



Date: 13 July 2015

Programme Officer – Tamworth Local Plan

South Staffordshire Council
Council Offices
Codsall
South Staffordshire
WV8 1PX

Dear Ms Willis

Tamworth Local Plan Examination

We write once more on behalf of our client, Henry Boot Developments Ltd, to respond to the Indigo 'Response to England & Lyle Statement – Theme 2, Matter 11' (HDR04). Whilst we consider that our previous statements act to appropriately address any comments made by Indigo under the headings 'Adequacy of the Capacity Analysis' and 'Inflow Expenditure', we do have the following brief observations in respect of matters associated with 'Floorspace Thresholds'.

Most particularly, it is important to note that impact cannot be a reason for the refusal of planning permission for any development that provides a lesser quantum of floorspace than the threshold. Above the threshold and in line with the requirements of paragraph 193 of the NPPF, there is merely a requirement for the level of detail submitted in support of an application to be **'proportionate to the nature and scale of development proposals'**. Accordingly, a proposal which is a few square metres greater than the relevant threshold would not normally require an extensive retail impact threshold extending to several volumes.

A number of recent appeal decisions identify cases where the determining authority found unacceptable impacts to arise from development of a relatively modest scale. These include the dismissed appeal for a convenience store (providing a net sales area of 261 sq.m) at an edge of centre site proximate to Stepney Green Neighbourhood Centre in Tower Hamlets (PINS reference APP/E5900/A/14/2217680). In considering the appeal, the Inspector found at paragraphs 16 and 17 of her decision that:

'...it has not been fully shown that the development of a store of this size would not undermine the retail offer in the designated centre, including the small businesses which make up the majority of shops within the centre along the main road.'



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I therefore conclude that it has not been demonstrated that there would not be a detrimental effect on the vitality and viability of the SGNC [Stepney Green Neighbourhood Centre].'

Accordingly, it is evident that there are instances where development which is very substantially below the default threshold of 2,500 sq.m is found to be unacceptable.

Whilst it is for the Council and its retail advisor, England & Lyle, to justify the exact local impact threshold proposed, we trust that the Stepney Green decision (which we attach to this letter) highlights the inaccuracy of Indigo's claim at paragraph 30 of its response that:

'The existence of the [default] threshold confirms the acceptance that small scale development will not have a significant adverse impact...'

Some proposals of a relatively modest scale do have the potential to impact on the performance of defined centres and it is therefore necessary that the determining authority does not cede control over such development. This is particularly the case where, as in this instance, out of centre development proposals impact upon the ability of a centre to attract new operators.

We trust that the above is of assistance in your consideration of submissions, but we would be delighted to provide additional clarification of the above matters should this be so required.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Shepherd'.

Richard Shepherd
Associate Director

cc Dean Thompson, Henry Boot Developments Limited

Enc.