (-6.37%) would not materially alter the Co-op’s trading performance and the same conclusion should be reached.

6.44. Furthermore, since the opening of the Waitrose store, Co-op still operates their two stores within Malmesbury. Should Co-op have been concerned about the trading performance of the town centre store as a result of the Waitrose store, it would seem reasonable that it would have consolidated its operation to the Gloucester Road store, but it has not.

6.45. Moreover, the significance of impact in relation to NPPF retail guidance was considered in an appeal case relating to a retail development in Derby in 2012 (Ref: APP/C1055/A/11/2161815). This decision confirmed that the demonstration of impact does not, of itself, mean that a retail proposal is unacceptable and in conflict with the NPPF. The Inspector in this case highlighted the following:

“To justify an objection to the proposal it is not sufficient to simply suggest that there will be an impact. There is no persuasive evidence of such a significant impact that would be likely to undermine the vitality and viability of the city centre, or in-centre trade/turnover in the wider area, arising from the appeal proposal.” (Inspector’s Report, Paragraph 116)

6.46. The significance of impact has also been considered at an appeal relating to a mixed-use proposal, incorporating a supermarket, in Shipston-on-Stour, Warwickshire in 2015 (APP/J3720/A/13/2194850)). In this case, the minimum predicted impact on Shipston town centre was -40%, with other estimates ranging between -48% and -52%. Such impacts were considered by the Inspector to be ‘substantial’ (Paragraph 31) potentially leading to the closure of a town centre Co-op supermarket (Paragraph 34). However, having regard to other factors, the Inspector identified no conflict with the NPPF on the
grounds of retail impact, notwithstanding the substantial forecast levels of trade diversion:

“The proposal would represent a significant improvement in consumer choice. There would clearly be an impact on the town centre, but the consequences are not such as should cause the appeal to be dismissed. Overall, the proposal would not harm the vitality and viability of Shipston town centre.”
(Paragraph 42)

6.47. Furthermore, it was accepted by Officers at Wiltshire Council for a previous Lidl proposal in Royal Wootton Bassett (ref: 16/06995/FUL) that an impact of -13% on the town centre was acceptable. The ALDI proposal in Malmesbury is anticipated to have an impact of less than half of this.

6.48. The significance of impact and the extent to which it is assessed to be ‘adverse’, rather than evidence that some trade will be diverted from existing centres, is therefore the primary consideration when applying NPPF retail guidance.

6.49. It is considered that significant adverse impact on Malmesbury town centre (or other existing centres) vitality and viability does not, therefore, arise and this part of the impact test is clearly passed.

Investment Impacts

6.50. We are not aware of any ‘planned’ investment in Malmesbury. This level of diversion would not in our view deter future investment in the existing centre or undermine investor confidence in the deliverability of future centres. Moreover, it should encourage further investment into the area. This element of the impact test is also, therefore, clearly passed.

6.51. In GVA’s review of the DPP Retail Assessment, they comment that “We are also not aware of any planned or committed investment projects and therefore would agree with DPP on this aspect of the test.”

6.52. However, GVA consider that DPP should provide further analysis on the impact of the proposed Lidl store on existing investment in Malmesbury. This is set out below in relation to the ALDI proposal.

6.53. It should be noted in the Health Check of Malmesbury town centre that there is a strong diversity of uses within the centre, with a good number of independent comparison businesses.

6.54. Furthermore, there is a limited number of vacant units, which is currently slightly lower than the amount prior to the Waitrose opening and demonstrates units have recently become occupied. There has also been continued property development and refurbishment of buildings within the centre, which would suggest investment and business confidence in Malmesbury.

