

Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 21st August 2014

Subject: 14/00946/FU: Erection of a food store with associated access, car parking and landscaping at Former Vauxhall car dealership, Sandbeck Lane, Wetherby, LS22 7DG.

APPLICANT
Aldi Stores Ltd

DATE VALID
28.2.2014

TARGET DATE
29.08.2014

Electoral Wards Affected:

Wetherby

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: DEFER and DELEGATE approval to Chief Planning Officer subject to the conditions specified and the completion of a Section 106 agreement to secure the following:

- Public Transport Infrastructure Contribution £67,354
- Bus Stop improvement contribution £10,000.
- Employment and Training
- Funding of Waiting Spaces should off street parking issues arise
- The Travel Plan Monitoring Fee

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

1. Time limit
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
3. Sample of all walling and roofing materials to be submitted.
4. Details of surfacing materials

5. Measures that will be taken to reduce opportunities for future criminal and anti-social activity within the site shall be submitted.
6. No building works or obstruction to be located 3m either side of centre line of the sewer.
7. Scheme detailing surface and foul water drainage works.
8. Surface water from vehicle parking, roof and hardstanding areas to be passed through an interceptor of adequate capacity prior to discharge.
9. Phase I Desk Study has been submitted.
10. If remediation is unable to proceed or unexpected contamination is encountered, the LPA to be notified in writing and amended Remediation Statement shall be submitted.
11. Remediation works to be carried out in accordance with the approved Remediation Statement.
12. The deliveries and loading / unloading shall be restricted to 7:00 hours – 23:00 hours Monday to Saturday and 8:00 hours – 20:00 hours on Sundays and Bank Holidays.
13. The opening hours shall be restricted to be between 08:00hr to 22:00hr Monday to Saturday and between 10:00hr to 18:00hr on Sundays and Bank Holidays.
14. Statement of Construction Practice to be submitted.
15. Lighting scheme to be agreed
16. Plant and machinery operated from the site shall limit noise to a level at least 5dBA below the existing background noise level (L90) with the measurements and assessment made in accordance with BS4142:1997.
16. details for the provision of bin stores to be submitted.
17. No tree/hedge/bush to be cut down, uprooted or destroyed. If any retained tree/hedge/bush is removed, uprooted or destroyed or dies another tree/hedge/bush of an agreed size and species shall be planted at the same place.
18. Existing trees, hedges, bushes shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection.
19. If within a period of five years from the date of the planting of any new tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the LPA, seriously damaged or defective, another tree/hedge/shrub of the same species and size to be planted in the same location.
20. Full details of the soft landscape works, including an implementation programme to be submitted.
21. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules to be submitted.
- 22) Submission of a Service Management Plan to manage the delivery operations at the site
- 23) The delivery of the off-site highway works via a S278 Legal Agreement.
- 24) To restrict the range of good for sale.
- 25) Vehicle Parking Spaces to be laid out before first occupation.
- 26) Electric Vehicle Charging Points or

1.0 INTRODUCTION:

- 1.1 This application is presented to North and East Plans Panel as it represents an out of centre retail development in Wetherby.
- 1.2 This application was brought to the 24th July North and East Plans Panel where Members commented on the principle of the development, its design and the impact upon neighbouring residential amenity as well as the impact upon highway safety. Members came to the following view;
- Panel was comfortable with the principle of development.
 - Members were satisfied that the proposal would not harm the vitality and viability of Wetherby Town Centre.
 - Panel raised concerns in respect of the design and layout of the development. It was considered that the application should develop a bespoke design for the site.
 - Concerns were raised that the current scheme had an unacceptable impact on the amenities of the residents of No. 17 Briar Gate. A revised scheme should have regard to potential impacts on the residents on Sandbeck Lane.
 - Good boundary walling and landscaping should be provided to the frontages. Details of how the development responds and deals with changes in levels should be provided.
 - Panel reserved their position in respect of parking provision, servicing, access and potential noise nuisance from delivery vehicles and refrigeration units pending the receipt of a revised scheme that addresses the comments set out above.
- 1.3 Since the application was presented at Plans Panel on 24th July, the following changes have been made to the scheme:
- The proposal to build the structure using brick as oppose to the white render that was originally proposed.
 - The retail store has been reduced in scale so that a greater separation distance can be achieved from the residential dwellings to the northwest.
 - Additional hedging to be planted along the north-western boundary with the residential dwelling.
 - Two additional parking spaces have been provided.

