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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2014/0258/FUL	ITEM 1	
Proposal:	New retail unit (Class A1) with associated vehicular & pedestrian access, car parking, landscaping & servicing.		
Address:	Land West of Lands End Way, Oakham, Rutland		
Applicant:	Hawksmead Ltd	Parish	BARLEYTHORPE (OAKHAM ADJACENT)
Agent:	Rapleys LLP	Ward	Oakham North West
Reason for presenting to Committee:	Objections received		
Date of Committee:	14 October 2014		

EXECUTIVE SUMMARY

The proposed store would be located on designated employment land. The development would result not only quantitatively in the loss of employment land but also qualitatively in terms of it being the prime location for employment land in Oakham, and as such would significantly reduce the potential for future economic development and job creation in the County. As a result the proposals are contrary to the Development Plan.

Members will need to consider whether there are material considerations that outweigh the conflict with the Development Plan. The recommendation is that there are none either singly or in combination that outweighs the conflict with the Development Plan.

RECOMMENDATION

REFUSAL, for the following reasons;

1. The application site is part of a larger area of land allocated and safeguarded for employment-related development (Use classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended)) in Policy CS13(d) of the Adopted Core Strategy (July 2011) and EM2/1 of the Adopted Rutland Local Plan (July 2001). It is also in a prime location by the Oakham Bypass (A606: Burley Park Way), adjacent to the main highway access into the allocated area. The proposed use for retail development (Use Class A1) would detrimentally reduce both the quantity and quality of employment land supply within Rutland. The loss of part of this strategic site, especially in such a prime location, would inhibit the development of the wider employment site for future economic development and job creation within the area allocated for such development within Policies EM2/1 and CS13(d). Given this, the current application is contrary to saved Policies EM2 and EM11 of the Rutland Local Plan (2001) and Policies CS2(h) and CS13(d) of the Adopted Core Strategy (July 2011).
2. The proposal would have an impact upon linked trips to Oakham Town Centre, and as such would be required to make contributions towards a County Council led planned programme of investment in the town centre to mitigate the agreed impact of the development on the town centre. These developer contributions have not been finalised through a Section 106 agreement, and the proposal is thereby contrary to policy CS2, CS8, CS17, and CS18 of the adopted Rutland Core Strategy and the guidance in the adopted Supplementary Planning Documents on "Planning Obligations and Developer Contributions" (2010).

Site & Surroundings

1. The application site (0.59 Hectares) is greenfield land, located in north-west Oakham, by the roundabout junction of Lands End Way and the Oakham Bypass (A606). This is approximately 1.6km north of the town centre.
2. The site is part of a larger area (10.54 Hectares) safeguarded in the Core Strategy as employment land and known as 'Employment Site 1'. Outline Planning Permission for Business use (Class B1), Industrial use (Class B2) and Warehousing (Class B8) was granted for the whole area in November 2006 and just renewed in 2014.
3. The site is open, undeveloped and relatively flat. The Oakham Bypass forms the northern boundary, with Lands End Way to the east of the site. The southern boundary faces an existing access road (Panniers Way) which serves new residential and commercial premises to the west. There are small earth bunds to the north and south boundaries. The clearest views of the site are when approaching along the Bypass from the east.
4. Immediately east of the site a petrol filling station with ancillary shop is currently under construction. The petrol station is considered a road side service use, an exception to the safeguards of the Employment Land. Further west into the employment land allocation, permission has been granted for a pub/restaurant and a 60 bed hotel, also considered roadside services (for the purpose of the exemption). Beyond this is the Oakham North housing development, which is also currently under construction.
5. There are bus stops along Lands End Way served by Route 3 of the Oakham Hopper. Future bus stops along Bosal Way to the south of the site have been constructed but are not currently part of the Hopper service.

Proposal

6. The proposal is to construct a new retail unit. While the applicant (Hawksmead Ltd) is not a retailer, supporting documentation and submitted plans identify the discount food retailer Aldi as the intended end user.
7. The unit would have a net retail area of 990sqm, and gross external area of 1481sqm. The vehicular and pedestrian access would be to the south of the site off Panniers Way, using the same site access as the under construction petrol station.
8. The building is positioned on the western side of the site, with the front elevation facing east over the car park, which provides 80 spaces.
9. The proposed plans are attached at **APPENDIX 1**.

Relevant Planning History

10. Members will recall that planning permission was refused for a Sainsbury's store in this location in 2011 (FUL/2010/0729). The reasons for refusal related to loss of Employment Land, and that the application failed to satisfy the sequential test for location of new retail development. Sainsbury's have since been granted permission for a store on the former Tresham College site on Barleythorpe Road.

