

48/16/0005

ALDI Stores Ltd

Replacement of buildings with the erection of a Class A1 foodstore with associated access, car parking and landscaping on land off Bridgwater Road, Bathpool

Location: LAND AT BRIDGWATER ROAD, BATHPOOL, TAUNTON, TA2 8BA

Grid Reference: 325147.125807

Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed food store fails to satisfy the sequential test for a main town centre use not sited within an existing centre and not in accordance with the Local Plan. Notwithstanding the failure to satisfy the sequential test, the proposal is likely to have significant adverse impact upon the vitality and viability of Taunton town centre and the proposed planned investment at Monkton Heathfield District Centre. As such, the proposed development fails to meet the requirements of paragraph 27 the NPPF and is contrary to policies CP3, DM1 and SS1 of Taunton Deane Core Strategy, Policy TC5 of the draft Site Allocations and Development Management Policies and the Taunton Town Centre Area Action Plan.
- 2 The proposal would result in a significant increase of traffic and it has not been demonstrated that the increase in traffic can be accommodated without detriment to highway safety. As such the proposal is considered contrary to Policy DM1 of Taunton Deane Core Strategy and Section 4 of the NPPF.

Recommended Condition(s) (if applicable)

Notes to Applicant

- . In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

Planning permission is sought for the demolition of existing buildings and replacement with a Class A1 Food store.

The proposed development will comprise a single storey unit, providing 1,800sqm gross floorspace (1,254sqm net), car parking, access and landscaping.

The applicant is ALDI, who have had a longstanding requirement for a store in Taunton. ALDI intend to stock a range of 1,500 product lines. The indicated door opening hours will be 8 AM to 10 PM on weekdays and Sunday opening is expected but no times are specified.

The proposed building is to scale 55m x 23m with a maximum height of 5.46m. It will be sited along the eastern side the site car parking provision to the West and in the corner to the North. A small amount of landscaping is proposed in the North West and South West corners of the site and a small number of trees and around the car park area in the north east corner. Existing low-level sections of wall along the northern boundary are to be retained. 94 car parking spaces are proposed to serve both staff and customers.

The warehouse, office and staff areas are to be at the rear of the building (Western boundary). Deliveries will be to the south of the building. There will be one access, off the A38, to serve the development.

Site Description

The application site is approximately 0.6 ha (1.5 acres) in size and is located to the south of Bridgwater road (A38) and to the west of Yew Tree Lane in Bathpool. The site comprises two buildings with external storage and parking areas. One building, providing 918 m² (gross) has class A1 (retail) use and was formally J K Aquatics, an aquarium and tropical fish business. The other building provides 2386 m² (gross) for class B1/B2 use and was a former warehouse and office building. Both buildings are in a good state of repair and considered to be available for use in their current condition.

The site lies within the urban area of Bathpool, approximately 2.2 miles from Taunton town centre and approximately 350 m from the closest point of the allocated strategic site at Monkton Heathfield. There are residential properties to the North, East and West of the site. The mainline railway runs along the southern boundary of the site. Bridgwater road adjoins the North boundary of the site.

Relevant Planning History

48/15/0026 awful development certificate for existing use as general retail (use class a1) at the former watermarque shop, Bridgwater Road, Bathpool, West Monkton 7th August 2015.

Consultation Responses

WEST MONKTON PARISH COUNCIL –

West Monkton Parish Council is extremely concerned that residents and traffic flows at Bathpool will be very severely impacted if this proposal is granted permission without significant highway conditions being imposed.

The A38 runs through this part of Bathpool, the Aldi application site has the A38 down one side of it, and the other three sides are mainly residential dwellings with a popular and busy Chapel and a hairdressers. People attend the Chapel on at least three evenings a week and at the weekend, and park on the A38 on the opposite side of the road to the proposed Aldi site. Clients at the hairdressers, and residents do the same. There is a bus stop either side of the road in the vicinity of the Aldi site. The combination of local roadside parking, the bus stops and the width of the (listed) railway bridge make the section of the A38 from the Aldi site to the Creech Castle traffic lights a pinch point and a site of frequent congestion and traffic jams at peak times. When the school children walk the A38, they are drawn to the Aldi side of the road by virtue of the pedestrian crossing between the old Tone Bridge and Acacia Gardens. To summarise, the A38 road and pavement running along the length of the Aldi site could hardly be busier (it is recognised the Creech Castle junction is operating almost at capacity). Because of the existing use made of the road, double yellow lines would be inappropriate, detrimental to the community, and strongly resisted.

It should be borne in mind that there are another 500 or so houses remaining to be built in the first 1000 house stage of the Monkton Heathfield Urban Extension, and the A38 in this location is the main route into Taunton from the Urban Extension. Unless traffic modelling figures used in the application were taken from 2015 data, any older information will not take into account that about 500 houses are now occupied, with a further 500 still to come in the next year or two (based on current building rates). Local knowledge would suggest that Core Strategy Travel Plans would appear not to be working as predicted, with very low take up of travel passes by residents of the new houses and bus services being cut, rather than improved to provide a rapid transit system. So it is reasonable to predict that there will be an increase in the number of cars using this stretch of road.

The current operations on the site were mainly warehousing and distribution. This involved staff arriving in the morning, parking all day and leaving at the end of the working day. Large lorries came in, and parked for a period whilst unloading happened. There were limited numbers of lorry movements in any 24 hours. The aquatic retail section again had a small number of vehicle movements in and out of the site, as appropriate to the type of business. There were no illuminated signs on the site: there are street lights which serve the residential community surrounding the site. The proposed application promises a store with long opening hours, 7 days a week, with cars coming and going all through the day, and a large illuminated roadside sign. The impact on the local community will be intrusive in terms of lighting, lorry and traffic noise; and it is strongly suggested that the large illuminated roadside sign is hazardous, an unnecessary distraction to drivers.