6.55. It is therefore considered that existing investment within Malmesbury is strong, and in our view, the level of trade diversion to the proposed ALDI store will not undermine this existing investment and the confidence of businesses.
Comparison Goods Impact Assessment

6.56. We note that in their assessment of the retail impact of the Lidl store, DPP did not undertake any detailed analysis of the impact associated with the turnover of that store’s comparison goods floorspace. Given the limited and frequently changing nature of the comparison goods floorspace provided within discount foodstores, we agree with their approach and consider that comparison goods represents only a small element of proposed store’s trading profile.

6.57. As set out in Table 4 of Appendix 3, the comparison goods turnover of the proposed ALDI store in 2022 is likely to be £2.49m. It is considered (consistent with DPP) that the majority of the proposal’s comparison goods turnover will be derived from a range of stores and centres, predominantly outside the study area. As a worst case scenario, it is reasonable to assume that 10% of the store’s comparison goods turnover (£0.3m) will be derived from Malmesbury town centre.

6.58. The NEMS household survey and DPP assessment derived comparison turnover of Malmesbury town centre in 2022 is £13.52m. Therefore, the estimates comparison goods impact of the ALDI proposal on the town centre is only -1.8%.

6.59. This level of comparison goods impact would be negligible and given the changing nature of comparison goods offered within ALDI stores, would be barely perceptible for retailers in the town centre. The comparison goods impact is therefore not remotely considered to be significantly adverse and no policy conflict should be deemed to arise.

Conclusions on Retail Impact

6.60. We have assessed the impact of the proposal having regard to the policy considerations set out in Section 3 above. As outlined, the key test in national policy is set out at Paragraphs 26 and 27 of the NPPF. We have considered the implications in policy terms of the retail development being proposed. We draw the following key conclusions:

- On the basis of our analysis we conclude that impacts associated with the proposal in 2022 represent no threat to the vitality and viability of the Town Centre.

- The proposal represents no threat to planned investment on the basis of the impact analysis set out in Appendix 3.

6.61. Assessed impacts are not ‘significantly adverse’ and the proposal is accordingly in compliance with retail guidance in the NPPF. On the basis of the foregoing analysis, we conclude that the application proposal complies with the test of ‘impact’ set by paragraph 26 of the NPPF.

6.62. Notwithstanding the numerous other planning benefits of the current proposal when compared with the Lidl proposal (use of previously developed land, efficient use of existing infrastructure, protection of the countryside etc.), in pure retail policy terms, the ALDI proposal therefore complies with the relevant retail policy tests at all levels.
7. Other Material Considerations

Public Consultation/SCI

7.1. ALDI is in the process of contacting the Ward Member for Malmesbury, Councillor Gavin Grant, as well as members of Malmesbury Town Council and the St Paul Malmesbury Without Parish Council, to share details of the scheme and consultation.

7.2. A leaflet providing details of the proposed scheme is in the process of being distributed to local homes and businesses. The leaflet is to be distributed to a radial based on the site’s postcode and the proposals likely catchment, which incorporates 3,369 addresses.

7.3. The leaflet includes key details of the proposals, explains ALDI’s aspirations for the site, and the many benefits the scheme will bring.

7.4. It is also important to note that recent consultation by Lidl in relation to their current proposal for a foodstore in Malmesbury (application ref: 18/02180/FUL) has generated a significant amount of response from the local community. Much of this response has expressed the desire for greater convenience shopping choice in the Malmesbury area.

7.5. Furthermore, it was noted that there is Councillor and community support for a discount food provider in Malmesbury. However, there is some concern that the greenfield site chosen by Lidl is not the most appropriate. Instead, there have been a number of comments, including from Councillor Gundry in press coverage of the Lidl proposal, to suggest that the Malmesbury Garden Centre site would be more appropriate.

7.6. ALDI look forward to receiving resident and community feedback regarding their proposals at the Garden Centre site.

Principle of Development

7.7. The existing Brownfield site currently comprises Malmesbury Garden Centre (Use Class A1).

7.8. An ALDI store is a modest-scale supermarket with a limited product range (compared with major supermarkets) often fulfilling a neighbourhood shopping role as well as attracting customers from the surrounding area. ALDI stores do not compete directly with local specialist food shops or durable goods outlets, and ALDI’s customers generally use other shops and stores as well as ALDI in order to fulfil their grocery shopping and local service needs. ALDI is, therefore, complementary to the existing pattern of trading both in existing local/town centre shopping areas and larger out of centre stores.