Planning Number	Description	Decision
OUT/2003/1181	Outline application for use of land as B1, B2, and B8 employment development	Approved 09/11/06 and subsequently renewed (2013/0598/FUL)
FUL/2010/0729	New retail unit (Class A1) with associated car parking, petrol filling station, vehicular and pedestrian access, highway works, landscaping and servicing	Refused 14/03/11
<i>Neighbouring land</i>		
APP/2010/1170	Construction of Public House/Restaurant (Class A3) and associated works.	Approved 28/08/12 Minor Amendments (14/0455) Approved 25/09/14
APP/2010/1216	Outline application for erection of hotel and associated works.	Approved 13/09/12
APP/2012/0011	Outline application for petrol filling station, car wash, sales building	Approved 27/06/12
2013/0601/FUL	Construction of a Petrol Filling Station	Approved 24/09/13

Planning Guidance and Policy

11. Members will be aware that the "Site Allocations and Policies DPD: Submission document with modifications recommended by Inspector (August 2014)" is recommended for formal adoption at Full Council on 13 October 2014.
12. If adopted, its policies will immediately replace the Saved Policies of the Rutland Local Plan (2001) and will form part of the Development Plan, thereby carrying full weight for the purposes of decision making. Members are aware that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
13. The DPD Policies identified in this report have also been renumbered as a result of the Modifications recommended by the Inspector. They are set out below within a schedule of policies that assumes the DPD has been adopted, and within another schedule that would apply if it is not adopted. The above recommendation is also split into option 1 where the DPD is adopted and option 2 if it is not adopted.
14. Members will be updated further via the addendum report.

Option 1: DPD is adopted

Development Plan

Rutland Core Strategy (2011)

- CS1 Sustainable development principles
- CS2 The spatial strategy
- CS4 The location of development
- CS8 Developer contributions
- CS13 Employment and economic development
- CS14 New provision for industrial and office development and related uses
- CS17 Town centres and retailing
- CS18 Sustainable transport and accessibility
- CS19 Promoting Good Design
- CS21 The natural environment

Site Allocations and Policies Development Plan Document:

- SP3 Sites for retail development
- SP15 Design and Amenity
- SP17 Outdoor lighting
- SP19 Biodiversity and geodiversity conservation

Other Material Considerations

National Planning Policy Framework – NPPF (2012)

- Section 2 Ensuring the vitality of Town Centres
- Section 4 Sustainable Transport
- Section 7 Design

Rutland Planning Policy Documents

- Rutland Retail Capacity Assessment (2010)
- Rutland Retail Capacity Assessment Update (2013)
- Employment Land Assessment Report (ELAR) (2013)
- Supplementary Planning Documents on Developer Contributions (2010)

Option 2: DPD is not adopted

Development Plan

Rutland Core Strategy (2011)

- CS1 Sustainable development principles
- CS2 The spatial strategy
- CS4 The location of development
- CS8 Developer contributions
- CS13 Employment and economic development
- CS14 New provision for industrial and office development and related uses
- CS17 Town centres and retailing
- CS18 Sustainable transport and accessibility
- CS19 Promoting Good Design
- CS21 The natural environment

Rutland Local Plan (2001)

- EN1 Location of development
- EN17 Landscaping
- EN18 Hedgerows and trees
- EN19 Ecology

EN25	Outdoor lighting
EN29	Amenity
EM2	Employment Areas
EM11	Shortfall of employment land
RE9	Retail development and Crime Prevention
HT2	Traffic Management
HT3	Transport Issues
HT4	Development likely to increase traffic
HT5	Road Access & Design
HT6	Parking & Servicing
HT10	Major Development & Public Transport
UT5	Servicing & Drainage
IM1	Infrastructure facilities

Other Material Considerations

National Planning Policy Framework – NPPF (2012)

Section 2	Ensuring the vitality of Town Centres
Section 4	Sustainable Transport
Section 7	Design

Site Allocations and Policies DPD: Submission Document with modifications recommended by Inspector

SP3	Sites for retail development
SP15	Design and Amenity
SP17	Outdoor lighting
SP19	Biodiversity and geodiversity conservation

Rutland Planning Policy Documents

Rutland Retail Capacity Assessment (2010)
Rutland Retail Capacity Assessment Update (2013)
Employment Land Assessment Report (ELAR) (2013)
Supplementary Planning Documents on Developer Contributions (2010)

Consultations

15. Oakham Town Council – “Recommend Approval and would ask that Rutland County Council take into account the public support.”
16. Langham Parish Council – Recommend Approval. Detailed comments relating to increased number of disabled parking spaces, the provision of customer toilets, a bicycle parking facility and mobility scooter park, and further evaluation of flood risk considering the proximity to newly built homes.
17. Planning Policy – Notwithstanding that the impact upon the vitality or viability of Oakham and Uppingham would not be ‘significantly adverse’, the proposal is considered contrary to national and local planning policy as the application is for a new store on land that is allocated for employment uses, not for retail use.

The development will result not only quantitatively in the loss of employment land but also qualitatively in terms of the prime location for employment land in Oakham and as such will significantly reduce the potential for future economic development and job creation.