Paragraph 1 and paragraph 2 jointly describe a significant highway problem, which is not solved by the solutions submitted in the application. Traffic will be turning in and out of the site all day long, and the congestion caused will bank back to the Creech Castle junction (as it does already at busy times just when a bus stops along this short stretch of the A38. At the very least a right hand turning lane is

needed.

The Parish Council is of the opinion that the applicant should sacrifice some of the frontage to allow for a right hand turning lane. This would result in fewer parking spaces on the site. Additionally, the Parish Council is of the opinion that the proposed store is too big for the site, for highway reasons and the fact that the site is surrounded by dwellings. A large supermarket is proposed for the District Centre in the further 3500 house development further up the A38, so a smaller store in the application location would be more appropriate. Local opinion would indicate support for a smaller store, and it would fit well into the local community with the existing Chapel, Hairdressers, and Public House.

The Parish Council would wish to see stringent measures imposed by SCC Highways Authority to ensure that the size and operations of the proposed store do not negatively impact on traffic movements in this very difficult location. Whilst some measures have been described by the applicant to deal with attenuation and surface water, the area of Bathpool is recognised by the Environment Agency to be a flooding hotspot. Indeed three or four houses in the immediate vicinity of the proposed store were flooded in the rains from Storm Imogen, (6/7 Feb 2016) whilst the mixed drain at Acacia caused the sewers to be surcharged, with raw sewage bubbling out onto the A38 road at Acacia Gardens, and bubbling up into peoples toilets. The Parish Council would require at least measures to withstand a 1 in 100 year storm, with appropriate attenuation for surface run-off the site. The Parish Council would wish to have suitable conditions imposed by the Environment Agency and Wessex Water. Since the proposal is to use existing drains, the opportunity could be taken to improve downstream problems.

In conclusion, West Monkton Parish Council would support the introduction of a small store in this location but cannot support the application for the larger store as described in this application; for highways and drainage reasons.

SCC - TRANSPORT DEVELOPMENT GROUP –

The previous responses by the Highway Authority are available on the website. Following submission of additional plans the final response is as follows

I refer to additional information received in my department 16^h May 2016, consisting of Working Paper 4, dated May 2016, and a letter to the LPA Dated 7th June which includes Drawing No. SK02 Revision B which sets out a Revisions to the Right Turning Lane for the proposed ALDI Store.

Revisions to the proposed Right Turning lane have been made in line with on-going consultation, and resubmission's to the Planning Authority and subsequently the Highway Authority. As you are aware the Highway Authority have made several representations with regard to the applicants proposals, as further information has been submitted to the Planning Authority and issued to the Highway Authority for review.

Access Junction / Right Turn Lane

The proposed access junction and Right Turning Lane as show in Drawing No. SK02 Revision B is considered to be designed and deliverable in line With DMRB TD42/95 and HD19/15. There are a number of points with regard to the proposed scheme that would require addressing at detailed design stage subject to Planning Consent, however, amendments are not considered to affect the deliverability of the access, turning lane or site.

The Right Turning Lane and running carriageway have through lane widths of 3m provided which is considered acceptable to the Highway Authority. However, it is likely that parking restrictions will be required on the northern side of the carriageway to ensure that through traffic can pass through unimpeded and without having to stray into the right turn lane in order to pass parked vehicles.

As parking restrictions will require advertising and consultation with local businesses, as part of a formal Traffic Regulation Order (TRO) such requirements may draw objections. The uncertainty of the enforcement of a TRO raises highway safety concerns; given the daily traffic associated with the proposed Aldi Store, the volume of traffic using the A38 as well as non-motorised users, as the site is located along a major school route, existing travel and parking patterns that occur within the vicinity of the site. If the TRO is not successful the is concern that the applicant may not be able to safely deliver the proposed access arrangement, which may jeopardise highway safety .

Traffic Impact

As mentioned in the Highway Authority's earlier response dated 07April 2016 It is noted that the development will impact at Creech Castle. The impact is heightened due the sensitivity of the junction and the long cycle times to allow all movements in relation to demand to be undertaken during each cycle.

Travel Plan

The delivery of the Travel Plan is required to be secured through a Section 106 Agreement. There are a number of minor amendments that are required to be resolved which can be resolved whilst the Section 106 is being drawn up.

It is noted that the 94 car parking spaces are proposed to serve both staff and customers. As there does not appear to be an alternative for staff parking the monitoring of the Travel Plan will be important as demand for parking at stores appears high, without sufficient measures parking could overspill on to the highway network resulting in capacity and highway Safety concerns.

Summary

In line with the above the Highway Authority recommend refusal as the proposal is contrary to Policy DM1 of the Taunton Deane Adopted Core Strategy and Section 4 of the NPPF, since the increase traffic associated with the proposed development without restriction of traffic parking on the highway would be prejudicial to highway safety.

WESSEX WATER –

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

A sewer diversion of the existing 150mm combined/foul sewer is necessary. This has been agreed principle with the consultants and are awaiting further details in order to review their design proposal. New foul connections can be incorporated into the diversion route to save an additional fee.

Wessex Water is not responsible for the private surface water sewer shown along the eastern site boundary, however we have made suggestion that the developer investigates current arrangements because it is likely the existing hard surfacing and building run-off already drains to that pipeline. We would expect to see this replicated in the proposed drainage design. Sewer diversion guidance notes and application form are available on our website.

