

70/03(03)

**CASE NUMBER: 02/03119/FUL
GRID REF: EAST 432899 NORTH 454432**

APPLICATION NO.: 6.79.1237.U.FUL

LOCATION:

J Sainsbury Wetherby Road Harrogate North Yorkshire HG2 8QZ

PROPOSAL:

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

APPLICANT: Sainsbury's Supermarkets Ltd

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:

Heads of agreement:

1) A sum of money , £160,000.00p to be utilised in any of 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 25th November 2003 (drawing ref 20034 PL11 rev E) and 2nd December 2003 (drawing ref 20034 PL02 rev Q) 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 2 December 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 20034 PL02 rev Q received 2 December 2003) 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 as a café or for the sale of food; clothing; sportswear; shoes; toys; fashion accessories; handbags and luggage; watches; jewellery; pharmaceutical goods; 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.
- 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 6 months 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 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.
 - g) The introduction of an additional egress point to the service bay access from the southern part of the car park in conjunction with a management schedule to minimise use when the service bay is in use.

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 reduce environmental pollution by providing safe and secure cycle parking facilities.
- 14 To accord with the Council's approved policies to ensure the continued viability and vitality of town and district centres.
- 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 ENVIRONMENT
- 19 CB11R TO PREVENT POLLUTION OF WATER ENVIRONMENT
- 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.

(Councillors Pat Marsh and Webber declared interests in this item and on the basis that their interests were prejudicial, left the meeting prior to and during discussion of the item).

(Councillors Joan Crowther and Goss declared personal interests in this item, due to their membership of Harrogate Civic Society, but on the basis that their interests were not prejudicial, remained in the meeting, took part in the debate and vote thereon).

(Councillor Grange declared a personal interest in this item, due to his membership of Yorkshire Agricultural Society, but on the basis that the interest was not prejudicial, remained in the meeting, took part in the debate and vote thereon).

(Councillor Willis declared a personal interest in this item on the basis that he lived in close proximity to Crimple Valley which runs up to the proposed development under consideration, but on the basis that the interest was not prejudicial, remained in the meeting, took part in the debate and vote thereon).

(The Head of Planning Services declared a personal interest in this item on the basis that a close relative worked in the store, but on the basis that the interest was not prejudicial, remained and took part in the meeting).

(Seven Members voted for the motion, one voted against and there were four abstentions).

(Councillor Willis wished it to be recorded that he had voted against).