

<b>7A</b>	<b>DCNC2008/1027/F - VARIATION OF CONDITION 5 OF PERMISSION 900852 AND CONDITION 2 OF PERMISSION 97/0953/N TO ALLOW A MAXIMUM OF 15% OF THE TOTAL SALES AREA OF THE STORE TO BE USED FOR THE SALE OF COMPARISON GOODS. REMOVAL OF CONDITION 3 OF PERMISSION 97/0953 TO ALLOW FORMER CRÈCHE TO BE USED AS A CAFÉ FOR MORRISON SUPERSTORE, BARONS CROSS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8RH.</b>
<b>7B</b>	<b>DCNW2008/1233/F - PROPOSED EXTENSION FOR ADDITIONAL SALES AND WAREHOUSING AREA AND INCREASED CYCLE, MOTORBIKE AND DISABLED PARKING SPACES AT MORRISON SUPERSTORE, BARONS CROSS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8RH.</b>  <b>For: W.M. Morrison Supermarkets Plc per Race Cottam Associates, Knutsford Studio, 8 King Street, Knutsford, WA16 6DL.</b>

**Date Received: 4 April 2008**  
**Expiry Date: 30 May 2008**

**Ward: Leominster South Grid Ref: 48374, 58631**

Local Member: Councillor RC Hunt

## **1. Site Description and Proposal**

- 1.1 The Morrisons store is located on the A44 approximately one km to the west of Leominster town centre. The surrounding area is predominantly residential. Planning permission has recently been granted for a further residential development of 425 houses at the former Barons Cross Army Camp approximately 800m west of the store.
- 1.2 The existing Morrison's store has gross floorspace of 4,927 square metres. 2,328 square metres of this is currently given over as the sales area, with the remainder used as warehousing, a café and a petrol filling station.
- 1.3 As a whole the application scheme is to extend the premises and proposes changes to remedy peak periods of congestion, improve the operational efficiency of the store and maintain its competitiveness with larger superstores elsewhere. These have been submitted as two separate planning applications to extend the store with alterations to parking arrangements (NC2008/1233/F) and to remove conditions from earlier

planning permissions (NC2008/1027/F). The two proposals are inextricably linked and therefore the two are dealt with under a single report but with two distinct recommendations.

1.4 In detail the proposals involve:

- 1) A sales area extension of 365 sq m providing more circulation space, improved wine/fresh fruit vegetable display areas, and some additional comparison goods sales;
- 2) A warehouse extension of 470 sq m enabling more efficient and frequent restocking of the sales areas and elimination of temporary storage vehicles;
- 3) Alterations to parking arrangements to create more cycle, motorcycle and disabled parking.
- 4) The removal of conditions imposed on permissions 90/0852 and 97/0953/N that limit the store to the sale of convenience goods, to allow a maximum of 15% of the total sales area to be used for the sale of comparison goods; and,
- 5) The removal of condition 3 imposed on permission 97/0953/N to allow a former crèche to be used as a café.

1.5 The extension to the store sales area is proposed within an area currently used for customer car parking in the north eastern corner of the site. As a result of this, and the increases in disabled, motorcycle and cycle parking, the overall number of car parking spaces will be reduced from 427 to 412.

1.6 The easternmost boundary is heavily vegetated with residential properties lying beyond at a considerably higher ground level. The warehouse extension would be within the existing service area to the south. The design of both aspects continues the theme of the existing store, matching it in terms of external appearance and detailing.

1.7 The proposal would create a gross floor area of 5,808 square metres. By virtue of the application to allow the sale of comparison goods, 2,289 square metres would be given over to convenience sales and 404 square metres to comparison sales. This amounts to 15% of the entire sales floor area.

1.8 The applications are supported by a design and access statement, a retail planning statement and a transport statement in order that a full assessment of the implications and impacts of the proposals can be properly made.

