



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 12th July 2012

Subject: APPLICATION 12/00113/FU – Demolition of existing hotel and erection of a foodstore with associated access, car parking, servicing and landscaping at site of Mercure Hotel, Leeds Road, Wetherby LS22

APPLICANT

Sainsbury's Supermarket Ltd

DATE VALID

12.01.2012

TARGET DATE

PPA target 20.07.12

Electoral Wards Affected:

Wetherby

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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, February 2012.
2. 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.

1.0 INTRODUCTION:

- 1.1 This application is a full application for a new supermarket in an out of centre location on the approach into Wetherby. This application is brought to Plans Panel as it is a major proposal with implications for Wetherby town centre. A Position Statement was also reported to the Plans Panel on 22nd March 2012 updating Members on the progress of the application. At that Panel meeting Members made the following comments:
- That the site was predominantly located as a gateway to the town and therefore a large retail building might not be the most appropriate use for this site;
 - that the site was adjacent to a conservation area and the proposed development was considered to be harmful to this;
 - concerns about the design of the building and the location of the service yard which was located at the front of the site;
 - the use of Council owned land for part of the landscaping proposals which was not considered to be acceptable;
 - that the proposed landscaping scheme was poor;
 - that the location of the site would not lend itself to linked trips to Wetherby Town Centre and that any time limits imposed on the customers using the car park would also deter linked trips;
 - pedestrian access; it was noted that currently no pedestrian access existed, with some concerns being raised about possible ownership relating to the proposed link;
 - the impact of the proposed high wall to the boundary between the parking area and the adjacent residential properties; that this would create an unattractive environment for residents; was visually unattractive and created an inappropriate setting to Grange View which was a non-designated heritage asset;
 - that the proposals would have a harmful effect on the residential amenity of residents at Micklethwaite Grove particularly as the proposed store would be 8 metres from the common boundary; and
 - that Highways comments were agreed with and that the access arrangements and car parking provision were unsatisfactory.

2.0 PROPOSAL:

- 2.1 The application is to demolish the existing hotel buildings at the site (former Ramada Jarvis and now operated by Mercure) and to erect a supermarket. The proposal includes the following components;
- 5,189 sq.m gross floor area
 - 2,347 sq.m net sales area.
 - 254 car parking spaces proposed (inc 14 disabled persons spaces and 13 spaces for residents)

- 92% sales area for convenience goods/ 8% comparison
- In store café
- ATM
- 150 full and part time jobs
- Opening hours; 07.00 - 23.00 Monday to Saturday, 10.00 - 16.00 Sundays

- 2.2 The proposed supermarket is sited towards the north western part of the site. The main elevation of the store including store entrance is the eastern elevation facing towards the customer parking. Car parking is proposed on the eastern part of the site.
- 2.3 The vehicular access into the site is moved further west along the site frontage onto Wetherby Road. A pedestrian footpath is included to the store from Micklethwaite Grove providing a more direct route to Boston Road and into the town centre.
- 2.4 Parking spaces are proposed to be re-provided for residents of Grange View and Micklethwaite View. 6 spaces are proposed to be reserved for residents parking by way of removable bollards. A further 5 spaces are proposed separated from the supermarket car park by way of a 1.8m high boundary wall with access gates for residents.
- 2.5 The layout of the proposed store includes the service yard at the front of the store set down 1.2m below the finished floor level of the store in the south west corner of the site. The service yard includes a bio mass boiler. Some landscaping is retained and proposed to the front of the service yard. Overall the proposal includes the removal of 21 trees and 40 existing trees are proposed for retention. The proposals includes off site planting on highway land to the south along Wetherby Road adjacent to the proposed store car park as well as tree planting within the car park.
- 2.6 The design of the proposed store includes a gable roof line to the southern elevation adjacent to the service yard. The highest part of the main store building is some 11.3m in height which reduces to 6.8m to the rear part of the building to the northern end of the site. The materials proposed are predominantly stone with some timber cladding and glazing.
- 2.7 The applicant advises that Sainsbury's currently operate a free bus service between Wetherby town centre and the Harrogate Store calling at villages in between. The applicant proposes as part of the development to extend the route of the free bus service to include the new supermarket to improve accessibility of the new store and encourage linked trips with Wetherby town centre.
- 2.8 The application has been submitted with the following supporting documents;
- Design & Access Statement
 - Planning & Retail Statement
 - Townscape Analysis
 - Statement of Community Involvement
 - Phase 1 Site Investigation
 - Transport Assessment
 - Drainage Strategy
 - Air Quality Assessment
 - Flood Risk Assessment
 - Lighting Assessment
 - Noise Report
 - Ecological Assessment

- PPS5 Heritage Statement
- Landscape Statement and Tree Survey
- Sustainability Assessment
- Heads of terms for legal agreement
- Supplementary NPPF Statement
- Counsel's Opinion

2.9 In relation to the proposed planning obligations this includes a contribution towards the Council's emerging car parking strategy which identifies improvements to the operation and physical capacity of the Riverside car park, a contribution towards public transport infrastructure (which would include the provision of a shuttle bus to and from the site), employment and training initiatives, Travel Plan and monitoring fee, car park management scheme, and a contribution towards pedestrian enhancements to the town centre.

3.0 SITE AND SURROUNDINGS:

3.1 The site is located some 400m south of Wetherby town centre and comprises the existing hotel building towards the front of the site facing Wetherby Road, together with parking and servicing provision for the hotel. The existing building is part single storey, part 2 storey stone clad. There is an existing detached two storey flat roof building, possibly ancillary accommodation, at the north west corner of the site.

3.2 Residential properties of Micklethwaite Grove are immediately to the north of the site and Micklethwaite View, Grange View and Boston Road lie to the east. The existing car park is separated from residential properties by a 2m close boarded fence. The car park is some 20m away from No's 1 – 25 Micklethwaite Grove. The north west corner of the site is a grassed area which abuts No's 27 – 39.

3.3 The A168 runs to the south of the site. Wetherby Conservation Area boundary is immediately to the east of the site and 1 – 5 Boston Spa Road as well as the former West Lodge of Wetherby Grange are Grade II listed buildings.

3.4 There is open land to the west of the site and beyond this is Green Belt land.

3.5 There are protected mature trees to the frontage and along boundaries of the site covered by tree preservation order TPO 2011/19.

4.0 RELEVANT PLANNING HISTORY:

4.1 Various extensions and signage applications to hotel dating back to 1970's. The most recent application at the site being;

4.2 31/46/00/FU - Alterations to entrance and extension to canopy to front and side of hotel. Approved 20.04.2000

4.3 Application by Sainsbury's Supermarket Ltd at adjacent site of Micklethwaite Farm Boston Road (now developed for housing);
31/279/97/FU - Change of use of farm building to offices and laying out of access and erection of retail unit. Refused by Plans Panel on 14.11.00 for following reason;

The proposed foodstore development at Micklethwaite Farm, by reason of its scale, characteristics and location, would be contrary to the aims and provisions of Policy S5 of the Revised Draft Unitary Development Plan and government guidance as expressed in PPG6, PPG13 and ministerial statements of Policy, in particular:-

i) There is no need for the proposed supermarket given that the previously identified deficiency in convenience goods retailing can be met from the extension of the in centre supermarket at the Horsefair Centre.

ii) A suitable site is likely to become available within Wetherby Town Centre that would best address the identified convenience goods retailing deficiency referred to in Policy S6c of the Revised Draft Unitary Development Plan. The proposed supermarket development at Micklethwaite Farm fails the sequential approach to site selection advocated in PPG6.

4.4 It is also relevant to note that there is a current planning application under consideration for a new retail foodstore submitted by Asda (Ref. 12/01715/FU). This is located approximately 1.3km to the north east of Wetherby town centre on a Greenfield site which is allocated for employment use within the UDP. This was submitted on 1 May 2012 and is considered to be an out-of-centre site. This proposed store has a proposed gross floor area of 3,714m² and a net retail floor area of some 2,327m² with a convenience / comparison goods split of 70% / 30%. This application will be considered at a future Plans Panel meeting.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Limited pre-application discussions took place relating to the siting and design of the proposed store, together with landscape issues. The applicant did not provide detailed information concerning the principle of out of centre retail development or highway proposals. A tree protection order was served due to threat to existing trees during this pre-application process.

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 7 March and more recently on 3 May 2012 respectively. The issues which were discussed at these meetings related to the retail planning issues, design, landscaping and highway matters. This has culminated in the receipt of revised plans which introduces very minor alterations to the layout and includes additional tree planting, sections to demonstrate the retention of trees, and a realignment of the service yard gates. A Supplementary NPPF Statement has also been submitted, as well as Counsel's opinion, and additional highways supporting information. Notice has also been served on the appropriate owners of the proposed pedestrian access link route and additional Article 6 Notices have been provided.

6.0 PUBLIC/LOCAL RESPONSE:

- **62 letters of support for the application on the following grounds:**
 - improvement in terms of choice and competition
 - Morrisons is overtrading

- Morrisons dominate the district and local traders do not provide effective competition
- local traders haven't suffered since Morrisons acquisition and extension
- the store would compete with Morrisons not the small local shops which people will continue to use
- any impacted local businesses should be offered business rate discounts
- Morrisons have monopolistic position
- car parking in Wetherby is impossible, the store will relieve congestion in centre
- benefits from additional parking for the town if Sainsbury's car park is not restricted
- many shoppers will walk from the site into town
- currently have to travel to Harrogate, York or Leeds to do food shopping
- benefits to the environment by reducing need to travel and carbon footprint
- the store will keep trade in the local area and the town centre as well
- Morrisons is usually busy and full, difficult to park
- currently take advantage of the free bus to the Harrogate store
- additional investment and employment opportunities – short term in construction and long term in the store
- application will bring new corporate citizen to Wetherby
- additional visitors to the area
- the store will increase footfall to the town centre, local shops already losing trade as people can't park
- changes to Sainsbury's plans show they have listened to residents
- existing Sainsbury's is too small
- site is to the south of Wetherby so will not impact on traffic
- existing hotel is dated and ugly with poor landscaping
- hotel is a foreboding entrance to the town, store will improve gateway/southern entrance
- the store won't appear obtrusive in the landscape and is a sensitive scheme
- Borough Bridge, another market town, survived a large Morrisons on the outskirts
- one major supermarket does not provide sufficient choice for population in and around Wetherby