7.9. The proposed foodstore at Crudwell Road will provide accessible and sustainable neighbourhood shopping facilities that will be available to all residents in this area. The provision of low-priced goods will particularly benefit those on lower incomes.

7.10. Furthermore, the proposed development will provide an improved retail offer and choice for Malmesbury. It will reduce the need to travel away from the
area to undertake food shopping and allow for linked trips with other destinations in the local area, and the ‘claw back’ of expenditure currently being spent elsewhere.

7.11. This Statement demonstrates that the proposed ALDI will not have a detrimental impact upon existing centres. It also demonstrates that the development will not have a significantly adverse impact on vitality and viability in relevant centres.

7.12. Planning policy recognises that whilst town centre and then edge-of-centre sites are the preferred locations for retail development, where no such sites are available or suitable, out-of-centre sites can be acceptable locations.

7.13. Given the site’s out-of-centre location, an assessment of potential sequentially preferable sites has been undertaken. We have considered more central sites and units based on an appropriate flexible approach that considers a range of potential sites of all sizes, including smaller retail units. Only the application site is of a size and format that is suitable and viable to accommodate ALDI. The site has good street prominence and is accessible. There are no sequentially preferable alternatives that are suitable and the site accordingly meets the ‘sequential test’.

7.14. It is acknowledged that the site is allocated for employment uses (BD1 Employment Proposal) in the ‘Saved’ policies of the North Wiltshire Local Plan (2011).

7.15. It is also acknowledged that the proposal is for an A1 Retail Use. As stated above, however, an ALDI food store in this location will provide a valuable contribution towards the local convenience shopping provision. The store will provide for the day to day needs of the local population, and improve the range of accessible facilities and choice available to shoppers, including those on lower incomes.

7.16. In addition to the physical redevelopment of the site, together with the increased retail choice and spin-off trade, the proposed ALDI store will also deliver a considerable economic boost to Malmesbury through the creation of up to 40 local jobs. These include a mix of both full and part time positions, which is welcomed in the modern job market.

7.17. ALDI offer exceptional training and encourage promotion within the Company, which offers an alternative route to management positions. Equally, many students, single parents and older employees often benefit from part time positions when a full time job is not practical.

7.18. Moreover, the delivery of the ALDI proposal, and the access road and supporting infrastructure, will also facilitate the provision of a replacement garden centre of up to 3,716 sq m (GEA) and/or employment uses (including Classes B1, B2, and B8) totalling up to 3,252 sq m (GEA) on the remainder of the site. Without this significant investment by ALDI, this beneficial employment generating development on an allocated employment site will not occur.
Relationship with other land uses

7.19. The sequential approach to site selection confirms that if there are no alternative sequentially preferable sites within a centre, then other sites can be considered.

7.20. The application site is well placed to complement existing retail uses in Malmesbury. Furthermore, the site is located in close proximity to existing employment uses allowing for walk-in customers, as well as by public transport and cycling.

7.21. The site is allocated as an employment use in the Local Plan. Therefore, the Council accept that it will be developed. Additionally, as previously stated, the site is currently in active use as a garden centre.

7.22. The character of the area surrounding the site to the west and south is of a developed nature. On this basis, it is considered that the proposed redevelopment will not detract from the character of the area.

7.23. The area surrounding the site to the north and east is of an undeveloped nature, however, the proposed landscaping will screen the development and therefore not impact on the character and the surroundings.

7.24. Furthermore, the layout of the proposed development has taken into consideration the surrounding uses, and a noise assessment has been prepared in support of the development.