2.0 PROPOSAL:

- 2.1 The proposal is for the construction of a detached retail food store of 1,418sqm (gross) of which 990 sqm is proposed to be dedicated for nett sales. 70 car parking spaces are proposed (59 standard, 4 accessible bays and 7 parent and child). Areas of landscaping are proposed around the perimeter of the car park. A new pelican crossing and a mini roundabout are proposed as part of the package of off-site works.
- 2.2 The proposed store will be a single storey flat roofed brick built structure with the customer entrance orientated towards Deighton Road and the loading area positioned to the rear (northeast elevation). The vehicle access for customers and deliveries vehicle is proposed off Sandbeck Lane. The proposed building will be set

back approximately 15m from Deighton Road and approximately 20m from Sandbeck Lane. The building will measure approximately 30m by 27m and will be 6m in height.

- 2.3 The opening hours are proposed between 08:00hr to 22:00hr Monday to Saturday and between 10:00hr to 18:00hr on Sundays and Bank Holidays. It is envisaged that 2 HGV deliveries and two small bread and milk deliveries will be made within a 24hour day, with each deliveries completed within 20 minutes. The store will provide employment for 30 staff. Deliveries would however, need to be restricted by condition.
- 2.4 A package of off-site works are proposed as part of the development. The off-site highway works will include;
- The introduction of a signal controlled pedestrian crossing on Deighton Road,
 - A new mini-roundabout at the junction of Sandbeck Lane with Deighton Road
 - Closure of an existing vehicle access onto Deighton Road and the footway reinstated including full height kerbs.
 - The footway along the full length of the Sandbeck Lane site frontage widened to 2m where necessary and reinstated with full height kerbs construction.
 - To carry out any necessary alterations to Traffic Regulation Orders surrounding the site and to any signage or carriageway markings.

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to an existing car dealership which is now vacant and occupied by a different retailer which is located on the corner where Deighton Road meets Sandbeck Lane. The site features a large detached sales building with car parking and hard standing to the front and side. The site is bounded by residential dwellings to the north and south and business and industry to the east.
- 3.2 The application site is located 600m from the S2 Wetherby centre boundary. Morrisons in the town centre is the only main supermarket in the area.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The site history shows that there have been a number of applications submitted proposing various signage and extensions to the existing car dealership, none of which are particularly relevant to this application.
- 4.2 In 2013 an application for an Asda store was refused on Sandbeck Lane (12/01715/FU). The application was refused for its potential adverse impact on the vitality and viability of Wetherby Town Centre, for its poor accessibility and the Travel Plan was deemed unacceptable.
- 4.3 In 2012 an application for the erection of a Sainsbury's Store on Leeds Road on the site of the Mercure Hotel was refused for its potential impact on the vitality and viability of the local town centre and for its impact on the character of the area (12/00113/FU).

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Pre-application discussions took place in 2013 relating to the principle, design, siting and layout of the proposed store as well as the highways implications. The applicant was given the following advice;
- The store is in an out-of centre location therefore is contrary to retail policy. A sequential test to assess the impact of the store is not required as the proposal is below the threshold of 2,500 sqm. However, it was advised that that it would be good practice to submit an impact assessment.
 - Access is acceptable but car parking numbers were low.
 - Scale and design considered acceptable.
 - Due to the close proximity to neighbouring dwellings the proposed store may appear dominant.
 - Need to carry out community consultation.
- 5.2 The application is the subject of a Planning Performance Agreement (PPA) which sets out a timeframe for the consideration and assessment of the planning application, including schedule dates for progress meetings. In compliance with the PPA the Pre-app meeting took place in 25 October 2013. Following further discussions the PPA was revised so that the determination date can be extended to 29th August 2014.
- 5.3 A key concern raised by Ward Members with regards to the application is the close proximity of the proposed store to the dwellings to the north and northwest of the site. The applicant was advised of the concerns and as such has revised the scheme to show the store reduced in size and moved away from the residential dwellings. The revised scheme allows the hedging along the boundary with No.17 Briar Gates to be retained. The hedges will effectively screen the closest elements of the proposed store from the dwelling.