18. Highway Authority initial comment—No objection, subject to conditions, and the following;
- The provision of a roundabout at the junction of Lands End Way and the Barleythorpe Road is required as there is a history of collisions here and the proposal will increase traffic flows significantly.*
 - Local public transport will be re-routed to ensure that the northerly stop on Bosal Way is utilised, reducing the distance for pedestrian traffic. Due to this, a contribution towards public transport is required as laid out in the S106 agreement
 - The travel plan must be implemented and revisited regularly to promote the use of non-private vehicle transport methods by staff, visitors and customers.
- * Subsequent comment. Following consultation with RCC Transport Consultants, due to the reduced size of the store [in comparison to the refused 2010 Sainsbury's application], and committed development, it is not necessary to include the provision of a roundabout at the junction of the B640 and Lands End Way.
19. Environmental Health – Satisfied with the noise assessment, subject to conditions for the loading bay to be operated during the day (07:00-23:00), and extraction/exhausting system be designed to ensure that upper noise limit is not exceeded.
20. Environment Agency – No objection, subject to consideration of surface water management and good practice advice, with conditions for surface water/oil interceptor.
21. Ecology – Report found no evidence of Badgers or Great Crested Newts and the findings are accepted. Concerned over the cumulative impact of piecemeal development in the area on the local badger population. Where possible trees should be retained to meet local wildlife site criteria.

Neighbour Representations

22. This application has resulted in 460 letters of support from the local community. These emphasise:
- Would like to have an Aldi in Oakham
 - Having to currently drive to Corby/Grantham to use their Aldi stores / would prevent consumers travelling out of Rutland for food shopping (and therefore more sustainable/better for environment)
 - Will be a benefit to the town
 - Job creation, especially for young people
 - Increased choice, range and competition
 - Public demand
 - Will encourage tourism
 - Discount items/value for money for low income households
 - Greater capacity, given Oakham extension/new housing
 - New customers would be attracted into Rutland/Oakham
 - New retail should be encouraged given empty high street shops
 - Council have purchased Ashwell Prison for employment use
 - Will free up traffic at the crossing on Melton Road
 - Will free up car parks in the Town Centre
 - More mainstream brand shops (Next, New Look, Savers, Mothercare, Home Bargains, Poundland, Peacocks etc...) are needed in Oakham rather than individual high street shops
 - Good competition for existing supermarkets, including on pricing

- Preferable over Sainsbury's in this location
- Big enough to benefit town, but small enough to not adversely affect other shops

A Rutland Resident has sent in a newspaper cutting from the Daily Mail (Wednesday November 20, 2013) with the title 'One in three of us have shopped at Aldi'.

One response included a reference to the 'nightmare that is Barleythorpe Road', and hoped that it could be 'sorted ASAP'.

One letter of objection has been received from a local resident on the grounds that Oakham doesn't need 2 supermarkets on the by-pass (co-op being the first) as it would detrimentally affect the town centre.

Tim Norton Motors has also objected to the scheme, on the grounds that their motor services site in Oakham is available for store development, and sequentially preferable to the application site.

Additionally, Indigo Planning, acting on behalf of Sainsbury's, has objected to the application, on the grounds that the development would result in the loss of part of allocated site, and that the development fails the sequential test.

Some additional consultation comments offer support, but highlight potential issues;

- Concern over potential increase in traffic flow in the town centre
- Provision of a bus service to run to and from the store would be needed, along with wider pavements and bicycle tracks.
- How can RCC approve Aldi when they so forcefully refused the Sainsbury's application? If approved the Authority could be accused of having double standards

Planning Assessment

16. The key issues for consideration are:

- Loss of employment land
 - i. Oakham Enterprise Park
 - ii. Market value
 - iii. Land supply
 - iv. Job creation
- Sequential test
- Retail impact
- Highways and accessibility
- Layout and Design

Other issues are then addressed at the end of the report.

Loss of employment land

17. Policy CS13(d) of the Adopted Core Strategy safeguards the undeveloped high quality employment allocation for employment uses, 'unless it can be demonstrated that an alternative use would have economic benefits and would not be detrimental to the overall supply and quality of employment land within the County.'
18. The remaining saved policies of the Rutland Local Plan are about to be replaced by the Site Allocations and Policies DPD (going to Full Council on 13/10/14), however until the Local Plan is replaced, Policy EM1/2 (identifying the Employment Land) and EM11 ('Planning permission will not be granted for development which would result in a shortfall of land suitable for high density employment use') remain part of the

Development Plan.

19. The application site is within Employment Site 1 (identified as a 'strategic site' under the criteria of the NPPF and was allocated for 'local and inward investment to match the strategy and to meet the anticipated needs over the plan period' – Paragraph 21 of the NPPF). This site is by far the largest undeveloped employment site in Rutland, big enough to accommodate the needs of regional/national companies in a key location on the edge of Oakham; this option is not possible on any other employment sites in Rutland.
20. Additionally, the recent Planning Inspector's report on the Site Allocations and Policies DPD found that the Council's approach to employment land is sound. The Inspector is satisfied that the safeguarded land is an appropriate response to the identified need and current provision, and that Employment Site 1 is particularly well situated in terms of existing employment development, housing, and transport links.
21. It is therefore important that this site should enjoy a strong degree of protection from uses other than B1 (business)/B2 (general industry) and B8 (storage/distribution) via the above policies in the Development Plan.
22. Furthermore, for non B Class uses, the Employment Land Assessment Report (ELAR) recommends that an applicant would need to demonstrate that;
 - a. the site is no longer suitable or reasonably capable of being developed for employment purposes, and
 - b. the site has been proactively marketed for employment for a reasonable period of time (a minimum of 12 months) at a reasonable market rate (i.e. rent or capital value), or
 - c. there will be a significant community benefit which outweighs the impact of losing the employment site.
23. As highlighted in the planning history above, the overall allocation has had a degree of development approved that falls under 'road side services', which are uses exempt from this protection. The future addition of the pub and hotel, as well as the petrol station and now potentially a supermarket does appear to indicate that the employment site is being gradually developed for service uses, without the provision of B1/B2/B8 uses.
24. The material issues relating to the potential loss of part of the employment land are assessed below.