DRAINAGE ENGINEER –

Parrett and Tone Internal Drainage Board; The Board has been consulted about redevelopment of the old Aqua World site off Bridgwater Road, Bathpool LPA ref No 48/16/0005 which appears to reduce surface water run-off to the public sewerage system(albeit combined sewer). Consequently the run-off which used to go to the combined public sewer will now discharge to the existing private water sewer which conveys flow to the River Tone under the main railway line. This appears to be an improvement however the structural integrity, capacity and maintenance liability of this private sewer appears unknown. My view is that information should be known before the development should proceed.

As a minimum the pipe should be surveyed by the proposed developer by CCTV to confirm the pipeline is structurally sound and will not cause a problem to the development in the future. If it is in poor shape then this is the time to know. Who is responsible for the pipeline as it does not appear to be a public liability?

Somerset Drainage Boards Consortium; No objection subject to condition and informative requiring surface water drainage proposals to be submitted and agreed.

BIODIVERSITY – No observations

ECONOMIC DEVELOPMENT –

The Council is keen to encourage investment to the Borough, and recognising that Aldi currently has no presence, would be keen to work with the company to identify investment opportunities to serve our communities. However, that investment needs to be on appropriate sites.

Loss of employment capacity

The site in question has been an employment site for many years, and it should be noted that the proposed development would create 50 job opportunities, of which 17 would be full time. This falls short of the extent of jobs that would be created on a typical B1 (office/light industrial) and A1 (retail) scheme, where one could reasonably expect a density of around 1 job per 25 sqm (this figure is based on an interpretation of the Housing & Communities Agency's guidance, 'Employment Densities Guide', December 2010). At that ratio, within the current buildings on the site, which total 3,304sqm, it would be reasonable to expect around 132 jobs. Furthermore the site in its current building configuration could accommodate additional units and one would expect the employment level to increase accordingly. In summary, whilst acknowledging that the site will create employment opportunities, the number of jobs proposed falls short of the number that might be expected from the existed permitted uses on the site.

Loss of land for business growth

I would make the same point in relation to accommodation for small businesses. The site as currently configured could accommodate numerous start up and small enterprises, and more could be included in additional units. The site is located on the A38 in the proximity of Junction 25 of the M5, and on an important arterial route between the junction and the new development at Monkton Heathfield. There is considerable demand for B1, B2, B8 employment land in that area, and I am aware of numerous businesses that would be interested to occupy the site in question to assist their growth and investment. There is a relative shortage of readily available employment land in that area at present, which was the reason for the departure of the previous occupant (and current site owner), J&K Aquatics. The loss of this site would therefore exacerbate an existing difficulty relating to the short term supply of land for business growth and investment.

Impact on the Monkton Heathfield community

Finally, the development of a supermarket in this location would have a negative impact on the proposed development at Monkton Heathfield, where a proposal for retail space, to include a food store, has been included in the District and Local centres. It is essential that the new community is planned effectively, giving proper consideration to the location and scale of all services, including retail facilities. Permitting ad hoc development in advance of the completion and delivery of the masterplan for this community would be premature and could lead to a development that is inadequately supported by employment and services.

HERITAGE – No objections

ENVIRONMENT AGENCY –

Providing the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to the proposed development, subject to the inclusion of conditions which meet the following requirements:

Condition:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2016 by Craddys, and the following mitigation measures detailed within the FRA:

- 1- The Finished Floor Level of the building should be no lower than 11.80 metres Above Ordnance Datum.
- 2- The ground level of the site surrounding the building should remain unchanged.

REASON:

- 1- To reduce the risk of flooding to the proposed development and future occupants.
- 2- Make sure the development does not increase flood risk to third party.

In addition, we have reviewed the Desk Study Assessment Report by Brownfield Solutions Ref (SF/C3117/5816 Rev A). We agree with the conclusions and recommendations of this report.

We particularly welcome the clearly presented and well annotated site plan (Drawing No. C3117/02). Following the site investigation, please mark the exploratory hole locations on this site plan and annotate with any evidence of contamination so we can see where the issues are. We do however request the inclusion of the following contaminated land conditions within the Decision Notice:

CONDITION:

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the LPA), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:

- 1) A preliminary risk assessment which has identified:
 - all previous uses,
 - potential contaminants associated with those uses,
 - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the LPA.

The scheme shall be implemented as approved.

REASON:

To prevent pollution of the water environment.

CONDITION:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

REASON:

To prevent pollution of the water environment.

The following informatives and recommendations should be included in the Decision Notice:

This site is located in Flood Zone 2, which is the medium to low risk zone and is defined for mapping purposes by the Agency's Flood Zone Maps. This is land where the indicative annual probability of flooding is between 1 in 100 and 1 in 1000 years from river sources (i.e. between 1% and 0.1% chance in any given year). The equivalent probability figure for tidal/coastal sources is between 1 in 200 and 1 in 1000 years (i.e. between 0.5% and 0.1% chance in any given year).

The surface water proposal will be addressed by the Lead Local Flood Authority, however we welcome the applicant's proposal to reduce the surface water discharge rate from the site by 20%.

The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site. We strongly recommend that the applicant prepares a Flood Warning and Evacuation Plan for future occupants. The LPA may wish to secure this through an appropriate condition. We can confirm that the site does lie within a Flood Warning area. We do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users. The responsibility is on LPA's to consult their Emergency Planners with regard to specific emergency planning issues relating to new development.

