
Appeal Decision

Site visit made on 19 January 2021

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2021

Appeal Ref: APP/B2002/W/20/3260940

Humberston Motors, 223-225 Humberston Road, Cleethorpes DN35 0PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Warrior for Warrior Developments Ltd against the decision of North East Lincolnshire Council.
 - The application Ref DM/1100/19/FUL, dated 28 November 2019, was refused by notice dated 13 August 2020.
 - The development proposed is Demolition of existing buildings and erection of a building to accommodate a Class A1 convenience foodstore (375 sq.m gross) and a Class A1 retail unit (93sq.m gross) with access, car parking, service area, plant area, hard and soft landscaping and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the vitality and viability of the designated Humberston Road Local Centre.

Reasons

3. Policies in the North East Lincolnshire Local Plan, 2013-2032, adopted 2018 (the LP) set out a strategy based around development boundaries and retail hierarchy which seeks to support and protect the vitality and viability of town and local centres. Those policies identify a number of local centres and criteria for retail development outside of them. The appeal site is located close to, but not within the Humberston Road Local Centre (designated LC26 in the LP). The North Sea Lane Local Centre (designated as LC27 in the LP) is also nearby. A large Tesco store lies to the west of the site and these two local centres.
4. It is common ground that the proposal complies with the sequential test set out in Policy 23 of the LP, but parties differ on the likely effect of the proposal on the vitality and viability of LC26, particularly with regard to the percentages of trade-draw from other convenience retail locations in the area.
5. I note the nature of the convenience retail offer in LC26, compared to both that in LC27 and the nearby Tesco, as well as their relative locations. Notwithstanding broader shifts in shopping patterns, in my opinion the proposal is more similar in scale and custom to the convenience retailers in the local centres than the nearby Tesco store. On the basis of my observations on site and the evidence before me, the appeal proposal and the existing local centres are also more accessible and attractive to customers on foot than the Tesco

store. Although the Tesco store does have a pedestrian route onto Humberston Road, it has a much less accessible and more car-centric character than the other locations. This is compounded in my view by the spatial relationship of the appeal site to LC26, LC27, Tesco and the surrounding residential areas.

6. I acknowledge the outcomes of the alternative scenarios assessed in the updated Retail Impact Assessment and the limited commentary on them by the Council and its consultants. However, given the trade-draw that it identifies, alongside the comment that LC26 is relatively small, and has a more limited offer, I cannot agree that the effect of the proposal on it would therefore still be minor and that the proposal would therefore draw much of its trade from Tesco. To my mind, the proposal, notably the proposed Co-Op element is more closely related to the McColls store in LC26, and indeed, the Spar store in LC27, than the Tesco. As a result, I find the evidence of the Council on trade-draw more convincing, representative of the situation on the ground and the likely future effects of the proposal, particularly as the Tesco is and is likely to remain, the dominant food shopping destination in the area.
7. Taking into account therefore, the size of the convenience retail offer at LC26, its proximity to the appeal site, and the spatial matters referred to above, I consider that the appeal proposal would unacceptably harm the vitality and viability of LC26.
8. As a result, I consider that the proposal would be likely to have an unacceptable effect on the vitality and viability of LC26 through the diversion of trade. The proposal would therefore be contrary to Policies 5, 23 and 28 of the LP, which seek, amongst other things, to protect the vitality and viability of town, local and other retail centres through controlling the location of certain development types. The proposal would also conflict with the guidance in the National Planning Policy Framework which seeks to protect the vitality and viability of retail centres.

Conclusion

9. I acknowledge the benefits of the proposal identified by the appellant, including the redevelopment of an area of previously developed land, as well as the support which focuses on improving customer choice in the area. I also acknowledge that there is a lack of objection from the existing operators in LC26. However, I do not consider that those matters are material considerations of such weight to indicate that a decision be taken other than in accordance with the development plan.
10. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR