

Application Number: F/YR11/0930/F
Major
Parish/Ward: Whittlesey
Date Received: 7 December 2011
Expiry Date: 7 March 2012
Applicant: Sainsbury's Supermarkets Ltd

Proposal: Erection of food store with café, petrol filling station and car wash with associated parking, landscaping and highway works including formation of roundabouts and change of use of agricultural land to form Country Park with associated landscaping

Location: Land South and West of 300 Eastrea Road, Whittlesey

Site Area/Density: 24.1 ha

Reason before Committee: This proposal is before the Planning Committee due to the significance of the application and level of objections received.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application was deferred at the Planning Committee held 9 May 2012 to allow further assessment to be undertaken of the commercial viability of the Station Road food store site.

The original report to Committee follows this executive summary along with the update presented to Committee on the 9 May 2012.

An updated assessment including reference to correspondence received since the 9 May 2012 is then provided.

The application is considered to fall contrary to the NPPF and the Fenland draft Core Strategy in that the scheme will adversely affect the vitality and viability of the town centre and is located in open countryside outside the identified broad areas of growth for Whittlesey.

F/YR11/0930/F

7 December 2011

**Applicant : Sainsburys Supermarkets Ltd. Agent : Mr S.McGrath
Indigo Planning**

Land South and West of 300 Eastrea Road, Whittlesey, Cambridgeshire

Erection of a food store with cafe, petrol filling station and car wash with associated parking, landscaping and highway works including formation of roundabouts and change of use of agricultural land to form Country Park with associated landscaping

This proposal is before the Planning Committee due to the significance of the application and level of objections received.

This application is a major.

1. SITE DESCRIPTION

The site is located to the east of Whittlesey on Eastrea Road and is within open countryside. The use of the land is currently agricultural. Gildenburgh Water is located to the south of the site and to the west of the site is a former nursery, which is currently subject of a planning application for erection of a supermarket (F/YR11/0482/F). Land between Gildenburgh Water and the application site is currently subject to application F/YR11/0895/O for development as a business park. Commercial/industrial property exists immediately to the east of the site with a number of residential dwellings located on the opposite site of the A605 Eastrea Road. The application site consists of flat, open fields with some tree and hedgerow planting to the site boundaries.

2. HISTORY

Of relevance to this proposal is:

- | | |
|---------------|---|
| F/YR11/0895/O | - Erection of mixed use business park to include employment (B1), Community (D1), and retail/professional uses (A2/A3/A5) – application pending. |
| F/YR11/0482/F | - Erection of food store with petrol filling station and car wash, recycling centre, associated parking, landscaping and highway works – application pending. |

3. CONSULTATIONS

Town Council

Minded to recommend approval but request part of funding from section 106 be used to create relief road to back of proposed development to alleviate traffic on the A605. Raise concern regarding delivery hours for HGVs, Councillors felt country park would generate many local voluntary groups and businesses to use and eventually manage. Requested additional parking space for country park.

Councillors requested archaeological surveys for both areas.

Environmental Health

No objection but requests contamination condition.

Safer Fenland CCTV Manager

Requests provision of CCTV scheme to deter crime and ensure sufficient lighting

CCC Police Liaison Officer

Request for CCTV scheme and condition requiring boundary treatment detail.

CCC Highways

Initial Highway concerns addressed by applicant but final Highway Authority comments awaited and will be reported at the Committee.

The Wildlife Trust

Welcome provision of country park but note importance of securing proper implementation and long term maintenance via section 106 agreement.

Middle Level Commissioners

Oppose application as aspects of submission require amendment including assessment of flood risk.

Natural England

Note need for full submission of detail relating to biodiversity and landscape, details required for management of country park.

CCC Archaeology

Noted submission of evaluation report, requested standard archaeological investigation condition.

Environment Agency

Raise concern with regard to petrol station underground storage tanks and impact on ground water – this issue can be addressed by appropriate condition.