6.0 PUBLIC/LOCAL RESPONSE

- 7.1 The application was publicised by site notices which were posted adjacent to the site on 14th March 2014. An advert was also placed in the local press on 27th March 2014.
- 7.2 Wetherby Town Council has raised no objection to the scheme.
- 7.3 To date 169 letters of support have been received. The majority of the support comments raise the following points;
- Increased shopping choice
 - Competition is good, Aldi is value for money
 - The proposal will create job opportunities
- 7.4 13 objections have been received and 1 letter of general comment has been submitted. The letters raise the following issues;
- The proposal will have an adverse impact on dwellings that adjoin the site form dominance, overshadowing, noise, lighting and air pollution.
 - Noise omitted from refrigeration plant will harm residential amenity.
 - The number of parking spaces proposed is low and will not satisfy the likely parking demands.
 - The proposal will cause highway safety issues at this busy junction.

- The road safety networks cannot sustain the large delivery vehicles coming and going from the site.
- The proposal will have an adverse impact on the character of the area.
- The proposal will harm the vitality and the visibility of the town centre.
- The number of jobs proposed to be created is exaggerated.
- The proposal will set a precedent for granting other out of centre retail development.
- Contrary to the claim made by the applicant Aldi is a supermarket not a convenience store.
- There will be no link trips to the town centre nor will the proposal be integrated to the town centre.
- The redline boundary is inaccurate.
- The proposal will raise the risk of flooding.
- The height of the building shown on the plans is inaccurate and does not take into account the difference in ground levels.
- The Sandbeck Lane needs to be widened.
- The Sainsbury's and Asda sites where more suitable.

8.0 CONSULTATION RESPONSES

Statutory:

8.1 None

Non-statutory:

8.2 Public Right of Way- No objection

8.3 Architectural Liaison Officer- recommends a number of measures that will reduce the potential for crime and antisocial behaviour. The measures relate to the type of windows, doors, glazing, locks and fencing that should be installed.

8.4 Public Transport (Project Team)- comments that the proposal will generate large number of trips a portion of which will be via public transport. Therefore, it is requested that a financial contribution of £67,354 should be sought towards the cost of transport enhancement which are needed to accommodate the additional trips.

8.5 Yorkshire Water- No objection, subject to conditions

8.6 Travelwise' (Travel Plan Officer)- No objection to the travel plan subject to a monitoring fee being submitted. Electric Charging points should be provided.

8.7 Contaminated Land Officer- No objections to the proposal subject to conditions.

8.8 Environmental Health- Environmental Health Raise no objections provided conditions are imposed including a condition that restricts the hours of delivery.

8.9 Flood Risk Management - No objections, subject to conditions.

8.10 Metro- Comments that a Metro new live bus information display should be erected at one of the bus stops at a cost of £10,000, and that a good pedestrian access to and from the site to the bus stops should be provided.

- 8.11 Highways- The plan now shows a slightly increased car parking capacity of 72 car parking spaces. Although this is still noticeably below the UDP maximum requirement, on balance it is considered that highways objection on parking grounds would not be justified in this particular case.

9.0 PLANNING POLICIES:

- 9.1 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

- 9.2 The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) which is supplemented by supplementary planning guidance and documents. The Development Plan also includes the Natural Resources and Waste Development Plan Document (2013):

- 9.3 The application site itself is not covered by a particular designation within the Unitary Development Plan Review.

- 9.4 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;
N19 – New buildings within or adjacent to conservation areas
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;
LD1 – Landscape schemes

- 9.5 Emerging Policy – Draft Core Strategy

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. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed and examination has taken place.