- **163 letters of objection on grounds of:**

- Negative impact to town centre and independent traders which make Wetherby distinctive
- large modern supermarket directly at entrance to historic town, visible from A1
- imposing unsightly store, with loading bay at the forefront of the town
- negative impact on nearby conservation area
- already enough shops and wide range, no justification for additional supermarket, there are already Sainsbury's stores within 20 minute drive
- Sainsbury's application has previously been refused on the site
- queries over what will happen to existing Sainsbury's Local store, monopoly if both stores trade
- Co op convenience store in Wetherby town centre closed down last year due to lack of business
- Wetherby hasn't got the population to support another large supermarket
- proposal reduce footfall to Wetherby town centre and will lead to increase in vacant units and potential job losses
- café within Sainsbury's will further decrease likelihood of people going into town centre
- similar application at Todmorden recently refused

- more up-to-date review should be provided of impact of edge of town supermarkets on market towns. DETR research shows that out of town supermarkets have serious adverse impacts on shops in town centres
- government is trying to re invent the High Street
- unlikely that people will park at the site and walk to town centre
- 2 hour parking restriction at the store means it is unrealistic to expect people to park and walk 5/10 mins into the town centre
- pedestrian access is not DDA compliant as it is up a slope
- site is removed from majority of residential accommodation in Wetherby and catchment
- cycle connections are incorrect, unlikely people will shop on bike/ foot
- out of town location contravenes planning regulations
- in town solutions should be encouraged such as expansion to Morrisons and improvements to lorry park to provide extra parking facilities and restrictions to length
- proposal is contrary to PPS6/ PPS4 – policy EC4.1 – preserve and enhance character and diversity of town centres
- Leeds Town and Local centres study states that non quantitative or qualitative need emerges in relation to Wetherby Town Centre
- expenditure won't be retained in the local economy
- Impact to Boston Spa and Collingham
- overestimation of job creation
- current Morrisons isn't overly busy, car park is busy as it is used for whole town centre
- future proposals for other supermarket schemes should be assessed to see which better fits with Wetherby residents feelings
- hotel is important facility for Wetherby, impact on tourism as a gateway town to Yorkshire Dales
- visual impact at important, prominent gateway to the town
- supermarket directly on entrance to town will ruin historic heritage
- character of the market town should be preserved
- unsightly building proposed, unsympathetic to surroundings- huge orange shed
- timber cladding is inappropriate
- site is unsuitable for large superstore directly adjacent to a key conservation area
- there are considered to be alternative uses of the site, such as housing or modern hotel or mixed use scheme inc small local Sainsburys
- overdevelopment; large building with 250 parking spaces
- Sainsbury's will want to expand in future
- development of edge of town brownfield sites will lead to sprawl into Greenfield sites
- impact to local wildlife, loss of field and habitat
- over estimation of job creation from the proposal
- impact on quality of life and community if town centre fails
- existing hotel car park floods in various parts and the application has lack of acceptable FRA
- air pollution and impact on health of residents of development and during construction
- light pollution from store and signage will be seen from over a mile away
- proximity to residential properties is alarming
- noise pollution to residents from deliveries from HGVs as well as cars parking/ engines/ doors slamming/ trolleys
- noise report is flawed, doesn't take account of Mercure building to be demolished which currently blocks noise

- concerns re nuisance from ventilation and odours associated with any cooking/roasting facilities in the store
- pollution from bio mass burner
- loss of existing tree
- increased vermin associated with food stores
- light pollution to adjacent housing and gardens from lighting and signage
- loss of light to garden, kitchen and living areas obstructed by the building
- litter pollution
- security concerns – break ins to the store and residential properties
- parking arrangements for residents of Micklethwaite View who have had unrestricted access for 33 years. The proposed parking and access arrangements raise security concerns for existing resident and lack of surveillance for residents cars
- impact to outlook from front aspect of Micklethwaite View properties
- concerns re access for emergency vehicles to these properties
- proposed pedestrian access and cycle route directly in front of residential properties and is unsafe crossing Micklethwaite Grove towards Boston Road
- on street parking will increase when Sainsbury's car park is full at Christmas
- footpath to the store through a quiet street will encourage people to congregate and increase noise and disturbance and parking on Micklethwaite Grove and reduced safety for children.
- potential for abandoned trolleys
- separate entry and egress should be provided for residents of Micklethwaite View and Grange View
- further sound proofing to Grange View gardens should be provided
- outlook of residents blocked by wall and planting proposed
- legal discussions ongoing regarding the pedestrian access proposed over the new Micklethwaite Development which is not considered lawful
- visibility issues due to alignment of Micklethwaite View
- entrance to Micklethwaite Grove will be blocked creating access problems
- impact of increased traffic to residents of Micklethwaite Grove and View not considered in transport assessment
- private footpath from Micklethwaite View and Grange view will become a shortcut
- loss of views and access to open countryside
- reduced distance between the building and residential dwellings
- overlooking due to siting and height of building into living areas/ gardens. Footprint maximises all available space in an area surrounded by green belt and conservation area
- opening hours of 7am to 23.00 unacceptable adjacent to residential properties, should be reduced and restrictions to deliveries before 8 and after 18.30.
- won't minimise carbon footprint or decrease congestion
- traffic congestion, 554 two way trips per hour on weekdays and 561 two way trips per hour on Saturdays compared to 45 and 56 respectively for the hotel
- Wetherby can be gridlocked when accidents occur on the A1, round about is already at capacity, supermarket traffic would add to such problems and cause concerns for pedestrian safety
- the store car park won't help parking problems in Wetherby, the Wilderness car park should be made 5 hours maximum car parking to discourage commuters or Morrisons should purchase the lorry car park
- traffic lights will add to problems of tailbacks to the roundabout
- Sainsburys at Colton traffic decisions were disastrous
- No staff parking indicated
- support for Metro's comments regarding public transport accessibility
- lack of commitment to Travel Plan

- other more suitable sites have been identified by Tesco and Asda, cumulative effect should be considered if other applications go ahead. All 3 applications should be considered together by the Planning Committee
 - 68% of Wetherby residents responding to Sainsbury's consultation response cards were opposed/ petition signed by 4000 people in 2011.
 - financial incentives from Sainsbury's or income from business rates should not affect consideration of the application
 - effect on house prices
 - impact on human rights and personal health
 - Grange View residents have raised the requirement for the applicant to obtain a deed of variation for the right of access to the front of Grange View properties and that the proposal does not include 2 parking spaces for each property – which Sainsbury's have offered.
- **39 standard letters of objection on the following grounds;**
 - negative impact on town centre shops/ decline of Wetherby and Boston Spa town centre
 - the buildings will detract from the appearance of this attractive market town
 - noise and air pollution from HGV deliveries and car fumes
 - serious traffic problems and congestion on A58 particularly at peak times
 - potential parking problems on Micklethwaite estate due to the proposed pedestrian footpath access
 - potential for accidents on Boston Road due to no adequate crossing facilities
 - Wetherby does not need another supermarket with existing Morrisons, Marks and Spencers food and Sainsbury's Local together with proposed Tesco Express in Collingham and already 3 major Sainsbury's within 20 min drive.
- **Objection from Wetherby Civic Society;**
 - impact to town centre, case studies provided of examples of impact of edge of town supermarkets.
 - disputes employment estimates
 - relationship to residential properties and surrounding farmland
 - impact on entrance to entrance to historic market town
 - traffic congestion
- Objection from **Wetherby Town Council** who support the objections received from local residents and local traders and comment that the detrimental impact of this proposal on the Town of Wetherby cannot be emphasised enough. The Town Council consider that Leeds City Council policies are clear that retail development should be kept to town centres and that Morrison's have presented proposals to the Town Council to expand their store, which the preliminary view of the Town Council does comply with town centre policies and should be supported to address any perception in retail deficiency.
- **Objection from Wetherby Business Association:**
 - harm to commercial viability of Wetherby town centre where retailing is currently fragile with shopkeepers struggling to survive
 - local shops cannot compete with superstores on equal terms
 - unlikely that the town centre will benefit from any additional footfall from store on edge of town
 - reduced spend at local shops and threat to their existence
 - store operator could improve situation if it restricted the range of non food goods and didn't include café to encourage supermarket shoppers to have some reason to visit the local shops

- no demonstrable need for large new store on edge of Wetherby, Morrisons and existing shops can fulfil local demand
- **Objections on behalf of Morrisons:**
 - hotel provides useful and valuable facility and part of the local economy
 - level of overtrading of Morrisons put forward by the applicant of 82% is disputed
 - applicant has used incorrect floorspace figures and benchmark turnover of Morrisons in the RA
 - Morrisons estimate that the store is trading at around 38% (increasing to 42% by 2013) above company average rather than 83.5% 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
 - applicant has underestimated the proposed turnover of their store
 - impact from proposed store on Morrisons turnover would be 25% and is significant and harmful
 - Morrisons would be trading at a reduced level of 6% above company average
 - amount of claw back estimated by the applicant for their turnover is questioned due to limited non food offer and will be significantly lower than the level identified by applicant and therefore trade diversion from Wetherby town centre will be higher
 - amount of inflow trade to Morrisons post development is overestimated by applicant
 - significant impact on Morrisons will have significant effects on the town centre due to fewer linked trips
 - the development will have a significant adverse impact on Wetherby town centre
 - in relation to sequential test, potential sites in Collingham may serve that village
 - Morrisons intends to extend and refurbish the existing store and address car parking issues by submission of application in May 2012 to create an additional 929 sq.m net sales area. Proposal will include improvements to refurbish the Hallfield Lane Lorry Park as a free town centre car park – resurfacing and revisions to layout to provide maximum number of spaces (approx 160 spaces) and will benefit all users of the town centre. This is considered to be a sequentially preferable site to meet quantitative needs.
 - The proposal is inconsistent with Policy EC 17 of PPS4, is not compliant with policy EC16 – sequential approach or policy EC10 due to loss of hotel facility and lack of regeneration or employment benefits.

A separate letter relating to highway objections has been received on behalf of Morrisons on the following grounds;

- queries the estimated trip rates used in applicant's TA
- Queries re distribution of proposed development trips, percentage of pass by trips and reduction in trips on the network as a result of diverted trade.
- The location of the site on the edge of town is not considered conducive to access by sustainable modes of transport.
- The extent of linked trips to the town centre is questionable given the route proposed and reliance on re opening right of way through residential area.
- infrequent bus services and unlikely people will walk from the bus station. 2 hours is insufficient time to allow people to park and make linked trips.
- Applicant has not substantiated claims that the car park will benefit the town centre to provide additional free parking and unrealistic to conclude that the food store car park will add to the town centre car parking stock.
- modelling of existing junctions has not been validated.
- concerns re location, layout and modelling of the proposed site access junction
- location of service yard could lead to conflict between large articulated vehicles and customer cars.

- the proposed stage sequence of the signals is potentially unsafe.

