

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee
AUTHOR/S: Planning and New Communities Director

3 April 2013

S/0534/12/VC - CAMBOURNE

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 2,800m² to 3,200m² (Retrospective)

at Wm Morrison Supermarkets Plc, Broad Street Cambourne

for Wm Morrison Supermarkets Plc

Recommendation: Delegated Approval Subject to a S106

Date for Determination: 3 July 2012

Notes:

This application has been reported to the Planning Committee for determination because the officer's recommendation of approval is contrary to Cambourne Parish Council's.

Members visited the site on 1st June 2012

Deferred from 11th November 2012

To be presented to the Committee by Melissa Reynolds

Update

1. Members will recall that this application was deferred from its 6th June 2012 meeting at officer request. The application was then considered at the 11th November 2012 meeting when it 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. The report to the November meeting can be found at **Appendix 1**.
3. Officers have since sought advice from an independent consultant. The advice received is contained at **Appendix 2**.
4. The report received advises:
 - a) Cambourne as a centre has a good range of convenience, comparison and service uses. Vacancy rates are very low, which indicates the centre is healthy.
 - b) It notes that the area immediately joining Morrison's are two completed developments that appear quieter than Morrison's.

- c) Development in the pipeline is not likely to utilise all the capacity identified in the short-term.
 - d) That Cambourne is still expanding with significantly more housing to be built and has yet to reach its potential, therefore the centre appeared to be relatively vital and viable.
 - e) Two permissions for further retail in Cambourne have been submitted and approved. This is evidence that the proposal has not impacted on planned investment in the centre, had either applicant been concerned at the effects of Morrison's application, they would not have submitted.
 - f) Given the qualitative deficiencies of the store in terms of its cramped layout, the increase in sale area is unlikely to lead to any material increase in the store's convenience turnover and it is likely that the store will continue to under-trade relative to the store's national average.
 - g) The increase in convenience sales area of 268 sq m will not result in any material increase in the store's turnover and will not impact on the businesses in the centre to any material degree.
 - h) It concludes similarly, in relation to the proposed increase in comparison sales area of 132 sq m
 - i) The increase in turnover of the store will lead to an overall increase in the turnover of the centre as a whole.
 - j) The centre is trading well and is vital and viable.
5. In summary the report concludes with a recommendation that planning permission be granted.
6. The recommendation has been amended in view of MCA's indication that it would not wish to be a party to a Deed of Variation. The Legal officer's advice is that a new Section 106 Agreement can be secured from Morrison, which would cover the original provisions, where they are still applicable, and the amended wording described above. MCA would not have to be a party to this new section 106 Agreement because it no longer has a legal interest in the land and building comprising the supermarket.
7. 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. All other provisions of the existing S106 will be replicated.
8. 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.

Recommendation

9. It is recommended that the Planning Committee gives officers delegated powers to approve the application subject to:
- a) Section 106 as detailed in paragraphs 7 and 8 above and

b) The following Conditions and Informatives:

Conditions

1. The building hereby permitted shall not exceed a maximum gross internal floorspace on both storeys of 5740m² incorporating a maximum net sales area of 3200m².
(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).
2. 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).
3. 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).
4. The northern boundary treatment to the foodstore shall be maintained hereafter.
(Reason: To ensure the visual quality of the development).
5. 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).
6. 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).
7. 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).
8. 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).
9. 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).

10. 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

1. 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 background papers were used in the preparation of this report:

- 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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