

13 NC2002/3730/F - EXTENSION TO PROVIDE ADDITIONAL CLASS A1 SALES AREA, ANCILLARY WAREHOUSE, STAFF FACILITIES & EXTENSION TO EXISTING COFFEE SHOP AT SAFEWAY STORES PLC, BARONS CROSS ROAD, LEOMINSTER, HR6 8RH

**For: Safeways Stores Plc per DTZ Pieda Consulting
10 Colmore Row Birmingham B3 2QD**

Date Received:
9th December 2002

Ward:
Leominster South

Grid Ref:
48370 58650

Local Members: Councillors J P Thomas and R Burke

Introduction

This application was first reported to Committee on 2 April 2003 when it was deferred. An updated report was considered on 23 July 2003 when it was again deferred. The purpose of deferral was to give time for investigation and verification of statements made by the applicant's agents and the Council's consultant.

Agents for Safeway submitted a revised retail assessment on 2 September 2003. The purpose of the revised assessment was to take account of the parliamentary statement of 10 April 2003 giving guidance on retail development. The Council's consultant provided detailed comments on this revised assessment on 24 September 2003.

The following report has been revised to take account of the applicant's revised retail assessment and the Council's consultant's response.

1. Site Description and Proposal

- 1.1 Safeway is located on the south side of the A44, Baron's Cross Road, on the outskirts of Leominster. The site lies on the edge of the settlement boundary for Leominster.
- 1.2 The store (as built having 2350m² net sales area) with associated petrol station and car parking opened in 1994. In 1997 permission was granted for an extension to provide a creche (107m² in area but now closed) and additional retail floorspace (465m² net sales area) giving a total net sales area of 2815m² plus creche.
- 1.3 The proposed further extension to the store will bring the building closer to the north and eastern boundaries of the site. The design of the extension will be in keeping with the brick and tiled detailing of the existing store. Access is as existing with no additional car parking proposed.

- 1.4 The planning application seeks to extend the store's net sales area (applicant's figures) from 2637m² by 964m² to create a net sales area of 3601m². The application also seeks to extend the existing warehouse area by 841m², the coffee shop by 274m² and staff facilities by 445m².
- 1.5 Internally the store has introduced photo processing and launderette between the café and crèche. The floorspace taken up by these service users has been created by reducing the floorspace of the café or crèche or both.

2. Policies

2.1 Planning Policy Guidance

PPG 6 Town Centres and Retail Development June 1996
Ministerial Statement by Richard Caborn, then Minister of Planning 1999
Ministerial Statement on retail development dated 11 April 2003
PPG 13 Transport (2001)

2.2 Hereford and Worcester County Structure Plan

S3 - Retail development outside town centres
CTC 9 – Development Requirements

2.3 Leominster District Local Plan (Herefordshire)

A1 – Managing the District's Assets and Resources
A33 – Major retail developments
A52 – Primarily Residential Areas
A54 – Protection of residential amenity

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

TCR. 9 – Large scale retail development outside central shopping and commercial areas

3. Planning History

90/0852 – Site for food store and petrol filling station. Outline planning permission approved 22 April 1991.

91/269 – Erection of sales supermarket. Reserved Matters approved 9 July 1991.

97/0953/N – Extension to store to provide new creche and increase in sales area. Approved 10 March 1998.

NC2002/0738/F – Extension to provide additional Class A1 sales area, ancillary warehousing, staff facilities and extension to existing coffee shop. Withdrawn 20 May 2002.

4. Consultation Summary

Internal Council Advice

- 4.1 Head of Engineering and Transport: Has no objection on traffic grounds subject to suitable conditions but does raise concerns about a footpath crossing the site which is affected by existing development.
- 4.2 Chief Forward Planning Officer concludes that the applicant has failed to demonstrate a quantitative need for the store. Therefore, the proposed development is in conflict with those Development Plan policies and Government Guidance relating to issues of need.

