

Application Number	18/0858/FUL	Agenda Item	
Date Received	5th June 2018	Officer	Patricia Coyle
Target Date	31st July 2018		
Ward	Abbey		
Site	Cambridge Retail Park, Unit 10 Newmarket Road Cambridge CB5 8WR		
Proposal	External alterations and subdivision of the existing Homebase store (Unit 10) into two units and a deed of variation (a change to the Section 106 Agreement attached to approval C/99/1121/OP) to allow for food retail		
Applicant	C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposed external alterations are in character with the existing retail park development and would not result in any harm to highway safety.</p> <p>The proposed change to the legal agreement (Deed of Variation) to enable use of part of the existing Homebase store as a supermarket is not considered to result in any adverse impact on the vitality and viability of the retail function of Cambridge Town Centre or on the rest of the existing the retail hierarchy.</p>
RECOMMENDATION	APPROVAL subject to the signing of a deed of variation

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site comprises the northern part of the existing Homebase retail warehouse known as Unit 10 in the Cambridge Retail Park which lies to the south of Newmarket Road. There is a single loading bay to the western side of the Unit 10 building accessed off the access road, Henley Road.
- 1.2 The surrounding area is retail warehousing with some restaurants to the west, all within the Retail Park. To the south, across Coldhams Lane are other commercial uses of the Beehive Centre, including ASDA. To the east across Henley Road is a commercial area, Coral Park Trading Estate. The nearest residential properties are to the south-west on Coldhams Lane/Silverwood Close and to the northern side of Newmarket Road. There are also residential properties to the south-east in Pym Court.
- 1.3 The site is not allocated in the Cambridge Local Plan (2018).

2.0 THE PROPOSAL

- 2.1 The proposal is primarily to vary the Section 106 legal agreement (attached to approval C/99/1121/OP) to allow convenience (food) products to be sold, however it also includes external alterations to provide an additional entrance and loading bay door to the rear of the unit.
- 2.2 The applicants indicate that this is a stage one change and that a further application will be submitted to alter the external appearance of the unit to the user's "house" style. From the details submitted, the user would be the supermarket Lidl.
- 2.3 It should be noted that while this is in connection with the subdivision of the Homebase unit, the subdivision does not of itself result in any change of use (both uses are within Use Class A1) and no conditions were attached to the original consent to prevent other uses within Use Class A1 of the retail warehouses, therefore the use as a supermarket does not require planning permission. However, the use of part of Unit 10 as a convenience store/supermarket is prevented currently by the legal agreement (Section 106) attached to the original consent for the retail park (planning ref: C/99/1121/OP).

2.4 The current requirements of the Section 106 prevent the sale of non-bulky goods and Section 7, entitled “Bulky Goods Restriction”, indicates what can presently be sold and what cannot. Paragraph 7.1 indicates that only those goods within the following list can be sold from units within the retail park including Unit 10:

- a) DIY goods including wallpaper and paints*
- b) materials for building*
- c) garden products*
- d) furniture and carpets*
- e) electrical goods (which for the avoidance of doubt includes video recorders, computers and computer software and accessories)*
- f) motoring and motorcycle accessories*
- g) office equipment and supplies*
- h) pets, pet products and pet supplies*
- i) textiles*
- j) video hire*
- k) bicycles and bicycle accessories*
- l) catalogue showrooms if operated by Argos Limited or where not less than 70% of the turnover of each such showroom relates to the sale of goods falling within this Clause 7.1”*

2.5 In addition, paragraph 7.4 of the legal agreement specifically excludes some items as follows:

“....shall not sell or display for sale any food, beers, wines or spirits....”

2.6 The proposal is to delete paragraphs 7.1 and 7.4 of the agreement and the application is supported by various documents which support the proposal for a Limited Availability Discounter (LAD) or “deep discounter” type supermarket, in this case, Lidl. The applicants have confirmed that they would accept a clause requiring reversion of the unit to a bulky goods non-food retail unit, should they no longer require the application site.