(i) Oakham Enterprise Park

25. One of the applicant's arguments is that the Council's purchase and subsequent conversion of Ashwell Prison to Oakham Enterprise Park (OEP) has weakened local demand and rental levels for small business accommodation. While this position for small businesses is not necessarily contested, it is important to note that Employment Site 1 is both large enough and in a desirable location as to potentially fulfil the needs of a regional/national business as well as existing local large companies. In comparison, OEP is geared primarily towards supplying small business space.
26. The applicant also argues that the ELAR does not take into account the employment land that has come forward from OEP. For clarification the 2013 ELAR update does take this into account, and has concluded that the scale of additional land supply provided by OEP is not comparable to the scale of Employment Site 1. This position is supported by the Planning Inspector's report on the DPD.
27. Oakham Enterprise Park is not directly impacting the potential take-up of employment

land on the application site or the wider employment allocation, and cannot be regarded as a like-for-like replacement of the employment allocation at Lands End Way.

(ii) Market Value

28. The applicant argues that there is low demand for employment at this location, with the site being on the market for some 9 years without significant interest. The land has been marketed at £864,000/ha, however this appears to have been aimed at service uses/road side uses such as the petrol filling station/pub/hotel and retail. In comparison, while the ELAR did not undertake detailed land valuations, consultations through local agents did note that as of 2013, rents were around £60/sqm for industrial uses and £80/sqm for offices. This would indicate that developers or occupiers would be unlikely to pay in excess of £500,000/ha to secure a local site. The £864,000/ha land value would therefore suggest that it is being marketed towards 'higher value' uses such as hot food and retail, rather than B-Class employment.
29. Given the above, the site is priced too high for B Class businesses and associated occupiers, and therefore the fact that it remains largely undeveloped is not necessarily an indication that a more focused marketing campaign, more realistic pricing and an improved economy would not attract the interest of larger businesses in the future. The applicant has not satisfactorily demonstrated that the site has been proactively marketed for employment for a reasonable period of time at a reasonable market rate.
30. The NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. This is noted; however given the above marketing history, and the Planning Inspector's recent comments on the Employment Land allocation, the continued protection of the employment land is justified.

(iii) Land Supply

31. The applicant states that their proposal (0.59ha) is smaller than the previous Sainsbury's refusal (1.9ha) in 2011. While this is accurate, the location of the store would still mean the loss of prime A606 frontage land close to the junction with Lands End Way. This would be the most desirable part of the site for any potential B Class occupier who'd require a prominent and well accessed location.
32. The ELAR studies have shown that based on a short term land take-up scenario (which reflects Rutland's growth rate in a period of recession) Rutland will need 19.57ha of employment land up to 2026 (and 24.72ha to 2031). When using a long term take up scenario (reflecting periods of economic growth and decline) these figures increase to 34.37ha to 2026 and 43.44ha to 2031. The ELAR identifies that (at best) Rutland has a land supply of 19.98 ha. This means that even if the national recession continues for the next 12 years, Rutland would only just have enough land to meet needs to 2026 and have a shortfall to 2031. However, given the present economic recovery, it's more likely that the Council will have land supply shortfalls to 2026 and 2031.
33. The applicant has challenged the forecast models used for the above figures, and offered alternative models. However these models were assessed and subsequently discounted in the ELAR as being flawed.

(iv) Job creation

34. Some public comments relate to job creation, especially for young people. It is accepted that the proposed food store will generate some 32 jobs, and that when measured on a square metre per job basis, this represents a higher job density than if the same 0.59 ha was developed for some B uses such as warehousing or distribution. Notwithstanding

this, a B1 use in this prime location would be likely to create a far greater number of jobs (one job for every 12sqm for B1 against 30sqm per job for Aldi).

35. While Aldi would generate some economic and community benefits, this would not outweigh the impact of the loss or exceed the anticipated benefits of a larger development of B1/B2/B8 accommodation, the likelihood of which would be limited if the prime frontage land at the A6006/Lands Way junction was lost. The conclusion is that Rutland cannot afford to lose any of its employment land supply. Therefore the proposed development, on this strategic site (and in a prime location within the site) would inhibit the development of the wider employment site, and would have a detrimental impact upon both the overall supply and quality of employment land within the County.
36. As such the proposal would be contrary to the Development Plan and specifically Policy CS13(d) of the Adopted Core Strategy. If the DPD is not formally adopted by Full Council on 13/10, saved Policies EM2 and EM11 of the Rutland Local Plan (2001) would also be applicable as a reason for refusal. This recommendation would be consistent with the first reason for refusal made for the Sainsbury's planning application in March 2011.