## 2. Policies

### Herefordshire Unitary Development Plan:

S1	-	Sustainable development
S5	-	Town centres and retail
S6	-	Transport
DR1	-	Design
DR3	-	Movement
DR5	-	Planning obligations
TCR1	-	Central shopping and commercial areas
TCR2	-	Vitality and viability

- TCR13 - Local and neighbourhood shopping centres
- T11 - Parking provision

National Guidance:

- PPS1 - Delivering Sustainable Development
- PPS6 - Planning for Town Centres
- PPG13 - Transport
  
- RSS11 - -Regional Strategy for the West Midlands

### **3. Planning History**

- 3.1 90/0852 – Erection of a supermarket and petrol filling station – Approved April 1992 including a condition stating that the store should only be used for the sale of convenience goods.
- 3.2 97/0953/N – Erection of an extension for additional retail floor area and the provision of a crèche – Approved March 1998. Conditions were imposed to again state that the retail element of the extension should only be used for the sale of convenience goods, and that the crèche should be limited to that use only.
- 3.3 NC2002/0738/F – Erection of extensions to provide additional retail floor space, warehousing and coffee shop – Withdrawn May 2002
- 3.4 NC2002/3730/F – Erection of extensions to provide additional retail floor space, warehousing and coffee shop – Withdrawn November 2002
- 3.5 NC2004/2148/F – Amendments to planning permissions 90/0852 and 97/0953/N to allow the sale of comparison goods and to allow the crèche to be used as part of the coffee shop – Refused July 2005 for the following reasons:

It is considered that the sale of non-convenience goods is contrary to Policy A33 of the adopted Leominster District Local Plan (Herefordshire), and Policy TCR9 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) in that it will seriously harm the vitality and viability of Leominster Town Centre shopping area.

- 3.6 The loss of the creche facility is considered to be contrary to Policy A62 of the adopted Leominster District Local Plan (Herefordshire).

### **4. Consultation Summary**

Statutory Consultations

- 4.1 No statutory consultations were required.

Internal Council Advice

- 4.2 Transportation and Planning Manager - raises no objection to either of the proposals. The application for extensions and alterations to parking arrangements will attract a financial contribution in line with the adopted SPD and it is in this respect that the following comments are made:

4.3 The planning obligation clearly meets all five tests in Circular 05/2005. The obligation arises from a planning application that will increase vehicle movements, so having an effect on the Highway network if granted. There are existing capacity constraints at junctions within Leominster which will be made worse by the proposed shop expansion. The principle of mitigation of increased traffic has already been established in other planning permissions nearby, proving it is reasonable to require the developer to do the same in this situation. The proposed Planning Obligation is:

- Relevant to planning, as it arises from a planning application that will affect the highway network
- Necessary to make the development acceptable. The development will increase congestion at junctions that are already over-capacity, and worsen air quality at the eastern end of Bargates, already causing concern. Without mitigation, recommending refusal is a real possibility.
- The Obligation is directly resulting from this proposed development.
- Comprehensive investigation and careful consideration were used to develop the Planning Obligation Supplementary Planning Document, in accordance with Government guidance. The contributions have been calculated using a transparent method modelled on and consistent with national best practice, with discounts also incorporated to further ensure the fairness of the amount sought.
- It is reasonable in all other respects.

4.4 It is well accepted professionally that an increase in floor area will result in an increase in trips, as evidenced by TRICS®. The proposal to reduce marginally car parking spaces (to levels still above those recommended by the Council for the area of the shop) is not likely to have any significant effect on the trip rate. We welcome the proposals to increase the levels of disabled and cycle parking, albeit to levels below those in our Highways Design Guide. This is long overdue, and would be provided anyway if the company is to show good Corporate Social Responsibility. We welcome the Travel Plan, but consider that its effectiveness will be mainly limited to staff travel.

4.5 The justification for the funding request is robustly made in the Supplementary Planning Document, which was developed following recognised best practice nationally. There are potential schemes, both near the development and further afield, that go some way towards mitigating the direct effect of the development on the highway network. Those near the development include measures previously mentioned, including cycle route provision along Baron's Cross Road, and Bargates lights. Bargates lights are over capacity already; any further development in the area will worsen congestion there. As the area is already an Air Quality Management Area, further congestion resulting from increased traffic from the shop expansion will only worsen the air quality problems. A tentative scheme to reduce congestion and improve air quality has been investigated, and the most recent budget costing of the works was around £80,000. A cycle route between the shop and town centre will also help reduce congestion arising from the development. The County-wide measures are all developed to further reduce the use of single-occupancy cars, thus mitigating the effects of extra traffic generated by the proposed development.

4.6 Contributions are therefore requested in relation but not limited to the following:

- (a) Improvements to the traffic lights at the Bargates junction.
- (b) Other measures to improve air quality at the Bargates junction as an Air Quality Management Area.
- (c) Improvements to cycle facilities/routes between the shop and town centre.

- (d) Improvements to public transport facilities/provision between the shop and town centre.
- (e) Contribution towards study of east/west Leominster by-pass

## 5. Representations

- 5.1 Leominster Town Council - Recommends the refusal of both applications on the basis that it is not convinced that there would not be a detrimental effect on the retail of the town centre. It notes that this is not an out-of-town shopping centre in its own right and that PPS6 and TCR13 be borne in mind.
- 5.2 It also advises that it would be minded to approve proposals for warehousing and parking provision, that it reluctantly accepts the removal of condition 3 of 97/0953/N in relation to the crèche, but that it otherwise deplors the flouting of conditions that has taken place.
- 5.3 Two letters of objection have been received in relation to both applications from Leominster Civic Trust and Skeltons Sound & Vision Ltd. In summary the points raised are that the proposals will put small traders in Leominster at risk and that they will harm the vitality and viability of the town centre.
- 5.4 As stated earlier in this report, the applications are supported by retail and transport statements. By way of a summary the conclusions of each are re-produced and read as follows:

### Retail Planning Statement

- 5.5 Section 2 of this statement shows that the application site is located within a residential area, within walking distance of a significant number of households. It also shows that there have been a number of previous proposals to extend Morrisons store by Safeway, but these were ultimately withdrawn or refused. The current application scheme by our client differs from the latter proposals as:
  - It comprises only around a third of the new retail floorspace proposed by Safeway; and
  - It proposes only a modest increase in the amount of floorspace dedicated to the sale of comparison goods.
- 5.6 At Section 3 of this statement we explain the background to the proposals. Following the acquisition of Safeway in 2004, the Barons Cross store has become very popular with customers. Whilst Morrisons is pleased about the performance of the store, its popularity and relatively small size means that it can become congested, particularly at peak times. There is also a shortage of storage space, particularly for frozen food products. The proposed development will help to remedy these problems, and ensure that the Morrisons store remains competitive with other superstores in the locality.
- 5.7 Section 4 of this statement sets out an assessment of relevant planning policy in the development plan and in national planning guidance. This indicates that the application site is located within the defined Barons Cross Local Centre. PPS6 indicates that the way in which retail proposals in such locations are assessed is not as intensive as developments on edge-of-centre or out-of-centre sites. Needless to say, Section 5 includes an assessment of the proposal in light of all the key retail tests in order to demonstrate a thorough approach. The main findings of this assessment can be summarised as follows:

- 5.8 **Quantitative need** - the quantitative need assessment indicates that the convenience and comparison turnover of the proposed development will represent a small fraction of growth on spending on retail goods by 2013, thus leaving significant residual expenditure growth to allow for improvements in the turnover efficiency of existing shops, or new retail investment. Our estimates of expenditure growth are considered to be conservative given that no account is taken of tourism expenditure, or the potential spending power of the additional population that will be created by the redevelopment of the Barons Cross Army Camp.
- 5.9 **Qualitative need** - the physical constraints posed by the previous Safeway format result in congested conditions in the Morrisons store at peak times which will exacerbate over time if it is not enlarged in line with forecast growth in population and expenditure. The application scheme will help to ensure that Leominster has a superstore offer that is more comparable with larger stores outside the study area.
- 5.10 **Scale** - the retail element of the proposed development is small in size, and will simply bring the offer of the Morrisons more into line with that provided by other superstores outside the study area. It will not change the retail role or function of the Barons Cross Local Centre or Leominster, and even after implementation of the proposed development, the retail area of Morrisons will still be smaller than many stores outside the study area.
- 5.11 **Sequential approach** - the UDP adopts a positive approach toward small scale proposals within local centres, and the application scheme will enhance the offer within the Barons Cross Local Centre in that regard. We consider that there are no suitable or viable sites within other defined retail centres to accommodate the proposed development, even if Morrisons adopted a very flexible approach towards design and format. The provision of the proposed extension to the Morrisons on another site would not result in the qualitative need that the application aims to address being fulfilled. The development of a sales extension of 365 square metres elsewhere would not allow a bulk convenience shopping facility to be provided, since it would be too small in its own right to fulfil this shopping function.
- 5.12 **Retail impact** - the proposal will have a positive impact upon the health and retail offer of Barons Cross Local Centre. It will not significantly increase the attraction of the centre relative to Leominster town centre or other defined retail centres, due to the small amount of new retail floorspace proposed. The main trading impact will fall upon large superstores outside of the study area, none of which will individually experience a material change in their turnover. The comparison good range within Morrisons store will be very limited, will not include clothing, and will very much be geared towards essential or impulse purchases rather than replacing purpose-made town centre shopping trips.
- 5.13 **Assessability** - the Transport Statement concludes that the application scheme will be accessible by a choice of means of transport, including walking, cycling and bus. Parking provision will be in accordance with national guidance, and there will be no adverse traffic impact arising from the proposed development.
- 5.14 In this context we consider that the application scheme performs well in relation to the key retail tests. Section 5 of this statement also shows that there are a number of material considerations which should be taken into account, including employment generation, economic development and the reduction in the need to travel through the prevention of expenditure leakage from the study area in the long term.

- 5.15 Given all of the above, we consider that the application is compliant with development plan policy, and that there are material considerations that weigh in its favour. Accordingly we respectfully request that the application is approved.

#### Transport Statement

- 5.16 This statement has examined the transport related implications of a proposed Morrisons food store expansion at Barons Cross Road, Leominster. The expansion proposals are small, representing just a 16% increase in the Retail Floor Area (RFA). The existing store is 2,328 square metres RFA (4,927 square metres GFA) and the proposed extension is for an additional 365 square metres RFA (881 square metres GFA).
- 5.17 The development proposals will reduce the number of standard parking spaces available at the site. At the same time cycle and motorcycle parking will be introduced to improve the accessibility of these more sustainable modes.
- 5.18 The site layout currently caters for access on foot and by bus, with bus stops located immediately adjacent to the site on Barons Cross Road.
- 5.19 Using robust assumptions, the anticipated increase in traffic resulting from this floorspace expansion would be less than one vehicle in, one vehicle out in the peak hour. This increase in traffic would easily be accommodated on the local network and its impact would not be material.
- 5.20 It is therefore concluded that there are no transport related issues which would prevent granting of planning permission.
- 5.21 The full text of these letters and statements can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officer's Appraisal**

- 6.1 The key considerations as far as these applications are concerned relate to the potential impact on the vitality and viability of Leominster town centre and its local traders, and the potential for increases in traffic movements to and from the store, in particular along Barons Cross Road. Each will be dealt with in turn.

#### Retail Impacts of the Proposals

- 6.2 In order to make a thorough and complete assessment of this proposal an independent critique of the retail statement has been commissioned and completed on behalf of the Council by Drivers Jonas. They have previously undertaken retail studies for the Council as part of the UDP and continue to do so as part of the LDF process and are therefore well placed to comment on this proposal. This will be detailed later in this report, but first it is important to examine and understand the relevant policies that relate to this application.
- 6.3 In the introductory text to the Town Centres and Retail chapter of the UDP, Barons Cross Road is identified as a Local Shopping Centre in the retail hierarchy for the county. As such, this gives it a particular status and provides specific policies against

which applications should be considered. These have been highlighted earlier in this report, but two bear closer examination.

- 6.4 Policy S5 suggests that the range of shopping, employment, entertainment, social and other community services that are available in existing centres should continue to be available to all in locations accessible by a choice of means of transport. The first point stresses the need for the vitality and viability of the entire retail hierarchy, including local centres to be maintained. The second highlights a desire for investment in existing centres to be maintained.
- 6.5 TCR13 relates specifically to local and neighbourhood shopping centres and reads as follows:

*Additional shopping floorspace will be permitted in existing local and neighbourhood shopping centres where:*

- (i) the proposal is consistent with the scale and function of the centre and its place in the retail hierarchy and meets people's day to day needs so reducing the need to travel;*
- (ii) such development would contribute to the continued and efficient operation of those centres, or the scale of new residential development makes the provision of new local shopping facilities desirable; and*

*the vitality and viability of existing centres is not threatened*

- 6.6 The supporting text refers to the importance of these centres in meeting the need of the local area, offering important and convenient services for those who are less mobile. It also suggests that local and neighbourhood shopping centres can also serve to reduce the need to use a car for shopping, reducing traffic congestion and contributing to a cleaner environment. It also guards against the growth of centres to an extent where they might threaten the vitality and viability of existing town centres.