5. Representations

- 5.1 Town Council: 'Recommend refusal, as it is felt that further development of this store would seriously impact upon the viability of the town centre.'
- 5.2 The applicant has said:

Justification for the extension is based upon a national programme of extensions to allow for a wider range of goods to be sold. The report states there will be improvements to the layout of the store to improve circulation, with the extended store selling more of the same products primarily to existing customers.

With respect to policy, the report identifies S54A of the Town and Country Planning Act 1990 as the guiding principle requiring the determination of planning applications in accordance with the development plan unless material considerations indicate otherwise. Relevant planning policy guidance (PPG1, PPG6 and PPG13) are referred to as is RPG11 The West Midlands, April 1998.

Leominster District Local Plan (Herefordshire) was adopted in November 1998. Policy A53 concerns major retail development and requires a sequential test be undertaken before retail development outside the town centre can be considered.

The agents consider the applicant's proposal conforms with emerging policies in the Draft Unitary Development Plan by maintaining the existing hierarchy of centres in the county.

In terms of 'quantitative' need, the agents advise the extended store will benefit shoppers by improving shopping conditions and extending the range of goods attractive to opportunity purchase. The report claims that customers have indicated they wish to see a wider range of non-food goods in the store.

Up to 50 jobs could be created by the extended store.

In addition, the agents state the site for the extension is the most appropriate sequentially, there being no other comparable site available. Other issues such as transportation, accessibility and sustainability, are examined and regarded by the report to be issues either adequately dealt with by the existing store or lead to the selected site being the most appropriate.

- 5.3 A letter of objection has been received from Boots Properties plc, Group Headquarters, Nottingham. The main concerns raised are:
- 1) Proposal contrary to advice given in PPG6
 - 2) Consider proposal should be treated as a new retail unit, further to advice given by the then DETR Minister Richard Caborn in February 1999.
 - 3) Need to assess proposal in light of sequential approach
 - 4) Question need for the proposed additional retail floorspace
 - 5) Will result in harm to the vitality and viability of Leominster Town Centre
 - 6) Introduction of non-food ranges will further affect existing town centre retailers
 - 7) Proposal part of company's target Hypermarket concept for expanding stores to over 50,000 sq.ft of retail space.
- 5.4 Leominster Civic Trust: Raised strong objections to the proposal referring to current presumption against such development and potential for damaging existing retail centres. Concerned about increasingly diverse range of goods on sale within the existing store, together with loss of parking provision.
- 5.5 A letter of objection has been received from H G Clewer Ltd, Westfield Walk Pharmacy, Leominster. This refers to existing breaches of planning conditions and the impact of Safeways on trade in the town centre, which is all against government policy.
- 5.6 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues for consideration concern justification for further extension to this store including its potential for impact on the vitality and viability of Leominster Town Centre, effect on the living conditions of nearby residents and design and appearance.
- 6.2 The applicants' agents have indicated in their revised retail assessment that it should be read alone and not in conjunction with the previous report.
- 6.3 In terms of retail policy both Leominster District Local Plan (through Policy A33) and the Herefordshire Unitary Development Plan Deposit Draft (through Policy TCR9), reflecting guidance in PPG6 and ministerial statements made by government, require proposals to demonstrate the effect and need for the development in terms of:
- Need (qualitative and quantitative evidence)
 - Vitality and viability of Leominster Town Centre
 - Sequential Test
- 6.4 Response by Council's retail consultant to the applicants' revised retail assessment: Primarily this report examines the 'need' to build an extension to this store. Most importantly, the consultant identifies that the agents have not followed the guidance set out in the latest ministerial statement. No attempt is made to demonstrate how the proposed floorspace would be allocated between convenience and comparison goods, justifying the need for each.

Analysis of the applicants' agents' retail assessment indicates 75% of the new floorspace would likely to be given over to comparison goods. The applicants' agents make various and contradictory statements about the 'split' of goods to be sold from the extension as between convenience and comparison items.

The Council's consultant disagrees on many points as to growth of expenditure on comparison goods and turnover rates. The view emerges that there is no strong argument for the provision of floorspace for the sale of such goods as the range suggested in the retail assessment goes beyond items appropriately sold by what the applicants' agents stress will remain basically a foodstore. The proposal is considered to conflict with the principles of PPG6 in that it is the applicants' intention to divert comparison sales from Hereford, a major centre to a minor centre which itself is an out of centre store.

