

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

4 December 2013

**AUTHOR/S:** Planning and New Communities Director

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<b>Application Number:</b>	S/0534/12/VC
<b>Parish(es):</b>	Cambourne
<b>Proposal:</b>	Variation of Condition 1 of S/6133/01/RM (food store, settlement centre and settlement centre car park) to increase the limit of maximum net sales area within the food store from 2,800m <sup>2</sup> to 3,200m <sup>2</sup> (Retrospective)
<b>Site address:</b>	Wm Morrison Supermarkets Plc, Broad Street Cambourne
<b>Applicant(s):</b>	Wm Morrison Supermarkets Plc
<b>Recommendation:</b>	Delegated approval
<b>Key material considerations:</b>	Impact upon Cambourne's retail viability and vitality.
<b>Committee Site Visit:</b>	None
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Mrs Melissa Reynolds
<b>Application brought to Committee because:</b>	The officer's recommendation of approval is contrary to Cambourne Parish Council's
<b>Date by which decision due:</b>	3 July 2012

### Update

1. The application was considered at the 11 November 2012 meeting. The report can be found at Appendix 1. The application was deferred by the Committee. The Committee asked for an independent retail consultant's report to be commissioned to assess the impact of the proposal on the viability of future retail development along Cambourne High Street.
2. At its meeting on 3 March 2013 (see Appendix 2 for the report), the findings of this further assessment were presented to the Committee. Members again deferred to allow further discussions to take place between the applicants, the Company seeking to bring new retail businesses to Cambourne, South Cambridgeshire District Council (SCDC) and its consultants Carter Jonas, and Cambourne Parish Council. Members

also indicated that consultation should take place to determine how those living in Cambourne felt about Morrisons' planning application.

3. The Council's consultant has, subsequent to the March committee meeting, completed further work to address the questions raised by members in March. This is contained at Appendix 3. The consultant has carried out further research following discussion with Morrison, the developer for the approved high street retail, the Parish Council, and existing retail and service providers at Cambourne. The consultant's report:
  - a. In terms of financial modelling concludes:
    - i. There are no other convenience stores within the centre that could have been affected by the changes, the main impact being, in likelihood, felt by the Tesco at Bar Hill. Overall convenience sector turnover in Cambourne will have increased.
    - ii. In terms of comparison shopping, Massif Bikes is not affected because it does not compete with Morrison; whereas, Lloyds pharmacy has potential to compete as both sell chemists goods. It is not possible to establish the level of diversion and the NPPF advises that competition and choice are to be encouraged. The level of diversion is unlikely to have been equal to Morrison's increase in turnover, therefore, overall comparison turnover of the centre will have increased.
    - iii. The changes to the store will have brought about a net increase in the turnover of the centre as a whole.
  - b. Reviews the health of the centre and notes there are no vacant units in Cambourne, which is currently dominated by Morrison and has a high proportion of service uses, with retail under-represented. It notes that, once the further three, pre-let units are completed, this will show a strengthening of retail and provide a greater balance in the offer.
  - c. More needs to be done to improve the area between Chutney Joes and Morrison to make it more welcoming.
  - d. The lack of vacant units is evidence that Cambourne is trading well.
  - e. No evidence on the performance of the centre from MCA or NewCrest has been provided.
  - f. Three national retailers have committed to open outlets in Cambourne, having signed leases. Morrison's presence has not deterred this private sector investment. Two of these retailers will compete directly with Morrison. This will increase the level of retail compared to service uses within the centre.
  - g. It accords with planning policy in the NPPF and emerging Local Plan policy E/22, as there will not be an adverse impact on the centre.

## **Consultations**

### *Cambourne Parish Council*

4. 'An updated report from Carter Jonas had been received and circulated. The Chairman commented on the report especially in relation to inconsistencies in the description of Cambourne as a 'town' or 'rural centre'. Concerns were raised that the legal s106 agreement has not been adhered to. Ed Durrant Principal Planning Officer SCDC reported that the District Council have to establish 'harm' before any enforcement action is taken. The District Council Planning Committee will review the report and make a decision on the retrospective planning application. It was felt that if the retrospective application is approved then a new s106

agreement should be put in place, in consultation with Cambourne Parish Council, with a framework for inspections by South Cambs. District Council.'

### **Planning Comments**

5. The conclusions of two independent assessments of the impact of Morrison's increased sales floor space have failed to find harm and advise that the development accords with planning policy.
6. Morrisons' representatives have been working with the Parish Council and SCDC officers to update the existing S106 agreement and to secure a licence that will enable a trial period for monthly farmers' markets to be held at the market square on the corner of Broad Street and High Street. If this is successful, it is intended the arrangement would then be made permanent or reviewed to see if changes need to be made.
7. Members may recall that officers had previously advised, in response to Parish Council concerns about the layout of the store and breaches of the planning restrictions, that a six monthly monitoring regime will be implemented. Morrison will be asked to provide an up-to-date layout plan for the store at each interval for officers to check and for records.

### **Recommendation**

8. Approve subject to the following S106 requirements and planning conditions:

#### **Requirements under Section 106 of the Town and Country Planning Act 1990**

9. A new Section 106 Agreement will be secured from Morrison, which would cover the original provisions, where they are still applicable, and the amended wording described below.
10. The new Section 106 Agreement will deliver covenants binding the land and building comprising the supermarket to accord with the recommended approval for this proposed variation of planning condition i.e. no more than 596sq m (6415.3 sq ft) of the net sales area of the supermarket building may be used for the sale to members of the public of comparison goods.
11. The applicant has also requested that the restrictions on floorspace by category are also revised to reflect the store's updated layout. It is recommended that an overall limit be retained but with higher limits for chemists goods and recreational and other miscellaneous goods, as below:
  - Chemists goods: 152 sq m
  - Recreational and other miscellaneous goods: 180 sq m
  - All other categories: 92sq m

These revised limits reflect the layout indicated on the submitted floor layout plan.

### **Conditions**

- a) The building hereby permitted shall not exceed a maximum gross internal floorspace on both storeys of 5740m<sup>2</sup> incorporating a maximum net sales area of 3200m<sup>2</sup>.

(Reason: To ensure an appropriate level of convenience shopping within a single unit, in keeping with the size of Cambourne and its immediate catchment area, whilst recognising the need to allow for the development of other retail units planned for this local shopping centre within this new settlement, in accordance with the aims of the Approved Master Plan and Design Guide).

- b) The refuse storage area and recycling facilities shall be maintained for use for these purposes.  
(Reason: To ensure that appropriate facilities are provided for refuse storage and recycling given that this will now form the principal recycling facility for Cambourne).
- c) No barrier shall be installed at the entrance to or exit from the car park, unless previously agreed in writing by the Local Planning Authority.  
(Reason: To ensure the car park remains available for use by members of the public at all times).
- d) The northern boundary treatment to the foodstore shall be maintained hereafter.  
(Reason: To ensure the visual quality of the development).
- e) Covered secure parking for bicycles for staff and cycle parking for visitors for use in connection with the supermarket shall be maintained hereafter.  
(Reason: To ensure provision for cycle parking is retained).
- f) Details of the location and type of any power driven plant or equipment, including equipment for heating, ventilation and for the control or extraction of any odour, dust, or fumes from the building but excluding office equipment and vehicles and the location from the building of such plant or equipment, shall be submitted to and approved, in writing, by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.  
(Reason: To safeguard the amenity of nearby residents and adjoining users and in order to minimise the intrusion of such features into the street scene).
- g) There shall be no external storage of materials and products save for recycling bins and refuse to be store, as agreed by condition 2.  
(Reason: To prevent unsightliness).
- h) No openings in any elevation of the foodstore hereby permitted shall have canopies, grilles, shutters or blinds attached to any part of the aforementioned units, unless agreed in writing by the Local Planning Authority.  
(Reason: In the interests of visual amenity).
- i) The permanent space to be reserved on site for turning, parking, loading and unloading shall hereafter be maintained).  
(Reason: In the interests of highway safety).
- j) No lighting, bollards to CCTV shall be installed other than in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.  
(Reason: To ensure a coordinated approach to the provision of lighting/structures).

## **Informatives**

- (a) The application site is subject to a Planning Obligation Agreement under S106 of the Town and Country Planning Act 1990 (as amended), dated [date completed to be inserted].

## **Background Papers**

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy DPD (adopted January 2007)
- South Cambridgeshire Development Framework Development Control Policies DPD (adopted July 2007)
- National Planning Policy Framework (NPPF), published March 2012
- Circular 11/95 (The Use of Conditions in Planning Permissions)
- NW Cambridge Supplementary Retail Study – Final Report (published 2011)
- Planning File Refs: S/1371/92/O, S/6084/00/RM, S/6133/01/RM, S/6134/01F, S/6165/02/F, S/6239/04/, S/6393/07/F, /6383/06/F, S/6379/06/F, S/6438/07/O and S/0534/12/VC

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