We can confirm that the site does lie within a Flood Warning area. We recommend the applicant contacts the Environment Agency on 0345 988 1188 to sign up for our free Floodline Warnings Direct service.

We recommend that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing

measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Additional guidance can be found in the Environment Agency Flood line Publication 'Damage Limitation'. A free copy of this is available by telephoning 0345 988 1188 or can be found on our website www.environment-agency.gov.uk click on 'flood' in subjects to find out about, and then 'floodline'.

Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy, as well as the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Foul drainage must be kept separate from the clean surface and roof water and connected to the public sewerage system as indicated in the planning application.

Any waste material removed from the site during demolition/construction of the buildings, should be taken by a registered waste carrier to a suitably licensed site for disposal.

THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS) –
This application falls outside the notified area for its application scale.

PLANNING POLICY –

The site is located approximately two miles to the east of the centre of Taunton, on the A38 Bridgwater Road. The site is currently vacant but was occupied by the former JK Aquatics showroom and warehouse, with areas of external hardstanding and some isolated perimeter landscaping. The first building has primarily been used as a showroom and retail space, with the larger warehouse to the rear primarily used for offices, warehousing and distribution.

Although physically separated from Taunton, the adopted Core Strategy policy SP2 defines Bathpool as forming part of Taunton Urban Area. The site is not subject to any site specific allocations. The site has been subject to a number of planning applications. The principle of retail use as part of this site was established through the Council issuing a Certificate of Lawfulness for retail use of the existing front

showroom building on the site (planning application ref: 48/15/0023/LE) This new application proposes the introduction of an enhanced retail facility within the entire site. This would mean loss of Class B employment use to the rear of the site primarily used for offices, warehousing and distribution.

The adopted Core Strategy policy CP2 requires that proposals which would lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, will not be permitted unless it can be demonstrated that the benefits of the proposal outweigh the disadvantages of the loss of employment or potential employment of the site.

The adopted TDBC Core Strategy policy CP3 makes it clear that 'Town and other centres will be promoted and enhanced as the primary location for main town centre uses including retail, leisure, cultural and office development'.

The adopted Core Strategy policy CP3 also sets out the retail hierarchy within the Borough and the anticipated future retail and leisure floorspace requirements over the coming years. Policy CP3 states that Taunton's sub regional focus will be strengthened as the first preference in the Borough for main town centre uses as set out in the Taunton Town Centre Area Action Plan (TTCAAP). Wellington town centre and proposed district centre at Monkton Heathfield will provide complementary secondary focus for main town centre uses in the Borough. The Core Strategy retail floorspace requirements were reviewed most recently as part of the Retail Study Update 2013.

The policy CP3 of the adopted Core Strategy requires 'proposals for town centre uses to be assessed sequentially. 'Any proposal above 500 s.m gross comparison floorspace or 500 sq.m gross convenience floorspace will also be required to undertake an impact assessment in order to protect the Plans strategy to protect and enhance the vitality and viability of defined centres'.

The adopted Core Strategy allocation SS1 Monkton Heathfield lies to the north-east of the site approximately 300m of the site. The adopted Core Strategy policy SS1 states that 'Within the area identified at Monkton Heathfield, a new sustainable neighbourhood will be delivered ...including, a new mixed-use district centre comprising a 4,400m² (gross) food store, 800m² (gross) and other convenience and comparison retail (A1)'...

Following the adoption of the Taunton Deane Core Strategy in September 2012, the Council prepared a draft Site Allocations and Development Management Policies Plan (SADMP). The SADMP reflects the overall approach established in the adopted Core Strategy, allocating land to meet the housing and employment requirements in the identified settlement hierarchy. The SADMP also includes detailed development management policies against which planning applications will be considered.

The SADMP has undergone a number of stages of preparation, starting with an Issues and Options consultation in January/February 2013, a Preferred Options consultation in October/November 2013 and a Draft Plan consultation in January-March 2015. The SADMP was submitted to the Secretary of State for independent examination on July 13th 2015. The appointed Planning Inspector has prepared an initial questions and observations on the submitted SADMP. An initial

hearing sessions were held on 1st and 2nd of December 2015 to discuss the proposed urban extensions at Staplegrove and Comeytrove. Further hearing sessions concerning the soundness of the rest of the SADMP took place between 30th of March 2016 and 5th of April 2016. The hearing session taking place 1st of April 2016 included the wording and necessity of draft policies TC1-TC5 as an issue for discussion.

In line with the NPPF, the policy TC5 of the emerging SADMP sets out criteria based policy for out of centre proposals for main town centre uses. Policy TC5 states that retail development out of centre will only be acceptable where no sequentially preferable sites are available, no adverse impact arises on existing or allocated centres, there is no impact on existing, committed or planned investment within a centre, and where the proposal is well connected with an existing centre, and accessible by public transport, cycling and pedestrians for all proposals. The SADMP states that projected requirements for convenience shopping through the Plan period can be met through existing allocations within the Deane. However, the emerging policy TC3 of the SADMP allows for additional, small scale, individual local convenience shops with the maximum size based on an estimated 80% of trade being drawn from a 10 min walk (800m) walk-in catchment which is not already served by an existing convenience store, commitment or allocation.

The proposal is contrary to the adopted Core Strategy policies CP2 and CP3, and the emerging SADMP policy TC5 criteria A, B, and C. The proposal would result in the loss of Class B employment land. Although the site is not subject to any site specific allocation, this site has been in an employment use for a number of years. Whilst acknowledging that the site will create employment opportunities, it has been brought to our attention that the extent of jobs that would be created on this site falls short of the number that might be expected from the existed permitted uses on the site.

