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YOUR REF: 17/02896/FUL

OUR REF: J0010581

**By email to:** [simon.fox@southsomerset.gov.uk](mailto:simon.fox@southsomerset.gov.uk)

12 June 2018

Dear Mr Fox

## **PLANNING APPLICATION FOR CLASS A1 (RETAIL) STORE YEOVIL ON THE OLDS GARAGE SITE, SHERBORNE ROAD, YEOVIL (REFERENCE: 17/02896/FUL)**

### **FURTHER REPRESENTATIONS ON BEHALF OF BE YEOVIL BV**

1. BE Yeovil BV has instructed Carter Jonas ('CJ') to prepare further representations on their behalf against the full planning application by Marlin Land (Yeovil) Limited (the 'applicant') for a new Aldi store on the former Olds Garage Site off Sherborne Road. The applicant is seeking permission for, inter alia:
  - a new single-storey retail store with a gross (internal) area of 1,743 sqm.;
  - a net sales area of 1,254 sqm.;
  - a dedicated service yard;
  - parking for 104 cars (along with some parking for motorcycles and bicycles); and
  - space for access and landscaping.
2. As South Somerset Council (the 'Council') is aware, our client is a major investor and stakeholder in Yeovil town centre; with a long-leasehold interest in the Quedam Shopping Centre. They have also recently secured a 5-year option on the Cattle Market site, and have plans to redevelop the site for a mix of uses, including a foodstore. As a consequence they are naturally very concerned about the scale and likely impact of any development proposals for new retail (food and non-food) floorspace and other town centre uses outside the town centre on the overall vitality and viability of their existing and planned investments, and on the town centre as a whole.
3. This letter specifically refers to the key findings and advice of the Council's Spatial Policy Officer; as published on the Council's planning portal on 30<sup>th</sup> April 2018. It also sets out our response on behalf of our client to the most recent letter prepared by Mango on 13<sup>th</sup> March 2018, which was uploaded to the Council's planning application proposal in mid-May, and provides further evidence in support of the applicant's sequential assessment and.

4. To help inform our representations we have also, where necessary, made reference to the 'Assessment of Impact' ('AI') report prepared by GVA for the Council in March 2018. Although this report principally examines the 'solus' impact of the proposed Sainsbury's foodstore at Bunford Park on the town centre, it is material to the Council's decision-taking in this case as it also assesses the 'cumulative' impact of Sainsbury's and the Aldi application. GVA's report was also informed by an on-street survey of visitors to Yeovil commissioned in November 2017 to help understand shopping patterns/ preferences and the extent of linked trips across the centre, as well as other key trends.
5. We ask that the Council reads this letter objecting to the Aldi application alongside our previous representations submitted to the Council in August 2017. In summary, these August submissions advised the Council that the application for a new Class A1 foodstore should be refused on the basis that it fails both the sequential and impact tests.
6. As we explain in our August representations, the size of the proposed Aldi store falls below the impact threshold of 2,500 sqm gross as set out in Policy EP12, which states that this is "*generally*" regarded as being of a scale that would not result in significant adverse impacts. However, in our view, the use of the word "*generally*" indicates that there could be instances when the impact of proposals falling below the threshold should be assessed. Furthermore, it should be recognised that where there are other proposals and/or commitments, such as Sainsbury's in this case, retail impact should be examined in the context of the combined or cumulative effect of these developments. Against this background we conclude that the proposed store will have a significant adverse impact on the vitality and viability of Yeovil Town Centre, and specifically on our client's planned investment for a new foodstore on the Cattle Market site. In the context of local and national planning policy objectives to ensure the vitality and viability of town centres, the impact on the town centre has to be a material consideration in this case, and we stress that it cannot and should not be ignored by the Council.
7. It remains our strongly held view that the application proposal is not compliant with paragraph 27 of the *National Planning Policy Framework* (NPPF) and with Policies EP11 and EP12 of the Local Plan. It should therefore be refused by the Council on this basis. There are also no benefits of the application proposal in our judgement that significantly outweigh its impacts and non-compliance with national and local plan policy objectives, and the Government's over-riding 'town centre first' policy objective.
8. As a major stakeholder in the town centre our client therefore respectfully asks that CJ's further representations on their behalf are afforded significant weight in the Council's overall decision making process.
9. In terms of the structure of this letter, we first cover the applicant's sequential approach in more detail based on the most recent submission by Mango, and then set out our view as to why it is reasonable and appropriate for the Council in this case to refuse the application on impact grounds.