A further letter of objection has been received on behalf of **Morrisons** as a response to the applicant's submission of their Supplementary NPPF Statement. Comments and objections raised are as follows:

- Number of part time jobs at hotel not specified.
- Hotel provides a useful and valuable facility for visitors to Wetherby and forms a valuable part of the local economy.
- Loss of hotel has potential to reduce inflow of expenditure to Wetherby town centre which may reduce trading levels of stores.
- Disagrees with the level of trading of Morrisons specified by the applicants.
- Make reference to a proposal for a Tesco Express store within Boston Spa (with the use permitted development from A4 to A1). If the approved (for the external works is approved), then this store will reduce the scale of need in Zones 2 and 3.
- There are also similar proposals for a Tesco Express in Collingham to provide a 277 sqm net retail store and will local shopping facilities which will reduce further any identified quantitative or qualitative capacity.
- Combined, the Boston Spa and Collingham proposals will provide around 507 sqm of additional convenience floorspace in the catchment area.
- Concerns over the use of growth trends and turnover efficiency figures.
- Site is poorly connected to the town centre and linked trips are unlikely.
- Already a choice of convenience stores in catchment area.
- No overriding quantitative and qualitative need which justifies the provision of the proposed store in an out of centre location.
- The impact of the proposal on the Morrisons store and town centre is significant.
- Various disagreements over applicant retail figures and assumptions.
- Sequentially preferable sites are now identified at former Crown Hotel, Boston Spa, former Old Star Inn, Collingham and land adjacent to the Morrisons store, Wetherby.
- There are firm proposals to extend the Morrisons store and improve town centre car parking facilities.
- The proposals to improve the Hallfield Lorry Park as a town centre car park represent a significant investment in Wetherby town centre.

- **Objection on behalf of Evans Property Group (adjacent landowner):**

- Evans support the principle of foodstore in this location
- access should be repositioned west of the existing hotel access with two new roundabouts
- required design/ safety requirements of the signalised access cannot be achieved
- 40mph speed limit is questioned and is insufficient to enforce and slow traffic
- 50mph design speed should be used and cannot be achieved with the access location proposed
- autotrack at access and tracking of HGVs is queried
- HGVs leaving service yard or waiting to enter could impede cars entering the site and lead to tailbacks on Wetherby Road
- a more rational car parking layout with provision of landscaping areas within the car park could be delivered through use of a larger site
- potential of undersupply of car parking provision
- insufficient landscaping along the western edge and northern boundary to effectively screen the development
- lack of additional landscaping along western boundary, prominent view of the stores rear elevation across Green Belt land
- service yard at entrance to site in prominent position dominating views from Wetherby Road

- Evans advise that additional land can be made available to the applicant to resolve these issues and have provided a suggested revised layout to Sainsbury's

• **Objections on behalf of ASDA Stores Ltd:**

- Proposal is likely to encourage car-borne access.
- Bus service delivery to the proposed store is relatively poor and improvements should be considered to improve the accessibility of the store by public transport.
- Consideration should be given to walking and cycling improvements and pedestrian route though Micklethwaite Grove should be improved.
- Technical concerns over the site access.
- The proximity of the entrance could have a detrimental effect on the operation of the site access junction.
- Service vehicles could obstruct customer vehicles and could block through traffic.
- The service yard appears relatively constrained.
- Technical comments on the vehicle trip distribution.
- Traffic impact assessment should be over at least a five year period.
- TA does not propose to mitigate High Street/Market Place mini-roundabout junction.
- Traffic impact findings in TA may be inaccurate.
- Mitigation of Wetherby Road/Wattle Syke junction may not be warranted.
- Employment development at Sandbeck Way should be included in base case traffic, as opposed to a sensitivity test.
- Existing retail facilities (Morrisons) is overtrading and current provision is considered to be deficient and incapable of delivering competition and choice.
- A new supermarket to the south of the town would do little to improve the geographic distribution of main food retail facilities within Wetherby.
- Additional retail facility should be accommodated towards the north of the town given lack of retail facilities and substantive population in this area.
- Impact of delivering Sainsbury's store will be significant and potential to truncate Morrisons and the wider town centre's existing trade draw.
- Impacts would not be anticipated to the proposed ASDA store and would provide much needed choice, competition and enhanced distribution.
- The impacts of delivering a foodstore at the Mercure Hotel site will be significantly more adverse than at Sandbeck Lane.
- Proposal would not deliver benefits such as increasing customer choice and promoting a more competitive town centre.
- Application should be refused as it is contrary to paragraphs 26 and 27 of NPPF.
- Would welcome further explanation over convenience turnover figures.
- Confirmation of stores outside the catchment area from which 50% of the proposed store's trade will be diverted, and the requisite scale of diversion from each store, would be welcomed.
- The loss of the hotel is a material consideration which affords significant weight.
- Asda query the regeneration merits of seeking to replace a valuable and long standing asset to Wetherby's tourism and economic offer.
- Footpath link is not solely within ownership of hotel and correct Certificate B should be signed – *This has now been done by the applicant.*
- The applications for the proposed Sainsbury's and ASDA stores should be considered together so that Members can compare the merits of each scheme. The Sainsbury's application should therefore be deferred.
- Council must make a choice between two competing proposals.
- The ASDA application is a fundamental material planning consideration for Members to have regard to in determining the Sainsbury's application.
- If a decision is made without regard having been given to the ASDA site, that decision would be potentially challengeable in the High Court.

- Letter of objection received from Alec Shelbrooke MP stating that 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. The main objection is the location out of the town centre and at a main entrance into the town, which will cut off the town centre rather than complement it. Alec Shelbrooke MP states that 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.

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 Environment Agency – Objection in the absence of an acceptable Flood Risk Assessment. The submitted FRA is not acceptable as it does not deal with how surface water drainage will be managed. There must be no increase to surface water run off at the site and attenuation storage is needed. Evidence of the applicant's drainage calculations is required and soakaways need to be shown prior to planning permission being granted. *Further to this, the applicants have submitted a revised FRA which is now considered to be acceptable.*
- 7.2 Highways Agency – No objections. 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 are made in respect of the applicant's Travel Plan which should be a full travel plan rather than a framework. However given the very limited impact of the proposal on the Highway Agency's network it is unnecessary to lodge a holding direction to address the issues with the Travel Plan.
- 7.3 **Highways**
- 7.4 During the consideration of the application discussions have been on-going with the applicants to address concerns and to provide further information and revisions on matters relating to accessibility, parking, access, servicing and traffic impact. This has culminated in revisions to the TA and supporting information to seek to address these concerns and significant progress has been made in this respect by the applicants.
- 7.5 The council's UTMC section has been consulted and is satisfied that an acceptable access could be delivered and the developer is preparing a geometric and technical assessment of the proposed signalised site access to demonstrate that the design is to appropriate standards. A minor amendment to the Backup area of the store has been requested. Subject to this matter been resolved the design of the access and service yard is accepted – *verbal update to be given to Panel, prior to which, revised plans may have been submitted by the applicant.*
- Parking*
- 7.6 It is considered that the start point for a store on the edge of town whose catchment covers a predominantly affluent and rural area extending between main built up areas of Leeds and Harrogate should be to provide the maximum provision. Notwithstanding the nature and distance of the walk into town, the proposed maximum 2 hour restriction in the car park is very unlikely to result in meaningful numbers of linked pedestrian trips into the town centre.
- 7.7 However, the developer's car parking accumulation exercise has been repeated for the new trip rates discussed above. This work identifies a maximum car parking

accumulation of 206 spaces, or 86% of the 241 spaces provided for the store. The level of car parking is therefore acceptable to serve the store given that 14% reserve capacity is available at peak times which will accommodate fluctuations that might occur within the hourly periods, circulation issues and operational capacity. Highways have clarified that the car parking provision would not be considered sufficient if the maximum stay were extended (say 3 or 4 hours) and linked trips with the town centre considered likely. However, linked pedestrian trips with the town centre are not considered likely.

- 7.8 The developer has amended the proposal such that staff parking (included in the accumulation exercise) of up to 10 long stay spaces will be permitted within the south-eastern portion of the customer car park. This is acceptable in principle subject to the developer demonstrating that the level will be sufficient to prevent staff parking in Micklethwaite Grove.
- 7.9 Given that the developer has demonstrated an overall level of car parking appropriate to a store of this scale, and assuming that the staff spaces referred to above are demonstrated to be adequate, it is unlikely that there will be an adverse impact on Micklethwaite Grove. However, the developer is agreeable to a S106 contribution towards traffic measures on Micklethwaite Grove should issues arise.
- 7.10 The developer has amended the plans to indicate appropriate levels of short stay cycle parking provision, long stay secure cycle parking and motorcycle parking.
- 7.11 On a more general car parking point it is understood the developer has offered a financial contribution towards town centre car parking to enhance the attractiveness of the town centre offer given the availability of free parking at the proposed store. For clarity this financial contribution is offered to mitigate the retail impact of the development not to address a shortfall at the proposed store.
- 7.12 Further clarification has been requested on the expected levels of staff parking – *verbal update to be given to Panel.*
- 7.13 In terms of traffic impact, further information has been provided on the expected traffic distribution and trade draw of the store which are disputed by Highways. As stated previously the key issues are considered to be the extent of queuing between the site access and the Boston Road / Wetherby Road roundabout and the performance of the mini roundabout at the junction of North Street / Market Place. Additional tests have been carried out using the accepted trip rates. UTMC are satisfied that the right turn into the site will not cause problems by queuing back to Boston Road. With reference to the mini roundabout, a key paragraph of the new national planning guidance, paragraph 32 of the NPPF, states that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. The NPPF does not define “severe” however, in the weekday PM peak hour the developer has calculated the traffic impact to be less than 1% at the mini roundabout. However, this figure is not accepted by highways, and the developer has agreed to carry out further tests of these junctions based on different assumptions - *verbal update to be given to Panel.*
- 7.14 The remaining key issue is that of accessibility to public transport and Wetherby town centre which is discussed below: -
- 7.15 The location of the store is considered to be Out of Centre as the NPPF defines an Edge of Centre location to be well connected and up to 300m from the primary shopping area. The developer has offered a financial contribution to enhance the

attractiveness of the pedestrian route between the site and town centre by providing quality surfacing materials. Highways remain of the view that linked pedestrian trips to the existing town centre would be unlikely.