7.25. This demonstrates that through the proposed layout of the scheme, existing and new boundary landscaping, and factoring in the distance between the surrounding uses and the proposed development, the scheme will not cause harm to the amenity of local residents.

Design

7.26. The new scheme proposes the demolition of existing buildings and provision of a new ALDI store and associated access, in detail, and a replacement garden centre and/or employment uses in outline. The detailed element of the application will facilitate the development of the wider site, relocating the established garden centre and/or providing opportunities for other employment uses to generate jobs and investment in the local area.

7.27. In order to make efficient use of the ALDI plot, the store has been located close to the northern boundary, with the shopfront facing the A429 and the building entrance facing the car park and roundabout. This position releases the rest of the site for parking, circulation and planting, and allows for the mass of the store to be screened from its rural surroundings by the existing and proposed planting.

7.28. In relation to the ALDI proposal, careful consideration has been given to the orientation of the store and site layout, which has been informed by an appraisal of the context, and existing features. The plant and servicing is situated away from the public realm to the rear of the building and site, and naturally shielded by trees. The vehicular site access point will be taken from the south-east corner, leading off the proposed access road.
7.29. The store is of a contemporary design, with a mono-pitched roof and finished with a combination of contemporary grey cladding panels and natural stone. The retail area and store entrance are emphasised by a sleek, cantilevered modern canopy. The intention with the store appearance is where possible and appropriate, to reflect the local character through the use of vernacular materials on elements of the building and boundary design.

7.30. There will be a full-height glazed curtain wall to the shopfront, which will enhance the building’s interaction with the public realm through the creation of an active frontage.

7.31. The proposed ALDI store consists of a brick plinth and a mixture of natural stone and contemporary grey cladding panels. The natural stone to the building will be reflected in the boundary wall along the A429. This boundary treatment, the proposed and existing planting, and the orientation of the store, will assist the development to ‘fit in’ with the local context.

Highways and Access

7.32. The Transport Assessment (TA) accompanying this application prepared by Entran should be read in conjunction with this statement. The submitted TA demonstrates that the proposals are consistent with local policy and the site access has been designed to provide safe and efficient access, for all modes of transport.

7.33. It is important to note that the Council acknowledge the site was subject of a previous planning application for a Sainsbury’s supermarket in 2011, and this application received no highway objection. Therefore, the Council do not consider there are highway grounds to raise an objection for the proposed development.

7.34. Adequate car parking is proposed, proportionate to the expected operation of the development alongside secure cycle parking spaces. In addition, the site supports the safe access and turning of service vehicle.

7.35. The vehicle and pedestrian access will utilise the existing situation. The expected traffic from the proposed development can be accommodated at the A429/B4014 Filands roundabout junction. The expected level of the change in queues and delays should be minor and likely within day to day variation of base flows.

7.36. The development proposals are not expected to lead to any localised material off-site highways issues on the adjacent transportation network. The impact has been fairly and reasonably addressed and there should be no reason for a highways related objection to the proposed development.

7.37. A capacity assessment has been undertaken at the existing A429/B4014 Filands Roundabout junction, which demonstrates that the junction should remain within capacity with limited queuing predicted on any arm and low delay to through movements in the 2019 opening year. The average expected queues and delay for the site access arm are close to zero.

7.38. The proposed development is likely to add no more than 5% to existing through flows on the A429 or B4014 in the weekday PM peak and would be
of the order of less than one extra vehicle either way per minute. This is considered minor and expected within daily background flow variations.

7.39. The traffic from the proposed development is therefore considered able to be accommodated on the local highway network without creating material issues or delay.

Sustainability

7.40. The future use of the premises by ALDI will ensure optimal use of resources and minimise waste. New refrigeration and ventilation plant will be provided as part of a new Building Management System. Store heating will be provided through recycling of waste heat from the refrigeration plant to optimize energy usage. LED lighting will be used throughout the development.