2.7 The supporting documents submitted are:

- Planning and Retail Statement
- Design and Access Statement
- Transport Assessment and draft Travel Plan
- Sustainability Report

- Air Quality Assessment

- 2.8 In response to a request from officers, further information relating to transport/traffic and a revised Travel Plan have been submitted. Also, a Retail Impact Assessment was submitted with additional information relating to the joint impact of this scheme together with the proposed Aldi store - another LAD/deep discounter- (planning reference 18/0363/FUL) which is also currently under consideration.

3.0 SITE HISTORY

- 3.1 There is a substantial planning history for this site, however, the most relevant applications are as follows:

Reference	Description	Outcome
C/99/1122	Outline application for the erection of nine non-food retail units (12689 square metres gross floor space), one drive-thru restaurant (511 square metres gross floor space) with associated servicing, car parking, landscaping, new accesses and relocation of existing car parking	APC dated 27.11.2001
C/99/1121	Outline application for the erection of three non-food retail units (13916 sqm gross floor space), together with a garden centre (2787sqm gross) and one drive-thru restaurant (511 sqm gross floor space) with associated servicing, car parking, landscaping, new accesses and relocation of existing car parking	APC dated 27.11.2001
C/02/0136	Reserved matters application for Demolition of existing buildings and erection of non food retail units and garden centre, Drive thru restaurant with associated servicing, Car Parking,	APC dated 02.07.2002

Landscaping, new access and
relocation of existing car parking

4.0 **PUBLICITY**

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 **POLICY**

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 6 8 28 29 32 34 35 36 55 56 57 58 64 65 72 81 82

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework July 2018 National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards Circular 11/95 (Annex A)
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<p>Supplementary Planning Documents (These have been prepared in parallel with the Local Plan preparation and will be shortly adopted by the Executive Councillor by an out of cycle decision.)</p>	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Cambridge City Council Draft Air Quality Action Plan 2018-2023</p> <p>Cambridge City Council Waste and Recycling Guide: For Developers.</p> <p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Cambridgeshire County Council Transport Assessment Guidelines (2017)</p> <p>Contaminated Land in Cambridge - Developers Guide (2009)</p>

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No objection The additional information provided by the applicant responds to all of CCC's previous comments. It is considered the development will not have a material impact on the future capacity of the local junctions. I have no objections to this change of use subject to a travel plan that includes incentives including Public Transport Discounts for staff being secured with any permission.
- 6.2 Following receipt of the additional information, the Highway Authority responded that it is considered the development will not have a material impact on the future capacity of the local junctions.

Policy

- 6.3 No objection Following the submission of additional information, including an assessment of the cumulative impact of this store together with that included in application (Ref.18/0363/FUL) for an Aldi store nearby, Planning Policy confirm that the sequential test has been met. As such, the proposal for convenience shopping of this size would not result in any adverse impact on the vitality and viability of Cambridge Town Centre or on the remainder of the retail hierarchy and that a supermarket of this nature and size is considered to be acceptable in terms of Policy 6 of the Cambridge Local Plan (2018) such that the deed of variation can be supported.

Environmental Health

- 6.4 Air Quality Comments

No objection, subject to a condition and informative being attached, as follows:

No development shall commence until details of a scheme for the provision of a single operational rapid electric vehicle (EV) charge point with / to a dedicated car parking space for exclusive use by electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed / provided in accordance with the approved details prior to the first

occupation of the development and shall be maintained and retained thereafter.

Reason: In the interests of encouraging more sustainable forms of travel/transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF) and Policy 4/14 of the Cambridge Local Plan (2006).

The informative:

The development site is located within the Air Quality Management Area (AQMA) and the Transport Assessment produced by TTP Consulting and dated May 2018 predicts an additional 426 AADT vehicle movement when compared with current use.

The Air Quality Assessment (AQA) produced by RSK Environment Ltd and dated May 2018 submitted with the application demonstrates that the development will not be introducing new receptors, however the application will lead to a worsening of air quality within the AQMA contrary to policy 4/14 of the Local Plan. The AQA recommends mitigation of transport emission impacts in line with best practice. We support this conclusion. Further to the implementation of the Travel Plan submitted with the application we will be seeking the installation of a single operational rapid electric vehicle (EV) secured by condition. This is also in line with National Planning Policy Framework paragraph 35

Disability Panel

- 6.5 Some concern was raised as to whether the reduction in the size of the Homebase store would make it more difficult to navigate. Whether WC facilities would be provided in the new store was also unclear. The Panel note there would be no change in the numbers of car parking spaces.

