

5. Demolition of existing tanker re-load canopy and the erection of a Lidl foodstore with associated car parking. Aldermeads Depot, Southgate Road, Wincanton

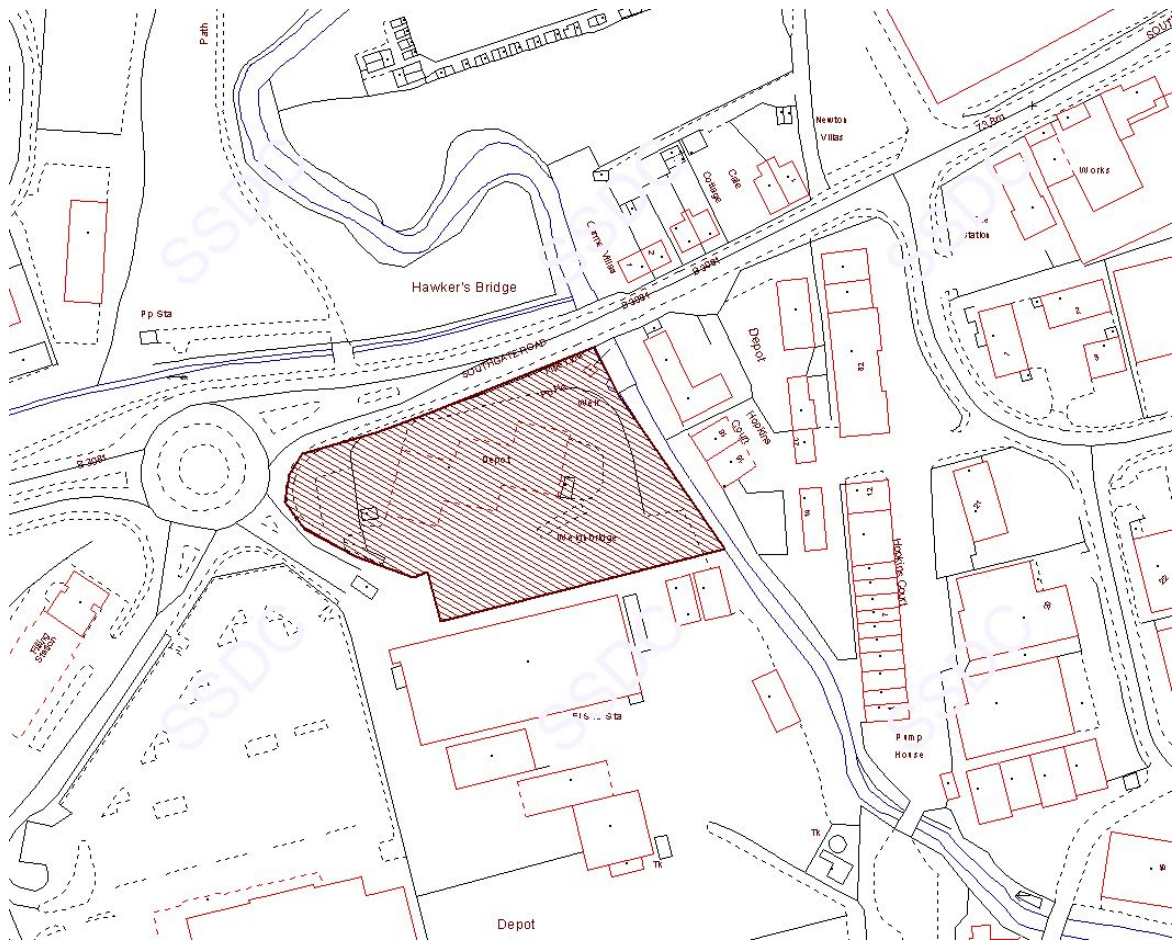
OFFICER: **Andrew Collins 01935 462276**
APPL.NO: **07/01679/FUL** APPLICATION TYPE: Full Application
PARISH: **Wincanton** WARD: **WINCANTON**
DESCRIPTION: **Demolition of existing tanker re-load canopy and the erection of a Lidl foodstore with associated car parking**
LOCATION: **Aldermeads Depot Southgate Road Wincanton**
APPLICANT: **Lidl Uk GMBH**
DATE ACCEPTED: **4 April 2007**

Reason for referral to Regulation Committee:

At its meeting of 8th August 2007 the Area East Committee resolved to refer the application to the Regulation Committee with a recommendation that the application be approved subject to conditions and a Section 106 Agreement.

This report includes the original report to the Area East Committee followed by the relevant comments, update and resolution of Members of the Committee.

This application is brought to committee due to the history of the site, the amount of public interest in the previous application and the planning issues associated with it. Due to district wide implications this application is 2 starred.



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SITE DESCRIPTION AND PROPOSAL

This is a revised application following the refusal at committee of planning application 06/01717/FUL in October 2006. The site is located on the approach into Wincanton from the west on a site of approx 0.55 hectares. The site is made up of the front portion of the existing milk tanker reload depot (Aldermeads) operated by Wincanton Logistics which occupies a large site bounded by Southgate Road to the north, the River Cale to the east, Morrisons to the west and the A303 which forms the southern boundary. The existing use of that part of the tanker facility which would be lost, as a result of this scheme, is intended to be relocated within the larger site to the rear of the workshop buildings closer to the A303. A separate application 06/01705/FUL has been submitted for this new facility and permitted under delegated powers. The whole site lies within the defined development limits of the town but is not within the defined town centre where new retail development would normally be expected to be located.