- 9.6 Further examination sessions also took place in May 2014 on a limited number of housing issues. The modifications required will be the subject of further consultation and formal adoption is anticipated later this year. Therefore, some weight can now be attached to the document and its policies. The Core Strategy set 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 1,500m² 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.

Supplementary Planning Guidance/Documents

- 9.7 Public Transport Improvements and Developer Contributions SPD.
- 9.8 Travel Plans SPD
- 9.9 Sustainable Design & Construction SPD “Building for Tomorrow Today”
- 9.10 Neighbourhoods for Living – General design principles and minimum separation distances.

National Planning Policy Framework

- 9.11 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.

- 9.12 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.”

- 9.13 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.

- 9.14 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....”*

- 9.15 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.”

- 9.16 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.

10.0 MAIN ISSUES

- Principle of Development
- Design

- Highways
- Impact on Neighbouring Residential Amenity/ Retention of hedges
- S106 Contributions
- Public representations

Principle of the Development

- 10.1 The proposal seeks permission for an out of centre retail store on this unallocated site situated some 600m away from the edge of Wetherby Town Centre therefore the scheme is not consistent with the guidance provided within the NPPF, the Leeds City Council Unitary Development Plan (Review 2006) or the emerging Core Strategy, which all seek to direct town centre uses to town centre locations. This therefore means that in line with paragraphs 24 and 26 the application is required to undertake a Sequential Assessment and potentially an Impact Assessment.
- 10.2 The emerging Core Strategy adopts the same town centres first approach endorsed by the NPPF. The Core Strategy has now been through the Examination in Public and whilst there are still matters to be resolved (Gypsy and Travellers and Affordable Housing) the Inspector has indicated that he only wishes to see minor amendments to the policies relevant to this application. It is therefore appropriate that the relevant Core Strategy policies should be given significant material weight.
- 10.3 Policy P1 identifies Wetherby as a Town Centre, the highest order of centre below the city centre. Policy P5 states:
- (I) Food stores will be directed towards the town and local centres identified in Policy P1.
 - (II) Sites on the edge of town and local centres will be considered where there are no available, viable or suitable sites within centres.
 - (III) A number of town centre could perform more successfully as major locations for weekly shopping needs if they included investment in new food store provision and/or redevelopment of existing facilities to expand their retail offer or expand their function. Appropriate provision within centre or on edge of centre will be encouraged, and will be supported where sites can be identified in the following locations:
 - Armley
 - Chapel Allerton
 - Cross gates
 - Dewsbury Road
 - Farsley
 - Headingley
 - Holt Park
 - Horsforth Town Street
 - A new centre at Richmond Hill
 - Holbeck
- 10.4 From the list above, it is important to note that Wetherby is not included and therefore has not been identified within the Core Strategy as a centre that is in need of new convenience provision.
- 10.5 Policy P8 sets out the scope for the sequential tests for edge of centre and out of centre developments. In this case for an A1 Retail proposal, out of centre, within a residential area and of a size between 373-1,499 sqm, the catchment for a sequential assessment is 5 minute inbound off peak drive time. There is no requirement for an impact assessment.