- 6.7 PPS6 – Planning for Town Centres is also integral to the consideration of this proposal. In respect of proposals for store extensions Paragraph 3.29 says the following:

*Applications for the extension of existing development in edge-of-centre and out-of-centre locations may raise specific issues. The impact on existing town centres of the proposed extension should be given particular weight, especially if new and additional classes of goods or services for sale are proposed. In addition, where establishing need is concerned, local planning authorities should establish that the evidence presented on the need for further floorspace relates specifically to the class of goods proposed to be sold. The sequential approach is only a relevant consideration in relation to extensions where the gross floor space of the proposed extension exceeds 200 square metres. This policy relates to development which creates additional floorspace, including proposals for internal alterations where planning permission is required, and applies to individual units or stores which may or may not be part of a retail park, mixed use development or shopping centre.*

This guidance clearly applies to the application proposal.

- 6.8 Chapter 3 of the same document makes clear that the key considerations for identifying sites for allocation in development plan documents, as set out in Chapter 2, apply equally to the assessment of planning applications.



6.9 The local planning authority should require the applicants to demonstrate:

- (a) the need for development;*
- (b) that the development is of an appropriate scale;*
- (c) that there are no more central sites for the development;*
- (d) that there are no unacceptable impacts on existing centres; and*
- (e) that locations are accessible.*

6.10 It is on the basis of these key policies and national guidance that the critique is based and the following paragraphs have been extracted from it.

#### Need

6.11 The status of a development plan defined 'local centre' without a defined primary shopping area is a little unclear in terms of this requirement. However, we believe that it is not necessary to demonstrate need in this case, and that this is consistent with UDP Policy TCR13 (which also does not require need to be demonstrated).

#### Appropriate scale

6.12 The scale of development should be directly related to the role and function of the centre and its catchment. This is an important consideration in this case, as is indicated by the first stated requirement of UDP Policy TCR13. Paragraph 2.41 of PPS6 requires that:

*The scale of development should relate to the role and function of the centre within the wider hierarchy and the catchment served. The aim should be to locate the appropriate type and scale of development in the right type of centre, to ensure that it fits into that centre and that it complements its role and function.*

#### Sequential Approach

6.13 Paragraph 3.13 of PPS6 states that the sequential approach must be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document. The application does fall within a development plan defined existing centre but, in our opinion exemption from the sequential approach will only apply if the scale of the application proposal is of an appropriate scale and type for that centre.

6.14 Paragraphs 3.17 and 3.18 are also relevant to the application proposal. They indicate that it is important to explore whether specific parts of a development could be operated from separate, sequentially preferable, sites. The Guidance states that in respect of a single retailer It is not the intention of this policy to seek the arbitrary subdivision of proposals. It is to ensure that consideration is given as to whether there are elements which could reasonably and successfully be located on a separate sequentially preferable site or sites.

#### Impact

6.15 Impact assessments must consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development, including the likely cumulative effect of recent permissions, developments under

construction and completed developments. We are not aware of any other significant retail commitments in Leominster.

#### Accessibility

- 6.16 Local authorities are required to satisfy themselves that developments are accessible by a choice of means of transport, including public transport, walking, cycling, and the car. In assessing new developments, local planning authorities should consider:
- whether the proposal would have an impact on the overall distance travelled by car; and
  - the effect on local traffic levels and congestion, after public transport and traffic management measures have been secured.
- 6.17 In conclusion the critique suggests that the proposal meets all of these tests:
1. The key planning issues arising from the application proposal are - whether it constitutes a sustainable form of development; whether its scale and function is appropriate for the local centre (particularly within the context of UDP Policy TCR13); whether, depending on the latter, it should and could be located in Leominster town centre; and whether it would have an adverse impact on Leominster town centre or the retail strategy for the area. These considerations are inter-related.
  2. We are of the opinion that having regard to its modest scale and the apparent problems of congestion in the store, the extension to the convenience goods sales area is justifiable at this centre. The additional convenience floorspace would be unlikely to have an adverse impact on existing shops within Leominster the town centre or the centre's future development prospects; and it would not conflict with the spatial planning strategy for the area.
  3. We believe that it would be unreasonable to maintain a total prohibition on the sale of comparison goods from the store, and that such a prohibition would cause inconvenience for shoppers. There are no other comparison goods outlets at this local centre, and some element of comparison shopping is appropriate within a local centre. The issue for determination is the scale and type of comparison shopping that is appropriate in this location. The applicants propose 15% of the sales area of the store, but provide very little information on the type of comparison goods that are proposed within this floorspace area.
- 6.18 Our initial findings are that in quantitative terms 15% of the sales floorspace of the store devoted to the sale of comparison goods would be unlikely to have an adverse impact on existing shops within the town centre or the centre's future development prospects, and it would not conflict with the spatial planning strategy for the area. However, in order to reach a firm view on this we recommend that more information is sought on the range of comparison goods that would be retailed from the store, and whether the applicant's agent has in mind any form of restrictive use condition use relating to an acceptable ranges of comparison goods. In the light of the above they may also be able to provide their views / reassurances on overlaps with particular types of trading / traders in the town centre.
- 6.19 In response to this final point the applicants retail expert has provided the following additional information:
- 6.20 Morrisons remains a primarily convenience retail business. The attached extract from the 2008 Verdict UK Grocery Report shows the distribution of space in an average