Local Residents/Interested Parties

211 letters of support for the application have been received.

6 letters of objection received on grounds that the applicant has failed to demonstrate that the application site is sequentially preferable due to its location,

the proposed Tesco store site is a more natural extension to the town, the cumulative impact of allowing more than one out of town food store would be unacceptably high in terms of policy, adverse impact on vitality and viability of town centre, increased traffic, noise pollution, light pollution, anti social behaviour, environmental pollution, fuel station safety, inaccurate transport assessment – potential for serious capacity issues on surrounding road network, land is outside Development Area Boundary, would cause coalescence between Whittlesey and Eastrea.

4. POLICY FRAMEWORK

FDWLP Policy

- | | |
|-----|---|
| E3 | - To retain existing trees and hedgerows. To impose, where appropriate, conditions on planning applications, requiring landscaping and tree planting schemes. To request the submission of a landscaping scheme with planning applications on visually important sites. |
| E8 | - Proposals for new development should: <ul style="list-style-type: none"> - allow for protection of site features; - be of a design compatible with their surroundings; - have regard to amenities of adjoining properties; - provide adequate access. |
| TR3 | - To ensure that all proposed developments provide adequate car parking in accordance with the approved parking standards. |
| E20 | - To resist any development which by its nature gives rise to unacceptable levels of noise, nuisance and other environmental pollution. |

East of England Plan

- | | |
|------|-------------------------------------|
| ENV7 | - Quality in the built environment |
| SS1 | - Achieving sustainable development |
| SS6 | - City and Town Centres |

National Planning Policy Framework

- Para 6 - Notes that the purpose of the planning system is to contribute to the achievement of sustainable development.
- Para 11 - Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- Para 19 - Notes that the Government is committed to ensuring that the planning system supports sustainable economic growth.
- Para 23 - Planning policies should be positive, promote competitive town centre environments and set out policies for management and growth of centres
 - recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.
 - If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre.
 - Set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres.
- Para 24 - Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date Local Plan.....when considering edge of centre or out of centre proposals preference should be given to accessible sites that are well connected to the town centre.
- Para 26 - When assessing applications for retail, leisure and office developments outside of town centres which are not in accordance with an up to date Local Plan local planning authorities should require an impact assessment.....this should include assessment of the impact of the proposal on town centre vitality and viability.

		Para 27	- Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.
Fenland Strategy	Draft	Core	
		CS1	- Spatial Strategy – notes that the majority of the district’s new housing, employment growth, retail growth and wider service provision should take place in the market towns, including Whittlesey.
		CS4	- Employment and retail – the strategy for retail development in Fenland is to: Embrace a strong ‘town centre first’ message when considering the most appropriate locations for retail and leisure development in the towns. New retail development will be encouraged to maintain and enhance the vitality and viability of centres. Where retail development for which there is an identified need cannot be accommodated within the defined town centre area, a sequential approach will be followed.
		CS5	- Urban extensions – must be planned and implemented in a comprehensive way through an agreed master-planning approach, provide a wide range of local employment opportunities, make provision for appropriate levels of retail, leisure, social, cultural, community and health facilities to meet local needs.
		CS9	- New urban extensions to Whittlesey will be supported on land to the north of Eastrea Road, and south and east of Drybread Road.

5. ASSESSMENT

Nature of Application

This is a full application for the erection of a food store with cafe, petrol filling station and car wash with associated parking, landscaping and highway works including formation of roundabouts and change of use of agricultural land to form a new country park. The application is submitted in tandem with a separate planning application (F/YR11/0895/O) for a business park. The applicant has submitted a planning and retail statement, appropriate drawings, a design and access statement, statement of community involvement, a tree survey, landscape proposals, ventilation statement, renewable energy statement, external lighting

statement, flood risk assessment, environmental and ecological appraisals, a noise assessment and an archaeological assessment.

The application is considered to raise the following key issues;

- Site History
- Principle and policy implications
- Design and layout
- Transport and access
- Flood Risk.

