



<b><u>Committee and Date</u></b>
Central Planning Committee
10th February 2011

<b><u>Item/Paper</u></b>
<b>7</b>
Public

## Development Management Report

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**Application Number:** 10/04061/FUL

**Parish:** Shrewsbury Town Council

**Grid Ref:** 349237 - 310290

**Proposal:** Erection of extensions (Class A1) to front and side of existing store, changes to elevations, alterations to car park layout including new deck for parking, replacement petrol filling station, landscaping and associated works and plant

**Site Address:** Sainsbury's Meole Brace Retail Park Shrewsbury Shropshire SY3 9NB

**Applicant:** Turley Associates

**Case Officer:** John Bentley **email:** [planningdmc@shropshire.gov.uk](mailto:planningdmc@shropshire.gov.uk)

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### **1.0 THE PROPOSAL**

1.1 The main part of the proposal is the construction of an extension to the South (side) of the existing supermarket, which will incorporate both sales floorspace / storage and a decked car park (ie. ground and first floor parking) on the site of the existing surface car park. A customer café / restaurant would be located on a new mezzanine floor in the side extension. Access to the new decked car park would be to the front, adjacent to the filling station, which would itself be redeveloped (turning its orientation through 90 degrees) so that access to the filling station would be from its North side, rather than from the East side as at present. A recycling centre is situated to the rear (East end) of the car park. Servicing of the supermarket would be at the rear, similar to the present. There would also be alterations to the front of the supermarket, including extending the currently set-back area forwards to present a

- linear overall frontage / elevation. The proposals would be of similar appearance, height and design to the existing supermarket. Most trees on site are to be retained (mostly these are in the existing car parking area at the front of the store), with some new planting of trees and scrubs.
- 1.2 Traffic circulation arrangements would be amended from the present arrangements. Under the new arrangements vehicle access to Sainsbury would be via the first and third roundabouts on the site, with the current second roundabout access to Sainsbury ceasing. Access to the filling station and the decked car park will be either directly from the first roundabout or indirectly via the surface car park described above. An exit slip road for the filling station will be created back to Hereford Road, which will also provide tanker egress. The revised layout of the car park is intended to improve flows and address problems with access to the filling station. Currently there is parking for 540 cars and this would be increased to 649. 196 spaces will be on the upper deck. Disability spaces would be increased from 16 to 40 and cycle spaces from 12 to 60.
- 1.3 The overall shop floorspace, including retail, storage, café and other non-retail sales would increase from 8,249 sqm to 10,686sqm. The size of the net trading area would also increase from 4,701 sqm to 6,388 sqm (ie. plus 1,687 sqm). The additional 1,687 sqm would comprise 955 sqm of convenience goods and 732 sqm of comparison goods. Overall the applicant would be using 35% (or 2,236 sqm) of the total sales floorspace in the existing and extended store for sale of comparison goods. The café mezzanine is 386 sqm (not included in the retail sales area).
- 1.4 The number of employees is proposed to increase from 248 to 315 (full-time equivalent posts). Opening hours remain the same as at present.
- 1.5 The applicant's have submitted a range of supporting documents, including a Travel Plan and a Community Involvement Statement. The latter outlines consultation that took place in 2010, including addressing local organisations, distributing brochures on the proposals (including to local households), a press release and press coverage, a public exhibition and an on-line exhibition via Sainsbury's website. The submission states nearly 300 responses were received in various formats, of which the majority (about 64%) were fully in support. 16% did not support. Key issues identified were: creation of jobs, improved access to the store car park, people looking forward to introduction of restaurant, need to improve retail park access and egress, effects on town centre traders and some responses disputing need for the extension.

**2.0 SITE LOCATION/DESCRIPTION**

2.1 The site is part of the Meole Brace Retail Park, currently occupied by the supermarket, its surface car park and filling station. To the rear is the railway line.

**3.0 RECOMMENDATIONS**

3.1 Grant planning permission subject to S106 requiring Travel Plan commitments (including additional cycle spaces), a construction management plan and public transport funding (a contribution of £15,000 per annum for 5 years is proposed for subsidising the 544 bus service).

**4.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

4.1 More than 6 objections to the scheme have been received and the recommendation is to approve.

**5.0 RELEVANT PLANNING HISTORY**

5.1 Planning permission was originally granted on appeal in 1989 (S87/671/417/74), with a revised permission (90/743/417/74) granted in 1990 and a further renewal in 1993 (93/1046/REW/417/74).

5.2 Following construction, extensions to two sides were granted in 1996 (96/0623) (and a second alternative extension scheme to 96/0623 was approved in 1998, 97/0575) and an extension to the restaurant in 1998 (98/0027/25/95). An extension of the petrol filling station was approved in 2001 (01/0340/25/95).