- 10.6 Although a sequential test is not formally required, the applicant was advised at the pre-app stage that the completion of one would fully explain the impact the scheme would have on Wetherby Town Centre, which is a major concern for the people in the area. The applicant has duly submitted an impact assessment. Having, considered the information presented by the applicant, the Forward Planning and Implementation Team agrees with the applicant that there are no sequentially preferable sites which would be capable of accommodating the proposal.
- 10.7 The assessment submitted suggests that the proposed Aldi will have a trade diversion impact of 4.9% on Wetherby Town Centre and specifically 5.3% on Morrisons.
- 10.8 Officers disagree with the trade diversion figures given by the applicant which states that 15% of the store's turnover would be derived from inflow, when it was deemed by England & Lyle when considering the larger Asda and Sainsbury's proposals in the town would only account for 10% clawback. In addition, the proposed extended Morrisons in Wetherby would generate its own degree of clawback which appears not to have been accounted for by the applicant. It is also considered overly optimistic to expect that 31% of turnover would be generated from clawback when England & Lyle estimated clawback for the Sainsbury's proposal in Wetherby was highly unlikely to rise above 20%. In response to the issues raised by officers, the applicant has stated that the Asda/Sainsbury's cases cannot be compared to this proposal, simply because of the lack of an Aldi within the Wetherby/Harrogate area. Whilst there are large Asda and Sainsbury's foodstores in Harrogate which would have reduced inflow, this is not the case with this proposal and therefore the inflow and clawback is likely to be higher.
- 10.9 Although some of the figures given by the applicant are not fully agreed with, it is considered that these figures are minor over-estimates, in order to ensure that any potential adverse impact is not masked. In any case, if the estimated level of clawback and inflow are brought down to more realistic levels for the proposed Aldi store (20% and 10% respectively) the trade diversion is still only likely to be between 6-7% impact upon Wetherby Town Centre. It is therefore clear that the impact of the Aldi is a significant order of magnitude lower than that of the refused Sainsbury's and Asda proposals. This is to be expected as the proposed Aldi is significantly smaller and Aldi's tend to generate roughly half as much revenue per square metre as the 'Big Four' supermarkets.
- 10.10 Wetherby is a strong and successful town centre and a development of this size and nature is unlikely to have a significant adverse impact upon the vitality and vibrancy of the town centre nor is likely to affect Morrison's expansion plans owing to the small amount of trade proposed to be diverted from the existing store.
- 10.11 The Council does not seek to encourage out of centre retailing and always in cases such as these are of the opinion that the development would be far better located within existing centres. However, in this specific instance it has been demonstrated that the development could not be located within a town centre and that it would not have a significant adverse impact upon town centres or planned investment within them. It has therefore passed the Sequential and Impact Tests and there is no objection to the proposal from a retail policy perspective.

Design

- 10.12 The scheme proposes a large single storey building located towards the centre of the site and running close to the boundary with the adjacent residential properties to the north western boundary with car parking areas fronting Sandbeck Lane and Deighton

Road. The proposal replaces a large commercial building with no particular architectural merit, with another large commercial building. The proposal will have a simple flat roof structure which is designed to appear as a typical supermarket with significant glazing at the central entrance point, with a flat roof and rectangle footprint. The applicant has proposed to construct the building using brick which is a position away from the white render that is normally used to construct Aldi supermarkets across the country.

- 10.13 In terms of its design, layout and scale it is considered that the proposal will have no greater impact on the character of the area than the exiting development on the site. Although, the expanse of hard standing to the site frontage is not ideal this is considered no different than the existing development. The proposed additional landscaping will soften the visible appearance of the site and will be represent a visual improvement.
- 10.14 In terms of materials, originally the store was proposed to be white rendered which was considered to have a detrimental impact on the character of the area. The applicant has now proposed to construct the store using brick which is a much more appropriate material and would allow the building to tie in with the brick and stone buildings that are found commonly in the village. Furthermore, the brick represents an improvement from the existing metal clad building that currently stands on the site.

Highways

- 10.15 Based on UDP guidelines an A1 food retail store of approximately 1,410m² would require 101 car parking spaces whereas only 72 spaces are indicated on the submitted plans. As such, the current scheme is some 29 spaces short of the maximum provision as set out in the UDPR. However, Highways DC finds that, on balance, it is considered that highways objection on parking grounds would not be justified in this particular case.
- 10.16 The site is in an isolated location in terms of proximity to other retail/commercial developments. As such, there will be little (if any) potential for linked trips with other commercial uses. The absence of linked trips should ensure that the turnover of spaces within the car park will be high, which will limit the overall number of cars parked within the car park at any one time. Aldi only stock a limited range of goods compared to the mainstream supermarkets and information provided by the applicant indicates that a typical shopping trip by customers lasts just over 20 minutes.
- 10.17 The proposals include also includes off-site highway works to introduce a pelican crossing on Deighton Road directly to the front of the customer entrance to the store. The crossing will assist pedestrian access and would potentially encourage customers living nearby to walk to the store in preference to using their car. The off-site highway works also include zig-zag marking on Deighton Road (associated with the pelican crossing) and double yellow lines on both sides of Sandbeck Lane. These restrictions will prohibit any on-street parking in the immediate vicinity of the site.
- 10.18 It is envisaged that 2 HGV deliveries and two small bread and milk deliveries will be made with a 24hour period, with each delivery completed within 20 minutes. Service vehicles visiting the site will use the same access as the customer car park. The supporting Transport Statement indicates that the main deliveries would be carried out by articulated HGVs whilst the store would be operational. As such, it is considered that there would be potential for conflict between reversing lorries and customers using the access/parking area at delivery times. In order to overcome this issue, a