7.41. Waste will be minimised by the adoption of the national site waste strategy of reduce, reuse, and recycle. Water consumption will be minimised by the use of water meters and water efficient fixtures and fittings.

7.42. Where possible and taking into consideration the site and building use constraints, the internal layout has been optimised to ensure that additional energy consumption due to overshadowing has been minimised in line with Passive Solar Design guidance.

7.43. The proposals will also include the Low-Zero Carbon Technologies. All sales floor space heating requirements are met through the utilisation of recovered heat from the ‘Freeheat’ system.

7.44. Therefore, in line with Core Policy 41 and Saved Core Policy C1, the environmental performance of the commercial buildings propose improved levels of energy efficiency and other environmental performance as required by the Council.

Ecology

7.45. A Preliminary Ecological Appraisal has been prepared by Tyler Grange. The appraisal addresses ecological issues associated with the detailed element of the application that will comprise an ALDI discount foodstore in the northwest part of the site, and the requirement for and nature of mitigation and enhancement proposals to ensure conformity with relevant planning policy and legislation.

7.46. The appraisal reports that impacts to Great Crested Newts are not likely. No badger setts were identified, and given the abundance of suitable foraging habitat for badger, the redevelopment of the site is not likely to trigger the legislation protecting badgers.

7.47. No bat roosts are likely to be affected by demolition of buildings and felling of trees. To avoid triggering the legislation protecting nesting birds, removal of woody vegetation would be timed for outside the nesting bird season (March to August, inclusive) or be preceded by a check for active nests by an ecologist.
7.48. Creation of wildflower grassland, nectar rich planting, wetland within the flood attenuation scheme and other landscape planting is likely to compensate for invertebrate habitat losses.

7.49. In order to avoid harm to reptiles, clearance of habitats will need to be preceded by a translocation exercise involving trapping of reptiles using artificial refugia in the active season (March to October) and during suitable weather conditions. Measures to protect reptiles should also protect hedgehogs, if present.

Landscaping and Visual Impact

7.50. The development of the site will ensure the retention and ongoing maintenance of the existing trees and soft landscaping to the boundaries of the ALDI site where possible, as well as creating opportunities to provide additional landscaping at the boundaries and across the ALDI site.

7.51. The boundary treatment to the north of the ALDI site consists of maintaining and improving the existing substantial tree belt, and a close-boarded fence to the back of house service area. To the east, a post and rail fence in keeping with the style already present on site, alongside a screening of new trees along the boundary. A natural stone wall will define the western edge alongside Crudwell Road in addition a number of replacement trees.

7.52. These measures will ensure that the proposed ALDI development does not create any unacceptable visual impacts from the surrounding area, and will assist in ‘merging’ the development into the existing landscape.

7.53. The proposed landscape strategy across the ALDI site is designed to mitigate any loss of existing trees and improve the landscaping across the site. The new landscaping will be planted with native species with a known benefit to wildlife. Within larger plots of soft landscaping, additional trees will be added to break up views of the car park and to maintain the existing setting.

7.54. Where large planting beds are shown, there will be a variety of ornamental shrubs to provide interest throughout the year, whilst also adding some wildlife value.

Heritage

7.55. Submitted as part of this application is a Heritage Assessment undertaken by Cotswold Archaeology, which should be read in conjunction with this Statement.

7.56. The assessment has identified the potential for the presence of archaeological remains within the site, which are most likely to be associated with prehistoric and/or Roman period settlement activity recognised within the wider landscape, as well as medieval and later agriculture.

7.57. It should be noted, however, that previous archaeological evaluation immediately to the south-east of the site produced largely negative results, and therefore any remains present may be more likely to represent peripheral activity than any substantial settlement.
The key heritage assets considered as part of this report comprise eleven Grade II Listed Buildings, non-designated Charlton Park (and associated Listed Buildings) as well as the Malmesbury Conservation Area.