Utilities

- 6.6 Cadent Gas Ltd, National Grid Electricity Transmission plc and National Grid Gas plc have written to indicate that searches have identified that there is apparatus in the vicinity of the application site and Cadent Gas has asked if an informative could be added to

any approval to cover the need to contact Cadent prior to beginning works.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations:

- Dunelm (Unit 9)
- ASDA (Jigsaw Planning)
- 27 Silverwood Close
- Camcycle, The Bike Depot 140 Cowley Road

7.2 The representations can be summarised as follows:

- The new service yard will interfere with other servicing of units
- The proposed service yard will block off an existing emergency escape path
- The new service yard is unclear and will detrimentally impact on other users due to the increase in vehicles entering the servicing space
- The information provided underplays the impact on existing stores
- There is no Retail Impact Assessment and one should be provided for review
- There would be an unacceptable increase in traffic and congestion and air pollution
- There would be an unacceptable loss of residential amenities
- The proposal is contrary to Council policies to reduce vehicle movements and their pollution in the City
- The transport assessment is inaccurate
- development will have an unacceptable transport impact with insufficient mitigation
- cycle parking provision is currently unsuitable for the discount food shop use
- The Transport Assessment does not mention the proposed Aldi
- The travel plan's targets are too high in terms of reductions in staff car usage

7.3 Representations in support of the scheme have been made from the following addresses:

- 6 Wyndborne Close

7.4 The support is that a Lidl would be a welcome addition

- 7.5 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

- 8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues relating to the planning application and Deed of Variation are:

1. Principle of development
2. Context of site, design and external spaces
3. Light pollution, noise, vibration, air quality, odour and dust
4. Inclusive access
5. Residential amenity
6. Refuse arrangements
7. Highway safety
8. Third party representations
9. Planning Obligations (s106 Agreement)

Principle of Development

- 8.2 The proposal is not for a change of use and the subdivision of the unit does not require planning permission. The deed of variation change proposed would result in the loss of non-food/bulky goods retail warehouse floorspace which the legal agreement currently prevents.
- 8.3 Policy 6 of the Cambridge Local Plan (2018) identifies the hierarchy of retail centres and retail capacity where retail should be focused. The Cambridge Retail and Leisure Study Update 2013 indicates that there is currently sufficient space within the Town Centre and the hierarchy (as existing or as already approved or in pipeline) to provide for convenience goods although there is a need for just over 14,000 sq.m net of comparison goods floorspace. The Plan, at paragraph 2.69 indicates that new retail development should in the first instance be directed to the centres and then located according to the sequential test set out in the NPPF, however the site is already in retail use (Use Class A1), even if this is restricted by the legal agreement.

8.4 The NPPF indicates that

“86. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

87. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

And at para. 89. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

90. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.”

8.5 There is no policy in the Local Plan which protects the non-food/bulky goods retail warehouses from loss to other A1 (retail) Uses and the proposed supermarket selling convenience and a limited comparison offer must therefore be considered on its planning merits. The submitted Retail Impact Assessment (RIA) is the starting point for this consideration.

