

**5. Demolition of existing tanker re-load canopy and the erection of a Lidl neighbourhood food store with associated parking. Wincanton Logistics Aldermeads Depot Southgate Road Wincanton Somerset BA9 9TD**

**OFFICER: Andrew Collins 01935 462276**

**APPL.NO: 07/04979/FUL APPLICATION TYPE: Full Application**

**PARISH: Wincanton WARD: WINCANTON**

**DESCRIPTION: Demolition of existing tanker re-load canopy and the erection of a Lidl neighbourhood food store with associated parking. GR (370941/128002)**

**LOCATION: Wincanton Logistics Aldermeads Depot Southgate Road Wincanton Somerset BA9 9TD**

**APPLICANT: Lidl**

**DATE ACCEPTED: 29 October 2007**

**Reason for referral to Regulation Committee:**

At its meeting of 9th January 2008 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.

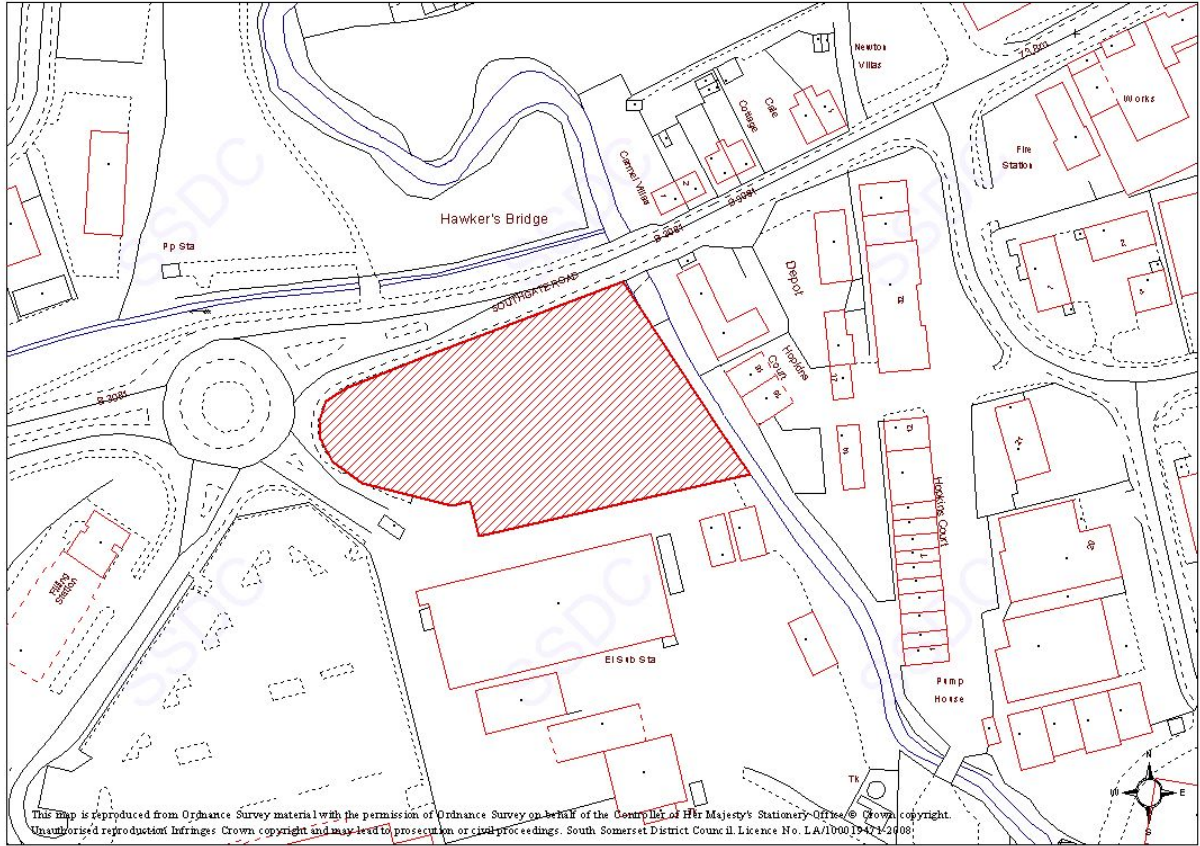
This report includes the original report to the Area East Committee followed by the minute and the resolution of Members of the Committee.

Since the Area East Committee the Planning Officer has received, from the applicants, a copy of an appeal decision notice for a similar application in Essex. The issues are similar to the application before us but each application must be judged on its own merits.

**Reason for referral to Area East 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.

## Site Description and Proposal



This is a revised application following the refusal at committee of planning application 06/01717/FUL in October 2006 and planning application 07/01679/FUL in September 2007. 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 917 square metres, the majority of which would be used as sales area, 700 sq metres net with 217 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 68 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 existing 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 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.

07/01679/FUL Demolition of existing tanker reload canopy and the erection of a Lidl Foodstore with associated car parking (GR370941/128002) Refused by committee 6.9.07 - The applicant have submitted an appeal to The Planning Inspectorate for consideration at Public Inquiry.

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.

### 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 - "I'm sure you will recall the previous negotiations to secure appropriate landscape treatment for this store, and that a third submission was finally deemed to be acceptable.

This provided additional frontage tree planting, and a planting strip of sufficient width for the planting to establish. A similar scheme is now submitted with this revised application, and I am satisfied that this will now allow for appropriate landscape provision.

A detailed landscape proposal should be conditioned."

Conservation Manager - Previous comments on application 07/01679/FUL "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 - No comments received.

Arborist - No comments received. Previous comments on application 07/01679/FUL "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 - No comments received. Previous comments on application 07/01679/FUL "The main policy issues in relation to this proposal are the location of shopping development (Policy MC2 and MC3 of the SSLP) 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) - Commented on the previous two applications. 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 (11 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

### 3.0 Conclusions

- 3.1 The proposal is now considerably smaller than previous proposals and although there is no quantitative need for a store of this size, given the low sales density of the proposed retailer, there could be scope to accommodate it, provided the development could be restricted a deep discount' grocery retailer. This is primarily a matter for legal advice although we have expressed our own concerns on the planning obligation.
- 3.2 There is a significant risk that there would be an seriously adverse impact on the vitality and viability of the town centre.
- 3.3 The applicants has not reviewed the sequential test with regards to the current, smaller proposal and have failed to demonstrate that there are no sequentially preferable sites available.

Environment Agency - Has no objection to the proposed development subject to conditions and informatives.

#### Recommended conditions summarised:

- Finished floor levels shall be no lower than 72.5m AOD.
- The Flood Risk Assessment to be implemented.
- 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.
- Contamination issues
- Water efficiency
- 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 am pleased to say that having looked again at the Transport Assessment in some detail, it is now 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.



The level of on-site car parking provision is considered to be adequate for the operational needs of the development.

The submitted Travel Plan has been looked at again and aspects have been revisited and our detailed comments have been referred back to the applicants for comment and action during the life of the plan.

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

After further reviewing the plans submitted for this application, particularly Drg. No. 102, I have noted that there is proposed some tree planting in the area to the west of car parking spaces 63-66 and I would wish to see this area kept clear on the grounds of highway safety. I would prefer just to see a grassed area but if you wish to include ground cover landscaping behind the 'knee high' fencing, then I would not raise an objection but it should be maintained do that it is never any higher than 600mm."

Wessex Water - Refer to their previous comments for planning application 07/01679/FUL;

#### "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 - "Approved by majority, the Town Council recommends approval."

## **Representations**

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

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 letters of support have been received. 1 states that the application will provide greater employment opportunities, greater consumer choice, reduction in Wincanton residents travelling outside the town, enhancement of proposed site, increased competition, improved pedestrian safety, pedestrian crossing opportunity and increase in consumers into the town. The other states that the proposal will make visiting Morrisons more pleasant.

## **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 applicant's 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 car parking."

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 reports 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 within the wider sub region. 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 SSSC) - Under the heading of need DPDS consider that a quantitative need for the proposal has not been demonstrated. Only under more favourable assumptions relating to growth and contrary to published advice on sales density data does the level

of need reach the estimated turnover for the store. It is therefore concluded on balance there is no demonstrable quantitative need for a proposal of this size within 5 years. PPS6 states that applicants should only look 5 years forward. Whilst there will be some qualitative benefits associated with the proposals, which includes the benefits of a deep discount with should be given some weight but we do not consider that there is a clear qualitative need for additional convenience goods floorspace in Wincanton. In assessing the sequential approach and the reduction in the size of the store, the previously rejected sites as being too small needs revisiting. 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. Although they have expressed concerns over the planting of trees on the west of the site, but in drawing a line 2 metres back from the junction it is possible to see traffic on the roundabout.

### 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**

Application Refused 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, Castle Cary and Bruton town centres. 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.



## Extract from minutes of Area East Committee – 9<sup>th</sup> January 2008

### **07/04979/FUL – Demolition of existing tanker re-load canopy and the erection of a Lidl neighbourhood food store with associated parking at Wincanton Logistics, Aldermeads Depot, Southgate Road, Wincanton - Lidl**

The Planning Officer informed Members that since the agenda had been published:

- a letter had been received from Morrisons Supermarket objecting to the proposal on the following grounds:
  - the proposal would not assist in meeting the qualitative need for improved convenience retail provision in Wincanton;
  - the restriction on the number of goods for sale would not enhance consumer choice in Wincanton;
  - the only way to claw back trade lost to Gillingham and Yeovil would be by providing additional ranges of goods and services through the expansion of existing stores;
- Lidl's representative had confirmed that they had reviewed the sequential test with regards to the current smaller proposal. They had looked at the:
  - Travis Perkins site – which was not available;
  - Green Dragon – which was too small and had access problems;
  - Police Station – which was, again, too small and there was a question mark over the future availability of the adjacent Health Centre.

Because the sequential test had been reviewed the Planning Officer withdrew Reason 2 from his recommendation of refusal.

With the aid of slides the Planning Officer indicated the:

- application site – comparing the previous application with the current application;
- access;
- car parking provision;
- road crossing;
- additional planting;
- River Cale;
- elevations. He commented that the design was considered acceptable.

He briefly summarised the report drawing Members' attention to:

- the unilateral planning obligation that had been offered by the applicants - as set out on page 7 of the agenda;
- DDPS's comments (the District Council's Retail Consultants) - as set out on page 16 of the agenda, in which they concluded that there was no demonstrable quantitative need for a store of the proposed size in Wincanton within the next five years.

Mr Mitchell, representing Lidl, commented that following the previous refusal the proposed store had been reduced in size. DDPS had accepted that the proposal was a borderline case with regard to quantitative need. He questioned why DDPS had increased the percentage of trade drawn from the town centre from 10%-15% for the last application to 21% for the present application, when the current proposed store was significantly smaller. He failed to understand how the proposed store would adversely affect the vitality and viability of Wincanton town centre when Morrisons, a large supermarket, was located adjacent to the application site. He informed Members that, whilst considering similar applications, the Secretary of State had recently confirmed that the unilateral undertaking was enforceable. He reiterated the comments made by the

Planning Officer regarding the revised sequential test. He felt the store would bring many benefits to Wincanton and asked Members to approve the application.

Responding to a request for clarification from the Chairman, the Planning Officer was unable to explain why DDPS's report had indicated that the percentage of trade drawn from the town centre would increase from the previous application when the proposed store had reduced in size.

Mr Morris, GVA Grimley, Lidl's Retail Consultants, commented that:

- according to the DDPS report they had accepted that there would be qualitative benefits associated with a deep discount store and did not accept that the proposal would be detrimental to Bruton and Castle Cary yet this was still included within the officer's reason for refusal;
- the District Council had failed to review advice from DDPS regarding the loss of trade from the town centre, which relied on evidence from Coopers Supermarket. In context, the proposed Lidl store would have under half the trading capacity of Coopers and he believed that it would be impossible for a Lidl store to be responsible for the closure of a successful retail operator;
- he also believed that there was enough surface expenditure in Wincanton to accommodate the Lidl store.

Councillor Tim Carroll, one of the Ward Members, supported the proposal for the following reasons:

- there has been a substantive change in the size of the proposed store, which has been reduced by approximately a third from the last proposal. As such, he believed the proposal was acceptable in its present form and that the impact on the stores in Wincanton town centre would be minimal.
- Lidl are prepared to sign a unilateral planning obligation restricting stock lines, whilst Morrisons could sell white and electrical goods as well as convenient foods, which would always have an effect on town centre trade.

He questioned why the impact on Bruton and Castle Cary town centres had been included in the reason for refusal when DDPS's report indicated that the greatest impact would be on Wincanton and Gillingham town centres.

Councillor Colin Winder, the other Ward Member, spoke in support of the application. He commented that:

- two major housing developments were due to be built in Wincanton and the town would need additional stores to maintain the vitality and viability of the town;
- Policy MC2 supported edge of town shopping provided it enhanced the vitality of the town centre – which he believed the present proposal would do;
- by majority vote, the Town Council had approved three applications for a Lidl's store;
- the Chamber of Trade had not objected and the local population wanted the store.

Members speaking in support of the application concurred with the comments of the Ward Members and made the following additional points:

- the proposal would increase local employment;
- Bruton residents would welcome the store;
- the District Council must not be seen as a protectionist for existing stores - people must be given a choice of where to shop.

Councillor John Crossley supported the officer's recommendation of refusal. He questioned why a neighbourhood store would require 68 car parking spaces unless it was intended to draw people in from neighbouring towns. He believed the store would be detrimental to town centre stores in Castle Cary. He reminded Members that 609 people had signed a petition objecting to the previous proposal, although he accepted that a similar number had supported the application. As such he believed that there was not a clear case that the people of Wincanton supported the proposal. He questioned the future use of additional space alongside the store.

It was proposed and seconded that the application be referred to the Regulation Committee with a recommendation of approval. On being put to the vote the motion was carried by 9 in favour, 2 against with 1 abstention.

**RESOLVED** that the application be referred to the Regulation Committee with a recommendation that the application be approved.

**Justification:** The proposed store would be in line with planning policy to provide retail floorspace in Wincanton and would not have a detrimental effect on the vitality and viability of the existing centres of Wincanton, Bruton and Castle Cary.

*(Vote: 9 in favour, 2 against and 1 abstention)*

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