Morrisons store. Some of the 'non-food' categories are actually classified 'convenience' according to the MapInfo definitions e.g. detergents, paper products, tobacco etc. Once these categories are stripped out, then our calculations indicate that the actual split of convenience floorspace/comparison floorspace in an average Morrisons store is 80.2%/19.8%. Again, this split is less than Morrison's competitors.

- 6.21 The Leominster Morrisons as proposed to be extended will have a convenience/comparison floorspace split of 85%/15%. It can therefore be seen that compared to an average Morrisons store it will have a smaller proportionate area dedicated to the sale of comparison goods. This indicates that in practice the store will either have a reduced range or choice of comparison goods compared to other Morrisons stores.
- 6.22 Closer inspection of the Verdict space allocation for Morrisons shows that the space allocated to the sale of each type of comparison good is individually very small as a proportion of the total floorspace of a store, thus reinforcing my point that the comparison goods floorspace is targeted at impulse and essential purchases, not purpose-made non-food shopping trips. The largest percentage is 4.2% (health and beauty), most categories represent 2% or less of total floorspace and a number of the categories relate to seasonal goods which are only sold at limited times of the year (e.g. barbecues and garden furniture). Accordingly, there is no realistic prospect that the extended Leominster store will present a major threat to those established comparison goods retailers in the town centre. These existing retailers are able to offer specialist knowledge and consumer service, and a more extensive choice and range of product within individual stores.
- 6.23 I attach a copy of the Goad Town Centre Report for Leominster to further amplify this point. The retail composition of the town centre indicates that the largest comparison good categories are footwear and clothing (1,913 sq.m), furniture/carpets and textiles (2,973 sq.m). Assuming the extended Leominster Morrisons store has a space allocation similar to the Verdict Morrisons average, then the total amount of floorspace dedicated to the sale of these goods would be just 48 sq.m and 30 sq.m respectively. In reality, the areas dedicated to the sale of these goods is likely to be even less, since the total comparison foods floorspace provided at the extended Leominster store will be lower than the Morrisons average, as explained above.
- 6.24 Finally, in respect of DJ's request for a planning condition defining the range of comparison goods, this would be impracticable at a detailed level, since the comparison good range in a store will change over time, particularly as a result of seasonal promotions. Such a condition would also not be workable, since like other operators, Morrisons stores tend to stock a reasonably varied range of comparison goods, but with a small amount of choice in each category. However, in order to provide the Council with a means of control over the scale of the comparison retail offer I can confirm that my client will agree to a condition specifying that a maximum of 15% of the retail floorspace of the extended store can be used for the sale of comparison goods. The wording of this condition could be as follows:

*"No more than 15% of the net sales area of the extended store shall be used for the sale of comparison goods (as defined at P.7 of MapInfo's Expenditure Explanatory Volume) unless otherwise agreed in writing by the Local Planning Authority"*

- 6.25 In a further response Drivers Jonas comment as follows:

We accept that the range of non-food goods typically sold by Morrison's are aimed to some degree at impulse and opportunistic purchases, and that the primary purpose of store visits will be main food shopping. Nevertheless adverse impact on the town centre could arise if the scale of trading in some non-food categories e.g. clothing and footwear, and electrical goods were to become a large proportion of the permitted comparison sales area. That said there is no evidence from the current trading patterns of Morrison's stores that this is likely to be the case. The overall Morrison average figures provided indicate a wide range of product types with a limited amount of space in any one product category.

- 6.26 Consistent with the views expressed in our letter of 8 July, we believe that the inclusion of floorspace devoted to the sale of comparison goods is reasonable, particularly as the store is located within a development plan defined local centre. A figure of 15% of total retail sales area also seems reasonable to us. On the basis of the 15% of floorspace being spread amongst a wide range of comparison goods categories with no one category being dominant, in our view, there should not be a material adverse impact on the town centre.
- 6.27 The proposed condition restricts comparison goods sales to 15% of the sales area of the store of the store. You may wish to insert the word 'retail' sales area. We are presuming that this is what is intended, i.e any other areas open to the public such as cafe are not included within the sales floorspace area.