- 8.6 The planning merits of the scheme are that the supermarket proposed provides an alternative to the “big 4” supermarkets – Asda, Sainsburys, Tesco and ...or other “high end” supermarkets such as Waitrose and M&S Food. The applicants indicate that they are a LAD or Limited Availability Discounter and therefore provide a “top up” service at deeply discounted prices which require high prominence and easy access (usually by car). Retail parks with their extensive car-parking areas, assured customers and large warehouse-type facilities meet the requirements of such LAD operators.
- 8.7 The change to the Section 106 agreement will only be acceptable if the proposal would not have an impact on the vitality and viability of other centres identified as part of the retail hierarchy. This will be considered through the sequential and exceptions tests highlighted in the NPPF and Policy 6 of the Cambridge Local Plan (2018). While the applicant does not agree that such testing is required, the retail warehousing was only allowed on the basis that it was to enable bulky non-food goods sale which could not be accommodated within stores in town centre locations hence that a legal agreement was attached to the original consent.
- 8.8 The applicant has indicated that since the original approval, the retail market and retail sector has seen a fundamental change in how goods are sold, one of these being the rise of the LADs or heavy discounters in the food sector, such as Lidl and Aldi and the use of the internet for home deliveries which is affecting the retail sector and high streets in a way previously not envisaged. They nonetheless have provided information. The information indicates that with their need for a high profile, visible location, Duncton Green which is a new town centre, would not meet their marketing model and, as such, even if the site could accommodate a store of the size envisaged, it would put them at a competitive disadvantage for a “top-up” shop discounter.
- 8.9 The applicants also indicate that Homebase cannot justify using the whole of its existing space and that there are few takers for a unit of less than 2,000 sq.m from bulky goods operators, such that if the Homebase contracts there would be a vacant unit or under-utilised space.
- 8.10 The Cambridge Retail Park contains bulky goods operators which could result in linked trips. People coming to purchase a garden

shed, sofa or a washing machine could also then undertake a food shop saving them having to either visit a town centre food store or having to make a stop at an out of centre mega-store at one of their competitors.

8.11 A s106 obligation (or deed of variation) can:

- a. restrict the development or use of the land in any specified way
- b. require specified operations or activities to be carried out in, on, under or over the land
- c. require the land to be used in any specified way; or
- d. require a sum or sums to be paid to the authority (or, to the Greater London Authority) on a specified date or dates or periodically.

A planning obligation can be subject to conditions, it can specify restrictions definitely or indefinitely, and in terms of payments the timing of these can be specified in the obligation.

8.12 In respect of the proposal's current change from bulky goods to convenience and non-bulky good sales, the existing legal agreement Section 7 would need to be varied to enable the LAD/deep discounter supermarket to operate. Paragraph 7.1 of the agreement currently lists the goods which can be sold from the retail warehouses (Phase 2) in the Cambridge Retail Park. Paragraph 7.1 and paragraph 7.4 of the legal agreement specifically excludes some items.

8.13 The Planning Policy Team requested the applicants provide further information in the form of a Retail Impact Assessment (RIA) which covers both this application and a separate application for an Aldi (also a LAD/deep discounter supermarket) currently under consideration at The Bell, near the application site. As a result of the additional information, I consider that there is no sequentially more appropriate site and that the proposed location would be acceptable and suitable for a LAD retailer. However, the Retail Impact Assessment specifically addressed the impact of a Lidl of this size/scale rather than any other foodstore's impact and it cannot be concluded that other stores would have the same impact. Therefore, I recommend that the agreement is subject to a "personal" restriction in the deed of variation due to the Retail

Impact Assessment specifically relating to the proposed Lidl's impact.

- 8.14 On the basis of the information submitted it is expected that the majority of trade for the Lidl will be diverted from the three main food stores nearby and will not have a significant impact on the areas shopping patterns. With regard to Cambridge City Centre, I do not consider that there would be any significant trade draw from key convenience stores along Sidney Street or Fitzroy Street because LAD-type stores act as a top-up convenience facilities and these uses in the Town Centre are convenient for people who live, study, work in or are visiting the town centre. The proposal is therefore considered to be acceptable.
- 8.15 On the basis of the above, I conclude that amending the legal agreement would not result in a loss of vitality and viability of Cambridge Town Centre, nor to the retail hierarchy as a whole.
- 8.16 The external works associated with the use as a supermarket are the only physical matters for consideration in the planning application. Alterations and extensions of existing buildings are acceptable in principle, subject to them not resulting in harm to issues of acknowledged planning importance. The proposed external alterations are acceptable in principle in accordance with policy 6 of the Cambridge Local Plan 2018. Please see section below in relation to the proposed Deed of Variation.