## SEQUENTIAL TEST

10. At the outset we should state that we welcome and support the findings of the Council's Spatial Policy team (dated 30<sup>th</sup> April 2018) that the application fails the sequential test. As the Spatial Policy team conclude in their advice, the applicant:

*"...has not considered all potentially suitable sites and premises and because there are sequentially preferable premises available in Yeovil Town Centre that could accommodate the proposed development if the applicant applied flexibility to the format of the proposed development" The application should therefore be refused on this basis that is not in accordance with Local Plan Policy EP11 and the NPPF and PPG".*

11. We have previously advised the Council in our representations of August 2017 that the applicant has not demonstrated sufficient flexibility in their overall assessment of the availability and suitability of potential sites and/or buildings in and on the edge of the town centre; and specifically the Cattle Market site. We have also provided examples of other developments where greater flexibility has been applied in terms of store format, scale, layout and parking provision.
12. On this matter the NPPF (paragraph 24) is clear that applicants and local planning authorities “*should demonstrate flexibility on issues such as format and scale*”. The Government’s online Planning Practice Guidance (‘PPG’) provides further advice on the issue of flexibility stating that: “*It is not necessary to demonstrate that a potential town centre or edge-of-centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal*” (ID 2b-010020140306).
13. As the Council are also aware, the application and interpretation of the sequential test – and specifically the issue of “*flexibility*” - has been informed by a series of appeal/call-in decisions and Case Law<sup>1</sup> since the publication of the NPPF in 2012 and the PPG in 2014. Further to these decisions, we would also like to take the opportunity to draw the Council’s attention to a recent appeal decision issued on 20<sup>th</sup> December 2017. This S78 decision pertains to the refusal of a Class A1 retail park on land at Kingswood, Hull<sup>2</sup> and provides further evidence and guidance with regard to the appropriate application and interpretation of the sequential test, and specifically the key issues of “*availability*”, “*flexibility*” and “*disaggregation*”. It is therefore material to the Council’s overall assessment and determination of the current application proposal on sequential grounds.
14. Although we do not propose to cover the decision in full here for the sake of brevity, some of the Inspector’s more relevant comments and conclusions are as follows:
  - **Availability** – the Inspector considered it would be “*unreasonable to exclude sites as non-available where there is a reasonable prospect that they will be both vacant and in single ownership within a matter of months*” (paragraph 58).
  - **Flexibility** - in terms of “*form*” or “*format*” the Inspector (paragraph 33) indicated that this could include: whether the proposal can be provided in one or more buildings: whether space is on one or

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<sup>1</sup> Including:

- ‘Dundee Decision’: Tesco Stores Limited v Dundee City Council [2012] UKSC 13 (March 2012)
- ‘Zurich Decision’: Zurich Assurance Limited v North Lincolnshire Council [20th December 2012] – High Court of Justice [EWHC 3708 (Admin)];
- Scottish Widows v Cherwell District Council [17th December 2013] – High Court of Justice [EWHC 3968 (Admin)];
- ‘Rushden Decision’: [S77 Inquiry] LXB (Rushden) Limited, Northampton Road, Rushden (11 June 2014) - (ref: APP/G2815/V/12/2190175);
- ‘Mansfield Decision’: Aldergate Properties Ltd v Mansfield District Council – High Court of Justice (8th June 2016) [Case No: CO/6256/2015];
- ‘Exeter Decision’: [S78 Inquiry] Appeal by CPG Development Projects Ltd for a mixed use development on land north of Honiton Road, Exeter (APP/Y1110/W/15/3005333);
- ‘Great Yarmouth Decision’: [S78 Inquiry] relating to application for retail park consisting of Class A1 retail (3 units) and Class A3/A5 café/restaurants (2 units) (APP/U2615/W/15/3136604) (September 2016);
- ‘Truro Decision’: [S78 Inquiry] relating to application for a mixed use scheme consisting of a Class A1 retail of 6,708 sqm at Threemilestone, Truro (APP/D0840/W/15/3137929) (October 2016);
- ‘Scotch Corner Decision’: [S77 Inquiry] relating to application for Designer Outlet Centre on land west of A618 Barracks Bank, Scotch Corner, North Yorkshire (APP/V2723/V/15/3132873 & APP/V/16/3143678) (1<sup>st</sup> December 2016)
- ‘Tollgate Decision’: [S78 Inquiry] relating to new retail, leisure and mixed use scheme on land at Tollgate Village, Tollgate West, Stanway, Colchester, Essex (APP/A1530/W/16/3147039) (4<sup>th</sup> August 2017)

<sup>2</sup> ‘Hull Decision’: [S78 Inquiry] relating to new Class A1 and Class A3/A5 floorspace totalling 11,148sqm (GIA) on land North of Ashcombe Road and Barnes Way, Kingswood, Hull HU7 3JX (APP/V2004/W/17/3171115) (December 2018)

more levels; how individual units are laid out; and how and where parking and servicing provision is made.

- **Disaggregation** - the Inspector found that although it is “*not explicitly referred to in current national policy ... neither is it explicitly excluded*” (paragraph 54). He also referred to the Inspector’s conclusions with regard to the Tollgate appeal, where disaggregation within the sequential test was justified. He also referred to the fact that ‘sub-division’ was also considered in the Dundee case. Against this background the Hull Inspector assessed the potential for disaggregation as part of the overall sequential approach and concluded that there were two town centre sites that could accommodate the out-of-centre retail floorspace proposed, after applying reasonable flexibility on issues such as format and scale.

15. Turning to the **Cattle Market** site we can confirm that it is available for development, as our client has recently secured a 5 year option after a period of protracted negotiation with the landowners. A project design team is in place and we have entered into pre-application discussions with the Council with regard to proposals for a mixed-use development scheme on the site, to include a new foodstore.
16. Our client’s plans for the Cattle Market are fully in accordance with the Council’s own aspirations for the site, as articulated by the *Yeovil Town Centre Refresh* (February 2018), and supported by the *2017 South Somerset Retail and Town Centre Uses Study* (SSRTCUS 2017).
17. The Cattle Market site is therefore available and suitable for a new foodstore development in the town centre.
18. Although there is no reference to viability as part of the sequential test in the NPPF (paragraph 24), our client has confirmed that a foodstore as part of a wider mix of uses on the Cattle Market site would be viable and deliverable over the short term. A foodstore-led scheme remains our client’s preferred development option for the site and this has been the key objective for them from the outset in seeking to secure an option on the site.
19. However, as the Council will be aware, the overall viability of a foodstore-led development option will depend on securing a strong branded operator. Clearly if permission is granted by the Council to the out-of-centre Aldi store and/or to the application for a Sainsbury’s on the Bunford Park site, then this would significantly undermine the viability of delivering a foodstore-led scheme on this important and strategic town centre site.
20. The fact that our client now has an option on the Cattle Market site and is planning to take forward a new foodstore-led mixed use scheme should therefore be all the evidence that the Council needs at this stage to demonstrate that the site is viable for the proposed Aldi application.
21. Notwithstanding this, we are surprised by the fact that the Spatial Policy team appear to have placed undue weight on the additional information presented by Mango in their letter dated 13<sup>th</sup> March 2018. This sets out the applicant’s assessment of the Cattle Market site and Mango’s assertion that the costs of development would exceed the value of the scheme. In their assessment of the site’s viability the Spatial Policy team conclude that whilst this viability appraisal is in relation to a different scheme from that currently proposed and at a different point in time:

*“...on the evidence presented, it would appear that the proposed development would be unviable without other forms of development on site. Therefore, whilst the site is suitable, it appears to be undeliverable for the proposed development. I would suggest the valuation evidence be reviewed to ensure this is the case”.*

22. The Council's conclusion that the site appears to be undeliverable for the proposed development is quite simply wrong and cannot be justified.
23. The limited market and viability evidence presented by Mango is dated, applies to a different scheme at a different time, and cannot be crudely used to infer that our client's plans for the Cattle Market site are unviable. As stated above, our client has secured a 5-year option on the site and is seeking to bring it forward for development. It therefore has to be assessed as being suitable and viable, as it can accommodate the application proposal.
24. Mango also support their position by reference to the potential constraints to development highlighted in the Council's February 2018 *Refresh* study. To be clear, our client is fully aware of the history of the site and the potential constraints and challenges it poses to development. Nonetheless, they have still proactively sought and secured an option on the site over a period of time, as it is their long-held view that a foodstore-led option is viable. On this point the Council will also be aware that the *Refresh* study also recognises that:

*"Due to the scale and complexity of the site it is anticipated that a private sector developer is most likely to bring the site forward". It also states that: "Overall the site is considered to have strong development potential for a range of uses considering its proximity to the town centre, Quedam, hospital and surrounding residential uses".*

25. Furthermore, based upon our client's own review of Mango's other points that the Cattle Market site is not suitable or viable for the proposed Aldi store, their response is as follows:
  - The developer whose scheme is discussed never signed an option or exchanged a conditional contract on the site and thus their efforts were speculative and at risk. In such circumstances developers will normally limit their exposure to abortive costs by not pursuing exhaustive site diligence and detailed design development. Our client has a long term, embedded commitment to and investment in Yeovil and, as such, has the time and resource to fully work-up a proposal which addresses design matters and fully delivers the widest value proposition.
  - Our Client is also the owner of Vincents Yard site, which sits between the Cattle Market and the Quedam Centre. From an economic perspective, there is substantial value synergy between the two. From a design perspective, a far more attractive and direct pedestrian connection can be made between the Cattle Market and the heart of the town centre. The larger footprint over which to design a scheme also results in many more deliverable solutions to the extant topography and the ability to step away from boundaries thus alleviating issues that may have constrained other schemes. For both reasons, development viability is significantly enhanced.
  - Cattle Market's development can now be seen within the context of a wider set of potentially enhancing proposals identified within the Council's *Refresh* document, which was not part of the strategic landscape at the time the previous schemes were conceived.
26. Furthermore, even if Aldi state that the Cattle Market site does not meet their requirements and is not suitable or viable for their needs – which Mango inevitably do state is Aldi's position in their submissions in support of the current application – the Council must be aware that allowing either or both of the Aldi and Sainsbury's out-of-centre foodstores, this will effectively '*blight*' the viable commercial option for a foodstore on the Cattle Market site.
27. For the reasons we set out below, this will also have a significant adverse impact on our client's existing and planned investment in the town centre. Moreover, the Council will appreciate that even if another foodstore operator was potentially seeking space in Yeovil, they would not choose to locate on the Cattle Market site in the knowledge that Sainsbury's and/or Aldi have been granted permission to trade outside the town centre. Yeovil's crowded grocery sector would simply not be able to sustain another foodstore

operator; and the Council's own evidence-based study has clearly demonstrated that there is no expenditure capacity.