- 7.16 The suggestion that an enhanced pedestrian route could be provided at the northern end of the site has been discounted by the applicant on the basis that car parking spaces would be lost. Although the site is not well connected to the town centre, it is still considered that an enhanced pedestrian route should be provided within the site as a matter of good design, and if necessary the size of the store adjusted if the resultant impact of car parking numbers is problematic to the developer.
- 7.17 The NPPF states that development should be located where use of sustainable transport modes can be maximised but that account of the area needs to be given (urban or rural). The RSS, Public Transport SPD and draft Core Strategy state that retail uses should be within a 400m walk of a 15 min service frequency to a major public transport interchange. Bus Stops on Boston Road are within a 400m walk and Wetherby Bus Station is approximately 450m from the store. However, neither provides the level of service required by the above guidance to a major public transport interchange. The Public Transport SPD states that where a development does not meet the necessary accessibility standards that the developer is expected to establish and fund measures to make the site accessible so that the development is not overly reliant on car borne customers. In these circumstances the formulaic calculations in the SPD would not be applied.
- 7.18 With reference to the Public Transport SPD contribution the developer has explored how the sum could be used to improve accessibility / sustainable travel, by using the sum to contribute to an improved free shuttle bus service that would operate six days a week including Saturdays. Although routing would be flexible, the suggestion is that three routes would circulate within Wetherby, Collingham and Boston Spa, between 9:30am and 3pm, and provide connections with the town centre and bus station. The pricing strategy for patrons is intended to be in line with other services in the area, so as not to prejudice any existing service, the cost of which would be redeemed by Sainsbury's customers with a minimum spend at the store. The developer has proposed that it would deliver such a service for a period of 5 years at a cost of £507,000 which is £54,108 greater than the SPD sum of £452,892. The developer has stated that the route of the existing Harrogate shuttle bus, which provides 2 buses a day on Wednesdays and Fridays to Wetherby, would be extended to the new store.
- 7.19 The details have been explored further with Metro. Metro consider that the funding should come through them for all bus services. This gives Metro some control on who the tender is awarded to and give the ability to deal with complaints, information, ticketing etc. Metro also consider that tendering through Metro also widens the scope for other funding, for example from other developments which could be combined to provide a more compressive service.
- 7.20 The proposal has potential to provide a sustainable choice for customers that also links with the town centre. However, In terms of the length of the service, 5 years funding is not considered sufficient as it is questionable whether the service would generate enough revenue to cover its costs, with the risk that when the funding period ends then the service would be withdrawn. The period of funding is to be explored further with the developer – *verbal update to be given to Panel.*

Non-statutory:

- 7.21 Travelwise – a full travel plan is required not just a framework as submitted with the application. The Travelwise Officer has provided detailed comments on what should be included in the travel plan and advises that it needs to include estimates of the number of staff, more detailed information regarding the free bus service suggested, details of staff parking arrangements. A Travel Plan Monitoring Evaluation fee would be required of £2,750. 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.
- 7.22 Public Transport Contribution
The proposed development will generate a large number of trips, a proportion of which will have to be accommodated on the public transport network. The scheme has, therefore, been assessed in accordance with the City Councils adopted Supplementary Planning Document (SPD) “Public Transport Improvements and Developer Contributions”.
- 7.23 As a result of this assessment, it is clear that the proposed use will have a significant travel impact, which will need to be addressed. Under the terms of the SPD guidance, therefore, a financial contribution proportionate to the travel impact of the scheme will be required towards the cost of providing the strategic transport enhancements (detailed in the SPD) which are needed to accommodate additional trips on the network.
- 7.24 A contribution of **£452,892** should be sought. In calculating the required sum a deduction of 10% has been incorporated to take account of previous trip generation on the site and out of peak hour trips
- 7.25 Contaminated Land – Proposed development is considered low vulnerability therefore no further information is required at this stage subject to conditions.
- 7.26 Mains Drainage – On site soils condition and infiltration rate needs to be determined to confirm feasibility options for surface water drainage. Need to achieve 30% reduction of existing peak discharges from hardstanding area. Conditions are recommended to deal with these matters.
- 7.27 Architectural Liaison Officer – advises that ATM's should be located more centrally and closer to the entrance lobby.
- 7.28 Access Officer
Revised plans received to address concerns regarding footpaths and position of bollards.
- 7.29 Air Quality Management Team -
The air quality report submitted with the application acknowledges that there are limitations to quality modelling and some doubt regarding absolute predicted levels of NO₂ both now and in the future and proposes to fund a 12 month monitoring survey to determine more accurately the levels of NO₂ within the Wetherby area prior to determine the current situation. The Air Quality Management Team (AQMT) of Leeds City Council welcome this proposal, but do not believe that proposed mitigation measures are purely linked to the outcome of such monitoring showing a breach of any Air Quality Objective.

- 7.30 Although there is some doubt cast over the absolute levels of pollution, the modelling does confirm that the completed development will result in the general deterioration of air quality around the Wetherby area. It is therefore the view of the AQMT that a minimum level of mitigations measures should be agreed as part of any planning consent, with perhaps only the scale of such mitigation measures being dependant upon the outcome of the monitoring.
- 7.31 West Yorkshire Ecology – no evidence of species rich grassland or boxes for bats and birds. Landscape plan should be revised to include areas of species rich neutral grassland and a condition should require 6 bat boxes and 20 bird boxes.
- 7.32 Environmental Health
The applicant has submitted a noise report in support of the application that details current noise levels and predictions of expected noise levels from the operation of the new superstore. The site is overlooked by dwellings on Micklethwaite Grove immediately to the north, and Micklethwaite View and Grange View to the east of the site boundary. Subsequently, there is little separation distance between the closest dwellings and the proposed store/car park. The baseline measurements showed that the primary noise source to the site was road traffic on Wetherby Road and A1(M).
- 7.33 The categories assessed within the report included fixed plant noise, deliveries to the store, noise from customers using the car park
- 7.34 In relation to Fixed Plant, full details of the plant to be installed were not assessed in the report however it is usual for sound level criteria to be proposed and conditioned at this stage. The plant will undoubtedly consider use of refrigeration and air conditioning condensers on the roof of the store in the south-west corner near to the service yard. There is also a biomass boiler on the drawing in the service yard.
- 7.35 The noise report assessed the background noise levels at night which were defined as low (30dB), the report recommends use of a condition to place an overall fixed rating level of 35dB during the day and 35dB at night at the nearest sensitive receptors. These levels are considered sufficiently low so as not to cause harm to amenity in gardens and inside residential properties. This design criterion should be attached as a condition if approval of the development is to be granted. The plans show that there will be an in-store bakery and as in similar stores, possibly a hot food deli counter. Details of fixed plant including noise levels and odour control will be required by condition to meet the overall fixed rating level referred to above.
- 7.36 Deliveries to store - The service yard is considered to be sensibly located at the furthest point away from sensitive receptors. The mode of bulk delivery is for the HGV to drive into the yard and reverse into the loading bay which has rubber seals to help contain some of the noise during unloading. There will be smaller good vehicles that deliver daily essentials such as milk, bread and newspapers. These are apparently delivered by rolling cages across the yard to the delivery bay door. There is potential for noise from the vehicle during manoeuvring, including reverse beeper and refrigeration units and impacts of cages, pallets and such like being moved off the vehicle either through the bay or across the yard.
- 7.37 The noise report assesses noise levels from deliveries in relation to the closest noise sensitive properties and concludes that deliveries could be made between 0400 and 0000 provided that drivers disable vehicle reverse alarms and refrigeration plant prior to entering the service yard. However, it is recommended that despite these comments, experience has shown that compliance with WHO guidelines does

not mean that the noise will not be inaudible, particularly at night therefore this department will recommend conditions restricting the times that bulk deliveries may occur.

- 7.38 Customer traffic - The impact of cars arriving and leaving the site whilst the store is trading will vary depending on the day and time of day. The noise report predicts the cumulative impact of the store car park in use based on a worst case of each car space being occupied by 2 vehicles in a one hour period. At the nearest noise sensitive premises noise from the use of the car park will be of a similar level to the ambient noise from road traffic so will result in a marginal increase and also not exceed the WHO guidance level during the daytime with the provision of a 1.8m acoustic fence around the boundary of the site.
- 7.39 On the basis of existing noise levels at the site, which increase between the hours of 0700 and 2200 it is recommended that the store should be restricted to closing at 2200 rather than 2300 on the basis that noise from the store after this time will not be masked so well by ambient traffic noise.
- 7.40 Conditions are recommended to deal with the following;
- Submission of details of all fixed plant and ventilation including noise data and odour treatment.
 - 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 the levels set out in table 1 of applicant's noise report.
 - Submission of a delivery management plan
 - Bulk deliveries shall not take place outside of 0600 to 2200 Monday to Saturday and 0900 to 1600 Sundays
 - Opening hours to be restricted to 2200 Monday to Saturday, 1600 on Sundays
 - 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.
- 7.41 METRO – The proposed supermarket will have a significant impact on the transport requirements for the site. The site is poorly located in terms of public transport accessibility. The closest stops are on Boston Road with limited services of combined frequency of 1.5 buses per hour (services 174 and X98). Public transport catchment for the site is low and it is considered unlikely that public transport will be a realistic alternative to the private car to access the site. The distance to Wetherby bus station is considered to be a walking distance of 600m (rather than applicant's 450m). For a supermarket 400m should be the maximum distance applied for access to bus services. The Council's SPD recommends 400m walk to services of 15 minute frequency, the proposal is considered to be inadequate.
- 7.42 More detail is required regarding the applicant's proposed free bus service to understand if it is likely to be a realistic alternative. Firm proposals are needed from the developer to improve public transport access to the site, particularly the free bus service.
- 7.43 Yorkshire Water
No objections, the submitted FRA is acceptable for YW purposes. Conditions are recommended regarding drainage. Records indicate an abandoned sewer crossing the site.

7.44 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. A further report was provided by England & Lyle given the introduction of the NPPF and the submission of a Supplementary NPPF Statement by the applicant. This report advises on the amount of inflow into the catchment area that goes to Morrisons in Wetherby and the likely inflow to a Sainsbury's store; expenditure growth rates and turnover efficiency; clawback assumptions; the trading impact on Wetherby town centre and whether this represents a 'significant adverse impact' in NPPF terms; and the consequences of trade diversion, especially on the vitality and viability of the town centre.

7.45 Whilst the detailed retail issues are discussed and considered within the appraisal section of this report, the main headline conclusions can be summarised as follows:

- There does not appear to be any available and suitable sites for large-scale retail development within or on the edge of Wetherby town centre.
- Disputes are raised between the applicant's and England & Lyle's views on the inflow of trade from beyond the defined catchment area. The evidence of trade in the Morrisons store is not more than 10% of its turnover is from inflow of trade and the best estimate of trade from inflow in the Sainsbury's store is also 10%.
- The applicants assume that 40% of the proposed Sainsbury's store would come from clawback of leakage. From E & L's analysis of leakage and clawback, it is advised that that the best estimate of trade draw from clawback is 20% rather than 40%.
- The overall trading impact in Wetherby town centre as a whole would be 26%. The impact upon Boston Spa and Collingham would be both 5%.
- An overall trading impact of 26% in the town centre would be a significant adverse impact, with the impact mostly on convenience goods shops in the town centre which are essential to the health and the character of Wetherby. These shops could experience a 36% trade diversion overall.
- There is a serious concern that the level of trading impact predicted on Morrisons (39% convenience trade diversion) would result in a significant reduction in linked trips between Morrisons and other shops and services in the town centre, to the detriment of its vitality and viability.