Context of site, design and external spaces

Response to context

- 8.17 The context is that the property already lies within the existing Retail Park which comprises large retail units together with servicing access, extensive parking areas and a couple of restaurants.
- 8.18 The proposal is for alterations to the external appearance of the existing A1 unit to provide an additional entrance and a servicing access door to the rear. This would accompany internal division to provide the LAD/deep discounter convenience store.
- 8.19 The proposed changes to the external appearance to provide an additional entrance and rear servicing access are considered to be

characteristic in retail parks and I therefore consider them to be acceptable.

- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55 and 58.

Carbon reduction and sustainable design

- 8.21 The applicants have submitted a Sustainability Report. This is a general company review of its sustainability credentials from 2016/7. Nonetheless it does indicate that the company look to make carbon reductions, provide low energy lighting and undertake other sustainable measures.
- 8.22 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2018) policy 28 and 29 and the Sustainable Design and Construction SPD 2007.

Light pollution, air quality, noise, vibration and odour

- 8.23 Due to the limited nature of the proposal, there would be minimal changes to the overall character of the building. There would be some increase in noise associated with the new service bay to the rear, however, this is to an existing service yard where noises related to unloading and reversing vehicles are characteristic of the retail park. There would be some additional light and noise and, particularly in association with the proposed “bakery”, some odour and possible vibration associated with any extract ducting and additional plant. Details of any plant have not been provided at this stage, nonetheless, a condition can be attached to require that such details are provided and approved prior to first use of the new entrance and servicing bay. While lighting should not result in any significant harm, given the distance away of any residential properties, it would be appropriate that the shop is suitably controlled to ensure that any external lighting relating to the new entrance and servicing yard is appropriate.
- 8.24 In my opinion, subject to the conditions I have recommended, the applicants have suitably addressed the issues, and the proposal is in accordance with Cambridge Local Plan (2018) policies 34, 35, 36.

Inclusive access

- 8.25 The proposal would provide level access. Buildings which provide access for members of the public are required to meet Part M of the Building Regulations which require that they provide suitable facilities for people who have disabilities. Given the works proposed are minimal and that there is no change of use, I do not consider that planning conditions requiring the provision of such facilities could reasonably be attached; nevertheless, I consider that the development should provide suitable disabled facilities for their staff and customers.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 56 and 57.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.27 The proposal is for minor changes to the exterior of the building which is already in use for A1 – retail. While there would be an increase in the level of activity over that of a bulky retail unit, there is no increase in parking provision within the retail park and, while there would be a new service access to the rear, this is from the existing servicing yard. Given that the existing residential properties are some distance away and beyond other commercial development, I do not consider that, providing suitable conditions are attached to control external lighting, external machinery and any ducting, there would be any adverse impact on existing residential amenities from the proposed external changes to the unit.
- 8.28 The applicants propose to be open between 7am and 11pm Mondays to Saturdays and from 11am until 5pm on Sundays. There are currently no restrictions to the opening hours for other retail units within the retail warehouse park and the use itself does not require planning permission. I therefore consider that hours should not be controlled for the supermarket. However, a new delivery bay is proposed to the rear of the unit and it is appropriate that deliveries are controlled by a suitably-worded condition to limit HGV traffic during quieter late evening/night hours.

- 8.29 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2018) policies 35, 55 and 56.

Refuse Arrangements

- 8.30 Details have been provided. The applicants indicate that lorries delivering to the store will also take away any waste. A suitable condition requiring that the scheme of managing waste is adhered to will be required.
- 8.31 In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2018) policy 57.

Highway Safety

- 8.32 The proposed works are for an additional external delivery door and a customer entrance. There is no change of use proposed. There would nonetheless be a change to the current delivery arrangements and some additional staff (under a different occupier). The proposed external alterations would result in a new pedestrian access from the existing car parking area within the retail park with the new servicing bay being provided from the existing servicing bay/rear access off Henley Road.
- 8.33 The applicants submitted a Transport Assessment and a draft Travel Plan by TTP consulting dated May 2018 with the application. Following a request, further information was provided which indicates that there would be an increase in deliveries to Unit 10 (as expected). The Highway Authority consider that the information submitted means that there would be an increase in trips but that this can be accommodated on the current highway network, nonetheless this is subject to the proposed Travel Plan being implemented and a suitable condition can be attached to the planning permission.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