5.3 Planning permission SA/02/0456/F was granted in 2003 for extension to store, including 1,400 sq m of additional sales area and rearrangement of parking. Condition 4 of the permission states no more than 1,543 sqm or 32% of the net sales area (whichever is the lowest) of the store as extended will be used for comparison goods and this permission was subsequently implemented. Comparison goods was described as clothing and footwear, do-it-yourself goods, household goods, recreation goods and other goods (eg. medical, jewellery).

**6.0 CONSULTEE RESPONSES**

6.1 **Shrewsbury Town Council:** A) redevelopment is a perfect opportunity to address the access arrangements on the site, which regularly cause levels of congestion along the highway; B) Concern about the extension, if increases in floorspace are to be given over to comparison sales, is likely to have a detrimental effect on the vitality and viability of the town centre, discouraging people to use the town centre and shop at out of centre facilities.

6.2	<b>SC Public protection:</b> contaminated land investigation and remediation required (requires planning conditions).
6.3	<b>SC Rights of Way:</b> comments re protection of adjoining footpath.
6.4	<b>Highways Agency:</b> No objection. Suggest travel plan needs improvement, including better cycle facilities, monitoring of travel pattern emerging from store and enforcement measures should be identified if travel plan targets not achieved. (Travel Plan improvements have been discussed and agreed with applicants and would be dealt with via S106 agreement if the application is approved).
6.5	<b>SC Drainage:</b> Details checked and acceptable
6.6	<b>SC Ecology:</b> Suggest re-consideration of landscaping planting mix (taken into account in revised plans)
6.7	<b>Environment Agency:</b> No objections, comments and suggested conditions
6.8	<b>SC Tree Officer:</b> Initial concern about loss of trees and feel need additional new planting but accepts revised plans submitted which take these concerns on-board.
6.9	<b>SC Highways and Transportation / cycling:</b> Car parking provision is acceptable to meet requirements of the extended store.  In considering the store extension Sainsbury's transport consultants are mindful of traffic congestion issues, primarily involving traffic queuing back from the Retail Park roundabout along Hereford Road. This is considered to be caused by the shear volume of customer traffic wishing to gain access into the Retail Park and the internal access arrangements which currently do not efficiently deal with the traffic levels, particularly at peak times.  At the outset it is with some disappointment that this application with proposed changes to the internal traffic circulation does not more fundamentally address the traffic issues and congestion that currently occur in relation to traffic gaining entry into the Retail Park. It is understood that the fundamental issue relates to a lack of agreement and cooperation between the Retail Park owner (major land owner of the Retail Park) and Sainsbury's. As a result therefore Sainsbury's, through their transport consultant, have looked at internal changes which are within their control i.e. land upon which they own in Freehold to avoid third party land.

The application therefore has been assessed on its own merits and from a transportation / highway aspect the fundamental issue to be considered is whether the current extension proposal would be likely to materially and adversely impact upon the local traffic network both on current and future traffic conditions.

The proposal involves changes to the internal access arrangements which, in effect, split customer car access to the 2 foodstore parking areas. Access to the southern decked car park and petrol filling station result in traffic travelling in a west to east direction straight across the first internal roundabout. The western car park will be accessed via the third internal roundabout (serves Car Phone Warehouse & access / exit from the northern Retail Park units).

The fundamental change to the existing situation therefore is that Sainsbury's customer's cars will split between travelling straight across the first internal roundabout or turning left. Currently all retail park / Sainsbury's traffic turns left at the first internal roundabout with only petrol filling station customers travelling straight across. In addition, there are further internal changes and particularly the increased vehicle stacking length into the petrol filling station.

Overall the changes proposed are considered to be beneficial in terms of improving the efficiency of vehicles gaining access into the Retail Park. At peak times the petrol filling station results in queuing which then has a detrimental impact upon the first internal roundabout. Changes therefore to improve this situation are welcomed.

As part of a Transport Assessment (TA) a traffic assessment has been carried including the Retail Park roundabout junction and internal junctions within the Retail Park. However, the modelling is difficult to replicate, as at peak times the blocking back of traffic occurs internally within the site and this then impacts upon the Retail Park access road to the roundabout onto Hereford Road. As a result, at peak times, there are not 'free flow' conditions.

Nevertheless the assessment has sought to demonstrate that the internal access arrangements will have a positive effect to the extent that traffic entering the Retail Park will be more efficient and therefore queuing back onto Hereford Road should reduce.

In assessing the traffic impact of the store extension the transport consultant has looked at other sites where extensions have taken place in order to give an indication of the likely increase in customer cars. As a result it is anticipated that car trips to Sainsbury's will grow

by 6.84%. SC Highways do not have any information to hand to either corroborate this growth figure or to question its validity. In reality it is difficult to quantify the likely increase in customers as each site would have its own characteristics. In the case of Shrewsbury's Sainsbury's foodstore, it is regarded as a high performing site, which is confirmed by the current customer activity at the foodstore.