It has been established that, due to the effects of distance, topography, and intervening built-form and vegetation, as well as a lack of identifiable historical or functional associations between the buildings and the site, the proposed development would not alter the setting of these designated heritage assets, and their significance would be in no way affected.

Amenity

It has been stated previously that the ALDI site is currently in an active retail use as a garden centre and associated buildings and parking. The occupation by ALDI does not fundamentally alter the characteristics or operations at the ALDI site.

Residential properties are located to the west of the application site. Sharps Redmore has prepared a noise assessment to accompany this planning application, to demonstrate that the proposed development will not cause unacceptable impacts in residential properties. The report considers noise associated with external plant, deliveries, and car parking.

The assessment demonstrates that through the proposed layout of the scheme, existing and new boundary landscaping, and factoring the distance between the existing properties and the proposed development, the operation will not cause harm to the amenity of local residents.

External lighting has been designed to reduce any detrimental effects of light pollution.

Drainage and Contamination

Submitted as part of this application is a Drainage Strategy undertaken by Craddys, which should be read in conjunction with this Statement. The site is located in Flood Zone 1 according to the Environment Agency flood map, which means the site has a less than 1 in 1,000 annual probability of flooding.

The accompanying flooding and drainage statement by Craddys concludes that the development is at minimal risk of flooding and its undertaking will not increase the risk of flooding to the neighbouring area.

Since the ALDI site area is less than 1ha and it is proposed that the drainage system will incorporate designed attenuation and controlled discharge, the development is unlikely to have a significant impact upon flooding within the site locality.

There is an existing ditch/watercourse located to the north-east of the site, which leads to Charlton Stream. It is proposed to connect the surface water drainage to the ditch/watercourse. It is proposed to utilise a cellular storage tank beneath the car park to provide attenuation. The surface water drainage system will be designed to have enough capacity to prevent flooding during all storm durations up to and including the 1 in 30 year return period plus a 40% climate change.
7.68. The drainage system will also be checked for the 1 in 100 year return period plus 40% climate change in accordance with the guidance as referenced above. The drainage system will incorporate trapped gullies and drainage channels, silt trap manholes and a fuel and oil separator in order to filter and treat surface water runoff. All surface water collected from the car park will have to pass through the separator prior to discharge off site.

7.69. Part of the surface water drainage will be offered for adoption to facilitate discharge connections for the larger development site. The adoptable element of the drainage system will be sized for the future phases of the larger development site based on Greenfield discharge rate for each plot.

7.70. There are existing foul drains on site which are assumed to discharge to the existing public foul sewer within Crudwell Road at the western site boundary. Due to site topography and the relatively shallow invert level of the existing foul sewer, the site shall have a pumped foul system. The future phases of the larger development site will require pumping stations and rising mains up to the existing foul sewer.
8. Summary and Conclusions

8.1. This Planning and Retail Statement is submitted by Planning Potential, on behalf of ALDI Stores Ltd (ALDI), in support of a hybrid planning application for detailed approval for the erection of a Class A1 retail foodstore, associated access and car parking, and landscaping, and outline approval for a replacement garden centre and/or B1/B2/B8 employment uses on land at Malmesbury Garden Centre, Crudwell Road, Malmesbury.

8.2. This Statement addresses all of the relevant planning policy considerations associated with the proposed development, but should be read in conjunction with other documents and drawings submitted in support of this application.

Sequential Test

8.3. With specific reference to the proposed ALDI foodstore, this application seeks permission for a ‘main town centre use’ that is not located within an existing centre and not in accordance with an up to date Local Plan. As a result, paragraph 24 of the NPPF requires that a sequential assessment is undertaken.

8.4. On the basis of the consideration of the alternative sites, we consider that there are no alternative sites within town or edge of centre locations that are suitable for the development proposed, and none should be considered sequentially preferable to the application site.