8.0 PLANNING POLICIES:

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

Development Plan

8.2 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in

May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

- 8.3 Relevant RSS policies are considered to be;
- E2 Town Centre and major facilities. States that town centres should be the focus for offices, retail, leisure and entertainment.
 - YH5 – Principal towns. Wetherby is identified as a Principle Town in the region's settlement network, which the policy advises should be the main focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities. The role of principal towns should be enhanced including vitality and viability of town centres
 - ENV5 New development of more than 1,000m² of non residential floorspace should secure at least 10% of their energy from decentralised and renewable or low-carbon sources, unless having regard to the type development involved and its design, this is not feasible or viable.
- 8.4 The application site itself is not covered by a particular designation within the Unitary Development Plan Review , however the UDP Review includes the designation of the adjacent site for potential for new convenience goods retailing. This site was not brought forward for retail development and has been developed for housing development. The retail need which justified the convenience goods retail allocation was met by the redevelopment and extension of the former Co op store to provide premises for Morrison's a number of years ago.
- 8.5 The following UDP policies are relevant to the consideration of the application:
- SP6 – Distribution of land for employment uses
 - SP7 - Priority to be given to enhancement of the City Centre and town centres
 - GP5 – General planning considerations;
 - GP11 – Sustainable Design Principles
 - E7 – Loss of Employment Land to other uses
 - N12 – Urban design principles;
 - N13 – Design of new buildings;
 - N19 – New buildings within or adjacent to conservation areas
 - N24 – Development abutting green belt, green corridors or other open land
 - N25 – Boundaries of sites to be designed in a positive manner
 - T2 – New development and highway safety;
 - T5 – Access for pedestrians and cyclists;
 - T6 – Provision for disabled people;
 - S5 - Criteria for out-of-centre major retail development (above 2,500 sq.m gross)
 - BD5 – New buildings, design and amenity;
 - LD1 – Landscape schemes
- 8.6 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. It recognises Wetherby as a Major Settlement. Relevant policies are:
- P2 – Sets out acceptable uses within and on the edge of town centres, and includes supermarkets and is subject to a sequential assessment.

P5 – Sets out the approach to accommodating new food stores across Leeds and directs such stores towards town and local centres.
P8 – Sets out the approach for sequential and impact assessments for town centre uses. It requires proposals which have a total gross floor area of 1,500m² to be accompanied by sequential and impact assessments.
P10 – Relates to good design.
T2 – Requires new development to be located in accessible locations.
EN1 – Relates to climate change.

8.7 Supplementary Planning Guidance/Documents

Public Transport Improvements and Developer Contributions SPD.

Travel Plans SPD

Sustainable Design & Construction SPD “Building for Tomorrow Today”

Neighbourhoods for Living – General design principles and minimum separation distances.

8.8 Wetherby Conservation Area Appraisal:

The site lies adjacent to character area 3 – riverside area. The appraisal describes this area which lies to the south of the river as having open character of landscape and river views flanked by mature trees, making a considerable contribution to the character of the town. The appraisal goes on to state that the gateway associated with the former West Lodge of Wetherby Grange is a key landmark on the southern edge of the conservation area. One of the key characteristics identified for the area are the narrow views down Boston Road which emphasise the entrance to the town.

8.9 National Planning Policy Framework

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

- The economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
- The social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;
- The environmental role – contributing to protecting and enhancing our natural,

built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

- 8.10 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.”

- 8.11 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.

- 8.12 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....”*

- 8.13 At paragraph 27 the NPPF advises that:

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

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

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

- 8.15 Ministerial Statement – Planning for Growth, March 2011.

9.0 IDENTIFICATION OF MAIN ISSUES

1. Introduction
2. Retail Policy and Principle of Retail Development
3. Design and Layout, Impact on character and appearance of Wetherby Conservation Area
4. Landscaping
5. Highway issues
6. Impact on Living Conditions of Neighbours
7. Drainage
8. Sustainability
9. Section 106 Agreement and CIL Regulations
10. Economic and Factors
11. Other matters

10.0 MAIN ISSUES

1. Introduction

- 10.1 The site is at a gateway location to the entrance of Wetherby and important to the setting and character of Wetherby as a market town. Development of this site is of strategic significance to the town and it is considered that key issues for Members to consider relate to the nature of the development proposed on the site in terms of how it relates to the sites context as well as considerations relating to the proposed use and the relationship to the town centre and the impact on existing stores and traders which must be assessed against planning policy set out within the NPPF as well as the UDP Review 2006.
- 10.2 It is also relevant to make particular reference to the NPPF with its overriding ethos of the presumption of favour of sustainable development. However, it is relevant to balance any economic benefits that may arise from the proposed development such as job creation, investment and mileage saving against the potential harm to the vitality and viability of Wetherby town centre as well as the impact on existing, committed and planned public and private investment in a centre or centres within the retail catchment area of the proposal. The proposed scheme also needs to be balanced against highways, and residential amenity considerations as well as any visual harm that may arise to the character of the area and adjacent conservation area and whether the proposed design takes the opportunities available to improve the character and quality of an area and the way it functions.
- 10.3 The applicant, in their planning submission, has sought the advice of Counsel to support their proposal. The opinion makes reference to the Leeds development plan and suggests that policies are out of kilter with the NPPF and therefore this is a material consideration. The advice from the Council's Legal Officer agrees with this stance to some extent and therefore should be a material consideration. Counsel advice also indicates that it is for the decision maker to come to a view on the extent of any conflict between the plan policies and the NPPF. IN this respect, if is considered that Policy S5 of the UDP is broadly consistent with the NPPF in terms of retail impact and the need to protect the vitality and viability of existing centres. The Council also agree with Counsel's opinion that the sequential test still applies.
- 10.4 Counsel's opinion also makes reference to unmet quantitative and qualitative need, as well as whether the level of retail impact is deemed to be significant. This is a professional disagreement on retail matters and is addressed in the next section of

this report. However, the advice from the Council's independent retail advisor, suggests that the level of impact is likely to be significant.

2. Retail Policy

- 10.5 National guidance on retail matters was formerly set out in PPS4, which was issued in 2009 and provided guidance on planning for sustainable economic growth. However, the majority of all national planning guidance documents (including PPS4) have been replaced by the National Planning Policy Framework (NPPF).
- 10.6 The underlying theme from the NPPF is the presumption of favour of sustainable development. Section 2 is specifically entitled 'Ensuring vitality of town centres' and sets out the approach towards ensuring the vitality of town centres. It stipulates that Local planning authorities should apply a sequential test to planning applications for town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Proposals for retail development should specifically include an assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal, and the impact of the proposal on town centre vitality and viability, including local customer choice and trade in the town centre and wider area. The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.
- 10.7 In terms of local policy within the development plan, the application should be assessed against Policy S5 of the UDP Review 2006 which advises that major retail developments (above 2, 500 sq.m gross as set out at para 9.2.7) outside defined S1 and S2 centres will not normally be permitted unless;
- i. the type of development cannot satisfactorily be accommodated within or adjacent to an existing S1 or S2 centre;
 - ii. it can be demonstrated that it will not undermine the vitality and viability of the city centre or any S2 or local centre or prejudice the local provision of essential daily needs shopping. The policy goes on to advise that it will normally be necessary for the applicant to carry out a formal study of impact on nearby centres and an assessment of changes in travel patterns.
 - iii. It addresses qualitative and/ or quantitative deficiencies in shopping facilities
 - iv. It is readily accessible to those without private transport
 - v. It does not entail the use of land designated for housing, key employment sites or land located in the green belt or open countryside.
- 10.8 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.
- 10.9 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.
- 10.10 The Council has commissioned independent retail advice from England & Lyle Planning Consultants who specialise in retail planning, to review the Retail

Assessment (RA) and the Supplementary NPPF Statement undertaken by Turley Associates in support of the application.

- 10.11 In order to carry out the RA, Turley Associates commissioned a telephone household survey carried out in July 2011. The findings of the household survey are accepted by England & Lyle. The catchment area used by Turley Associates for the RA, which is based on typical trading characteristics of a Sainsbury's store, taking into account competing stores in neighbouring towns was agreed with Officers prior to the submission of the application. This also highlighted a number of zones within the identified catchment area which included Wetherby itself (Zone 1), as well as the settlements of Boston Spa and Collingham towards the south and south west (Zone 2), the rural area towards Tadcaster (but not including Tadcaster) (Zone 3) and the rural area between Wetherby and Harrogate (Zone 4).
- 10.12 In terms of existing convenience retail provision within the catchment area, the main stores which are identified are the Morrisons within Wetherby town centre (3,258m² net); M & S Food also within Wetherby town centre (528m² net); a small Sainsbury's store on the edge of Wetherby town centre (379m² net); and a Co-op store outside Wetherby town centre (146m² net). It is also relevant to highlight that there are two planned Tesco Express convenience stores within the identified catchment area. These include sites within Collingham and Boston Spa and involve the conversion of vacant public houses (Class A4) to retail use (Class A1). Whilst no change of use applications are required as the conversions are permitted development, there are pending applications for associated external works such as air conditioning units, minor external alterations and signage. These planned stores would have a combined net floorspace of approximately 500m². Outside the catchment area, there is existing convenience goods provision which includes the Sainsbury's (5,986m² net), Asda (4,325m² net), Morrisons (3,186m² net) and Waitrose (1,856m² net) stores in Harrogate.
- 10.13 The applicant has carried out a detailed retail statement which address matters such as retail need, the sequential assessment and retail impact. This is updated following the publication of the NPPF and the applicant has submitted a Supplementary NPPF Statement to address the government's national planning guidance. This covers all sections of the NPPF as well as the section on town centres. It also updates the retail figures (following previous discussions) and provides information on mileage savings and a plan to indicate walking distances to key facilities within Wetherby town centre.
- 10.14 From the survey based evidence provided it is apparent that Morrisons in Wetherby has the largest market share at 61% in terms of main food shopping overall. 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.
- 10.15 The proposals for new Tesco Express convenience stores in Boston Spa and Collingham would help to meet local shopping needs in those centres and therefore there could be some additional retail floorspace in the Wetherby catchment area.

Although this is not as large as the net floorspace in the proposed Sainsbury's store, the proposals for the Tesco Express stores would increase the amount of convenience goods shopping in the Wetherby area and reduce the need for a new store of the size proposed by Sainsbury's.