Overall it is considered that the traffic assessment within the TA is sufficiently robust. The Highways Agency has confirmed that they are satisfied with the assessment. Whilst therefore it is considered that congestion and queuing is likely to continue during peak periods it is considered also that sufficient mitigation has been demonstrated to cater for any potential increase in customer traffic attracted to the foodstore. This therefore is a material consideration as to whether a highway objection would be either warranted or more importantly sustainable. The highway authority's view is that a highway refusal to the proposals would not be sustainable.

Discussions have taken place with the transport consultant relating to the development of a Travel Plan and with regard to Sainsbury's supporting the current 544 Bus Service with a level of subsidy. This service forms a link between the town centre - site and Bayston Hill. Sainsbury's have agreed to provide funding towards the cost of the current 544 subsidised service. The S106 will cover cycling issues, including parking on site.

Further internal site issues have been raised regarding the speed tables which result in the grounding of vehicles including low floor buses. This is outside the control of Sainsbury's, however they have stated that they will contact the Retail park owner to seek changes to improve the situation.

An issue which has not been covered in the TA is the construction period and the phasing of the works. This will be important to ensure that the construction works and level of parking stock, during the construction period, does not adversely impact upon the current traffic situation at the Retail Park, particularly during peak periods. Details can be included in the S106.

In conclusion the highway authority does not wish to raise a highway objection to the proposals subject to the imposition of conditions relating to the proposed internal changes, construction phasing details and a Section 106 covering the Travel Plan commitments and public transport funding.

6.10 **SC Planning Policy:** No objections. Provide detailed comments on Retail Impacts

**7.0 PUBLIC REPRESENTATIONS**

7.1 14 objections (including Shop in The Loop, Friends of the Earth, Shrewsbury Town Centre Residents Association, Civic Society, CPRE, Shrewsbury Business Chamber). The majority of the objections refer to issues below surrounding the potential impact on the town centre. General summary of points raised in objections:

- Impact on town centre vitality and viability, which has already suffered as a result of out of centre retail developments
- Impact of increased comparison goods sales on town centre
- Knock-on impact on local shopping areas in Shrewsbury and rural shops / rural economy
- Increase in proportion of comparison goods sales is contrary to 2003 permission condition
- Contrary to PPS4 and Local Plan policies S1 and S6.
- Submitted reports are superficial and lack full picture of situation
- Query reliability of assumptions and data on retail growth / demand used to support the application / cherry-picking of data to suit applicant's case and therefore query the need for this extension
- Report exaggerates health and vitality and 'lack of threat' to town centre
- Results of Sainsbury public consultation exercise with alleged 'support' are unreliable and biased
- Should look at smaller Sainsbury stores in central locations
- Lack of internal floorplan means could use a very high percentage for comparison goods
- Threat to smaller shops
- Supermarket may start providing services also
- Money spent does not always benefit the local economy –eg. outside contractors used
- Lack of enforcement by the Council of retail policies and controls and failure to promote interests of town centre
- If allowed, a contribution should be obtained for enhancement work in town centre
- While there may be opportunities to improve traffic situation, this is not itself a reason for allowing the retail increase
- Proposals cut through the existing cycle route across the site
- Need better cycle provision for staff and customers

7.2 One e-mail of comment. Consider the Shrewsbury Town Centre residents' comments need to be realistic in considering the changing national trends in retailing and it is a simplification to ascribe the decline

of small / town centre shops merely to the rise of supermarkets. Considers the data put forward by the applicant are realistic and that the extension will improve the efficiency and attractiveness of the store. While protecting the town centre is important, this is not a reason to retard enterprise and healthy competition.

**8.0 PLANNING POLICY**

8.1 **Central Government Guidance:** PPS1 (Sustainable Development), PPS4 Planning for Sustainable Economic Growth, PPG13 (Transport)

8.2 **West Midlands Regional Spatial Strategy Policies:** Policies PA11 (Network of Town Centres), PA12A (Comparison Retail Floorspace), PA13 (Out of Centre Retail).

8.3 **Local Plan:**

8.3.1 Shrewsbury & Atcham Borough Local Plan: Policy GP1 (General Development), GP4 (Extensions), Policies S1 and S6 (Retail).

8.3.2 Emerging Core Strategy Policies: CS2 (General Strategy), CS6 (Sustainability principles), CS7 (Communities and transport), CS13 (Economic development), CS15 (Town centres).

8.3.3 *The process for assessing the retail aspects of this proposal is to consider it against the tests in national planning policy retail guidance in PPS4 (which is designed to protect town centres and assess the impact of out of centre developments) and also against the relevant retail policies in the Shrewsbury and Atcham Borough Local Plan. Additionally it is relevant to take account of the relevant Shropshire Core Strategy Policies. The Core Strategy was subject to a public inquiry in November 2010 and the Inspector's report is due very soon and consequently the new policies are likely to be adopted in the next two months.*

8.3.4 Policy CS2 of the Core Strategy (the "vitality and viability of the town centre will be promoted, protected and enhanced") and CS15. CS15 states that Shrewsbury is the strategic centre for major retail development and that "priority will be given to identifying and delivering town centre and edge of centre developments before less central locations are considered". CS2 also states that Shrewsbury's Strategy will recognise the importance of the Meole Brace retail park, which has scope for "enhancement and expansion, if required".