The proposal is for the erection of a new supermarket to provide a neighbourhood store for Lidl's UK GmbH with a proposed floor area of 1389 square metres, the majority of which would be used as sales area, 1063 sq metres net with 326 square metres of warehouse and ancillary area. The proposed store would be located to the rear of the site with a single servicing bay to the eastern side. Access for both the store and for servicing is proposed to the site via the existing access from the roundabout into Aldermeads depot with a left turn into the site before the gatehouse. There is no separate access to the service bay. The scheme proposes 81 car parking spaces, including 5 disabled and 4 parent/child spaces which will be located to the front of the

building. The parking areas are proposed to be laid out with block paviors with the remains of the highway areas being in tarmac. Cycle storage is also provided. The existing footpath is proposed to be widened to incorporate a footpath / cyclepath. The site would extend up to the back edge of the footpath with low level planting and a few trees. The trees along Southgate Road and on the roundabout junction would be lost. A cycleway to link into the toucan crossing proposed as part of the Wincanton key Site. The plan also allows for some replacement planting at the roundabout end of the site frontage and the retention of the trees along the eastern boundary with the River Cale.

The building is of rectangular design comprising brick walls with buff coloured brick columns under metal cladding. A shallow monopitch roof of profiles metal is proposed for the roof. Blue aluminium detailing is proposed for the entrance lobby and shopfront. The building is similar in design to nearby commercial and industrial buildings. The foreground to the store is all taken up with car parking with some landscaping dispersed between the parking.

The current application is supported by a range of documents including:

- Retail assessment
- Transport assessment
- Design and Operation Statement
- Flood risk assessment

The applicants have also submitted:

Copies of pre-application consultations with the Police Architectural Liaison Officer

A Customer Postcode Survey from their Gillingham Store, which indicates that 21% of that store's shoppers came from Wincanton postcode areas

26 letters of support from existing businesses within the town. These however, are not businesses who would be in direct competition with the range of goods sold from the Lidl's store and include Estate Agents, music and pet food shops, hairdressers, hotel and church establishments.

614 proforma letters of support from residents/local workers, the majority of whom are from Wincanton and surrounding settlements, though a few are from as far away as Yeovil.

In addition, a proposed unilateral planning obligation has been submitted and four sections are proposed. If permitted the agreement could be an agreed legal document. The sections relate to the proposed operator being a deep or hard discounter (currently include Lidl, Aldi, Netto), the stock lines shall not exceed 2,500 lines, the display of non-food (comparison) goods (excluding household cleaning and cosmetic products) not exceeding 20% of the total net sales area and the store not providing a butchers counter, fresh fish counter, delicatessen / cheese counter, hot food, pharmacy, dry-cleaning, post office services, lottery sales, photographic shop/booth or cafe/restaurant.

In operational terms the applicants state that the store would be open 7 days per week, 8am-8pm Monday -Saturday and 10am to 5pm Sunday. There would be one delivery vehicle per day and the store would carry a range of approximately 1000 goods. 35 jobs would be created. The pre-application discussions with the Police have resulted in the building being designed to 'Secure by Design' principles to include such features as £1 trolley deposit and simple building design which is readily visible from the road. Lidl's adopt high environmental standards with all waste recycled where possible and a card compactor is incorporated into the design and there is no on site externally stored waste.

HISTORY

A number of applications have been made relating to office buildings and temporary portacabins and other ancillary uses in connection with the Aldermeads tanker depot.

06/01717/FUL Demolition of existing tanker reload canopy and the erection of a Lidl Foodstore with associated car parking (GR370941/128002) Refused by committee 11.10.06

06/01705/FUL Re-location of milk re-load canopy and the demolition of workshop and gatehouse (GR370932/127967) Granted 27 September 2006

99/00600/OUT Erection of B1 Offices, A3 Public House and fast food outlets, hotel, car showroom, parking and ancillary facilities. Refused by Committee March 2000.

98/02590/OUT Class A1 factory outlet centre with associated A3 fast food restaurant outlets, car parking and servicing. Withdrawn. This application was considered by Area East Committee who resolved to grant permission contrary to Officer recommendation but was subsequently called-in by the Secretary of State but the application was withdrawn prior to the Public inquiry.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

Regional Spatial Strategy:

RPG10 now called the Regional Spatial Strategy (RSS) forms part of the adopted Development Plan. The following policies are considered relevant to the consideration of this application.

Policy Vis 1 - Expressing the Vision
Policy Vis 2 - Principles for Future Development
Policy Vis 3 - Achieving the Vision
Policy SS2 - Regional Development Strategy
Policy SS6 - Other Designated Centres for Growth
Policy SS7 - Meeting Local Needs
Policy SS19 - Rural Areas
Policy EN4 - Quality in the Built Environment
Policy EC6 - Town Centres and Retailing
Policy TRAN1 - Reducing the Need to Travel
Policy TRAN7 - The Rural Areas
Policy TRAN10 - Walking, Cycling and Public Transport
Policy RE2 - Flood Risk

The South West Regional Assembly is currently preparing a revised RSS which is currently within its formal consultation period. The emerging RSS vision is to deliver sustainable communities and a more sustainable future for the region, focussing most development in a limited number of Strategic Significant Cities and Towns (SSCTs). Below this tier of settlements, locally significant development will be appropriate in

settlements with a range of existing services and facilities and the potential for sustainable development. Yeovil is contained within the proposed list of SSCTs with the larger rural centres, such as Wincanton, being settlements to be considered as other locations with potential for sustainable development.