2a. Sequential Test

- 10.16 As the site occupies an out-of-centre location it is necessary for the applicant to carry out a sequential assessment of possible alternative sites in accordance with the guidance within the NPPF as well as policy S5 of the UDPR. In order to assess impact and to undertake a sequential assessment the applicant's Retail Assessment (RA) defines a Primary Catchment Area (PCA) where it is considered that a store of this size would draw the majority (80%) of its trade. The catchment area includes Wetherby and Boston Spa S2 centres.
- 10.17 At the pre-application stage and early on in the consideration of the current planning application, the applicant's RA concluded that neither the Council or the applicant's own research had identified any sequentially preferable sites for assessment within the agreed catchment area. It is understood that Morrisons may be submitting an application for an extension of the existing store within Wetherby town centre, evident through a recent public exhibition that was carried out. However, to date, no formal application has been submitted.
- 10.18 The Government's Practice Guidance on town centre uses indicates that in applying the sequential test it is necessary to take a flexible approach. Alternative sites have to be available and suitable for the same type of development but smaller sites may be suitable if an applicant is flexible in terms of scale, format, etc. The site proposed for a Tesco Express stores in Boston Spa is sequentially preferable but is are too small to be suitable to meet the scale and type of retail development proposed by Sainsbury's. Although the application does not fail the sequential test, the fact that firm proposals have been submitted for the Tesco Express stores is a material planning consideration in making a balanced judgement about the acceptability of the application site for large-scale retail development.
- 10.19 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.
- 10.20 The store is located approximately 400m from the edge of Wetherby town centre and the proposals include the provision of a pedestrian link through the adjacent residential development of Micklethwaite Grove. Although some residents have contested the legality of this, the applicant's have submitted documentation to demonstrate its legality and have served notice on the owners of the land. The applicant has therefore confirmed that this pedestrian link can be delivered and officers have no reasons to doubt this. The applicant has also indicated that they would be willing to fund a package of measures to improve the pedestrian surfacing from the site to the town centre as part of the planning obligations. The scheme also includes the provision of a customer car park which would allow shoppers a 2 hour limit in order to facilitate linked trips to the town centre. However, it is considered that due to the overall distance to the town centre and limited 2 hour limitation, the number of linked trips would not be significant. The applicant also proposes a shuttle bus to the town centre which would be funded from the overall package of public transport infrastructure contributions required under the SPD. However, it is understood that this would only be for a period of 5 years and therefore this would not make it sustainable in the longer term. If the applicant were to agree to a 10 year

funding package then it is considered that the provision of this would contribute to linked trips and this would need to be incorporated into a Section 106 Agreement should the application be approved.

- 10.21 It is also relevant to highlight the importance of the existing Morrisons store with Wetherby town centre as it anchor role in supporting linked trips to other stores within the town centre. Whilst it is recognised that this store is overtrading, although not to the extent that the applicant indicates, the impact upon Morrisons will also have an impact on the number of linked trips to other retail units within the town centre. Advice from E & L concludes that the likely convenience trade diversion from Morrisons would be 39%, which would bring its convenience turnover down to its benchmark 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.

2b. Impact

- 10.22 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 RA and Supplementary NPPF Statement as well as predicted turnover and trade draw of the proposed store. Whilst there are professional disagreements over some of the assumptions within the RA, the advice of E & L is relied upon for the purposes of the Council's assessment and decision making.
- 10.23 The main conclusion is that the proposed Sainsbury's 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 figure (convenience and comparisons goods) on Wetherby town centre would be 26%, and not 13% as the applicant suggests. In terms of the overall impact on Morrisons, this is likely to be 35%, and not 17% as the applicants advises. Such trade diversions are considered to be significant.
- 10.24 Although Morrisons would be able to trade at around its benchmark turnover, the loss of trade in Morrisons is likely to have a significant impact on the role of Morrisons as the 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 in the town centre. A significant reduction in the role of Morrisons for main food shopping would have a knock-on effect on trade in the town centre as a whole and the overall vitality and viability of the town centre. Although a new Sainsbury's store would increase consumer choice and competition in Wetherby, there must be a serious concern that it would have a negative effect on the attraction of the town centre for shoppers and weaken the vitality and viability of the town centre, contrary to local and national planning policy.
- 10.25 The independent assessment by E&L shows that the overall trade diversion in Boston Spa and Collingham town centres would be around 5%. This is a relatively small level of impact which would not have a significant effect on the vitality and viability of these centres.
- 10.26 Given the overall adverse retail impact upon the vitality and viability of Wetherby town centre, this forms the first suggested reason for refusal. In reaching a balanced judgement on the acceptability of the scheme, it is considered that this adverse impact upon the town centre should be afforded very significant weight when reaching a decision.

3. Design, Layout and Impact on Wetherby Conservation Area

- 10.27 The site is considered to be an important site and gateway into Wetherby and borders the conservation area. It is necessary to consider whether the proposed development has regard to the importance of the site's context with regard to the setting of the conservation area and the approach into the market town of Wetherby.
- 10.28 Whilst the design of the store building incorporating gable features and use of stone and timber cladding has merit, the siting and use of the site in terms of size of the store, the relationship to the site boundaries, amount of landscaping provided and mass of car parking need to be considered. The proposed service yard is in a prominent location at the front of the site. The large scale service yard gates need to be considered and the service yard access will be visible from outside the site.
- 10.29 Although the existing hotel building at the site is not in character with Wetherby, it is a fairly recessive commercial building that maintains a sense of arrival on the approach into Wetherby and faces the main road frontage of the site. Regard should be had to whether the proposal for the new supermarket takes opportunities to enhance the character and quality of the area and local distinctiveness and the setting of Wetherby. The conservation area appraisal advises that one of the key ways to retain character for character area 3 is the retention of narrow views and sense of arrival traveling north on Boston Road as well as seeking opportunities to enhance the setting of positive buildings off Boston Road/ A1 link road.
- 10.30 The application is supported by a detailed Design and Access Statement as well as a visual analysis to demonstrate the visual impact of the proposed development. The visual images have been revised and updated in order to provide information of how the development may appear when viewed from numerous key viewpoints. The scheme has also been amended to provide more visual enclosure to the site frontage with the provision of a stone wall and supplementary tree planting.
- 10.31 The advice from the conservation officer is that the proposed development fails to have regard to the importance of the sites context with regard to the setting of the conservation area and the approach into Wetherby. The conservation officer also advises that the proposals also undermine the important positive/listed buildings that form an extremely important gateway into the Conservation Area and the town on Boston Road. It is considered that development of this site requires extensive landscaping within the site in order to lessen its impact upon this extremely important approach from Leeds. The character of which is rural, open countryside. It will also create a very poor environment to the properties of Grange View that are considered to be an Undesignated Heritage Asset whose setting and front aspect should be protected and enhanced.
- 10.32 The scheme has been considered by the Council's Design Review Panel where it was considered that the siting of the building is forced into a corner and the edges of the site are not treated appropriately. The scheme relies on off site planting on highway land to the south along Wetherby Road and from third party land to the east.
- 10.33 In assessing and balancing the advice of the Conservation Officer and the views of the Council's Design Review Panel, it is relevant to consider the visual impact of the supermarket building, its siting, location, the proposed service yard, and extent of car parking and how this impacts upon the character of this part of Wetherby. The design and scale of the store itself takes references from existing buildings within the locality, including the gable features on the south elevation which to some

extent, replicate the gables on the properties of Grange View. The scale of the building is also considered to sit comfortably with the scale of other buildings in the locality and mindful of the scale of buildings (hotel) that it replaces. The proposed materials, including the use of natural stone are also consistent with the local character. However, the main concerns relate to the orientation of the store and the prominence of the proposed service yard. The store's front elevation is orientated towards the east, with the south elevation comprising the service yard and its associated entrance which comprises high gates which would be orientated towards the street frontage. Whilst it is acknowledged that the service yard area is set down in terms of levels from the rest of the site, and is partially screened by some of the existing vegetation, it is considered that it will still be apparent that this does not present an ideal and attractive elevation towards Wetherby Road and does not take the opportunities to improve the character and quality of the area and the way it functions. The service yard would become more apparent and prominent the further into the site customers travel.

- 10.34 It is further considered that the proposed stone wall in front of Grange View and particularly the loss of the soft grass verge will contribute to the negative visual impact. The residential properties of Grange View are considered to contribute positively to the character of the area and the partial loss of the views towards these from the site is disappointing. Whilst views of the proposed store and customer car park from longer distances will not be harmful, as demonstrated through the visual assessment, the views from shorter distances will be prominent. In particular, whilst improvements have been made to enclose the site along the frontage with stone walling, the vast area to the east of the store which accommodates the car parking area will appear void and desolate. The introduction of some planting will help mitigate the visual impact to some extent, but this will take many decades to mature to the extent that it will help break up the sheer size of the car park.
- 10.35 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. The proposal will be at odds with the Council's SPG entitled Neighbourhoods for Living which seeks to promote good design, and seeks to make car parking more discreet. The visual impact of the development should therefore be given very considerable weight in the decision making process.

4. Landscaping

- 10.36 Further to the comments above regarding lack of landscape provision within the site, it is recognised that the scheme does retain some of the valuable trees at the site that are protected by a Tree Preservation Order. However the advice from the Landscape Officer is that there are concerns that the scheme is still too intensively built out to the extremes of the site resulting in physical pressure on retained trees, negating any potential for screening or breaking up the scale of the car park. There are concerns that the car parking dominates the proposal and the car park itself needs to provide screening and landscape breaks with trees and shrubs as well as variations in surface treatments.
- 10.37 The service yard is positioned at a prominent location at the front of the store, and concerns were initially raised regarding pressure from the service yard retaining

walls on the trees that are proposed for retention. Revised plans and further details have now been submitted to address this.

- 10.38 The Landscape Officer also raised concerns regarding impact of the building on the developing large woodland belt to West side (A1, G5) which is too close to the store building and there were concerns that the existing planted area outside the site to the west may be under threat from the proposed level changes and internal retaining walls within the site. There were also multiple impacts to trees on the East side of the site from construction of footpaths and walls and the proposals are also inconsistent regarding some trees shown for both removal and retention (T5, T8). Again, revised plans and further information has been provided to demonstrate that these trees could be fully safeguarded and protected, subject to the imposition of detailed planning conditions.
- 10.39 In terms of the proposed planting within the landscape scheme, the species proposed were not initially considered appropriate in certain areas e.g. the northern buffer to the houses. Medium and small tree species should be considered to avoid impacting on gardens. Leeds City Council guidance "Guideline Distances from Development to Trees" recommends a distance of 20m to main gardens from the species proposed in the planting (Ach, common lime, Oak). A distance of 8.5m is proposed. Again, revisions have been submitted, including proposals for additional tree planting within the car parking area and along the southern boundary. However, these trees will take a considerable amount of time to fully mature and fully mitigate the visual dominance of the car park.
- 10.40 Notwithstanding that the proposal relies on offsite planting within the highway, the offsite verge planting is not considered to be of the right character even if it were proven to be feasible to plant in this location. It is not appropriate to rely upon highway land in which to provide landscaping to mitigate the visual impact of the development as this is not deliverable.