8.3.5 The Core Strategy also defines this southern area of Shrewsbury as a growth area where new housing and other development will take place - a 'sustainable urban extension' ('SUE') in the south of the town off Thieves Lane / Oteley Road / Hereford Road. This will involve significant levels of new housing (960 houses) and employment (26 ha).

**9.0 THE MAIN ISSUES**

- The Retail Impact
- Highway and Traffic Issues
- Design, Scale, Character and Landscaping
- Impact on Neighbouring Land Uses

**10.0 OFFICER APPRAISAL**

**10.2 Retail Assessment**

10.2.1 The starting point for consideration of this application is National Planning Policy Statement 4 (PPS4). PPS4 sets out two key tests that such developments must meet in order for them to be considered acceptable. They are:

- To demonstrate that there are no sequentially preferable sites either in the town centre or edge of centre locations.
- To demonstrate that proposals will not have any significant impact on the vitality or viability of the town centre.

10.2.2 In considering these two tests PPS4 indicates that it is for the local planning authority to determine what constitutes “acceptable”, “adverse”, or “significant” impacts.

10.2.3 In order to assist the authority in making these decisions White Young Green, Retail Planning Consultants, were asked to undertake an independent analysis of these tests and consider the content of Sainsbury’s Retail Impact Assessment together with any additional evidence submitted by third parties. It is consideration of these issues which forms the basis of this report.

10.2.4 The Sequential Test.

This tests looks in detail at the availability of alternative sites within the town centre or on the edge of centre. In this instance there are some potential major sites in the town centre at the ‘gap site’ (Raven Meadows), Telephone House (Smithfield) and Riverside Mall. All of these have been considered by officers and discounted. Riverside is a longer term redevelopment opportunity which could eventually provide a significant ‘qualitative’ improvement to the town centre however it is not available in the short to medium term. Telephone House is likely to be developed for a hotel (planning permission recently granted) and “the gap” site is not currently available.

10.2.5 In addition to the above, objectors to the scheme consider that it would be an option for the proposed additional floorspace to be “disaggregated” from the existing store and located elsewhere within

the town centre. These comments are valid issues to raise, however on balance officers do not consider this is a viable alternative. In essence this is an expansion of an existing store and it is accepted that the store is “overtrading” and there is a need to offer a better quality and choice for customers within the store which could not be done through disaggregation. In addition the business model adopted by Sainsbury’s would not make provision for separate convenience and comparison goods stores.

10.2.6 To conclude on this issue it is therefore accepted by officers that the proposed extension complies with the sequential tests set out in PPS4.

10.2.7 The Impact Assessment. Following the sequential test, PPS4 requires that the impact of the proposals is considered. PPS4 indicates that proposals should be refused where there is clear evidence that development would lead to *significant adverse impacts*. Where no significant adverse impacts are identified planning applications should be assessed taking account of the positive and negative impacts of the proposal and other material considerations, and also the likely cumulative effect of recent developments.

10.2.8 Examining impacts, firstly officers do not consider the proposals will prejudice any planned investment in the town centre (eg. the gap site). Looking at Town Centre vitality and viability, WYG recently conducted a review of the town centre’s performance as part of the Shrewsbury Retail Study Update. The study found the town centre to be in relatively good health and well-provided-for in terms of its comparison goods offer. The convenience goods offer of the town is less strong, though it is accepted that the imbalance between the two sectors is partly as a result of Shrewsbury’s strong sub-regional role and its important fashion offer which serves a comparatively wide area.

10.2.9 The Shrewsbury Retail Study Update reported that there were 88 vacant units in the town centre at April 2010, which equates to a vacancy rate of 14.0%, which was higher than the national average vacancy rate of 11.2%. However, the proportion of vacant floorspace in the town centre (10.6%) was only slightly higher than the national average (9.5%). Furthermore, whilst there was a slight increase in the number of vacant units in the town centre over the period December 2008 to April 2010, the proportion of floorspace which was vacant has actually decreased over this time. Accordingly, Shrewsbury town centre is considered by WYG to be in reasonably robust health. Also, since this 2008-2010 data period, some vacant stores have been occupied such as the former Zavvi and Woolworth stores. Nevertheless, the potential trade diversion of the current proposals needs to be considered.