#### Highway Implications

- 6.28 This part relates specifically to the proposed extension to provide additional floorspace, irrespective of whether this is to sell convenience or comparison goods. The comments from the Transportation and Planning Manager provide a detailed assessment of the statement submitted by the applicant's transport consultant and also of the justification for the Section 106 contribution. His comments acknowledge that there will be some impact on the road network, particularly the Bargates junction, but, given the mitigation available through the S106 contribution, this is not sufficient justification to withhold planning permission. A significant proportion of the money requested through the Section 106 would be targeted towards junction improvement. A Draft Heads of Terms Agreement is attached reflecting the advice given.

#### Conclusion

- 6.29 The information above provides a thorough examination of the potential impact of this proposal on Leominster's town centre. The conclusion of Drivers Jonas is that there should not be a detrimental impact upon it, on the basis that the total retail floorspace of the store used for the sale of comparison goods is limited to 15%. The sales models for Morrisons provided by their retail expert have been accepted and show that as a company they sell a wide range of comparison goods that will mean that, at the scale proposed, no one type of good will dominate and shoppers will still have a relatively limited choice. In short it is accepted that the proposal will only target impulse purchases and those making a specific trip to buy a comparison product are still likely to use shops in the town centre.
- 6.30 The highway implications of the proposals can be mitigated against through the Section 106 contributions that have been requested.

6.31 It is therefore your officers opinion that the proposal accords with the relevant development plan policies and national guidance. The applications are therefore recommended for approval.

**RECOMMENDATION**

**In respect of DCNC2008/1027/F:**

**That planning permission be granted subject to the following conditions:**

- 1. No more than 15% of the net retail sales area of the extended store shall be used for the sale of comparison goods (as defined at P.7 of MapInfo's Expenditure Explanatory Volume submitted by the applicant on 29th July 2008) unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to ensure the continued vitality and viability of Leominster town centre in accordance with Policy TCR2 of the Herefordshire Unitary Development Plan 2007.**

**Informatives:**

- 1. N15 - Reason(s) for the Grant of Planning Permission**
- 2. N19 - Avoidance of doubt - Approved Plans**
- 3. HN25 - Travel Plans**
- 4. HN26 - Travel Plans**
- 5. HN27 - Annual travel Plan Reviews**
- 6. HN28 - Highways Design Guide and Specification**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

In respect of DCNC2008/1233/F:

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission))**

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **No more than 15% of the net retail sales area of the extended store shall be used for the sale of comparison goods (as defined at P.7 of MapInfo's Expenditure Explanatory Volume submitted by the applicant on 29<sup>th</sup> July 2008) unless otherwise agreed in writing by the Local Planning Authority.**

**Reason:** In order to ensure the continued vitality and viability of Leominster town centre in accordance with Policy TCR2 of the Herefordshire Unitary Development Plan 2007.

