



Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 08/11/12

Subject: APPLICATION 11/04306/OT. Demolish existing buildings and erect a retail foodstore (Class A1), with car parking, landscaping and access. Site of Asda store, Old Lane, Beeston, LS11 8AG.

APPLICANT

Asda Stores Ltd

DATE VALID

18/10/11

TARGET DATE

17/01/12

Electoral Wards Affected:

Beeston & Holbeck

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Refuse permission for the following reason:

1. The proposed development comprises of a main town centre use that is located in an out of centre site. The applicant has failed to demonstrate that there are not sequentially preferable sites available to accommodate a retail store of this general scale and form. The proposal is contrary to Unitary Development Plan Review policies SP7, S2, S3, S3a and S5 and to the guidance set out in paragraph 24 of the National Planning Policy Framework 2012, as well as to policies contained within the draft Core Strategy (policy P5).
2. The proposed development is located outside of, but close to, the Dewsbury Road town centre. This is a centre that the UDPR places a priority on its refurbishment and enhancement and development in such proximity to it is likely to make it less attractive to future investment by similar retail provision. The failure to invest in the Dewsbury Road centre will serve to undermine its long term viability and vitality of the centre to the detriment of its retail function. As such the proposal constitutes an unsustainable form of development contrary to

policies S3A and S5 of the UDPR and paragraph 26 of the NPPF as well as to guidance contained in the draft Core Strategy.

1.0 INTRODUCTION:

- 1.1 This application for an out of centre convenience retail store is brought to Members for consideration due to the local significance of the proposal and the number of representations received in relation to the application.
- 1.2 The application is considered on its own merits; however Members are advised of the adjacent site proposal for an out of centre convenience retail store, application reference 10/04404/FU. This raises very similar issues in terms of retail policy and there is a need to consider cumulative impact should both proposals go ahead.
- 1.3 Retail advice has been sought on the proposal from Colliers International who carried out the Leeds City Centre, Town and Local Centre's Study on behalf of the Council.

2.0 PROPOSAL:

- 2.1 The application is submitted in outline to consider the principle of development and the means of access only. All other matters are reserved.
- 2.2 There is an existing Asda store (formerly Netto) on site which is 520m² gross floorspace and has extant permission to expand to 777m² gross floorspace. This application would see this current building demolished and a new, larger store built instead. The new store proposes a gross external floorspace of 3000m², with a gross internal floorspace of 2895m². The net sales area would equal 1903m², of which 1563m² would be for convenience (i.e. food and drink) sales and 340m² for comparison sales (i.e. clothing, shoes, furniture, pharmacy, pet products, gardening etc).
- 2.3 The store is proposed to be open 24 hours and aims to employ approximately 100 full time equivalents.
- 2.4 The proposal would result in the removal of 1720m² of B1 industrial space.
- 2.5 Although the application is outline only an indicative site plan has been submitted which shows an upgraded access to the site in the same location as the existing access point. The new store is shown to the rear in the south western corner of the site and would have maximum dimensions of 56m wide x 58 m long x 8.5m high. The store would be single storey, with a single feature lobby entrance. Proposed elevational treatments include use of brick, grey and green cladding and curtain walling. The roof would be asymmetrical.
- 2.6 Service areas for the store are located within the north western corner, with plant located on the western boundary at the rear of the store. A car park with approximately 195 spaces is shown to the front and side; this features disabled spaces, parent and child spaces, motorbike parking and electric car charging points. Cycle parking for visitors and staff is also included.
- 2.7 Soft landscaping to the front and the southern boundary is retained..

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is currently occupied by a small store located centrally within an area of hard-surfacing and parking which formerly traded as a Netto, now an Asda. To one side of the site is a group of small industrial units which are under used, with parking areas between the Asda site and the units. There is a wide grassed verge with tree planting in along the Old Lane road frontage, whilst the southern boundary is also tree and hedge lined and formed by the route of a pedestrian footpath. Trees to the eastern boundary are protected under TPO 1974/28.
- 3.2 To the rear of the Asda and industrial units is an area of vacant land which has been cleared of buildings and is hard surfaced. This area is bounded by high fencing, beyond which are further industrial units.
- 3.3 The site is set within a predominantly residential area of varying ages and character. The closest dwellings are across Old Lane to the east, and to the south of the footpath. The character is of medium density residential streets, with large areas of industrial and commercial uses spread throughout.
- 3.4 Old Lane is an important through route providing cross link access between Dewsbury Road and Town Street, Beeston. To the north at the junction of Old Lane and Town Street is Beeston local centre which houses a Co-operative store and several smaller uses, whilst along Town Street itself there are a number of small A1 and A2 uses. To the south at the junction of Old Lane and Dewsbury Road there is an emerging centre of Tommy Wass based around the crossroads here which has a number of small A class uses. Further south down Dewsbury Road is the White Rose Centre providing a broad range of shopping services.

4.0 RELEVANT PLANNING HISTORY:

Adjacent site

10/04404/FU – Erection of retail store with car parking and landscaping. Pending consideration.

Application site

- 4.1 11/03310/FU, Installation of refrigeration plant with enclosure and single storey staff extension to retail store. Approved. 29.09.2011.
- 4.2 11/02626/FU, Detached ATM machine and protection bollards to front; detached plant and enclosure to rear of retail store. Refused 26.08.2011.
- 4.3 10/02134/FU, Single storey side and rear extension to retail unit. Approved 05.07.2010.
- 4.4 09/05152/EXT, Extension of time for Planning Application 21/307/04/FU for resubmission of application for rear extension and new roof to retail unit. Approved 18.01.2010.
- 4.5 21/307/04/FU, Resubmission of application for rear extension and new roof to retail unit. Approved 01.12.2004.
- 4.6 07/06716/FU, Installation of an ATM with two anti-raid bollards to shop front. Approved 20.12.2007.
- 4.7 21/58/97/FU, 20m high telecommunications tower with 3 microwave dishes equipment cabin and 3m high boundary fence. Approved 11.04.1997.