- 10.2.10 Officers consider that the additional floorspace proposed will principally compete with nearby large format superstores. Moreover, the amount of comparison goods proposed (732 sqm) will have only a limited turnover when compared to Shrewsbury Town Centre and only a very limited proportion of this turnover will be drawn from the town centre. Furthermore, the recent Retail Study Update carried out by WYG identified an immediate need for additional convenience goods floorspace and a need for further comparison goods floorspace over the period to 2015. For example, the Retail Study Update concluded that there is immediate quantitative capacity for between 1,460 and 3,550 sqm of net additional convenience floorspace in Shrewsbury and it is therefore considered that the convenience element of the proposed extension (955 sq m) could play a part in fulfilling this immediate capacity.
- 10.2.11 In addition to the assessment of ‘quantitative’ need above, the applicant also analyses the ‘qualitative’ evidence to support the ‘need’ for the extension. With regard to the qualitative ‘need’ for the extension; emphasis is placed upon the current store ‘overtrading’ as the key reason for the extension. PPS4 clarifies that ‘overtrading’ can be a relevant qualitative planning consideration when assessing the need for new retail development. In simple terms ‘overtrading’ occurs when the turnover of a store significantly exceeds the benchmark turnover for a store of its nature and size. This in turn can lead to overcrowding and congestion which are both detrimental to the overall shopping experience for the customer, and can have the effect of hampering the store’s performance. Paragraph 10.58 of the applicant’s Retail Impact Assessment states that the proposed extension “is solely justified in order to alleviate existing overtrading at the store”
- 10.2.12 Therefore, once it is accepted the issue of overtrading is a material consideration in this proposal, the question of “significance” needs to be assessed. In doing so the applicant has utilised some of the baseline information provided as part of the Council’s Shrewsbury Retail Study Update 2010 and provided a fresh analysis of this data. Whilst the extent of the ‘overtrading’ differs slightly between the Council’s Retail Study and the applicant’s analysis, both assessments support the conclusion that the current Sainsbury’s store is ‘overtrading’ significantly.
- 10.2.13 There is some concern that the applicant underestimates the likely turnover of the proposed extension, particularly their assumption that the additional floorspace will primarily act to improve the conditions and overall shopping experience for existing customers rather than attracting large number of new customers. In considering this issue,

officers would agree with WYG's assessment that the applicant's assumption that the extension will trade at only 50% of the company average underestimates the realistic performance of this store, particularly in the medium to long term. However, even when considering higher trading levels for the proposed extension, it remains the view that the proposal is unlikely to have any significant adverse impacts on the town centre in terms of trade diversion from the town centre.

10.2.14 In arriving at conclusions on the extent of any negative impact of the town centre, it is appropriate to look at the current and relative 'health' of the town centre. The Shrewsbury Retail Study Update 2010 provides an up-to-date assessment of Shrewsbury town centre looking at a range of indicators, including its place in the national retail hierarchy, retailer representation, current rental yields, diversity of uses and vacancy rates. The Retail Study concludes that despite the recession, Shrewsbury is performing well as a strategic town centre, with current trends showing the actual level of floorspace currently vacant has decreased slightly since 2008, indicating the town centre has been very resilient through the period of recession and is in relatively good health. In taking this evidence into account, it is considered that the proposed extension would have limited impact on the town centre, and that any impact could not be assessed to be significantly adverse. It is therefore considered the application passes the PPS4 'impact' test set out in policy EC16.

10.2.15 Given these circumstances officers do not believe that there is any clear evidence that the proposal will likely lead to a significant adverse impact on the turnover of the town centre. As a consequence the proposal would not lead to a significant adverse impact on the vitality and viability of Shrewsbury town centre and it is therefore compliant with this aspect of PPS4.

10.2.16 In addition to the above, the applicant argues that the proposed extension conforms with emerging planning policy in the Shropshire Core Strategy. Having been examined by the Planning Inspectorate in November 2010 the Council is currently awaiting the Inspector's Report. If found 'sound' it is anticipated that the Core Strategy will be adopted at the end of March. It is nevertheless considered appropriate and useful to review the proposed scheme against it. The Core Strategy's approach to retail development for Shrewsbury is contained in policies CS2 and CS15. Whilst proposing a town centre first approach, both policies recognise the existing and potential future role of Meole Brace Retail Park, with Policy CS2 stating it has scope for enhancement and expansion if required.