Car and Cycle Parking

- 8.35 There is a communal parking area and cycle parking associated with the Retail Park. There is no proposal to increase the floor area of Unit 10. While the parking requirement is higher for food retail/supermarkets rather than for bulk comparison type uses, there is no change of use proposed and the existing extensive car and cycle parking bays are provided for all occupiers and their customers. The Highway Authority raise no objections to the proposal subject to the provision of a Travel Plan.
- 8.36 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

Third Party Representations

- 8.37 Two of the third parties are retail outlets; one a retail warehouse neighbouring Unit 10 and the other a large supermarket chain. In relation to the attached retail warehouse, the proposed new loading bay would access onto the shared loading area and it is likely that some rearrangement will be needed to accommodate this, however, of itself, this is not a planning matter as this relates to an existing servicing yard off an existing access road and it is for retail park's management company to ensure that this works for all occupiers. This may include re-routing existing emergency access routes and this will need to form part of any building regulations application or management company plan, as necessary, in discussion with Fire and Emergency services as appropriate.
- 8.38 In relation to the supermarket chain, the Planning Policy team has assessed that there is no impact on the vitality and viability of Cambridge Town Centre and the retail hierarchy as identified in the Cambridge Local Plan (2018). It is recognized that there would be some likely loss of custom from existing supermarkets, however, this is a matter of competition which is not of itself a planning matter. In any event, the type of supermarket proposed is not in direct competition with the "big 4" supermarkets as it has a limited offer with "no frills" which limits its attractiveness. The new store would undoubtedly benefit from passing trade given its proposed position within the existing retail park.

- 8.39 Matters such as air quality, congestion increase in traffic and cycle parking are addressed in other sections and have been considered to be acceptable subject to conditions.

Planning Obligations (s106 Agreement)

- 8.40 As stated above, the proposal requests a change to the legal agreement to enable the sale of food and other items. This requires a deed of variation of the legal agreement and, as such, requires consideration of the impact of the proposed change.
- 8.41 The applicants have requested that paragraphs 7.1 and 7.4 are deleted. It is recommended that the deed includes a clause which means that the deed is “personal” to Lidl and that if the unit is no longer required, that it reverts to a unit selling bulky or non-food items as currently worded in paragraphs 7.1 and 7.4; however, in terms of the exact wording of the deed of variation it is recommended that this is delegated to officers to negotiate and complete.

9.0 CONCLUSION

- 9.1 The proposed non-food/non-bulky use is acceptable specifically due to the details submitted in the RAI and in respect of the transport assessment submitted such that the change to the legal agreement (The deed of Variation) is acceptable. The proposed external changes are in character with the existing buildings in the retail park and, in my view the deed of variation is necessary, directly related to the development and fairly and reasonable in scale and kind to the development proposed.

10.0 RECOMMENDATION

APPROVE subject to powers delegated to officers to negotiate and finalise the wording of the deed of variation and its signing, and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. The scheme shall be implemented in accordance with submitted Transport Assessment (Updated report) (dated July 2018) and additional information/comments submitted on 12.09.18 & 26.10.18 and by email on 16.11.18

Reason: In the interests of highway safety and in accordance with Policy 81 of the Cambridge Local Plan.

4. A final version of the Travel Plan should be submitted and approved in writing prior to the first use of the works hereby approved and implemented in accordance with the approved Travel Plan.

Reason: To ensure that the new occupier makes best use of the public transport options available to staff and to comply with Policy 80 of the Cambridge Local Plan.

5. Details of any plant (including ducting), external machinery and external lighting shall be submitted to the local planning authority and approved in writing before the approved works are first in use.

Reason: To ensure that there are no polluting effects of the proposal in accordance with Policies 35 and 36 of the Cambridge Local Plan.

6. No deliveries or waste collection shall take place except between 08:00-22:00 on Mondays to Saturdays and between 11:00 and 17:00 on Sundays.

Reason: In the interests of residential amenity and light and air quality control in accordance with Policies 34, 35 and 36 of the Cambridge Local Plan.

INFORMATIVE: The proposal is subject to a deed of variation.

INFORMATIVE: Considerations in relation to gas pipeline/s identified on site: Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.