

HARROGATE BOROUGH COUNCIL

PLANNING AREA3 DC COMMITTEE – AGENDA ITEM 5: LIST OF PLANS.

DATE: 2 December 2003

PLAN: 03	CASE NUMBER: 02/03119/FUL
APPLICATION NO. 6.79.1237.U.FUL	GRID REF: EAST 432899 NORTH 454432
	DATE MADE VALID: 27.06.2002
	TARGET DATE: 22.08.2002
	WARD: Hookstone

APPLICANT: Sainsbury's Supermarkets Ltd

AGENT: Turley Associates

PROPOSAL: Erection of 2,155sq.m.(approx) extension to existing supermarket (Use Class A1) with altered vehicular access from Railway Road. (AMENDED SCHEME)

LOCATION: J Sainsbury Wetherby Road Harrogate North Yorkshire HG2 8QZ

REPORT

SITE AND PROPOSAL

This application is revised from one considered by the Area 3 Development Control Committee on 10th December 2002. That sought permission for an extension to the existing store and the erection of two retail warehouse units. It was recommended for approval subject to conditions but Members had concerns about traffic generation and the loss of parking, the impact on the Crimple Valley and the possible effect on the vitality and viability of the town and district centres. Members voted that the application should be refused and so it was moved into "Special Procedures" to enable the views of the Cabinet Member (Planning), the Director of Finance and the Chief Solicitor to be obtained. The applicants decided to review their position and, in addition, it was hoped that the Council's Retail Impact Study results might be available to feed into the consideration of the proposal. The applicants asked for the application to be held in abeyance by letter in February 2003.

The application was revised in October 2003 by means of a letter and revised drawings. These detail the deletion of the two separate retail warehouse units and the provision of an extension to the Sainsbury's store of about 2,155sq. m. The existing coffee shop and pharmacy will relocate into this space but the use of the freed-up space and remaining new floor space is not detailed on plan nor described in the covering letter. It will provide more space for existing sales lines and permit the introduction of new ones. As a result of the smaller footprint the net loss of car parking spaces is reduced from 108 to 35, leaving a total of 553 spaces available. This scheme retains the proposed modifications to the site access. The design of the store extension reflects that of the existing store.

The Sainsbury's store is located at the edge of the urban area on the approach into

Harrogate along Wetherby Road and is within the development limits of Harrogate. The site is visible in views from Wetherby Road, Railway Road and the open countryside to the east.

The application site is part of the car park to the south-east of the present store and in the vicinity of the recycling centre adjacent to the service yard which is served by a separate entrance. The boundaries of the site are marked by landscaped areas which provide some screening to the car park area. There are a few trees within the car park.

As part of the initial submission the applicants provided a Transport Assessment and a Planning and Retail Statement. The agents have summarised the conclusions of these in their latest letter and re-iterated that there is a clear quantitative and qualitative need for additional general comparison and bulky goods retailing in Harrogate and that there are no sequentially preferable sites within or on the edge of the town centre to accommodate such development. The statement also concluded that the original application proposal, even at the worst case, would have only a negligible impact (<3%) on the vitality and viability of any of the borough's town or district centres.

In terms of traffic impact, the transport assessment proposed measures to address congestion at the site entrance, in the form of a re-aligned entrance enabling additional queuing length to the Wetherby Road junction. The TA also demonstrated that there is sufficient capacity on Wetherby Road to accommodate the additional modest increase in traffic that is predicted from the development. The applicants also offered improvements to the Woodlands junction and to improve cycle access in the locality through a Section 106 Agreement.

MAIN ISSUES

1. Land Use.
2. Design and Visual Amenity.
3. Highway Safety, Access, Parking.
4. Residential Amenity.

RELEVANT SITE HISTORY

6.79.1237.OA - Outline application for the erection of superstore. Refused 15.10.1976.

6.79.1237.A.OA - Outline application for construction of a retail superstore, together with associated car park, service yard, petrol filling station and site access. Withdrawn 21.05.1990.

6.79.1237.B.OA - Outline application for construction of a retail superstore, together with associated car park, service yard, petrol filling station and site access. Withdrawn 07.01.1991.

6.79.1237.C.OA - Outline application for construction of a shop within use Class A1, together with associated car parks, service yard, petrol filling station and site access. Permitted 21.11.1991.

6.79.1237.D.OA - Duplicate outline application for construction of a shop within use Class A1, together with associated car parks, service yard, petrol filling station. Permitted 21.11.1991.

6.79.1237.E.RM - Reserved matters application for demolition of existing buildings and structures, site levelling and preparation, the construction of shop within the use Class A1 together with associated. Permitted 25.02.1992.

6.79.1237.I.FUL - Erection of extension to form additional sales area and restaurant, amended car park layout and associated landscaping. Withdrawn 19.06.1998.

6.79.1237.J.FUL - Erection of extension to form additional sales area and restaurant, amended car park layout and associated landscaping. Withdrawn 28.10.1998.

6.79.1237.K.FUL - Alterations and extensions to the store including front extension to entrance, front extension to provide concession unit, relocation and installation of fire doors, and erection of cycle lockers and stands. Permitted 06.03.2001.

6.79.1237.L.FUL - Alteration and erection of extension to kiosk and canopy of petrol filling station. Permitted 26.04.2001.

6.79.1237.O.FUL - Erection of 3 No. double covered trolley bays within existing car park. Permitted 28.06.2001.

6.79.1237.Q.FUL - Recladding and alteration of petrol station canopy including introduction of neon strip. Permitted 28.06.2001.

There are other applications related to signage which have not been included in this report.

CONSULTATIONS/NOTIFICATIONS

Environment Agency

No objections subject to conditions

Environmental Health

Site within 250m of former landfill site and a site condition survey required. Amendment to position of recycling centre acceptable subject to conditions on hours of collection and method

Chief Engineer (H and T)

Recommends approval subject to a S106 Agreement and conditions to achieve amendments to layout. Note - consent of Committee needed to stop up public highway

H.B.C Land Drainage

No comment

Yorkshire Water

No objections and recommend conditions

Local Plans Policy

See assessment of main issues

Police Architectural Liaison Officer

No comments received

Conservation and Design Section

See assessment of main issues

Policy Dev Unit NYCC

No strategic policy objection

Landscape Officer

See assessment of main issues

Harrogate Civic Society

See under Representations below

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 31.10.2003

PRESS NOTICE EXPIRY: 31.10.2003

REPRESENTATIONS

OTHER REPRESENTATIONS - Harrogate Civic Society have commented on the revised plans and raise the following points (in summary):

1. The re-design has much to commend it visually. Agree that the extension will have little additional visual impact from long distance views.
2. Proposal is a large increase in out of town retail provision - almost exactly one third increase in floor-space compared to the current store. Consider this will have no beneficial effect on the town centres of Harrogate and Knaresborough even though it is expressed as a small percentage.
3. Additional traffic generated by an enlarged store is unacceptable on Wetherby Road which is said to be suffering over capacity of traffic. Even a small percentage increase in these circumstances will have a greater adverse impact than the same increase on a less trafficked road.
4. A loss of parking spaces still seems a retrograde step, even if less than before.

At the time of the previous report just two letters of representation had been received. However at the meeting 44 slips were handed in objecting to that proposal and following the meeting a further five letters objecting to that proposal were received. The points raised are summarised as follows:

1. Turning the area into a retail park by stealth.
2. Add to volume of traffic on Wetherby Road.
3. Cause further problems with refuse tip traffic at weekends.
4. Reduction in car parking.
5. Junction of Wetherby Road and Railway Road is a minor accident problem area.

6. Increased traffic, both pedestrian and vehicular would impact on the Crimple Valley.
7. Inappropriate over development.
8. The store is big enough already.
9. The two additional units are not necessary for the supermarket and would take trade away from established firms in the Harrogate area.
10. Rudding Lane/Wetherby Road junction is dangerous and anything that may add to this should be refused.

People who wrote in have been notified of the amended details (this is in addition to fresh site notices and press advertisement) and to date one further letter has been received raising the following points (in summary):

1. When there is an event on the showground traffic from that causes problems for traffic from Sainsbury's car-park and petrol filling station as they try to merge.
2. A solution is required - perhaps a one way system around the car park: in by the filling station and out by the point nearer the store so giving traffic more distance to filter left or right at the traffic lights.

VOLUNTARY NEIGHBOUR NOTIFICATION - None undertaken.

RELEVANT PLANNING POLICY

PPG1	General Policy and Principles
PPG6	Town Centres and Retail Developments
PPG13	Transport
SPS1	Structure Plan Policy S1
SPS3	Structure Plan Policy S3
LPHD20	Design of New Development and Redev'ment
LPA01	Impact on the Environment and Amenity
LPS01	New Shopping Development
LPT01	The Highway Network
LPT06	Highway Improvement Schemes
LPT09	Retention of Parking
LPT16	Disabled Parking
LPT17	Cycle Parking
LPT20	Bus Access

ASSESSMENT OF MAIN ISSUES

1. LAND USE - The application site is within the cartilage of the existing retail store and within the development limit for Harrogate. The original consent for the Sainsbury's store included a condition which prevented the use of more than 15% of the net floor space to the retailing of non-convenience goods. (6.79.1237.C.FUL - condition g of the Inspectors Decision Letter of November 1991).

The site is in an out of centre location and is not specifically allocated for retailing so, in accordance with PPG6 and Harrogate District Local Plan Policy S1 the applicants are required to demonstrate a need for the development and that a sequential approach has been applied to selecting the site.

The original application has been amended to a scheme for an enlarged extension to the

Sainsbury's store only. No new separate retail warehousing is now proposed. The additional retail floorspace now proposed is 2155 sq m as opposed to 3900 sq m. The following comments are made on the assumption that the proposed floorspace is for comparison goods.

The publication of a Parliamentary statement in April 2003 clarified the Government's policy for town centres and retail developments. This states that applicants proposing out of centre retail development are required to:

1. Demonstrate that there is a **need** for the development
2. Adopt a **sequential approach** to site selection
3. Consider the **impact** on nearby centres
4. Provide evidence on the site's accessibility by a choice of means of transport, as demonstrated by a transport assessment, the likely changes in travel patterns over the relevant catchment area, and any significant environmental impacts

These issues are dealt with below:

1) *NEED*

i. Quantitative Capacity

Officers are in final discussions with Hillier Parker on the conclusions of the District Retail Capacity Study. These discussions indicate that there is capacity for additional comparison retailing in Harrogate although the scope for bulky goods is much reduced compared to the Harrogate Retail Warehouse Study (HRWS) 1997 and the scope identified in the Harrogate District Local Plan.

However, it is officers' view that there is likely to be capacity for further comparison goods based on there being sufficient expenditure by 2004/05 (when the proposed development is expected to open) to justify the additional floorspace proposed.

ii. Qualitative Deficiencies

The applicant has made reference to a gap in comparison/bulky goods operators for a town the size of Harrogate. The applicant refers to the HRWS which highlights the low number of retail warehouse development and a lack of sufficient DIY and electrical goods stores. (However, since then 2 electrical stores have opened at Plumpton Park, Harrogate and there is a planning approval for a retail warehouse at Oak Beck Park off Skipton Road, Harrogate). Furthermore, results from the recent householder survey undertaken as part of the Retail Capacity Study do not indicate significant expenditure leakage to support an argument based on qualitative deficiency. The following indicates the percentage of shoppers from Harrogate town who do most of their bulky goods shopping outside the Harrogate district:

Furniture, carpets & other floor coverings 11%

Household textiles & soft furnishings 11%

Domestic electrical appliances (fridges, washing machines, kettles, hair dryers etc) 7%

TV, Hi Fi, radio, musical instruments, photographic equipment 10%

DIY goods and decorating supplies 3%

Source: Householder Survey of District Panel, February 2003

The above figures do not suggest an unusually high leakage of spending for such goods taking into account the proximity of York and Leeds to Harrogate.

It is not considered, therefore, that there is significant qualitative need for the proposal.

iii. Sustainable Travel and Social Inclusion

Officers have been advised by Hillier Parker that a third component of retail need is the need to, as far as possible, achieve sustainable travel patterns, reduce the need to travel by car and achieve social inclusion by providing accessible retail facilities. Whilst it is acknowledged that Sainsburys operates a bus service for its customers and there are 2 bus services that operate along Wetherby Road, there is no case to argue that this proposal will significantly reduce the need to travel by car and provide more accessible retail facilities than is currently provided for.

Conclusion on Need:

Notwithstanding the lack of qualitative need and the fact that this proposal will not significantly reduce the need to travel by car and provide more accessible retail facilities than is currently provided for, due to the quantitative capacity identified, which the recent Parliamentary Statement places greater weight on, it is accepted that there is a need for additional retail (comparison goods) floorspace.

2) SEQUENTIAL TEST

A sequential test analysis was undertaken by the applicant to justify the original proposal for 2 retail warehouses. However, this was completed over a year ago, prior to the publication of the Parliamentary statement (April 2003). This statement emphasises the importance of thoroughly assessing town centre sites before less central sites are considered and that applicants must demonstrate flexibility in terms of the format of their development. A retailing format that can only be provided at an out of town location is not regarded as meeting the requirements of the Government's retail policy.

The applicant's sequential test undertaken for the previous proposal considered the 3 sites in Harrogate allocated for retailing in the Local Plan. The first of these was the Royal Baths. The applicant commented that only 1 small unit remains and that the development is principally for A3 uses and concluded that the site is neither suitable nor available to accommodate any part of the proposed development. Officers accept that unit is unlikely to be an attractive location for comparison goods retailing.

With regards to the Station Parade allocation, in the light of the fact that a development brief for this site has yet to be completed, it is difficult to indicate its potential for comparison retail floorspace. A considerably lower figure than the 4500 sq m referred to in the Local Plan allocation is likely.

The Union Street/Kings road site has been redeveloped as a car park and is no longer available.

With regards to vacant units in Harrogate town centre, the applicant refers to the then most

up to date GOAD survey (June 2001) and subsequent survey undertaken by the applicant to update this. The applicant concludes that these surveys demonstrate that Harrogate continues to be a robust and vibrant town centre with vacancy levels significantly below the national average and that it is also essential to have some vacancies in the town in order to enable existing retailers to up-grade/re-focus their accommodation in addition to allowing new occupiers to enter the market. Without a resource of vacant units the town would stagnate.

In considering these vacant units, the applicant states that the majority of vacant retail units available on the market at that time were small lock-up shops of between 50-80 sq m area. The largest vacant unit had a floor area of c120 sq m located in the Victoria Centre. A further opportunity was identified to combine 2 adjacent vacant units on Oxford Street to create a unit of c150 sq m.

Between the publication of this report and the Committee meeting, officers will be assessing in more detail the retail capacity of town centre and edge of centre sites to enable Members to have a better picture of the likely capacity of these sequentially preferable and suitable sites.

3) IMPACT

If it is accepted that there are no suitable sites coming out of sequential approach, then the next stage is to consider what the impact of the proposal will be on existing centres and whether this impact is acceptable.

The impact assessment carried out for the original application calculated that the impact of the 2 retail warehouses would be 1.7% on Harrogate centre and 3% on Knaresborough centre. In order to calculate this impact, the turnover of both Harrogate and Knaresborough is referred to.

A 1.7% impact on Harrogate is low and officers have no reason to believe the impact of the current proposal will be higher than this and it is not therefore likely to have an adverse impact on Harrogate town centre.

The impact on Knaresborough is, in your officers' view, likely to be somewhat higher than calculated by the applicant and therefore there is some concern over the impact on Knaresborough. To further consider what the impact might be on Knaresborough town centre, the following table indicates the type of shops there are in the town centre which potentially could be impacted upon:

Knaresborough Town Centre

	No. of shops	% of shops	Total	% of floorspace
Clothing/ Footwear	20	20%	7499	13%
Furniture & floor coverings	9	9%	15973	28%
Textiles and soft furnishings	1	1%	216	0.3%
China/glass/hardware	5	5%	2130	4%
DIY/Decoration	3	3%	3076	5%
Books/Jewellery/Watches/Recreational/Misc	56	56%	26772	47%
Domestic appliances	3	3%	267	0.5%
Radio/TV etc	2	2%	272	0.5%

Radio/TV etc	2	2%	272	0.5%
Electrical/Durable goods	2	2%	191	0.3%
TOTAL	101	*	56396	*

*Does not add up due to rounding

Source: HBC Retail floorspace survey 2002

The type of goods to be sold from the 2 retail warehouses proposed as part of the previous scheme included electrical and furniture goods. If the amended proposal is also for the sale of such bulky goods, the above table indicates that 28% of all retail floorspace in Knaresborough sells furniture and floor coverings, 5 % sells DIY/decoration, 0.5% sells domestic appliances, 0.5% sells ratio/tv's and 0.3% sells electrical goods. Therefore, the biggest potential impact is likely to be on furniture and floor coverings. If the proposal is to sell electrical goods, the percentage of floorspace in Knaresborough dedicated to selling this type of goods is low and any impact will be minimal on the overall vitality and viability of Knaresborough town centre.

47% of all retail floorspace in Knaresborough sells books/jewellery/watches/recreational and miscellaneous goods, reflecting the propensity for gift and charity shops in the town; 13% sells clothing/footwear; 4% sells china/glass/hardware; and 0.3% sells textiles and soft furnishings. It is important that the proposal does not adversely impact on any of these types of goods.

Furthermore, unlike Harrogate where vacancy levels are below the national average, vacancy rates in Knaresborough are above the national average and this further adds to concern over impact unless a condition is included in the proposal.

Therefore, as a precaution to avoid any significant harmful impact on Knaresborough town centre, a condition limiting the sale of goods is recommended:

The floorspace hereby permitted shall not be used for the sale of: food for consumption off the premises; clothing; sportswear; shoes; toys; furniture and floor coverings; fashion accessories; handbags and luggage; watches; jewellery; perfume and toiletries; records; books; CDs, DVDs, audio and video tapes, except those which are wholly ancillary to the main goods sold; pet food and craft accessories without the prior written approval of the Local Planning Authority

It is understood that the proposal includes the relocation of the existing coffee shop and pharmacy and the implications of this for the above condition and existing condition will need to be discussed and with the applicant.

4) TRANSPORT ASSESSMENT

The original application was accompanied by a transport assessment and it is understood that it was accepted that this site is accessible by a choice of means of transport.

POLICY CONCLUSION - On the assumption that a satisfactory transport assessment has been prepared and that the further officer work on sequentially preferable sites indicates that they are unable to accommodate sufficient retail floorspace, there is **NO POLICY OBJECTION** in principle. However, the additional floorspace proposed should be conditioned to be used for the sale of non-food comparison goods and other conditions to

protect the vitality and viability of existing centres.

These conditions are to be discussed with the applicant prior to Committee and may include a condition on maximum net floorspace, a condition on net floorspace for non-food goods (as referred to above) and a condition preventing the sub-division of the additional floorspace.

2. DESIGN AND VISUAL AMENITY - The revised scheme is smaller and repeats the design features of the existing store, which is acceptable. The Council's architect had just one comment about adding further piers to the front elevation to improve the rhythm. This has been passed to the agents for the scheme and it has been confirmed that the revisions are to be incorporated into the scheme and it is hoped that amended plans will be available at the meeting. The impact from the south-east, from the Crimple Valley, will be minimal with the amount of extension now proposed. The type of planting indicated close to the previous extension would not now be appropriate but a revised approach with some additional planting between Railway Road and the car park is to be indicated on a plan to be available at the meeting. The final details will need to be the subject of a condition. There is no conflict with policies HD20 or A1.

3. HIGHWAYS SAFETY, ACCESS, PARKING - The Highway Authority are in discussion with the applicants engineers. It is contended by the applicants engineers that the traffic generated by the proposed store extension will be less than for the two retail units now omitted and to which the Council's engineers had no objection. The applicant's agents advise that *"the nature of the store extension is that it is likely to encourage existing visitors to the Sainsbury's store to make impulse purchases rather than attracting significant new trips. The key issue is one of car parking accumulation arising from longer shopping visits. However parking surveys have demonstrated that there is currently excess capacity within the car park and that the modest loss of c.35 spaces that is now proposed will not affect the ability of the site to accommodate the store's needs."*

The council's engineer has asked for clarification of the type of goods to be sold in order to assess the likely trip generation to see whether he agrees with the applicant's consultants assessment. It is acknowledged that there is over provision of parking so some loss can be accepted. The improvements to the junction of the access with Railway Road are welcomed and will be a definite improvement to highway safety. The consultants previously demonstrated that increased traffic generation would be marginal in impact on Wetherby Road. There is no (or very little) space capacity at peak times and increased generation at those times would result in increased queuing.

Traffic Impact Assessment:

The letter dated 29 October 2003 from Savell Bird and Axon outlines the consultants assessment of the impact upon the local highway network of the current proposal. This amended report suggests that the increase in traffic movement upon Wetherby Road will be of the order of 1.4% and 1.3% during the Friday PM and Saturday Peaks respectively. Although there is some question surrounding the relevance of the table utilised to assess the % increase in store trade (all store extensions listed are below 800 sq.m and the consultant has utilised average increase as against the 85 percentile figure) the development trips calculated compare favourably to rates obtained from the TRICS database. Providing the increased floor space does not result in a stand along retail outlet such as Matalan then it is difficult to see how the current proposal cannot be less onerous

than the previous application.

Car Parking:

A count of car parking spaces has now been undertaken on three separate occasions and each count has demonstrated that there is sufficient existing capacity to accommodate both the loss of spaces and the increased need. At 17.30pm on Friday 26 September 2003 there were 242 spaces in the portion of the car park S.East of the building alone.

The proposed changes to the car park entrance involves a realignment and shift in the access position, moving the accesses in a southerly direction. This results in the requirement to stop up the highway under section 247 of the Town and Country Planning Act 1990 and formation of new highway. Recommendation B of this report seeks approval for the stopping up of the highway. It results in improved queuing capacity. The improvement suggested by the applicant's consultants to Woodlands junction were not accepted by the Highway Authority.

There are some detailed matters requiring resolution: these can be dealt with by condition. A Section 106 Agreement would be required in order to receive the money offered towards off site highway works including such items as park and ride /other sustainable transport measures. It is considered that there is no sustainable objection on these issues and thus no conflict with policy.

4. RESIDENTIAL AMENITY - The initial concerns over the location of the recycling facility were addressed before the committee a year ago when the facility was repositioned further from Wetherby Road and by the suggested condition relating to hours of collection of waste. The store extension will have no impact on any neighbouring residential properties in terms of impact from the structure itself. The increase in activity as a result of the increase in floor area is more difficult to assess: it could just be similar numbers of customers staying longer, but it is likely to increase the numbers overall as the range and choice of goods expands. However the store is busy and the petrol filling station is open well into the evening and it is considered that any increase will not be at such a level that it will result in any detriment to the amenities to the occupiers of neighbouring residential properties. Thus there is no conflict with Policy A1.

CONCLUSION - Subject to the additional sequential work from the policy team not resulting in any objections from their point of view which would affect the weight given to the various issues, your officer considers that the scheme accords with local plan policies and that there are no material considerations which would warrant refusal of the application. There are ongoing discussions with the applicants about condition 14 in particular which may result in its modification at the meeting in matters of detail.

The application is recommended for approval: **Recommendation A subject to a Section 106 Agreement** to cover the receipt of money for off site works etc. and potential use of the car park for park and ride; **Recommendation B** is for approval to make an application to the Secretary of State for an order to stop up a highway under Section 247 of the Town and Country Planning Act.

CASE OFFICER:

Mrs E A Smith

RECOMMENDATION

That the application be DEFERRED and HOPS be authorised to APPROVE the application subject to the following conditions and such other conditions HOPS considers to be necessary and following the completion of a S106 Agreement requiring:

0 Heads of agreement:

1) A sum of money , £160,000.00p to be utilised in the following improvements to the local highway network:-

- a) Forest Lane junction.
- b) Sustainable Transport Measures such as Park and Ride, cycling facilities etc.
- c) Road Safety measures.
- d) Proposals identified in the Harrogate and Knaresborough Integrated Transport Study.

2) The potential to share car parking were Park and Ride introduced and it became evident that such sharing would not impact upon customer parking.

PROPOSED CONDITIONS:

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE ... 5 yrs
- 2 The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details, as amended by letter and/or drawings received by the Council of the Borough of Harrogate on the 6 October 2003 (drawing nos 20034 PL11 rev E, PL02 rev Q), on the (drawing nos.....) and as modified by the conditions of this consent.
- 3 No development shall take place until details and samples of all materials to be used in the construction of the external surfaces of the buildings, and of boundary walling, have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.
- 4 No floodlighting or security lighting shall be used, either on the buildings or introduced elsewhere on the site, until details of siting and design have been submitted to and approved in writing by the Local Planning Authority and it has been installed in accordance with the approved details.
- 5 The alterations to the entrances to the car park, shown on submitted plans PL02 rev Q received on 6 October 2003, shall be carried out and completed in accordance with those approved details prior to the commencement of construction of the new retail buildings unless otherwise approved in writing by the Local Planning Authority.
- 6 No part of the retail extension hereby approved shall be brought into use until the access, parking and servicing facilities shown on plans PL02 rev Q, have been completed in accordance with the approved details and made available for use; and such facilities shall not thereafter be used for any purpose other than the passage, parking and manoeuvring of vehicles.
- 7 No development shall take place on the site granted planning permission until the site for the proposed relocation of the re-cycling centre has been laid out in accordance with plan PL02 rev Q and the re-cycling centre has been relocated there, and brought

- into use. The re-cycling centre shall thereafter be retained in that location.
- 8 Prior to the relocation of the recycling centre , details of the management regime for the collection and method of emptying of the waste containers shall have been submitted to and have received the approval of the Local Planning Authority. The collection of waste shall not be other than between the hours of 08:00 and 18:00 Monday to Friday , 08:00 and 13:00 on Saturdays and none taking place on Sundays and Bank Holidays.
 - 9 No development shall take place until details of the proposed means of foul and surface drainage, including any balancing and off-site works, have been submitted to and approved in writing by the Local Planning Authority, and no part of the development shall be brought into use until such drainage works have been implemented in accordance with the approved details.
 - 10 The landscaping scheme (drawing no.... rev) hereby approved shall be supplemented by information specifying materials, species, tree and plant sizes, numbers and planting densities, tree pit details, tree protection barriers, management and maintenance regime for the planted areas and the timing of implementation of the scheme, including any earthworks required.
 - 11 The approved scheme of landscaping shall be implemented not later than the first planting and seeding seasons following the occupation of the buildings, or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written consent in any variation.
 - 12 No goods, materials or refuse shall be stored outside the buildings other than, in the case of refuse, in storage containers or areas, the location of which shall be approved in writing prior to commencement of development, and which shall be implemented and retained in accordance with the approved details.
 - 13 The cycle parking facilities indicated on the submitted drawings shall be provided prior to bringing into use of the buildings hereby approved and shall thereafter be retained for the use of customers and staff.
 - 14 The floorspace hereby permitted shall not be used for the sale of: food for consumption off the premises; clothing; sportswear; shoes; toys; fashion accessories; handbags and luggage; watches; jewellery; perfume and toiletries; records, books, CDs, DVDs, audio and video tapes, except those which are wholly ancillary to the main goods sold; craft accessories, without the prior written consent of the Local Planning Authority; with the exception of 15% of the net retail floorspace which may be used generally for the sale of non-convenience goods and provided that no more than 15% of the net floor area of the store, as extended, is used for the sale of those goods. .
 - 15 Prior to commencement of the development hereby approved a specific site investigation by a competent Environmental Consultant be commissioned to assess whether landfill gas is migrating into the application site. The investigation methods shall be approved in writing by the Local Planning Authority (in consultation with the Council's Health Division).
 - 16 The development hereby permitted shall, if required as a result of the investigation, include gas migration measures as part of the construction in accordance with BRE report - 191 Ref C1/SFB (L26)(A3j) in accordance with "Approved Document C2 Dangerous and Offensive Substances".
 - 17 Within 6months of the date of this approval, a Travel Plan for the store, as extended,

shall be submitted for the written approval of the Local Planning Authority and, once approved thereafter implemented before the extension is brought into use unless a different timescale is approved in writing by the Local Planning Authority.

- 18 CB17X SITE DRAINAGE, OIL INTERCEPTOR
- 19 CB11 SEPARATE SYSTEM FOUL AND SURFACE WATER
- 20 CB26 MEANS OF FOUL AND SW DRAINAGE TO BE APP
- 21 CB26X NO SW/FOUL DISCHG UNTIL APP WRK COMPLETE
- 22 Notwithstanding the layout and details shown upon drawing PL02 rev Q the development hereby approved shall not be commenced prior to to submission to and approval by the Local Planning Authority in writing of an amended plan and full engineering details to provide for:-
 - a) The introduction of pedestrian facilities upon Wetherby Road and the relocation of bus shelters.
 - b) The relocation of access to Railway Road
 - c) A pedestrian link between the store and the signalised junction.
 - d) The provision of pedestrian and cycle access between the car park and Wetherby Road upon desire lines.
 - e) The relocation of the pedestrian island abutting Railway Road.
 - f) Additional cycle stands located on the Railway Road side of the extension.The development hereby approved shall not be first occupied prior to the introduction of the same in accordance with the details so approved.
- 23 Prior to commencement of development hereby approved, provision shall be made for the stopping up of the public highway to part of the access to the site off Railway Road under section 247 of the Town and Country Planning Act 1990.
- 24 All visibility splays identified upon the final approved drawings shall be introduced and maintained clear of obstruction and retained for their intended purpose at all times.
- 25 The floorspace hereby approved extends to 2,155 sq.m and no additional floorspace (by either insertion of mezzanine or excavation for example) shall be provided within the extension hereby approved nor shall the extension in whole or in part be divided off from the store to form a separate unit, without the formal approval in writing of the Local Planning Authority.

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CC01R ACCORDANCE WITH DRAWINGS
- 3 In the interests of visual amenity.
- 4 In the interests of visual amenity of the area.
- 5 In the interests of highway safety.
- 6 In the interests of highway safety and to ensure the adequate servicing of the buildings.
- 7 In the interests of residential amenity and general amenity of the area.
- 8 In the interests of residential amenity.
- 9 To ensure that the site can be properly drained without the risk of surcharging the public sewerage system.
- 10 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 11 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 12 In the interests of visual amenity.