3. **C03 (Matching external materials (general))**

**Reason:** To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

4. **B07 (Section 106 Agreement)**

**Reason:** In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

5. **H29 ((Covered and secure cycle parking provision))**

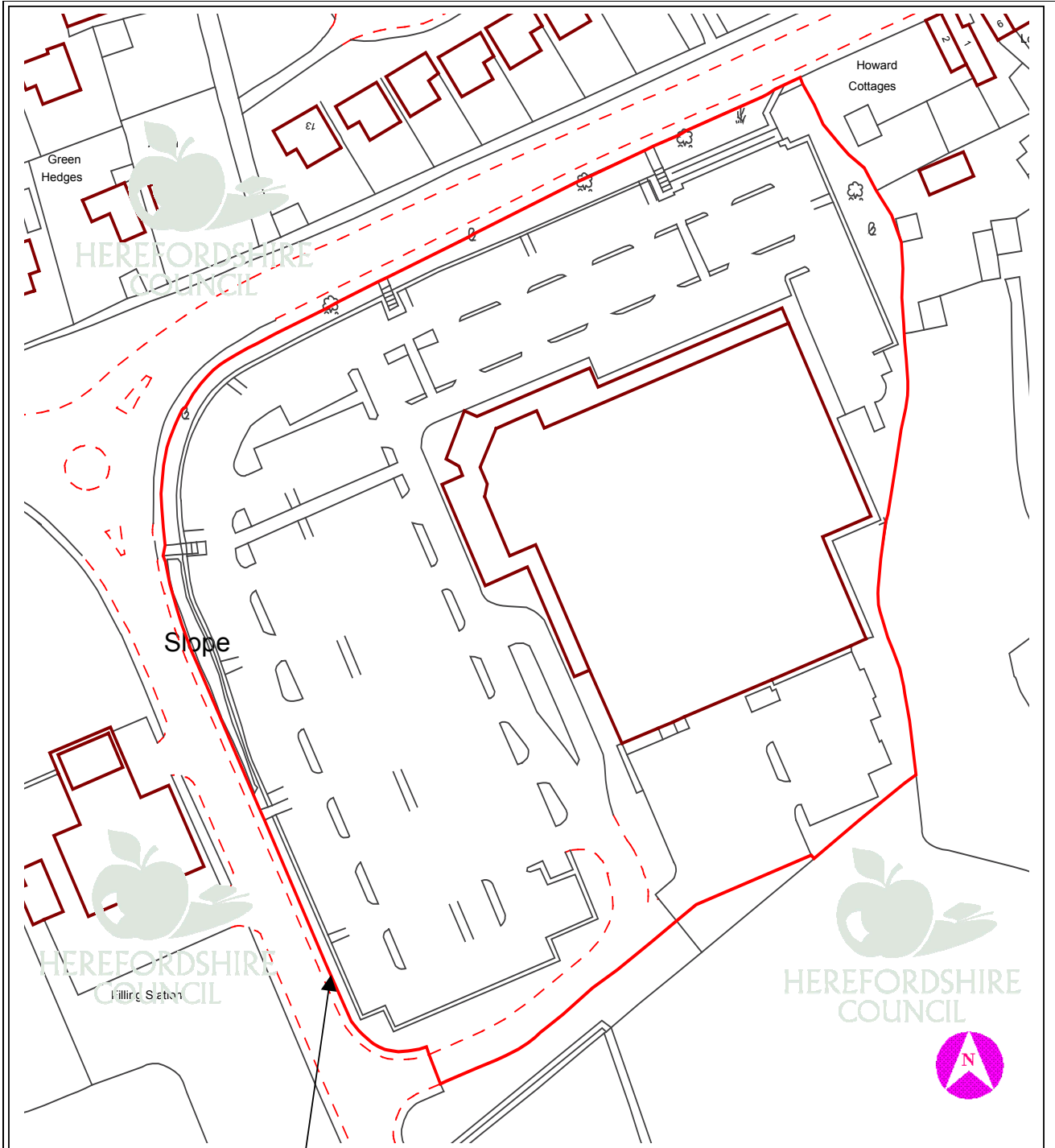
**Reason:** In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

6. **H30 (Travel plans)**

**Reason:** In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**Informatives:**

1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N19 - Avoidance of doubt - Approved Plans**
3. **HN25 - Travel Plans**
4. **HN26 - Travel Plans**
5. **HN27 - Annual travel Plan Reviews**
6. **HN28 - Highways Design Guide and Specification**



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**APPLICATION NO:** DCNC2008/1027/F and DCNC2008/1233/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Morrison Superstore, Barons Cross Road, Leominster, Herefordshire, HR6 8RH

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DRAFT HEADS OF TERMS  
Proposed Planning Obligation Agreement  
Section 106 Town and Country Planning Act 1990

Planning Application – DCNC2008/1233/F

Proposed extension for additional sales and warehousing area and increased cycle, motorbike and disabled parking spaces at WM Morrisons Stores, Barons Cross Road, Leominster

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £122,801 to provide sustainable transport measures in Leominster. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - Improvements to the traffic lights at the Bargates junction.
  - Other measures to improve air quality at the Bargates junction as an Air Quality Management Area.
  - Improvements to cycle facilities/routes between the shop and town centre.
  - Improvements to public transport facilities/provision between the shop and town centre.
  - Contribution towards study of east/west Leominster by-pass
2. The developer covenants with Herefordshire Council To pay Herefordshire Council the sum of £2,450 as a 2% surcharge fee for the services of a Council Planning Obligation Monitoring Officer. The sum shall be paid on or before the commencement of the development.
3. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1 and 2 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
  - a) The sums referred to in paragraphs 1 and 2 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
  - b) The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Andrew Banks – Principal Planning Officer  
12 August 2008