

Application reference: 26/0205/VAR

Proposal: Variation of conditions 1 and 2 of planning permission 24/0117/VAR to facilitate the subdivision of the unit to create 2 no. separate retail units and increase the number of units in the retail terrace from 8 to 9.

Site address: Unit 10/ 11 Fosse Park West, Grove Way, Enderby, Leicestershire, LE19 1HZ

Applicant: Wexford Retail LP, a Crown Estate (TCE) company

Case officer: Stephen Dukes, Strategic Growth Manager

Recommendation: That application 26/0205/VAR be approved subject to the following conditions.

Conditions:

1. Approved plans condition (amended to refer to new drawings for subdivision of Unit 10/ 11).
2. Main terrace limited to 9 units (increased from 8 units), only Units 3a and 3b permitted to be less than 393 sq m and only 6 units permitted to be less than 929 sq m (increased from 4 units).
3. Units 1 and 12 shall not be amalgamated with other units or subdivided.
4. Limit of 5,997 sq m gross external ground floor area for main retail terrace.
5. Limit of 4,302 sq m for mezzanine floorspace in main retail terrace.
6. Units 1 and 12 limited to Class E(a).
7. Units 2, 14 and 15 limited to Class E(b) and limits on floor space for each unit.
8. Limit of 5,422 sq m for Unit 1 and limit of 3,537 sq m for ground floor area.
9. Limit of 6,689 sq m for Unit 12 and limit of 2,871 sq m for ground floor area.
10. No more than 5% of any unit in E(a) use to be used for the sale of ancillary food and drink for consumption off the premises.
11. Class E(b) floorspace to be used for no other purpose.
12. Vehicular gates, etc. to service yard to be hung so as not to open outwards. Other gates, etc. to be set back a minimum of 5 metres behind the highway boundary.
13. Minimum of 881 car parking spaces to be retained in perpetuity.
14. Landscaping scheme to be retained and any trees, etc. which die or are removed to be replaced within 5 years of original planting.
15. Lighting scheme to be retained in perpetuity.

1 The site

- 1.1 Fosse Park is a large out of town shopping centre located in Enderby close to Junction 21 of the M1 accessed by the dual carriageways of Soar Valley Way and Narborough Road South.
- 1.2 Fosse Park West (previously known as 'Castle Acres' was granted planning permission in 2017 (in application 15/0577/FUL) and was built on the former site of Everards Brewery. The development was an extension to the existing Fosse Park Shopping Centre (which already comprised of Fosse Park North

and Fosse Park South) and had a gross internal area (new floor space) of approximately 28,329 square metres. As with the existing Fosse Park, the extension had a focus on fashion-led retail, but also contains several café/restaurant units, including two kiosks located in the car park. A separate planning permission (18/0550/FUL) was granted in 2018 which related to the redevelopment of the food court which now connects Fosse Park West and Fosse Park North. The three elements of Fosse Park together provide some 70,500 square metres of retail and food and beverage uses.

- 1.3 The permission granted for Fosse Park West included two main 'anchor' units at the east and west sides of the site (Units 1 and 12, occupied by Next and Flannels respectively). In addition, a main terrace of non-food retail outlets comprised of 7 units of differing sizes. The unit sizes approved were indicative and could be subject to change depending on tenant demand, but condition 4 allowed no more than 7 units within the main retail terrace and also specified that no individual unit could have a ground floor gross internal area of less than 393 square metres and no more than 3 units could have a ground floor gross internal area of less than 929 square metres. The reason for this condition was to protect the vitality and viability of nearby town centres and to ensure that the impact of the development had been adequately assessed and considered.
- 1.4 In addition, condition 7 allowed up to 4,302 square metres of mezzanine floorspace within the main retail terrace and required the size and location of any mezzanine additions to be first submitted to and approved by the District Planning Authority.
- 1.5 The strict controls over the size of the units were to ensure that those in the retail terrace continued to be in line with the large retail units which are a feature of such retail parks and had been considered in the original application. Condition 4 was intended to prevent an increase in smaller units within the proposed development than had been assessed as part of the application whilst allowing flexibility in the specific size of each unit. This reflected the sequential based approach to retail development, as set out in the National Planning Policy Framework and Policy CS13 of the Blaby District Local Plan (Core Strategy) Development Plan Document, whereby retail development should be directed towards the existing higher order retail centres, and only where there are no suitable and available sites in town centres should edge of centre or out of centre locations be considered.

2 The Proposal

- 2.1 This application proposes the subdivision of Unit 10/ 11 to create two separate retail units. The applicant indicates that this will facilitate the occupation of the subdivided units which have been vacant since Fosse Park West was constructed and have never been occupied, despite being marketed for over 8 years. The applicant states that the occupation of Unit 10/ 11 by two separate occupiers will create approximately 42 jobs in a mixture of full and part-time positions.

- 2.2 The application has been submitted under Section 73 of the Town and Country Planning Act 1990 to amend conditions proposed on the most recent amended consent, 24/0117/VAR. That consent was granted on 4th June 2025 and was itself a variation to the original Fosse Park West permission (15/0577/FUL) and proposed the subdivision of another unit, Unit 3, at Fosse Park West.
- 2.3 The application proposes to amend conditions 1 and 2 attached to planning permission 24/0117/VAR.
- 2.4 Condition 1 is proposed to be amended to refer to the latest drawings which show the internal reconfiguration. However, no external alterations are proposed.
- 2.5 Condition 2 restricts the total number of retail units within the main retail terrace to 8 units and sets a minimum unit size. The minimum size of unit was previously 393 square metres but application 24/0117/VAR permitted the subdivided units (i.e. Unit 3) to be smaller.
- 2.6 Unit 10/ 11 comprises of a total of 1,080 sq m at ground floor level only. The proposal is to subdivide the unit to create two separate retail units of less than 929 square metres so a variation to condition 2 is required. The subdivided Unit 10 is proposed to be 465 sq m and Unit 11 605 sq m. The total number of units in the main retail terrace will increase from 8 to 9.
- 2.7 The application therefore proposes the following amended wording to condition 2:

Previous wording:

“The main retail terrace shown on plan 14173-0303-04 (Proposed Block Plan – Main Terrace) shall comprise of no more than 8 units, no individual Class E(a) retail unit shall have a ground floor gross internal area of less than 393 square metres except for Units 3A and 3B (being created by the sub-division of Unit 3, formerly Unit 11), which shall have a ground floor gross internal area of no less than 216 sq. m, and no more than 4 units shall have a ground floor gross internal area of less than 929 square metres”

Proposed wording:

“The main retail terrace shown on plan 14173-0303-04 (Proposed Block Plan – Main Terrace) shall comprise of no more than 9 units, no individual Class E(a) retail unit shall have a ground floor gross internal area of less than 393 square metres except for Units 3A and 3B, which shall have a ground floor gross internal area of no less than 216 sq. m, and no more than 6 units shall have a ground floor gross internal area of less than 929 square metres”

2.8 Section 73 application

An application made under Section 73 of the Town and Country Planning Act 1990 can be used to vary or remove conditions associated with a planning permission. A new, independent planning permission is created with amended conditions which sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement

the new permission or the one originally granted. A decision on a Section 73 application should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect. It is therefore necessary to review all conditions imposed on the permission being varied.

2.9 Environmental Impact Assessment

The process of Environmental Impact Assessment (EIA) in the context of town and country planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental impacts.

The original planning application was considered 'EIA development' as it comprised of an urban development project where the site area exceeded 1 hectare and an Environmental Statement was submitted with the planning application. The Planning Practice Guidance advises that a Section 73 application is considered to be a new application for planning permission under the Environmental Impact Assessment Regulations, and that where an EIA was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations. It states that whether changes to the original Environmental Statement are required or not, an Environmental Statement must be submitted with a Section 73 application for an EIA development. In this instance, the previous Environmental Statement submitted with application 15/0577/FUL has been provided, but no additional or amended information was considered necessary as the proposal simply involves the subdivision of one of the retail units and would not have any additional or altered impacts on the environment. The same approach was taken for application 24/0117/VAR which involved the sub-division of a different unit, Unit 3.

2.10 Deed of Variation

The original planning permission granted in 15/0577/FUL was issued alongside a Section 106 agreement which secured the following:

- A contribution to Leicestershire County Council towards highway and transportation measures;
- A contribution to Leicestershire County Council towards provision of a Sustainable Travel Strategy;
- A contribution towards the monitoring of nitrogen dioxide emissions;
- Anchor unit 'keep open' provisions for Units 1 and 2 – to require

- Leicester City Centre stores to continue to operate for 5 years;
- A contribution to Leicester City Council towards measures to mitigate the retail impact on Leicester City Centre; and
- A contribution to Leicester City Council towards a 3-year package to develop and implement a skills strategy.

The original Section 106 did not include a clause that would bind any future permissions under Section 73 under the terms of the Section 106. The previous Section 73 approval granted in 24/0117/VAR therefore required a Deed of Variation to the original Section 106 to bind the new permission. That Deed of Variation included a new clause 19 which also binds any future applications made under Section 73, unless the District Council reasonably requires a new deed or variation. A Deed of Variation is not considered necessary in this case as the owner of the land would be bound by the obligations of the original Section 106 Agreement and no further obligation are necessary.

3 Relevant Planning History

Reference	Description	Decision	Date
15/0577/FUL	Demolition of existing buildings and erection of a non-food shopping park (Class A1) and complementary A3 uses together with access and servicing arrangements, car parking and landscaping and associated works including closure Page 116 of Everard Way to create new pedestrian link into Fosse Shopping Park.	Approved	21 February 2017
18/0550/FUL	Redevelopment of existing food court including demolition of existing building and erection of new building comprising of A1 and A3 use with new management suite, pedestrian link, car parking, servicing areas, landscaping and associated works	Approved	24 August 2018
17/1046/DOC	Submission of mezzanine floorspace details for unit 6 in accordance with condition 7 of application 15/0577/FUL	Approved	7 September 2017
17/1101/NMAT	Non-Material Amendment to application 15/0577/FUL - (Demolition of existing buildings and erection of a non-food shopping park (Class A1) and complementary A3 uses together with access and servicing	Approved	27 February 2018

	arrangements, car parking and landscaping and associated works including closure of Everard Way to create new pedestrian link into Fosse Shopping Park) - proposing replacement of the previously approved conservatory and garden centre to Unit 1 with a restaurant		
18/1748/NMAT	Non-Material Amendment to 15/0577/FUL (Castle Acres Approval) - Unit 1- Including re introduction of conservatory as originally approved, raising of the parapet wall and amendments to Condition 10 (GEA clarification)	Approved	5 March 2019
20/0276/DOC	Discharge of condition 7 attached to 15/0577/FUL relating to mezzanine floorspace details for units 5 and 6	Approved	12 June 2020
20/0716/DOC	Discharge of condition 7 attached to 15/0577/FUL relating to mezzanine floorspace details for unit 8	Approved	15 December 2020
24/0116/FUL	Use of first floor of Unit 2 as medical, wellness and aesthetic clinic within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), the provision of a carve out of part of the floorspace to the rear of Unit 3 for access to Unit 2, and external alterations to the elevations	Approved	15 May 2024
24/0117/VAR	Variation of conditions 2 and 4 of planning permission 15/0577/FUL to facilitate the subdivision of the unit to create 2 no. separate retail units and associated external changes	Approved	4 June 2025

4 Consultation Responses

Full copies of the representations received are available to view at <https://pa.blaby.gov.uk/online-applications/>

The numbers in brackets signifies the amount of times consultees have responded to the application.

4.1 Leicestershire County Council Consultees

- 4.1.1 Local Highway Authority (1)
No objection

4.2 Others

- 4.2.1 Blaby Parish Council (1) - No comments
- 4.2.2 Braunstone Town Council - No response received
- 4.2.3 Enderby Parish Council (1) - No observations
- 4.2.4 Glen Parva Parish Council- No response received
- 4.2.5 Harborough District Council - No response received
- 4.2.6 Hinckley and Bosworth Borough Council - No response received
- 4.2.7 Leicester City Council (1) – Objection – discussed in Section 7.6
- 4.2.8 Oadby and Wigston Borough Council - No response received
- 4.2.9 Narborough Parish Council - No response received
- 4.2.10 Ward Councillor - No comments received

5 Consultation Responses

- 5.1 As part of the consultation process and in accordance with the Council's Statement of Community Involvement (2020); adjacent commercial properties were consulted.
- 5.2 An objection has been received on behalf of the owners of Highcross Leicester (the shopping centre in Leicester city centre) who have become aware of the application. This is discussed in section 7.7.

6 Planning Policies and Material Considerations

6.1 Development Plan

Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be considered in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan in relation to this proposal consists of:

- Blaby District Local Plan (Core Strategy) Development Plan Document (adopted 2013)
- Blaby District Local Plan (Delivery) Development Plan Document (adopted 2019)
- Leicestershire Minerals and Waste Local Plan 2019-2031

6.1.1 Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

Policy CS1 – Strategy for locating new development
Policy CS2 – Design of new development
Policy CS10 – Transport Infrastructure
Policy CS13 – Retailing and other town centre uses
Policy CS24 – Presumption in Favour of Sustainable Development

6.1.2 Blaby District Local Plan (Delivery) Development Plan Document (2019)

Policy DM1 - Development within Settlement Boundaries
Policy DM8 – Local Parking and Highway Design Standards

6.2 Material considerations

National Planning Policy Framework (NPPF) (2026)

The revised NPPF was published on 18th August 2026. The following National Decision-Making Policies are the most relevant to this application:

- S3 – Presumption in favour of sustainable development
- S4 – Principle of development within settlements
- DM3 – Determining development proposals
- E2 – Meeting the need for business land and premises
- TC3 – Main town centre uses outside town centres
- TC4 – Assessing the impact of development on town centres
- L2 – Making effective use of land
- DP3 – Key principles for well-designed places
- DP4 – The design process

Planning Practice Guidance (PPG)

This supports the NPPF and provides practical guidance on a variety of topic matters.

New Blaby District Local Plan Regulation 19 Proposed Submission Version

The emerging Local Plan, published under Regulation 19 and currently subject to consultation, is a material consideration in the determination of this application. However, as the Plan has not yet been independently examined or adopted, it can only be afforded very limited to limited weight.

In accordance with policy DM4 of the NPPF, the weight attributed to emerging policies depends on: (i) the stage reached in the preparation of the emerging plan, (ii) the extent of unresolved objections to relevant policies, and (iii) the degree of compliance with the policies for plan-making in the NPPF. As the Plan has reached the Regulation 19 stage, weight can now be applied in decision making. Nevertheless, the weight afforded can only be very limited to limited at this stage, depending on consistency with the NPPF, pending examination by an independent Inspector.

Weight to policies will increase as we take the document through the formal submission and examination stages with the Planning Inspectorate, who will be assessing whether our Local Plan should be adopted, but much depends on whether there are objections to the policies within it.

Blaby District Retail, Town Centre, and Leisure Study

This forms part of the evidence based to inform the preparation of the new Local Plan

7 Consideration of application

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise. All material considerations must be carefully balanced to determine whether the negative impacts outweigh the positive impacts to such a degree that the adopted policies of the Development Plan should not prevail. This section will consider the proposed changes which the applicant wishes to make to planning permission 24/0117/VAR, considering the following:

- Retail policy
- Background to the Fosse Park West permission and the floorspace/ unit restrictions
- Background to previous change to the Fosse Park West permission in 24/0117/VAR
- Sequential assessment
- Impact assessment
- Objection from Leicester City Council
- Objection from Highcross Leicester

7.1 Retail policy

7.1.1 Both the relevant Local Plan policies and the National Planning Policy Framework adopt a 'town centre first' approach to retail development, whereby retail development in existing town centres is given priority over edge or out of centre locations. Policy CS13 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 identifies the 'Motorways Retail Area (including Fosse Park) as an 'out-of-centre' location as it is not located at the heart of an existing settlement and therefore sits at the bottom of the retail hierarchy.

7.1.2 Policy CS13 states that:

"Proposals for retail, leisure and other main town centre uses, as defined in the NPPF, will be subject to a 'sequential test'. This requires main town centre uses to be located within town centres, then edge of centre locations and then, only if suitable sequentially preferable sites are not available, in out-of-centre locations."

The policy contains the retail hierarchy which places Leicester City Centre at the top of the hierarchy, then town centres, district centres, rural centre, and

local centres, with out of centre locations including Fosse Park at the bottom. The settlement of Blaby contains the only 'town centre' in the district. The applicant has undertaken a sequential test which is considered in Section 7.4 of this report. The requirement for a sequential test in CS13 is consistent with the NPPF which states, in national decision-making policy TC3, *"A sequential test should be applied to proposals for main town centre uses for which planning permission is required, where these are neither in an existing centre nor in accordance with an allocation for that purpose in an up-to-date development plan"*.

7.1.3 Policy CS13 has a section which refers to the 'Motorways Retail Area' which states:

"Within the Motorways Retail Area (comprising Fosse Park Shopping Park, Asda, and the Grove Farm Triangle Retail Development) managed growth will be facilitated within the Motorways Retail Area in a form which is complementary to the achievement of the Blaby Town Centre Masterplan."

The policy does not define the term 'managed growth'. However, it is clear from the policy that some growth at Fosse Park and the surrounding area is supported, provided this is managed appropriately and is complementary to other retail centres such as Blaby. The Blaby Town Centre Masterplan is a regeneration project dating back to 2006 which aimed to improve and enhance Blaby Town Centre, making it more attractive and appealing as a shopping and leisure venue. This document does not have any policy status and is no longer an up-to-date document. However, despite the masterplan being out of date it is recognised that Blaby serves a different function to Fosse Park. Blaby comprises of generally smaller units providing a range of services and facilities, with the retail offering being more towards convenience goods, with the centre serving Blaby town itself and surrounding settlements. Fosse Park comprises of generally larger units with the retail offering being more towards comparison goods, with the centre serving a wider catchment area.

7.1.4 Policy CS13 also states that:

"New development or extensions in the Motorway Retail Area will be required to demonstrate the following:

- (i) There would be no unacceptable impacts on existing centres;*
- (ii) There are no sites suitable, available and viable and which are in sequentially preferable locations within or on the edge of existing centres;*
- (iii) They are capable of being well integrated with the existing retail facilities; and*
- (iv) They incorporate the provision of proportionate sustainability measures, including:*
 - Public realm, design and architectural improvements;*
 - Improved accessibility to the site by means of public transport, walking and cycling;*
 - Greater connectivity and ease of access between disparate parts of the MRA, particularly for pedestrians;*
 - Improvements to the local and wider transport network resulting from*

development;

- *Retail units maintaining the minimum floorspace thresholds identified in the original consent.*
- *Mitigation of any material impacts on flooding that might occur.”*

The policy refers to ‘new development or extensions’ being required to demonstrate compliance with the criteria. The development proposed in this application does not result in an increase in overall floorspace and therefore could not be considered an extension. It is also debatable as to whether it is ‘new development’ as the two units being created would both fall within Use Class E(b), the same as the existing unit. Nevertheless, officers have considered the proposal against the criteria in the policy.

- (i) *No unacceptable impacts on existing centres – see 7.1.5*
- (ii) *No sequentially preferable sites – see section 7.4*
- (iii) *Capable of being well integrated with the existing facilities -*

The existing vacant unit is an established part of the main retail terrace at Fosse Park West and is integrated with the existing units and adjacent car parking. Only internal alterations are required to subdivide the unit. It is therefore considered that the proposal is well integrated with existing facilities.

- (iv) *Provision of proportionate sustainability measures -*

The proposed development does not include improvements to public realm, design or architecture, or improved accessibility to the site by means of public transport, walking or cycling, or greater connectivity or transport network improvements. However, as the proposal simply involves internal works to facilitate the subdivision of the unit, it is considered that requiring such improvements would be disproportionate to the proposal being considered. Nevertheless, it is noted that the owners of Fosse Park have been undertaking incremental improvements to the older areas of Fosse Park (at Fosse Park North) to improve the public realm, and measures to improve accessibility, such as cycle stands, improved signage to nearby areas, etc. have been implemented in recent years. As the proposal is internal, there would be no material impacts on flooding. The proposed two subdivided units would not maintain the minimum floorspace thresholds identified in the original consent, necessitating a variation of the condition. The proposal would therefore not accord with this element of the policy relating to maintaining minimum floorspace thresholds.

7.1.5 Policy CS13 also sets a local floorspace threshold for the requirement for retail impact assessments. It states that:

“New retail and leisure developments should not have an unacceptable adverse impact on the vitality and viability of any other existing centre.

All applications for new retail and leisure developments in excess of 929 sq m (10,000 sq ft) gross and not within an existing town, district, rural or local centre will be required to provide impact assessments.

Assessments will be required to demonstrate:

- *The impact of the proposal on the vitality and viability of any centre,*

including local consumer choice and trade in the centres; and

- *The impact of the proposal on existing, committed and planned public and private investment in any centre.”*

The unit proposed for subdivision measures 1,080 sq m which is above the threshold of 929 sq m. However, the applicant has suggested that as the application relates to an existing E(a) retail unit with no change to the range of goods permitted to be sold and no additional retail floorspace being proposed, there is no policy requirement to undertake an impact assessment.

It is acknowledged that Policy CS13 refers to all applications for *new* retail development in excess of 929 sq m as requiring an impact assessment. However, national decision-making policy TC4 of the NPPF does not include the word ‘new’ and simply states, *“Development proposals for retail and leisure uses located outside town centres should be accompanied by an impact assessment if the proposal exceeds a floorspace threshold set out in an up-to-date development plan, and is not on a site which is allocated for the proposed use in the plan”*.

The Planning Practice Guidance states that *“the impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible”*. The PPG also includes a checklist for applying the impact test.

Following objections to the application, the applicant has provided what it considers to be a proportionate impact assessment as part of additional information provided. This is referred to and discussed in section 7.5.

7.2 Background to the Fosse Park West permission and the floor space restrictions

7.2.1 The original planning application which was considered by Blaby District Council for Fosse Park West (15/0577/FUL) was subject to a sequential test and impact test. The proposed development passed the sequential test as there were no identified sites which offered the genuine potential (i.e. were suitable and available) to accommodate the proposed development in sequentially preferable locations (i.e. which were better related to existing centres) within Blaby, Hinckley and Bosworth, Leicester City and Oadby and Wigston.

7.2.2 Case law has demonstrated that where the sequential test is applied, the suitability of alternatives for the whole development needs to be considered, but the Planning Practice Guidance does state that consideration should be given to any scope for flexibility in the format and/or scale of the proposal. At the time of the original approval it was therefore the potential for existing centres to accommodate the entirety of the proposed Fosse Park West development which had to be considered, rather than the ability to contain individual units.

7.2.3 The impact test submitted firstly examined 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 proposed development and it was

concluded that the proposed development would not have a significant impact on any existing, planned or committed investment.

- 7.2.4 Secondly, the impact assessment assessed the impact of the proposed development on town centre vitality and viability within the identified catchment area. It was concluded that the proposal would have a significant adverse impact on the vitality and viability of Leicester City Centre. The NPPF indicates that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on at least one of the two elements of the impact test, the application should be refused. However, case law has shown that a local planning authority must weigh all factors in the planning balance, taking into account any mitigating circumstances.
- 7.2.5 In determining the application, the District Planning Authority took into account mitigation measures which could be used to offset the degree of impact on Leicester City Centre. Leicester City Council considered that mitigation measures would minimise the impact to a point where they could conclude that the impact on the vitality and viability of Leicester City Centre would not be significantly adverse. The mitigation measures included contributions to city centre improvements, the funding of an employment and skills coordinator, and controls to prevent the main anchor store retailers occupying stores in Leicester City Centre from occupying stores at Fosse Park West and closing their existing stores in Leicester City Centre within a period of 5 years.
- 7.2.6 Leicester City Council also recommended a number of planning conditions to be imposed if planning permission was granted which included the following:
- Conditions restricting floorspace to that applied for as per the application;
 - Conditions restricting range of goods to be sold by all units to comparison goods to preclude the sale of convenience goods (over an ancillary amount of up to 10% of the sales floorspace)
 - Conditions precluding further subdivision of units and retention of the minimum unit size of 929 sq m for all units other than those specified below this requirement in the application
 - Conditions restricting the construction of mezzanine areas to those as detailed in the application only.
- These recommended conditions formed the basis of conditions 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of the original permission.
- 7.2.7 Regarding condition 4 of 15/0577/FUL, there is no clear reason as to why the main terrace was limited to 7 units only, or why 393 square metres was selected as the minimum ground floor gross internal area. It is noted that 929 square metres (the gross internal floor space which only three units were permitted to fall below) is the threshold above which Policy CS13 of the Core Strategy requires an impact assessment to be carried out for retail developments which are not in an existing town centre. Overall, however, it appears that the intention of the conditions was to limit the development to that which was being applied for and to exercise control over any future changes to the retail development.
- 7.2.8 The committee report for 15/0577/FUL also indicates that the intention was to

avoid the development evolving in the future to a point where it would start to provide accommodation which would appeal to retailers who may not have a requirement to locate at both Fosse Park and Leicester City Centre. The report stated that without a condition relating to sub-division and minimum unit size, the development could evolve such that one of Leicester City Centre's key differentiators (i.e. that it provides a range of different types of shops including relatively small and specialist retailers) was diluted. The report considered that the conditions imposed achieved this.

7.3 Background to previous change to the Fosse Park West permission in 24/0117/VAR

7.3.1 The original Fosse Park West permission was recently varied in application 24/0117/VAR. This permitted the subdivision of another unit in the main retail terrace, Unit 3, into two separate units, increasing the number of units in the main retail terrace from 7 to 8 and allowing a reduction in the minimum floorspace limit and an increase in the number of units permitted to have a floorspace of less than 929 square metres (10,000 sq ft) from 3 to 4.

7.3.2 That unit had also remained vacant since Fosse Park West was first built. In granting planning permission, it was recognised that the proposal did not result in an increase in overall floorspace at Fosse Park West but rather a change to the way it was divided up. A sequential test was provided which identified that there were no sequentially preferable sites in higher order centres. It was acknowledged that the proposal would not comply with the criteria in Policy CS13 which requires the minimum floorspace thresholds in the original consent to be maintained. However, the economic benefits of the proposal were recognised in terms of the jobs which would be created and the proposal enabling an existing vacant store to be occupied.

7.4 Sequential assessment

7.4.1 The applicant makes the following general observations to set the context for the sequential test:

- The application relates to an existing Class E (retail) unit and the proposals do not introduce additional or different town centres uses
- The application site forms part of an existing shopping destination, located within the Motorway Retail, serving the wider needs of the local catchment area.

7.4.2 In determining the scope for the sequential test, the applicant refers to case law and appeal decisions which support the view that in applying the sequential test it is potentially sequentially preferable locations for the development as a whole which should be considered, not an alternative proposal, and that whilst there is a requirement to demonstrate some flexibility, there is no requirement for disaggregation of units. The same approach was taken in relation to the sequential test submitted with the previous application, 24/0117/VAR. Officers considered that the sequential test had been carried out comprehensively with some flexibility demonstrated.

- 7.4.3 However, in applying the sequential test for the current application, the applicant has taken two different approaches. Scenario 1 considers alternative locations which can accommodate the combined floorspace of 1,070 sq m of the existing unit, rather than considering each proposed unit in isolation. The sequential test has applied some flexibility by considering units ranging from 963 sq m to 1,177 sq m, representing 10% below and above the total floorspace.
- 7.4.4 Although it is the applicant's view that the proposed units should not be disaggregated, they have also undertaken a separate assessment, Scenario 2. This assesses the units individually for the purposes of the sequential test. It considers alternative locations which can accommodate a floorspace ranging from 418 sq m to 667 sq m (10% below the smaller proposed unit of 465 sq m and 10% above the larger proposed unit of 605 sq m).
- 7.4.5 In both scenarios, units which are currently vacant or available in the short term have been considered. The same centres assessed in the 24/0117/VAR sequential test have been considered (Leicester City Centre, Blaby Town Centre, Beaumont Leys and St Georges Retail Park), along with town and district centres identified in the retail hierarchy in Policy CS13.
- 7.4.6 Within Leicester City Centre, 8 vacant sites were identified which were larger than the minimum threshold under Scenario 2 (418 sq m). The units were dismissed as not suitable, either because they were too large under both Scenarios 1 and 2, they were in peripheral locations outside the shopping core with reduced footfall, they were subject to planning permission for alternative uses, or they were currently 'under offer' to other retailers. In Blaby Town Centre, the three units available were all significantly below the floorspace required. In Beaumont Leys, the one unit available is below the floorspace required. In St Georges Retail Park (an edge of centre location) no vacant units were identified. The centres of Wigston, Enderby, Glenfield and Narborough were all considered to be lower order centres with groups of small shops and a main convenience store or supermarket and were not considered an appropriate scale or function to accommodate the proposed development.
- 7.4.7 The sequential test concluded that there were no suitable or available sequentially preferable sites which could accommodate the development proposals under both Scenarios 1 and 2 and that the sequential test was therefore passed. It is the view of Officers that the sequential test, carried out in December 2025 prior to the submission of the application, was undertaken comprehensively and the methodology used was reasonable and robust, considering both the disaggregated and non-disaggregated approaches. City, town and district centres within the vicinity were considered. Whilst more distant town centres outside of the district, such as Hinckley, Market Harborough and Lutterworth were not considered, these are at least 10 to 15 miles from the application site and considered to have different catchments. Some flexibility was also applied in the size and format of units. Officers are of the view that the sequential test has been passed.
- 7.4.8 Highcross Leicester, in an objection, subsequently remarked that the sequential assessment had not been carried out comprehensively as units

available in its Leicester city centre-based shopping centre had not been considered. The applicant has undertaken an assessment of the additional highlighted units and maintains that there were no suitable and available units at the time of the assessment, with all available sites having been considered in the original or additional assessment.