- 4.8 H21/72/92/, Change of use of showroom to supermarket. Approved on appeal 09.09.1992.
- 4.9 H21/119/83/, Change of use of 3 wholesale warehouses to 3 light industrial and wholesale warehouses. Approved 25.07.1983.
- 4.10 H21/6/83/, Change of use of warehouse unit to warehouse and light industrial unit. Approved 24.01.1983.
- 4.11 H21/200/82/, Change of use of motor car showroom to retail and whole sale frozen food centre. Refused 15.11.1982.
- 4.12 H21/283/81/, Detached single storey showroom with preparation area, offices and toilets, and with 14 car parking spaces, and landscaping. Approved 07.12.1981.
- 4.13 H21/427/79/, Three single storey warehouse units, with 2 storey office and with 24 car parking spaces and landscaping, to vacant site. Approved 17.09.1979.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicants undertook pre-application discussions prior to submitting the formal application. These discussions focussed on highway matters, principals of site layout and appearance of the store, and were used to inform the application submission. Concerns regarding the principle of the use were raised at this stage but were to be dealt with in more detail during the application.
- 5.2 Since submission of the formal application further negotiations have been undertaken on issues such as the access, highway works, Travel Plan, sustainability etc. which the applicants have responded to in a timely manner. Discussions regarding planning policy and the principle of development have also been undertaken throughout with the applicants undertaking work to justify their proposal and to respond to policy comments.
- 5.3 The application has not undergone substantial change or alteration since submission; rather the applicants have sought to provide further justification for a store of this size in response to concerns raised. This work has included providing further sequential assessment information and responding to specific sites put forward by the Council (see Appraisal section below).
- 5.4 The applicants have undertaken community consultation, pre-submission work is outlined in their Statement of Community Involvement, since submission they have also carried out further advertising of the scheme through the existing store and by attending Beeston Community Forum meetings.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by way of site notices for a Departure, which were posted on 28/10/11. Publicity expired on 10/02/12. An advert was also placed in the Leeds Weekly News and details of the scheme were placed in Beeston Library. 18 responses have been received, 6 objecting to the scheme, 11 in support (which includes 1 petition with @ 1000 signatures).
- 6.2 Supporters of the scheme raise the following points:
- Proposal will improve the streetscene and visual appearance of local area.
 - Proposal will result in better access to the site for visitors.

- Location of proposed store will result in better amenity for neighbouring residents.
- Location is highly sustainable, easy to get to without a car and will reduce car borne trips to other supermarkets (e.g. Hunslet, White Rose).
- Proposal has a number of sustainable features such as electric car points.
- Provision of local jobs.
- There are no large supermarkets in the area so this will fulfil a need.
- Will help regeneration of the area.
- There are good public transport connections to the site for residents of Beeston and Holbeck.
- There will be greater choice of goods and facilities than currently offered.

6.3 **Beeston Community Forum** – following discussion of the application along with the Tesco scheme at a number of Forum meetings the BCF make the following points:

- They support the principle of a supermarket in Beeston but have not taken a stance as to which operator should be preferred.
- The Forum raise concerns about the length of time taken to determine both applications and the use of external consultants.
- Local residents are strongly in favour of a supermarket and this should be given considerable weight.
- Approval of a supermarket will give local residents easier access to the cheap prices which supermarkets can provide.

6.4 The following general objections to the proposal were made:

- There will be an increase in traffic, congestion, HGV movements etc. which will result in more pollution, noise, disruption, dirt etc.
- Increase in litter.
- Area will become less safe for children.
- Loss of business to existing local shops.
- Already have 2 supermarkets at either end of Old Lane as well as small Asda in middle.
- New building will have an overbearing effect on neighbours and result in loss of privacy.
- The scheme will have a detrimental impact on character and local community.
- Asda themselves objected to the Tesco scheme next door.
- Other areas beyond Beeston need these types of facility more.

6.5 As well as these objections raised by residents a number of local businesses have also objected and their issues are set out below.

6.6 **NJL on behalf of the Co Operative Group**

The Co-operative Group is a key investor and employer within Beeston and operate a food store within the Primary Shopping Frontage of Beeston centre. The proposal represents a large retail development in an out of centre location and should be refused on the following grounds;

i. The proposal fails to provide an adequate retail impact assessment.

- Drivers Jonas Deloitte (agents for Asda) have not carried out an adequate retail impact assessment as they consider that as the proposal represents only an “uplift” in floorspace (over extant permission) then an assessment is not required. Furthermore in a commentary of impact they utilise a 5 minute drive time catchment area and consider the methodology to be “robust”.
- It is clear in PPS4 that assessments of impact are needed on any proposals that are below 2,500 m² which are not in an existing centre and not in accordance with an up to date development plan and which would be likely to

have a significant impact on other centres. It is clear therefore that the proposal should be required to undertake a full and proper retail impact assessment. In the absence of such information the application should be treated as insufficient and the application refused.

- ii. The proposal fails to comply with sequential sites assessment.
 - Both PPS4 and the UDP requires evidence to be provided with a planning application to demonstrate the use of the sequential approach to site selection. DJD's report briefly considers an alternative site at Kwik Save on Dewsbury Road but this is not a thorough assessment and does not properly demonstrate a flexible approach to food store provision.
 - Further policy S3A of the UDP identifies that priority should be given to the refurbishment and enhancement of the Dewsbury Road District Centre.
- iii. The proposal fails to consider impact of loss of employment land.
 - Policy E7 of the UDP and EC6 of the draft Core Strategy seeks to protect loss of employment land subject to a number of criteria. The proposal involves the loss of four industrial units including two of which are still occupied. The applicant provides no detailed information on the loss of employment land and supply in the area.