Somerset and Exmoor National Park Joint Structure Plan Review 1991- 2011

This document was adopted in April 2000 and thus predates the inclusion of the RSS as part of the Development Plan Documents and recent Government Guidance. The following policies however, remain relevant for this application;

- STR1 - Sustainable Development
- STR2 - Towns
- STR4 - Development in Towns
- Policy 20 - The Retail Framework
- Policy 21 - Town Centre Uses
- Policy 42 - Walking
- Policy 44 - Cycling
- Policy 48 - Access and Parking
- Policy 49 - Highways
- Policy 60 - Floodplain Protection

Structure Plan Review - deposit draft April 2004

Following the publication of the RSS and, in order to keep up to date, a Joint Structure Plan Alteration (Deposit Draft) was published in 2004. As an alteration many of the policies remain unchanged. However, it reiterates the general approach of the adopted plan with regard to the location of future development and growth patterns within Somerset. This document has not progressed beyond deposit draft stage and therefore limited weight can be afforded to its policies.

South Somerset Local Plan (Adopted April 2006)

The recently adopted local plan follows the principles of sustainable development set out in the RSS, Structure Plan and central government policy and focuses growth in the towns of the district. Yeovil is the principal town in the plan area and therefore has the highest concentration of growth. Wincanton is identified as a centre suitable for accommodating a moderate amount of growth commensurate with its role as a strategic centre within its hinterland. Policies within the plan are aimed at supporting the delivery of sustainable and high quality development with new retail provision appropriate provided that it is at a scale commensurate with the town's role and function.

The following policies are considered to be relevant for this application.

- ST5 - General Principles of Development
- ST6 - Quality of Development
- ST8 - Sustainable Construction
- ST9 - Crime Prevention
- ST10 - Planning Obligations
- MC2 - Location of Shopping Development
- MC3 - Location of Shopping Development
- TP1 - New Development and Pedestrian Provision
- TP2 - Travel Plans
- TP3 - Cycle Parking
- TP4 - Design of Residential Roads
- TP5 - Public Transport

TP6 - Parking Standards

Local Development Framework

As part of the preparation work for the LDF the Council have commissioned the South Somerset Retail Study (SSRS) by DPDS Consultants. This is based on survey work in 2005 and 2006 and has assessed the need for additional convenience and comparative goods floorspace within the District. This study will be used to inform the LDF in the consideration of new site allocations for retailing. This study concludes that there is no identified need for significant levels of additional convenience goods floorspace in Wincanton. This will be further referred to later in this report.

National Planning Policy

The following Central Government Policy Documents are also considered to be relevant to this application;

PPS1 - Delivering Sustainable Development
PPS6 - Planning for Town Centres
PPG13 - Transport
PPS25 - Development and Flood Risk

CONSULTATIONS

Technical Services Engineers "No comment" (on drainage proposals)

Landscape Officer - "Given the general context of employment and retail buildings in this location, there is no landscape issue with the principle of a retail building of the scale proposed at this site. However, in looking at the detailed plans, I have specific concerns relating to the site layout:

The frontage of this site is currently defined by a soft landscape area, which includes tree presence of mature scale, along with some low shrubs and retaining structures. These trees are a particularly strong visual element on Southgate Street's frontage, and make a positive contribution to both the immediate street scene, and the general approach to Wincanton's town centre.

The layout proposal indicates the removal of the majority of these trees particularly those with greatest value to the street frontage. This further exacerbates the roadside 'void' that has resulted from the frontage of car parking serving the Morrison's store to the west. No credible replacement is offered by the design proposal, the 0.5 metre-wide landscape strip proposed is insufficient for meaningful planting, especially once the kerbs and other edgings, along with their foundations and haunchings are taken into account. Consequently, I do not support the layout proposal before us, due to the loss of the street trees; the lack of a credible plot frontage; and the insufficiency of the landscape proposal. As such, it is my view that the proposal fails to satisfy policy ST6, particularly paras 1, 2, 4 and 8.

If the removal of these trees is a necessity for the scheme to happen, I would question if the site has the capacity for the scale of development proposed? However, I would not necessarily argue for the retention of all the existing trees should a design come forward with a positive tree presence and strong frontage to both street and roundabout. This could be achieved ideally by an immediate store frontage on Southgate Street, with the line of that frontage continued round to the site access by an emphatic tree line.

I believe there are design grounds for refusal of the current proposal, or at least a request that the application is withdrawn and the layout revised. However, if you are minded to support the layout before us, then I would advise that it needs the proviso that an additional width of roadside frontage is found for landscape treatment, and that this treatment includes a consistent line of specimen trees, which should be planted as advanced nursery stock, to both mitigate against the loss of the existing trees, and to provide replacement trees of sufficient scale to be a credible component of the wider environment." Since these comments were made a revised landscaping plan has been received. However, it is still considered that there is insufficient trees along the street frontage and the planting beds are too narrow. After the planning application was deferred on 4 July a further amended landscaping scheme has been submitted. The Landscape Officer comments as follows; "I note the additional frontage tree planting, and the planting strip of 1 metre width at the narrowest point. I am satisfied that this will now allow for appropriate landscape provision. Please note however, that approved layout plans should indicate this increased width, to ensure works adhere to this amendment."

Conservation Manager - "As I recall at the meeting Jean and I had with the applicant, we acquiesced to the siting of the building at the rear of the site with parking to the front provided that sufficient landscape enhancement of the parking area could be provided to mitigate the visual effect of the mass of parked cars and to provide some enclosure to the street.

The sketch plans tabled at the meeting showed inadequate mitigating tree or low level planting within the car park or along the roadside and it seems that the layout has evolved little since then.