Retail Policy Issue - Sequential test

37. Policy CS17 (Town centres and retailing) of the Core Strategy outlines that the vitality and viability of the town centre will be maintained and enhanced, and that main town centre uses (such as retail) should be focused in the defined town centre. Under the NPPF there is no requirement for applicants to specifically demonstrate a quantitative need for a development, provided that there are no sequentially preferable sites available, and no significant adverse impact will arise on existing centres.
38. To this end both CS17 and the National Planning Policy Framework (NPPF) require a sequential test to be submitted for major retail facilities on 'edge-of-centre' and 'out-of-centre' sites. An 'edge-of-centre' site is defined as being within 300m of the primary shopping frontage (PSF).
39. The application site is approximately 1.6km from the Oakham PSF, and is therefore considered an 'out of centre' site. CS17 and the NPPF also advise that potential alternative sites, within the town centre, on the edge of the town centre and also in out of centre locations should all be assessed for their availability, suitability and viability before drawing any conclusions on the appropriateness of the proposed site.
40. The applicant has submitted a sequential test which concludes that there are no suitable sites in more central locations and that therefore the application site is the most sequentially preferable. This has been independently assessed by Planning Policy consultants.
41. Objections to the submitted sequential test have been received from Tim Norton Motors and Indigo Planning. While the Tim Norton site is allocated for retail development in the DPD, the supporting text confirms that it is suitable for comparison goods retail development only. Access is constrained by the complex road system from Melton Road, via Cold Overton Road into Long Row. Queuing traffic, when the barriers are lowered at the Melton Road level crossing, adds further complications to this. Food retail here would generate greater volumes of traffic than other potential forms of non-food retail development. This site is therefore not considered suitable for food retail.
42. Following comments from Planning Policy on the sequential test, a further assessment of the remaining land on the former Tresham College site on Barleythorpe Road has been undertaken (adjacent to the approved Sainsbury's site). This site has been discounted due to its irregular 'L' shape, which would reduce the number of car parking

spaces and also result in a convoluted site layout. Furthermore there are numerous mature trees on the site that would be required to be retained in any subsequent scheme. The store could not be accommodated without the loss of the majority of these trees, which would have a significant detrimental impact upon the street scene and local wildlife habitats.

43. The remaining sites considered are the land to the south and west of Tesco, Brooke Road Surface car park, and Church Street surface car park. Tesco's have an implemented permission to extend the store, and therefore it is reasonable to conclude that this site is unavailable to a third party. The car parks remain in active use and have not been identified for retail development in the DPD. Additionally these are smaller constrained sites that would inhibit a development of the scale proposed.
44. Consequently there are no other available, suitable or viable sites that could reasonably accommodate the development, and therefore the application site satisfies the sequential test and meets the requirements of the Development Plan and NPPF.

Retail Impact

45. In addition to the sequential test above, Policy CS17 also requires a retail impact assessment (RIA) to be submitted for proposals upwards of 500m² (the proposal is 1481m²), to examine the impact of the development upon the vitality and viability of the town centres. Both Oakham and Uppingham are currently considered healthy destinations, exhibiting generally positive signs of vitality and viability. The RIA covers a range of issues such as comparison goods, qualitative need and expenditure leakage/ trade claw back. The submitted RIA has been independently assessed.
46. While the application is for Class A1 retail, the applicant (Hawksmead Ltd) is not a retailer, however supporting documentation and submitted plans identify Aldi as the intended end user. Their RIA includes information and justification of their comparison goods (i.e. non-food) floor space; it is agreed that this would be unlikely to compete with the offer in Oakham and Uppingham town centres to a significant extent. If Members were minded to approve the application, a condition should be imposed to prevent the unit being used for A1 retail use other than a supermarket, as this would otherwise be likely to have a far greater impact upon the town centres.
47. Public comments identify that with the under construction Oakham North housing development there is greater capacity for food retail. This is noted; however the quantitative need for additional convenience goods (i.e. food) provision will largely be satisfied by the previously approved Sainsbury's store on Barleythorpe Road. Notwithstanding this, it is accepted that the introduction of a discount retailer will provide further qualitative choice of a type of convenience good retail (i.e. discount items) which is not currently available to residents in the County. A large number of the public comments also identify the need for more choice in the area and for discounted items/value for money.
48. The majority of the public consultation comments received highlight that they currently drive out of the county to other discount shops for their weekly shop, and that they would like to have this facility in Oakham, in the interests of sustainability. These actions are known as expenditure leakage and trade claw back, which is also an argument put forward by the applicant, and forms part of their retail impact assessment. Additionally some public comments offer the view that the store would also attract new customers to Oakham/Rutland. While the level of claw back trade that the proposed store would create would be considerably more modest than the applicant suggests, it is agreed that some expenditure claw back is likely to take place.
49. The objection from the local resident regarding an additional supermarket on the by-pass

and the subsequent impact on the town centre is noted. However the applicant has provided sufficient information to show that the proposal would not result in a 'significant adverse' impact upon either Oakham or Uppingham. Notwithstanding that the impact would not be significantly adverse; there would still be some impact on town centre trade in Oakham through the loss of linked trips. A planning obligation would be required with any approval to make contributions towards a County Council led planned programme of investment in the town centre to mitigate this impact (see Planning Obligation section below).