28. As the Council will also be aware from the *Refresh* study, locating the foodstore in this highly visible and sustainable location in the heart of the town centre would also maximise the benefits for the town's overall vitality and viability and the local economy (as measured by turnover, jobs and GVA), as it would help to generate and strengthen footfall, linked trips and expenditure to other shops and businesses in the town.
29. With regard to the vacant former **BHS Unit**, our client has confirmed that the unit is available and suitable to accommodate the application proposal, assuming reasonable flexibility is applied on issues such as format and scale. Our client therefore fully supports the conclusions reached by the Spatial Policy team in this case that the former BHS unit does represent a sequentially preferable location and the application should therefore be refused on the basis that it is not in accordance with Local Plan Policy EP11 and the NPPF. In terms of Mango's recent submission on the availability and suitability of the BHS unit, our client's comments are as follows:
  - Subject to occupier interest, the store can be available with vacant possession within a few months by way of a surrender of the existing lease. Whatever the passing rent is, our client is seeking a longer term use that would benefit the shopping centre and the town as a whole, and thus their substantial investment. The viability of the subdivision is driven by long term asset management considerations.
  - The store is suitable for sub-division in-line with the footprint proposed by the Aldi application.
  - The Centre has significant parking available, and dedicated spaces could be made available given the capacity. Our clients have recently initiated a specific customer discount/free hours scheme with a gym operator who has recently taken a unit within the Quedam Centre; thus demonstrating their flexibility with regard to competitive parking options for specific customer groups.
  - There are a range of servicing options, including a new bay leading from the Quedam's main service area, suitable for all vehicles, rather than the smaller one serving only the former BhS store.

### IMPACT TEST

30. At the outset we should state that we do not agree with the applicant's or the Council's position that the impact of the proposed Aldi is not a key material consideration in this case. Although the application proposal falls below the 2,500 sqm impact threshold, we have clearly demonstrated as part of our sequential assessment that allowing the Aldi store would have a significant adverse impact on our client's planned investment and development of the Cattle Market site for a foodstore-led scheme.
31. At the outset our client wants the Council to be aware that any diversion of shoppers and expenditure from the town's shops and business to the Aldi proposal does represent a serious cause for concern given the fragility of the town centre specifically and the retail sector generally. On this basis it is our view that the level of trade diversion and impact on the town centre arising from the Aldi will be significantly adverse.
32. Further to this the GVA appraisal of both the Sainsbury's and Aldi applications clearly demonstrates that the level of cumulative impact would be high and, in our view, significantly adverse. The table below summarises the forecast impacts on the town's total retail (convenience and comparison) turnover and is reproduced from GVA's appraisal (also refer to Tables 21-24 at Appendix III of their Appraisal).

**Table 2: Total Cumulative Impact on Class A1 Retail in Yeovil Town Centre**

Store / Location	Lower Pre-Impact Comparison Goods Scenario (%)	Higher Pre-Impact Comparison Goods Scenario (%)
Convenience goods	-26.3%	-26.3%
Comparison goods	-6.0%	-4.2%
Total Class A1 retail impact	-11.2%	-8.4%

Source: GVA 'Assessment of Impact' (March 2018). Table 3.2, page 35.