We agree with Savills comments para 5.40-5.44 (Review of Retail Assessment) in that insufficient evidence has been provided by the applicant to demonstrate that the application has passed the sequential test. Whilst it is accepted that the sequential assessment should consider TTCAAP sites, to comply with the NPPF guidance, the assessment should also consider other sites, such as those within existing and emerging District Centres, edge of centre and out of centre in more accessible locations than the application site. We agree with Savills comments that there is a sequentially preferable site at Monkton Heathfield as an allocated District Centre whereas Firepool and Tangier represent sequentially preferable sites as edge of centre locations.

In conclusion, from a policy point of view this application should be resisted as it would undermine the Development Plan strategy, being contrary to the adopted Core Strategy Policies CP2, CP3 and the emerging SADMP policy TC5 criteria A, B and C. There is a sequentially preferable site available at the Monkton Heathfield District Centre. Given the proximity of the proposed ALDI store to the proposed urban extension at Monkton Heathfield it is unlikely that the Monkton Heathfield District Centre would be able to retain 100% of the convenience expenditure arising from the residential development. There is a concern that the proposal would therefore prejudice the vitality and viability of the allocated Monkton Heathfield District centre.

LANDSCAPE – Is this the correct location for a foodstore? If permission is granted. I would like to see more trees planted along the road frontage. As there is an electricity cable here, the trees can be smaller growing species.

Representations Received

5 letters of objection have been received;

- noise from deliveries during the night and early morning lorries turning;
- noise from reversing alarms, raised voices and unloading of cages;
- traffic turning right on the A 38 could cause problems at Creech Castle, also with cars turning right out of the store;
- very busy road, especially when there is problems on the M5 and traffic is redirected along A 38;
- customers may park on the road causing problems getting out of our drive;
- noise from large refrigerated lorries delivering later that night;
- will there be restricted hours on the building contractors working, for example on Sundays?;
- traffic has increased considerably over the last 10 years, especially since new developments that have been erected recently, and it is difficult to exit Acacia Gardens travelling towards Creech Castle;
- proposed store will exacerbate existing problems;
- traffic lights could be installed incorporating the pedestrian crossing;
- the current site is an eyesore;
- Build up of traffic on peripheral roads resulting in a detrimental effect on the whole neighbourhood and through traffic;
- no facility to increase the width of the A 38 this area;
- inadequate parking, the plan identifies 94 parking spaces which, if used for one hour each between 8 AM and 6 PM, would create 940 cars entering and leaving the site;
- there is already congestion along A38 during periods of closure of the A3259;
- acceptable increase in noise and disturbance for all the local neighbourhood from extra traffic and deliveries

39 letters of support have been received;

- look forward to having a food outlet in our local community which has been lacking for the past few years
- no grocery outlets on this side of Creech Castle;
- the store will provide additional choice to residents of Bathpool, West Monkton and Monkton Heathfield;
- proposed development will revitalize the site which is currently not in use;
- the store will bring additional employment the area;
- please to have a shop within walking distance;
- the proposal will enhance our ability to lead healthy lifestyles and avoid using our cars;
- the chapel and hairdressers should have their own parking spaces the visitors, not park on the main road;
- we hope to see some traffic calming measures to enhance the safety of the

project;

- traffic travelling too fast from Creech Castle is likely to encounter stationary traffic waiting to turn into the store car park;
- the store will provide a safe and easy access for pedestrians and cyclists;
- Aldi offer good quality products at a good price;
- a lot of residents walk to Aldi for twice weekly shopping;
- good use of brownfield site;
- in favour of an Aldi store but traffic problems need to be addressed;
- welcome an Aldi opening in Taunton, especially on the site proposed, as it will give the customer freedom of choice;
- Aldi store is long overdue in Taunton;
- a large commercial space the size also needs this type of business that can raise enough turnover to cover business rates and upkeep, otherwise it would be empty;

8 letters of representation have been received;

- keep clear sign at Yew Tree Lane should be repainted;
- traffic at peak times is very heavy;
- traffic lights could be changed from button operation to a time operated system;
- concerns about the implications for the volume of traffic and safety of road users;
- A 38 is already very busy unlikely to see further daily traffic movements as the Monkton Heathfield housing developments progress and the implications of the Bathgate on the A3259 are determined;
- there are many unreported near miss traffic incidents;
- traffic likely to cause queues, perhaps creating dangerous situations at Creech Castle
- safety of cyclists when car turn across cycle lane;
- safety of pedestrians, particularly school children;
- potential Aldi customers will inevitably wish to pass on the roadside causing problems the residents & buses;
- can the entrance to the store be shaped to allow access only from traffic travelling from an easterly direction and exiting traffic routed out in westerly direction?
- Can 24/7 enforceable parking restrictions be applied 50 yards either side of entrance on both sides of the road with clients of local hairdressers and visitors to the chapel been able to use the store car park?
- Can restrictions be applied to delivery times?
- Traffic calming measures needed
- there should be separate in/out;
- parking restrictions will affect users the church and local businesses;
- difficult to enter Acacia Gardens & Hyde Lane, particularly at peak times;
- Route is used to divert M5 traffic in the event of closure;
- further inspection of any drainage on the site should be carried out;
- as a minimum dedicated right turn lane is required traffic travelling north, however use of double yellow lines to increase the usable roadway in the area would be unfair on residents who currently parked their cars outside their properties;
- how will the 300 year old cottage, opposite the entrance, be affected by

development?

- Would not like to look out at the proposed development every day.