- 10.2.17 The main town centre redevelopment opportunity identified in the Core Strategy is at the Riverside area, which includes the redesign and reconfiguration of the three existing shopping centres. The applicant's summation in paragraph 10.7 of their Retail Impact Assessment that the owners of the Riverside are not willing to discuss redevelopment proposals is now out-of-date. However, despite new ownership of the shopping centres and considerable interest in the progressing a town centre retail-led scheme, it is considered the Riverside site, for the purposes of the sequential test, is unlikely to become available within a reasonable timeframe (i.e. five years).
- 10.2.18 The Riverside Shopping Area is currently the subject of discussions between the Council and the developers and in the future this will bring both quantitative and qualitative improvements to the town centre retail environment. This is a longer term objective, which will take time to achieve. In the meantime the delays in bringing forward this major redevelopment are not a reason to place an embargo on all out-of-centre developments, particularly when they have been assessed in accordance with PPS4 and Development Plan policies.
- 10.2.19 Whilst located away from the town centre, it is considered that Sainsbury's proposal in the south of the town could potentially have local community benefits, particularly in the medium to long term. The area to the South of the town off Thieves Lane/Oteley Road/Hereford Road is proposed as a Sustainable Urban Extension (SUE) in the Shropshire Core Strategy (Policy CS2). The SUE will incorporate significant levels of new housing (960 houses) and employment development (26 ha). There is clearly scope, therefore, for the extension to the Sainsbury's store to serve an increased resident and working population in the future. It would have been useful for the applicant to have considered the future potential to provide physical linkages (footpath and cycle) with the proposed urban extension and how this might be achieved in practice via the existing railway underpass to the rear of the foodstore. This point was put to the applicant's agent during the pre-application discussions, but has not been pursued. Whilst this opportunity has not been considered by the applicant it will, in due course, form part of the wider considerations in delivering the SUE and be addressed as part of a more comprehensive master-planning process.
- 10.2.20 Overall WYG therefore consider that the proposals have been appropriately assessed against the sequential test and there is no clear evidence of significant adverse impacts in terms of the criteria in PPS4. Accordingly WYG consider that the proposal complies with the provisions of PPS4 and does not therefore conflict with relevant retail policies and its refusal on such grounds would not be merited. Similarly

it is considered that the requirements of the Local Plan and Core Strategy policies are complied with, these requiring basically identical criteria to be fulfilled.

- 10.2.21 Most of the objections to the application revolve around the potential impact of the development on the town centre retail area, with feelings expressed that such additional retail development should be located in the town centre. Policy in PPS4 and the Local Plan / Draft Shropshire Core Strategy clearly supports this view, but as stated above, officers (supported by the WYG assessment) consider that the application has been properly assessed against the PPS4 / Development Plan criteria and that: there are no suitable locations for this development in the town centre; the development can take place without significant adverse impact on the town centre; and the development supports the Core Strategy aims of developing the South Shrewsbury Sustainable Urban Extension and considering developments at Meole Brace Retail Park.
- 10.2.22 Some objectors consider that out-of-date expenditure growth predictions had been used by the applicant's consultants in calculating the expenditure available to support new retail provision and that additional foodstore provision will have a detrimental impact on the town centre. With regard to the first issue, the applicant's consultants utilised Pitney Bowes' medium term trend projection of 0.7% per annum growth for convenience goods and its long term trend projection of 4.9% per annum growth for comparison goods, as provided by Information Brief 09/02. The use of trend projections is not uncommon in forecasting the 'need' for additional retail facilities and the Council's consultants, WYG, do not consider these growth rates to be abnormal. Whilst the most recent Pitney Bowes trend projections contained in Retail Expenditure Guide 2010/2011 do update these figures, the Guide actually indicates a small increase in both the medium term convenience goods growth trend and the long term comparison goods trend.
- 10.2.23 Furthermore, in calculating 'need' and assessing the impact of the proposal, the consultants assess the proposal at 2014, when PPS4 actually suggests that the applicant should measure impact up to *five years after the implementation of the proposal*. This would allow an assessment date of 2016 or 2017, when additional expenditure would likely be available to support the proposal.
- 10.2.24 In terms of the health of Shrewsbury town centre, this is considered above (reference paragraphs 4.10 to paragraph 4.12 of WYG's application appraisal), where it is acknowledged that the convenience goods offer of the town centre is less strong than it could be. However,

analysis of the centre from December 2008 to April 2010 suggests that the total quantum of floorspace which is vacant has actually reduced over this period, suggesting that the centre has performed relatively strongly over a challenging trading period. Overall, drawing on the research undertaken for the Retail Study Update, WYG find at paragraph 4.12, that 'Shrewsbury town centre is considered to be in reasonably robust health'.

10.2.25 Finally, in order for the application to be refused in the grounds of impact, Policy EC17.1 of PPS4 requires there to be 'clear evidence' that the proposal will lead to 'significant adverse impacts'. As set out in this report it is not considered this is the case and, accordingly, the proposal is believed to broadly accord with national planning policy.

10.2.26 In terms of planning conditions it is suggested that a condition should be imposed formalising the 35% / 65% split of comparison and convenience goods, to avoid the proportion of either being altered, as this could change the impacts. The floorspace split will be defined in terms of the standard 'COICOP' definition of convenience and comparison floorspace, set-out in PPS4. The COICOP definition is slightly different from the definition of comparison goods used in the existing planning condition at Sainsbury's, as discussed below.

10.2.27 The current condition governing floorspace (SA/02/0456/F decision notice attached as an appendix) states that up to 1,543 sqm / 32% (whichever is the lower figure) can be used for comparison goods sales. The store as extended would have a maximum of 35% of net sales devoted to comparison goods, which is an increase of 3% over that already permitted, which is equivalent to 732 sq m. A definition of comparison goods is given in the existing condition whereas, as stated above, the standard COICOP definition now proposed, differs slightly. The definition of comparison goods floorspace used in the prevailing condition corresponds with the COICOP definition with the exception of 'toilet articles'. Such goods are non-durable household goods which are therefore convenience goods, rather than comparison, so the existing condition should be varied to reflect this. There is no definition of this provided in the condition but this is calculated based on such articles being bleach, toilet cleaner, rim blocks and toilet paper. An estimate is that the sale of 'toilet articles' in the current store is less than 20 sq m. As a percentage of the total sales floorspace, this is less than 0.04%.