50. Subject to the completion of this planning obligation, the proposal would comply with the relevant retail policies of the Development Plan and NPPF. The proposal would also generate some economic and community benefits, such as trade claw back. However, these benefits would not outweigh the impact of the proposal on the employment land allocation.

Highways and accessibility

51. A Transport Assessment has been submitted with the proposal, and been independently assessed by Highway consultants. It is agreed that the surrounding highway network has capacity to absorb the development. Turning provision for delivery vehicles has been incorporated into the design of the car park, and there are sufficient parking spaces for the size of store. The proposal would not have a detrimental impact upon the highway network or highway safety, and the Highway Authority has no objection to the proposal in principle, subject to conditions and contributions towards public transport (see planning obligation section below).
52. The comment from the local resident regarding wider pavements and bicycle tracks are noted. While these facilities are present along the bypass, there is limited scope to widen the footpath or introduce a cycle path along Lands End Way. The comments from Langham Parish Council are also noted. The number of parking spaces for the disabled is adequate for the store size. Aldi's store business model doesn't include provision of customer toilets, and there are cycle stands proposed under the store canopy. While a mobility scooter park is not shown, there would be adequate space at the store entrance to park mobility scooters under the canopy.

Layout and design

53. The proposed store follows the corporate design and scale of modern Aldi stores. It would be single storey, approximately 61m long, 26m deep, and 5.5m high. The store would be situated on the western side of the site, with the store entrance on the north-east corner facing the bypass roundabout. The store's entrance and northern elevation is largely glazed, with a flat roofed canopy.
54. The car park has 80 parking spaces, including 6 parking spaces for the disabled and 6 parent and child spaces. Additionally there are 4 cycle stands under the shop canopy for 8 no. bikes. Landscaping is proposed around the site and its boundaries. This includes a mix of tree (hornbeam and birch) and shrub planting. The site is also partly screened by planting for the bypass and this is starting to now establish itself.
55. While the design is utilitarian in appearance and fails to reflect the Rutland vernacular, it is functional in its design, and is just satisfactory in design terms.

Other issues

56. This application has resulted in a significant amount of public support for the scheme. Where relevant these points have been addressed the above sections. Others are assessed below.

57. There are several comments submitted by the public that don't raise material planning considerations that are relevant to this application. These include;
- More mainstream brand shops (Next, New Look, Savers, Mothercare, Home Bargains, Poundland, Peacocks etc...) are needed in Oakham rather than individual high street shops
 - Will encourage tourism
 - Will free up car parks in the Town Centre

Additionally, competition between supermarkets, or individual preference for a particular store are not material planning considerations. This is different from qualitative choice, which is assessed in the retail section of this report.

58. Comments were received relating to the proposal freeing up traffic at the crossing on Melton Road, traffic on Barleythorpe Road, and concern over an increase in traffic in the town centre. It is however anticipated that the majority of traffic to the store would be from the bypass, and the Council is currently looking strategically at potential options regarding the Melton Road crossing and public realm improvements for the town centre. Additionally, the Sainsbury's permission includes provision of a roundabout at the Barleythorpe Road/Lands End Way junction.
59. Several responses considered that the store is big enough to benefit the town, but small enough to not adversely affect other shops. The retail impact section above assesses this point.
60. One concern raised from the public consultation was 'how can RCC approve Aldi when they so forcefully refused the Sainsbury's application? If approved the Authority could be accused of having double standards.' This is noted, however without prejudice to the recommendation every application is assessed on its own merits, taking into account current planning policies along with site specific criteria and other material considerations.
61. Some comments outline that the Council should be encouraging retail given that there are empty high street shops in Oakham. While retail units change occupiers over time, and Oakham and Uppingham are considered to be healthy town centre destinations, any empty high street shops could not facilitate a store of the scale proposed. Notwithstanding this, Policy CS17 of the Adopted Core Strategy and SP12 of the DPD outline how the town centre will be maintained and enhanced.
62. The significant amount of public comments received has been noted, and have been given some weight where appropriate in consideration of the proposal. However the apparent public support for the proposal and benefits that have been raised would not outweigh the impact of the loss of overall supply and quality of employment land within the county (as set out in policy CS13(d)). As always it is the planning merits of public comments that are material rather than the number of such comments.
63. The ecological report submitted with the application found no evidence of protected species and these findings are accepted. Some of the trees to the west have a medium to high probability of bat interest, however these are outside of the application site, and unlikely to be adversely affected by the store. The concern from the Council's Ecology consultants regarding the cumulative impact of development in the area on the local badger population to the south is noted, however given that badgers are not using the application site, this is not directly relevant to the current application and carries limited weight.
64. Positioning of lighting columns is shown on the proposed plans. If Members were

mind to approve the scheme contrary to recommendation, final lighting levels could be controlled by condition. A noise impact assessment has been submitted and agreed with Environmental Health Officers. The store would not have an adverse impact upon the residential amenity of the homes currently under construction.

65. With regard to Langham Parish comments on flood risk, the site is in Flood Zone 1 (low risk) and there is no objection from the Environment Agency. If approved a condition would be included for surface water runoff and installation of a fuel interceptor (shown on the submitted drainage plan).