1 letter of no objection have been received.

One letters of objection from TPS transport consultants:

- proposed access does not accord with appropriate design standards particularly in relation to movement of large vehicles,
- no consideration of the impact of increased trips associated with development on frequency/causation of accidents,
- no justification to providing lower level of parking or that demand can be accommodated within the site,
- access does not demonstrate required visibility nor has any modelling assessment and provided to demonstrate new junction design is appropriate or would operate within capacity,
- no consideration given to arrival of delivery vehicles,
- transport assessment has not clearly demonstrated methodology the trip distribution and not demonstrated that there would not be is the impact from highway network as a consequence,
- no operational assessments on site access and A358 Toneway/Bridgwater road junction,
- no consideration of highway network operation on a Saturday.

Councillor Cavill comments;

- any application to use this site requires a right hand turn lane;
- there are another 4000 houses to be built in the near future;
- the A 38 pinch point is the section of road from Creech Castle to the new roundabout for the Eastern relief road, with houses either side of this section, there is no chance of widening this length so any additional restriction will cause substantial delays.

Planning Policy Context

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP2 - TD CORE STRATEGY - ECONOMY,
CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,

CP8 - CP 8 ENVIRONMENT,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,
SS1 - TD CORE STRATEGY MONKTON HEATHFIELD,
DM2 - TD CORE STRATEGY - DEV,
TTCAP - Taunton Town Centre Area Action Plan,
T19 - TDBCLP - Primary Shopping Area,
T21 - TDBCLP - Secondary Shopping Areas,
M1 - TDBCLP - Non-residential Developments,
M3 - TDBCLP - Non-residential Development & Transport Provision,

Local finance considerations

Community Infrastructure Levy

Existing floor area = 3304 m2..
Proposed retail floor area = 1804 m2

In the event that all in lawful use within the last 3 years no CIL liability as development is smaller than existing.

In the event that the existing buildings do not meet the lawful use criteria the CIL will be as follows:

Proposed retail floor area = 1804 m2

The application is for retail development outside of Taunton and Wellington town centres where the Community Infrastructure Levy (CIL) is £140 per square metre. Based on current rates, the CIL receipt for this development is approximately £252,500.00. With index linking this increases to approximately £298,000.00.

New Homes Bonus

The development of this site would not result in payment to the Council of the New Homes Bonus.

Determining issues and considerations

The main considerations are the impact upon the town centre from the creation of additional retail floor space at an out of centre location, loss of an employment site, highway impacts, residential amenity and visual amenity.

As part of the application a Planning Performance Agreement (PPA) has been signed by both parties. Under the terms of the PPA an independent retail consultant (Savills) has been engaged to provide an independent review of review of the Planning and Retail Statement prepared by Planning Potential (January 2016) on

behalf of ALDI Stores Ltd., submitted in support of the application. The full report is available on the Taunton Deane Website.

The conclusions of the report are set out in the Retail section of this report.

Retail

Under the NPPF, para 23, Local Planning Authorities should, in drawing up Local Plans, recognise town centres as the heart of their communities and pursue policies to support their viability and vitality and should allocate a range of suitable sites to meet the scale and type of retail development needed in town centres. Policy SP2 of Taunton Deane Core Strategy states that one of the key features of the vision for Taunton will focus shopping towards town centre regeneration opportunities delivered through the adopted Taunton Town Centre Area Action Plan (TTCAAP), adopted in 2008. The TTCAAP makes provision for over 43,000 sq.m. of town centre retail floorspace. In addition, the Core Strategy (policies SS1 and SS2) make provision for an additional 8,000 sqm in the allocated Taunton urban extensions. The Peter Brett 2013 Retail Capacity update forms part of the Councils up-to-date evidence base. The Council considers it has made full provision to meet retail requirements over the Plan period, in line with the NPPF requirement.

Paragraph 25 of the NPPF states “Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.”

Sequential approach

A sequential assessment has been submitted by the applicant as part of the application. A full review of the assessment has been independently undertaken by Savills. It is considered that there are sequentially preferable sites suitable, viable and available for an ALDI store.

Firepool is an allocated site under the TTCAAP to provide up to 3,500sqm of convenience retail floorspace. There is a current application on the Firepool site for a mixed development scheme which includes the provision of convenience retailing. However, there is no contractual agreement in place and the site remains available for development. Whilst an ALDI store may not provide the full allocation of convenience retail floorspace, it may still be a suitable development. There is no requirement under the TTCAAP for the allocated floorspace at Firepool to be provided by a single operator. ALDI could operate at the Firepool site either as a stand alone foodstore or alongside another smaller foodstore providing up to the 3,500sqm floorspace allocated.

Hickley Valtone, within Tangier, is an allocated site under the TTCAAP. Despite being currently occupied the site may be considered sequentially preferable due to its allocation of 1,300sqm retail floorspace. The Council would be likely to show some flexibility in the level of retail floorspace provided in line with the requirements of the NPPF. The site is of suitable size to accommodate the proposed ALDI store. A smaller car park would be feasible given its edge of centre location.