Site History

The site is currently in agricultural use and has not been previously developed or subject to any previous planning permission. The site adjoins an application site for a new business park and it is proposed that it will share the same roundabout access from Eastrea Road.

Principle and Policy Implications

The site is located to the east of Whittlesey some 180 metres outside the Development Area Boundary and within open countryside. The site does not fall within a Broad Area of Growth as identified within the draft Core Strategy. Although the applicant has partially formulated an urban extension/master plan approach to this application and the associated business park application it should be noted that the draft Core Strategy indicates that urban extensions will be located within the identified Broad Areas of Growth - this site does not. In addition, although the land to the west of the application site is identified by the applicant as a potential site for housing, no application or detail has been submitted to address how or when that area of land would be brought forward for residential development. It is considered that in this case the applicant has not submitted a comprehensive, deliverable urban extension scheme in an appropriate location.

In addition, it is considered that the site, as open agricultural land, plays an important role in ensuring that coalescence does not occur between Eastrea and Whittlesey. An area of land for a new urban extension for Whittlesey is identified within the Core Strategy to the north of Eastrea Road.

With regard to retail impact the Council instructed Roger Tym and Partners to appraise the submitted scheme taking into account the previous approved scheme for a food store at Station Road, Whittlesey (under application ref F/YR09/0582/O). That application was submitted by Harrier Developments Ltd who have agreed that the Planning Permission F/YR09/0582/O can be quashed via Section 106 Agreement if their current application (F/YR11/0482/F) is approved.

In terms of a sequential assessment of the Sainsbury proposal, Roger Tym conclude that there are no alternative sites close to or within the town centre area. Roger Tym also acknowledge that although the Tesco and Sainsbury sites are both outside the existing Development Area Boundary it is considered that the Tesco site represents a more natural extension to the town as it abuts the existing DAB. It is in a more sustainable location than the Sainsbury site. On this basis Roger Tym disagree with the applicant's assertion that the Sainsbury site *'represents the most suitable and viable location for a full range, bulk foodstore'*.

In relation to impact on the town centre, Roger Tym acknowledge that in terms of overall trade impact the Sainsbury store, on its own, is not dissimilar to the impact created by the proposed Tesco store, but the key point is that there is only scope for one large format foodstore in Whittlesey and it is considered that the cumulative impacts arising from the implementation of more than one new large format foodstore would be unacceptably high and have a significant adverse impact on the town centre. If the Sainsbury store were to be approved clearly there would be potentially two out of town food stores if the Station Road site were to be implemented. In other words the vitality and viability of the town centre would be adversely affected should more than one foodstore be permitted and, therefore, contrary to the NPPF.

Roger Tym in assessing the trade impact figures submitted by the applicant conclude they are unrealistic and that the diversion of trade figures from other stores within Whittlesey submitted by the applicant are simply far too low.

In summary, Roger Tym conclude that there is only sufficient expenditure capacity to support one additional large format foodstore in Whittlesey and the appropriate location would be the site of the proposed Tesco foodstore, accepting that the Station Road planning permission would be quashed as part of that scheme.

With regard to the country park there is no specific policy within the adopted Local Plan or the draft Core Strategy which identifies the need for such a facility. Given this lack of identified need and the limited linkage to the proposed food store it is not considered particularly relevant to the final determination of this application.

Design and Layout

The proposed food store will comprise 5,182 m² gross floorspace with a net sales area of 3,066m². A total of 386 car parking spaces are proposed. Access to the site is via a new roundabout on Eastrea Road leading through to a smaller roundabout serving the store and adjoining business park. The petrol filling station is located close to the site entrance with the main food store located to the east side of the application site. A service road to the south of the site serves the main delivery area to the rear of the store. Boundary treatment will consist of retention of existing natural hedging/shrubs augmented with new planting as necessary.