8.5. This conclusion is reinforced by other relevant decisions by Wiltshire Council with regard to the development of main town centre uses. It is therefore clear that the application meets the sequential test set by paragraph 24 of the NPPF.

Retail Impact

8.6. The retail impact assessment directly addresses the policy context. The submission of a ‘proportionate’ RIA has therefore been undertaken. The assessment relies on published information submitted in support of the recent planning application by Lidl in Malmesbury. This approach is considered to be realistic and robust.

8.7. We have assessed the impact of the proposal having regard to the policy considerations. We have considered the implications in policy terms of the retail development being proposed.

8.8. On the basis of our analysis, we conclude that impacts associated with the proposal in the design year are low and represent no threat to the vitality and viability of the existing centres.

8.9. The proposal represents no threat to investment on the basis of the impact and expenditure analysis. There is limited ‘competitive overlap’ between the application proposal and existing convenience goods retailers in the existing centres. We conclude that the proposal, if permitted, will not act to deter investment in any of the centres.
8.10. Assessed impacts are not ‘significantly adverse’ and the proposal is accordingly in compliance with retail guidance in the NPPF.

8.11. On the basis of the foregoing analysis, we conclude that the application proposal complies with the test of ‘impact’ set by paragraph 26 of the NPPF. On the basis of the foregoing analysis, we conclude that the application proposal complies with the test of ‘impact’ set by paragraph 26 of the NPPF and Policy 38 of the Wiltshire Core Strategy.

Employment

8.12. It has been demonstrated that whilst the ALDI proposal is not a B Class Use, it will deliver up to 40 local jobs. These jobs will include a mix of both full and part time positions, which is welcomed in the modern job market.

8.13. It has been outlined that the ALDI proposal also includes significant investment in the delivery of part of the access road and supporting infrastructure to the wider site.

8.14. This will facilitate the provision of a replacement garden centre of up to 3,716 sq m (GEA) and/or employment uses (including Classes B1, B2, and B8) totalling up to 3,252 sq m (GEA) on the remainder of the site. Without this significant investment by ALDI, this beneficial employment generating development on an allocated employment site will not occur.

8.15. On this basis, we consider that any conflict with Policy BD1 in the ‘Saved’ policies of the North Wiltshire Local Plan (2011) is significantly outweighed by the benefits resulting for the proposal. Furthermore, the employment opportunities represents a significant boost to the local economy and would be wholly in accordance with the economic drivers in the NPPF.

Overall Conclusions

8.16. On the basis of the consideration of the proposals set out in this Statement (and other supporting documents), we consider that the application proposals represent appropriate development and comply with relevant planning policy at all levels.

8.17. There are no alternative and sequentially preferable sites that are suitable and available to accommodate the proposal, and a proportionate retail impact assessment has demonstrated that impacts are within acceptable thresholds. Furthermore, the proposal will deliver a significant number of local job opportunities and facilitate the delivery of the wider site to include further employment provision.

8.18. We therefore consider that when assessed against relevant planning policy, the application should be granted permission.
Appendix 1: Site Location Plan
Denotes proposed Aldi site

Denotes wider application site

Site Address:
Crudwell Road,
Malmesbury
SN16 9JL

Site Areas:
Overall site area - 35,934 msq (8.87 acres)
Aldi site area - 9,174 msq (2.27 acres)

Scale: 1:1250

Check all dimensions and levels on site.

Only to be used on the site for which designed. The electronic transmission of designs/information contained in this drawing is carried out entirely at the User’s risk and Kendall Kingscott Ltd. will have no liability for any errors or inaccuracies arising therefrom. The production of amended or updated information from the said designs/information by the User is entirely the responsibility of the User and Kendall Kingscott Ltd. shall have no responsibility in respect thereof whatsoever.
Appendix 2: Study Area Plan
Appendix 1 – Malmesbury Study Zones