When identifying sequentially preferable sites consideration must be given to emerging District Centres. The proposed District Centre at Monkton Heathfield is

considered to be a sequentially preferable site. Policy SS1 states that the new mixed use District centre should contain a 4400 m² (gross) food store. The 2013 Retail Study update has reduced the need for convenience floorspace in Taunton. It is therefore likely that a smaller foodstore at the proposed District centre would be acceptable. In the allocation at Monkton Heathfield there is also provision for additional convenience and comparison retailing which could easily accommodate an ALDI store of the size proposed. The applicant states that the delivery programme of Monkton Heathfield does not represent a practical development opportunity at this point in time. The applicant asserts that there are not currently sufficient residents within Monkton Heathfield to enable a viable ALDI store and that there would not be sufficient number of residents until at least 2022. The Council does not agree with this analogy. The council has requested information on the proposed critical mass of residents which will serve the ALDI store at the proposed site on Bridgwater road, however this information has not yet been submitted. There is therefore a lack of information submitted identifying the catchment area of the proposed store.

Given the number of dwellings that have already been completed under phase 1 of the Monkton Heathfield development, in addition to the existing dwellings, the proposed District Centre is considered to be a viable site. Whilst there is no planning permission in place for the district centre this should not be considered a barrier to the delivery of a foodstore at Monkton Heathfield. A proposal for an ALDI store would be acceptable in principle at Monkton Heathfield without the need for sequential and impact testing and is, therefore, a sequentially preferable site.

The NPPF (para 24) states that when considering out of centre proposals preference should be given to accessible sites that are well connected to the town centre. On the basis of the information submitted, it is not considered that sufficient evidence is available to conclude that the application has passed the sequential test. The sequentially preferable sites, as discussed above, are Firepool, Tangier and Monkton Heathfield as an allocated District Centre.

Policy TC5 of the Site Allocations and Development Management Policies (SADMP) states that retail development out of centre will only be acceptable where no sequentially preferable sites are available, no adverse impact arises on existing or allocated centres, there is no impact on existing, committed or planned investment within a centre, and where the proposal is well connected with an existing centre, and accessible by public transport, cycling and pedestrians for all proposals. The proposal is therefore contrary to the emerging policy TC5.

Impact

The impact of the proposal is considered in terms of the creation of additional retail space for convenience retailing at an out-of-town location. Core Strategy policy CP3 requires an impact assessment for out of centre proposals in excess of 500 sqm gross floorspace. The impact of the proposal is assessed both in its impact upon Taunton town centre and the delivery of planned investment in the district centre at Monkton Heathfield.

Whilst the application is to be considered in terms of its solus impact it must also be considered in terms of its impact with other commitments under the local plan. For

this purpose it is accepted that the allocation of up to 4000 m² convenience retailing floorspace at Firepool is included as a commitment for the purposes of assessing impact.

Savills have undertaken a full assessment of the impact of the proposal including the applicant's assessment of solus impact, cumulative impact on trading against benchmark for the existing food stores in Taunton. The most significant impact is that upon the existing food stores within the town centre. These are Sainsbury's (Billet Street) and Morrisons (Priory Bridge Road). Whilst there is predicted impact upon the other food stores, it is the impact upon the town centre which is of concern due to the resulting impact upon the vitality and viability of the town centre.

The solus impact of the proposed store upon Sainsbury's (Billet Street) is -1.26% and a cumulative impact of -14.92%. The Solus impact of the proposed store upon Morrisons is -4.20% a cumulative impact -18.16%, trading at -42% and -36.6% against benchmark, respectively. The figures demonstrate that if the proposed ALDI was to come forward, in addition to the allocated development at Firepool, there would be significant risk of closure of Sainsbury's (Billet Field) and Morrisons.

The closure of the existing foodstores within the town centre would affect footfall within the town centre, remove links between convenience and comparison stores and therefore have a knock on effect to other retailers within the town centre. Although a large proportion of the cumulative impact on both the Morrisons and Sainsbury's (Billet Street) results from the proposed development at Firepool, Firepool has an allocation for a foodstore and is at an edge of centre location which is sequentially preferable to the ALDI store.

Whilst the delivery of the District Centre could be some time away, the presence of an ALDI on the site would have a negative impact on the ability of a developer to attract convenience retailers to the area due to competition from the ALDI store, if it were granted planning permission. When the Core Strategy was adopted in 2012 the economic conditions were very poor. Development has therefore been slowed down and not been at a level at what was anticipated. However the economic climate is now improving and this has been reflected in the implementation of phase 1 of the Monkton Heathfield Urban extension. Discussions are now moving forward with the masterplan for phase 2 of Monkton Heathfield. There is no reason to suggest that the urban extension will not continue to move forward in its development and the allocated District centre will form a vital part of the development, providing for both the existing and new community.

Based on 4,500 units being delivered, as per the Monkton Heathfield Core Strategy allocation, and an average occupancy rate of 2.4 persons per household, when fully built, Monkton Heathfield could be expected to have a population of approximately 10,800. Based on a convenience goods expenditure of circa £2,000 per person (for 2018, as taken from the applicant's Planning and Retail Statement), a total expenditure of circa £21.6 million could be expected from the population of Monkton Heathfield, which would be sufficient to support around 1,747 sq m (net) of convenience floorspace. If the proposed store is built on Bridgwater Road there would be insufficient expenditure in the catchment area to support a subsequent foodstore in the proposed District Centre, the proposal is therefore considered to impact upon the deliverability of planned investment in the District Centre.

Conclusions from Savills assessment

The application site is in an out of town location and does not benefit from a site allocation, albeit there is some existing A1 and B1 floorspace on the site.

On the basis of the information submitted, Savills do not consider that sufficient evidence is available to conclude that the application has passed the sequential test. The two areas of primary concern relate to the sequentially preferable sites at (i) Firepool and Tangier as development locations on the edge of Taunton Town Centre and (ii) Monkton Heathfield as an allocated District Centre.