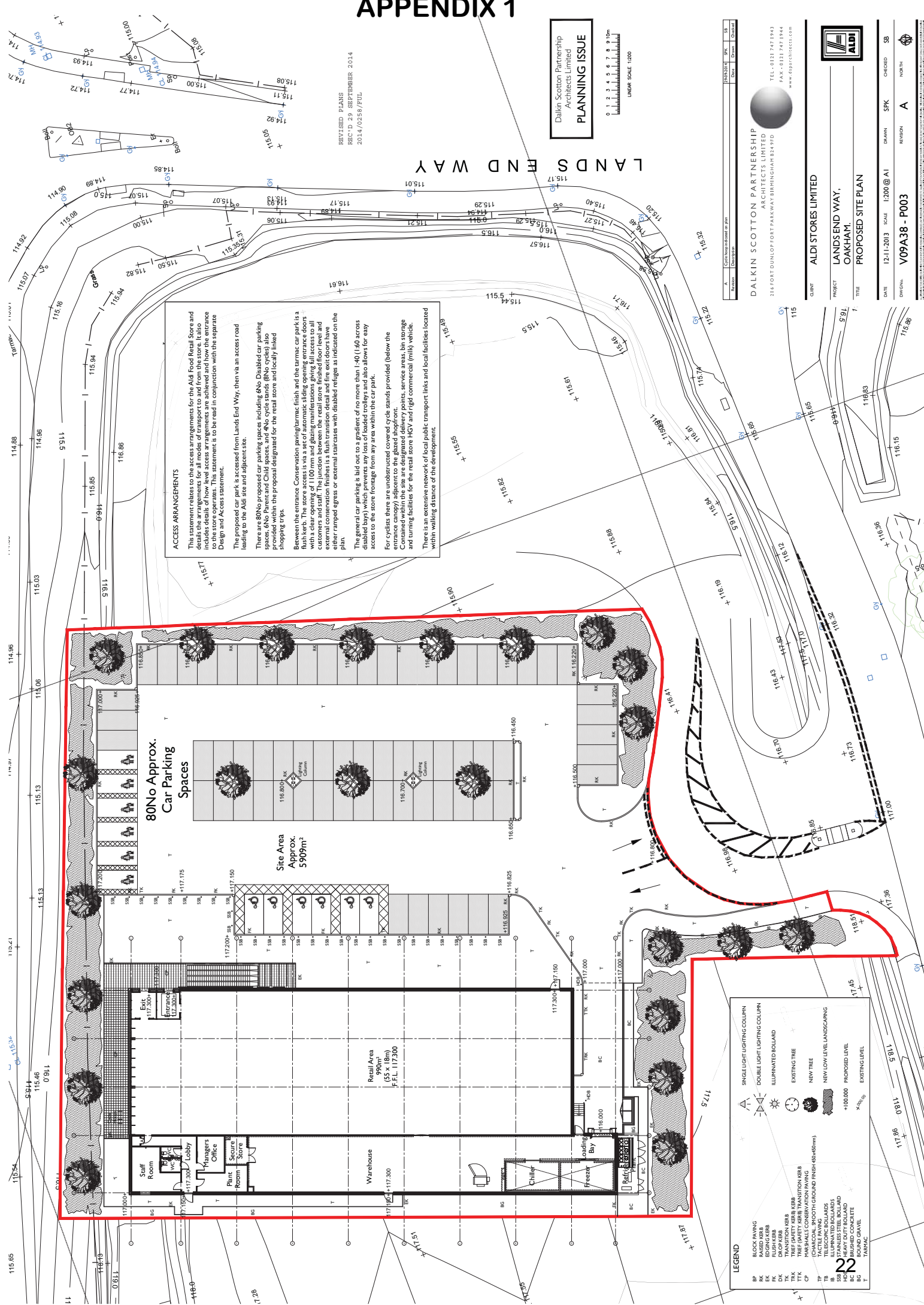
Planning Obligation

66. The Development Plan makes provision for developer contributions to play a part in the delivery of the Councils overall vision for the town centre. This vision derives from assessing the total impact of the growth the plan is making provision for. It prioritises infrastructure investment and identifies financial pressure points where there is a funding gap to be filled by developer contributions (where this is viable).
67. The June 2011 Improvement Scheme sets out scheme objectives, along with consultation proposals, including one-way traffic circulation options, an outline programme and cost estimates. These were drawn on in considering additional growth related funding contributions for the Council's CIL Infrastructure Priority List drawn up in 2013.
68. It has been established that the proposal would impact upon linked trips to Oakham Town Centre, and as such would be required to make contributions towards a County Council led planned programme of investment in the town centre to mitigate the agreed impact.
69. The overall key priority for Oakham is to secure investment in public realm improvements in the town centre. There is scope to improve the vitality and viability of the central area of the town to both increase local spend retention on goods and services and to attract increased visitor/tourism expenditure to the benefit of all retail outlets operating in the town.
70. A sum of £100,000 towards the delivery of these public realm improvements has been agreed in principle with the applicant, and Members will be updated in the addendum report on the progress of this. This contribution would be pooled with other committed contributions from other developments under the heading 'Economic Development – Town Centre Improvements'.
71. By securing this planning obligation the impact of the proposed development can be mitigated in accordance with Core Strategy Policy CS2, CS8, CS17 and CS18. It would also then comply with the Council's Supplementary Planning Document on "Planning Obligations and Developer Contributions" (ref paragraphs 1.31/1.32 and Appendix 1.7).
72. With regard to other potential contributions, the original Highway Authority request for provision of a roundabout at the junction of the B640 and Lands End Way has been withdrawn, following further confirmation with their consultants that showed that the highway network could absorb the development.
73. Provision towards public transport has also been assessed, and the public comments on this are also noted. While the bus service to Aldi could be improved, this could only be achieved by investing in a second Hopper service which is a much longer term Council proposal to be enabled through developer contributions as Hawksmead progresses. Given the significant scale of this in relation to the development it is not taken forward

here. Therefore the contributions are focused on the key priority of public realm improvements.