The applicants in the retail assessment have put forward a suggested condition governing the amount of floorspace to be devoted to comparison goods. The Council's consultant advises that the condition as worded would limit comparison floorspace to 360m², implying that some 600m² of the extension would be used for convenience goods, and that this is more than double the quantitative requirement that can be identified for the whole catchment area.

The Council's consultant concludes by advising that, however, split, an extension of 964m² is not justified for either kind of shopping by the analysis made on behalf of the applicant.

The Chief Forward Planning Officer concurs with the Council's consultant, stating:

'The Council's consultant raises concerns regarding the scope for growth in retail spend for convenience goods, especially as population growth is unlikely to result in a significant change. This evidence is supported by retail studies carried out elsewhere in the County where it is a common factor that there is little or no growth in convenience shopping need. Consequently, any growth would have to be derived from increased spending on comparison goods. However, whilst it is accepted that there may be some growth, it is difficult to ascertain how this can be sustained without pre-empting much of the projected growth in the town centre. The applicant's consultants postulate an increase in comparison spending, which can only be achieved by the town 'clawing back' expenditure from other town centres such as Ludlow and Hereford.'

Other Issues

- 6.5 There are no objections on highway grounds.
- 6.6 The original planning permission (ref. 90/0852 and extension 970953) restricted the retailing to convenience goods. It is, however, apparent that breaches of planning conditions are taking place at the site, including the use of the creche facility for storage, which was restricted to that use only.
- 6.7 An inspection of the site with the Council's Enforcement Officer has established that the store has 28 aisles in total. In addition, it has 26 'areas' of retail sales for comparison goods. These areas include end of aisles, parts of aisles together with a large area in the north-east corner of the store which has been exclusively laid out with comparison goods.

Compliance with existing planning conditions is therefore the subject of a separate on-going investigation by the Council's Enforcement Officer. It does, however, raise serious questions regarding the 'need' for additional retail floor space.

- 6.9 The largest of the extensions will project to the east and bring the store closer to the existing landscape buffer. This boundary is also marked by a high bank, which screens the bulk of the development to neighbouring residential properties.
- 6.10 Whilst the footprint of the building will be closer to dwellings to the east, it is not considered that the level of usage at the site will amount to a material deterioration in the amenities of those living closest to the site. Whilst the extended store will project closer to the properties to the east, the extension will not dominate or lead to any loss of light to these residents. The appearance of the proposed extension in terms of design and materials will reflect that built.

Conclusions

- 6.11 Current policy and the latest advice from Central Government regarding retail development focus attention on maintaining the vibrancy of existing town centres. Proposals which are likely to harm this approach are subject to a number of tests, principally relating to the need for the development and associated range of goods, and the impact of providing that range of goods on the vitality and viability of the existing town centre.
- 6.12 The guidance is explicit that all these tests apply equally to proposals for extensions as well as to new developments.
- 6.11 On the basis of the revised assessments of the proposed development the applicants have not proven need for this further extension. There are sustainable reasons for refusing planning permission. The proposal is contrary to national retail and adopted Local Plan policy and, if approved, would materially undermine the purpose of policy to sustain and enhance the vitality and viability of the town centre.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposal involves the extension of an out-of-centre foodstore primarily for the sale of comparison goods (which at present are not permitted). No justification for the scale of the requested provision has been submitted. The proposal therefore conflicts with Government policy which requires that quantitative provision be demonstrated in the case of out-of-centre stores. The proposal also conflicts with the proper application of the sequential approach in considering where any need that can be shown should appropriately be located. It is therefore accordingly contrary to Policies S3 and CTC9 of the Hereford & Worcester County Structure Plan, Policy A33 of the Leominster District Local Plan (Herefordshire), PPG6 (Town Centres and Retail Development) and ODPM Statement issued on 11 April 2003.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies