



## Report of the Chief Planning Officer

### *PLANS PANEL SOUTH AND WEST*

Date: 20/06/13

Subject: APPLICATION 10/04404/FU – Application for the erection of retail store with car parking and landscaping at junction of Moorhouse Avenue and Old Lane, Beeston, LS11

#### APPLICANT

Tesco Stores Ltd

#### DATE VALID

1 October 2010

#### TARGET DATE

31 December 2010

#### 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 for the following reason:

The Local Planning Authority considers that the proposed retail store, when considered with other commitments, would be likely to have a significant adverse impact on the vitality and viability of Beeston Local Centre. The proposal is considered to be contrary to Policy S5 of the Unitary Development Plan Review (2006), the guidance contained within the National Planning Policy Framework and emerging Policies P5 and P8 of the Draft Core Strategy.

#### 1. INTRODUCTION:

- 1.1 This application has previously been reported to South & West Plans Panel on 8<sup>th</sup> November 2013 at Item 24, the minutes of this meeting as well as the previous report to Panel are replicated at the end of this report as appendices.
- 1.2 The recommendation previously made was to refuse the scheme due to the impact on local centres, but especially on Dewsbury Road Town Centre, particularly due to a lack of evidence to suggest that the impact was not harmful. In discussions

Members did not agree that the protection of Dewsbury Road should outweigh the potential benefits of either this proposal by Tesco or the proposal by Asda on the adjacent site.

- 1.3 Members determined that the officer recommendation to refuse be not accepted and that the application be deferred for further negotiation to cover the cumulative impact of both this proposal and the adjacent Asda proposal on Beeston local centre and the highway network.
- 1.4 Further negotiations have taken place and this report updates Members on these and the recommendations that officers now make.
- 1.5 A separate report detailing the Asda proposal will be dealt with separately.

## **2 NEGOTIATIONS:**

- 2.1 Following Plans Panel the applicants were asked to conduct further survey work and to submit studies that showed the cumulative impact of two stores going ahead in this location in terms of both retail and highway impact. Officers requested further survey work because there were concerns that the studies that the applicant had done were not fully fit for purpose in terms of their scope.

- 2.2 The applicants elected not to carry out further survey work with the following justification:

*A household survey was undertaken for Beeston, not just Middleton, and this survey provides data on existing shopping patterns across a number of postcode sectors. This was carried out by an independent market research company and the name of the applicant is not disclosed. A statement of statistical reliability accompanies the survey.*

The applicants therefore carried out a cumulative impact assessment based on the survey work already submitted. This approach and the conclusions drawn are discussed subsequently.

- 2.3 However, agents for the alternative scheme surveyed visitors to Beeston local centre, and to the existing Asda store, to gather information about shopping patterns and preferences relating to top-up shopping. This information and the re-worked analyses in support of Tesco have both been taken into account in assessing each of the two applications.
- 2.4 The applicants were also asked to consider how the s106 would need to be worded should Members grant planning permission for both this scheme and the adjacent Asda scheme. Tesco have provided an example of how this could work ready for such discussions if necessary.

## **3 PUBLIC/LOCAL RESPONSE SINCE PANEL MEETING:**

- 3.1 Following the recent Plans Panel there has been no further public consultation, however a small number of letters of support for either this scheme or the Asda scheme have been received.

## **4 CONSULTATION RESPONSES ON NEW INFORMATION:**

### Highways

- 4.1 The basis on which the assessment has been carried out is sound and has previously been the adopted methodology for the Middleton schemes.
- 4.2 Old Lane mini roundabout – the addition of one store effectively worsens the situation but it is mitigated in the most part by the proposed improvements. The addition of a second store does lead to a further worsening. This impact is significant in percentage terms but slight in absolute terms and equates to an increase in queuing cars on the roundabout arms of approximately 3 extra cars in

the Friday peak time. The roundabout would however, still operate below its absolute capacity.

- 4.3 Tommy Wass junction – several arms of the junction will operate marginally above capacity as a result of two stores going ahead. In particular the Old Lane approach to the junction will increase from 15 cars queuing at present to 26 cars with 1 store, and 35 with both stores operating (this is a queue of some 210m length). There will therefore be some minor increase in delays at the signals.
- 4.4 The cumulative impact of the two supermarkets would result in a worsening of highway conditions on the highway network in the Friday afternoon peak periods. However it should be remembered that trips to retail stores are discretionary in terms of the time of visit and therefore the modelling can be considered to represent a worst case scenario. If queues do form at a particular time this is likely to have the effect of altering visit times to avoid this problem. The impact will therefore be limited and mitigated further by the s106 contributions which will provide enhancements to the Old Lane roundabout. (Note that currently both stores are offering similar s106 contributions to highway works, if both go ahead then a decision would need to be made as to how the contributions should then be calculated).

## **5 MAIN ISSUES**

- 5.1 For the sake of clarity only those issues which were outstanding from the previous presentation to Plans Panel are reported here. All of the other matters were addressed in the previous report and the views of Members were noted. The outstanding matters in relation to this (and the adjoining application) are:

- Cumulative Retail Impact, particularly on Beeston centre.
- Cumulative Highway Impact

## **6 APPRAISAL**

### Cumulative Retail Impact – Tesco Evidence

- 6.1 The Tesco evidence is based on their original household survey for the one store which was carried out in 2008 and is derived from 254 responses from people within the postcode areas of Beeston, Beeston Hill, Tommy Wass area and Dewsbury Road areas.
- 6.2 The original assessment submitted by the applicant (September 2010) confirmed the importance to Beeston Co-op of top-up shopping with a more shoppers from within the Primary Catchment Area choosing the Beeston Co-op for top up shopping than any other shop. It also confirmed that the new store would act as “a top-up destination” for the residents living in very close proximity to the store.” (para 6.33)
- 6.3 It is not clear whether the assessment of trade diversion from the Co-op to Tesco included both top-up and main food shopping but the impact is presented as 21% on turnover. No assessment of the implications of this (through reduced potential for linked trips) for Beeston centre were presented, but rather it was stated that other stores and facilities would not suffer direct impact from the Tesco which would not offer competing facilities..
- 6.4 The December 2012 assessment submitted by the applicant in response to officer requests and repeats the view that if both Asda and Tesco stores were to be built, they would primarily compete with one another and other similar sized key food destinations such as Morrisons in Morley and Hunslet, and the Sainsbury’s at White Rose due to the size and the range of goods on offer and the fact that they would be main food shopping destinations opposed to top up shopping destinations.

- 6.5 Their assessment of the cumulative impact of having two large supermarkets at Beeston, as well as the Asda at Middleton, is calculated using their earlier assessments and those made by others in relation to relevant proposals (Asda Beeston and Middleton). They reduce the turnover of the competing stores in this process. Their assessment suggests
- 18.3% decrease in trade at Beeston town centre (Co-op).
  - 3.4% decrease in trade at Dewsbury Road (mainly on the Tesco Express).
  - 17.4% decrease in trade at Hunslet (18.6% on Morrisons, and 11.1% on Lidl).
  - 3.3% decrease in trade at Middleton Park Circus (impact is from Asda Middleton).
  - 6.1% decrease in trade at Middleton District Centre (impact is predominantly from the Asda Middleton).
- 6.6 The applicants acknowledge that an 18% decrease in trade at Beeston centre appears large. However, they argue that as this equates to £0.79m in monetary terms and they assess that the Co-op currently trades at £1.5m in excess of the company average, it would continue to trade at above average levels even after this trade diversion. Other shop units in Beeston would be unlikely to be affected due to the difference in the goods sold and services offered.
- 6.7 The Morrisons at Hunslet is the second worst affected, however the applicant suggests that this store draws on a very large catchment area across South Leeds and is currently performing strongly. The impact would still see Morrisons operating at £26m above the company average.
- 6.8 The conclusion drawn therefore is that no centre would experience any significant adverse impact and that therefore the proposal accords with the NPPF.

#### Cumulative Retail Impact – Comment

- 6.9 Colliers have been asked to review the Tesco submission on behalf of the Council. They raise concerns over the basis of the evidence. The applicants were asked to undertake additional survey work to investigate specific concerns not addressed in submissions. These include:
- The initial survey work relied on a small sample size. While this was appropriate for wider analysis, it is questionable for this proposal.
  - The assessment did not make any monetary assessment of top-up shopping and so the impact 'judgements' are questionable.
  - National and local policy both aim to protect centres such as Beeston. The survey data does not provide an adequate insight into local shopping habits.
- 6.10 The applicants response to this was that the application was accompanied by a full Household Survey dated 2008, since when there have been no changes in retail provision in the area except for the conversion of the Netto store to Asda. The survey covers the primary catchment area and therefore is a comprehensive review of existing shopping patterns. The results from this survey mirror those that came out of the Leeds Retail study which has formed the basis of Asda's submissions. It should also be noted that the survey was up to date when the application was originally submitted in October 2010. Tesco further comment that the methodology was found to be acceptable for the Middleton submission.
- 6.11 Colliers advise that the retail impact assessment is not a strict science and that it is necessary to focus on the particular function of any existing centre which may be at risk and assess how this might be affected by a proposal. In the absence of appropriate evidence to support assessment of solus and cumulative impact on Beeston centre, the applicants' conclusions are not considered reliable. The

difficulty is compounded here when convenience shopping provision in this part of the City is undergoing significant change. Colliers' view is that the general uncertainties related to consumer habits and expenditure in current economic circumstances suggests a need for caution in order to comply with broad City Council and National objectives to protect centres.

- 6.12 Tesco in assessing the cumulative impact reduce the benchmark turnover of both stores by 25% stating this is “commonly adopted methodology” and accounts for the impact on one another, however evidence of two such stores operating in such proximity is limited. Moreover, no post development evidence has been presented to support this assertion. It is also significant that in this case, with the issue relating to top-up or local shopping, the reduction of overall turnover would not necessarily also indicate a reduction in local trade draw. (It is noted though that in terms of highway evidence this 25% reduction has been accepted.)
- 6.13 The main outstanding concern is the potential effect of the new Tesco on the top-up shopping patterns of people who currently do this at the Coop store. This top-up shopping is the mainstay of the local centre, and any loss will have a negative impact on the store. Whilst the greater part of Tesco turnover is likely to be generated by its role as a destination for main shopping, this does not mean that it will not have a significant impact on local shopping patterns (and the evidence submitted by Tesco concentrates on the impact on main food shopping). The proposed Tesco will undoubtedly provide for top-up shopping and will have a very similar catchment to Beeston centre and its Co-op store. In this local context the two are “like for like”, particularly for anyone living to the south of the Tesco store for whom the new store would be closer. .
- 6.14 Moreover, the issue of linked trips is relevant as impact should not be considered simply as impact on a direct competitor but also on other shops and services in the defined centre which are likely to suffer if there are fewer shoppers visiting the main store in the centre. The Asda survey of shoppers suggests that about 25% of visitors to Asda then go onto Beeston centre, and the reasons given for this are the limited range of services that the small Asda provides. It is likely that if a larger store were provided then additional services would be provided (ATMs, small post office, bureau de change etc) and this would again distort linked trip patterns. This could be particularly significant assessing cumulative impacts.
- 6.15 Even more importantly, the Beeston survey shows that 38% use other facilities. It is the impact on linked trips and so on the centre as a whole, rather than on direct impact on all retailers and services, that is the concern in this regard, consistent with the approach in both development plan and NPPF policies.
- 6.16 The new Asda store would also have an impact on top-up shopping. However this is a brand that already exists and it would seem that the existing store already operates as more of a top-up shopping destination given its limited size and range of goods (and reference should be made to the additional evidence submitted by Asda) and so a significant element of its impact on Beeston will already be in evidence. The impact therefore of expanding Asda may well be less as those who currently use the Coop for top up shopping would be more likely to continue to do so. This proposition is supported by evidence from the Asda surveys that show that people living in the north of the area (around Beeston centre and along Beeston Road) are more likely to go to the Coop, whilst to the south (Tommy Wass and Dewsbury Road) people are more likely to use the Asda store. This seems to correlate with geographical convenience and bus routes.
- 6.17 By introducing a third choice, that of Tesco in addition to the Asda expansion, the changes to patterns of top up shopping, and the links with other reasons for visiting the centre, are likely to be more pronounced.

- 6.18 However, the recent Asda survey does highlight the importance of top-up shopping not only to the Co-op but also to Beeston centre to which existing and emerging development plan policies afford protection. The submitted analysis does not quantify impact on top-up shopping: the initial analysis, with shortcomings indicated previously, suggested about 4% impact on the centre as a whole, significantly less than the figures indicated for the proposed Tesco on the Co-op by their own consultants. It is considered that the Tesco assessment of 21% (in their original submission dated September 2010) is more reasonable. The Tesco December 2012 figure of 18% cumulative impact seems surprising in this context.
- 6.19 It is suggested that those Tesco assessments (commented upon further in the relevant report) relate only to main food shopping and so are likely to underestimate total impact. The Asda 'new' floorspace is about 83% of that of Tesco and so its impact, based on floorspace, might be expected to be around 15%. The cumulative impact is reasonably assumed to be likely to be approaching 30%.
- 6.20 Even if the Co-op is accepted to be overtrading an impact of that level would amount to significant adverse impact, particularly through the reduction in linked trips and so result in harm to the centre as a whole.
- 6.21 In the context of Panel's previous conclusions, notably that the benefits offered by each application outweigh the conflict with policy for Dewsbury Town Centre, the key retail consideration is whether it is possible to differentiate between the two schemes on the issue of impact on the Beeston centre. In this regard it is important that Members appreciate that retail analysis is not a statistical exercise but depends on a series of judgements. It is the view of both officers and Colliers International, based on the information that is available (see 10.9 and 10.10 above), that it is reasonable to draw the conclusion that the proposal which introduces the least change is likely to have the least impact.
- 6.22 Consequently, given the existing presence of Asda in the area then it is considered that this expansion scheme would have less impact than allowing the Tesco to go ahead on its own. This would protect existing investment in Beeston centre and have least harmful impact on its continuing vitality and viability, key elements of City Council policy and generally highlighted as a particularly important and sensitive issue for all communities.

#### Cumulative Highway Impact – Tesco Evidence

- 6.23 Tesco have provided a Technical Note produced by Mouchel who have proceeded on the basis that if both schemes went ahead then each store would impact on the sales turnover of the other. Each store would in this case trade at 75% of the level they would if they were a stand alone store (similar to the assessment carried out for the cumulative impact in Middleton). The two junctions most impacted on will be the Beeston Road/Old Lane mini roundabout, and the Tommy Wass signalled junction.
- 6.24 Capacity assessments show that the Old Lane mini roundabout can be expected to operate within absolute capacity with both stores trading, and the Practical Reserve Capacity of the Tommy Wass signals would not be reduced.

#### Cumulative Highway Impact – Comment

- 6.25 The basis on which the assessment has been carried out is sound and has previously been the adopted methodology for the Middleton schemes.
- 6.26 Old Lane mini roundabout – the addition of one store makes the situation worse but it is mitigated in the most part by the proposed improvements. The addition of a second store does lead to a further worsening. This impact is significant in percentage terms but slight in absolute terms and equates to an increase in queuing

cars on the roundabout arms of approximately 3 extra cars in the Friday peak time. The roundabout would however still operate below its absolute capacity.

- 6.27 Tommy Wass junction – several arms of the junction will operate marginally above capacity as a result of two stores going ahead. In particular the Old Lane approach to the junction will increase from 15 cars queuing at present to 26 cars with 1 store, and 35 with both stores operating (this is a queue of some 210m length). There will therefore be some minor increase in delays at the signals.
- 6.28 The cumulative impact of the two supermarkets would result in a worsening of highway conditions on the highway network in the Friday afternoon peak periods. However it should be remembered that trips to retail stores are discretionary in terms of the time of visit and therefore the modelling can be considered to represent a worst case scenario. If queues do form at a particular time this is likely to have the effect of altering visit times to avoid this problem. The impact will therefore be limited and mitigated further by the s106 contributions which will provide enhancements to the Old Lane roundabout. (Note that currently both stores are offering similar s106 contributions to highway works, if both go ahead then a decision would need to be made as to how the contributions should then be calculated).

## **7 CONCLUSION**

- 7.1 The argument put forward regarding the cumulative highway impact is accepted, it is acknowledged that there will be some impact but this will not result in undue harm to highway safety. With regard to the cumulative retail impact evidence used, neither applicant has addressed the issue using an approach suggested by officers but some additional information has been provided. Asda has introduced new material which has been illuminative as it confirms the importance of top-up shopping to Beeston centre. The Tesco supplement generally reworks earlier information but the 2012 analysis suggests lower cumulative impact than did the 2010 analysis relating to Tesco alone. Consequently there are concerns relating to its robustness in relation to Beeston. Questions also remain over the predicted impact on Hunslet. It is clear that one store on its own would cause an impact but this would be less than if both stores were to go ahead. If both were to proceed then, based on a consideration of the statistical analysis provided and survey findings on the importance of top up shopping and linked trips, the view is that the harm caused would amount to significant adverse impact, the NPPF test to merit a refusal. On balance one store would be acceptable and the question therefore is which of the schemes should go ahead for approval.
- 7.2 In determining which of the stores should go forward it is considered that the stores of a similar size and offering, both offer regeneration opportunities, and both will offer local employment and community benefits. The increase in employment at Asda will probably be less as they provide existing jobs. The potential of loss of jobs in Beeston centre or elsewhere has not been addressed by either applicant and new retail development will, to varying extents, redistribute existing jobs. Community benefits also need to be set against the potential harm to Beeston centre, noting particularly that Leeds and national policies see centres as “the heart of communities”.
- 7.3 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 following conclusions were reached in the previous report and remain relevant.
- 7.4 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 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.

- 7.5 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 have raised concerns that if services are duplicated it will potentially reduce their business. There are therefore negative economic impacts as well as positive ones.
- 7.6 The redevelopment of the site will have significant 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.
- 7.7 Trees around the site are to be preserved and landscaping overall enhanced which will have obvious biodiversity benefits.
- 7.8 In weighing up the issues it is accepted that there would be potential economic benefits and that there is support from the local communities. However as outlined above there is concern that the evidence base used by Tesco is not sufficient to support their claims on impact, and this relates to both the cumulative impact and the stand-alone impact. Should Tesco be approved it would operate next door to the existing Asda store (which also has permission to expand), it can therefore be argued that assessment presented on the impact of these two stores together has not been adequately evidenced either. It is of particular concern that the impact that the new store would have on top up shopping patterns, especially as this is what the Coop store relies upon. The Beeston centre clearly relies on the presence of this store and the loss of linked trips is considered to amount to serious adverse impact on the defined centre.
- 7.9 The initial Tesco submission indicated 21% impact and given the more recent information confirming presumed importance of linked trips, this alone may have warranted a recommendation of refusal on the basis of impact on Beeston. However, and noting Member views on the benefits, it is the cumulative impact that has been addressed and it is concluded that this would amount to significant adverse impact. The preceding analysis sets out that given the existing presence of Asda in the area then it is considered that this expansion scheme would have less impact than allowing the Tesco to go ahead on its own. The Tesco would be more likely to prejudice existing investment in Beeston centre and have the greater impact on its continuing vitality and viability, key elements of City Council policy and generally highlighted as a particularly important and sensitive issue for all communities.
- 7.10 Both applications run counter to existing and emerging policy but Members have indicated that they consider that there are benefits in significant new out of centre retail development in the local area. Assessment has led to the conclusion that it would be harmful to grant planning permission to both due to the potential for significant adverse impact on Beeston local centre. On the information submitted

before us presently and set out in this report, this proposal is therefore recommended to Members for refusal.

**Background Papers:**

Planning application file

Certificate of Ownership: signed by applicant

**Glossary**

- Brand Loyalty – loyalty to a particular chain of shops or to a particular manufacturer.
- Comparison Shopping – shopping for goods that you may shop around in a number of stores for such as health and beauty products, clothes, consumer goods etc.
- Convenience Shopping – shopping for goods that are everyday needs such as food.
- Main Food Shop – e.g. the weekly household shop where the majority of goods for the household are bought. May be done by car and will travel further a-field. Brand loyalty may be stronger for such a shop.
- Top Up Shopping – more daily types of shopping for, in particular, fresh stuff such as bread and milk. May be done more on foot and on the way home from work and the issue of brand loyalty is reduced.

**APPENDICES**

1. PREVIOUS PANEL REPORT
2. APPROVED MINUTES



## Report of the Chief Planning Officer

### *PLANS PANEL SOUTH AND WEST*

Date: 8<sup>th</sup> November 2012

Subject: APPLICATION 10/04404/FU – Application for the erection of retail store with car parking and landscaping at junction of Moorhouse Avenue and Old Lane, Beeston, LS11

#### APPLICANT

Tesco Stores Ltd

#### DATE VALID

1 October 2010

#### TARGET DATE

31 December 2010

#### 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. The application is considerably over time now and an appeal against non-determination could be lodged.
- 1.2 A report was published for the 8 September 2011 Plans Panel East meeting. However at the 8 September meeting, Members were advised that a late objection had been received on behalf of Asda and the report was then withdrawn from the agenda to allow full consideration of the issues raised. Following the objection an application was then received to construct a new Asda store on the adjoining site. This application raises very similar issues and the decision was taken to consider the two applications together. Retail advice has been sought on both proposals from Colliers International who carried out the Leeds City Centre, Town and Local Centre's Study on behalf of the Council.
- 1.3 Whilst the two applications are presented to Panel as two separate reports Members should ensure that they read both reports in conjunction with each other. Essentially for each application the issues to be considered are the same, no objections are raised with regard to design or highway matters, the refusal stems from the impact of either proposal on the ability to promote and protect other town centres.
- 1.4 Members should also be aware that the two schemes have, so far, been assessed individually in terms of their impact. Should Members be minded to not accept the reasons for refusal then both applications should be deferred to allow consideration of the cumulative impact on the highway network.

## **2.0 PROPOSAL:**

- 2.1 The application proposes to erect a new convenience retail store of 2,737m<sup>2</sup> gross floorspace. The proposed store will have a net floorspace of 1,487m<sup>2</sup> of which 1,333m<sup>2</sup> will be for the sale of convenience goods and some 154m<sup>2</sup> would be for the sale of comparison goods such as newspapers, magazines, health and beauty products etc. An ATM is also proposed at the front of the store facing the car park.
- 2.2 The store was originally proposed to open 24 hours a day Monday to Saturday and 10.00 to 17.00 on Sundays and Bank Holidays. However the proposed hours of opening have been amended and the revised opening hours are proposed to be 07.30 to 22.00 hours Monday to Saturday and to open for a 6 hour period between 10.00 to 18.00 on Sundays.
- 2.3 The application details estimate that the store will employ 36 full time staff and 84 part time staff once the store is operating.
- 2.4 The store is proposed to be sited on the southern part of the site adjoining the boundary with the Royal London Industrial Estate. The main vehicular entrance to the new store is proposed to be taken from Moorhouse Avenue to the north of the site and whilst this will also include a pedestrian footway which links into a central

pedestrian route through the car park, the main pedestrian entrance to the site is proposed to be taken from Old Lane close to the junction with Oakhurst Mount.

- 2.5 A separate vehicular access from Moorhouse Avenue is provided for delivery vehicles; this avoids the main car park and is a direct route to the service yard which is proposed in the south west corner of the site.
- 2.6 The main pedestrian entrance into the site from Old Lane is designed with a ramped and stepped access to accommodate the levels difference between the main part of the site and street level. This pedestrian entrance is designed with a brick clock tower focal point to mark the entrance.
- 2.7 The scheme proposes 163 car parking spaces as well as motor cycle parking and cycle parking which comprise of;
- 139 standard car parking space
  - 10 disabled car parking spaces
  - 6 parent and child car parking spaces
  - 8 staff car parking spaces
  - 2 motorcycle parking bays
  - cycle racks for 30 cycles close to the main entrance to the store
  - secure cycle lockers for staff close to the staff area
- 2.8 The design of the proposed store is a single storey building some 7m in height when measured on the eastern elevation facing Old Lane. The store is designed with almost a flat roof (there is a very slight pitch). The store increases in height on the western side of the building, adjacent to the service yard, to include a staff area at first floor. The main elevation of the store is the northern elevation facing onto the car parking area; this elevation is largely glazed, with brickwork around the entrance and projecting entrance lobby.
- 2.9 The eastern elevation facing Old Lane is proposed to have a brick plinth base with larch cladding above and then a final section of glazing to the top of this elevation.
- 2.10 The elevation facing the service area comprises mainly of larch cladding and the rear elevation of the store (southern elevation) which backs onto the existing industrial units to the south is proposed to be grey composite panels with a section of larch cladding to the top of this elevation.
- 2.11 The proposed layout of the store retains the 10m belt of protected trees along the boundary with Old Lane. One tree is proposed for removal along the Moorhouse Avenue boundary to facilitate the new vehicular access however additional planting is proposed.
- 2.12 BREAAAM Assessment has been provided with the application which assesses the rating that the proposed store can achieve. The assessment concludes that the store can achieve the BREAAAM very good rating (requirement of 55%) by achieving a score of 56%.
- 2.13 This rating is achieved through measures such as design of the store to incorporate features which minimise heat loss, energy efficiency measures to reduce CO2 emissions by 25%, water consumption efficiency measures in WC's, installation of water meter with pulsed output, rainwater harvesting capable of supplying 50% of the toilet flushing needs. Use of Green materials for the majority of the elevations of

the proposed store through larch cladding and a standing seam metal roof, recycling facilities for the stores waste, external lighting to comply with the Institute of Lighting Engineers Guidance for the reduction of obtrusive light.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is a 1.2 hectare vacant site of a former factory building known as Jubilee House which covered the majority of the site with car parking to the north. The buildings were cleared between 2006 and 2009. The site is situated on Old Lane between Beeston local centre which is some 430m to the north and the emerging Tommy Wass centre which lies approximately 460m to the south.
- 3.2 The site adjoins Enterprise Industrial Park to the west, also accessed off Moorhouse Avenue which contains some 26 industrial units. There are another 4 industrial units to the south of the site on the Royal London Industrial Estate accessed off Old Lane, which also share access with the Asda store (former Netto Store). The Asda store is some circa 600m<sup>2</sup> in size and has permission to extend up to 750m<sup>2</sup>. This site is also the subject of the application for a larger Asda store.
- 3.3 Despite the commercial uses to the south and west of the site, the site lies within a predominantly residential area. Old Lane is predominantly residential with a large residential population to the east. Residential properties of 71 – 103 Old Lane face onto the site, these are two storey semi detached and detached properties. However, No's 87 and 89 Old Lane facing the proposed pedestrian access into the site are in use as a dental surgery and Post Office.
- 3.4 Playing fields and allotment gardens are to the north of the site on the other side of Moorhouse Avenue with a public right of way which runs along this land parallel to Moorhouse Avenue.
- 3.5 The site is not designated for any particular use within the UDP Review 2006. Trees along the eastern boundary of the site are protected by TPO 1978/24.

### **4.0 RELEVANT PLANNING HISTORY:**

#### Adjacent site

- 4.1 11/04306/OT Asda Foodstore, Old Lane, Beeston  
Demolition of existing buildings and erect a retail foodstore (Class A1, 2,895m<sup>2</sup> gross), with car parking, landscaping and access.  
Received 11.10.11. Pending consideration.

#### Application site

- 4.2 The site was open fields until the early 1900's when a large factory was built by Moorhouse Preserves and it operated as a jam factory until approximately the 1970/80s. Since that time the site has been used as a works, and a Wickes DIY showroom/retail store. It is not clear from the history whether this operated as a sole A1 retail unit or whether the retail element was ancillary. However it is noted that when an application to set up an office and leisure complex came in then it was refused on the grounds that it was out of town and contrary to town centre policy at the time.
- 4.3 21/213/03 – Change of use of works to offices and leisure complex (Jubilee House)  
Refused 03/10/2003. Application considered to be contrary to PPG6 and failure to carry out sequential test and lack of parking provision.

- 4.4 21/159/98/FU - Alterations to elevations and service yard and wall to Moorhouse Avenue frontage.  
Approved 16.09.1998.
- 4.5 21/23/97FU - Alterations to frontage and single storey front extension to offices.  
Approved 12.03.1997
- 4.6 H21/286/89 - Change of use of DIY retail, involving alterations, including new frontage and extension, to form entrance canopy.  
Approved 05.12.1989
- 4.7 H21/195/88 - Change of use of retail store to show room, training facilities and offices.  
Approved 20.10.1988
- 4.8 H21/326/81 – Signage to DIY Shop (Wickes Building Supplies).  
Approved 26.01.1982
- 4.9 H21/103/80 - Laying out of accesses and alterations and extension, to form retail sales area, with offices, toilets and staff room. (Wickes Building Supplies Ltd).  
Approved 04.06.1980
- 4.10 H21/444/78 - 10 warehouse units, each with ancillary offices and toilets with car parking areas, servicing areas, access road. Approved 09.07.1979

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Pre application advice was given concerning the principle of a new retail store in this location which raised concern regarding impact.
- 5.2 Significant negotiations have taken place following the submission of the application with regards to highway issues as well as the siting of the store and relationship to existing trees on the site. These have led to revisions to the proposal which were re-advertised on 15 July 2011. Details of these revisions are set out in the appraisal section of this report.
- 5.3 The applicants have also been asked to further address sequential sites identified by the Council, including the police site at Dewsbury Road, Crescent Works on Dewsbury Road and the Runswicks at Holbeck. Comments relating to this are addressed in the appraisal below.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The applicant has submitted a Statement of Community Involvement (SCI) which details consultation carried out prior to submission of the application on 27<sup>th</sup> September 2010 and which is also updated with an addendum concerning further consultation carried out through the course of the application process.
- 6.2 Public consultation prior to submission of the application was carried out by Tesco's appointed consultants IPB communications in the following ways;
- Meeting with Ward Members 2<sup>nd</sup> August 2010 and 24 September 2010
  - Presentation to Beeston Community Forum on 1<sup>st</sup> September 2010 (attended by Ward Members as well as Hilary Benn MP)
  - 5,000 leaflets were distributed to the local community informing them of public exhibition events

- 892 personal invitations to the exhibitions were sent to local residents
- The public exhibitions were also advertised by way of a press release
- A Stakeholder Preview of the Public Exhibition took place on 9<sup>th</sup> September 2010
- Public Exhibitions took place between 11am – 2pm at Beeston Hill United Free Church and between 4pm – 8pm at Beeston Village Community Centre on 9<sup>th</sup> September 2010.

- 6.3 The SCI advises 135 responses were received to the comments forms provided at the public exhibition. The SCI states that in response to the question asked at the public exhibition – Are you supportive of the proposals? 83% of the responses were supportive. Other comments that came out of Tesco's own public consultation focussed on the importance of a good pedestrian access and this has resulted in the proposal for a toucan crossing as well as the proposed gateway focal point of the brick clock tower at the pedestrian access. The SCI also comments that traffic was raised as a concern and that the Transport Assessment addresses this concern.
- 6.4 Following the submission of the application and representations received regarding the application, Tesco carried out further consultation which has included attendance at 3 Beeston Community Forum meetings which lead to the community forum removing their objection letter. Meetings have also taken place with Oasis Dental Practice and the Post Office on Old Lane and other community groups including the local community centre, church groups, school, health centre and local football club. Tesco advise that as a direct result of this consultation a number of commitments and changes to the application have been made. These include;
- To enter into a routing agreement with the council restricting delivery vehicles to use the Tommy Wass junction
  - Resurfacing the footpath along Moorhouse Avenue
  - To make money available to be use for traffic calming measures if the new store causes a significant increase in rat running through the residential area east of Old Lane
  - Retain the existing parking bays on Old Lane outside of the Post Office
  - Opening hours have been revised and the store will not open 24 hours
  - No night time deliveries and hours of deliveries to be agreed by condition
  - Focus on local recruitment to residents within the LS10 and LS11 districts first.
  - Acceptance of conditions regarding noise levels in accordance with the noise report
  - Commitment to considerate working practices during construction
- 6.5 It should be noted that an initial offer from Tesco to provide benches along Old Lane as well as for St Anthony's FC members to use Tesco car park have since been removed as it was considered that the benches were not able to be delivered on the highway and the offer of use of the car park for the local football club members had not been accounted for in the transport assessment.
- 6.6 The planning application has been advertised by way of site notices around the site on 15 October 2010 and 15 July 2011. An advert was placed in Leeds Weekly News on 14 October 2010.
- 6.7 Since the application was first advertised in October 2010, 75 individual letters of support were received and 437 standard letters of support. The comments on the letters of support can be summarised as follows;
- A Tesco is needed in South Leeds to offer more choice

- Development of derelict site welcomed as it is an eyesore and has been used as a travellers camp
- Job creation is welcomed both in construction and operation
- Regeneration benefits to South Leeds
- The proposal is good for the area
- The proposal will reduce the need for people to use a car and benefits people without a car
- Local people have to travel to Batley to shop at Tesco
- Pedestrian entrance on Old Lane is supported
- The building will be environmentally sustainable
- Toilet and baby change facilities are supported
- A more affordable shop is welcomed
- Café would be beneficial
- Positives outweigh the negatives
- A crossing outside the post office is welcomed
- Design of proposed store is aesthetically pleasing

6.8 Since the application was first advertised 37 letters of objection have been received as well as objection letters from the Post Office, Oasis Dental Practice, Leeds Civic Trust and letters on behalf of Co Op supermarket and Morrisons Supermarket.

6.9 The individual letters of objection are on the following grounds;

- Overestimation of job creation as other stores will close
- Congestion along Old Lane, particularly on match days and school collection times.
- Drivers at present don't stick to 30mph speed limit
- Old Lane is not wide enough for additional traffic and is in a poor state of repair
- It would be a shame if the post office, dentist and Co Op suffered
- Increase in noise levels and pollution from traffic
- Increased noise levels in the evening
- Netto will soon be an Asda and will serve this area
- Residents can't park outside their own houses
- The store car park will be used for match day parking
- The store will introduce additional traffic on Sundays
- There will be an impact on smaller traders
- There are already 3 supermarkets along Old Lane – Spar, Netto, Co Op
- Loss of light coming through due to height of building on Old Lane
- Increased carbon footprint as produce not local
- Too many supermarkets
- Increases in traffic and HGV's, giving potential for additional fumes and concerns for school children and pedestrians using Old Lane
- The suggestion for benches along Old Lane is not a good idea as could lead to anti social behaviour problems
- The increases in traffic will be 7 days a week, 52 weeks a year
- Existing stores will suffer and the site would be better used for low cost, high quality housing or recreational use
- House prices would devalue
- Increases in pollution, litter and noise
- There would be noise and disruption to the local allotment site
- The application will have an overbearing affect on residential housing and privacy of neighbours

- Proposal will affect the character of the area and will destroy the area and local community
- Opening times are for the greater part of the day meaning no time for peace and quiet in a relatively nice area

- 6.10 **Leeds Civic Trust** objects to the application due to the impact to Beeston Centre where there has been significant investment and viability will be affected. The area is well provided for with a Netto, several smaller shop units, White Rose Centre and Asda Middleton development. A large car park is proposed therefore Tesco expect a large number of customers to travel to the store and this is unsustainable and there is already congestion and the bus service is infrequent.
- 6.11 **The Post Office** opposite the site on Old Lane have objected due to the loss of parking to the front of the Post Office and Dentist and raise concerns that access for customers to the post office and ATM will be affected as well as Royal Mail collections, deliveries and the cash van. The Post Office wish the existing crossing to remain as it is and a new crossing should be created further down Old Lane serving Tesco and Netto. The Post Office are also concerned that Tesco will sell competing products that are sold at the Post Office and will therefore affect the Post Office's viability and may lead to its closure.
- 6.12 Following revisions to the scheme the Post Office had written to advise that they appreciate the revisions to the proposed crossing which allow for loading and unloading on the approach to the crossing and that some parking is still available on the exit. However concerns are raised that when the original crossing was installed on Old Lane assurances were given that parking would not be restricted and since then parking has been restricted with keep clear markings. The Post Office are therefore seeking a guarantee that no further restrictions beyond those on the revised drawings will be implemented in the future.
- 6.13 **Oasis Dental Practice** at 87 Old Lane also object to the application due to the position of the crossing and loss of parking which is needed for disabled patients to provide direct access.
- 6.14 **Beeston Community Forum** initially raised concerns regarding the proposal but have since withdrawn their objection and state that this is because they have now seen traffic surveys and are persuaded that people are unlikely to travel to the supermarket at times when the road network is congested. They also note that the noise survey indicates that impact would be proportionally lower at times when existing noise levels are high. The objection from the community forum is withdrawn on the following basis;
- traffic levels are not expected to rise significantly as a result of the development,
  - all landscaped areas are to be properly maintained,
  - delivery vehicles to travel to and from the store via Dewsbury Road, Tommy Wass junction and Old Lane,
  - footpath along Moorhouse Avenue to be resurfaced by Tesco,
  - benches to be provided on Old Lane,
  - Tesco to make money available for traffic calming measures if as a result of the store there is a significant increase in rat running,
  - the store does not open 24 hours and there are to be no deliveries between 11pm and 7am,
  - paragraphs 4.8 and 8.3 of the noise survey requirements should be formal planning conditions (relating to fixed plant and machinery),
  - job creation should be marketed towards residents of LS10 and LS11,

- Tesco finance noise mitigation measures if noise levels in the vicinity of the store rise to unacceptable levels,
- the community forum also request that they are consulted regarding the draft s106 agreement.

#### 6.15 Co Op

Letters of objection have been received from consultants acting on behalf of the existing Co Operative Supermarket at Beeston Local Centre on the following grounds;

- The household survey results from Colliers to support the City, Town and Local Centres Study have not been made fully available to Council Officers or members of the public, there is therefore a lack of information for Officers or respondents to fully assess the application.
- Perplexed as to why the Council awaited further findings of the Town Centres Study but then discount the validity of the sub catchments. The site is within the Inner South Zone in which the Study identifies a negative floorspace requirement.
- The proposal is not compliant with policy S5 of the UDP which suggests a strict approach to out of centre retail development
- Applicant's account of leakage of expenditure from the Primary Catchment Area (PCA) is disputed, and it does not acknowledge overlaps with other catchment areas/ centres and therefore overestimates the amount of expenditure derived from the PCA.
- In fact, retention of expenditure within the PCA can be considered high
- The catchment area contains 4 centres and 4 foodstores, illustrating that it is well catered for.
- Lack of evidence to support the scale of store necessary to draw back trade
- Lack of evidence regarding lack of choice in the PCA or overcrowding and congestion at existing stores
- The proposal will not rectify any quantitative or qualitative deficiencies as it is not considered that there are any immediate or short term deficiencies in food store provision within the locality.
- Applicant has shown limited flexibility with regard to the sequential assessment and the Kwik Save site at Dewsbury Road
- It is erroneous to use capacity as grounds for discounting sequential test site
- It cannot be concluded that there is a need for the scale and form of development proposed
- The Council should rigorously consider implications for future use of the Kwik Save, Dewsbury Rd site as the increased competition will make it more difficult to let the existing vacant unit as there is not considered to be sufficient capacity for the proposed store and a new store at the former Kwik Save.
- The applicant has underestimated impact of the proposal on Co Op Beeston
- Co Op Beeston is overtrading to (£4.8m) but should be protected as it is utilised beyond merely a top up function and is also a destination for main food shopping
- The trade draw from Co Op will be deeply damaging in impact terms and the proposal will divert both top up shopping and main food expenditure
- Diversion of top up shopping will be significant in its own right and the proposed store will compete for top up trade
- The applicants estimate of Co op turnover is severely misjudged
- The applicant's assessment of impact is not sufficiently robust
- Lack of evidence that proposal would be likely to reduce car usage

- Proposal will negatively impact upon the vitality and viability of Beeston Local Centre and Dewsbury Road and reduce footfall and will undermine the retail hierarchy of Leeds centres
- Dewsbury Road also has the ability to serve the catchment area to the degree which Beeston Co Op does and to address any deficiencies the Council consider exist which is an in centre site and would not result in the negative impacts of this proposal, and this is supported by the Council's City, Town and Local Centres Study.
- The proposal is of an inappropriate scale compared to existing provision and will divert unacceptable amount of trade from Co Op, rendering future investment in the store marginal therefore resulting in an impact on the long term role and function of the centre
- Should the Council consider that the application does not fail either the sequential test or that it would not lead to any significant adverse impacts – the balance of negative impacts of the proposal would outweigh any perceived benefits.

### **Morrisons**

- 6.16 An objection letter has been received from consultants on behalf of Morrisons at Penny Hill Centre, Hunslet on the following grounds;
- Applicant's lack of flexibility in terms of scale and format and reasons for discounting Kwik Save, Dewsbury Road
  - Applicant has grossly underestimated potential trade diversion from Morrisons, Hunslet and the proposal will divert significant trade from this store which will impact on linked trips within Hunslet town centre.
  - Revised impact assessment should be submitted to take account of Tesco proposal at Middleton (that application has now been refused)
  - The proposal alongside Asda Middleton will have far reaching effects on current shopping patterns in south Leeds, to the detriment of designated centres
  - The proposal does not accord with the key tests of PPS4 and should be refused.

### **Asda**

- 6.17 An objection has been received on behalf of Asda Supermarkets on the grounds that Middleton District Centre is considered to be some 5 minutes drive away on the basis of their analysis however no evidence is provided by the applicant in respect of trade diversion from committed development of Asda, Middleton. Asda state that the provision of a new Tesco store would be to the detriment of planned Investment at Middleton. And if it is not the case that Asda Middleton's proposal would be undermined then the local impacts on trade diversion must be greater than predicted by the applicant and in which case the proposal would undermine the provision of daily needs shopping.
- 6.18 The objection on behalf of Asda also points out that this site was one which was included in the Strategic Housing Land Availability Assessment with an estimated capacity of 44 dwellings and the site therefore has the potential to contribute towards housing land supply in the next ten years. It is also highlighted that there are few sites identified in the SHLAA that are in this locality.
- 6.19 The conclusion's reached on behalf of Asda are that the application is contrary to PPS4 policy E13.1b due to failure to protect existing facilities which provide for people's day to day shopping. The proposal is also contrary to policy EC17.2 as it is likely to lead to significant adverse impacts in relation to committed and planning

Investment in centre. Finally the objection considers the proposal to be contrary to policy S5ii as it is of a scale and type that would undermine the vitality and viability of designated centres, namely Middleton.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

#### Highways

- 7.1 When the application was first submitted Highways agreed the trip rates estimated in the Transport Assessment with regards to likely traffic generation from the proposed store, however there were concerns regarding the assessment of the traffic impact on the surrounding road network. These concerns specifically related to the roundabout junction of Town Street/Beeston Road/Old Lane and potential unacceptable queue lengths on Old Lane as a result of traffic from the store. It was therefore advised that measures to increase the capacity of this junction would be required to demonstrate that the additional traffic generated by the proposed supermarket could be accommodated and this also needed to take into account the pedestrian movements at this junction.
- 7.2 Furthermore, the junction of Town Street/Wesley Street was not included in the initial Transport Assessment and the junction of Old Lane/Dewsbury Road (Tommy Wass junction) required further assessment and did not include the impact of the quality bus scheme at the Tommy Wass junction.
- 7.3 In terms of the proposed layout of the store there were concerns that the proposed site access depended on visibility splays which crossed third party land. The level of car parking proposed at the site was considered acceptable.
- 7.4 A new 4m wide raised toucan pedestrian crossing is proposed adjacent to the site on Old Lane, this is required as the existing crossing facilities would be insufficient to support the level of footfall expected to be generated by the store. The upgraded crossing would result in the loss of 1 on street parking bay in front of the Post Office as part of this area is already marked keep clear. Should the crossing be relocated elsewhere on Old Lane it would result in the loss of up to 4 parking spaces from existing on street parking lay bys?
- 7.5 A revised Transport Assessment was formally submitted on 4 July 2011 together with revised drawings showing an amended layout. The revised layout shows that the vehicle access can be accommodated within the red line boundary. The existing access has been retained for service vehicles, whilst a new access is proposed for customers to the store. The internal layout separates the customer and service area and provides designated pedestrian routes through the site and is acceptable.
- 7.6 The parking provided for the store is considered to be acceptable. 163 car parking spaces are proposed and a car parking accumulation calculation undertaken by the Applicant estimates a maximum requirement of 149 spaces on Friday and 156 spaces on Saturday, the peak times for Supermarket shopping. Whilst this is within the number of spaces proposed, at peak times this equates to 91% and 95% of the maximum capacity.
- 7.7 At over 90% of capacity, the operation of a car park can deteriorate with cars queuing in the aisles, waiting for a space to become free. At high occupancy levels, there is more unnecessary circulation which conflicts with people pushing shopping trolleys to get to their cars. As a result, the number of car parking spaces should not be reduced any further.

7.8 In relation to the traffic generated by the proposed store and the impact on surrounding junctions, off site highway works are proposed by way of amendments to the junction layout at Old Lane/Town Street and the provision of a signalised pedestrian crossing on Old Lane and these have been agreed. The Applicant has also agreed to contribute the sum of £50,000 to the Council to monitor the traffic and for any traffic calming measures that may be required to control traffic relating to the proposed development.

Environment Agency

7.9 No objection subject to a condition that the development shall be carried out in accordance with the approved Flood Risk Assessment dated September 2010 and mitigation measures within the FRA shall be carried out.

**Non-statutory:**

Architectural Liaison Officer

7.10 Raised queries regarding measures to prevent abuse of car park area outside of opening hours, as well as general queries regarding materials to be used in construction and provision of CCTV. Careful consideration should be given to location of ATM.

Travelwise

7.11 The initial travel plan was not considered acceptable and a revised Travel Plan has been received and is considered acceptable. A travel plan monitoring evaluation fee of £2,600 is required.

7.12 There is a deficiency in dropped kerb provision for the two kerbs at the junction of Jessamine Avenue with Grovehall Parade and this development should rectify this to allow disabled persons to get to the store. Electric charging points are encouraged and a shower should be provided within the store for staff that may run/cycle to work.

Public Transport Contribution

7.13 The proposed development will generate a large number of trips, a proportion of which will have to be accommodated on the public transport network. The scheme has, therefore, been assessed in accordance with the City Councils adopted Supplementary Planning Document (SPD) "Public Transport Improvements and Developer Contributions".

7.14 As a result of this assessment, it is clear that the proposed use will have a significant travel impact, which will need to be addressed. Under the terms of the SPD guidance, therefore, a financial contribution proportionate to the travel impact of the scheme will be required towards the cost of providing the strategic transport enhancements (detailed in the SPD) which are needed to accommodate additional trips on the network.

7.15 In this case a contribution in the order of **£216,301** should be sought.

METRO

7.16 In terms of accessibility the site is well served by public transport with bus services operating directly past the site and more frequent services operating on Dewsbury Road to the south and Town Street to the north.

7.17 Public transport infrastructure in the close vicinity of the site is relatively modern and already has DDA compliant kerbings and bus clearways. Shelter 10075 located on

the northbound side of Old Lane should be improved to have a real time information display installed at a cost of £10,000.

7.18 METRO also comments that they expect a greater percentage of shoppers to use public transport than is projected in the applicant's Transport Assessment. The proposal will generate approximately 120 full or part time employment opportunities. It is likely that staff working at the supermarket will not be car users and targets need to be included in a travel plan with measures to encourage the use of sustainable modes.

7.19 Metro supports the council in the application of the public transport SPD contribution for this site

#### Yorkshire Water

7.20 A water supply can be provided under the terms of the Water Act 1991. The Flood Risk Assessment and Surface and Foul drainage design reports submitted are satisfactory to Yorkshire Water. The reports confirm that foul water from the site will discharge to a public combined sewer to the East of the site with surface water to a public combined sewer to the East of the site via storage, with restricted discharge rate. No objections, conditions recommended.

#### Land Contamination

7.21 No objections subject to conditions regarding submission of remediation method statement.

#### Access Officer

7.22 A 1200mm rear transference area to disabled parking bays should be provided. It is unfortunate that disabled bays have been reduced from 12 spaces to 10. Barriers to the pedestrian entrance on Old Lane should be restricted to back of pavement away from the landing area. Details of gradients, up-stands, tactile paving, level landing and handrails to the main pedestrian entrance should be provided by way of a condition. Clarification is required regarding location of cycle stands and proximity to pedestrian steps and ramp.

#### Environmental Health

7.23 A noise report has been provided which identifies the principal noise sources will be noise from fixed mechanical services plant, bulk deliveries, car parking activity and road traffic noise. In addition to this, if recycling facilities are proposed then this is a further potential noise source and would require careful positioning and possible attenuation. There may also be potential for noise disturbance during construction of the proposed development. Lighting should be positioned so as not to cause nuisance to nearby residents. No objections are raised by Environmental Health and if planning permission is to be granted, conditions are recommended to protect the amenity of nearby residents.

7.24 Conditions relate to hours of construction (between 0730 – 1830 weekdays and 0900 – 1300 on Saturdays) / hours of delivery and refuse collection ( between 0530 – 2300 Mondays to Sunday)/ details of storage and disposal of litter/ details of all fixed plant to be submitted/ LAeq from all mechanical services plant not to exceed a level at the nearest noise sensitive premises higher than 5dB below the lowest prevailing background noise level in the absence of noise from the plant/ noise level of any air condition to accord with previous condition/ hours of use of mounted refrigeration restricted between 2300 and 0530/ lighting restrictions/ no operation of tannoy/ details of extract ventilation system/ provision of grease trap/ submission of details of recycling area and any attenuation measures.

### Flood Risk Management

7.25 The drainage proposals should be in accordance with that set out in the Flood Risk Assessment dated September 2010. Peak discharges at the site should be restricted to 106 l/s. Drainage conditions recommended – submission of details of works for dealing with surface water discharges/ completion of approved surface water drainage works/ provision of oil interceptor to intercept all surface water from areas to be used by vehicles/ surface water will be subject to balancing flows to achieve a minimum 30% reduction of existing peak flow rates/ details for on site storage provided for additional run off from storm events up to the 1 in 100 yr + climate change to be submitted.

### Climate Change Officer, Sustainable Development Unit

7.26 The details provided in the BREEAM statement indicate the attainment of a BREEAM 'Very Good' rating which is the Council's current minimum requirement for new development. However, given the budgetary and other pressures normally encountered in the design development and tendering processes of projects generally it is of some concern that the predicted total score is only just above the minimum score required at this relatively early stage of the development (56.31% scored, 55% required for a 'Very Good' rating).

7.27 Further scrutiny of the BREEAM sustainability statement provided for this development reveals relatively low scores for six out of the ten different sections of the assessment. Particularly disappointing are the very low scores for 'Health and Wellbeing' (33.33%), 'Energy' (32%) and 'Materials' (38%).

7.28 There are a number of categories where the number of credits achieved could be readily increased. It is considered essential that the proposal's BREEAM sustainability statement is made more robust and the attainment of the 'Very Good' rating more likely by increasing the overall score by at least four or five points.

7.29 Suggestions are made with regard to specific sections of the submitted BREEAM statement in order to enable the developer and the design team to achieve an improved score as mentioned above. In particular these include the following areas;

- Reduction of CO2 emissions and Low/zero carbon technologies - This is a particularly disappointingly low score for such a key section. The developer is urged to reconsider the proposals for this section and make a significant improvement to the number of credits achieved. (Ene 5 Low/zero carbon technologies).
- Cyclist facilities - No indication of commitment of any shower/changing facilities although this is committed to as part of the travel plan
- Construction site waste management - This a low score and there is significant scope for improvement.
- Compacter/baler - The developer is urged to also provide on-site glass collection/recycling facilities for the general public, in addition to that provided at the nearby Co-op store, thereby avoiding the necessity of additional journeys.

7.30 It is recommend that the achievement of a BREEAM very good rating is made a condition of any planning permission which may be granted.

7.31 In response to the comments from the Sustainability Officer Tesco comment that the SPD encourages developments to meet BREEAM Very Good. The development meets BREEAM very good as is outlined in the pre-assessment. Therefore the application is compliant with the policy and there is no policy basis to require any further work at this stage in relation to this matter. Conditions as set out at the start of the report are recommended to deal with further assessment.

## **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.

ENV5: New development of more than 1,000m<sup>2</sup> of non residential floorspace should secure at least 10% of their energy from decentralised and renewable or low-carbon sources, unless having regard to the type development involved and its design, this is not feasible or viable.

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 The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. It recognises Wetherby as a Major Settlement. Relevant policies are:

P2 – Sets out acceptable uses within and on the edge of town centres, and includes supermarkets and is subject to a sequential assessment.

P5 – Sets out the approach to accommodating new food stores across Leeds and directs such stores towards town and local centres.

P8 – Sets out the approach for sequential and impact assessments for town centre uses. It requires proposals which have a total gross floor area of 1,500m<sup>2</sup> to be accompanied by sequential and impact assessments.

P10 – Relates to good design.

T2 – Requires new development to be located in accessible locations.

EN1 – Relates to climate change.

## 8.6 Supplementary Planning Guidance/Documents

Public Transport Improvements and Developer Contributions SPD.

Travel Plans SPD

Sustainable Design & Construction SPD “Building for Tomorrow Today”

## National Planning Policy and Guidance

8.7 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.

8.8 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.”*

8.9 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.

8.10 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....”*

8.11 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.”*

8.12 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.*

8.13 Ministerial Statement – Planning for Growth, March 2011.

## **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 in the UDPR concerns the use of land currently or last in use as employment land, and provides 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 1.24 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 and it is understood that the building which formerly occupied the site (Jubilee House) had been vacant for at least 4 years prior to its demolition at the end of 2007.
- 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 cleared and in light of the current market situation it considered unlikely that speculative employment use would come forward on the site.
- 10.5 In relation to employment land available in the locality of the site, the applicant has assessed an area within 15 minutes peak drive time of the site which is considered to be an extensive search area. The applicant’s assessment identified between 22 and 26 years of supply for B1c/B2/B8 and this is considered to be a generous supply.
- 10.6 However in terms of the immediate locality the applicant’s assessment references a 20-min peak time bus travel contour which is a much smaller area and covers areas that are mainly residential but with notable enclaves of employment space along the Dewsbury Road and Elland Road corridors. The supply here is far less generous and in the worst case scenario amounts to little more than 5 years supply. In contrast, however, a mid-range scenario indicates a supply of between 11 and 13 years. The best-case scenario suggests that the existing supply, supplemented by windfalls, would last almost indefinitely. In terms of the most reduced time period of potential supply, it is noted that there are important areas of employment potential which lie just outside the bus contour and given the residential character of the area immediately surrounding the site this is important. To remove the site from employment use would be unlikely to have a measurable effect on ease of access in this part of the city to employment sites.
- 10.7 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.
- 10.8 The objection letter received on behalf of Asda raises the issue of the identification of this site in the Council’s Strategic Housing Land Availability Assessment (SHLAA). The site is identified as site No. 341 in the assessment – former Jubilee House. The site conclusions in respect of the SHLAA recognise that the commercial nature of the surroundings may be a constraint of this site coming forward for housing development. The SHLAA will inform the housing allocation Development Plan Document, however as the Council has not advanced to this stage, the

inclusion of the site within the SHLAA is not considered to be a reason to refuse alternative uses on the site if they are considered acceptable based on other considerations. In any case, the surrounding industrial uses of the site could potentially restrict housing development from coming forward on this site.

## **2. Retail policy**

- 10.9 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 provides 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.
- 10.10 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, 500m<sup>2</sup> 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.
- 10.11 Policy S5 is considered to be broadly consistent with national guidance set out within the NPPF, with particular reference to the sequential test and impact assessment.
- 10.12 The site at Old Lane is located more than 300m from the boundary of the nearest identified centre at Town Street, Beeston. According to the NPPF definition the site is classified as out of centre and must accord with the sequential assessment criteria set out at para. 24 of the NPPF. Additionally, because the gross area proposed is more than 2,500 sq m it should also be assessed against the impact criteria set out at para. 26 of the NPPF. A Retail Assessment has been submitted with the application (RA).
- 10.13 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.

- 10.14 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

- 10.15 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. In order to assess impact and to undertake a sequential assessment the applicant's Retail Assessment (RA) defines a Primary Catchment Area (PCA) where it is considered that a store of this size would draw the majority (90%) of its trade. The catchment area proposed is that of a 5 minute drive time from the site which the applicants consider to be a reasonable catchment for the store which is primarily selling convenience goods. The catchment area includes the UDP S2 town centre at Dewsbury Road and S4 local centre at Town Street, Beeston. It also includes local centres at Beeston Hill and Tommy Wass (Dewsbury Road) which have been identified in the emerging Core Strategy. It should be noted however the Council policy is to apply a 10 minute drive time catchment area; this is included in the Core Strategy (draft 2012).
- 10.16 The applicant's RA assesses the availability, suitability and viability of sites in centres within the Primary Catchment Area of 5 minute drive time from the site. Specifically the RA considers the following sites;
- Tommy Wass Public House
  - Former Kwik Save Store, Dewsbury Road
  - Police Station, Dewsbury Road
  - Former Kwik Save, Holbeck.
- 10.17 Following negotiations the applicants also reviewed other sites which the Council considered to be sequentially preferable including Crescent Works on Dewsbury Road and an area of demolished housing in Holbeck (The Runswicks).
- 10.18 All sites are dismissed by the applicant, largely for being too small and unable to meet the requirements of a retail store designed for weekly food shopping. The following conclusions are drawn:
- Former Kwik Save, Dewsbury Road – this is considered to be smaller than the proposed store and therefore not sufficient to provide a supermarket with the floorspace required in the PCA in order to draw trade back from larger stores within the wider Household Survey Area and beyond. *This site has recently received permission for alterations and will sub-divide, half of the site is now to be used by Iceland.*

- Police Station site, Dewsbury Road – this site is not available and is not in a suitable location to meet the needs of Beeston residents, being some 2.2Km to the east of the centre of Beeston. Car ownership in the area is low (40%) and therefore many residents would be unable to get there on foot or by a direct bus service. The size of the site is also not suitable for accommodating the scale of food store proposed, furthermore development of this site would likely require removal of important trees, poor access and poor store layout. For these reasons the site is not a genuine alternative to the application site and is not suitable for the development proposed. *NB The Council maintains that the police station site is available in the near future, works on the replacement police headquarters are under way and this will result in the site becoming available within the next year. This is considered to be a reasonable time for delivery for in centre and edge of centre sites. The site also has a Dewsbury Road frontage if the current Tesco Express on Dewsbury Road were to be included within the site.*
- The Runswicks, Holbeck – Holbeck is an identified local centre in the draft core strategy, which given the status must be given little weight. This location is therefore considered to be out of centre and no more sequentially preferable than the application site. Again however the site would not be suitable to accommodate the scale of food store proposed and would not serve the Beeston population. *NB the site is now acknowledged to be earmarked for housing redevelopment, however there are other small sites within Holbeck that could come forward within the next few years.*
- Tommy Wass Public House – The floorspace here is less than 1/8 of the size of the proposed store and therefore not suitable or viable for conversion to a store. In addition the number of parking spaces and service provision would not be sufficient. Given the sites location at the junction of Dewsbury Road and Old Lane then access and servicing of the site would be difficult.
- Former Kwik Save, Holbeck – This site is considered to be outside of the PCA but is considered anyway, it is outside of the proposed Hunslet local centre and isolated from other retail units. It is less than 1/3 of the size of the proposed store and contains only a fraction of parking spaces. It is therefore not suitable or viable to provide for a weekly food shop. *NB the site is now being planned to be redeveloped as a specialist Turkish food store.*

10.19 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.

10.20 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.

10.21 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 Tesco 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

10.22 The applicant has looked at the issue of retail capacity as this can be relevant to the consideration of impact.

10.23 The applicant's assessment of available capacity focuses on the defined PCA which is derived from a 5 minute drive time catchment area. For the purposes of assessing impact, as well as the existing centres which are within the PCA it is also noted that Sainsbury's at White Rose is within the catchment area. Hunslet S2 centre and Holbeck local centre lie just outside the identified catchment area.

10.24 In relation to the assessment of impact, the RA uses the Household survey results from the survey commissioned (October 2008) used to support the Tesco proposal at Benyon House, Middleton (application ref 09/01727/FU ). It is considered unlikely that expenditure patterns have changed significantly since 2008 and therefore it is considered reasonable to use these survey results in the RA. The opening of the Tesco Express on Dewsbury Road (previously an international food store) is the only notable change.

10.25 Based on data provided in the applicant's RA it is possible to estimate existing convenience expenditure by store / location. It is considered that approximately 46% of main food shop expenditure from the catchment area is spent at Morrisons, Hunslet. The next largest expenditure after this can be attributed to Sainsbury's White Rose and Morrisons, Morley with approximately 13% and 11% of main food expenditure estimated to be spent at these locations.

10.26 The RA looks ahead 5 years to 2015 and estimates available expenditure based on population projections and expenditure per head in the PCA from data provided by MapInfo. It concludes that £44.49m of expenditure will be available for convenience goods in 2015 from the PCA.

10.27 Based on information provided within the RA and including Sainsbury's at the White Rose Centre within the catchment area and also accounting for additional turnover which could be generated by the extant permission for a small extension at Netto store, Old Lane adjacent to the site, it is considered that there is a residual capacity of some £31.72m of expenditure within the PCA.

10.28 It is also evident that the main S2 centre within the catchment area is not functioning as a town centre and lacks the offer of a main food store. Therefore it is accepted that although the catchment area is derived from an out of centre location in terms of the Old Lane site, there is a deficiency in qualitative retail provision to serve local residents.

- 10.29 The applicants RA considers that the proposal will claim back expenditure leaking from the catchment area. However, it is considered that no allowance has been made for existing centres to increase or decrease market shares within this catchment. 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.
- 10.30 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 PCA as it is considered that this expenditure should be allocated to these centres.
- 10.31 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
- 10.32 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.
- 10.33 Table 7 of the applicant's RA shows the trade diversion effect of the proposed store on identified town and local centres in terms of convenience goods as follows;
- 22% trade diversion from Beeston Local Centre
  - 0% Beeston Hill;
  - 8% Dewsbury Road;
  - 10% Tommy Wass,
  - 11% for Hunslet
  - 10% for Morrisons at Morley.
- 10.34 The RA concludes that none of the impacts are significantly adverse and will not impact on the vitality and viable of the centres.
- 10.35 Other larger impacts are 16% on Netto, Beeston and 10% on Sainsbury's, White Rose but as these are out of centre stores the impact in these cases is not a planning consideration.
- 10.36 The trade diversion from Co-op Beeston is estimated to equate to £0.71m and the trade diversion from Morrisons, Hunslet is estimated to be £6.52m and the impact on these stores is considered in further detail below.

#### Impact on existing centres

##### **Hunslet**

10.37 The applicant argues that Morrisons Hunslet is significantly overtrading. The objection letter on behalf of Morrisons suggests that trade diversion away from the Morrisons store at Hunslet is underplayed in the applicants study. Officers have tried to take a more cautious approach to assessing the impact of the proposed store on the Hunslet centre, putting forward an alternative assessment of the figures to increase the level of trade diversion. Whilst Morrisons may remain in a position of overtrading against the company average it is considered that Morrisons has a fundamental role to the centre. Impact does not solely relate to trade diversion from the store but also implications for small retailers and other town centre uses if visitors to Morrisons, the town centre anchor, decline.

#### **Beeston local centre**

10.38 An objection letter has been received on behalf of the Co-operative Group, on the grounds that the proposal would result in a significant impact on the viability and vitality of the Beeston centre and in particular, the Co-operative store. The Council's assessment of trade diversion shows a pro rata trade diversion of £0.71m which represents a 24% trade diversion of in centre convenience expenditure within the PCA away from Beeston local centre. The applicant's RA also concludes that the greatest quantitative impact of the proposed store on existing convenience turnover would be the 22% trade diversion from Beeston Local Centre – a slightly lower figure than the Council's estimation.

10.39 The Co Op foodstore is the anchor at Beeston Local Centre and the only store selling convenience goods. Although the level of trade diversion away from the centre is a concern, it is considered that the store could continue to trade successfully, above the company's national average, and focusing mainly on catering for top up shopping trips.

10.40 The trade diversion from Beeston centre to the proposed store is of concern, it is considered that the proposed store would conflict with the existing role of the Co Op in that although the proposed Tesco store will provide for weekly shopping provision, it is inevitable that Tesco will also cater for top up shopping which Co Op primarily relies upon and there are therefore potentially significant impact on this store and in turn Beeston Local Centre. Whilst the Co Op store is the only store in this local centre selling convenience goods, the rest of the centre relies on the trips generated by the anchor store. Again, it is considered that the applicant has not assessed the impact to Beeston local centre as a result in a decline in visitors.

#### **Dewsbury Road S2 centre**

10.41 There is a lack of a food store at Dewsbury Road and therefore the applicant's retail assessment considered there will be limited trade diversion from this centre (8%). It is however considered important that in order to maintain this centre's status of town/ district centre it should be able to support a larger food store.

10.42 The Leeds city centre, town and local centres study recommends urgent investigation to identify edge of centre sites to bring forward appropriately sized store at Dewsbury Road to support its function as a town centre and as a major regeneration initiative for the centre. This is now being progressed in terms of the police station site which will be vacated in the next 2 years, along with potential other sites. Tesco proposals at Old Lane would undermine potential for such development and Dewsbury Road would therefore be likely to become a lower order centre. It is considered that the development of a store at Dewsbury Road depends on trade from its catchment area which would have significant overlap with that of the proposed Tesco and would prejudice the UDPR strategy for town centres (policy S2) and would pre-judge the decision in the LDF as to the role of Dewsbury Road.

### **Holbeck emerging local centre**

- 10.43 There is an identified lack of existing retail provision to serve the LS11 5 post code sector (the Holbeck area) and the Leeds City, town and local centres study identifies a boundary for a local center at Holbeck. There is an existing vacant Kwik Save site within the identified centre and furthermore, a site at Charles Street site close to new housing development on Holbeck Moor is identified in the Beeston and Holbeck Regeneration Plan to help address the deficiency of provision in this area. The larger site however, the Runswicks, is now unlikely to be considered for retail and town centre uses. It is considered that in addition to directing new retail development to Dewsbury Road S2 centre, new retail development should also not hinder the delivery of a retail opportunity in Holbeck.
- 10.44 There are concerns that the Tesco proposal at Old Lane will have a detrimental impact on retail proposals for Holbeck in light of negative capacity for convenience shopping to 2016 identified in the Leeds City centre, town and local centres study as well as issues regarding commercial confidence. The prospects of delivery of even modest local centre retail development at Holbeck could be damaged by the proposed development which could draw significant trade from its catchment area.

### **Other centres**

- 10.45 The Tommy Wass and Beeston Hill emerging centres (identified as future centres in the Core Strategy) mainly cater for top up food shopping trips. The Leeds City, town and local centres study recommends that local centres are appropriate for small to medium sized convenience shopping and therefore it is not considered that there will be a significantly adverse impact to the way that these centres will function.

### Cumulative Impact

- 10.46 Paragraph 26 of the NPPF requires that the likely cumulative effect of recent permissions, developments under construction and completed developments be fully assessed for any application in an out of centre location that is not in accordance with the development plan.
- 10.47 The planning permission granted to Asda for a retail store at Middleton (App Ref: 09/02589/FU - 2,020 sq m net floor area of convenience goods) in March 2010 is relevant to the consideration of cumulative impact. Notwithstanding the comments made on behalf of Asda and the alternative drivetime plan, Middleton District centre is considered to be outside the PCA of the proposed store at Old Lane. The applicant's RA asserts that the proposed Old Lane store would not adversely impact upon the implementation of the Asda store and it is considered that this is a reasonable conclusion. However, the two proposals taken together could have a cumulative impact on other centres.
- 10.48 There are already concerns regarding impact to Hunslet centre as a result of trade diversion from Morrisons and reduced visitors to the centre, it is considered that a more robust assessment is required regarding the impact to Hunslet centre if the proposed store and the consented Middleton Asda store begin operating.
- 10.49 The applicant's RA indicates that the two new stores could result in some 11.9% impact in terms of trade diversion against company average turnover level for the existing Morrisons store at Morley. In relation to Morley town centre, it is considered that there is insufficient evidence to suggest that this trade diversion would significantly harm the vitality and viability of Morley town centre.

### **Leeds City, Town and Local centres study**

- 10.50 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.
- 10.51 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.
- 10.52 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 12,091m<sup>2</sup> 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**

- 10.53 The applicant's transport assessment estimates that a store of the size proposed may result in trip rates of 184 arrivals and 187 departures for Friday peak hour (17.00 to 18.00) and 190 arrivals and 196 departures for Saturday peak hour (12.00 to 13.00). It is considered that this estimate of the likely trip generation from the proposed development is reasonable. The applicant's transport assessment has assessed the operation of the junctions in the vicinity of the site on the surrounding road network. Concerns relating to the roundabout junction of Town Street/Beeston Road/Old Lane and potential queue lengths on Old Lane as a result of traffic from the store have been resolved by way of proposed highway works to this mini roundabout to Old Lane/ Town Street/ Beeston Road. The proposed highway works will increase the capacity of this junction to allow 2 cars to queue at the Beeston Road western approach to the mini roundabout. The Applicant has also agreed to contribute the sum of £50,000 to the Council to monitor the traffic on Old Lane and

surrounding roads and to pay for any traffic calming measures that may be required to control traffic relating to the proposed development.

- 10.54 Objections have been received regarding potential traffic congestion as a result of the proposed development. The applicant's transport assessment has been considered by the traffic management section and it is considered that subject to the proposed highway works at the junction of Old Lane/ Town Street, the surrounding highway network can accommodate the proposed development. It also needs to be borne in mind that the site could be redeveloped for alternative employment uses which would also generate a certain amount of traffic on the highway network.
- 10.55 In terms of the proposed layout of the store, this has been revised during the course of the application to alter the proposed vehicular access arrangements. The proposal to use the existing vehicular access for servicing only is acceptable and the proposed separate vehicular access from Moorhouse Avenue is wholly within the applicant's ownership and is acceptable and this also includes a pedestrian route through the car park although a separate pedestrian entrance from Old Lane is also proposed.
- 10.56 A new 4m wide raised toucan pedestrian crossing is proposed adjacent to the site on Old Lane to improve the crossing facilities in relation to the main pedestrian entrance to the store. Objections have been received from the Post Office as the upgraded crossing would result in the loss of 1 on street parking bay in front of the Post Office. Part of this area is already marked keep clear and the proposal has been amended from the original scheme so that the loss of parking bays is reduced to 1 bay only. If the crossing were relocated elsewhere on Old Lane it would result in the loss of up to 4 parking spaces from existing on street parking lay bys. On balance this loss of a parking space is considered acceptable and on street parking lay-by facilities remain close by. The Post Office have requested a guarantee that further restrictions will not be implemented in the future, however such a guarantee cannot be provided although it is not anticipated that any will be required.
- 10.57 163 car parking spaces are proposed within the site and the applicant has provided a car parking accumulation calculation undertaken which estimates a maximum requirement of 149 spaces on Friday and 156 spaces on Saturday, the peak times for Supermarket shopping. At peak times this equates to 91% and 95% of the maximum capacity of the proposed 163 space car park.
- 10.58 Highways advice is that at over 90% of capacity, the operation of a car park can be affected and therefore the number of parking spaces proposed is considered to be the minimum acceptable to support the development and could not be reduced any further. Nevertheless, the store is considered to be in a sustainable location and a travel plan is provided as part of the application and the applicant will contribute to upgrading the existing bus stop in front of the site on Old Lane. The level of parking provision for the development together with these other measures to encourage visits by alternative modes of transport is considered acceptable.

#### **4. Design and Layout of proposed store**

- 10.59 The proposed store building will be sited along the southern boundary of the site which adjoins industrial units. The customer car park is proposed to the north of the store itself. Setting the store back within the site is considered to be a reasonable siting given that the site is not within a centre and there are residential properties immediately facing the site. This is also a response to the landscaped boundaries

of the site which restrict views of the proposed building and any frontage opportunities.

- 10.60 The landscape setting of the site is considered important and is discussed below. The layout retains the protected tree belt along the eastern boundary and although planting is removed from the boundary with Moorhouse Avenue, new planting is proposed. There is a level difference of some 1 – 1.5m from street level at Old Lane to the main platform of the development site. The proposed store maintains a significant landscape setting around the built development and this accounts for the level difference within the site. The landscape proposals are discussed in more detail below.
- 10.61 The site's wider context is a combination of both housing to the east and industrial units to the south and west. Notable features of the site's context are that the area is generally low rise and brickwork is the predominant material. The size of the store proposed and the scale of development is considered to be compatible with the surroundings.
- 10.62 In terms of the store's design, whilst the predominant material is the larch cladding proposed on the main elevations, brickwork has been introduced to the store design to reflect the context of the surroundings. The materials are considered appropriate to the area and will result in a contemporary building which will sit comfortably within its surroundings. Objection letters raise concerns regarding impact the character of the area; however it is considered that the proposed store is respectful to the character of the area and in making use of a vacant site will improve the appearance of the area. The applicant's initial assessment shows that BREEAM standard of very good will be achieved and conditions are recommended to secure this.
- 10.63 A canopy is proposed to the front of the store, the drawings submitted indicate a canopy projecting significantly forward of the store towards the pedestrian entrance to the site. This projection is considered to be too prominent and details of a reduced canopy are suggested to be dealt with by condition.
- 10.64 A clock tower is proposed at the pedestrian entrance to the site, opposite the post office on Old Lane and this is considered to be a good focal point of the scheme to help identify the store. The pedestrian approach to the store has been improved through the course of the application with some car parking to the east of the building removed which allows for a direct pedestrian access to the store entrance to be created from Old Lane via steps/ ramp approach and a new crossing to be provided within the highway.

## **5. Landscaping**

- 10.65 Landscaping is considered to be a key characteristic of the site and the trees along the eastern boundary are protected by a Tree Preservation Order and are important to the streetscene of Old Lane. Mature landscaping is also present along the boundary to Moorhouse Avenue and is important in the assimilation of the site with the allotments and playing fields to the north.
- 10.66 The initial proposals for the development raised concerns regarding the relationship of the proposed parking and retaining wall to protected trees along the Old Lane boundary. The proposal has been revised and the additional parking to the east of the store building has been removed which allows further space around the protected trees.

- 10.67 All existing trees along Old Lane adjacent to the car park are retained as part of the proposal and this is considered to provide a good landscape buffer to the site. These protected trees consist of a mixture of species comprising Norway maple, beech and horse chestnut as well as London Planes and common lime trees. A retaining wall is proposed along the Old Lane boundary and it is considered that subject to details regarding the construction, this can be achieved without harming the existing trees. A detailed method statement should be provided prior to construction to show how the works will be carried out without disturbance to the protected trees.
- 10.68 In relation to the Moorhouse Avenue boundary, one of the two mature London Plane trees along this boundary is to be retained however one tree will be removed in order to create the new access into the site. This is compensated for by way of new planting and it is considered that sufficient space is provided along this boundary of the site to achieve a robust planting scheme.
- 10.69 Limited planting is proposed within the car park itself and this is along the main pedestrian route through the store car park. On balance this is considered acceptable given the landscaped belt around the north and east of the site. Use of careful construction techniques will be required to increase the potential root zone for these trees. A hedge is proposed between the car park and the service road into the site. The long-term management of the landscaping could be secured by way of a condition.

## **6. Relationship to surrounding residential properties**

- 10.70 The site is surrounded by commercial uses to the west and south of the site and the proposal is compatible with these surrounding uses. Residential properties are to the east of the site facing the eastern elevation of the proposed store and the boundary with the car park and therefore the relationship to these properties needs to be considered. The proposed store and car park is to be set within a landscaped buffer of some 10m minimum depth along the entire Old Lane boundary of the site. There is a separation distance of over 30m between the residential properties and the built development area of the site (car park and store building); this distance includes the landscaped boundary of the site which is largely unaltered.
- 10.71 A brick boundary wall is proposed along the car park boundary of the site set behind the retained trees along Old Lane. This brick boundary wall continues around the corner of the site into Moorhouse Avenue, again set behind the landscaping. This boundary wall and the landscaped boundary will screen the car park from the residential properties and the streetscene. It is considered this is a good quality boundary to the site and retains the landscaped character whilst screening the car park and protecting visual amenity.
- 10.72 Residential properties facing the site currently look over a cleared site with 2m paladin fencing along the boundary together with the existing protected trees. It is considered that the proposed development is respectful to the scale of development in the area and retains the positive feature of the site which is the landscaped boundary. It is considered that the proposal will not result in loss of residential amenity from poor outlook or overdominance.
- 10.73 The proposed store building is sited to the west of No's 95 to 101 Old Lane and is at a height of some 7.6m above street level. Objections have been received that the proposed development could result in loss of light as well as privacy. The

applicant's section drawings indicate that the store itself will be approximately 1.5m higher than the ridgeline to the roof of 97 Old Lane. The store building is however lower than the canopy of the existing trees which will screen the building itself. It is considered that the development will not result in any unacceptable loss of light to residential properties on Old Lane. In relation to privacy the store is contained within the site and would not result in any overlooking from staff or customers of the store. It is recognised that there will be increased footfall in the vicinity of the pedestrian entrance on Old Lane, however this street is currently a primary route through Beeston and is not considered that the proposal will compromise privacy of nearby residents.

- 10.74 Objections have been received in relation to increased noise associated with the development. Again, this needs to be considered against the previous employment uses of the site which could in themselves have generated noise in association with their potential uses. The applicant has submitted a noise report which identifies the principal noise sources relating to the development will be noise from fixed mechanical services plant, bulk deliveries, car parking activity and road traffic noise. The noise report concludes that the store could operate without servicing and operating hours restrictions without harming the amenity of the local residents subject to a condition to ensure that any plant and machinery achieve an appropriate noise rating level.
- 10.75 Notwithstanding the noise report's justification of unrestricted hours of operation and delivery, the proposal is for the store to operate until 10pm and it is also considered that deliveries should be restricted to 11pm. A condition is recommended to ensure that noise levels from all plant and machinery are 5dB below background noise levels when measured from the nearest noise sensitive property. This is similar to the condition recommended in the applicant's noise report which instead specifies what that level should achieve. The Environmental Health Officer has advised however that this condition should relate to the background noise level at the time the measurements are taken.
- 10.76 Recycling facilities would be a further potential source of noise and a condition is proposed for submission of details should they be proposed at the store and attenuation measures may be required.
- 10.77 The service yard for the store is proposed to be located in the north western corner of the site which is surrounded by commercial/ industrial uses. It is considered that the location of the service yard is acceptable and is away from residential properties and should therefore reduce any potential disturbance from delivery vehicles and from unloading activities. The applicant's noise report also notes that that delivery activity will be screened by the store building itself. The report assesses the potential impact from delivery activity to 99 Old Lane and considers that even deliveries at night could be carried out without adversely affecting residential amenity. Nevertheless, a condition is proposed to restrict deliveries to no later than 11pm as advised by the Environmental Health Officer.
- 10.78 In relation to potential noise from traffic generated from the proposed development, this is also assessed in the applicant's noise report against DEFRA guidance (March 2010) to avoid significant adverse impacts on health and quality of life, together with guidance from the World Health Organisation and guidance in PPG24. Clearly there will be a noticeable increase in comings and goings at the site as a result of the development, however the site is on an existing well used road and it is considered that the additional activity will not result in undue loss of amenity to the surrounding residential properties.

10.79 Predicted noise levels from within the store car park are concluded in the applicant's noise assessment to be within the WHO guideline noise levels and are also predicted to be below the existing noise climate.

## **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

## APPENDIX 2

### Minutes of Plans Panel 08/11/12 as approved

*The report of the Chief Planning Officer introduced an application for the erection of a retail store with car parking and landscaping at the junction of Moorhouse Avenue and Old Lane, Beeston.*

*Prior to the consideration of this item, Members were reminded of the subsequent application on the agenda which was also for a retail store at an adjacent location. An emphasis was made on the need to consider each application individually and it was reported that both applications had been recommended for refusal on retail policy grounds.*

*Members had attended a site visit prior to the meeting and site plans and photographs were displayed.*

*Further issues highlighted in relation to the application included the following:*

*The application had been submitted to Plans Panel (East) in September 2012 with a recommendation for approval. Prior to that meeting, the application was withdrawn following objections for the applicant of the adjacent site.*

*Further letters of support and objection that had been received.*

*The applicant had stated that there were no alternative preferable sites in the locality.*

*The proposed development would be a single storey building that was commensurate with the height of nearby residential properties.*

*Existing access to the site would be used with pedestrian access off Old Lane.*

*TPO trees would be retained.*

*All other matters, including design were considered to be acceptable.*

*It was acknowledged that there were concerns regarding Dewsbury Road Town Centre and the applicant had been asked to consider alternative locations.*

*The applicant's representative addressed the meeting. The following issues were highlighted:*

*The application had been well supported locally as a result of public consultation.*

*There would be highway improvements.*

*The proposal would increase local employment opportunities and increase shopping choice in South Leeds.*

*The proposals would see the redevelopment of a derelict site.*

*In response to a Members question, it was reported that approximately 75% of staff employed would come from the immediate local area.*

*There had been a full retail impact assessment and it was not felt that the proposals would have a significant impact on any other areas.*

*Further to the applicants' representations, it was reported that there was a difference of opinion between officers and the applicant with regards to the sequential test issue and the Council's retail consultant was asked to address the meeting. He raised the following issues:*

*Dewsbury Road Town Centre had not delivered full shopping facilities as expected and appropriate sites for development should be considered.*

*This proposal would reduce the commercial prospect of other operations on Dewsbury Road.*

*Reference to policy and strategy and the use of town centres.*

*In response to Members comments and questions, the following issues were discussed:*

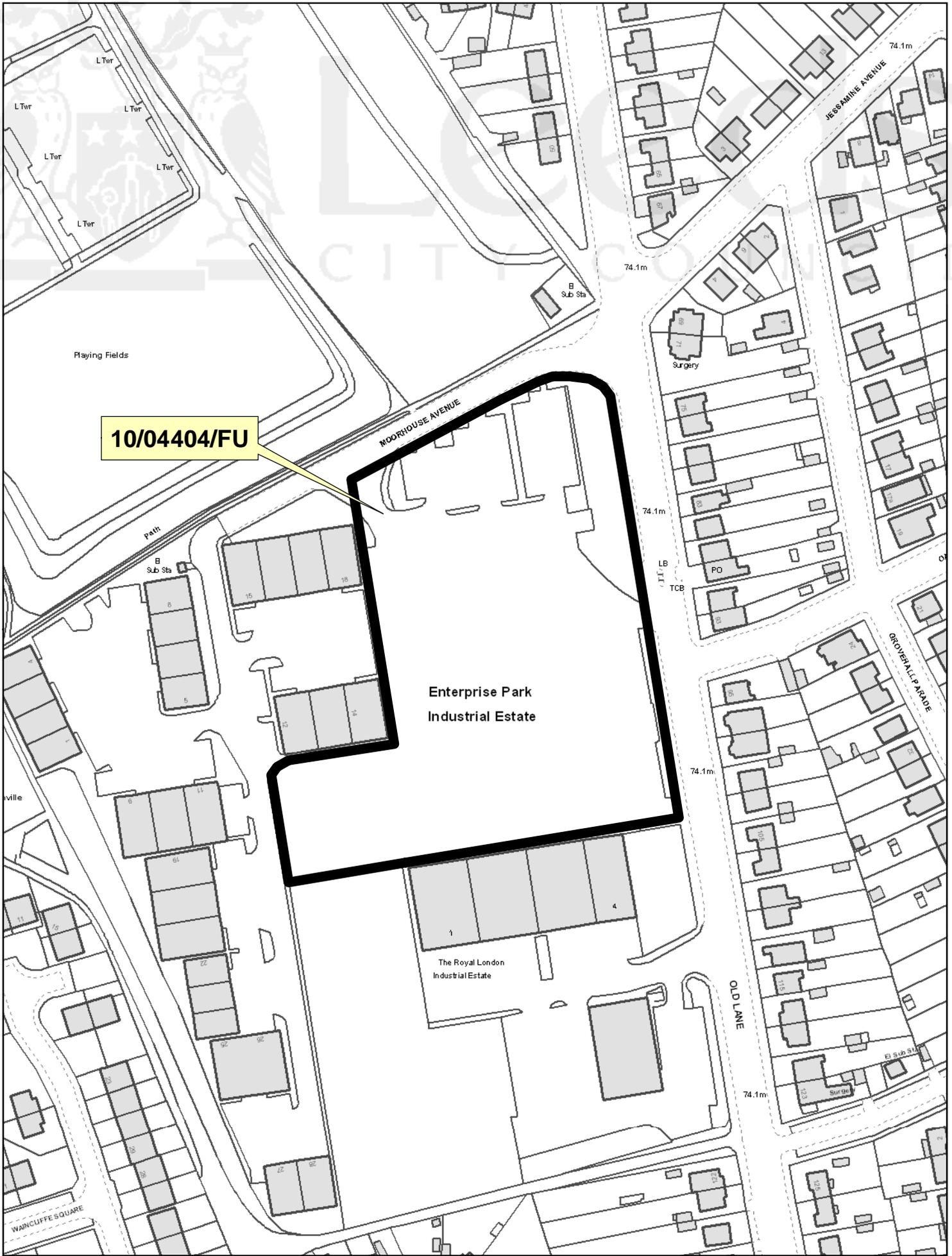
*Dewsbury Road Town Centre was identified in the UDP over 6 years ago and had still not been developed – it was felt that this policy may influence too heavily and could other ways of developing Dewsbury Road Town Centre be found.*

*The proposal would improve the area and create jobs.*

*If members were minded to vote against the recommendation it was reported that further work would need to be carried out for the cumulative impact on Beeston and Dewsbury Road Town Centre.*

*There were other examples of similar stores adjacent to each other elsewhere, should there be approval given to both applications then there would need to be a consideration of the Impact on traffic and other retail operations.*

*It was resolved that the officer recommendation for refusal be not accepted and the application be deferred for further negotiation.*



# EAST PLANS PANEL