In summary I am reluctantly content that the constraints of the site make the location of the building behind the car park a necessity but the landscape planting to mitigate is really inadequate. The very narrow roadside strip will not allow any meaningful planting and will not lead to an appearance as indicated in the elevation drawing. We are offered three trees and some minimal low-level planting - not enough to provide the necessary mitigation. The road frontage requires a line of trees and associated planting as recommended by the landscape architect and further trees could be included within the parking area. These measures would demonstrate a reasonable quality environment could be achieved.

The building design, subject to all materials, finishes, colours being conditioned, I can support." After these comments were received an amended drawing was received with a further five trees with three of them located along the road frontage, but the landscape comments of above are relevant.

Area East Development Manager - "We should maintain our current position around this application, ie: we feel allowing this development would have a detrimental impact on the High St of the town. If planners or the Committee are minded to approve it, then we feel that planning gain should be negotiated to include a tree lined walkway next to the road widening alongside Southgate Road (running south along riverbank)."

Arborist - "I understand that an access easement affects the boundary trees adj. Hawkers Bridge and the river. I also understand that there are Highways issues with the trees on the boundary nearest to the roundabout.

In these circumstances, if you are minded to grant a Planning Permission, I recommend making a condition of consent, an Arboricultural Method Statement (AMS) to include a Tree Protection Plan (TPP) and a scheme of Tree Planting to mitigate for the tree losses, in accordance with British Standard 5837 : 2005.

May I suggest the following conditions:

- Prior to development, site vegetation clearance, demolition of existing structures, heavy machinery entering site or storage of materials, a Tree Survey and Arboricultural Method Statement to include a Tree Protection Plan for trees to be retained and a scheme of tree planting to mitigate for the tree losses, shall be submitted to and agreed in writing with SSDC in accordance with British Standard 5837 : 2005.

- The key stages detailed within the Tree Protection Plan (in particular the erection of protective fencing as specified in Figure 2, page 13 of BS 5837: 2005) shall be directly supervised by an arboriculturalist and confirmed as being carried out in accordance with British Standard 5837 : 2005, with a certificate of supervision by said arboriculturalist.

- The scheme of tree planting detailed within the Arboricultural Method Statement shall be completed within the first available planting season upon implementation of the Planning Permission. Should any of the trees die, become damaged, diseased or be removed within five years of planting, they shall be replaced with the original specification of tree/s in the same location, again within the first available planting season.

Reason - To make adequate provision for the preservation and planting of trees when granting a planning permission, in accordance with the Town and Country Planning Act of 1990 (as amended)."

Planning Policy - "The main policy issues in relation to this proposal are the location of shopping development (Policy MC2 and MC3 of the SLP) and the retention of employment land and premises (Policy ME6). This policy stance remains unaltered.

The applicant's agent, GVA Grimley have resubmitted a retail assessment in support of the application. In this assessment they address the quantitative and qualitative need for the proposed development, their sequential approach to the selection of the proposed site with an assessment of potential alternative sites and the impact of the proposed development on the vitality and viability of Wincanton. I have concerns over whether the agent has addressed the sequential approach to site selection in a robust manner on the basis of comments they make in the covering letter in support of the application, section 4.4 of the retail assessment and Appendix H of the retail assessment, but as with the previous application (06/01717/FUL), I would suggest that a retail specialist be obtained to make a judgement on this and other technical aspects of the retail assessment."

DPDS Retail Consultants (on behalf of SSDC) - Originally commented on the original application. Their expertise was also sought in relation to this revised application and a further report has been made. In view of the length of this report (15 pages) the conclusions only are set out below although additional comments are made within the considerations set out below.

Advice on Retail Planning Policy Matters 7.0 Summary and Concluding Remarks

Need

7.1 Having reviewed the GVA Retail Assessment (made on behalf of Lidl's) we consider that a quantitative need for the proposal has not been demonstrated. Whilst there will be some qualitative benefits associated with the proposals, we do not consider that there is a clear qualitative need for additional convenience goods floorspace in Wincanton.

The Sequential Approach

7.2 Notwithstanding our view that a need has not been demonstrated, we consider that there are no alternative sites in more sequentially preferable location to accommodate a supermarket of the size proposed, unless officers are aware of other sites which have not been considered by GVA.

Impact

7.3 In terms of retail impact, the proposed development will have the greatest impact on Wincanton and Gillingham town centres. The effects on the Morrisons store in Wincanton are not a planning consideration. Overall, we conclude that the proposed development will have a detrimental impact on the vitality and viability of Wincanton town centre and this is contrary to prevailing planning policy.

Overall Conclusion

7.4 The proposed development is contrary to prevailing planning policy relating to new retail development outside of existing centres. In particular, a need for the convenience goods floorspace proposed has not been demonstrated, and there will be an unacceptable impact on the vitality and viability of Wincanton town centre."

Environment Agency - "The applicant has submitted a flood risk assessment (Hyder Consulting UK Ltd, 30 March 2007) (FRA) with the planning application. We have been reliant on the accuracy and completeness of the FRA in undertaking our view, and can take no responsibility for incorrect data or interpretation made by the authors. However, the FRA is considered by the Environment Agency to meet the requirements of Planning Policy Statement 25: Development and Flood Risk (PPS25) and the proposed development is in accordance with the guidance contained therein.

The Environment Agency has no objections, in principle to the proposed development but recommends that if planning permission is granted the following conditions and informatives are imposed:"

Recommended conditions summarised:

Finished floor levels shall be no lower than 72.5m AOD.

No development shall begin until a scheme for the provision of surface water run-off limitation incorporating SUDs, in accordance with the flood risk assessment have been submitted and approved.

Informative re By law requiring written consent from EA to carry out works within 8m of the top of the bank of the River Cale.

Somerset County Council - Highways - "I refer to the above planning application received in my Department on 18 April 2007. I apologise for the delay in replying but you will appreciate that a number of further consultations had to be carried out in respect of the Transport Assessment (TA) and to ensure that the development links to other developments in the area.

I am pleased to say that the TA is acceptable and sufficiently robust to show that there will not be any undue impact on the area in respect of the transport aspects of the development.

I am satisfied that the footway/cycleway will now link with the development on the opposite side of the road so as to provide a contiguous route. The provision of this will need to be the subject of a negative condition and a Section 278 agreement as the works will be on the public highway.

In the event of permission being granted, I would recommend that the following conditions are imposed:-

1. Prior to the opening of the development for its intended purposes the cycleway/footway in Southgate Road as shown on the approved plans shall have been constructed and made available for use in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with those details that have been approved.

Reason:

In the interests of highway safety.

2. Adequate provision for a temporary car park within the site to accommodate operatives and construction vehicles during the contract period shall be provided so that none park on the public highway.

Reason:

In the interests of highway safety.

3. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason:

In the interests of highway safety.

4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority prior to the development hereby permitted first being brought into use.

Reason:

In the interests of highway safety.

5. The Travel Plan submitted with the application within the Transport Assessment shall be monitored as described and the results passed to the Local Planning Authority annually for monitoring and approval.

Reason: In order to promote alternative means of travel and to manage the effects of any additional traffic in the interests of sustainability.

Notes:

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained in writing from the Highway Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a section 171 Licence is £100. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

In addition, an Agreement under Section 278 of the Highways Act 1980 will be required for the works to the existing highway."

Wessex Water - "We apologise for the delay and confirm our Engineer's comments as follows:

Foul Sewage

There is sufficient spare capacity in the sewerage system to serve this development. Connection may be made to the 375mm sewer in Southgate Road, but this will involve a river crossing that will require the consent of the Environment Agency.

Surface Water Drainage

There are no public surface water sewers available to serve this development. Surface water is to discharge to the land drainage system with consent from the Environment Agency who, no doubt, will impose a limit on the maximum rate of discharge. Adoption of attenuation systems can be discussed with (Wessex Water).

Possible Adoption of sewers

In line with Government Policy, the applicant is advised to contact Developer Services to see if any of the on-site or off-site drainage systems can be adopted under a Section 104 Agreement.

Sewage Treatment

The Sewage Treatment Works and terminal pumping station has sufficient capacity to accept the extra flows this development will generate.

Water Supply

The existing system is adequate to serve the proposed development."

Wincanton Town Council - "The Town Council recommend approval (by a majority) but would like to see the riverside walk extended along the perimeter of the site."

REPRESENTATIONS

The applicants submitted 614 proforma letters of support for the scheme as part of their application.

A letter of support has been received on the grounds that the store will look better, there would be less noise and it would bring much needed new business and shopping to the town. Another letter was received which said were not objecting but observations on extra traffic and flooding were raised.

During the determination of the previous application, a petition containing 609 signatures has been received opposing the scheme on the grounds that trade will be moved away from the town centre. The covering letter indicates that local shopkeepers, concerned residents and users of the town centre collected to signatures given their desire to retain a thriving town centre.

2 further letters of objection have been received. 1 is concerned that additional traffic will result in an increased highway danger and the loss of trees should not be allowed. The other letter of objection raised the following points;

Other sites available nearer town centre and the sequential study hasn't considered these

The vitality and viability of the town centre will be adversely affected

Concerned over the loss of employment land

Design alterations are not sufficient to address previous concerns

CONSIDERATIONS

The principal issues for consideration of this application are as follows:-

- Policy
- Highways
- Design
- Flooding

POLICY

The recently adopted Local Plan reflects current government thinking and is in conformity with the Regional Spatial Strategy and Structure Plan. The underlying principle of the planning system expressed in the local plan is sustainable development and the meet of the needs for the future of South Somerset's residents and businesses. It is also important to ensure that new development is located where it is most required and where it is accessible for local residents.

The analysis of retail policy for this application is very complex and is primarily based on two different reports by GVA for Lidl and DPDS for the local planning authority. However, it is important that the guidance given in PPS6 for retail developments is very robustly examined. In this instance the data provided extends to several hundred pages of report, which conclude differently.

In policy terms, the site lies within the defined settlement limit for Wincanton but outside of the town centre. The applicant's retail assessment indicates that this is site classed as an out of centre location (GVA para 4.1.2). The local plan follows the advice contained within national policy guidance, PPS6, which requires that new development be focussed within existing centres "in order to strengthen and, where appropriate, regenerate them." (para 2.1) Guidance also requires that "wherever possible, growth should be accommodated by more efficient use of land and buildings within existing centres" and sites should be identified to "meet the scale and type of need identified". Where such growth cannot be accommodated within existing centres, local planning authorities are advised to plan for extensions of the primary shopping area, carefully integrating this with the existing centre. The local plan defines the primary shopping area for Wincanton but does not identify any areas for new growth or allocated sites for such purposes.

Local planning authorities are required to assess the need for new floorspace for retail, leisure and other town centre uses "taking into account both quantitative and qualitative considerations" (para 2.16 PPS6) and to address deficiencies in provision. To this end DPDS have been commissioned to carry out such a study in preparation for the LDF and have also given advice on this planning application to the Council in terms of compliance with retail policy.

Both the applicants and the local planning authority agree that the location of the proposed Lidl store is out-of-centre, which is defined in PPS6 Annex A as " a location which is not in or on the edge of a centre but not necessarily outside the urban area.". It is thus considered by the local planning authority that the relevant tests need to be applied to the proposal, guidance for which is set out in Section 3 of PPS6. This indicates that applications for new retail development should be accompanied by evidence relating to:

- the need for the store (quantitative and qualitative assessments)
- that its scale is appropriate to the role and function of the settlement concerned

- that a sequential approach to site selection has been followed when need has been demonstrated
- that there will be no unacceptable impact on existing centres
- locations area accessible by a choice of transport modes.

In accordance with fulfilling these tests, GVA have submitted a Retail Assessment in support of the Lidl's scheme despite their contention within paragraph 3.5.7 of their report that such an assessment is not necessary as the store is less than 2,500sq m.

PPS6 para 3.23 makes it clear that retail assessments on all proposals for retail and leisure schemes of over 2,500 sq m gross floorspace should be provided but that "they may occasionally be necessary for smaller developments, such as those likely to have a significant impact on smaller centres, depending on the relative size and nature of the development in relation to the centre." Although not considering it necessary to demonstrate that the tests have been demonstrated Lidl's have submitted a detailed report on retail policy issues in relation to this site in accordance with the tests of need, impact, scale and the sequential approach.

It should be noted here that GVA argue that Lidl should not be classed as a supermarket due to the limited range of goods it carries and its retail concept. This cannot be agreed as it is clearly stated within PPS6 that the definition of a supermarket is a "self service store selling mainly food, with a trading floorspace less than 2,500 square metres, often with carparking."

As stated above, the Retail Impact Assessment carried out by GVA Grimley on behalf of the applicant is very complex and deals in depth with the issues that need considering in accordance with PPS6. This report uses in depth statistics and procedures as to how a conclusion was reached. The response from DPDS is equally complex and deals in depths with interpretation of the GVA statistics and different information in order to come to its conclusion. To avoid commenting in great detail and providing confusion for members, I will just comment on the conclusions from each report.

GVA Grimley (for Lidl) - Conclude the Lidl's application meets national and local planning policy guidance. In particular a need for both convenience and comparison goods foodstore has been demonstrated and therefore meets the guidance of PPS6. The sequential approach meets Policy MC3 of the South Somerset adopted local plan and the guidance in PPS6. The scale of the proposed retail floorspace retail floorspace is consistent with the role and function of Wincanton. The store will not lead to a detrimental impact upon existing shopping centres and would therefore not conflict with the development plan policies or PPS6.

DPDS (for SSDC) - Under the heading of need DPDS consider that a quantitative need for the proposal has not been demonstrated. Whilst there will be some qualitative benefits associated with the proposals, we do not consider that there is a clear qualitative need for additional convenience goods floorspace in Wincanton. In assess in the sequential approach, notwithstanding the view that need has not be demonstrated DPDS consider that there are no alternative sites in more sequentially preferable location to accommodate a supermarket of the size proposed, unless officers are aware of other sites which have not been considered by GVA. In terms of retail impact, the proposed development will have the greatest impact on Wincanton and Gillingham town centres. The effects on the Morrisons store in Wincanton are not a planning consideration. Overall, we conclude that the proposed development will have a detrimental impact on the vitality and viability of Wincanton town centre and this is contrary to prevailing planning policy. As an overall conclusion

DPDS consider that the proposed development is contrary to prevailing planning policy relating to new retail development outside of existing centres. In particular, a need for the

convenience goods floorspace proposed has not been demonstrated, and there will be an unacceptable impact on the vitality and viability of Wincanton town centre.

HIGHWAYS

In accordance with the provision of PPG13 - Transport, a Transport Assessment has been submitted with the scheme and the Highway Authority concur with the general conclusions of this report. The traffic likely to be generated by the proposal can be accommodated on the road network and existing junctions. The Transport Assessment is acceptable and sufficiently robust to show that there will not be any undue impact on the area in respect of the transport aspects of the development.

The highways authority is satisfied that the footway/cycleway will now link with the development on the opposite side of the road so as to provide a contiguous route.

In terms of sustainability, the town is recognised as being a sustainable location for new development with a range of employment, facilities and services able to support its role as a market town within a large rural catchment area. Public transport is available within the town and with the provision being made for footpath/cycleways to serve the scheme this element of the proposal is considered acceptable. Adequate parking provision has been made for the store and although the servicing via the carpark is not ideal, given the small scale of the store no objection is raised to this element.

With the provisions as set out in the Highway Authority observations the proposal is considered to be acceptable.

DESIGN

The design of the store, especially in the use of materials is much improved from the previous submission and is considered to be acceptable now. A further amended plan has been received which has increased the landscaping to the front of the store. This is finally considered to be acceptable and that the landscaped area to the front is now wide enough to plant sufficiently in them. In addition, extra trees that do not compromise the requirements of the Police Architectural Liaison Officer can be achieved to integrate the building into the site. As such it is now considered that the proposal complies with Policy ST6 of the Local Plan in terms of the quality of development on this important approach to Wincanton.

FLOODING

The site lies within an area known to flood and a Flood Risk Assessment (FRA) has been submitted with the application. The Environment Agency have no objection to the proposals subject to conditions including an 8 metre easement . The site is already in commercial use and it is not considered that an objection could be raised to redevelopment in the form shown.