33. As GVA conclude (paragraphs 3.9/3.10), “...the effect of permitting Bunford Park in addition to Olds Garage will increase the scale of negative impact on the town centre”.
34. As set out in our objections to the Sainsbury’s application proposal, the impact on planned investment of allowing Aldi has to be considered against the town’s health and performance, and the fact that it is clearly fragile and vulnerable to further competition from online and out-of-centre retailing. As GVA concluded in their appraisal, the town centre is “under pressure from external factors” (paragraph 2.85) and they identified a number of key trends with regard to the changing performance and health of the town centre since 2006 based on the available evidence<sup>3</sup>:
- Although the town centre’s comparison goods turnover grew from £228m in 2006 to £267m in 2009, it has since fallen back to £252m in 2018.
  - The increase in the town’s turnover over this 12-year period of circa 11% is significantly below the growth in comparison goods spending of circa 48%.
  - The town has lost market share since 2006. GVA (paragraph 2.84) state that this is most likely explained by competition from online shopping and from other competing shopping facilities, including out-of-centre stores.
  - GVA also point to the on-going high vacancy rate in the town centre “as a sign that either there is too much space in the centre and/or demand is poor” (paragraph 2.85).
35. The Council’s own *Refresh* study published in February 2018 also highlights weaknesses in the town centre’s shopping environment and offer, including:
- a poor diversity of uses;
  - limited convenience provision, and a need to focus new foodstore provision in the town centre to act as an anchor and increase the vitality of the centre going forwards;
  - the poor quality of the shopping pitch towards the lower end of Middle Street/Glovers Walk, which is characterised by a number of vacancies; and
  - a lack of modern retail units
36. The fragility of Yeovil Town Centre as a shopping destination also cannot be dissociated from the wider trends in the UK’s retail property and occupier market. Beginning with Woolworths in 2008, there have been a significant number of retail casualties and failures over the last decade that have had, and are having a significant impact on the status, composition, vitality and viability of many of our high streets and town centres.
37. Yeovil Town Centre has not been immune to these wider trends in the market. It has experienced the loss and closure of a number of major retailers over the last decade; including Mothercare to out-of-centre

<sup>3</sup> Including the evidence-based studies prepared for the Council - 2017 Retail Study, 2009 Retail Study Update and 2006 Retail Study.

shopping locations, and the closure of BHS – a large format store in the town centre that still remains vacant. The direct consequences of this are high vacancy rates across the town centre – as identified by the Council’s own studies – and a fall in the centre’s Javelin *VenueScore* Ranking from 118<sup>th</sup> in 2007 to 160<sup>th</sup> in 2016. The Council should also be aware that the closure of BHS in 2016 will have lowered the town centre’s ranking even further.

38. Recent announcements by New Look, Marks & Spencer, Poundworld and House of Fraser amongst others that they are to close more stores underlines the ongoing fragility of the retail sector. This is clearly not a cyclical trend. Our towns, high streets and shopping centres are facing significant structural and economic challenges to their future vitality and viability due to the growth in online and out-of-centre shopping, the decline in retailer demand for (physical) shops/space and fundamental changes in shopper behaviour and preferences.
39. Even where shop units are occupied, this can often mask the fact that many benefit from rent-free terms and/or short term leases. This effectively means that retailers can vacate stores at relatively short notice. Added to this the recent use (and potential misuse) of Company Voluntary Arrangements (CVAs) - a form of insolvency that allows retailers to cut rents and shut stores when the only alternative is administration - is also creating increased pressure on the ability to commit to new investment across the UK; including for our client.
40. This ‘*perfect storm*’ of falling turnover and footfall, high and growing vacancy rates, limited rental growth, reduced market demand and the loss of key anchor stores from the town centre over the last decade has also inevitably impacted on occupier, business and investor confidence in the town. Allowing Aldi in this case, either on its own or in combination with the Sainsbury’s application, would clearly increase the competitive position of out-of-centre shopping locations in Yeovil, making them even more attractive to occupiers and shoppers than the town centre. The combination of larger stores, extensive free parking, lower occupancy costs, easier accessibility by car and other advantages make it difficult for town centres to compete ‘on a level playing field’. Cumulatively this would further harm existing and planned investment in the town centre.
41. It is against this background that the impact on our client’s existing investment – the Quedam Centre – and their planned investment to extend the town’s shopping and wider offer on to the Cattle Market site has to be considered, and ultimately in our view afforded significant weight by the local planning authority. In this case allowing the out-of-centre Aldi store would clearly have a significant adverse impact on our client’s plans to deliver a new foodstore on the Cattle Market site. As our sequential assessment has highlighted, a foodstore-led mixed use development would effectively be rendered unviable, leaving limited alternative viable development options available to extend and strengthen the town centre’s shopping and leisure offer; which remains the priority for the Council.
42. This impact on our client’s existing and planned investment would also occur at a critical time when the Town Centre as whole is facing up to the challenges of the rapidly changing retail sector, and the long term impact of online retailing and out-of-centre retailing. Our client is clear that although the retail and town centre economy is “*holding up*”, it is highly fragile and vulnerable to impact. Permission for another out-of-centre scheme at this stage in its recovery will seriously harm existing and planned investment in Yeovil Town Centre, including operator demand and, it follows, the town’s overall vitality and viability.
43. Further to this, the potentially significant adverse impact on existing, planned and committed public sector investment in the town centre should not be under-estimated. For example, the Council’s own *Refresh* study published in February 2018 has identified a 5-year strategy aimed at delivering ‘quick wins’ and transformational projects as part of the longer term transformation of the town centre. Key to this will be Council led and funded improvements to the public realm and spaces, that will help to engender business and investment confidence in the town centre. Clearly allowing this major out-of-centre foodstore application would be at odds with the Council’s own strategy for its town centre, as it would potentially harm