Peacock and Smith on behalf of Morrisons at Hunslet

6.7 Morrisons operate the main retail food stores in the nearby town centres of Hunslet, Morley and Rothwell, and also own and operate The Penny Hill Centre at Hunslet, they object to this Asda scheme for the following reasons:

- The application site is located 500m from Beeston local centre and is considered as out of centre in PPS4 terms. The application must therefore be considered against the tests of sequential approach and impact and all the criteria in PPS4 policy EC17.1 should be met.
- The application site is physically separated by residential development from the nearest local centre.
- In considering in centre options the applicants have reviewed and dismissed the Kwik Save site on Dewsbury Road. Whilst this unit is smaller than the proposed replacement Asda store we do not consider that the applicant has demonstrated any flexibility in terms of the proposed scale or format of their store. Policy S3A states that priority will be given to the refurbishment of insecure centres like Dewsbury Road. It may be the case that there is a localised need for improved convenience shopping facilities in the Beeston area however we see no reason why this cannot be met from an existing vacant unit within the heart of the Dewsbury Road District Centre. A sequentially preferable site exists.
- In assessing impact the applicants refer to their Primary Catchment Area (PCA) being based on a 5 minute drive time; however a plan detailing this is not provided so it is difficult to provide any commentary on this.
- The cumulative impact of the development is estimated to be a drop of 11.61% on Morrisons at Hunslet. This is a significant level of impact and would reduce the number of shoppers visiting Hunslet and having a knock on impact on all of the shops and services that rely on linked trips to the Morrisons store.
- The applicants base some of their assertions on the impact on Morrisons on a sensitivity test which is not provided with the documentation.
- The impact assessment is based on the uplift in floorspace over and above the extant planning permission for Netto. This has a much lower sales density than Asda and therefore we consider that the impact of the proposed store on existing retail facilities has been significantly underestimated.

DPP on behalf of proposed Tesco at Old Lane

6.8 Tesco Stores Ltd strongly objects to the proposal for the following reasons:

- We believe that this application is no more than a blocking tactic to protect Asda's own commercial interests on an out of centre site in Beeston, as their store is afforded no policy protection in terms of PPS4.
- There is already an identified operator for the site (Asda own the site).
- The application is not accompanied by required reports e.g. Retail Impact Assessment or Employment Land Supply Assessment, and the Transport Assessment merely reproduces figures already submitted by Tesco.
- The application was submitted just over a month after Asda objected to the Tesco application on the adjacent site.
- Why would Asda invest in refurbishing the existing store if there was a serious intention to invest more heavily in Beeston in the immediate future?
- Based on the objection to Tesco it is claimed that a main foodstore development in Beeston would harm their investment in Middleton, we would suggest that Asda's strategy is not in fact to invest in both locations but to prevent any other food retail development from taking place in order to protect their own interests in an out of centre site.
- Asda's planning submission contradicts their objections raised to the Tesco development.
- Asda's assertion that a RIA is not required due to the existing footprint on site is incorrect, the impact needs to be tested for a number of reasons.
- The new store will be operated by Asda, one of the big 4 retailers, not a discounter and will therefore trade very differently to the existing set up.
- The new store will be significantly larger than the existing (396% larger).
- It is larger than the proposed Tesco, and has a larger non food offer.
- The retail catchment area is based on a 5 minute drive time, in the objection to Tesco they complain that Middleton is excluded incorrectly from this catchment area, however in the current submission they argue that Middleton is on the edge of the catchment area and therefore should be excluded.
- In their objection to Tesco they state that it is not appropriate for Beeston to operate as an established major food shopping destination, however in the application submission they state that the proposal provides an enhanced food offer that will effectively compete with the larger food store destinations including Hunslet and White Rose.
- The Tesco objection claims that a new Tesco will result in significant adverse impacts to other centres such as Middleton and would prejudice local shopping needs, however the current submission provides no economic assessment of the proposed scheme.

7.0 CONSULTATIONS RESPONSES:

Statutory:

Environment Agency

- 7.1 The proposed development will only be acceptable if the following measures as detailed in the Flood Risk Assessment dated September 2011 are implemented and secured by way of a condition.

Non-statutory:

Policy (Colliers)

- 7.2 The household surveys on which the applicant has based their analyses do not provide adequate and appropriate basis for the assessment. The Asda analysis is derived from the Colliers International Centres Study report. This survey was undertaken to assist policy formulation and was not at the level of detail to consider appropriately issues of impact relating to individual store proposals. This has been stressed repeatedly but additional survey work by Asda has not been forthcoming. If

additional survey and analysis work had been carried out it may have supported the assertions that Asda makes however as it stands the evidence for both retail impact and cumulative impact contains uncertainties.

- 7.3 One of the main issues of concern with regard to impact is that on Dewsbury Road town centre. Whilst this is currently limited in its range and choice it is the decision of the City Council not to depart from the identification of Dewsbury Road as a town centre. The proposed store would have an impact on this area as a town centre going forward and would and it is considered that a main retailer foodstore would not be interested in locating in or on the edge of Dewsbury Road town centre is the Asda proposal goes ahead.
- 7.4 Further impacts arise on local centres (Beeston) and local convenience store provision. Whilst it is recognised that there will be a diversion away from Beeston centre the evidence used to assess this impact is inadequate and therefore the real trading impact may be much higher. It is considered that significant impact on the local Co-Op store would be a material consideration. Asda will provide much the same local function for the immediate catchment area and will therefore divert trade from the Co-Op; this has not been assessed properly by the applicant.
- 7.5 The Council are also promoting Holbeck at the local centre scale to support a more sustainable community here and the same impacts on commercial and investor confidence arise as with Dewsbury Road.

Local Plans

- 7.6 The drive time for the catchment areas should be 10 minutes not 5, this is the measure used in the Core Strategy. There are concerns about the impact on other centres such as Dewsbury Road and Holbeck which are identified within the draft Core Strategy. Other sequentially preferable sites should be considered further before discounting.
- 7.7 Having reviewed the applicants Employment Land Assessment their conclusions would concur with the Councils in that there is currently a plentiful supply of vacant property for employment uses and therefore it would be unreasonable to object in terms of policy E7.

Highways

- 7.8 The application taken on its own merits is acceptable in highways terms, however if both sites come forward for approval there will be a need to undertake cumulative impact assessments.
- 7.9 The amount of parking provided is adequate.
- 7.10 S278 agreement will cover highway works including provision of pedestrian islands on Old Lane and a right turn lane.
- 7.11 Off site highway works will include improvements to the Old Lane roundabout which will in particular benefit cyclists.
- 7.12 50k funding towards TRO's is offered.