condition will be attached to ensure a Servicing Management Plan is introduced to minimise any potential difficulties associated with the delivery process. The Service Management Plan should apply to all commercial vehicles visiting the site (i.e. both delivery and refuse/waste collection).

10.19 A package of off-site works is proposed as part of the proposed development, which is shown in an indicative form on the submitted Highways Plan. It is considered that the off-site works are acceptable in principle. The works will include;

- The introduction of a signal controlled pedestrian crossing on Deighton Road,
- A new mini-roundabout at the junction of Sandbeck Lane with Deighton Road
- Closure of an existing vehicle access onto Deighton Road and the footway reinstated including full height kerbs.
- The footway along the full length of the Sandbeck Lane site frontage widened to 2m where necessary and reinstated with full height kerbs construction.
- Any necessary alterations to Traffic Regulation Orders surrounding the site and any required signage or carriageway markings.

Impact on Neighbouring Residential Amenity/ Retention of hedges

10.20 A number of the residents raised serious concerns over the impact of the building on the living conditions of the residents that occupy the dwellings to the north western boundary. The shadow studies plan show that there will no significant overshadowing resulting from the development when compared to the current situation however concerns still remain in terms of dominance and the overbearing sense of enclosure that residents would feel. The proposed building would span the entire length of one back garden and would span the entire rear boundary of another.

10.21 The applicant in attempt to reduce the impact of the structure has revised the drawings to show the proposal set back approximately 3.3m from the adjoining residential dwellings and has proposed to retain the existing soft landscaping along the north-western boundary and to plant additional hedging. The applicant has submitted a tree surveys showing the root protection area (RPA) and an impact assessment in order to demonstrate that the landscaping can be retained.

10.22 Having analysed the additional information submitted the Landscape Officer, although stating that the space between the store and the hedges is tight and leaves minimal working room, it is just about possible to retain the hedges during the construction process provided careful protection measures are strictly implemented on site. In light of the comments made by the Landscape Officer, it is considered that the retained hedges and the addition of new hedges which adequately ensure that the proposal will not have an overbearing impact on neighbouring residential properties to the north. It is considered that there is sufficient separation distance from the dwellings to the south and west of the site, to avoid issues of over-dominance or over-shadowing from arising.

10.23 A noise impact assessment has been submitted in support of this application, the scope of the report was to assess noise from the fixed plant (external compressors for refrigeration equipment) and the possible noise impact from the deliveries on the

nearby residents. Environmental Health is satisfied with the noise assessment for the fixed plant (which would be operated day and night) and comments that the recommendations of the report should be implemented i.e. erection of solid timber fence around the refrigeration equipment.

- 10.24 Environmental Health has no objection to the deliveries being made during the day-time but have concerns that night time deliveries could result in noise issues and therefore generate complaints from the nearby residents. When deliveries are made, it is highly likely that there will be some incidents when the noise levels significantly exceed the background noise levels due to banging and clanking noises. The Environmental Health Officer is therefore recommended that night-time deliveries be restricted via condition. The applicant has suggested that the delivery time be restricted to 7am until 11pm. Given that the applicant states that there is only likely to be two deliveries made to the site in a day and each delivery is only likely to takes 20minuts, it is considered that the times suggested by the applicant is acceptable and is unlikely to harm the amenity of the neighbouring residents.