the delivery of a number of the key initiatives and projects set out in the *Refresh* strategy. For the Council's information the impact on public sector investment in town centres – ranging from improvements to the public realm to new development projects – was a key issue that was taken into account by the Inspector at the recent Hull inquiry<sup>4</sup>.

44. It is against this background that we also conclude that the application proposal will have a significant adverse impact on the town centre's overall vitality and viability, and specifically on planned investment. It is therefore contrary to the NPPF (paragraphs 26-27) and to Local Plan policy objectives, and in our view it should also be refused by the Council on this basis.

## CONCLUSIONS

45. In conclusion, we agree with and strongly support the advice issued by the Council's own Spatial Policy team that the application proposal fails the sequential test and is therefore contrary to Local Plan Policy EP11 and the NPPF (paragraph 27).
46. In our judgement the applicant proposal will also have a significant adverse impact on the vitality and viability of Yeovil Town Centre, and specifically on our client's planned investment for the Cattle Market site. Allowing Aldi would effectively remove a potential key tenant for the Cattle Market site – notwithstanding the fact that Aldi inevitably state that they do not have an interest in the site at present – and would undermine the overall viability and deliverability of the site for a foodstore-led mixed use scheme. A foodstore on the Cattle Market is our client's longstanding preferred development option, and the reason why they have spent a considerable period of time securing the option on the site.
47. Allowing the Aldi application would also be contrary to South Somerset's Local Plan strategy for the town centre and the Council's recent *Yeovil Refresh* (February 2018), which promote new investment and development in the town centre first as a priority.
48. In terms of any potential economic and employment gains from the application proposal, we do not consider that these outweigh the fact that there are sequentially preferable sites/premises available and suitable to accommodate the Aldi in the town centre; assuming reasonable flexibility on issues such as format and scale. Any benefits would be further outweighed by the significant adverse impact on our client's planned investment in the town centre. The likely loss of footfall and expenditure, reduced market share, increased store closures and vacancies, loss of jobs, etc., arising from the failure to secure a key tenant for the Cattle Market site will further damage the overall vitality and viability of the town centre at a time when it is facing up to significant challenges from online and out-of-centre shopping, and the wider dynamic changes in the retail property and occupier sector.

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<sup>4</sup> 'Hull Decision': [S78 Inquiry] relating to new Class A1 and Class A3/A5 floorspace totalling 11,148sqm (GIA) on land North of Ashcombe Road and Barnes Way, Kingswood, Hull HU7 3JX (APP/V2004/W/17/3171115) (December 2018); see paragraphs 118 to 131.

We trust that our further representations on this application proposal are helpful to the Council in their decision making. Should you require any further information please do not hesitate to contact Dr Steven Norris in the first instance. In the meantime, we respectfully request the opportunity to review and comment on any additional information submitted by the applicant and other parties pertaining to this application.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Steven Norris', with a stylized flourish at the end.

**Dr Steven Norris, Head of Regeneration**  
**Prepared for and on behalf of CARTER JONAS LLP**