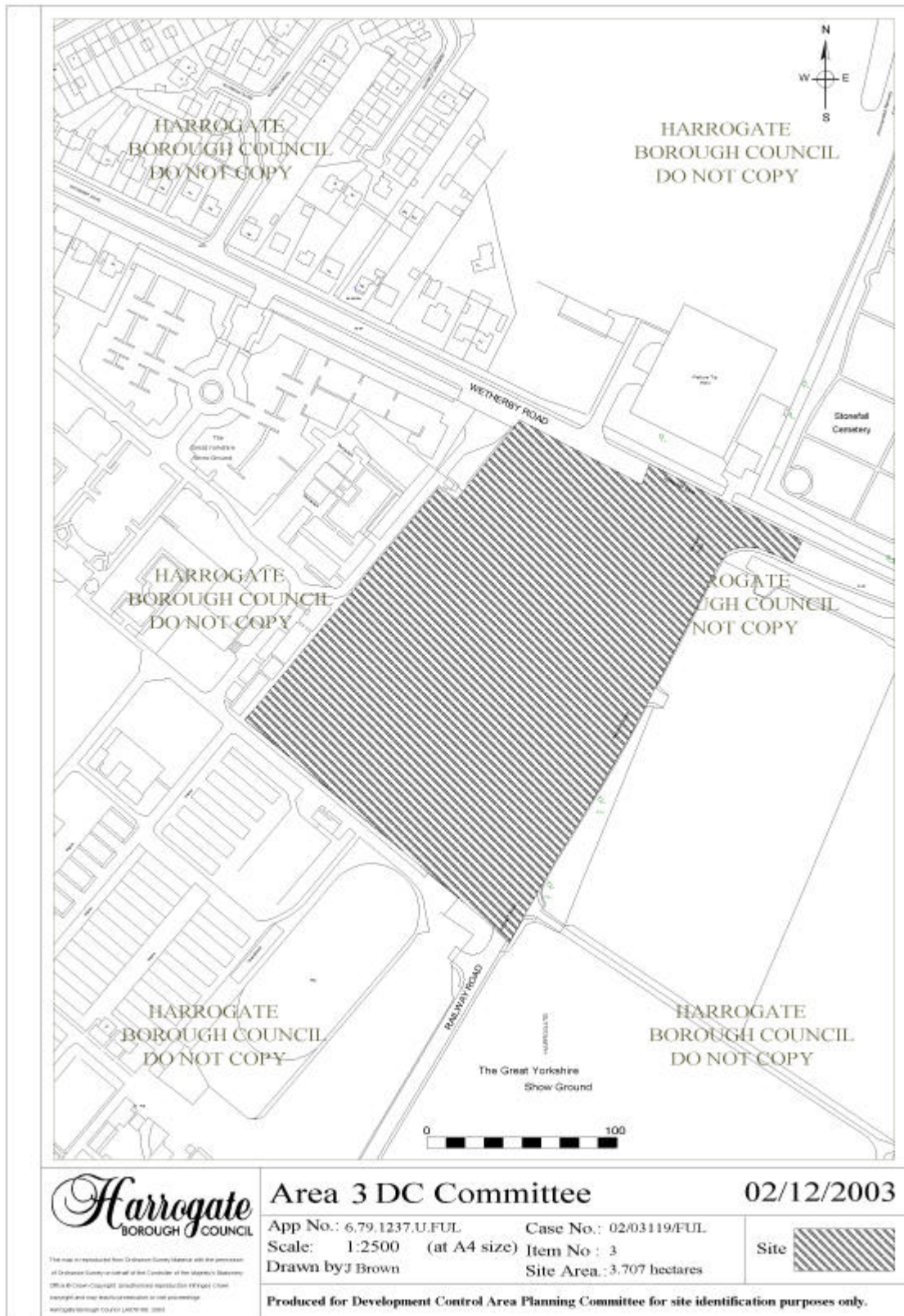
- 13 In order to encourage alternative means of non motorised transport to the site in the interests of highway safety and the reduce environmental pollution by providing safe and secure cycle parking facilities.
- 14 To accord with the Council's approved shopping policy to ensure bulky goods provision on this site.
- 15 In the interests of the health and safety of users of the buildings.
- 16 In the interests of the health and safety of the users of the buildings.
- 17 In the interests of encouraging more sustainable travel patterns and to try to reduce dependence on the car.
- 18 CB17XR TO PREVENT POLLUTION OF WATER ENVIRONMNT
- 19 CB11R TO PREVENT POLLUTION OF WATER ENVIRONMNT
- 20 CB26R TO ENSURE DEV CAN BE PROPERLY DRAINED
- 21 CB26XR TO ENSURE PROPER PROVISION IS MADE
- 22 In the interests of highway safety.
- 23 In the interests of highway safety.
- 24 In the interests of safety of users of the highway.
- 25 The additional floor space would have an adverse impact on the vitality and viability of the town and district centres and, in addition, would affect traffic generation from the store to the detriment of highway safety and the amenity of the area.

INFORMATIVES

1. The grant of planning permission does not entitle the developer to enclose public highway. Development in so far as it affects that part of the public highway should not be started until the stopping up procedures under Section 247 of the Town and Country Planning Act 1990 have been brought to successful completion. Nor should it be assumed that because planning permission has been granted, an order will invariably be made or confirmed.

RECOMMENDATION B:

That the Council make an application to the Secretary of State for an Order under Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway affected by the proposed development.



Harrogate
BOROUGH COUNCIL

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Area 3 DC Committee

02/12/2003

App No.: 6.79.1237.U.FUL Case No.: 02/03119/FUL

Scale: 1:2500 (at A4 size) Item No: 3

Drawn by J Brown

Site Area: 3.707 hectares

Site 

Produced for Development Control Area Planning Committee for site identification purposes only.