7.5 Impact assessment

- 7.5.1 The applicant position, as set out in the submitted Planning Statement, is that a retail impact assessment is not a requirement, as although the existing unit exceeds the 929 sq. m threshold in Policy CS13, the application relates to an existing Class E(a) unit with no change to the range of goods permitted to be sold and no additional floorspace proposed.
- 7.5.2 However, in its response to the Highcross Leicester objection, the applicant has undertaken a 'proportionate retail impact assessment' of the impacts on Leicester city centre (see 7.7.6) in response to concerns raised. The PPG states that the impact assessment should assess the proposal's turnover and trade draw (the proportion of trade that a development is likely to receive from customers within and outside its catchment area), consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities, and set out the likely impact of the proposal clearly, including in respect of quantitative and qualitative issues.
- 7.5.3 In applying the impact assessment, the applicant has assessed the lawful fallback position of Unit 10/11 being occupied, as opposed to the existing vacant unit.
- 7.5.4 From a quantitative perspective, the applicant has assessed the predicted turnover of the existing unit (£3.85 million) as compared to the two subdivided units combined (£4.02 million) based on average sales data for a national comparison retailers occupying units of a similar size. The applicant considers the difference would be minimal and against the overall estimated goods expenditure at Fosse Park of £405m per annum (based on the findings of the Blaby District Retail Town Centre and Leisure Study (2025)), the existing unit represents less than 1% of Fosse Park's turnover and the increase with the subdivision of the unit would be less than 0.04%. As such, the applicant concludes that the proposed subdivision would not materially increase customer expenditure or trade diversion from existing centres.
- 7.5.5 From a qualitative perspective, the applicant acknowledges that the subdivision of Unit 10/11 would create two retail units capable of appealing to a broader range of comparison retailers but considers the additional flexibility does not equate to an impact issue and definitely not a significant adverse impact on Leicester city centre. The applicant considers that the proposed subdivision would not affect occupier demand, investment, or the role and function of Leicester city centre
- 7.5.6 Officers welcome the provision of an impact assessment as this is considered to be required by Policy CS13 and the NPPF. Officers consider that the impact assessment is appropriate and proportionate, as the application does not

propose new development but rather a rearrangement of existing floorspace. The impact assessment finds that the turnover of the subdivided unit would not be materially greater than the existing unit and so the proposed subdivision would not have a significant adverse effect on town centre vitality and viability.

7.6 Objection from Leicester City Council

7.6.1 Leicester City Council has objected to the Section 73 application. The reasons for objection are summarised below, alongside responses provided on behalf of the applicant to the objections, and the view of Officers in relation to each reason:

7.6.2 *Conflict with the original planning conditions (unit size and number of units) and departure from original assessment basis:*

Leicester City Council considers that the increase in units from 8 to 9 and increase in smaller units from 4 to 6 would weaken the longstanding planning restrictions designed to control the retail mix and which originally limited the number of smaller units to protect existing retail centres. The city council comments that the original 2015 permission was supported by a retail impact assessment based on larger unit sizes and fewer small units. They point out that the proposed changes would alter the development beyond what was originally assessed and justified.

Officers acknowledge that the proposal would comply with the original planning conditions, hence an application is required under Section 73. However, conflict with previously imposed planning conditions is not in itself reason to refuse planning permission and the impact of the variation of the conditions must be considered, taking account of the Development Plan and other material considerations. If consent is granted, the new consent will include conditions which ensures that the local planning authority maintains control over future changes.

7.6.3 *Harm to the vitality and viability of Leicester City Centre:*

Leicester City Council considers that smaller units at Fosse Park could broaden the range of retail operators which would ordinarily be found in the city centre and could impact on the diversity of comparison goods in Leicester.

Officers acknowledge that retail units at Fosse Park are generally of a larger scale than those generally found in Leicester city centre and so Fosse Park may attract a different range of retailers. The proposal would create two smaller sized units. However, it is considered that consent can only be refused where the harm to the vitality and viability of Leicester city centre is considered significantly adverse, in line with national decision-making policy TC4 of the NPPF which is not the case in this instance in Officers' opinion.

7.6.4 *Progressive weakening of planning controls (incremental creep):*

At the time of the previous application, 24/0117/VAR, Leicester City Council expressed concern that granting consent would set a precedent for subsequent reductions and subdivisions of units, which would allow an incremental creep of changes to the nature of the units. Less than a year on LCC remarks that a

further application has been submitted which further waters down the original 2015 conditions and intention to protect Leicester city centre.

The applicant acknowledges that the original controls imposed under 15/0577/FUL were intended to ensure that future changes remained subject to planning control, but argues that these controls does not mean that any subsequent variation is unacceptable in principle, rather that they should be assessed at the time in accordance with the relevant policy. The applicant comments that the proposal represents only a modest reconfiguration of existing consented floorspace to facilitate occupation of a long-term vacant unit, and that any future proposals would require their own applications and be subject to separate assessment.

It is the view of Officers that although controls were placed on the original Fosse Park West permission, this does not necessarily mean they must remain unchanged in perpetuity, rather the application under Section 73 requires an assessment of the planning controls to be undertaken in the context of the changes proposed.

7.6.5 *Failure to provide an adequate retail impact assessment:*

Leicester City Council considers that a retail impact assessment is essential as the unit is over the threshold of 929 sq m and Leicester City Council's own new Local Plan policy requires retail impact assessments for proposals with a gross floor space in excess of 500 sq m. It also refers to a Retail Study undertaken by Blaby District Council to inform its emerging New Local Plan, which recommends that proposals for retail and leisure in excess of 500 sq m which are not in an existing centre (including applications relating to mezzanines the variation of restrictive conditions) would require an impact assessment.

The applicant disagrees with the requirement for an impact test, arguing that neither the adopted nor emerging Leicester City Local Plan forms part of the statutory development plan for the site and therefore carries no weight. Similarly, they argue that the Retail, Town Centre and Leisure Study for Blaby's emerging Local Plan is an evidence base document only and its recommendations do not constitute part of the adopted Development Plan. The applicant considers that the relevant adopted policy remains Policy CS13 of the Blaby District Core Strategy which requires a retail impact assessment for proposals involving new retail and leisure development exceeding 929 square metres outside designated centres. As the proposal does not constitute a 'new retail development' but rather internal subdivision and reconfiguration and a minor reduction in floorspace, the applicant maintains that a retail impact assessment is not required. Nevertheless, impacts have been considered as part of the applicant's response to the Highcross objection. This is referred to in section 7.7.6.

Officers have considered the retail impact assessment submitted by the applicant in response to the objections (see section 7.5) and consider that the impacts on town centre vitality and viability would not be significantly adverse.

7.6.6 *Undermining the retail hierarchy and cross-boundary impacts:*

Leicester City Council comments that increasing the number of smaller units at Fosse Park would blur the distinction between centre and out-of-centre sites as both locations have a similar catchment and compete for trade.