5. Highways

- 10.41 The Highways Agency have advised that the application will not have a significant impact on the strategic network.
- 10.42 In terms of access, the proximity of the service yard to Wetherby Road has been improved to an acceptable level such that large vehicles exiting the service yard will not block the entry into the car park. The developer's highway consultant has also stated that as an extra safeguard the exit to the service yard could be linked to the signal stages at the proposed site access, so that vehicles leaving the service yard would be held back until the exit is unrestricted. The council's UTMC section has been consulted and is satisfied that an acceptable access could be delivered and the developer is preparing a geometric and technical assessment of the proposed signalised site access to demonstrate that the design is to appropriate standards. A minor amendment to the Backup area of the store has been requested. Subject to this matter been resolved the design of the access and service yard is accepted – *verbal update to be given to Panel.*
- 10.43 A car parking accumulation exercise has been repeated for trip rates that are acceptable to Highways. This work identifies a maximum car parking accumulation of 206 spaces, or 86% of the 241 spaces provided for the store. The level of car parking is therefore acceptable to serve the store given that 14% reserve capacity is available at peak times which will accommodate fluctuations that might occur within the hourly periods, circulation issues and operational capacity. Highways have

clarified that the car parking provision would not be considered sufficient if the maximum stay were extended (say 3 or 4 hours) and linked trips with the town centre considered likely. However, linked pedestrian trips with the town centre are not considered likely. Further clarification has been requested on the expected levels of staff parking – *verbal update to be given to Panel.*

- 10.44 In terms of traffic impact, Highways have assessed the developers transport assessments and the impact is considered to be acceptable.
- 10.45 In terms of traffic impact, further information has been provided on the expected traffic distribution and trade draw of the store which are disputed by Highways. As stated previously the key issues are considered to be the extent of queuing between the site access and the Boston Road / Wetherby Road roundabout and the performance of the mini roundabout at the junction of North Street / Market Place. The developer has agreed to carry out further tests of these junctions based on different distribution and trade draw assumptions - *verbal update to be given to Panel.*
- 10.46 The remaining key issue is that of accessibility to public transport and Wetherby town centre. The location of the store is considered to be Out of Centre as the NPPF defines an Edge of Centre location to be well connected and up to 300m from the primary shopping area. The developer has offered a financial contribution to enhance the attractiveness of the pedestrian route between the site and town centre by providing quality surfacing materials. It is understood that an estimated cost of these works is likely to be approximately £14,500. Highways remain of the view that linked pedestrian trips to the existing town centre would be unlikely and hence this is referred to in the first suggested reason for refusal set out at the start of this report.
- 10.47 Bus Stops on Boston Road are within a 400m walk of the store and Wetherby Bus Station is approximately 450m from the store. However, neither provides the level of service required by the above guidance to a major public transport interchange.
- 10.48 With reference to the Public Transport SPD contribution the developer has explored how the sum could be used to improve accessibility / sustainable travel, by using the sum to contribute to an improved free shuttle bus service that would operate six days a week including Saturdays. Although routing would be flexible, the suggestion is that three routes would circulate within Wetherby, Collingham and Boston Spa, between 9:30am and 3pm, and provide connections with the town centre and bus station. The pricing strategy for patrons is intended to be in line with other services in the area, so as not to prejudice any existing service, the cost of which would be redeemed by Sainsbury's customers with a minimum spend at the store. The developer has proposed that it would deliver such a service for a period of 5 years at a cost of £507,000 which is £54,108 greater than the SPD sum of £452,892. The developer has stated that the route of the existing Harrogate shuttle bus, which provides 2 buses a day on Wednesdays and Fridays to Wetherby, would be extended to the new store.
- 10.49 The details have been explored further with Metro. Metro consider that the funding should come through them for all bus services. This gives Metro some control on who the tender is awarded to and give the ability to deal with complaints, information, ticketing etc. Metro also consider that tendering through Metro also widens the scope for other funding, for example from other developments which could be combined to provide a more compressive service.

- 10.50 The proposal has potential to provide a sustainable choice for customers that also links with the town centre. However, In terms of the length of the service, 5 years funding is not considered sufficient as it is questionable whether the service would generate enough revenue to cover its costs, with the risk that when the funding period ends then the service would be withdrawn. The period of funding is to be explored further with the developer – *verbal update to be given to Panel*. In the event that an acceptable period of funding cannot be agreed, this could form a separate reason for refusal if Members are minded to do so, as this would be contrary to current planning policy as it would not provide a sustainable development as it would not provide a sustainable development given the reliance on the private car.

6. Impact on Living Conditions of Neighbours

Micklethwaite Grove;

- 10.51 The application proposes to site the building onto part of the site which is currently grassed and open. There will therefore clearly be a change in terms of the relationship of residential properties on Micklethwaite Grove with the site. The proposed store building will be sited some 8.5m from the boundary with rear gardens. Planting is proposed in this strip of land as a buffer between the residential properties and the store. The proposed building will be set down by approximately 1.3m below the level of the gardens. The resultant relationship will therefore be a building height of 5.5m at a distance of 19.5m from the rear of No's 23 – 39 Micklethwaite Grove and 8.5m away from rear garden boundaries. Planting is proposed to screen the side/ blank elevation of the store from the outlook of these residential properties either from habitable room windows or from within the gardens.
- 10.52 The height of the store building rises to 11.3m some 40m away from the rear gardens of Micklethwaite Grove properties. Given the difference in levels between the site and the properties to the north, and given the limited height of the proposed store, it is not considered that the proposal would have an unacceptable impact upon the living conditions of adjacent neighbours in terms of outlook, loss of privacy and loss of light. If one was to apply the standards for residential development in Neighbourhoods for Living in terms of separation distances, the proposal would comply. Neighbourhoods for Living requires a separation distance of 12m from the rear elevation of a conventional two storey house to the side elevation of a similar house. The proposal provides a separation distance of 19.5m with the height of the proposed store in this location adjacent to the northern boundary being even lower in height than a traditional two storey house, taking into account levels.
- 10.53 The store car parking along the northern boundary comes closer to No's 1 – 15 Micklethwaite Grove than the existing car park for the hotel at a distance of some 3m. The Environmental Health Officer has considered the noise report submitted by the applicant and considers that at the nearest noise sensitive premises noise from the use of the car park will be of a similar level to the ambient noise from road traffic so will result in a marginal increase and also not exceed the WHO guidance level during the daytime with the provision of a 1.8m acoustic fence around the boundary of the site.
- 10.54 However, on the basis of existing noise levels at the site, which increase between the hours of 0700 and 2200 it is recommended that the store should be restricted to closing at 2200 rather than 2300 as proposed on the basis that noise from the store after this time will not be masked so well by ambient traffic noise.

Micklethwaite View

- 10.55 The relationship to these properties is similar to the relationship of the hotel which has a car park sited to the rear of these properties. The proposal includes the erection of a 1.8m wall set off from a footpath which provides access to residents car parking which is maintained within the site. The main elevation of the supermarket faces towards these properties at a distance of some 68m. Therefore, there is no significant impact when compared to the current situation.

Grange View

- 10.56 These properties currently face onto the single storey element of the existing hotel building with just an open low boundary fence. The proposed supermarket will remove the built development from this part of the site and open it up as car parking. A 1.8m boundary wall is proposed around residents parking spaces and access provided from the supermarket car park. The wall is set off from the boundary with Grange View properties by approximately 6m. As set out above, the Environmental Health Officer advises that noise from traffic within the car park will not be detrimental to residential amenity when set against ambient noise from road traffic. The view onto a high boundary wall is not ideal, but this has been balanced against the need to provide enclosure and separation from the customer car park.

Boston Road

- 10.57 The relationship to No's 10 and 12 Boston Road maintains car parking adjacent to these residential boundaries. Again, the Environmental Health Officer advises that there will be no harm to amenity as a result of traffic within the site. The building itself is significantly further away from the rear of these properties than the existing hotel. It is considered that the development causes no adverse impact.

7. Drainage

- 10.58 The Environment Agency initially advised that the applicant has failed to submit an acceptable FRA and fails to adequately detail how surface water run-off will be managed, in order to avoid increasing the flood risk to property downstream. There must be no increase in surface water runoff from the site. As a minimum the Agency would want to see any surface water discharge from greenfield areas restricted to the existing greenfield runoff rate. If not calculated, then the greenfield run-off from a 1 in 1 year storm (1.4l/s/ha) should be used. For the brownfield areas, the Agency would want to see as a minimum a 30% plus climate change reduction in surface water discharge. It is understood that the applicant has discussed the flood risk assessment and additional information with the Environment Agency and further information has been provided to address this. In addition, the Council's Drainage Officer and Yorkshire Water raise no objections subject to the imposition of planning conditions.

8. Sustainability

- 10.59 In accordance with the Council's sustainable construction SPD the applicant has submitted a '*Sustainability, Renewable Energy and Energy Efficiency Assessment*'. The Sustainability Officer has advised that the Authority has a minimum target of a BREEAM Very Good standard, with the expectation that developers will aspire to BREEAM Excellent standards. The applicant needs to provide a commitment and confirmation of which standard they intend to attain.
- 10.60 The proposals detailed in the '*Sustainability, Renewable Energy and Energy Efficiency Assessment*' document takes on board the target of reducing CO2 emissions by 20%, and of meeting 10% of on site power requirements through the use of Low and Zero Carbon (LZC) technologies.

- 10.61 The applicant's *Sustainability, Renewable Energy and Energy Efficiency Assessment* sets out that the proposed bio mass plant and air source heat pumps together with the photovoltaic installation and sunoptics roof lights would reduce the store's energy consumption through fossil fuels by approximately 36%, this is supported subject to confirmation is required that the applicant will install CO2 refrigeration in this store and that they will be providing rainwater harvesting at this store. It is considered that a Site Waste Management Plan is required prior to any work starting on site and this could be a condition. Details of customer bring-system recycling facilities on the site, for paper, glass, plastic bottles/ cans, shoes, books, etc should be required by condition.

9. Section 106 Agreement and CIL Regulations

- 10.62 The proposal is being put forward 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 Heads of Terms for the Section 106 Agreement are as follows:

- Public Transport Infrastructure Contribution - £452,892. However, a sum of £507,000 is now proposed to cover the provision of the shuttle bus for a period of 5 years;
- Contribution to the Wetherby Parking Strategy. Sum to be agreed;
- Car Park Management Plan;
- Contribution of £14,500 towards pedestrian enhancements from the site to Wetherby town centre; and
- Travel Plan, plus a monitoring fee of £2,750.

