

Planning Application for a Discount Foodstore, Land South of Leadon Way, Ledbury (Application Reference P242783/O)

Update to Retail and Town Centre Appraisal

1. Herefordshire Council (hereafter referred to as 'the Council') instructed Nexus Planning in March 2025 to provide advice in respect of a hybrid planning application seeking full planning permission for a day nursery (Class E(f)) and a Class E foodstore, and outline planning permission for the erection of a medical centre, at land south of Leadon Way and east of Dymock Road in Ledbury. The original planning application is accompanied by a Planning and Retail Statement ('PRS') prepared by CarneySweeney, dated October 2024.
2. The purpose of the original appraisal report is to consider the merits of the application proposal in terms of its compliance with retail and town centre planning policy, as set out by the statutory development plan and by the National Planning Policy Framework ('NPPF').
3. Subsequent to our March 2025 Appraisal, the following have been submitted to the Council in respect of the application proposal:
 - A cumulative impact assessment prepared by CarneySweeney to include the committed Home Bargains store in Ledbury; and
 - An additional 3rd party consultation response issued by Stantec on behalf of the Co-operative Group.
4. The purpose of this update note is to provide Nexus' consideration of the additional information submitted and to provide our overarching recommendations in respect of the proposal's compliance with the impact policy tests. Our previous conclusions reached in respect of the sequential test remain unaltered.
5. We provide our analysis in respect of CarneySweeney's cumulative assessment in the first instance and then move on to providing our consideration of Stantec's representations.

The Cumulative Impact Position

6. CarneySweeney's cumulative impact assessment includes the following:
 - a. The inclusion of the updated average sales density for the proposed Lidl store, to take account of the GlobalData 2024 data; and
 - b. The inclusion of Home Bargains as a commitment at New Mills Industrial Estate.
7. Turning firstly to (1) above, it is worth noting that our March 2025 Appraisal commented on the appropriateness of the sales densities adopted by CarneySweeney at paragraphs 4.25 to 4.27. Our overarching conclusion was that although CarneySweeney had not updated their impact assessment to reflect the latest figures, the turnover of the proposal would in fact decrease, resulting in decreased levels of trade diversion and impact. It is therefore noted that the impact assessment has now been updated to take account of the latest sales density figures and we have no further comments to make in respect of this part of the assessment. Overall, we are satisfied with the approach adopted.
8. Turning secondly to (2) above, CarneySweeney have adopted the convenience and comparison turnovers of the proposed Home Bargains floorspace and the assumed trade diversions taken directly from the approved Planning and Retail Assessment for application reference P241353/F.
9. Given the nature of the Home Bargains proposal and its location, we are satisfied with the levels of trade diversion applied.

10. Taking the above into account, the cumulative impact position at 2029 presented by CarneySweeney on Ledbury town centre is expected to be -4%, and the cumulative impact on larger out of centre stores expected to be around the -10% mark. It is important to note that the latter are not protected by planning policy given their out of centre locations. In terms of the cumulative impact on Ledbury town centre, this has not altered our previous conclusions reached within our March 2025 Appraisal. For ease of reference, our previous conclusions reached were as follows:
 - a. We are of the view that the town centre is generally vital and viable and although the two edge of centre stores provide important convenience shopping provision for shoppers, the stores and the wider centre are sufficiently diverse and healthy to withstand the level of diversion set out by CarneySweeney and assessed by Nexus.
 - b. We consider that given the proposal's scale, the centre's health, the wider commercial provision within Ledbury town centre and the provision of out of centre convenience facilities from which the proposal will divert trade from, the potential impact of the proposal is unlikely to be significantly adverse. This is principally due to the convenience trade diversion being moderate and the centre being generally vital and viable.
 - c. Furthermore, we are of the view that residents and visitors alike will still need to visit the town centre to meet their wider commercial needs. Overall, we do not anticipate that there will be any material reduction in the vitality of the centre arising from the loss of linked trips related to the proposal (as these may be undertaken by car or may occur at other times).
11. Taking the above into account, we are satisfied that the proposal complies with Local Plan Policy E5, insofar as we are of the view that it will not have a significant adverse impact on town centre investment or on the vitality and viability of the centre.

The Updated Stantec Consultation Response

12. The April 2025 Stantec representations provide comments on two key matters. The first provides observations in respect of CarneySweeney's updated retail assessment, and the second is on the overarching planning balance. Again, we turn to each of the matters in turn below.
13. Stantec state that CarneySweeney: '**...attempt to divert attention from the high levels of convenience trade diversion impact on individual town centre foodstores by focusing on the predicted trade diversion impact on the town centre as a whole**'.
14. Whilst we note Stantec's concerns in respect of the impact on individual stores within the town centre, Nexus has provided our own consideration of this matter within our original March 2025 Appraisal, the findings of which remain unaltered following the submission of the cumulative impact assessment.
15. In this regard, we provide commentary from paragraphs 4.47 onwards in respect of the potential trade diversion and impact from individual stores within Ledbury town centre, concluding that the town centre and individual stores would likely withstand the level of diversion assumed, and that the overarching impact would not be significantly adverse. Again, our conclusions reached have not altered.
16. Stantec's second substantive point within their representations provides commentary in respect of the planning balance, referencing paragraph 95 of the NPPF. Again, whilst we note the point made by Stantec, it is not our view that the impact would be significantly adverse.
17. In any event, it has been established in case law¹ that the wording of paragraph 95 does not create a presumption for a particular course of action, and that the normal planning balance should be applied.

¹ Asda Stores v Leeds City Council [2021] EWCA Civ 32