Travelwise

- 7.13 The submitted Travel Plan is acceptable subject to conditions for details such as staff shower facilities, cycle parking etc. A review fee of £2,500 would be required

along with £1,500 for dropped kerbs as well as upgrades to bus stops requested by Metro.

METRO

- 7.14 Live information displays should be provided at bus stop number 10074 (outside the site) at cost of £10,000. Good pedestrian access to and from the site should be provided.

Land Contamination

- 7.15 No objections subject to conditions.

Access Officer

- 7.16 A claimed footpath abuts the site (southern boundary) but will not be encroached upon in any way. No objections.

Environmental Health (including noise officer)

- 7.17 No objections subject to conditions to include Construction Management Plan, noise assessment, noise mitigation and plant locations.

Flood Risk Management

- 7.18 No objections subject to condition for drainage details and use of permeable surfacing.

Climate Change Officer, Sustainable Development Unit

- 7.19 Whilst the information submitted suggests a welcome commitment to sustainability there is a lack of detailing within the submission. A condition for a revised Sustainability Statement should be applied to ensure achievement of a minimum "Very Good" BREEAM rating, along with an energy demand report.

8.0 PLANNING POLICIES:

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 8.2 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

- 8.3 Relevant RSS policies are considered to be;
E2 States that town centres should be the focus for offices, retail, leisure and entertainment.

- 8.4 The site is not covered by a particular designation within the Unitary Development Plan, the following UDP policies are relevant to the consideration of the application:

SP6 – Distribution of land for employment uses
SP7 - Priority to be given to enhancement of the City Centre and town centres
GP5 – General planning considerations;
GP11 – Sustainable Design Principles
E7 – Loss of Employment Land to other uses
N12 – Urban design principles;
N13 – Design of new buildings;

N24 – Development abutting green belt, green corridors or other open land
N25 – Boundaries of sites to be designed in a positive manner
T2 – New development and highway safety;
T5 – Access for pedestrians and cyclists;
T6 – Provision for disabled people;
S5 - Criteria for out-of-centre major retail development (above 2,500 sq.m gross)
BD5 – New buildings, design and amenity;

8.5 Supplementary Planning Guidance/Documents

Public Transport Improvements and Developer Contributions SPD.

Travel Plans SPD

Sustainable Design & Construction SPD “Building for Tomorrow Today”

Street Design Guide.

8.6 Core Strategy Publication Draft 2012

This document was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of representations the Council intends to submit the draft for examination. The CS sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. Relevant policies are;

Spatial Vision Objectives include the promotion of town and local centres as the heart of communities, and promotion of the regeneration of areas taking into account the needs and aspirations of local communities.

The CS seeks to achieve growth within centres with a “centre first” approach, protecting the vitality and viability of centres. Beneath the city centre, town and local centres perform an important role in providing for weekly and day to day shopping requirements, employment, leisure etc. in easily accessible locations to minimise the need to travel by providing “linked trips”; and by performing a role in place making.

Spatial Policy 2 sets out the hierarchy of town centres, whilst Spatial Policy 8 identifies the city centre and town and local centres as the core locations for new retail and office development.

Policy P1 – Identifies Dewsbury Road and Hunslet as town centres, Beeston and Middleton Park Circus as higher order local centres, and Beeston Hill, Holbeck and Tommy Wass as lower order local centres (Holbeck and Tommy Wass are newly identified centres).

Policy P2 – Acceptable uses within and on the edge of town centres are shops, supermarkets and superstores.

Policy P3 – For higher order local centres small supermarkets of up to 1,858 m² would be acceptable in principle. In lower order local centres small food stores compatible with the size of the centre would be acceptable.

Policy P4 – Proposals for stand alone small scale food stores of up to 372m² gross within residential areas will be acceptable where there is no local centre or shopping parade within a 500m radius.

Policy P5 – New food stores will be directed towards town and local centres. Sites on the edge of town and local centres will be considered where there are no

available, viable or suitable sites within a centre. Some town centres such as Dewsbury Road could perform more successfully as major locations for weekly shopping needs if they included a major food store. Appropriate provision will be encouraged and supported where sites can be identified. A site for convenience retailing will be sought in Holbeck to meet an existing deficiency and complement wider regeneration issues.

Policy P8 – Proposals for out of centre A1 uses within residential areas of 1,500m² plus will require both sequential assessment and retail impact assessment with a drive time catchment area of 10 minutes.

8.7 National Planning Policy and Guidance

From 27 March 2012 The National Planning Policy Framework (NPPF) took the place of the PPS's and PPG's and is now a material consideration when making planning decisions. The NPPF sets out the range of the Government's planning policies and sets out the requirements for the planning system but only to the extent that it is relevant, proportionate and necessary to do so. In particular there is an emphasis on decision making at a local level where communities and their accountable Council's can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of communities through up to date development plans to achieve the economic, environmental and social aspects of sustainable development. These dimensions give rise to the need for planning system to perform a number of roles:

- The economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
- The social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;
- The environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 14 sets out the presumption in favour of sustainable development, which means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this (NPPF) framework taken as a whole; or

- specific policies in this framework indicate development should be restricted.”

Section 2 sets out the approach towards ensuring the vitality of town centres. It stipulates that Local planning authorities should apply a sequential test to planning

applications for town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 26 requires that “*when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, LPA’s should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:*

- *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 proposal; and*
- *The impact of the proposal on town centre vitality and viability, including local customer choice and trade in the town centre and wider area....”*

At paragraph 27 the NPPF advises that:

“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”

The NPPF acknowledges that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It advises that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. At paragraph 64 it states:

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other Relevant Guidance

- 8.8 Ministerial Statement – Planning for Growth, March 2011.
- 8.9 Planning for Town Centres – Practice Guidance on Need, Impact and the Sequential Approach, CLG 2009.
- 8.10 PPS4 Impact Assessment, CLG, 2009.

9.0 MAIN ISSUES

1. Loss of employment Land
2. Retail policy
3. Highway matters
4. Design and Layout of proposed store
5. Landscaping
6. Relationship to surrounding residential properties
7. Planning Obligations

10.0 APPRAISAL

1. Loss of employment land/ alternative uses for the site

- 10.1 Policy E7 relates to the consideration of the use of land currently or last in use as employment land, and advises that uses outside of the B Use Classes will not be permitted unless; the site is not reserved for specific types of employment use/ sufficient alternative employment sites exist both district wide and within the locality/ the proposal would not result in environmental, amenity or traffic problems.
- 10.2 The site is 1.27 ha and considered to be a moderately-sized site in terms of employment land within the immediate locality of South Leeds. The site, together with neighbouring employment and commercial premises comprise an “island” of industrial, warehouse and commercial uses within a built-up area predominantly residential area.
- 10.3 The applicant has submitted a report on employment land issues which states that the eastern portion of the site is occupied by the former Netto (now trading as Asda). The northern edge is occupied by four industrial units, two of which were vacant. These units provide in the region of 1,720 m² of gross employment floorspace. Land to the west was previously in employment use; however buildings have been demolished (between 2006 and 2009).
- 10.4 Although there are residential properties opposite the site on Old Lane, which acts as a local distributor road, there is little evidence that the site is inherently unsuitable for employment or commercial use. However, given that the site is unallocated and in light of the current market situation it is considered unlikely that speculative employment use would come forward on the site.
- 10.5 Whilst the applicants Employment Land Assessment is comprehensive it fails to give a “years of supply” position. Using therefore the most recent ELA carried out on behalf of the Tesco site in 2010 it is assessed that there is between 22 and 26 years of employment land availability within the locality. The plan horizon for the Core Strategy is 2028 and therefore 22 years of supply does not indicate that an E7 objection would be reasonable.
- 10.6 From the above, it is clear that the loss of this site to an alternative commercial use would not pose any harm to the Council’s interests in providing opportunities for local employment uses and there is no objection raised under Policy E7 of the UDP Review. Furthermore, the proposed development would also generate employment, in the region of 100 full time equivalents.

2. Retail policy

- 10.7 The underlying theme from the NPPF is the presumption of favour of sustainable development. Section 2 is specifically entitled ‘Ensuring vitality of town centres’ and sets out the approach towards ensuring the vitality of town centres. It stipulates that local planning authorities should apply a sequential test to planning applications for town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Proposals for retail development should specifically include an assessment of 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 proposal, and the impact of the proposal on town centre vitality and viability, including local customer choice and trade in the town centre and wider area. The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

- 10.8 In terms of local policy within the development plan, the application should be assessed against Policy S5 of the UDP Review 2006 which advises that major retail developments (above 2, 500 m² gross as set out at para 9.2.7) outside defined S1 and S2 centre's will not normally be permitted unless;
- i. the type of development cannot satisfactorily be accommodated within or adjacent to an existing S1 or S2 centre;
 - ii. it can be demonstrated that it will not undermine the vitality and viability of the city centre or any S2 or local centre or prejudice the local provision of essential daily needs shopping. The policy goes on to advise that it will normally be necessary for the applicant to carry out a formal study of impact on nearby centre's and an assessment of changes in travel patterns.
 - iii. It addresses qualitative and/ or quantitative deficiencies in shopping facilities
 - iv. It is readily accessibly to those without private transport
 - v. It does not entail the use of land designated for housing, key employment sites or land located in the green belt or open countryside.
- 10.9 Policy S5 is considered to be consistent with national guidance set out within the NPPF, with particular reference to the sequential test and impact assessment.
- 10.10 The site at Old Lane is located 470m from the boundary of the nearest identified centre at Beeston and 380m from the emerging centre at Tommy Wass (as identified in the Draft Core Strategy). According to the NPPF definition the site is classified as out of centre and must accord with the sequential assessment criteria set out at paragraph 24 of the NPPF. Additionally, because the gross area proposed is more than 2,500m² it should also be assessed against the impact criteria set out at paragraph 26 of the NPPF. A Retail Assessment has been submitted with the application (RA).
- 10.11 Relevant case law on retail policy, specifically on the matter of sequential sites, comes from a Supreme Court judgement in a matter between Tesco Stores Ltd and Dundee City Council (21/03/12). Whilst the crux of Tesco's case was the misinterpretation of policy applied by Dundee CC in approving an Asda superstore the judgement also raised important matters on sequential assessment.
- 10.12 The judgement provides authority for the proposition that the suitability of a site in sequential terms is being directed to the developers' proposals, not some alternative scheme which might be suggested by the planning authority. However the case also underlines the principle that the application of the sequential approach requires flexibility and realism from developers and retailers as well as planning authorities. The applicants are expected to have prepared proposals in accordance with the recommended approach, by, for example having had regard to the circumstances of the particular town centre, to have given consideration to the scope for accommodating the development in a different form, and to have thoroughly assessed sequentially preferable locations.

Sequential Assessment

- 10.13 As the site occupies an out-of-centre location it is necessary for the applicant to carry out a sequential assessment of possible alternative sites in accordance with policy requirements. The applicants' retail statement assesses alternative sites within the "natural catchment area" and identifies the only sequentially preferable site as being the former Kwik Save site on Dewsbury Road. They consider it to be

unreasonable and inappropriate for the existing Asda store to relocate to the Kwik Save which offers a smaller footprint than that being proposed for Old Lane. This would not offer the opportunity for improvements to the existing Old Lane store to be carried out or to improve the role that the store plays. The Kwik Save site is now undergoing alteration and subdivision into two smaller units, one of which is proposed to be occupied by Iceland.

10.14 Following further discussions the applicants reviewed other sites which the Council considered to be sequentially preferable, these included the Police Station site on Dewsbury Road, Crescent Works on Dewsbury Road, and an area of demolished housing in Holbeck (the Runswicks).

10.15 All of the sites are dismissed by the applicant with the following conclusions drawn:

- Crescent Works – It is understood that this site is currently unavailable for development and provides a number of well established employment premises that are currently being marketed. There are no adopted or emerging local planning policies to support the principle of redevelopment this site for retail use. There is no evidence to suggest that retail development in this location would be a suitable alternative use or that the site can be viably developed for retail use.
- Dewsbury Road Police Station Site – The site has an area of just 0.8Ha and therefore not suitable to accommodate a food store of the format required and proposed by Asda at Old Lane. The site would not be suitable to meet the identified need for a food store to improve local shopping facilities in Beeston; there is no evidence that this site provides a potential alternative sequentially preferable site.
- Runswicks, Holbeck – This site comprises a number of former rows of back to back dwellings and occupies an out of centre location some 1.2km from the nearest centre. *(NB it should be noted that the site is actually 170m from Holbeck local centre)*. The site is earmarked for regeneration as part of the PFI schemes and the site is understood to be proposed for residential use. There is no evidence to suggest that the development is available or viable for redevelopment for retail use. There would also be potential impacts on nearby residential uses and the Local Nature Area to the east of the site. The site is therefore less sequentially preferable to that of Old Lane. *NB the site is now acknowledged to be earmarked for housing redevelopment, however there are other, smaller sites that may come forward within Holbeck in the next few years.*

10.16 The conclusion is therefore reached by the applicants that there are no suitable, available or viable alternative locations within or on the edge of town or local centres within the PCA or HAS. The proposal therefore satisfies the sequential test.

10.17 The Council acknowledges that the sites identified above are not going to allow the delivery of the size of store proposed however it is not considered that the evidence on which the assertions are based is complete and full. For example it is not accepted that the applicants have demonstrated flexibility in the scale and layout of store propositions when considering the sites, both practice guidance and the Dundee judgement require that both applicants and LPA's are flexible. It is not considered in this case that the applicants have adequately demonstrated flexibility in their business model, or put forward enough justification to fully discount other sequentially preferable sites, particularly in the Dewsbury Road area given the primacy of this area in the retail hierarchy. For example there are large areas of industrial development

very close to the Dewsbury Road town centre but there is no assessment of whether any of these areas are available, viable or suitable.

- 10.18 Dewsbury Road is acknowledged to be a town centre that is poorly performing in terms of its provision and that it lacks the large anchor store that could stimulate further commercial and retail provision. Both the UDPR and the draft Core Strategy identify it as a town centre that requires promotion and redevelopment and it is seen as being beneficial to encourage regeneration here. It is sustainably located with a main public transport route running through it, and located within walking distance of a large residential district which has large car ownership. It is considered that should Asda open a store of the size being proposed here, this will detrimentally impact on the likelihood of any food store provider looking to open up in or around Dewsbury Road. The potential future impact therefore could be negative and for this reason it is considered that the sequential site search should have been more thorough and considered.

Retail capacity

- 10.19 The applicant has looked at the issue of retail capacity as this can be relevant to the consideration of impact.
- 10.20 The assessment recognises the existing situation with a store that has permission to increase its gross floorspace to 777m². Using the Leeds City Centre, Town and Local Centres study produced by Colliers International (for the Council) the applicants draw the conclusions that Netto has a limited role as a main food shopping destination but that this will be enhanced by the conversion to Asda branding, the Inner South zone of which the site is a part of is dominated by the Morrisons store at Hunslet (66% of expenditure) and that there is further requirement for main food shopping provision within the zone.
- 10.21 Asda considers that none of the surrounding centres within a 5 minute drive time catchment area (Beeston, Beeston Hill, Dewsbury Road, Tommy Wass) fulfil the role of a main food shopping destination and cater only for specialist food provision, or top-up provision. The enlargement of the former Netto store will improve the offer made by the store and provide the opportunity for consumers to carry out a weekly food shop within the catchment area, this will effectively claw back trade that currently goes outside of the catchment.
- 10.22 Asda also state that they are committed to bringing forward the proposals for a new store in the Middleton District Centre and that this proposal would not undermine that scheme. They state that as the Old Lane scheme represents an uplift in existing retail floorspace then it will not fundamentally alter the wider retail hierarchy. The enhanced offer will compete with larger food store destinations outside the catchment such as Morrisons, Hunslet and Sainsbury, White Rose. Therefore there is a requirement to provide greater consumer choice within the area which the new proposal will deliver.
- 10.23 It is considered by the Council that no allowance has been made for existing centres to increase or decrease market shares within this zone. In particular Dewsbury Road and emerging centres will be affected by the proposed store and future development/ enhancement/ maintenance will depend on market share increasing.
- 10.24 Furthermore, since the catchment area is drawn up from an out of centre location, it is considered that shopping patterns should be looked at in more detail and appropriate expenditure within the catchment that is spent within existing centres

should be looked at. For instance, it is not inappropriate for some expenditure to go to Hunslet town centre as part of the catchment area is closer to Hunslet town centre than the proposed store location. Indeed, there must be some overlapping of catchment areas. It is not considered justified that an out-of-centre store should claw back trade from town centre stores just outside its primary catchment area (PCA) as it is considered that this expenditure should be allocated to these centres.

- 10.25 It is considered that Morrisons at Hunslet relies on trade from the PCA accounting for nearly 40% of all expenditure in the PCA and the impact to this store needs to be robustly assessed. Careful consideration also needs to be given to the city wide strategy for new retail provision and strengthening the vitality and viability of existing and emerging centres. Furthermore, there are planned strategies that have not yet been delivered which could again reduce expenditure leakage.

Impact

- 10.26 The NPPF advises that evidence regarding the impact of the proposal should be considered. The applicant's RA has considered the impact of the proposal on existing centres as well as the cumulative impact of the proposed store and recent permissions.

- 10.27 Table 3.2 of the applicant's addendum RA shows the trade diversion effect of the proposed store on identified town and local centres in terms of convenience goods as follows;

- 3.97% trade diversion from Beeston Local Centre
- 1.26% Dewsbury Road;
- 11% for Hunslet

- 10.28 The RA concludes that impacts are minimal and will not threaten vitality and viability of the centres.

Impact on existing centres

Hunslet

- 10.29 The applicants consider Hunslet to be outside of their catchment area, however they have assessed that there will be a 11% drop in trade and turnover on Hunslet due to trade diversion from the Morrisons store, however analysis shows that in 2010 the store was trading at 149% of its benchmark level, which reduces the impact of the Beeston Asda to 7%. The existing health and strength of the Hunslet Morrisons means that even with this level of impact Morrisons will still trade at a predicted 158% of benchmark in 2016 which cannot be viewed as harmful.