The main food store is designed in a single storey format using a mix of light grey cladding panels and full height glazing panels to the external walls but also incorporating some timber boarding. The roof covering is low pitch consisting of metal sheeting. The design of the building is based on the Sainsbury's model format store. The proposed petrol station consists of a small shop kiosk with canopy set over the main petrol pump area. A separate car wash facility will also be provided.

The proposed country park (22ha) is located to the south and east of the food store with a separate vehicular access provided from Eastrea Road. A small car park is provided as part of the country park providing 20 parking spaces. Separate cycle and equestrian access would also be provided. A number of surfaced paths would be provided through the park. An equipped children's play area would be provided with the remainder of the park either set down as informal play space or tree and shrub planting. Mechanisms would be put in place to encourage wildlife to the site. It is noted that initial funding for the project would

be provided by the applicant, but long term sustainable arrangements for the park management and funding would be required.

Transport and Access

As noted accesses into the site to the foodstore and country park are from Eastrea Road, which currently has a 40mph speed limit. A new four arm roundabout is proposed, which provides access to the food store and adjoining business park. One arm of the roundabout will serve the existing access lane to Gildenburgh Water. A smaller roundabout within the application site leads to the store car park. The 386 space car park will also incorporate 15 parent and child and 22 disabled parking bays along with 54 secure cycle parking spaces. The applicant proposes to introduce a hopper bus service to serve the development. A separate access into the country park is located further to the east. The final comments from the Highway Authority will be presented at Committee.

Flood Risk

The site is located in Flood Zone 1 and the submitted Flood Risk Assessment concludes that the proposed use is classed as a less vulnerable use and is not considered vulnerable to flooding. It is noted that the proposed scheme will incorporate sustainable drainage systems so minimising any surface water issues caused as a result of the development. The country park area is within flood zones 1, 2 and 3 and is, therefore, potentially vulnerable to flooding. However, this type of use would be considered acceptable in such circumstances. Overall the application is considered to be acceptable in relation to flood risk.

Conclusion

In conclusion it is considered that the application site does not represent the most sustainable location for a foodstore to serve Whittlesey and as noted by Roger Tym and Partners if approved will have an adverse impact on the vitality and viability of Whittlesey town centre due to the fact that permission for a foodstore has already been approved at Station Road. Whittlesey cannot accommodate more than one out of town food store without severe impact being created on town centre trade.

In addition, although acknowledging that the applicant has adopted an urban extension approach to this scheme, linking it to a proposed business park, this is not considered an appropriate location for such an extension to Whittlesey and would, therefore, be contrary to the Fenland draft Core Strategy.

RECOMMENDATION

REFUSE

- 1. The proposal is contrary to the National Planning Policy Framework (section 2) and the Fenland Draft Core Strategy (Policy CS4) as the development will have a significant negative impact on the vitality and viability of Whittlesey Town Centre.**
- 2. The proposed development does not accord with the Fenland Draft Core Strategy Policies CS4, CS5 and CS9 in that the site is located within open countryside and is not located within the identified broad areas of growth for Whittlesey. The site is considered unsustainable - contrary to the National Planning Policy Framework (achieving sustainable development and section 1).**

UPDATE TO PLANNING COMMITTEE – 9 MAY 2012

CCC Highways

CCC Highways have now confirmed that proposed access arrangements are acceptable subject to suitable conditions and section 106 requirements.

Additional Correspondence received

34 additional letters received in support of proposed scheme since issuing of committee report. Letters suggest scheme will boost economy and provide jobs for local people, give more local shopping choice to area, provide new country park, provide shuttlebus.

Andrew Hodgson, the agent acting on behalf of Whitacre Management, has written via email to suggest that the Council are wrong to rely on the FDC Local Plan or draft Core Strategy as they carry no weight.

Officer response

This assertion is incorrect, the Local Plan continues to have full weight unless it conflicts with the NPPF. Some weight can also be given to the draft Core Strategy.