RECOMMENDATION

Refuse Permission for the following reason:

The proposed development would be contrary to planning policy relating to new retail development outside existing centres. No overriding need to provide for new retail floorspace, particularly for convenience goods floorspace has been demonstrated and the proposal will have an unacceptable impact on the vitality and viability of Wincanton town centre. The proposal would therefore be contrary to Policy EC6 of the RSS, Policies 20 and 21 of the Somerset and Exmoor National Park Joint Structure Plan, Policy MC2 and MC3 of the South Somerset Local Plan and to Planning Policy Statement 6.

Minute of Area East Committee - 8th August 2007

07/01679/FUL – The demolition of existing tanker re-load canopy and the erection of a Lidl Foodstore with associated car parking at Aldermeads Depot, Southgate Road, Wincanton – Lidl UK GMBH

Prior to consideration of the application:

- the Head of Development and Building Control clarified that normally an officer from the planning policy unit would have attended the meeting to give advice on SSDC's retail policies. However, due to the complexities of the applicant's retail assessment, the District Council had appointed DPDS to assess and advise the Council on the assessment; and
- the Chairman clarified that should members be minded to approve the application, due to the policy implication for the whole district, the application would have to be referred to the Regulation Committee.

The Planning Officer presented the report. He updated members commenting that following deferral of the application at the last meeting:

- a revised landscaping scheme has been submitted by Lidl which is acceptable and therefore the reason for refusal relating to landscaping has now been withdrawn;
- Lidl had also submitted a shop survey that they had carried out in Devizes, where a store was granted permission in 2004. The survey concluded that the opening of the Lidl store had not affected the majority of traders in the town centre;
- Wincanton Town Council had now examined the DPDS survey and had no further comments to make.

With the aid of slides the Planning Officer indicated:

- the application site, as viewed from Southgate Road and Morrison's Store;
- the previous application – commenting that on-going discussions had resulted in a much improved design, including the treatment of the layout, elevations, materials and landscaping;
- the internal view of the application site – commenting that the Environment Agency had raised no objection subject to conditions;
- existing tanker facilities;
- access to the site – explaining that, to address public safety issues, it was proposed to include a toucan crossing;
- existing trees and gate house – explaining that it was proposed to remove the gate house.

He drew attention to the applicant's proposed unilateral planning obligation, as set out on page 7 of the agenda.

In concluding his presentation the planning officer commented that the key issue was one of policy. Explaining that whilst the site lies within the development limits of Wincanton it did not lie within the designated town centre, as indicated in the Local Plan.

Mr Duncan McCallum, DPDS, drew attention to two main issues – need and impact of the proposal on the town centre, commenting that:

- the application should be viewed in line with PPS6 relating to the adequate provision and concentration of retail floorspace within town centres. As the

proposed site is outside the town centre the site would need to be tested against need - both quantitative and qualitative. He did not believe that the GVA Retail Assessment had demonstrated quantitative or qualitative need and therefore, if approved, the proposal would have an impact on the town centre;

- one way of demonstrating need would be by identifying a significant increase in the proportion of the expenditure in the catchment area which is attracted to the town, i.e. the market share. The scale of facilities in the town would have to be taken into account to assess the market share. The figures show that the market share would only just cover the cost of the store and, for this reason it was not acceptable. A need could be demonstrated by assuming a significant increase in the market share which was unacceptable in principle because of its circularity;
- with regard to the test relating to the impact of the proposal, the question should be asked whether the proposal would improve the availability of goods in the town;
- he believed that the store would take trade out of the town centre, particularly convenience food, thus reducing the viability and vitality of the town centre;
- he did not believe that the scale of the development or the sequential approach were an issue.

In concluding his remarks he commented that he had not been asked to look at the transport assessment but the general presumption was that town centre sites were more assessable.

Mrs June Wood, a former Councillor informed members that during her time as a councillor and since she had stood down she had been approached by a number of people asking her to speak in support of the proposal. She believed that:

- there was a strong demand for the store in Wincanton - as people were being drawn out of the area to shop at the Lidl stores in Gillingham and Yeovil;
- the proposal would reduce the number of car journeys made to Gillingham and Yeovil; and
- the store would not have a major impact on the town centre as Lidl's supplied a different type and quality of goods than Coopers or Morrisons.

Mr Bob Chamberlain, supporter, informed Members that he was unhappy that the District Council had paid DPDS to support the officer's reason for refusal. He felt that the planning officer was being led by what he considered to be a quango organisation. The Chairman clarified that DPDS were professional retail consultants employed by the District Council to assess and advise on the retail assessment submitted by Lidl. Councillor Tim Carroll, in his position as Leader of the Council, refuted the allegation and said he would respond to Mr Chamberlain by letter.

Mr Chamberlain further commented that:

- the officer's recommendation went against the views of the Town Council;
- 400 signatories had indicated that they wished to see a Lidl store in the town;
- Wincanton was not a high earning area and had a significant number of people on low income who wanted a discount store;
- he did not believe DPDS's argument regarding the market share.

Mr Mitchell, applicant, commented that:

- there had been no objections from the Highway Authority or Environment Agency and the design and landscaping had now proved satisfactory to the planning officer;

- there was a clear quantitative and qualitative need, as such, the store would not be a threat to the town centre and would not in itself result in the closure of town centre stores;
- the application was supported by the Town Council;
- Lidl would give an undertaking that the store would only be operated by a discount retailer and the stock lines would not exceed 2,500 as indicated on page 7 of the agenda;
- 35 new jobs would be created;
- the relocation of Wincanton Logistics would secure their jobs;
- if required Lidl would be happy to make a contribution to the improvement of the town centre.

He referred to a recent survey of town centre traders in Devizes - where a Lidl store had been opened in January 2004 - which showed the following results:

- 88% said that the Lidl food store has been a positive addition or had made no change on the town of Devizes;
- 91% said that Lidl had improved or had not affected their business

In concluding his comments Mr Mitchell drew attention to a recent approval by Mendip District Council, which had been endorsed by the Government Office for the South West, for a similar store. He felt the scheme would offer a huge range of benefits to Wincanton.

Mr Morris, GVA Grimley on behalf of Lidl, felt that there were two main issues, need and impact. He commented that, with regard to:

Need – there was sufficient surface expenditure to support a store. DPDS relied on different retail figures and had used the wrong turnover figure for Lidl's store. Residents had justified a clear quantitative need for the store. The proposal met the terms of Policy MC3 – shopping in out of centre locations.

Impact on the town centre – He did not agree with the officer's report that implied that the proposal would result in the closure of town centre shops. The change of market share was a natural occurrence and on the basis of the proposal the market share was anticipated to change by 2%. Referring to DPDS's circulatory argument he commented that DPDS and SSSDC were amending market shares in other towns within South Somerset but not in Wincanton.

Councillor Tim Carroll, one of the Ward Members, commented that the previous report had recommended refusal for two reasons, i.e. design and retail impact on the town centre. The design issues had now been dealt with to the satisfaction of the planning officer. He felt that the second reason, the impact on the town centre, was symbiotic and related to the relationship between the discount stores and the town centre stores and their customers. On balance, as a precedent had been set by a previous committee in approving retail development on the site in the form of a retail village, he would support the application subject to appropriate conditions and a Section 106 Agreement relating to external highway works, i.e. the toucan crossing plus the construction of a walkway alongside the River Cale.

Councillor Colin Winder, the other Ward Member, expressed his support for the proposal and commented that:

- the application should be considered in the light of Policies MC2 and MC3;
- DPDS had not adequately explained what effect the Lidl store would have on the town centre. He was of the view that only two shops would be affected;

- Lidl had demonstrated a need;
- development was taking place in all market towns and therefore the market share would increase;
- there was no town centre site available;
- the Environment Agency had made a statement regarding the flood risk assessment but then say they can take no responsibility for the accuracy of the data;
- he was concerned about highway issues – particularly regarding the increase in shoppers' vehicles merging with large delivery vehicles and milk tankers;
- if recommended to the Regulation Committee for approval he would wish to see a condition included relating to the installation of a oil/petrol interceptor.

In concluding his comments he felt that consideration should be given to providing public transport to and from the store.

During the ensuing discussion members:

- expressed their concern regarding the mixing of delivery lorries, tankers and customers' vehicles and pedestrian on the site;
- questioned why neither of the opposing retail surveys had provided actual figures regarding the market share and how much credence could be given to the outcome of either report. Mr Morris of GVA Consultants confirmed that a survey showed that in 2006 £86m was spent in the district of which £15m stayed within Wincanton, indicating an 18% market share;
- questioned whether the circulatory argument put forward by DPDS with regard to demonstration of need would also apply to a town centre site. In response Mr McCallum, DPDS, confirmed that the circulatory argument would not apply to a town centre site as Government policy only referred to the demonstration of need to sites located outside the town centre;
- expressed concern on the effect of the store on the nearby market towns of Castle Cary and Bruton, local shops and post offices. A survey of retailers in the High Street, Castle Cary had resulted in the majority thinking that the store would not affect them to a great extent, however, those stores selling similar items expressed serious concerns that the younger element of their clientele would use the store which could result in the closure of their store. Local Village Post Offices could be affected with their customers being attracted into Wincanton to do their shopping;
- commented that there was little public transport and therefore no way for customers who did not have cars to travel to the store. In response Councillor Anna Groskop reminded Members that the local Cat Bus - a ring and ride service - was available for use by shoppers;
- expressed the view that the Lidl store would help to regenerate the area and that people should be given the freedom of choice of where they shopped.

It was proposed and seconded that the application be referred to the Regulation Committee with a recommendation from Area East Committee that the application be approved subject to the signing of a legal agreement relating to off-site highway works and the construction of a riverside walk, and that appropriate conditions should be imposed.

The vote resulted in 6 in favour, 2 against with one abstention therefore the motion was carried.

RESOLVED: That, as a detrimental impact on the local retail economy had not been proven, the application be **REFERRED** to the **REGULATION COMMITTEE** with a recommendation from Area East Committee that the application be approved subject to the signing of a legal agreement relating to off-site highway works, the construction of a riverside walk, restriction of certain services as outlined in Lidl's Unilateral Planning Obligation dated 13th March 2007, restriction of comparison goods to no more than 20% and the imposition of appropriate conditions. Conditions to include hours of opening.

(Vote: 6 in favour, 2 against, 1 abstention)

Following the vote the Chairman asked that prior to consideration by the Regulation Committee that the officers discuss with the applicant:

- how the internal vehicular movements issues are to be addressed - particularly the mechanism for delivery vehicles travelling through and reversing within the customers' car park to arrive at the delivery point to ensure that there will be no conflict with pedestrians and customers;
- how it is proposed to deal with large vehicles, i.e. tankers and lorries accessing and exiting the site;
- the means of a footpath link between Morrisions and Lidl's.

In response to a question from Councillor Colin Winder, the Head of Development and Building Control explained that the reason the application needed to be referred to the Regulation Committee was because the recommendation to approve goes against policy and, if approved, will determine how officers interpret retail policy in the future. It will also set a precedent across the district.