- 10.30 The cumulative impact of the Asda Beeston alongside Asda Middleton and Aldi Middleton on Hunslet Morrisons would indicate that the store will still continue to trade at 113% of benchmark by 2016 so this cumulative impact is also not viewed as harmful.

Beeston local centre

- 10.31 It is estimated that the impact on Beeston local centre (which houses the Co-op) will be in the region of 4%, this is considered to be a minimal amount and will not pose any threat to the vitality and viability of these centres.

Dewsbury Road S2 centre

- 10.32 The impact on Dewsbury Road is estimated to be 1% which again as above is not considered to be significant. The applicant further considers that there are no known investments in this area which would be affected by the Asda proposal.

Holbeck emerging local centre

- 10.33 No assessment of the impact on Holbeck has been undertaken by the applicant.

Other centres

- 10.34 The applicant considers that the impact on Beeston Hill centre will be negligible, the occupiers of this area are generally local in nature and there are few vacant units indicating that the centre is healthy. There are no comparable stores to the proposed Asda that will be competed with. The same conclusions were drawn about the Tommy Wass emerging local centre.

- 10.35 With regard to the proposed Asda at Middleton which has permission the applicant states that the beeston store will not undermine their commitment here. The Beeston store represents an uplift in existing retail floorspace and is able to be accommodated without fundamentally changing the wider retail hierarchy. Furthermore the Middleton centre falls outside of the Beeston primary catchment area.

Leeds City , Town and Local centres study

- 10.36 Following the objections to the proposal received on behalf of Morrisons in relation to their Hunslet store and on behalf of the Co-operative Group in relation to their store at Beeston local centre, it was considered that it would be useful in the assessment of the Tesco Old Lane application to take into account the results of the quantitative need analysis of the Leeds City, Town and Local Centre Study (a city-wide retail assessment being prepared by Colliers International for the City Council). It was initially expected that this report would have been available in early 2011 however this was delayed until July 2011. The Study itself will be used to contribute towards the evidence base of the Local Development Framework including the Core Strategy and Site Allocations Development Plan Document. The report itself has limited status in planning terms, but is capable of being a material planning consideration. The study was commissioned to contribute to the LDF and therefore its findings are of relevance.

- 10.37 The Town Centre Study includes the results of a household survey undertaken in Summer 2010 to help to establish a baseline position on broad expenditure patterns across retail locations and stores in Leeds district. The household survey results have now been made fully available however and table 3 within Appendix 8d of the Study does include a breakdown of the household survey results in respect of convenience shopping destinations in each of the survey zones. The Town Centre Study separately considered expenditure on convenience and comparison goods to establish the quantitative need for each of the sectors. The study split Leeds district into 10 zones based on the Council's area committee structure. The application site and the vast majority of the Primary Catchment Area (PCA) lies within the Inner South Zone of the study (which covers the Council wards of City & Hunslet, Middleton Park and Beeston & Holbeck). The study identifies quantitative need in each of the sub area over three time periods: 2010 to 2016, 2021 and 2026. For consideration of a planning application only the first of the time periods is relevant as the practice guidance advises that assessments of impacts should focus in particular on the first 5 years after the implementation of a proposal, in this case approximately 2017.

- 10.38 The retail floorspace needs assessment for convenience goods (scenario 1: low population projection) from the draft Town Centres Study shows that there is a negative retail floorspace need of 12,091m² net in the Inner South area for the period to 2016. This would mean that there is over capacity of convenience

floorspace in the Zone which would not support the case for the new additional floorspace in the area, such as that proposed in this application, outside existing centres.

3.Highway matters

- 10.39 The site has been reviewed in terms of the impact it will have on highway capacity along Old Lane and in the local area. It is considered that on its own the proposed store would not create unacceptable harm to highway safety subject to some highway works being undertaken which would include upgrades to the Old Lane roundabout and traffic regulation orders to prevent parking in local streets.
- 10.40 The access into the site is to be upgraded with relevant highway works including pedestrian islands on Old Lane and right hand turn lanes to ease traffic flows.
- 10.41 The site is readily accessible with a bus stop immediately outside and being within walking distance of a sizeable residential population. A Travel Plan has been accepted which would aim to reduce car borne travel to the site, and promote alternative forms of transportation.
- 10.42 Overall then the proposal is considered to comply with highway policies and guidance.

4. Design and Layout of proposed store

- 10.43 The proposal is made in outline so all layout, scale and appearance matters are reserved. However the indicative proposal shows a store located in the south west corner, which is further back than the existing store. Parking will be to the front of this. This arrangement allows some additional set back and landscaping to be achieved for residents across Old Lane. The set back does bring the store closer to residents to the west and south, however there were previously industrial units on this site which would have resulted in more detriment to residential amenity than this current proposal.
- 10.44 The overall appearance will be quite typical of such stores, but will represent a big improvement on the existing store. Overall subject to consideration of detailed matters then no objection to the design and layout is raised in principle.

5. Landscaping

- 10.45 Again landscaping is a reserved matter however the indicative plan shows retention of the landscaping buffer to the eastern and southern boundaries and there will be opportunities to enhance this further. Subject to detailed consideration there are no objections to the proposal in landscaping terms.

6. Relationship to surrounding residential properties

- 10.46 As stated above the new store would be further away from Old Lane properties, but closer to properties on the south and west. However given the ability to control to a much greater extent issues of noise and odours etc. then it is not considered that the proposal would result in loss of residential amenity, especially given the allowed industrial uses on the site.

11.0 CONCLUSION

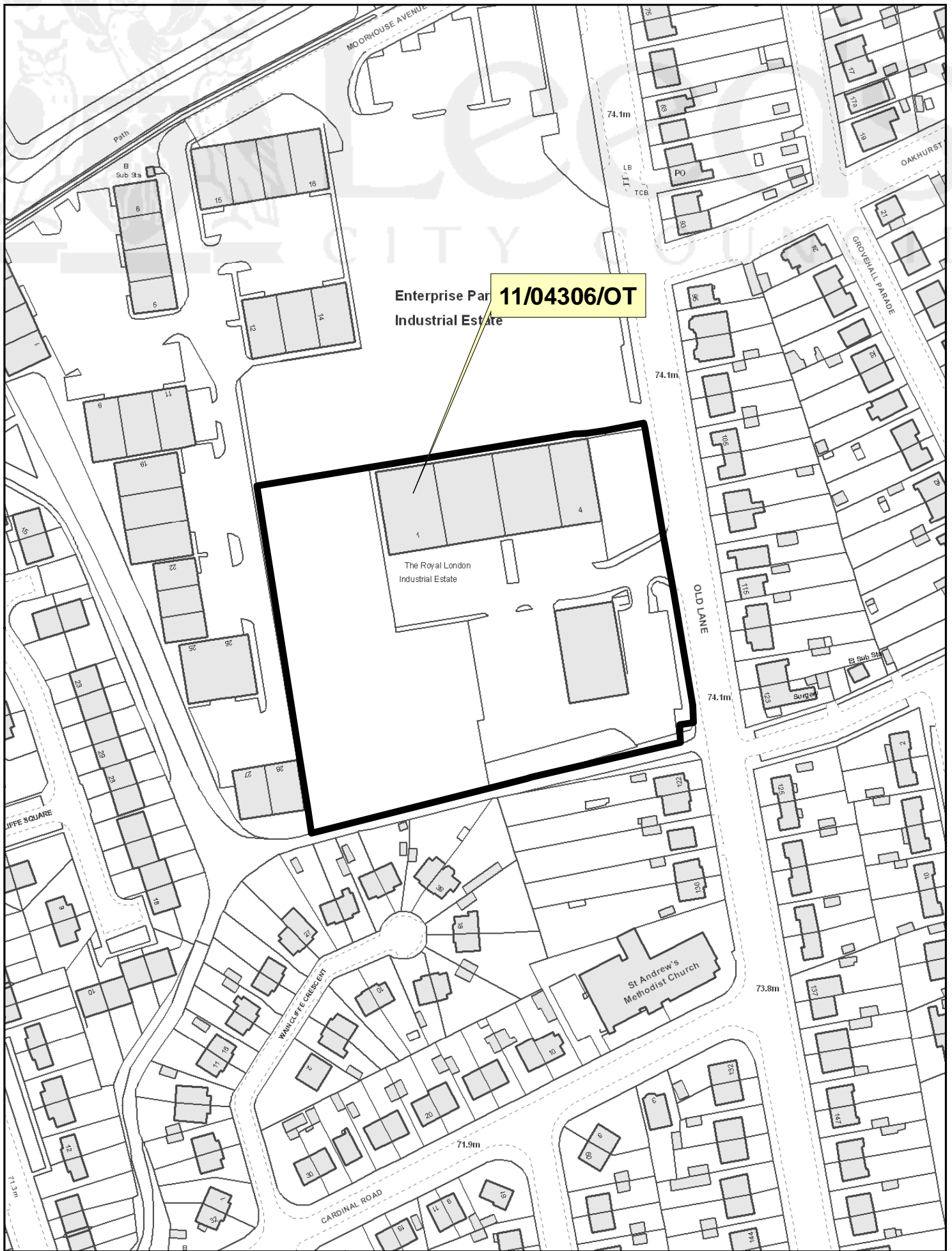
- 11.1 The NPPF stresses that applications must be considered against all relevant policies as only then can the issues of sustainable development properly be assessed. The issues around this proposal are complex and numerous and should be considered in conjunction with the neighbouring retail proposal. The following conclusions can be drawn.
- 11.2 The site is located in a sustainable location, it is close to public transport facilities that link to Beeston local centre, Tommy Wass local centre, and to the City Centre and White Rose, as well as other areas that can be reached via the motorway network. The site does not however have a train line. The site is also located within an area of dense residential population, where car ownership is acknowledged to be low and where issues of unemployment etc. are slightly higher than average. It is noted that the two existing/proposed local centres are within walking distances of the sites location and so could serve the local residents with daily needs, however it is also accepted that the constraints of these local centres would not allow for a larger scale food store. Many local residents are in support of the proposals citing the benefits of having a larger scale food store in the vicinity.
- 11.3 The proposed store would result in new jobs, both in construction and built phases and these could be secured, as much as possible, for the local area through a s106 agreement as has been done elsewhere. The provision of jobs would undoubtedly have wider benefits for the local area, increasing employment rates, helping to tackle deprivation and providing additional income that could be spent in the local area. However the proposal could also result in the decline of existing stores at Beeston local centre and at Tommy Wass, as well as small scale local convenience stores. It is noted that the Post Office has raised concerns that if services are duplicated it will potentially reduce their business. There are therefore negative economic impacts as well as positive ones.
- 11.4 The redevelopment of the site will have large benefits for the street scene of the area given the very poor visual amenity that currently exists. There could be potential uplift in the overall appearance of the area that could again stimulate economic growth and regeneration.
- 11.5 Trees around the site are to be saved and preserved and landscaping overall enhanced which will have obvious biodiversity benefits.
- 11.6 The proposal if allowed is considered to impact negatively on the attractiveness of Dewsbury Road town centre to potential food store operators in this area. There is a need for such development in this town centre in order for this centre to provide the services and facilities that should be provided at that level of the hierarchy. A new food store operator in or close to that centre could stimulate jobs, income and visual enhancements that could kick start regeneration of the wider area. Without this it is likely that Dewsbury Road will continue in its downward spiral with potential for further economic loss.
- 11.7 In weighing up the issues it is accepted that there would be potential economic benefits and that there is support from local communities, however it is still the case that this is a town centre use being proposed in an out of centre location and it is likely to detrimentally impact on the ability of Dewsbury Road, and potentially also Holbeck, to provide retail and economic vitality for their respective areas. This would effectively go against policy in both the UDPR and the draft Core Strategy which seeks to promote Dewsbury Road as a town centre and to bring about opportunities for growth to take place here. Given this conflict with policy and the

potential disbenefits, it is not considered that the proposal can be considered to represent sustainable development and is therefore recommended for refusal.

Background Papers:

Planning application file

Certificate of Ownership: signed by applicant



Enterprise Park 11/04306/OT
Industrial Estate

SOUTH AND WEST PLANS PANEL