SNR Denton and Indigo, writing on behalf of Sainsburys, note that the country park is an important part of the application and will be beneficial to the local area providing a high quality public realm assisting in prevention of coalescence between Whittlesey and Eastrea. Consider it is relevant to the determination of application.

Officer response

Committee to note comments made.

UPDATE TO PLANNING COMMITTEE – 29 AUGUST 2012

ADDITIONAL CONSULTATIONS

Since the previous Planning Committee, held on the 9 May 2012, 18 additional letters have been received from third parties making specific reference to this application. There have been 17 letters of support received and 1 letter objecting to the scheme. Comments made in support of the proposed scheme include provision of the country park, proper consideration given to customers who cannot drive to the site, better range of facilities offered, scheme considered less intrusive than Tesco scheme, the proposal will create jobs, boost local economy, provide more shopping choice, provide new shuttle bus, proposal represents a better community asset, site preferred to the existing Station Road permission.

An additional objector to the scheme raised concerns regarding future of land immediately adjoining the urban area (site of application F/YR11/0482/F) if the Sainsbury scheme is approved. Would prefer a food store in this location rather than housing, which may be outcome if Sainsburys is approved.

Additional correspondence has also been received from Indigo Planning Ltd who are the agents for this application. They note that the proposed Sainsbury scheme has significant advantages over the proposed Tesco scheme in that the Sainsbury scheme includes provision of the 22ha country park. This would be

provided by Sainsburys with maintenance provided for ten years.

Indigo have also stated that the country park is an integral part of the Sainsbury application and will be delivered as part of the overall scheme. This is considered an important factor when considering the merits of the scheme compared to the application by Harrier (F/YR11/0482/F). Indigo suggest that the country park will prevent coalescence between Whittlesey and Eastrea, as well as contributing to a forecast shortfall in open space provision and benefit the local economy.

Indigo also confirm the provision of a “hopper bus” service to operate every thirty minutes between 7am and 7pm, Monday to Saturdays. Indigo suggest that the provision of the country park and associated business park are benefits over and above that of the proposed Harrier development. Indigo also make reference to matters directly related to the Harrier application and these comments are considered in the update report for F/YR11/0482/F and the attached supplemental report.

PLANNING POLICY

Since the 9 May 2012 Committee meeting, a revised version of the Core Strategy (Further Consultation Draft) has been published. Relevant policies in respect of this application remain broadly unchanged, however, there are minor amendments to Policies CS5 and CS9 in relation to retail provision.

The revised Policy CS5 relating to urban extensions requires that urban extensions must be planned and implemented in a coordinated way through an agreed ‘overarching’ comprehensive delivery scheme that is linked to delivery of key infrastructure. Criteria for such schemes includes the requirement to make efficient use of land, contribute to providing a wide range of employment opportunities, make provision for an appropriate level of retail and demonstrate availability and deliverability of the proposed scheme.

Policy CS9 relates specifically to development within Whittlesey and notes that a new urban extension will be supported to the north and south of Eastrea Road – this area is identified on the Policies Map. It does not include the land subject to this planning application.

ASSESSMENT

This application along with F/YR11/0895/O and F/YR11/0482/F was deferred at the 9 May 2012 Planning Committee to allow an assessment to be undertaken on the viability of the Station Road site (Planning Permission F/YR09/0582/O) should an approval be granted for a supermarket on Eastrea Road. This assessment prepared on behalf of the Council by Roger Tym and Partners is considered in full under the attached supplemental report.

Officers note the additional comments submitted by consultees. In particular, it is accepted that the proposed country park does form an integral part of the submitted application and, therefore, is a material consideration in the determination of this application. However, there is not a proven need within the Whittlesey area for such extensive provision of open space in the form of a country park. Future open space provision will be provided in line with Policy CS5. All future development will be required to provide relevant open space

within developments, this ensures that the open space provision is made in areas, which are appropriate to growth and in accordance with policy. It can be argued that the existing open farmland where the park would be located already acts as an effective buffer preventing coalescence between Eastrea and Whittlesey. It should be noted that the draft Core Strategy does not allocate this land as a strategic location for growth.

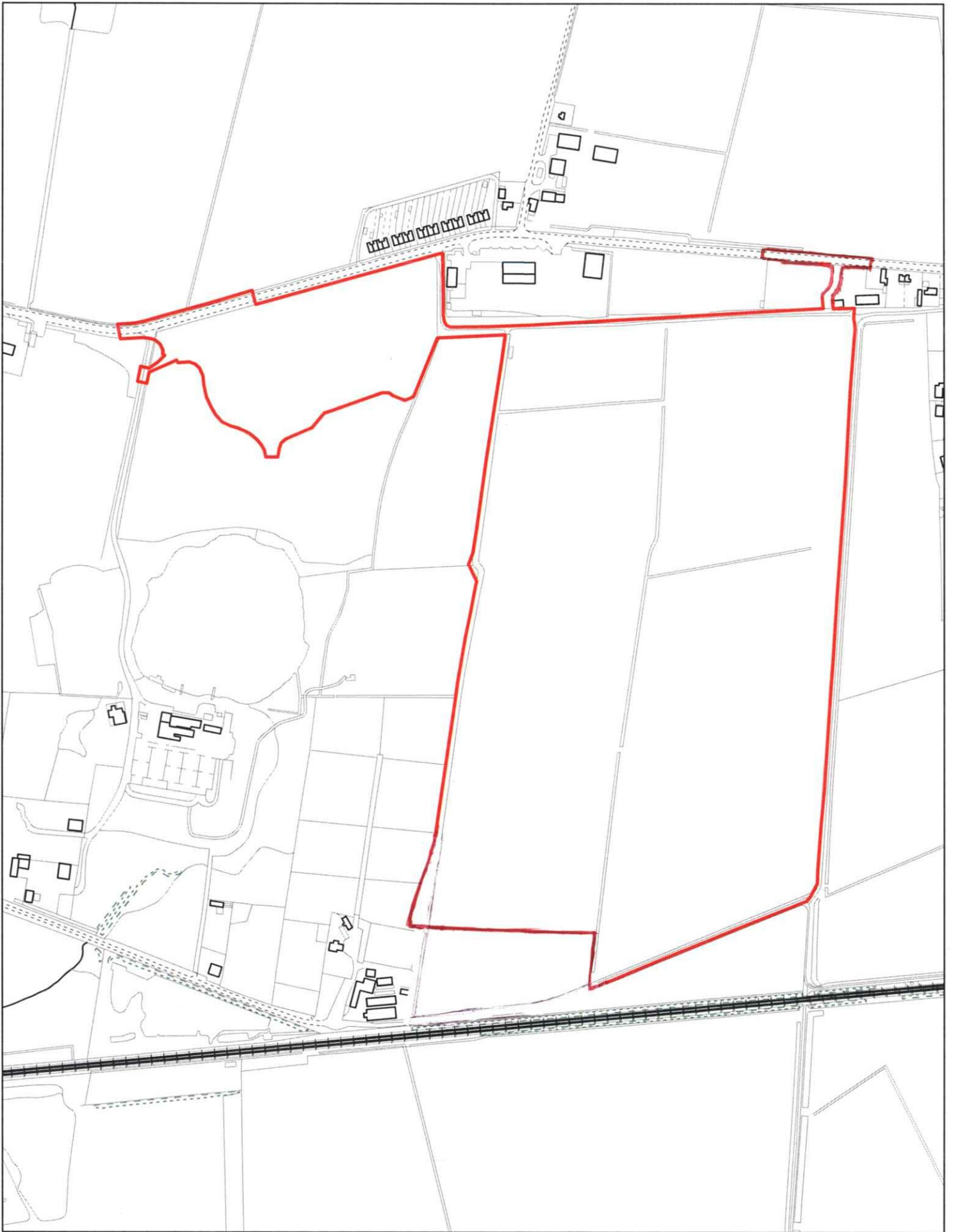
As noted above the Core Strategy policies have been slightly amended under the revised draft version, however, it is considered that the original recommendation by officers does not alter as a result of the policy changes.