- 10.63 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.

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

- £507,000 as a public transport infrastructure contribution. The proposal is likely to have a significant travel impact and a financial contribution will help to ensure that relevant government and local policies relating to the use of public transport are met. Money would not be ringfenced to the local public transport system as there are no current proposals for the area, however it could be spent on the provision of a free shuttle bus as the applicant

proposes to transport customers to and from the proposed store to Wetherby 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 £2,750 for monitoring purposes would also be required. However, the details of the Travel Plan are not agreed.
- A contribution towards the Wetherby Parking Strategy was initially discussed in order to complement the overall provision of car parking within and adjacent to the town centre. However, given that the proposed development complies with the Council's car parking guidelines, it is very difficult to quantify a mechanism for calculating this and therefore this would need to be agreed.

10.65 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.

10. Economic & Other Factors

10.66 Other factors that should be taken into account relate to economic and investment matters such as job creation. The applicant proposes to create 150 full and part time jobs at the proposed store. This is a positive aspect of the development that should be afforded considerable weight. However, it must be borne in mind that the current hotel employs a number of staff and therefore there is a need to consider the loss of these jobs in this situation. Furthermore, given the retail advice provided by E & L, it is likely that there will be a significant retail impact on Wetherby town centre. The overall implications of this could ultimately result in the closure of some businesses / shops due to this impact and consequently the loss of some jobs. This therefore needs to be balanced in the round.

10.67 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) (para.8.12 of this report) 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 significant so as to outweigh the retail impact upon the town centre.

10.68 The applicant has also made reference to the fact that the proposed development would help mileage saving. This is set out within Appendix 2, Table A of applicants Supplementary NPPF Statement. However, limited weight can be attached to this analysis as a store located in a very rural area could ultimately lead to mileage saving, albeit in a poorly accessible location.

10.69 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.

10.70 Consideration has also been given to the significant number of objections to the scheme, as well as the number of letters of support. These 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 character of the area, including the adjacent Wetherby Conservation Area, as well as the impact upon the vitality and viability of Wetherby town centre. These matters should be afforded very significant weight in reaching a balanced judgement. 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. 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.

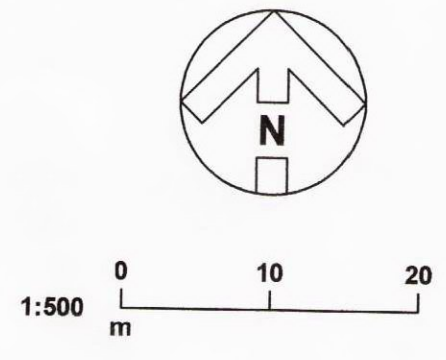
Background Papers:

Application and history files.

Certificate of Ownership – Certificate B, notice served on Mr S Hardman, Jupiter Hotels; Micklethwaite Management Company Limited; and Volbay Investments Limited.

LEEDS CITY COUNCIL
- 1 MAY 2012
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THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
DO NOT DIMENSION FROM THIS DRAWING.
FIRE STRATEGY SUBJECT TO DESIGN DEVELOPMENT
PROPOSED LEVELS SUBJECT TO DESIGN DEVELOPMENT
DRAINAGE STRATEGY SUBJECT TO DESIGN DEVELOPMENT



The changes shown on this plan do not need further public comment



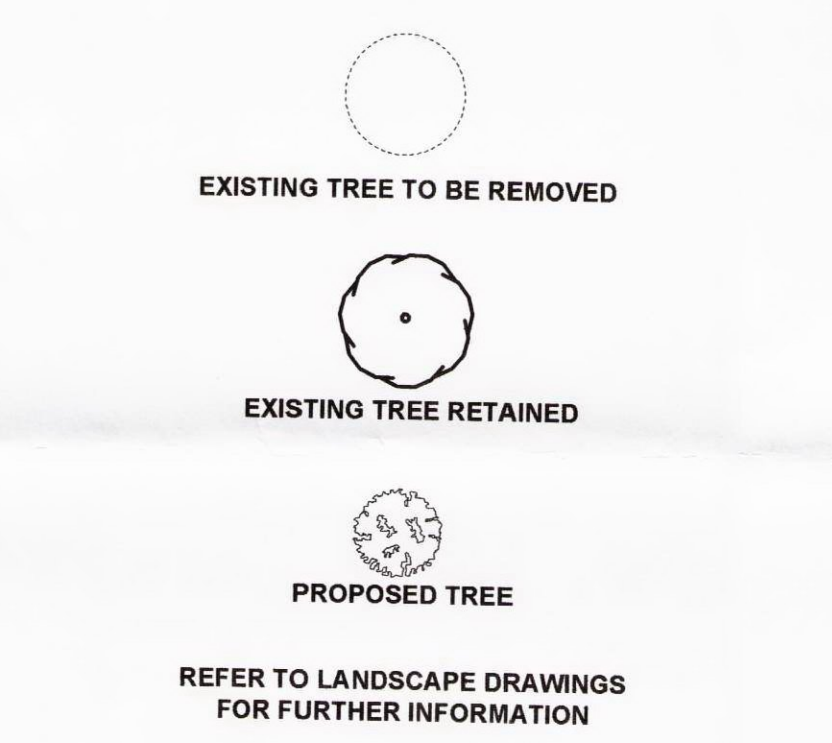
STORE AREAS

NET SALES (CC) AREA	25,264 sq.ft. / 2,347 sq.m.
TOTAL GROSS INTERNAL AREA	44,245 sq.ft. / 4,111 sq.m.
TOTAL GROSS EXTERNAL AREA	45,693 sq.ft. / 4,245 sq.m.

CAR PARKING NUMBERS

STANDARD	215
ELECTRIC VEHICLE CHARGING POINTS	2
DISABLED	14
PARENT AND CHILD	10
RESIDENT PARKING	13
TOTAL	254

4 MOTORCYCLE SPACES WITH SECURE ANCHOR
12 SHEFFIELD CYCLE STANDS (24 SPACES)



REVISION M	By: SR	CHECKED:	DATE: 27/04/2012
Landscaping amended			
REVISION L	By: SR	CHECKED:	DATE: 24/04/2012
Minor amendments			
REVISION K	By: SR	CHECKED:	DATE: 29/03/2012
Highways layout amended			
REVISION J	By: SR	CHECKED:	DATE: 14/03/2012
Service yard gate amended. Landscaping added in car park			
REVISION H	By: SR	CHECKED:	DATE: 02/03/2012
Pedestrian access revised. Cycle and motorcycle parking revised. Landscaping updated			

PLANNING

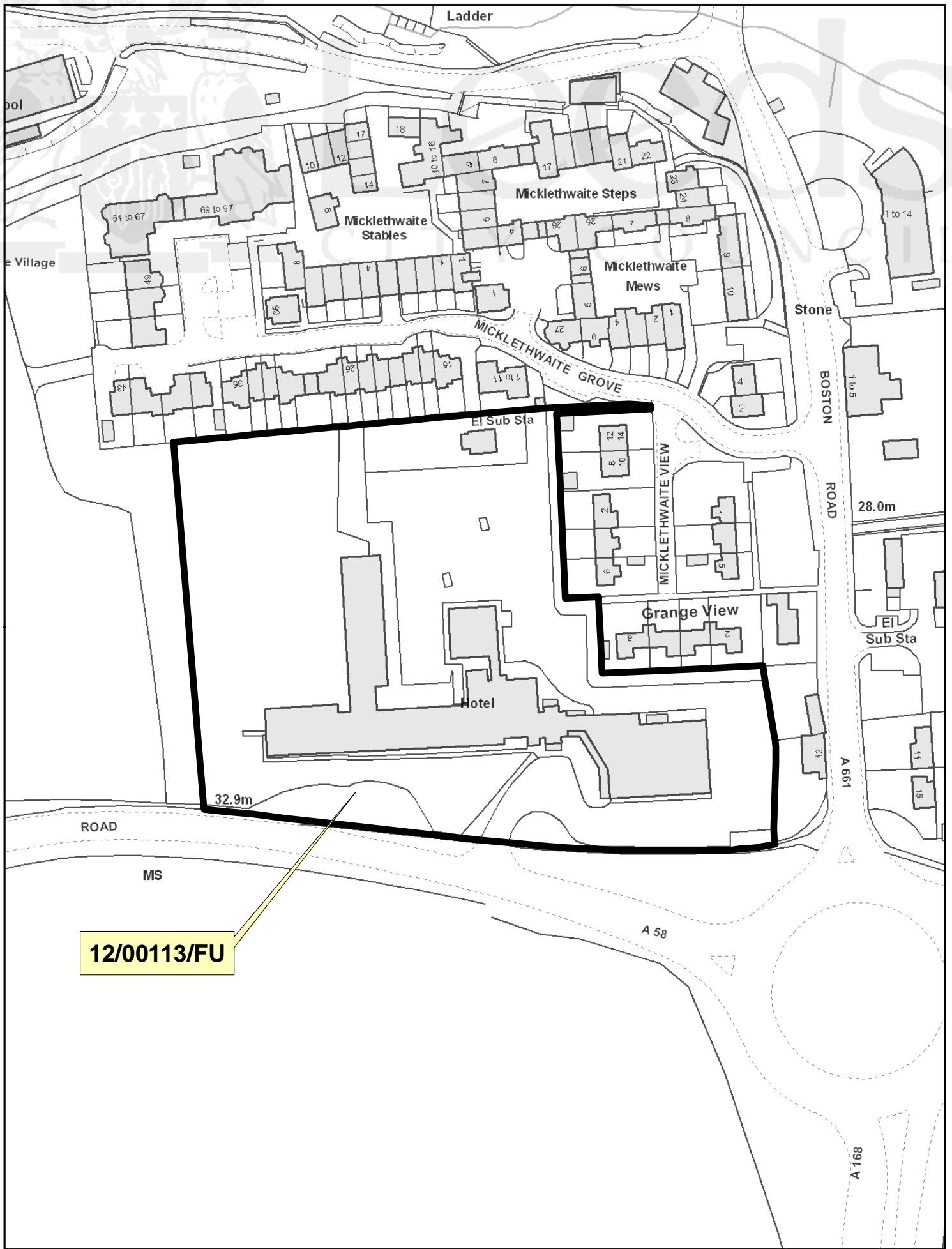
LEEDS CITY COUNCIL
- 1 MAY 2012
REVISED

Sainsbury's

NEW STORE
WETHERBY ROAD
WETHERBY ROAD
PROPOSED SITE PLAN

DRAWING BY: SR	SCALE: 1:500	DATE: MAY 2011
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LEEDS CITY COUNCIL
- 1 MAY 2012
REVISED



12/00113/FU

EAST PLANS PANEL