It is acknowledged by Officers that Fosse Park and Leicester city centre, being only approximately 4 miles apart, do share a similar catchment. However, the application must be considered in terms of the proposal being considered and the modest changes which it makes and the resulting impacts on higher order retail centres as a result of the change rather than considering cumulative or possible future changes.

7.7 Objection from Highcross Leicester

7.7.1 An objection has been received on behalf of the owners of Highcross Leicester, a shopping centre within Leicester city centre. The reasons for objection are summarised below, alongside responses provided on behalf of the applicant to the objections, and the view of Officers in relation to each reason:

7.7.2 *Harm to the vitality and viability of Leicester city centre:*

The subdivision would increase the smaller retail units in an out of centre location, and, similar to the Leicester City Council objection, the objection from Highcross Leicester argues that this would make it more attractive to national retailers which risks diverting occupiers, investment and spending away from Leicester city centre, including Highcross. This would undermine the 'town centres first' policy in the Local Plan and NPPF.

However, the applicant argues that the proposal would not give rise to significant adverse impacts on the city centre and that the concerns that the development would divert investment and trade away from Leicester are speculative. Although the identity of individual prospective retailers is not a material planning consideration, the applicant remarks that one of the potential occupiers of the subdivided unit already trades in Leicester city centre and would retain its unit there whilst the other is not currently represented in the region.

Officers have considered the retail impact assessment submitted by the applicant in response to the objections (see section 7.5) and consider that the impacts on town centre vitality and viability would not be significantly adverse.

7.7.3 *Progressive weakening of planning controls (incremental creep):*

The Highcross objection also remarks that the application is part of a pattern of repeated applications weakening the original restrictions places on Fosse Park. The original controls were imposed specifically to prevent Fosse Park completing directly with Leicester city centre but the proposal is part of a gradual but cumulative change that fundamentally alters the retail role of the site.

In response to the above, the applicant comments that planning conditions are not intended to remain unchanged forever regardless of market conditions, and that Policy CS13 does allow for 'managed growth' at the Motorways Retail Area. They comment that the principle of increasing unit numbers has already been

accepted through permission 24/0117/VAR, and that the proposal is a relatively small change, with the unit representing only around 1.5% of the total floorspace at Fosse Park as a whole. Furthermore, restrictions on unit sizes would still remain after the variation.

It is the view of Officers that although controls were placed on the original Fosse Park West permission, this does not necessarily mean they must remain unchanged in perpetuity, rather the application under Section 73 requires an assessment of the planning controls to be undertaken in the context of the changes proposed.

7.7.4 Creation of smaller units changing the retail function of Fosse Park

The Highcross objection comments that although the total floorspace will remain unchanged, the subdivision creates more marketable, smaller units and different types of retailers which intensifies the competition of Fosse Park with town and city centres.

Competition with other retailers is not in itself a material planning consideration, rather it is the impact on the vitality and viability of higher order retail centres which must be considered, as a result of the changes proposed by the application.

Officers are of the view that whilst the subdivided units may be more marketable (the application has only been submitted as the existing unit has remained vacant), it is the impact of the change from a combined unit to two separate units on the vitality and viability of higher order centres which must be considered, not whether the unit is more likely to be filled. Fosse Park already contains a range of different sizes of retail units and so it is not considered that the proposed change would fundamentally change the retail function of Fosse Park.

7.7.5 Failure of the sequential test

Highcross argues that the applicant has not properly demonstrated that no suitable city-centre sites are available. They identify several vacant units within Highcross itself that could accommodate the proposed subdivided units. The criticism of the applicant's sequential test includes a lack of flexibility in the applicant's search and a deemed incorrect reliance on a combined unit for the search rather than assessing two separate units.

The applicant, however, argues that the sequential tests assessed the scheme as both one combined retail requirement and on a disaggregated basis and applied a +/- 10% flexibility margin as a normal and proportionate approach. The applicant has also reviewed each of the suggested units within Highcross Shopping Centre and concluded that none are genuinely suitable or available – they are either under offer, irregular in layout or format, in peripheral locations or smaller in size than claimed. The applicant also indicates that the sequential test must be applied proportionately by reference to the circumstances at the time the application was prepared and submitted and cannot remain permanently open ended whenever occupier circumstances change.

Officers have considered the sequential test in Section 7.4 and consider that it has been carried out comprehensively, with the requirement for flexibility demonstrated, and that the sequential test has been passed.

7.7.6 Lack of retail impact assessment:

Highcross remarks that policy CS13 requires an impact assessment for schemes over 929 square metres which are outside of existing centre. Although no extra floorspace is being created, Highcross argues that the subdivision will increase the trade draw and competition and the impact is therefore real and has not been assessed.

The applicant disagrees with the requirement for a retail impact assessment, pointing out that the proposal is not for new retail development and no additional floorspace is being created, rather it is a reconfiguration of existing retail floorspace. Nevertheless, in its additional information submitted in response to the Highcross objection, the applicant has undertaken what it considers to be a proportionate impact assessment.

In this assessment, it outlines that the single occupied unit could generate an annual turnover of £3.85 million (based on the floorspace). By comparison, the two subdivided units together could generate approximately £4.02 million (smaller units generally achieve slightly higher average sales densities). The applicant outlines that the difference is minimal and would represent a 0.04% increase in turnover across the whole of Fosse Park, meaning the proposal would have no material effect on Fosse Park's overall trade draw, market share or strategic role within the retail hierarchy.

Officers have considered the retail impact assessment submitted by the applicant in response to the objections (see section 7.5) and consider that the impacts on town centre vitality and viability would not be significantly adverse.

7.7.7 Vacancies not justifying relaxation of controls:

The applicant cites the long-term vacancy of the unit as a justification for the subdivision. However, Highcross argues that this does not justify the weakening of planning policy protections. Instead, Highcross suggests that the original large-format retail model was flawed. In addition, Highcross comments that no robust marketing or viability evidence has been provided to evidence the need for the subdivision.

The applicant has provided further details of the marketing of the unit, commenting that it has been marketed since before construction and since Fosse Park West opened in 2021. Active marketing has been undertaken through a variety of methods, with no offers being received during the last four years. The applicant comments that interest has, however, been received from retailers looking for smaller units.