CONCLUSION

It remains the opinion of officers that the application site does not represent the most sustainable location for a foodstore to serve Whittlesey and is considered to adversely affect the vitality and viability of Whittlesey town centre. Although questions have been raised through the RTP commercial viability assessment of the trading viability of a foodstore at Station Road (see supplementary report); the fact that there is a contractual commitment to build either the Station Road or Eastrea Road sites proposed by Harrier has to be taken into account. On balance it is felt that there is sufficient evidence that the pre-existing consent means that consent for the Sainsbury scheme would be an approval of additional retail capacity the impact of which would not be offset by any benefits obtained through the application. It is also considered that the site is not an appropriate location for an urban extension to Whittlesey and is, therefore, contrary to the Fenland draft Core Strategy. The recommendation remains to refuse the application.

REFUSE

- 1. The proposal is contrary to the National Planning Policy Framework (section 2) and the Fenland Draft Core Strategy (Policy CS4) as the development will have a significant negative impact on the vitality and viability of Whittlesey Town Centre.**
- 2. The proposed development does not accord with the Fenland Draft Core Strategy Policies CS4, CS5 and CS9 in that the site is located within open countryside and is not located within the identified broad areas of growth for Whittlesey. The site is considered unsustainable - contrary to the National Planning Policy Framework (achieving sustainable development and section 1).**



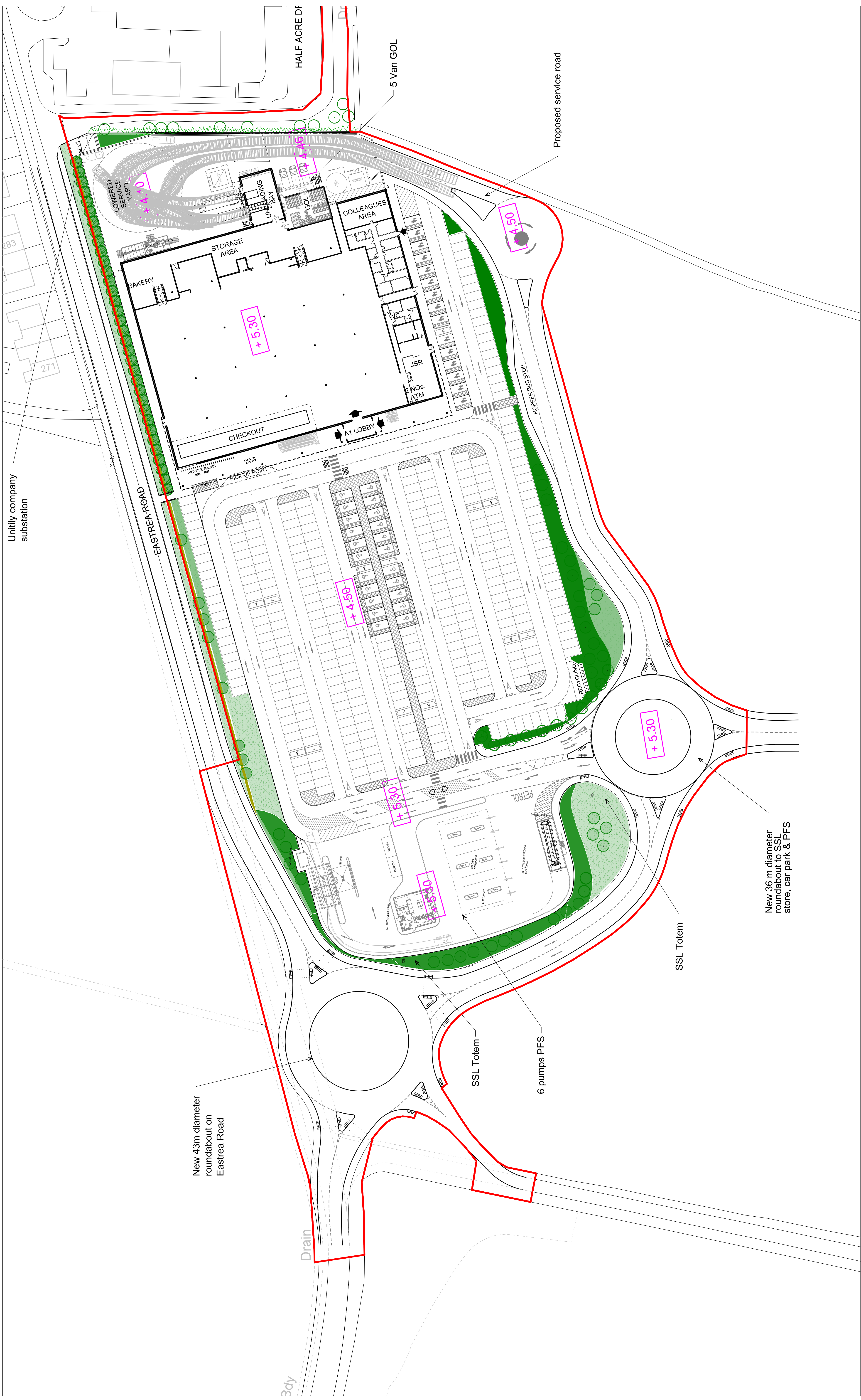
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F/YR11/0930/F

