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**Report of the Chief Planning Officer**

***CITY PLANS PANEL***

**Date: 9<sup>th</sup> May 2013**

**Subject: APPLICATION Ref: 12/01715/FU Erection of a supermarket and associated infrastructure including car parking provision for 265 vehicles and petrol filling station at land off Sandbeck Lane, Wetherby LS22.**

**APPLICANT**

Asda Stores Ltd and  
Wetherby Park Ltd

**DATE VALID**

1<sup>st</sup> May 2012

**TARGET DATE**

PPA target tbc

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**Electoral Wards Affected:**

**Wetherby**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:**

**REFUSE** for the following reasons:

**1. The Local Planning Authority considers that the proposed retail store which would be located in an out-of-centre location, together with the absence of linked trips and lack of integration to the town centre, would likely to have a significant adverse impact on the vitality and viability of Wetherby town 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 Leeds Local Development Framework.**

**2. The Local Planning Authority considers that by virtue of the site's location, poor access to public transport services and with limited scope for walking trips, the movements to and from the proposed retail store will be dominated by trips by the private car, contrary to Strategic Aim SA2 and Policy T2 of the Unitary Development Plan Review (2006), the guidance contained within the**

## **National Planning Policy Framework and emerging Policy T2 of the Draft Core Strategy Leeds Local Development Framework.**

**3. The Local Planning Authority considers that the submitted Travel Plan is unacceptable as regards site assessment and audit, measures/ actions, mode splits and targets, role of Travel Plan Coordinator and the form, timing and length of monitoring. As such, the proposal is considered detrimental to the aims and objectives of sustainable transport, contrary to Strategic Aim SA2 and Policies GP5 and T2c of the Unitary Development Plan Review (2006), the Supplementary Planning Document 'Travel Plans' and the National Planning Policy Framework and emerging Policy T2 of the Draft Core Strategy Leeds Local Development Framework.**

### **1.0 INTRODUCTION:**

1.1 This application is a full application for a new supermarket in an out of centre location to the north-eastern edge of Wetherby. This application is brought to City Plans Panel as it is a major proposal with implications for Wetherby town centre.

### **2.0 PROPOSAL:**

2.1 The application seeks permission to erect a supermarket (Asda). The supermarket proposal includes the following components;

3,714sqm gross floor area;  
2,327sqm net sales area with 1,629sqm of sale area for convenience goods (70%) and 698sqm for comparison goods (30%);  
265 car parking spaces proposed (incl. 19 disabled persons spaces, 4 electric charging spaces); motorcycle and cycle parking facilities;  
4 pump petrol filling station;  
In-store café;  
1 ATM located to the west facing elevation (front);  
Recycling facilities;  
200 full time jobs;  
Opening hours: seeking 24hr opening.

2.2 The proposed supermarket is to be located in the eastern portion of the site and is oriented to face westwards, out to the store's car park which occupies the central and southern part of the site. The store's service yard adjoins the northern side of the store building, set behind a landscape buffer proposed along the northern Sandbeck Lane frontage. A petrol filling station is positioned to the western portion of the site, set at a lower ground level to the store car park and positioned behind existing and proposed landscaping along Hudson Way and Sandbeck Lane.

2.3 The proposed supermarket will utilise existing road links around the site, accessed from an existing roundabout on Hudson Way (A168). The proposal will extend Sandbeck Lane to form a new smaller access roundabout that feeds vehicles into the car park and petrol filling station and provide a segregated access for buses and service vehicles further along Sandbeck Lane.

2.4 The proposed store building is rectangular in footprint (73m x 53m) and will elevate to height of 7.5m. The west facing front elevation includes a glazed entrance feature displaying the corporate branding and a brise-soleil detail. This entrance feature projects up through the roof formed canopy that overhangs the front elevation of the

building. Flanking the entrance feature are tall panels of glazing and timber cladding with sections of grey cladding attached above. The building utilises a shallow inverted pitched roof (rises to its highest at the rear) which is to be constructed of a grey membrane. The servicing yard is enclosed by high fencing and the functional plant equipment of the store is to be positioned to its rear. The proposal is designed to achieve BREEAM rating of very good.

- 2.5 The proposed petrol filling station contains 4 petrol pumps with a canopy over that elevates to a total height of 5.1m and covers 12.4m x 12.6m in area.
- 2.6 The existing bridleway is to be retained and re-directed to run north-south along the eastern edge of the site connecting Sandbeck Lane with Hudson Way. The re-directed route will include a further connection around the southern side of the site to a pathway that extends along the edge of Hudson Way (A168).
- 2.7 A new bus stop is to be provided to the north of the store. The proposal includes a diversion of the X70 into the site and provides a new hourly service, providing a combined frequency of two buses per hour. These buses will provide a connection to the town centre and to local residential areas of Wetherby.
- 2.8 In relation to the proposed planning obligations, the proposal includes employment and training initiatives; a contribution towards public transport infrastructure (£750,000- to subsidise a bus service for 5 years); traffic management scheme (£5,000); and a travel plan monitoring fee (£3,250).

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

- 3.1 The application site lies to the north east of Wetherby, on its very edge, on a parcel of land between Hudson Way, Sandbeck Lane and the A1(M). To the south west of the site lies Sandbeck Industrial Estate with a residential estate located beyond. The industrial estate is set behind an established tree belt screening views of the buildings from this site. To the north of the site are open fields containing a bridleway. To the east of the site runs the A1(M), beyond which are open agricultural fields and outlying villages.
- 3.2 The application site lies to the south side of Sandbeck Lane, is broadly triangular in shape and was a former agricultural field. The site formerly contained a dwelling (demolished) but now comprises rough grassland bounded by hedges, with a significant number of trees to the site's perimeter and smaller tree groups interspersed around the site.
- 3.3 The land levels change across the site with a rise in the land level towards the southern tip of the site. At present views into the site from the north-west (by roundabout junction of Sandbeck Lane/Hudson Way) are relatively open however owing to a dense arrangement of trees and a rise in land levels along the site's eastern boundary and Hudson Way frontage prevents views into the body of the site from the east (A1(M)) and south (from A168).
- 3.4 There are no bus stops in the vicinity of the site, with the nearest stop situated approximately 400m away along Sandbeck Lane.

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

- 4.1 10/00279/OT Outline Planning Application to layout access and erect business and industrial park development, with offices, research and development units, light industrial units, warehouses with car parking and attenuation pond- Approved (05/12/11).
- 4.2 Of relevance to this application, it is to be noted that planning applications have recently been considered for a new Sainsbury's retail foodstore to the south of Wetherby town centre (Ref. 12/00113/FU) and a proposed extension/ reconfiguration to the existing Morrison's store located within Wetherby town centre (Ref: 12/03034/FU).
- 4.3 The new Sainsbury's foodstore was located approximately 400m to the south of Wetherby town centre in an out of centre site presently occupied by the Mercure Hotel. The supermarket had a proposed gross floor area of 5,189sqm and a net retail floor area of some 2,347sqm with a convenience / comparison goods split of 92% / 8%. The planning application was presented to Plans Panel East on 12<sup>th</sup> July 2012 and Plans Panel resolved to **refuse**, decision issued on 12/07/12 citing the following reasons:

*'The Local Planning Authority considers that the proposed retail store which would be located in an out-of-centre location, together with the absence of linked trips and lack of integration to the town centre, would likely to have a significant adverse impact on the vitality and viability of Wetherby town 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 Leeds Local Development Framework, February 2012.*

*The Local Planning Authority considers that the proposed development would be harmful to the character of the area, including the character and appearance of the adjacent Wetherby Conservation Area owing to the siting of the building, the prominence and orientation of the service yard, the location and extent of hardsurfacing and car parking and overall absence of mature landscaping along a prominent street frontage. The proposal would have a detrimental impact upon a key gateway into this market town and would fail to take the opportunities to improve the character and quality of the area and the way it functions. The proposal is considered to be contrary to Policies GP5, N12, N13 and N19 of the Unitary Development Plan (Review 2006), the guidance contained within the Wetherby Conservation Area Appraisal and the guidance contained within the National Planning Policy Framework.'*

- 4.4 A proposal to extend and reconfigure the existing Morrisons in Wetherby town centre involves replacing 4 existing retail units, reducing the size of an existing unit and removing circulation space in order to extend the floor area of the existing supermarket along the western edge of the store. The additional floor space results in an increase in the gross floor area from 6,224 to 6900sqm (+676sqm). The net sales area will increase from 3,258 to 3,868sqm (+610sqm). Improvements to the Hallfield Lane lorry park, for use as car parking, will result in the provision of the laying out of 144 car parking spaces or thereabouts for town centre users. The planning application was presented to Plans Panel North & East on 1<sup>st</sup> November 2012 and Plans Panel resolved to **approve** and the decision issued on 08/11/12. The extant planning permission has not yet been implemented.

## 5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A pre-application meeting took place to outline the proposals and discuss the location of the development (out of centre), design and massing of the building, tree retention, parking provision and ascertain the validation requirements. In addition, a separate meeting was held with Highway officers although at that point the Transport Assessment and Travel Plan had been finalised in preparation of the application submission.
- 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. As such, two meetings took place between the Council Officers, the applicants and their agents, as well as relevant consultees, including the Council's retail advisor at one of the meetings. These meetings took place on 28<sup>th</sup> August 2012 & 29<sup>th</sup> November 2012 respectively. The issues which were discussed at these meetings related to the retail planning issues, design, landscaping and highway matters. This culminated in the receipt of revised plans reducing the size of the car park with tree planting introduced, the re-positioning of the store building to afford a wider tree belt and wider landscape/bridleway corridor. In addition, further supplementary retail policy information was received that considered Morrison's recent permission to extend and include a shopper survey.
- 5.3 The submitted Statement of Community Consultation outlines the events and measures the applicant carried out to publicise the proposed supermarket. During 2012, three separate public exhibitions were held, March 15<sup>th</sup>-17<sup>th</sup> (prior to application submission), 19<sup>th</sup> September and 18<sup>th</sup> October. Overall, the applicant advises that around 600 people attended the events with around 80% registering support for the proposals.

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

- 6.1 The application was advertised (major, departure and affecting right of way) by site notice display on 18<sup>th</sup> May 2012. The application was publicised in the Boston Spa and Wetherby News on 1<sup>st</sup> June 2012. Further site notices were displayed, publicising amendments on 10<sup>th</sup> August and 12<sup>th</sup> October 2012.
- 6.2 In total, the application received 73 letters and a petition containing 1379 signatures expressing support, 35 letters and a petition of 771 signatures registering objection and 4 letters offering a general comment on the application. The letters of representation and the grounds for citing their opinion are summarised below:

### **Objections received:**

- 6.3 A letter of objection received from **Alec Shelbrooke MP**, dated 24<sup>th</sup> July 2012, stating:
- the application would be damaging to the local economy, particularly the effect on local independent traders who do so much to keep Wetherby as a traditional market town, attracting many visitors.
  - main objection is the out of centre location. Wetherby currently has an in-town Morrisons supermarket which is working reasonably well alongside local traders, drawing people into the town.
  - Wetherby already has 3 supermarkets as well as local independent traders and does not consider that constituents need another retailer on the outskirts of town.
  - In addition, those constituents who choose to shop at Asda stores are already well serviced with stores at York, Harrogate, Killingbeck and Castleford within driving distance.

- 6.4 **Wetherby Town Council** comments dated 8<sup>th</sup> June 2012. *Objections* raised on the following: no staff parking provision & add to problematic car parking in the town; prominent signage visible from motorway not acceptable; request independent retail impact survey- huge concerns about impact the store will have on businesses in town centre; delivery vehicles to use A168 & need drop in speed limit; address concerns on site wildlife; existing public bridleway and pathways be maintained; question whether drainage strategy is adequate; building materials to be in keeping with town, as gateway to town source york stone/brick (not timber cladding); provision of lorry park and rest area for commercial vehicles; need details of shuttle bus.
- 6.5 *Revised Wetherby Town Council* comments dated 13<sup>th</sup> February 2013. At a full meeting of the Town Council the previous resolution was overturned. Wetherby Town Council now *support* the above planning application as the objections to this development have been resolved.
- 6.6 **33 letters of objection on grounds of:**
- Current shopping facilities more than adequate- Wetherby does not need another supermarket with existing Morrisons, M&S, Co-Op and Sainsbury's local.
  - Another supermarket will undoubtedly cause closure of independent retailers- there are 'To Let' boards up and pubs vacant- closures of businesses.
  - Detrimental effect on the vitality and viability of the town centre.
  - Result in fewer shoppers going into Morrison supermarket and fewer linked trips to other retailers in centre.
  - Supermarket has 30% of sales area for comparison goods, increase the likelihood of shoppers doing all their shopping in the supermarket and not visiting the town centre.
  - Consider very few shoppers shop in supermarket then walk/ drive into town-centre too far away and limited parking discourage shoppers to visit town- shoppers will bypass town centre, affecting trade.
  - Location of store not convenient for residents- increasing car journeys with accompanying increase in accidents and pollution.
  - Supermarket would drive shoppers away from local shops- lead to people having to travel to Harrogate, Leeds or York for individual shops.
  - In recession and although retailers are keeping heads above water, if fewer shoppers visit town centre, they will close.
  - Supporting independent traders means supporting local producers/farmers and reducing food miles.
  - A similar market town in north-east has no independent retailers left since the introduction of a second major supermarket (edge of town development).
  - Traffic flow has improved since link road, a new store would create havoc with traffic.
  - Residents that live around the Sandbeck estate- what would happen to their peace and tranquillity.
  - Design of supermarket is uninspiring- visible along by-pass; the roads serving the town are important to the wider character and setting of Wetherby.
  - Residential population not large- query feasible or sustainable to have another supermarket.
  - Concerned about an edge of centre supermarket and impact on independent shops/ character of town.
  - The area is a green fringe to town, a break between the town and service station- landscape and wildlife should be retained.
  - Proposal will encourage more development until town extends and completely infills.

- No commitment to bus service or lower priced fuel.
- Large increase in traffic at junction of Deighton Road and Sandbeck Lane- already difficult to get in/out of drive and would get worse. Any upgrades to junction would make it more hazardous for residents, road users and pedestrians.
- Revised traffic assessment now states Sandbeck Lane/ Deighton Rd junction will now operate at capacity- cause of concern/confusion.
- Sandbeck Lane is currently very congested by parked cars/ lorries- road cannot cope with increase in traffic- no further development on estate. Increase traffic impact on A168.
- Adverse impact on adjacent public footpaths.
- No need for another petrol filling station.

6.7 **Petition containing 1094 signatures registering objection to the proposed Asda store**, including a covering letter highlighting concerns:

- one trader stating that retail assessment shows they will take 22% trade out of town centre- result in laying off people if see downturn in trade.
- Traffic increases on roads containing schools.
- Environmental impact of increased traffic/ pollution (Morrisons to add to this on opening of filling station).

6.8 **Objection from Wetherby Civic Society:**

- Unconvinced that the existing range of small & larger traders is unable to meet the current retail needs of the residents of town and surrounding villages.
- Smaller traders currently struggle – an increase of vacant premises and charity shops on temporary lease in recent years.
- Previous research recognises that majority of trade will not be new customers to the town, but simply gained as a result of diverting and drawing customers away from the town centre- no proven need or demand & duplication of services should be rejected.
- no account given to number of residents already work, or have family/ friends in towns to combine their shopping with existing journeys.
- Disputes employment estimates- low paid/ mostly part-time temporary- probably overshadowed by decline in other local traders.
- Proposed development disproportionate, inappropriate and unnecessary in meeting present needs- detrimental and effectively destructive to unique character of this small market town.

6.9 **Wetherby Business Association** dated 9<sup>th</sup> August 2012:

- genuine concern that an edge of town superstore will harm the commercial viability of Wetherby town centre.
- Large modern superstores a type of one stop shop, where customer can buy groceries, hardware, wine and spirits, electrical goods, fashion, shoes, providing a deli, bakery, fish and meat counters, café and restaurant- organisations source goods at lower price and offer free parking which small trader cannot do- cannot compete.
- When such stores are located in town centre- there are benefits from increased footfall but this store is located out of centre- likelihood of customers using bus service to link with town centre is minimal.
- Result in decline in the number of shoppers using the town centre- reduce spend at local shops and threaten their existence.
- Retail in Wetherby is very fragile- many traders faced with high rent/rates making profits which are below average earnings. Significant fall in turn-over can cause business to fail- sale of non-food items in a new superstore may have such a damaging effect on a number of local trades.

- Do not believe there is a demonstrable need for a large new store on edge of Wetherby- nor that existing town centre supermarket and existing shops are incapable of fulfilling local demand.
- Association sees no reason why the proposal is any different to that put forward by Sainsburys (which was refused). Concerns heightened given scope for further development of adjoining land and possibility of retail park being developed.
- Position might be different is the store operator willing to develop in sympathy with local interests- e.g. restricting the range of non-food goods offered for sale- so shoppers have some reason to visit local shops & restricting future development of adjoining land.

6.10 **Objection on behalf of WM Morrison Supermarket PLC** dated 8<sup>th</sup>, 13<sup>th</sup> August and 1<sup>st</sup> October 2012:

- Level of overtrading by Morrisons in the retail assessment identified by the applicants (of 60-85%) is strongly disputed.
  - Applicant used incorrect floorspace figures and benchmark turnover of Morrisons in the retail assessment.
  - Morrisons store, whilst performing strongly, is not trading at the exceptional levels identified by applicants- figure do not indicate an overriding need for a large new foodstore.
  - Morrisons estimate that the store is trading at around 38% (increasing to 45% by 2018) above company average rather than 60-85% stated by applicant.
  - in terms of choice, this is met by a variety of shops in the town centre.
  - no over riding qualitative need for another store.
  - Proposal will compete strongly with and divert a significant amount of trade from existing facilities in Wetherby town centre and have significant adverse impacts on Wetherby town centre as a whole and Morrisons in particular.
  - Highlight disagreement between trade draw proportions and consider that a significantly greater proportion of trade would be drawn from Wetherby- impact of the development on trips on the town centre is likely to be greater.
  - applicant has underestimated the proposed turnover of their store
  - At 2018, £14.82m (nearly 65% of the proposed Asda store's turnover) will be diverted from the Morrisons store to the proposed Asda store, however using the sales density the trade diversion would be £15.29m.
  - impact from proposed store on Morrisons turnover would be 31% and is very significant and harmful.
  - Morrisons would be trading at a reduced level around company average.
- significant impact on Morrisons will have significant effects on the town centre due to fewer linked trips
- applicant requested to provide further details on types of concessions (e.g. pharmacy, dry cleaners, Opticians, travel agents etc) proposed at the store.
  - The development will have significant and adverse impacts on Wetherby town centre as a result of 31% trade diversion from Morrisons store and will reduce the number of shoppers and expenditure flowing to and through Wetherby town centre.
  - Whilst no sequentially preferable site were identified, such a site now exists- Morrisons intends to extend and refurbish existing store in Wetherby town centre (app submitted in July 2012)- consider Asda site fails the sequential approach.
  - Site located around 1.5km walking distance from town centre boundary, has very poor pedestrian linkage which will make store function as a stand alone, out of centre shopping destination
  - Pedestrian routes from nearby residential areas to the site are neither particularly safe or attractive and are unlikely to encourage shoppers to undertake shopping trips on foot.
  - Site not served by bus, nearest stop 400m away that operates relatively infrequent services, only serving east and north of Wetherby. No bus proposals in place.



- Proposal inconsistent with the policies for ensuring the vitality of town centres set out in NPPF and should therefore be refused in accordance with para. 27.
- Query assumptions made in Transport Assessment made in relation the assignment of trips (Wetherby and the north incl. Knaresborough/Spofforth)- lead to impact of the development trips on Sandbeck Lane/Deighton Rd junction and on the town centre being significantly greater than presented- surprising that the re-assessment of Sandbeck Lane/Deighton Road junction now has future capacity.
- Do not consider that site, which lies about 1.5kms from town centre, lead to reduce the need to travel and promote public transport and other sustainable alternatives.
- Closest properties are commercial/industrial- therefore limited number of residential properties in 1km pedestrian catchment limited.
- No crossing facilities at the site access roundabout other than splitter islands. Pedestrian link from A168 uses existing footway- neither particularly safe or attractive routes. consider pedestrian improvements minor in nature and do not address severance effect of A168 / remoteness of site from residential population.
  
- Bridleway running along the southern and eastern boundaries to access footpaths to the north, rather than Sandbeck Lane, increases distance.
- Staff cycle parking spaces not in secure location and unattractive route to them (via service yard) unlikely to encourage usage. Customers cycle parking space not well defined.
- Existing bus service (780) serves bus stop on Sandbeck Lane and Audby Lane (within 400m of site)- not a frequent service (runs hourly Mon-Sat) and does not serve large residential areas to western side of Wetherby. No bus service proposals in place- little point providing a bus facility at the store if no services are going to use it.
- Proposed improvements to pedestrian and bus services cannot change reality that the site is not in a location that would reduce the need to travel and promote the use of public transport and other sustainable alternatives
- Proposed 310 parking spaces exceeds maximum parking standard (265 spaces)- providing parking in excess of guidelines hardly likely to encourage use of sustainable modes of transport- an admission that the site is in an unsustainable location. Excess spaces could be for park and ride although no explanation for purpose.
- No improvement scheme identified to mitigate impact on Sandbeck Lane/Deighton Road junction.
- Concern that on-street parking is prevalent on Sandbeck Lane during weekdays- reducing carriageway width and reduces suitability to act as a significant access route to the proposed development.
- no provision of bus service during evening or Sundays- no indication on period of funding- risk that service withdrawn when funding ends.
- No further explanation as to the purpose or mode of operation of car park as an informal park and ride.

6.11 **Objection on behalf of Sainsbury's Supermarkets Ltd** dated 5<sup>th</sup> July 2012.

- support the principle of a second supermarket in Wetherby, to improve choice and competition but Sainsburys site is best placed to achieve this end in a sustainable manner.
- Sainsburys site approx. 500m from primary shopping frontage; Asda approx. 1,400m from primary shopping frontage.
- Sainsburys site will exercise legal right of way to provide direct pedestrian route to town centre; include a hopper bus- meaning that Sainsbury's site is better connected.

- Proposed diversion of 780 service but only serves areas to north of site; Sainsburys has number of residential properties close by with easy pedestrian access to store.
- Core planning principles give preference to the reuse of brownfield sites (such as Sainsburys).
- Distance of Asda store from town centre equate to walk time of 16mins 40secs (some 11mins 40secs further away than Sainsburys site) offering fewer opportunities for customers to link their town centre trip.
- No proposed off-site pedestrian or cycle facilities to improve town centre connectivity.
- Store entrance is some 580m from nearest bus stop (exceeding 400m recommended maximum walk distance).
- No bus services in evening or on Sundays an issue as store proposes 24hr opening.
- Proposed bus service diversion (780) not a commitment- only provide limited frequency and not result in site being reasonably accessible by bus.
- Sainsburys site is significantly more accessible by bus when compared to the Asda proposal.
- Dispute the applicants retail assessment's that considers Sainsburys will give rise to a significantly greater impact on the town centre than the Asda store.
- Asda has a larger sales area (by 110sqm) than Sainsburys; with 28% of sales area for comparison goods (in contrast to 8% in Sainsburys)- meaning the need to visit other comparison retailers in the town centre will be much less than Sainsburys.
- Asda is further from the town centre than Sainsburys and mean that propensity for linked trips to take place with other business in town centre will be significantly less than Sainsburys.
- Dispute that Asda store is better positioned to clawback expenditure currently directed elsewhere (therefore less impact than Sainsbury's).
- Household survey (commission by Sainsbury's) demonstrates that a significant proportion of expenditure currently being directed to facilities outside catchment area is to Sainsbury's stores in Harrogate and Tadcaster.
- Do not agree that the Asda store will clawback more expenditure from residents currently travelling north- constrained by proximity and strength of competing provision.
- Consider Sainsbury's to be in a much better position to address leakage and encourage more sustainable shopping patterns (particularly when factoring brand preference).
- Asda is in an inferior location in relation to the town centre and offer wider range of comparison goods- reducing the need to visit the town centre for such goods.

**Expressions of Support received:**

6.12 **77 letters of support for the application on the following grounds:**

- With new houses being built in local villages support another supermarket, Asda provide much needed jobs and shopping.
- Parking in Morrisons car park/ town centre is difficult; all access points are gridlocked; spaces are tight; shoppers use 2hr free parking even if not visiting Morrisons.
- Need another supermarket to cover growing needs of the town and surrounding areas.
- Cut stranglehold of local traders and provide more car parking place which will not congest town centre; local traders are losing customers because of their prices not because of Asda.
- Site ideal for those who live this end of Wetherby- would not stop shopping in town.
- Jobs will invigorate the area; prospect of having a large employer is very advantageous; job creation will be fantastic for Wetherby

- Morrisons trade without any large competition no way of comparing value/ having choice; proposal will bring convenience and choice.
- Prices in the Morrisons store increase month on month; Morrisons are overtrading- no competition, high prices. Morrisons extension would not have happened without Sainsbury's and Asda's applications.
- Another petrol filling station keep other two petrol stations on their toes.
- Air pollution caused by vehicles visiting Morrisons car park- Asda would draw customers away thereby reducing congestion/ pollution in the centre.
- Morrisons cannot cope with volume of shopper- people fight for parking spaces; people shop at Harrogate/Seacroft Asda rather than get in at Morrisons.
- Insufficient shopping choice in Wetherby (shop at Morrisons or shop outside Wetherby)- leads to people travelling elsewhere to shop (money that could be spent locally).
- New bus service will encourage people to shop locally, especially for elderly.
- Asda close to the town will bring people to Wetherby rather than taking trade to other centres.
- Enhance an undeveloped part of the town (currently derelict), easy access for outlying towns and north of Wetherby; minimal disturbance to wildlife.
- Will not have a negative impact on the look of the town centre, be energy efficient and sustainable as a building.
- Will save on food shop as well as petrol- purchase garden accessories, plants- Morrisons taking over shops in town centre- which is losing it's charm.
- Good if Asda opened 24hrs and included a chemist.
- Proposed location serves minimal disturbance to residents, far enough away to avoid conflict with other local businesses and has road infrastructure to accommodate increase in traffic.

**6.13 Petition containing 1379 signatures expressing support for the Asda proposal** which were attached to the following statement:

- *A new Asda store bringing more choice and competition to Wetherby shoppers.*
- *Low priced fuel at a new petrol filling station.*
- *A wide range of Asda food and non-food lines, including George clothing.*
- *Same prices as all other Asda stores- unlike some other supermarket chains.*
- *Over 200 new jobs for local people.*
- *Winner of UK's Favourite Supermarket for 2<sup>nd</sup> year in a row.*
- *Winner of UK's Lowest Priced Supermarket for 15 years in a row.*

**6.14 Leeds, York and North Yorkshire Chamber of Commerce express support on the following grounds:**

- New jobs welcome boost to the economy of the area.
- Asda has good track record of employing local suppliers- also likely to create jobs - during construction phase.
- Believe there is strong support for the scheme (residents and town council).
- Aware of Asda's extensive links with local communities.

**6.15 4 comments were also received *neither* objecting to or supporting the planning application:**

- comment on behalf of the Wetherby District Footpath Group concerned about proposed diversion of bridleway (behind store and between motorway fence make unpleasant/potentially difficult walk as narrow).
- whilst new store welcomed building design is very basic and has no character, not worthy of area.
- increased traffic impact along Sandbeck Lane and at junction of Deighton Road; on-street parking reducing to single carriageway width, acute angle of junction alignment; require proposals to deal with extra traffic.

## 7.0 CONSULTATIONS RESPONSES:

### **Statutory:**

- 7.1 Environment Agency comments dated 12<sup>th</sup> June 2012. Suggested condition covering details of the surface water drainage scheme and advisory not on groundwater protection and site waste management plans.
- 7.2 Highways Agency comments dated 17<sup>th</sup> July 2012. The transport assessment has been reviewed and the proposal will not have a material impact on the Strategic Road Network, in this case the A1(M). Detailed comments made in respect of the applicant's Travel Plan but given the very limited impact of the proposal on the Highway Agency's network it is unnecessary to lodge a direction of non-approval but recommend the Travel Plan related comments are taken on board.
- 7.3 Highways comments received during the consideration of the planning application dated 6<sup>th</sup> June, 9<sup>th</sup> November 2012 and 9<sup>th</sup> April 2013. Highway conclude that the application cannot be supported for the following reasons:

- the site is poorly served by public transport and is located on the periphery of Wetherby (approx. 1250m from edge of centre) with limited scope for walking trips. Movements to and from the site would therefore be dominated by the car contrary to local, regional and national policy.
- Improvements to public transport services serving the site have been proposed, but these services would not run in the evenings or Sundays. The services would not comply guidance set out in the adopted SPD, draft Core Strategy and RSS and there is concern regarding the long-term sustainability of such services.
- In addition, no commitment has been made for incentives for customers to encourage bus use.

### **Non-statutory:**

- 7.4 West Yorkshire Archaeology Advisory Service comments dated 31<sup>st</sup> May 2012. The application site is in an area of archaeological potential. This site may represent the medieval settlement of 'Audby'. If the LPA are minded to grant permission, then a condition should be imposed to secure a programme of archaeological recording.
- 7.5 Flood Risk Management comments dated 24<sup>th</sup> May 2012. No objection, subject to a condition requiring details of the surface water drainage scheme.
- 7.6 Ainsty (2008) Internal Drainage Board comments dated 31<sup>st</sup> May 2012. Suggested condition requiring details of the surface water drainage scheme.
- 7.7 Yorkshire Water comments dated 1<sup>st</sup> June 2012. Suggested conditions covering provision of separate systems of drainage (foul & surface water); no piped discharge of surface water until works to provide a satisfactory outfall for surface water; details of means of disposal of foul water; no building brought into use until completion of foul drainage works; surface water from vehicle parking and hardstanding area to be passed through interceptor.
- 7.8 Metro comments dated 4<sup>th</sup> July 2012. Location of the site is not conducive to encourage sustainable travel. Site lies over 1km from Wetherby town centre and Metro do not share the applicant's view that a 1km walk distance is acceptable for a food store. Applicant's have presented 4 bus service options (diverting of 780 service to the site; increase frequency of 780 service to ½ hourly; divert 780 service &

introduce new hourly service to link residential areas and town centre; new ½ hourly service to link Asda to residential areas and town centre). However, none of the options would result in a service that meets the standard set out in the LCC's Public Transport SPD. Metro require further clarity from LCC if they are prepared to accept lower frequency service to this site with more local connections provided. Further concerns that service options become commercially viable beyond a funding period. Long term accessibility of the site could therefore not be guaranteed unless the developer would consider funding a service until a commercial operator registered and equivalent service.

- 7.9 Contaminated Land comments dated 24<sup>th</sup> May 2012. As the proposed end use of the site is considered to be of a low sensitivity no objection to permission being granted subject to condition covering the submission of site investigation works, remediation statements and verification statements.
- 7.10 Nature conservation comments received during the consideration of the planning application dated 28<sup>th</sup> May, 5<sup>th</sup> July and 4<sup>th</sup> September 2012 concluding that the additional surveys for bats, Thistle Broomrape and reptiles make clear the development will have adverse impacts on biodiversity unless the recommendations proposed by the various reports (produced by AECOM) are fully carried out. Efforts to be made to retain identified tree and suggested conditions if permission granted: protection measures for hedgerows, trees, grassland; details of any external floodlighting across site; no site clearance during breeding season (1<sup>st</sup> Mar-31<sup>st</sup> Aug). Reference back to original comments expressing disappointment about utilizing conventional piped drainage system rather than SUDS.
- 7.11 Landscape comments received during the consideration of the planning application dated 29<sup>th</sup> May, 19<sup>th</sup> June and 2<sup>nd</sup> August 2012. Welcome improvements made to layout- landscape buffer is more meaningful to the north; request more trees added to the mass car park; in regards to the bridleway the southern end needs to be pulled back in an easterly direction away from the car park as it was previously. The hedgerow indicated between the car park and the petrol station is definitely unacceptably narrow; hedgerow being proposed parallel to Hudson way is too narrow; planting details to be treated as indicative; excessive use of tarmac in the car park and pedestrian routes is unacceptable and some differentiation between pedestrian and vehicular surfacing needed; the SE car park is particularly harsh and bland- trees could be combined with shrub beds. Revised layout plans received to address the above.
- 7.12 Environmental Protection Team comments dated 29<sup>th</sup> May 2012. The submitted noise report details current noise levels and predictions of expected noise levels from the operation of the new superstore. The nearest residential dwellings are some distance away, approximately 340m (Otterwood Bank & Sandbeck Way). Ambient noise survey determined that road traffic on the A1 is principal noise source.

The categories assessed within the report included fixed plant noise, deliveries to the store, noise from customers using the car park, noise from increased traffic, petrol filling station and recycling centre. In light of these considerations the following planning conditions are recommended:

- Details of the rating level of noise emitted from fixed plant when measured and/or calculated at the specified premises in free field conditions shall not exceed 30dB at residential locations on - Sandbeck Lane or Otterwood Bank.

- Details of sound attenuation measures to the waste compactor including angle of view from nearest noise sensitive premises and calculations at first floor level be submitted.
- Submission of a delivery management plan (incl. measures to disable vehicle reverse alarms and refrigeration units).
- Demolition and construction activities restricted to 08.00-1800 (Mon-Fri), 09.00-13.00 (Sat) with no working on Sun or Bank Holidays.
- No lighting fitment shall be installed on the site in such a way that the source of light is directly visible from nearby residential properties or is a hazard to users of adjoining or nearby highways.

- 7.13 Public Rights of Ways comments received during the consideration of the planning application dated 8<sup>th</sup> May, 27<sup>th</sup> July, 21<sup>st</sup> August and 15<sup>th</sup> October 2012. Public Bridleway No.15 Wetherby (formerly BRIDLEWAY 6) follows the alignment of Sandbeck Land between the roundabout on Hudson Way and the boundary with the A1 motorway. Revised landscape proposals drawing show widened green corridor through which the proposed new route for the Sandbeck Lane Bridleway will pass. We are now satisfied with this new layout and once planning permission for this site has been obtained, the developer will need to apply for a Public Path Diversion Order under s257 of the TCPA 1990. Advise developer contact PROW in regard to the diversion order and s106 agreement.
- 7.14 Access comments received during the consideration of the planning application dated 29<sup>th</sup> and 30<sup>th</sup> May 2012. Generally well planned scheme in terms of access for disabled people but further clarification required on ramp/ step/ bollard design and provision of tactile paving at crossing points required.
- 7.15 Architectural Liaison (Police) Officer comments dated 1<sup>st</sup> June 2012. Site falls in a ward area which suffers crime below the National Average for England and Wales. With this in mind offered the following comments:
- proposal mentions consideration has been given to designing out crime including a capable CCTV system covering inside and outside of the building;
  - concerns over the proposed new bridleway at the rear of the premises along the eastern edge of the site running between the building and the motorway- this route could make the proposed premises and the goods yard vulnerable to attack or present a potential hazard to safety of anyone using this route- a robust boundary treatment should be used (weldmesh). Any planting along this edge should not be allowed to afford a climbing aid to breach the perimeter or be allowed to obstruct natural surveillance;
  - Understood that all ASDA car parks compliant with the police approved Park Mark scheme and follow a previously set out formula to achieve this standard; developer should be encouraged to include security hardware, doors, windows and glazing as required by the UK police flagship Secured by Design scheme.
- 7.16 Travelwise comments received during the consideration of the planning application dated 6<sup>th</sup> June, 11<sup>th</sup> September 2012 and 22<sup>nd</sup> February 2013. The latest revised travel plan still requires further amendment to firm up commitments and targets. A Travel Plan Monitoring Evaluation fee would be required of £3,250. But, as submitted, the Travel Plan is not considered to be acceptable and would have to be amended before it could be accepted and included within a s106 Agreement.
- 7.17 Public Transport Contribution comments dated 8<sup>th</sup> June 2012. The proposed development will generate a large number of trips and therefore, is assessed in accordance with the City Councils adopted Supplementary Planning Document (SPD) "Public Transport Improvements and Developer Contributions". The proposed

development falls well short of the minimum accessibility criteria for development and the SPD expects developers (in consultation with Metro) to establish and fund measures required to make the site accessible. The application cannot be supported, the site is considered outside the centre of Wetherby and very poorly served by public transport; no details provided regarding improvements to bus services. To progress further developer to discuss with LCC and Metro regarding bus service options.

7.18 Air Quality Management Team and Environmental Study Team (Transport Policy) comments dated 29<sup>th</sup> May and 10<sup>th</sup> September 2012. From a noise point of view, despite the presence of a close-boarded fence adjacent to the A1(M), the area is still likely to be dominated by the traffic noise on this road. Nearest residential properties appear to be sufficient distance away from the proposed store to not be adversely affected by noise within the development itself over and above the prevailing traffic noise. Indeed, the store may well provide further protection against traffic noise generated on the A1(M). Consider that no reason to oppose the development on air quality grounds and do not consider traffic noise will be an issue, although junction improvements may attract claims under Land Compensation Act and Traffic Noise Insulation regulations if noise increases.

7.19 England & Lyle (Council's Independent Retail Consultants)  
Given the sensitivity of the proposal and the significance in terms of the potential impact upon Wetherby town centre, the Council appointed England & Lyle (E & L) to provide detailed advice on retail matters in order to inform the Council in its decision making.

England & Lyle provided a report based upon the applicant's initial Planning & Retail Impact Statement. This report considers the nature of the proposed retail development; existing shopping provision in the Wetherby catchment area; existing shopping patterns in the catchment area; the applicant's sequential site assessment; the applicant's retail impact assessment taking account of retail need, the estimated turnover of the development, trade draw, clawback assumptions and predicted trade diversions; interpretation of impact in light of the vitality and viability of Wetherby town centre; compliance with the impact test in NPPF (para.26); and comments on the determination of applications in NPPF (para.27).

7.20 England & Lyle comments received during the consideration of the planning application dated June, 13<sup>th</sup> July, 20<sup>th</sup> August 2012, 21<sup>st</sup> February and 26<sup>th</sup> March 2013 taking account of a range of further supporting information submitted by the applicant reflecting the grant of planning permission to extend the Morrisons town centre store, a recent shopper survey and re-consideration of the study area. The summary of comments and conclusions are outlined below:

Comment:

- Retail assessment adjusted to reflect up-to-date shopper survey data which indicated 20% of anticipated turnover of Asda is likely to be from inflow (previously predicted 10%).
- Existing leakage of convenience expenditure from the Wetherby catchment area has potential to be clawed back to the extended Morrisons store- potential to increase the retention level (from 67% up to 70%). Unlikely to increase beyond, as Asda would have to attract trade going to Harrogate from villages to the north and west of Wetherby (which are more accessible to Harrogate) and claw back leakage from southern portion of catchment to Sainsbury's in Tadcaster and Moor Allerton and Tesco in Seacroft (as involve trips through Wetherby town centre and past Morrisons).

- Consider that as a result of clawback to the Morrisons extension, an Asda store would attract only 10% of its trade from clawback of leakage rather than 20% assumed previously.
- Accept the applicant's more reliable estimate of over-trading in the Morrisons store of 30% and a higher convenience turnover figure through the design years.
- Predict trade diversion for convenience goods of 29% from the extended Morrisons, 27% from Wetherby town centre as a whole and 25% from the catchment area as a whole.
- Predict trade diversion for comparison goods of 30% from the extended Morrisons, 14% from Wetherby town centre as a whole and 13% from the catchment area as a whole.
- Cumulative impact assessment for convenience and comparison goods of 30% from the extended Morrisons, 23% from Wetherby town centre as a whole and 21% from the catchment area as a whole.
- If Morrisons is over-trading by 30%, our predicted 30% trade diversion would bring the store's turnover down to its company average level- not in itself critical to the viability of the store but necessary to consider implications of a loss of trade from Morrisons for the town as a whole.
- 3 key findings identified within the on-street survey. Firstly, the most important reason that people visit the town centre is for shopping, both food and non-food. 46% of respondents said they were visiting Morrisons and other places in the town centre i.e. linked trips. Of those travelling to Wetherby by car, 43% parked at Morrisons, significantly more than anywhere else. This comprises most visitors because 54% of those interviewed travelled by car. Overall, 23% of all visitors to the town centre used Morrisons car park.

#### Conclusion:

- Asda proposal will have serious consequences for the vitality and viability of the town centre as a whole due to a reduction in linked trips to other shops and services in the centre.
- Do not consider proposal will encourage town centre investment and provide choice and competition for shopping; will make the town centre less attractive for shopping and weaken its vitality and viability;
- Increase in choice and competition will be through the creation of a competing retail destination in an unsuitable out-of-centre location- no benefit for town centre. shopping needs adequately met by the extension to the Morrisons store.
- Consider there is little potential for another large supermarket in Wetherby to claw back the remaining leakage of trade to Harrogate because those residents currently shopping in Harrogate live closer to Harrogate than Wetherby and will continue to find supermarkets in Harrogate more accessible. Notable that out of the 33% of convenience expenditure lost as leakage from the catchment area at present, only 1% goes to Asda in Harrogate.
- Applicants cast doubt on whether the extension to Morrisons will be built but it is very likely that the approval of the Asda store would deter this investment from taking place.
- The Asda proposals will not help the vitality and viability of the town centre.
- Choice and competition would be through the creation of a competing retail destination in an unsuitable out-of-centre location which would have no positive benefits for the town centre.
- The lack of a sequentially preferable location for a new foodstore is not justification for allowing choice and competition to be provided by an out-of-centre store, contrary to planning policy.



## **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.

8.2 The Development Plan for the area consists of the adopted Unitary Development Plan Review (UDPR), along with relevant supplementary planning guidance and documents.

8.3 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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

8.4 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination. The Core Strategy recognises Wetherby as a Major Settlement and the following policies considered to be of relevance:

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.

8.5 The application site is allocated for employment uses under policy E4:37 within the Unitary Development Plan. As such, the following UDP policies are relevant to the consideration of the application:

SA2 seeks to encourage development in locations which reduces the need to travel and promotes use of public transport.

SA5 seeks to provide a wide range of shops in locations that are accessible to all sections of the community.

GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

GP7 community benefits and planning agreements.

N10 states that development will not be permitted which adversely affects a public right of way unless an alternative maintains convenience, safety and visual amenity of original route.

N12 states that development proposals should consider and respect spaces between buildings; the best buildings of the past; good design; character and scale; encouragement of walking and cycling; adaptability for future uses; the needs of the elderly and people with disabilities and restricted mobility; visual interest; and crime prevention.

N13 requires all new buildings to be of high quality and have regard to character and appearance of surroundings.

N23 incidental space around built development should provide a visually attractive setting.

N25 states that boundaries of site should be designed in a positive manner appropriate to the character of the area.

N51 Design of new development should enhance existing wildlife habitats.

T2 developments need to be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking.

T2C requires submission of a travel plan to accompany applications which are significant generators of travel demand.

T2D seeks enhancements to public transport.

T5 safe and secure access for pedestrians and cyclists should be provided to new development.

T6 satisfactory access to new development for disabled people and people with mobility problems should be provided.

T7A secure cycle parking is required in new developments, to reflect standards in UDP Appendix 9.

T24 parking provision to reflect the guidelines set out in UDP Appendix 9.

E3A, B & C relate to additional employment land.

E4 identifies allocated land for employment uses.

E7 states that uses outside the B use classes will not be permitted on land identified for employment purposes or land in current/past employment use.

S2 states that the vitality and viability of designated town centres to be maintained and enhanced.

S5 states that major retail development outside defined S2 centres will not normally be permitted.

BD5 requires new buildings designed with consideration given to both their own amenity and that of their surroundings.

LD1 development proposals should protect existing vegetation, allow sufficient space around buildings to retain existing trees in healthy condition and allow new trees to grow to maturity.

- 8.6 Supplementary Planning Documents:  
Public Transport Improvements and Developer Contributions (SPD, 2008)  
Travel Plans (SPD, 2012)  
Building for Tomorrow Today (SPD, 2012)

- 8.7 Government Planning Policy Guidance:  
National Planning Policy Framework (2012)

- 8.8 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.

8.9 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.”*

8.10 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.

8.11 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....”*

8.12 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.”*

## **9.0 MAIN ISSUES**

- 1. Principle of development (retail impact assessment and employment land supply)**
- 2. Highways implications**
- 3. Design, appearance and character considerations**
- 4. Impact on residential amenity**

## 5. Community Infrastructure Levy (CIL)

## 6. Other matters

### 10.0 APPRAISAL

#### Principle of development (retail impact assessment and employment land supply)

##### *Retail development*

- 10.1 National planning policy (NPPF) contains an underlying theme for the presumption in favour of sustainable development and sets out its approach on retail matters under Section 2 ('Ensuring vitality of town centres'). It requires local planning authorities to 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 development plan. Proposals for retail development should specifically include an assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal, and the impact of the proposal on town centre vitality and viability, including local customer choice and trade in the town centre and wider area. The NPPF advises (para. 27) 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.*
- 10.2 In terms of local planning policy, the application is assessed against policy S5 which advises that major retail developments (above 2, 500sqm gross) outside defined S1 and S2 centres will not normally be permitted unless;
- the type of development cannot satisfactorily be accommodated within or adjacent to an existing S1 or S2 centre;
  - 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 centres and an assessment of changes in travel patterns.
  - It addresses qualitative and/ or quantitative deficiencies in shopping facilities
  - It is readily accessible to those without private transport
  - It does not entail the use of land designated for housing, key employment sites or land located in the green belt or open countryside.
- 10.3 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.
- 10.4 In terms of the emerging Core Strategy, Wetherby is recognised as a Major Settlement. The thrust behind the relevant retail section of the Core Strategy is a town centre first approach, in order to protect the vitality and viability of identified town centres. Sequential and impact assessments will be required for all major retail developments in out of centre locations such as the proposed development site.
- 10.5 The Council commissioned independent retail advice from England & Lyle Planning Consultants who specialise in retail planning, to review the retail assessment undertaken by Pegasus Planning in support of the application. Pegasus Planning refer to the household survey carried out by Turley Associates, on behalf of Sainsbury's for their recent supermarket planning application in Wetherby. The findings of the household survey have been previously accepted by England & Lyle.

Pegasus Planning also adopted the catchment area used by Turley Associates for the purposes of the retail assessment, which is anticipated to draw trade from a similar catchment area, taking into account competing stores in neighbouring towns.

- 10.6 The identified catchment area included Wetherby itself (Zone 1), as well as the settlements of Boston Spa and Bramham towards the south and south east (not including Tadcaster) (Zone 2), the settlements of Collingham and Bardsey towards the south-west (Zone 3) and the rural area to the north of Wetherby (not including Harrogate) (Zone 4).
- 10.7 In terms of existing convenience retail provision within the catchment area, the main stores which are identified are the Morrisons within Wetherby town centre (3,258m<sup>2</sup> net); M & S Food also within Wetherby town centre (528m<sup>2</sup> net); a small Sainsbury's store on the edge of Wetherby town centre (379m<sup>2</sup> net); and a Co-op store outside Wetherby town centre (146m<sup>2</sup> net). It is also relevant to highlight that an extant planning permission exists to extend the net sales area of the Morrisons store by a further 610sqm which is considered to meet need for additional retail floorspace in Wetherby.
- 10.8 These planned stores would have a combined net floorspace of approximately 500m<sup>2</sup>. Outside the catchment area, there is existing convenience goods provision which includes the Sainsbury's (5,986m<sup>2</sup> net), Asda (4,325m<sup>2</sup> net), Morrisons (3,186m<sup>2</sup> net) and Waitrose (1,856m<sup>2</sup> net) stores in Harrogate.
- 10.9 The applicant has carried out a detailed retail statement which address matters such as the sequential assessment, the retail need and retail impact. This information has been updated during the course of the planning application to take account of the grant of planning permission for the Morrisons store extension, a further shopper survey, a re-consideration of the study area and a clarification on proportion of floorspace dedicated to comparison and convenience goods.
- 10.10 From the survey based evidence it is apparent that Morrisons in Wetherby has the largest market share at 61% in terms of main food shopping. Outside the catchment area the stores most used for main food shopping are Sainsbury's and Morrisons in Harrogate. The shops in Wetherby are particularly well used for main food shopping by residents of Wetherby itself and relatively well used by the residents of Boston Spa, Bramham and Collingham areas. Residents of zones 1, 2 and 3 do not make extensive use of the foodstores in Harrogate. The pattern of main food shopping by residents in zone 4 (area between Wetherby and Harrogate) is quite different. Only 25% shop in Wetherby (22% at Morrisons) but 29% shop at Sainsbury's in Harrogate and 29% at Morrisons in Harrogate. Zone 4 includes part of the urban area of Knaresborough and villages which are closer to Harrogate than they are to Wetherby.

#### *Sequential Assessment*

- 10.11 As the application site lies in an out-of-centre location it is necessary for the applicant to carry out a sequential assessment of possible alternative sites in accordance with the guidance within the NPPF as well as policy S5 of the UDP. The assessment requires all more centrally located site options to have been assessed in terms of their availability, suitability and viability. Nevertheless, in view of the scale and type of retail development proposed it is considered appropriate for the sequential assessment to be limited to sites within Wetherby.
- 10.12 Paragraph 24 of the NPPF provides that local planning authorities should apply a sequential test to planning applications for main 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. In the light of a Supreme Court decision in 2012 (Tesco Stores v Dundee) 'suitable' in this context means suitable for the development proposed by the applicant. Having said this, applicants and local planning authorities are expected to demonstrate flexibility on issues such as format and scale. In this regard, the applicants have only considered sites capable of accommodating the floorspace of the store only, excluding the parking and highway areas and the petrol filling station. The result of this analysis concludes that there are no sequentially preferable sites that exist within the agreed catchment.

- 10.13 Notwithstanding the assessment of sequential issues, it is still important to consider the relationship of the site and the proposed store to the town centre and the potential for linked trips.
- 10.14 The proposed store is located approximately 1250m from the edge of Wetherby town centre. Whilst the application proposal includes a package of off-site highway works these primarily seek to improve pedestrian accessibility around the site to connect with the surrounding footway network and they do not address the site's locational deficiencies, given the overall walk distance and the desirability of the pedestrian route to the town centre. Allied to these works, the proposal includes funding to subsidise the diversion of an existing bus service and the provision of a new bus service to offer a connection to the town centre. However, given that funding would only be for a period of 5 years it is of concern that the service would not be commercially viable beyond the funding period, meaning the long-term accessibility of the site could not be sustained. In consideration of these factors it is considered that the number of linked trips would not be significant.
- 10.15 It is also relevant to highlight the importance of the existing Morrisons store within Wetherby town centre and its anchor role in supporting linked trips to other stores within the town centre. Whilst it is accepted that the Morrisons store is overtrading, although not to the extent that the applicant indicates, the trade impact upon Morrisons will also have an impact on the number of linked trips to other retail units within the town centre. Advice from England & Lyle concludes that the likely trade diversion from the extended Morrisons would be 30%, which would bring its store turnover down to its company average level. As a result of this significant impact on Morrisons it is also advised that there would also be a significant reduction in linked trips between Morrisons and other shops and services in the town centre, to the detriment of the vitality and viability of Wetherby town centre.

#### *Retail Impact Assessment*

- 10.16 In relation to retail impact, England & Lyle have provided advice on the assessment of existing and predicted shopping patterns set out in the applicant's retail assessment as well as predicted turnover and trade draw of the proposed store.
- 10.17 This information has been updated and refined during the course of the planning application to take account of the grant of planning permission for the Morrisons store extension and further revised estimates on trade inflow and clawback. Whilst there are professional disagreements over some of the assumptions within the retail assessment, it is appropriate to rely on the advice of England & Lyle for the purposes of the Council's assessment and decision making.
- 10.18 The main conclusion is that the proposed Asda store in this out of centre location is likely to have a significant adverse impact on the vitality and viability of Wetherby

town centre. The independent advice suggests that the overall impact of the Asda proposal (convenience and comparisons goods) would be a trade diversion of 30% from the extended Morrisons, 23% from Wetherby town centre as a whole and 21% from the catchment area as a whole. Such trade diversions are considered to be significant.

- 10.19 Whilst it is accepted that the Morrisons is over-trading and the predicted trade diversion would bring the store's turnover down to its company average, the loss of trade in Morrisons is likely to have a significant impact on its role as an anchor store in Wetherby town centre. If Morrisons attracts fewer shoppers there would inevitably be a reduction in linked trips between Morrisons and other shops and services in the town centre. A significant reduction in the role of Morrisons for main food shopping is considered to have serious consequences for the vitality and viability of the town centre as a whole.
- 10.20 Although the proposed Asda store would increase consumer choice and competition in Wetherby this would be through the creation of a competing retail destination in an unsuitable out-of-centre location that would not benefit the town centre. It is considered that shopping needs will be adequately met by the extension to the Morrisons store and that there is little potential for another large supermarket in Wetherby to claw back the remaining trade leaking to Harrogate because those residents currently shopping in Harrogate live closer to Harrogate than Wetherby and will continue to find supermarkets in Harrogate more accessible.
- 10.21 Overall, there must be a serious concern that the Asda proposal will make the town centre less attractive for shoppers, thereby weakening its vitality and viability, contrary to the aims of local and national planning policy. In reaching a balanced judgment on the merits of this scheme it is considered that this predicted adverse retail impact upon the town centre should be afforded very significant weight when reaching a decision and forms a reason for refusal.

#### *Employment allocation*

- 10.22 The application site is allocated for employment uses by UDP policy E4 under reference E4.37. Local plan policy seeks to safeguard the supply of employment land and therefore non-employment development proposals on employment allocations require the applicant to satisfy a range of criteria based on the planning need of the site to be retained for employment use. The site also benefits from an extant outline planning permission for a larger 4.31ha development to layout business and industrial park development, with offices, research and development units, light industrial units, warehouses and car parking as part of Ref:10/00279/OT.

#### *Impact on employment land supply*

- 10.23 The proposed supermarket will result in the reduction of available land allocated for employment use. The applicant has undertaken an assessment of the availability of allocated employment sites, sites with planning permission and property currently on the market that are suitable and available for employment uses. This evidence was provided to address policy E7 of the development plan which seeks to safeguard the availability of employment land. The submitted assessment indicates that there is a more than sufficient supply of employment land to accommodate a range of employment uses to meet the requirements for employers in the locality. Officers own testing of the data concur with the conclusions drawn in the assessment.
- 10.24 Para. 22 of the NPPF advises to '*avoid long term protection of sites allocated for employment where there is no reasonable prospect of the site being used*' however given this site benefits from an extant planning permission it is reasonable to

assume that the application site does have potential to be used for employment purposes. As such, there are reservations about the loss of an employment site in terms of its importance to the land supply. Nevertheless, the results of the employment land assessment identify a robust supply of employment land and it is considered that the release of the employment land subject to this application would not compromise local employment land supply or the City Council's wider objectives in terms of availability of employment land.

#### *Economic development*

- 10.25 At a national level, NPPF recognises that a broader range of employment opportunities are created beyond the traditional B (employment) use class as a form of economic development and the proposed supermarket is an employment generator in its own right. To reinforce the applicant's commitment in creating local employment opportunities they have offered measures to provide for training and employment for local people through construction of the development and its future operation which could be integrated within any s106 agreement.
- 10.26 In summary, it is considered that the proposed supermarket development will not prejudice the existing adequate supply of employment land available. The proposed supermarket will provide employment opportunities. Moreover, the proposed development will make provision to offer employment and training opportunities for local people. It is further considered that the supermarket development would not result in environmental, amenity or traffic problems although these matters are considered in more detail later within this report. In short, there is no justifiable reason to withhold planning permission on policy E7 grounds.

#### **Highways implications**

- 10.27 The proposed vehicular access, vehicle trip generation distributions and car parking levels have been agreed with the highway officer and it is considered that the existing road network could accommodate the new trips with the parking provision to accord with UDP guidelines. The Highways Agency raise no objection to the proposal.
- 10.28 The remaining key issue is that of accessibility to public transport and Wetherby town centre. The site lies to the periphery of Wetherby, some 1250m from the edge of the defined town centre. In view of the NPPF's definition of Edge of Centre sites as a location that is well connected and up to 300m from the primary shopping area, this location is considered out of centre.
- 10.29 The developer is to provide off-site highway works to improve the pedestrian linkage around the site in order to connect in with existing footpaths. Highways remain of the view that linked pedestrian trips to the existing town centre would be unlikely.
- 10.30 The main walking route to the site is via Sandbeck Lane, through the Sandbeck industrial estate. It is considered that this walking route is far from ideal with lengths of absent footway and dropped kerbs, narrow footways and a sense of isolation with high boundary treatments and little in the way of overlooking by the adjacent industrial buildings. In the evenings and weekends, there is likely to be very little in the way of activity along this route to give pedestrians an adequate sense of security and encourage walking.
- 10.31 The submitted transport assessment uses a distance of 1km for an acceptable walk distance to the store (based on PPG13 guidance and the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot'). The IHT document provides walk distances on desirable, acceptable and preferred maximums, quoting



guidance for an acceptable walking distance from a supermarket car park to a town centre as 200-300m. The document further indicates an acceptable walking distance of around 400m for shopping (based on a 2 hour stay). Even within the 1km walk radius used within the transport assessment a large proportion of the store catchment is the industrial estate, with the nearest residential properties frontages some 600m from the centre of the site. It is therefore concluded that the attractiveness of the site for customers to walk is very limited (and virtually nil for the return journey when loaded with shopping). Staff trips will have a wider catchment of up to 2km and takes in the majority of the Wetherby built up area.

- 10.32 The LCC Public Transport SPD and draft Core Strategy state that retail uses should be within a 400m (300m preferably) walk or a 15min service frequency to a major public transport interchange. There are no bus stops within 400m of the centre of the site (or location of the store entrance). The bus stops on Sandbeck Way are approximately 560m from the store entrance and these are served by 1 bus per hour with no service in the evenings or Sundays.
- 10.33 There are further stops on Deighton Way, approx 760m from the site centre, which are served by 2 buses per hour (reducing to 1 in the evenings and weekends). The NPPF further states that development should be located where the use of sustainable transport modes can be maximised but that account of the area needs to be given (urban or rural).
- 10.34 The applicant has offered up to £750,000 be provided to divert the X70 bus service into the site and create a new local bus service around Wetherby. These services would combine to give a 30min frequency service to Wetherby centre (Mon- Sat 7am- 7pm). No services would operate on Sundays or during the evenings. Such provision falls short of the standards set out in the adopted Public Transport SPD and draft Core Strategy. Nevertheless, a policy compliant service is unlikely to be sustained beyond any initial developer funding and the annual cost of such a service is likely to be prohibitive for the scale of development proposed. It is doubtful whether the services would generate enough revenue to cover its costs, with the risk that when the funding period ends then the service would be withdrawn. Moreover, the applicant has not committed to any customer incentives for using the bus.
- 10.35 It is to be noted that the revised travel plan still requires further amendment to firm up commitments and targets and as submitted the Travel Plan is not considered to be acceptable and forms a further reason for refusal. Nevertheless, as para. 6.3.12 of the UDP states, *'the presence of a Travel Plan will not be seen as mitigating the effects of a poor location, nor will it override the need to provide essential development related infrastructure...'*
- 10.36 Overall, it is concluded that proposed Asda lies in an out of centre site which is poorly served by public transport with a limited walk catchment and the mitigation measures advanced by the applicant do not sufficiently overcome these concerns. These factors are compounded by the absence of an acceptable Travel Plan. Accordingly, movements to and from the site would be reliant on the car contrary to the aims of national and local policy and this concern is drawn out within the recommended reasons for refusal.

#### **Design, appearance and character considerations**

- 10.37 The proposed store building incorporates simple building lines, utilising timber panel cladding (which wrap around to the sides) and glazed curtain walling to its customer entrance side. The customer entrance is emphasized by a green coloured clad glazed block which projects up through the building's perimeter roof canopy. Clad

panels (colour: grey) are also to be attached to the side and rear elevations. The store building is by its very nature a large bulky structure elevating to a height of around 7.5m but this is seen as being reflective of the large industrial and commercial buildings visible to adjacent sites to the west that comprises Sandbeck Lane industrial estate. On this basis no design objection is raised to the building as a point of principle.

- 10.38 As acknowledged above, the proposed building is sizable but it will stand in the widest part of the site. There are numerous trees and groups of established vegetation which align the site's border to the north and south/south-west. When combined with the raised ground levels to the south and east of the application site views of the proposed development will be screened with the supermarket building set behind these features, akin to the situation at the commercial sites adjacent (to the west).
- 10.39 In order to integrate and retain existing trees and ensure appropriate complementary planting can be accommodated to the site edge, amendments have been undertaken to reduce the extent of the car parking, re-position the store building and amend the extent of the service yard to assist the development's assimilation into its surroundings. Allied to the landscaping proposals, the application site benefits from lying adjacent to a wide tree lined grass verge/ earth bund along the northern side of Hudson Way which will act to further filter views and ensure the proposed store building is not unduly prominent within the street view.
- 10.40 The Public Bridleway No.15 Wetherby (formerly BRIDLEWAY 6) lies to the north of the site and follows the alignment of Sandbeck Lane between the roundabout on Hudson Way and the boundary with the A1 motorway. This proposal seeks to divert this route around the east side of the proposal. The revisions carried out during the application process have achieved a wider landscaped corridor in which the bridleway will be laid and Public Rights of Way offered no objection to the latest amendment.
- 10.41 Appropriate planning conditions could be imposed to secure full details of the soft landscaping works, an arboricultural method statement, tree protection plans and landscape management plans. In addition, further planning conditions could be imposed to secure bio-diversity enhancements and mitigation measures.

#### **Impact on residential amenity**

- 10.42 The application site is located within an industrial/ commercial area with residential properties situated some distance away from the application site. A noise report accompanies the application and details current noise levels and predictions of expected noise from the operation of the new superstore. The report considers fixed plant noise, deliveries to the store, noise from customers using the car park, noise from increased traffic, petrol filling station and recycling centre.
- 10.43 In relation to fixed plant, it is calculated that the combined output from this equipment would comfortably fall below LCC's noise criteria but a waste compactor unit was separately assessed (located to western side of service yard running from north elevation to sliding gates) and would exceed this criteria by 8dB. A 2.5m high acoustic fence is to be erected to obscure view from affected dwellings and details of this partial enclosure (including the angle of view and noise calculations to be submitted to ensure that it provides sufficient mitigation) could be secured by planning condition.

- 10.44 In regard to deliveries to store, the noise generated by bulk deliveries would not exceed the World Health Organisation (WHO) guidelines during day and night. The proposal is for unrestricted deliveries 24hrs a day every day. As the distance separation leads to favourable noise levels generated by the store, no further noise control measures made. It is suggested however that a delivery management plan be put in place to prevent excessive noise (incl. disabling of vehicle reverse alarms, refrigeration plant etc) and such details can be dealt with by planning condition.
- 10.45 In regard to customer traffic, the impact of cars arriving and leaving the site over a 24hr period will vary and it is expected that during the most noise sensitive hours that there will be fewer noise events. As a worst case, the maximum noise level at the nearest noise sensitive premises will not exceed WHO guidelines at night and will be sufficiently below background noise levels such that 24hr use of the car park will be unlikely to cause disturbance to surrounding dwellings and benefits from being primarily below store level.
- 10.46 In regard to increased road traffic, the report predicts that the increase in traffic would not be significant. It is acknowledged that for traffic noise, doubling the volume equates to increase by 3dB in overall levels. The predicted increase was less than 2dB(A) in 2014 and 2017, so the impact is not deemed significant.
- 10.47 In regard to the petrol filling station, it is to operate for 24hrs and predictions based upon measured levels of a filling station showed that there was no change in LAeq level (average) at the nearest dwellings as the levels were insignificant compared to existing levels from the A1. The filling station may operate 24hrs without mitigation measures.
- 10.48 In regard to the recycling centre, it is considered that the use of bottle banks creates a distinctive, arguable unpleasant sound that is often cause for complaint where banks are sited near to dwellings (especially with no restriction for use at night-times). Predicted noise levels showed no increase in ambient level and WHO guidelines for sleep were not exceeded. Because of the nature of the noise, it may still be audible at night. It is therefore recommended that the bottle banks are not used at night, or banks contain some sort of dampening that reduces the sound of glass impacts are sourced rather than standard banks. The details of the recycling facilities could be dealt with by planning condition.
- 10.50 Overall, it is considered that the operation of the proposed supermarket is not anticipated to adversely impact on the amenity of existing residents.
- 10.51 It is acknowledged that any potential residential amenity impacts are likely to manifest themselves through the proposal's impact on the highway network as a result of increased traffic generation from the site. An Air Quality and Environmental Study was carried out by the applicant with regard to the junction at Sandbeck Lane and Deighton Road and there is no reason to oppose the development on air quality grounds, furthermore, traffic noise is not anticipated to be an issue and this matter is discussed earlier within this report.

### **Community Infrastructure Levy (CIL) Regulations**

- 10.52 The proposal is being advanced with a range of provisions to enable improvements to be made, primarily to improve public transport and to minimise the use of the private car. The submitted Heads of Terms for the Section 106 Agreement are as follows:
- Employment and Training Initiative;

- Public Transport Infrastructure Contribution- a capped sum of £750,000 to subsidise a bus services for a period of 5 years;
- Traffic Management Scheme- offer of £5,000 towards cost of traffic management scheme;
- Travel Plan and Monitoring Fee- £3,250 to cover the cost of monitoring fee.

10.53 A planning obligation may only constitute a reason for granting planning permission for development if the obligation meets all of the following legal tests:

**(i) it is necessary to make the development acceptable in planning terms.** Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.

**(ii) it is directly related to the development.** Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

**(iii) it is fairly and reasonably related in scale and kind to the development** Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.54 The planning obligations offered by the developer include the following:-

- Employment and training Initiative. However, the details of these measures have yet to be formally agreed.
- £750,000 towards public transport infrastructure investment. The proposal is likely to have a significant travel impact and a financial contribution will help enhance public transport facilities. The contribution would seek to fund a new bespoke bus service and diversion of an existing bus service to transport customers to and from the proposed store to Wetherby town centre and other residential areas.
- Travel Plan designed to reduce vehicle use by staff and customers. This is required to ensure that the agreed provisions within the Travel Plan are implemented. A contribution of £3,250 for monitoring purposes would also be required. However, the details within the Travel Plan are not agreed.
- A £5,000 contribution towards a traffic management scheme.

10.55 Officers are of the view that the proposed obligations meet the requirements of the legal tests for planning obligations set out above. However, as the scheme is recommended for refusal, no further discussions have taken place on the s106 Agreement.

#### **Other matters**

10.56 The West Yorkshire Archaeological Advisory Services advise that application site lies within an area of archaeological potential and that this site may represent the medieval settlement of 'Audby'. A survey carried out in 1993 identified three possible archaeological features although these are not discussed in the submitted archaeological report. Aerial photos also show large areas of ridge and furrow surrounding the site and in order to allow a full evaluation of potential of the site a programme of archaeological recording should be provided. Such a programme could be secured by planning condition.

- 10.57 Turning to land contamination, the application site remained undeveloped until the 1980s when a farm was developed on the north-western portion of the site. The submitted report recommends further site investigation works. As the proposed end use is of low sensitivity no objection to the development are raised subject to the submission of a site investigation report, remediation and verification statements.
- 10.58 In regard to drainage matters, the submitted Flood Risk Assessment (FRA) and drainage strategy propose a connection to a watercourse and includes provision for underground storage. The proposed development will involve a significant increase in the amount hardsurfacing across the site but the precise details of the proposed drainage methods and restrictions imposed on discharge flows could be secured through planning condition.
- 10.59 Other factors that should be taken into account relate to economic and investment matters such as job creation. The applicant proposes to create 200 jobs at the proposed store. This is a positive aspect of the development that should be afforded considerable weight. However, given the retail advice provided by England & Lyle, it is likely that there will be a significant retail impact on Wetherby town centre and the overall implications of this could ultimately result in the closure of some town centre businesses/ shops and consequently the loss of some jobs. The employment factors therefore need to be considered in the round.
- 10.60 The government's Ministerial Statement, entitled Planning for Growth, also places an emphasis on promoting sustainable economic growth and jobs. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations, and should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably, and that they can give clear reasons for their decisions. This Ministerial statement, as well as the guidance within paragraph 26 of the NPPF (although this refers to investment in centres) has been considered and given considerable weight. It has hence led to the conclusion that the proposed jobs that are created in the proposed store are not so significant as to outweigh the retail impact upon the town centre.
- 10.61 The applicant also makes reference to the fact that the proposal will bring about local customer choice which is set out within the NPPF. This will provide residents within the catchment area an alternative to shopping at Morrisons within the town centre. Whilst it is acknowledged that this would indeed bring customer choice, this does not outweigh the overall harm the development would have on the vitality and viability of Wetherby town centre.
- 10.62 Consideration has also been given to the significant number of letters offering both support and objection to the proposed scheme. The views expressed within this representations have been balanced against relevant planning policy and guidance and in particular the need to protect the vitality and viability of Wetherby town centre, as well as the presumption in favour of sustainable development as the NPPF sets out. It is considered that the matters raised in the representations have been addressed within the appraisal section of this report.

## **11.0 CONCLUSION**

- 11.1 The application has been considered against relevant UDP policies as well as the guidance within the NPPF which sets out a presumption in favour of sustainable development. Whilst there are some benefits associated with the proposed development in terms of job creation, financial investment, and the provision of

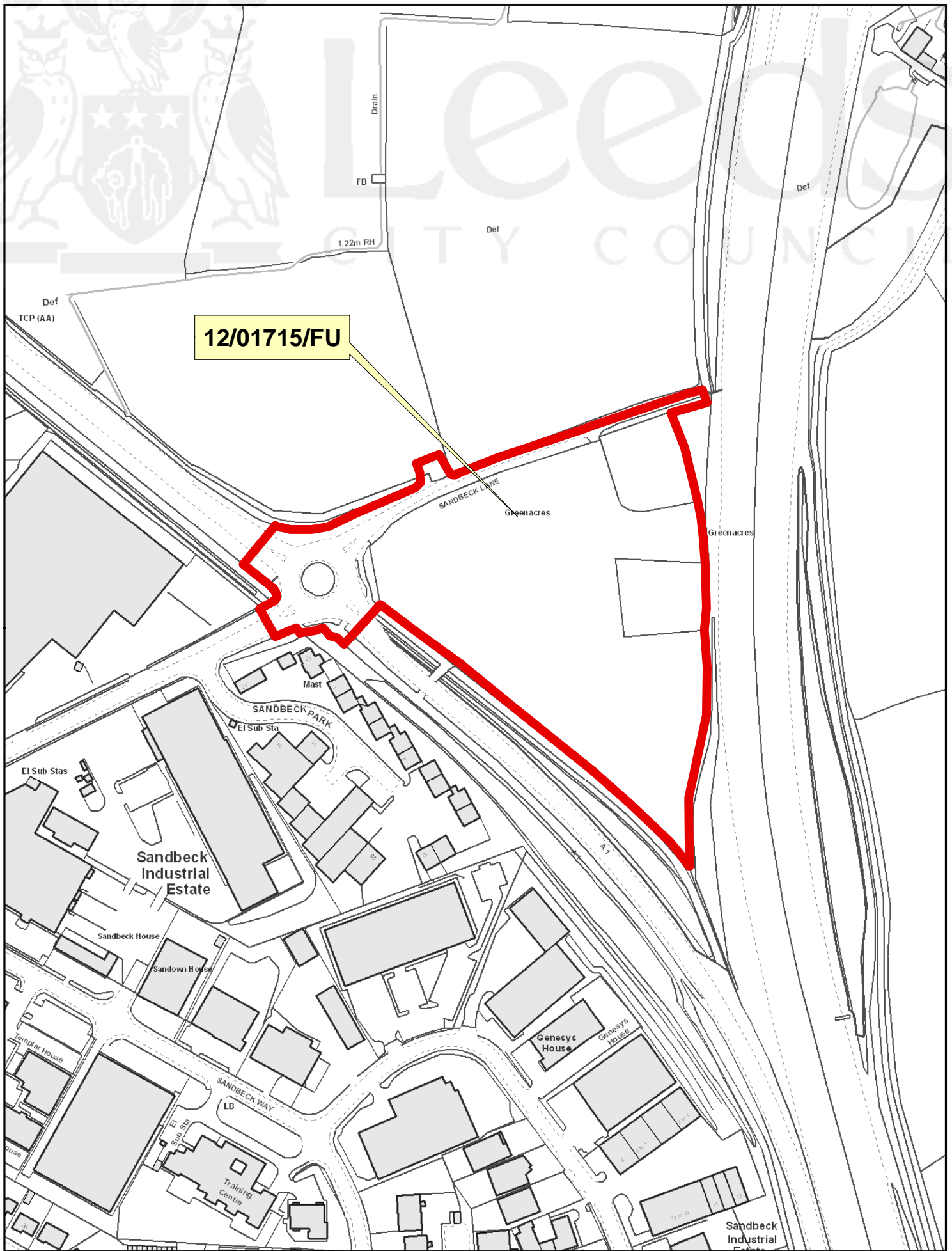
improved customer choice, these have been given limited weight. These material considerations have been balanced against other factors in terms of the impact upon the vitality and viability of Wetherby town centre. These matters should be afforded very significant weight in reaching a balanced judgement.

- 11.2 In this instance, and taking into account all material planning considerations, it is considered that the retail impact upon Wetherby town centre is very considerably harmful in terms of its impact on the vitality and viability of the centre as to outweigh the aforementioned benefits. Furthermore, owing to the site's location to the periphery of Wetherby, movements to and from the site would be reliant on the car contrary to the aims of national and local policy, compounded by the absence of an acceptable Travel Plan.
- 11.3 In conclusion, it is considered that the proposed retail foodstore would be contrary to a number of adopted UDP policies, the emerging policies within the draft Core Strategy and the guidance contained within the NPPF. Given this conclusion, it is recommended that planning permission be refused.

**Background Papers:**

Application and history files.

Certificate of Ownership: The applicants certifies that they have served notice on 17<sup>th</sup> April 2012 to Wetherby Park Ltd (Murdoch House, North Shore Road, Ramsey, Isle of Man); Mr P Dalby (Manor Farm, East Keswick, Leeds); and Ms L Nichols (Rose Dene Farm, Walton Road, Wetherby)



12/01715/FU

# CITY PLANS PANEL