74. Notwithstanding the above, and that the principle of development is not acceptable, progress is being made on preparation of such an obligation. However, given that a final agreement has not currently been signed and completed, Officers are obliged to include it in the recommendation as a second reason for refusal. Should there be an appeal against refusal, this would give the Inspector the opportunity to assess it as a material consideration. If it weren't included as a reason for refusal and any appeal were upheld, the scheme could be allowed without developer contributions. Conversely, if Members are minded to approve the application contrary to recommendation the agreed heads of terms would be fully compliant with the relevant Development Plan policies.

APPENDIX 1



ACCESS ARRANGEMENTS

This statement refers to the access arrangements for the Aldi Food Retail Store and details the arrangements for all modes of transport and from the store. It also includes details of how level access arrangements are achieved and how the entrance to the store operates. This statement is to be read in conjunction with the separate Design and Access Statement.

The proposed car park is accessed from Lands End Way, then via an access road leading to the Aldi site and adjacent site.

There are 80 No proposed car parking spaces including 6 No Disabled car parking spaces. 4 No Pushchairs and 4 No Disabled people's (RNIB) cycles are provided within the proposal designed for the retail store and locally linked shopping trips.

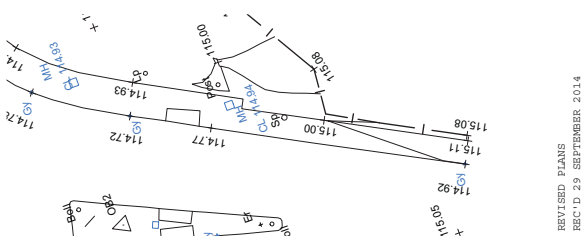
Between the entrance, Conservation principles finish and the terrace car park is a flush kerb. The store access is via a set of automatic sliding opening doors with a clear opening of 1100 mm and glazing manifestations giving full access to all customers and staff. The junction between the retail store finished floor level and external conservation finishes is a flush transition detail and fire exit doors have either ramped steps or external staircases with disabled ramps as indicated on the plan.

The general car parking is laid out to a gradient of no more than 1:40 (1.60 across disabled bays) which prevents any loss of loaded trolleys and also allows for easy access to the store forecourt from any area within the car park.

For cyclists there are unobstructed covered cycle stands provided (below the entrance canopy) adjacent to the glazed shopfront.

Contained within the site are designated delivery points, service areas, bin storage and turning facilities for the retail store HGV and rigid commercial (family) vehicle.

There is an extensive network of local public transport links and local facilities located within walking distance of the development.



REVISED PLANS
RCC'D 29 SEPTEMBER 2014
2014/0258/PTUL

Dalkin Scotton Partnership
Architects Limited
PLANNING ISSUE



A. Client/Owner/Name of Site		B. Project Name		C. Project Number	
DALKIN SCOTTON PARTNERSHIP ARCHITECTS LIMITED	216 FORT DUNLOP FORT PARKWAY BIRMINGHAM B44 7PD	ALDI STORES LIMITED	LANDS END WAY, OAKHAM.	PROPOSED SITE PLAN	

CLIENT	ALDI STORES LIMITED
PROJECT	LANDS END WAY, OAKHAM.
TITLE	PROPOSED SITE PLAN
DATE	12-11-2013
DWG/SH	V09A38 - P003
DRAWN	SPK
SCALE	1:200 @ A1
CREATED	SB
REVISION	A
ORIENT	NORTH

LEGEND

- BP BLOCK PAVING
- EK EDGING KERB
- FK FLOOR KERB
- TK TRANSITION KERB
- TR TRAFFIC LIGHTS
- TR (CHARGED) SMOOTH GROUND FINISH 40x40mm
- TR TELEGRAPHIC BOLLARDS
- TR ILLUMINATED BOLLARDS
- TR HO HOBBLE BOLLARD
- TR HEAVY DUTY BOLLARD
- TR BRUSHED CONCRETE
- TR BOUND SWIVEL
- TR TRAVEL

- ▲ SINGLE LIGHT LIGHTING COLUMN
- ▲ DOUBLE LIGHT LIGHTING COLUMN
- ILLUMINATED BOLLARD
- EXISTING TREE
- NEW TREE
- NEW/LOW LEVEL LANDSCAPING
- +100.000 PROPOSED LEVEL
- 4%_{0/100} EXISTING LEVEL

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2014/0258 – Appendix 1 - Proposed front and side elevations