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Scale = 1:5,000





Utility company
substation

283

271

Drain

New 43m diameter
roundabout on
Eastrea Road

SSL Totem

6 pumps PFS

SSL Totem

New 36 m diameter
roundabout to SSL
store, car park & PFS

Proposed service road

5 Van GOL

LOWERED
SERVICE
YARD

BAKERY

STORAGE
AREA

CHECKOUT

PICKUP POINT

A1 LOBBY

GOL

UNLOADING
BAY

COLLEAGUES
AREA

WC

JSR

2 Nos.
ATM

HOPPER BUS STOP

RECYCLING
FACILITY

PETROL

<p>Rev / Date / Version Description</p> <p>A / 03.11.11 / Issued for Planning</p> <p>A / 29.11.11 / Columns on proposed ground floor plan & notes added; Site boundary and notes updated.</p>	<p>Drawn / Date / Drawn By</p> <p>MP / PH</p> <p>MP / PH</p>	<p>Client</p> <p>Sainsbury's Supermarket Ltd</p> <p>Project Name</p> <p>Whitlsey, Lattersley Field New Store</p> <p>Drawing Title</p> <p>Proposed Ground Floor Site Plan with 30K Store at Grade & 6 pumps PFS</p>	<p>Drawing Status</p> <p>Planning Submission</p> <p>Drawing Details</p> <p>SCALES</p> <p>Drawn By</p> <p>MP</p> <p>Checked By</p> <p>PH</p> <p>Drawn Date</p> <p>Oct 2011</p> <p>Scale @ A1</p> <p>1:500</p> <p>Revision</p> <p>Resubm</p> <p>Drawing Number</p> <p>DMWR/A1/2868/PL-00102</p>	<p>Client Logo</p> <p>dmwr Architects</p> <p>DMWR Architects LLP 111 Westmoreland Road London SE11 7UL T: 020 7262 1900 E: info@dmwr.co.uk www.dmwra.co.uk</p>	<p>North</p> <p>DMWR Job No.</p> <p>2868</p>
<p>SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION</p> <p>In addition to the hazards/risks normally associated with the types of work Assessment, note the following:</p> <p>It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement.</p> <p>Use Dimensions - DO NOT SCALE</p> <p>Contractors Must Verify All Dimensions On Site Before Starting Work</p> <p>This Drawing is Copyright</p>					