S106 contributions:

- 10.25 By virtue of its scale, the development proposal is required to make the following contribution and provisions which will be secured through a S106 Agreement:

- Public Transport Infrastructure Contribution £67,354,
- Bus Stop improvement contribution £10,000.
- Employment and Training
- Funding of Waiting Spaces should off street parking issues arise
- Travel Plan Monitoring Fee of £2,500

Public Representations

- 10.26 The concerns by member of the public relating to impact the proposal will have on neighbouring residential amenity, has been addressed in the report. The application has been refused on the grounds that the proposal store will have an over-dominating impact on neighbouring dwellings.
- 10.27 The concerns relating to light pollution, is noted. It is considered that this issue can be overcome by condition.
- 10.28 The comments made that the proposal will raise issues relating to air pollution, is unreasonable. It is not considered that the proposal will pollute the air to a level that will harm public safety.
- 10.29 The concerns raised with regards to noise omitted from refrigeration plant, has been evaluated by Environmental Health Team, who has raised no concerns.
- 10.30 Issues relating to the level of parking, highway safety and the suitability of the highway network to sustained the development, has been addressed by the Highways Officer who has objected to the proposal on the grounds of Highway Safety.
- 10.31 The concerns raised relating to the impact of the development on the character of the area has been discussed in the report. It is considered that the proposal will not have

a harmful impact on the character of the area as the building proposed will appear better than the existing structure on the site.

- 10.32 The concerns raised that the proposal will harm the vitality and the visibility of the town centre, has been addressed in the report.
- 10.33 The comments made that the applicant has exaggerated the number of jobs the store will create, is noted. However, in this instance, this issues has no bearing on the consideration of the application.
10. 34 The concern raised that the proposal will set a precedent for granting other out of centre retail development, is unreasonable. As each application is considered on its own merits, it is considered that approving this scheme will in no way lead to more out of centre retail store being developed within the town.
- 10.35 The comments made that Aldi is a supermarket and not a convenience store, is noted. However, this has no bearing on how the application is assessed.
- 10.36 Members of the public have commented that the proposal will not encourage linked trips to the town centre nor will the proposal be integrated to the town centre are noted and has been assessed but does not indicate that the proposal should be refused on this basis.
- 10.37 Some members of the public comment that the redline boundary is inaccurate. No evidence has been submitted to substantiate this claim and therefore the proposal cannot be refused on these grounds.
- 10.38 The concerns raised that the proposal will raise the risk of flooding, has been evaluated by the Flood Risk Management Team who have raised no concerns.
- 10.39 The comment made that the height of the building shown on the plans is inaccurate and does not take into account the difference in ground levels, is noted. The applicant is responsible for submitting accurate plans and it is considered that accurate plans have been submitted.
- 10.40 The comments made that the Sainsbury's and Asda sites where more suitable, is noted. However, it is considered that this issues is not a material planning consideration.

11.0 CONCLUSION

- 11.1 It is considered that the proposal for a new food store in this out of centre location is considered acceptable in terms of its principle, access arrangements, layout, design, scale and materials and will not have an adverse impact on the vitality and viability of the town centre or the character of the area. It is considered that any harm to residential amenities particularly the dwellings to the northwest of the site can be mitigated by condition requiring the hedging to the common boundary being retained and by further hedging being planted.
- 11.2 Although the parking provisions are do not strictly comply with the UDP, it is considered that the site being the turnover of spaces within the car park will be high which will limit the overall number of cars parked within the car park at any one time. Therefore, the reduced off street parking provision can be accepted in this instance.

11. 3 On balance, the recommendation is to defer and delegate to the Chief Planning Officer for approval subject to the completion of a Section 106 Agreement.

Background Papers:

Application and history files.

Certificate of Ownership: Certificate B signed and notice served on Nidd Vale Motors Limited; Betty Ann Tomlinson; and Michael Rowlands.

LEEDS CITY COUNCIL

18 JUL 2014

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18 JUL 2014

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Stone
House

Aldi Stores Ltd
 Market Lane, Wetherby

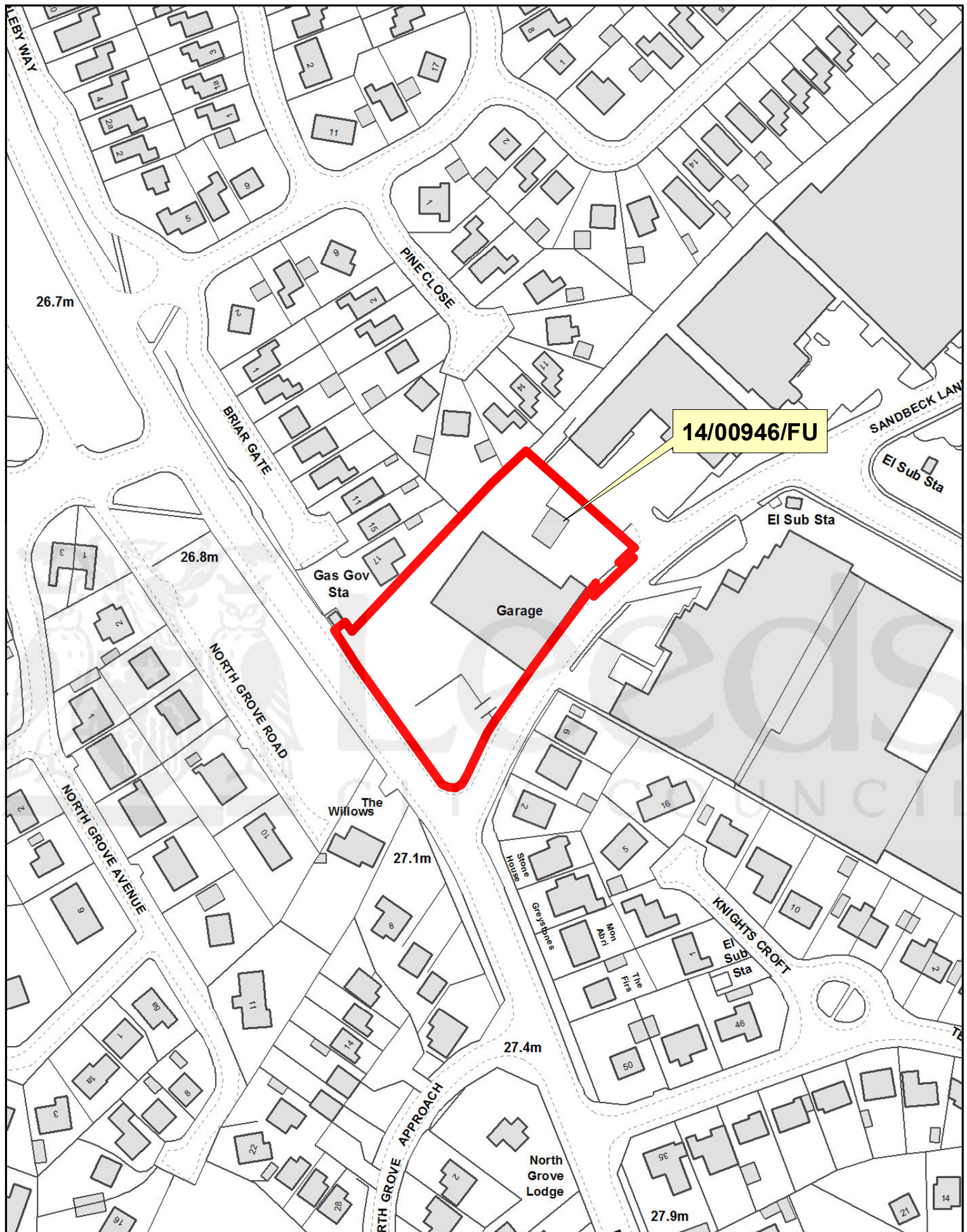
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NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