Although the solus impact of the proposals is relatively low, Savills do have significant concerns regarding both the Morrisons and Sainsbury's (Billet Street). Trading at -42% and -36.6% against benchmark, respectively, this would place both stores at significant risk of closure if ALDI, as well as Firepool come forward. A large proportion of the cumulative impact on both stores results from the proposed development at Firepool, it is allocated for a foodstore and is at an edge of centre location which is sequentially preferable to the ALDI store.

Accordingly, we disagree with the applicants conclusions with regard to impact as the cumulative impact upon these existing foodstores which, in our view, would be such that they may be vulnerable to closure, which would in turn have a significant adverse impact on the vitality and viability of the Town Centre.

With regard to planned investment our view is that given the likely convenience turnover of £9.96 million for the proposed ALDI foodstore (in 2018) and that it is unlikely that any future foodstore within Monkton Heathfield's District Centre would retain 100% of the convenience expenditure arising from the residents of that development, we anticipate that the proposed ALDI foodstore would have a significant adverse impact on the delivery of the planned investment in the District Centre at Monkton Heathfield.

Loss of employment site

It is accepted that the proposal represents investment into the area and the provision of jobs. The employment the economic benefits of the scheme are marginalised by the existing use of the site as an employment site. Policy CP3 seeks to prevent the loss of employment land to meet employment needs and also provide a range of suitable sites for business growth.

The applicant argues that there is currently an oversupply employment land in the area. However, this is not the case as land supply within the urban area of Taunton is tighter. The proposal is contrary to policy in that it would lead to loss of existing industrial/warehouse the land to retail use. Despite the provision of jobs in association with the retail use there is not an overall benefit of the proposed retail unit which outweighs the advantages of the loss of the employment site. The Council maintains its view that a range and choice of sites are needed to provide a balance and adverse employment base and to ensure space is available for all employment sectors. The current business use of the application site provides opportunities the smaller businesses and the loss of such a site is contrary to the development plan.

Following negotiations with the agent, marketing information has been submitted which demonstrates that the site has been advertised, yet failed to secure an occupier since December 2013. The proposed store will result in 33 full-time equivalent jobs. With the failure to secure suitable business and retail use in the existing buildings and the potential to create jobs as a result of the proposal, the development is not considered to result in significant impact on the local economy from the loss of the business units.

Highways

The proposed development is located directly off of the A38, Bridgwater Road which is situated in close proximity to Creech Castle, the surrounding road network links the Toneway with the M5 to the east and Taunton town centre to the west. This route is considered strategic in nature and it is essential for the Highway Authority that the network operates without significant congestion

The Highways Authority has undertaken detailed discussions with the applicant which has resulted in several Addendum's being submitted to improve the proposed access and highways arrangements relating to the proposal. However, despite the amended plans addressing some of the initial concerns the Highways Authority remains concerned about the highway impacts of the proposed development. The proposal is likely to generate 2000 daily trips. This is a significant increase compared to the existing use of the site. There is currently on street parking along this section of the A38 which is in constant use. The proposed scheme is not suitable in highways terms without a Traffic Regulation Order to prevent on street parking near the access. It is likely that there will be objections to implementing parking restrictions along the section of the road. The increase in traffic may also impact upon the traffic movements at the traffic lights at Creech Castle. The proposal is a right turn lane is therefore not acceptable as it would be contrary to policy DM1 of the Core Strategy and also Section 4 of the NPPF.

In the event of an approval highway improvements and a travel plan would need to be secured either through conditions or a section 106 agreement.

Residential amenity

The proposed building will be 5.46 m high. The surrounding properties are considered to be sufficient distance away to not be overshadowed by the proposed building. Whilst there may be some disturbance in terms of noise consideration must be given to the existing use of the site has mixed business/retail use. Conditions may be implemented to restrict delivery times to daylight hours to reduce impact on surrounding occupiers.

Visual amenity

The design of the building is considered acceptable. The materials are to be white render walls, powder coated aluminium parapet, windows and shopfront. The scale is not considered to be overbearing and the visual impact upon surrounding area is

considered acceptable.

Other matters

A small amount of landscaping is proposed within the redevelopment. Whilst the landscape officer would like to see more landscaping to the front of the site this is not feasible with the requirements of the access and parking.

The site is located within Flood Zone 2 and also a flood warning area. Suitable conditions are required to ensure development does not increase risk of flooding to the surrounding area or surrounding properties. Conditions will also be required to control surface water run-off.

The financial implications are of limited weight.

Conclusion

The NPPF seeks a plan led approach to development to ensure the vitality and viability of the town centre is protected and enhances. The allocations in the Core Strategy, TTCAAP and the SADMP are consistent with this approach.

The application is for a main town centre use which will not be situated in a town centre and is not in accordance with the development plan for the area. The clear aim of the Council's policies is to maintain and enhance the vitality and viability of the town centre. The sequential test is a key element in achieving this. The proposal clearly fails the sequential test and in line with the NPPF should be refused upon this basis.

The proposal would result in significant impact upon the town centre, when considered in line with allocated sites, leaving existing stores in increased vulnerable position could threaten existing town centre provision of convenience goods. In turn there would be a material that footfall in the town centre reducing trade comparison retailers thereby resulting in a significant impact upon vitality and viability of the town centre.

The proposal is likely to impact upon the deliverability of the proposed district centre at Monkton Heathfield.

The proposal is likely to result in significant increase in traffic along this section of the A38 and the traffic at the Creech Castle Junction. It is not demonstrated that a suitable access can be created without adverse impact upon highway safety.

For the reasons outlined above, the proposal is recommended for refusal.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Ms F Wadsley