Legend

Study Area Zones

1

2

3

4

Malmesbury Study Area
Appendix 3: Retail Tables
**CRUDWELL ROAD, MALMESBURY**

**TABLE 1: POPULATION AND CONVENIENCE GOODS EXPENDITURE**

<table>
<thead>
<tr>
<th>Zone</th>
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<td>Population</td>
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</tr>
<tr>
<td>Expenditure per Head (£)</td>
<td>2017</td>
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<tr>
<td>Available Expenditure (£m)</td>
<td>2017</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Zone</th>
<th>Total</th>
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</thead>
<tbody>
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<td>Expenditure per Head (£)</td>
<td>2022</td>
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<tr>
<td>Available Expenditure (£m)</td>
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**Expenditure Growth (2018-2023)**

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<th>Expenditure Growth (2018-2023)</th>
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</thead>
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**Notes.**

2015 Prices

(1) Population derived from DPP Retail Assessment (November 2017) Table 1

(2) Expenditure per head derived from DPP Retail Assessment (November 2017) Table 2
## TABLE 2: TOTAL SURVEY DERIVED TURNOVER OF EXISTING CONVENIENCE GOODS DESTINATIONS (£m) 2017

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<tr>
<th>Location</th>
<th>Zone 1</th>
<th>Zone 2</th>
<th>Zone 3</th>
<th>Zone 4</th>
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<td>0.00</td>
<td>0.28</td>
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Notes.
2015 Prices
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<td>0.00</td>
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<td>0.27</td>
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<td>0.00</td>
<td>0.30</td>
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<td><strong>18.67</strong></td>
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<td><strong>61.97</strong></td>
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</table>

**Notes.**

2015 Prices

(1) Derived from DPP Retail Assessment (November 2017) Table 5
## TABLE 4: TURNOVER OF PROPOSED DEVELOPMENT

<table>
<thead>
<tr>
<th>Proposed Development</th>
<th>Floorspace (sqm) net</th>
<th>Sales Area (sqm)</th>
<th>Sales Density 2017 (£/sqm)</th>
<th>Benchmark Turnover 2017 (£m)</th>
<th>Benchmark Turnover 2022 (£m)</th>
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</thead>
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<td></td>
<td></td>
<td></td>
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</tbody>
</table>

Notes.

2015 Prices

(1) Sales density derived from Mintel 2017.

(2) Benchmark turnover forecast to 2023 on basis of floorspace efficiency (+0.4%pa convenience goods; +1.5% pa comparison goods).
TABLE 5: ESTIMATED CONVENIENCE GOODS TRADE DIVERSION TO PROPOSED ALDI STORE

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<th>Trade Diversion to Proposal</th>
<th>Total £m</th>
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</thead>
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<td>0.23</td>
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<td>Coop, High Street, Malmesbury</td>
<td>0.07</td>
<td>0.05</td>
</tr>
<tr>
<td>Other Malmesbury Town Centre</td>
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<td>0.01</td>
</tr>
<tr>
<td>Tesco, Tetbury</td>
<td>0.49</td>
<td>0.66</td>
</tr>
<tr>
<td>Lidl, Cirencester</td>
<td>0.24</td>
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<td>Tesco, Cirencester</td>
<td>1.01</td>
<td>0.05</td>
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<td>Sainsbursys, Chippenham</td>
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<td>ALDI, Swindon</td>
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<td>Other Stores</td>
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Notes.

2015 Prices

(1) Derived from DPP Retail Assessment (November 2017) Table 8 and Planning Potential Table 4
## TABLE 6: CONVENIENCE RETAIL IMPACT 2022 (PROPOSAL)

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<thead>
<tr>
<th>Location</th>
<th>Total Turnover 2022 £m</th>
<th>Estimated Trade Diversion £m</th>
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<th>Impact %</th>
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<td>2.07</td>
<td>-6.32%</td>
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Notes.

2015 Prices

(1) 2022 turnovers of existing facilities adopted from Tables 3
(2) Trade diversion to ALDI derived from Table 5