Officers acknowledge that the long-term vacancy of the unit is what has triggered the application for subdivision. Evidence has been provided in the form of a letter from JLL, who have acted as letting agents on Fosse Park since January 2015, which details the types of marketing. Officers consider that this demonstrates that genuine marketing of the existing unit has taken place. Due to the changing nature of retail, vacant retail units exist across both town centre

and out of centre locations. However, the proposal would facilitate an existing, permitted retail unit being occupied, whilst still retaining control over future changes across Fosse Park.

7.7.8 *Overstated economic benefits:*

The applicant refers to the economic benefits of the proposed subdivision which would enable a currently long-term vacant unit to be occupied, and the benefits in terms of jobs created, business rates, etc. However, the Highcross objection challenges these claimed benefits arguing that the benefits may simply be displaced from Leicester city centre and are therefore not net gains. It comments that the focus should be on the impact on the retail hierarchy, not local economic gains within Blaby District alone.

The applicant considers that Highcross conflates two separate issues – firstly, the economic and employment benefits of bringing vacant existing retail floorspace into productive use and secondly, any retail impacts that the proposals may give rise to.

National decision-making policy E2 of the NPPF, however, states that to support business growth, substantial weight should be given to the economic benefits of proposals for commercial development which allow businesses to invest, expand and/or adapt. National decision-making policy L2 refers to giving substantial weight to the benefits where a development proposal would make better use of vacant or underutilised land and buildings (including redeveloping underutilised retail and business sites). Officers consider that these national decision-making policies of the NPPF support this proposal and should be given substantial weight. Furthermore, the filling of a vacant unit at Fosse Park would have economic benefits which extend beyond the boundaries of Blaby District, particularly given 52% of staff at Fosse Park reside in Leicester (as indicated in the applicant's planning statement).

7.7.9 *Conflict with development plan:*

The proposal is said to conflict with Policy CS13 which seeks to protect the retail hierarchy and control out of centre growth, and with the NPPF. Specifically, Highcross argues that it fails the sequential test and lacks a proper impact assessment. These matters have been considered in detail earlier in the report.

8 Overall Planning Balance and Conclusion

- 8.1 This Section 73 application proposes to amend conditions on the substantive Fosse Park West planning permission to allow for the subdivision of Unit 10/11 to create two separate retail units. The amended conditions would allow an increase the total number of units in the main retail terrace at Fosse Park West, and an increase in the number of smaller units.
- 8.2 The application follows a similar Section 73 application to allow for the subdivision of Unit 3 at Fosse Park West, which was granted in June 2025 (24/0117/VAR).
- 8.3 Whilst an established shopping destination, in retail planning policy terms

Fosse Park is classed as an 'out of centre' location in adopted and emerging development plans and planning policy therefore directs new development and extensions to higher order retail centres, the so-called 'town centre first' approach.

- 8.4 Policy CS13 provides the policy context for retail development in the district, whilst the National Planning Policy Framework is a material consideration of critical importance. The site falls within the 'Motorways Retail Area' where CS13 states that managed growth will be facilitated. Policy CS13 also outlines the requirements for the retail sequential test and retail impact assessment.
- 8.5 The applicant has undertaken a sequential test which assesses sequentially preferable sites for both the floor space of the existing unit and the two separate units disaggregated and demonstrates suitable flexibility. Further sites put forward by Highcross Leicester in an objection have also been assessed. This concludes that there would be no suitable and available sites for the development in higher order centres. Officers consider that the sequential test has been carried out comprehensively and with an appropriate degree of flexibility based on units in higher order settlements available at the time.
- 8.6 The applicant does not consider an impact assessment to be required as the proposal is not 'new development' but rather a reconfiguration of floorspace. Nevertheless, by assessing the likely change in turnover of the two separate units as compared to the existing unit, the applicant concludes that the proposal would not have a material impact on the vitality and viability of Leicester city centre or other higher order retail centres. Officers agree that the impact on other higher order retail centres would not be 'significantly adverse'.
- 8.7 The NPPF states in national decision-making policy TC3 that "*where a development proposal fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the considerations in policy TC4 (i.e. impact on public and private investment in centres in the catchment area and the impact on town centre vitality and viability) it should be refused*". In this case, the sequential test has demonstrated there are no sequentially preferable sites and, given the minor nature of the proposal and minimal increase in turnover of the subdivided unit as compared to the combined unit, the proposal is not considered to result in significant adverse impact on existing centres.
- 8.8 Officers consider that the proposed subdivision of the unit would be classed as 'managed growth' of the Motorways Retail Area which Policy CS13 of the Core Strategy states will be facilitated. Whilst the minimum floorspace thresholds identified in the original Fosse Park West consent would not be maintained, a new Section 73 permission would include new minimum floorspace and unit numbers conditions via varied conditions, ensuring that any future changes which will require the consent of the local planning authority, thereby maintaining control over the role and function of Fosse Park, and ensuring that further changes are required to consider their impact and the relationship with Leicester city centre and other higher order retail centres.

- 8.9 Objections have been received from Leicester City Council and Highcross Leicester. The concerns raised include alleged harm to the vitality and viability of Leicester city centre, concern about progressive weakening of planning controls at Fosse Park, a departure from the original assessment undertaken in the original consent, a claimed failure of the sequential test, a failure to provide an adequate retail impact assessment, an undermining of the retail hierarchy, a change in retail function of Fosse Park, vacancies not justifying the relaxation of planning controls and overall alleged conflict with the development plan. These objections have been considered in detail in this report.
- 8.10 Overall, it is considered that the proposal to subdivide Unit 10/ 11 Fosse Park West into two separate units is acceptable when considering the development plan as a whole, taking into account other material planning considerations including the national decision-making policies of the NPPF. The proposal is a relatively modest change which is not considered to result in a significant adverse impact on higher order retail centres. Furthermore, a sequential assessment has demonstrated there are currently no sequentially preferable sites where the two units, either disaggregated or combined, could be accommodated.
- 8.11 The three dimensions of sustainable development have been considered (economic, social and environmental) as set out in the NPPF, and taking into account the adopted Development Plan considerations and all other material considerations your officers are of the opinion that the proposal is acceptable, and accordingly it is recommended that planning permission is granted for the variation of conditions 1 and 2 of 24/0117/VAR subject to the conditions set out at the start of this report.