10.2.28 Consequently, the change in the definition of floorspace to use COICOP categories as proposed makes a negligible difference to the overall additional comparison goods floorspace sought (the change has the effect of reducing the total comparison goods sought by 20 sq m to 34.96 % which is 35% when rounded in any event and is taken into

account by the request for an addition 732 sq m). Such goods will continue to be sold, albeit the condition as varied will ensure that the definition of comparison goods floorspace is comparable with other foodstores.

10.2.29 If granted planning permission planning conditions will be imposed, which will include the following: to exclude the café area from retail use; prior to development commencing detailed internal floorplans should be submitted for approval; the maximum amount of retail floorspace will be defined as 10,686 sqm; regular floorspace monitoring condition.

10.2.30 *To summarise, considering the retail impact*, it is therefore considered that the proposals have been appropriately assessed against the sequential test in PPS4 and there is no clear evidence of significant adverse impacts in terms of the criteria in PPS4. PPS4 (Policy EC17) advises that where there are no significant adverse impacts, determination should take account of any positive or negative impacts and the likely cumulative effect of recent permissions. In this case there are some likely positive benefits in terms of the proposal being complementary as a service facility for the South Shrewsbury SUE and it is not considered that there are negative or cumulative issues resulting from the development. Accordingly, it is considered that the proposal complies with the provisions of PPS4 and does not conflict with relevant retail policies in PPS4 or the Local Plan / Draft Core Strategy and its refusal on such grounds would not be merited.

### 10.3 **Highway and Traffic Issues**

10.3.1 The proposals involve two main features: a new decked car park with additional capacity compared to the present; and amendments to the traffic circulation system, including to the filling station. The car parking improvements will result in 109 extra spaces and this is considered quite adequate. Estimates suggest traffic to Sainsbury may increase by around 7%.

10.3.2 While ideally more extensive highway layout / routing alterations would have been desirable, this has not been possible due to ownership issues on the retail park. However, Highways Officers consider the proposals will result in significant improvements in that the vehicles accessing the retail park can do so more efficiently, particularly in terms of accessing the filling station due to its new configuration. It is considered that queuing back onto Hereford Road should be reduced.

10.3.3 The issues raised in objections concerning cycle routes and cycle parking have been discussed with the Council's cycling officer and it is considered that the main issue is the need for additional cycle parking, which will be addressed through the S106 travel plan.

10.3.4 Overall Highways Officers consider that the traffic assessment within the Transport Assessment is sufficiently robust, although congestion and queuing in peak periods is likely to continue. Mitigation proposed includes introduction of a new travel plan and No 544 bus subsidy (this service links to the town centre). Additional cycle parking provision will be provided. Highway Officers consider the proposals are acceptable subject to conditions relating to internal changes, construction phasing details and a S106 covering Travel Plan Commitments and public transport funding.

10.4 **Design, Scale and Character**

10.4.1 The proposal is an extension to the existing building and the two will run together giving the appearance of being one building in terms of mass, although the deck car park itself will appear more distinct. The height of the extension is the same as the store's existing mansard roof. A canopy will run the length of the store frontage. The two floor car park will have open sides, with some planting along its flanks, and there will be a direct link from the upper floor through a glazed entrance into the mezzanine restaurant. Materials of the re-vamped and extended building will be white cladding and brickwork, and there will be extensive glass along the frontage, which overall will give it a slightly different appearance than the present mainly red brick building. The petrol filling station island will be similar to at present, but will have greater petrol sales capacity.

10.4.2 Bearing in mind the building is within the retail park, its impact would be little greater than at present and its design is considered to be acceptable. There are proposals for retention of much of the current planting, along with some additional planting to soften the appearance.

10.5 **Impact on Neighbouring Land Uses**

10.5.1 Neighbouring land uses are all commercial on the retail park and there are not considered to be any problem issues for these commercial neighbours, aside of the traffic issues considered above. While there may be some increase in traffic there are likely to be benefits in terms of the traffic flow re-arrangements. Traffic obviously has some impact on neighbouring areas as it enters and leaves the retail park, but this is not considered to be a significant issue, bearing in mind this is one of the busiest sections of roads in Shrewsbury and people are accustomed to this.

11.0 **CONCLUSION**

11.1 Overall, on balance, the proposals are considered to be acceptable, in accordance with the policies in PPS4, The Local Plan and the emerging Shropshire Core Strategy. The retail impact has been assessed and it

is considered that this will not have a significant adverse impact on the town centre.

- 11.2 In terms of traffic and highways, the development is likely to lead to some increase in traffic to and on the Meole Brace Retail Park, but there will be mitigation in terms of improved traffic flows on the park and sustainable travel measures, which will include subsidy to the town centre bus service link. It is not considered that there is justification for refusal on traffic and highway grounds.

**LIST OF BACKGROUND PAPERS:**

1. Relevant Shrewsbury and Atcham Local Plan and Shropshire Core Strategy Policies.
2. White Young Green Appraisal of Retail Planning Issues
3. Planning approval SA/02/0456/F for previous extension

**HUMAN RIGHTS**

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

**Environment Appraisal**

In report

**Risk Management Appraisal**

N/A

**Community / Consultations Appraisal**

In report

**Member Champion**

Cllr Price

**Local Member**

Cllrs Clarke, Parsons and Tandy

**Appendices**

None

### **Reason for Approval**

1. In reaching this decision, the local planning authority has made reference to the following policies and guidance.

Central Government Guidance: PPS1 (Sustainable Development), PPS4 Planning for Sustainable Economic Growth, PPG13 (Transport)

West Midlands Regional Spatial Strategy Policies:  
Policies PA11 (Network of Town Centres), PA12A (Comparison Retail Floorspace), PA13 (Out of Centre Retail).

Shrewsbury & Atcham Borough Local Plan: Policy GP1 (General Development), GP4 (Extensions), Policies S1 and S6 (Retail).

Draft Shropshire Core Strategy Policies: CS2 (General Strategy), CS6 (Sustainability principles), CS7 (Communities and transport), CS13 (Economic development), CS15 (Town centres).

The proposal would not significantly adversely affect the vitality and viability of the town centre shopping area and is considered to be acceptable in terms of traffic and highway considerations, visual appearance and environmental impact.

### **Conditions**

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. The total net sales floor area shall not exceed 6,388 square metres. No more than 4,152 square metres or 65% of the net sales floor area (whichever is the lower figure) of the store shall be used for the sale of convenience goods and no more than 2,236 square metres or 35% of the net sales floor area (whichever is the lower figure) of the store shall be used for comparison goods. Convenience and comparison goods are defined by the COICOP definitions.

Reason: To maintain planning control over the type of goods sold from the store and hence to protect the vitality and viability of Shrewsbury Town Centre.

4. Notwithstanding the provisions of the 1987 Town and Country Planning (Use Classes) Order or succeeding orders, the foodstore hereby approved shall not include the following dedicated ancillary retail facilities:
  - (a) A post office
  - (b) A dry cleaners
  - (c) A travel agents
  - (d) Pharmacy
  - (e) Optician

The provision of any other ancillary retail facilities within the foodstore (other than those outlined in the planning application hereby approved) must be submitted to and agreed in writing by the Local Planning Authority prior to their opening.

Reason: To maintain planning control over the type of goods and services available in the store and to safeguard the vitality and viability of Shrewsbury Town Centre.

5. The store shall maintain an up to date register of the floor space dedicated to convenience and comparison goods retailing. The register shall comprise all promotional layout plans together with a table showing floor space (measured in square metres) dedicated to comparison and convenience goods and shall be submitted to and approved by the Local Planning Authority prior to the first use of the extension. Thereafter the store shall make this information available for inspection at all reasonable times to the Local Planning Authority.

Reason: To allow the council to monitor the levels of floorspace dedicated to comparison and convenience goods.

6. The area approved for cafe/restaurant use shall not be used for any other purpose.

Reason: To maintain control over the use of the floorspace so as to safeguard the town centre retail area.

7. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

8. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting)

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

Implementation timetables

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

9. Prior to the store extension being first brought into use / open to trading as part of the foodstore retail floor area the car parking areas and decking, petrol filling station modifications and internal vehicle circulation alterations shall be laid out and fully implemented in accordance with the approved details. Reason: To provide adequate on-site car parking and in order to reduce traffic congestion on the local highway network.
10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions G1 to G4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition G4 has been complied with in relation to that contamination.

#### G1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by

competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## G2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## G3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that

required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### G4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition G1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition G2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition G3.

#### G5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed in writing, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. Development works to which this consent applies must be carried out in accordance with the Extended Phase 1 Habitat Survey by Middlemarch Environmental Ltd (2010), the revised landscape plan Applied Landscape Design drawing PL402 Revision P05 dated 16.3.2010 and the Applied Landscape Design file note FN-001 dated 28 October 2010.  
Reason: To ensure the protection of wildlife

12. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that any approved drainage strategy for the site does not result in deterioration of controlled waters.

13. The development hereby permitted shall not be commenced until such time as a scheme to install the underground tank(s) has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that the proposed underground installations provide a high standard of groundwater protection and to prevent pollution of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

14. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from hardstandings associated with the petrol filling station, including car wash, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

15. All works to trees to be carried out in accordance with the submitted Tree Protection Plan SL205 and in accordance with BS5837:2005

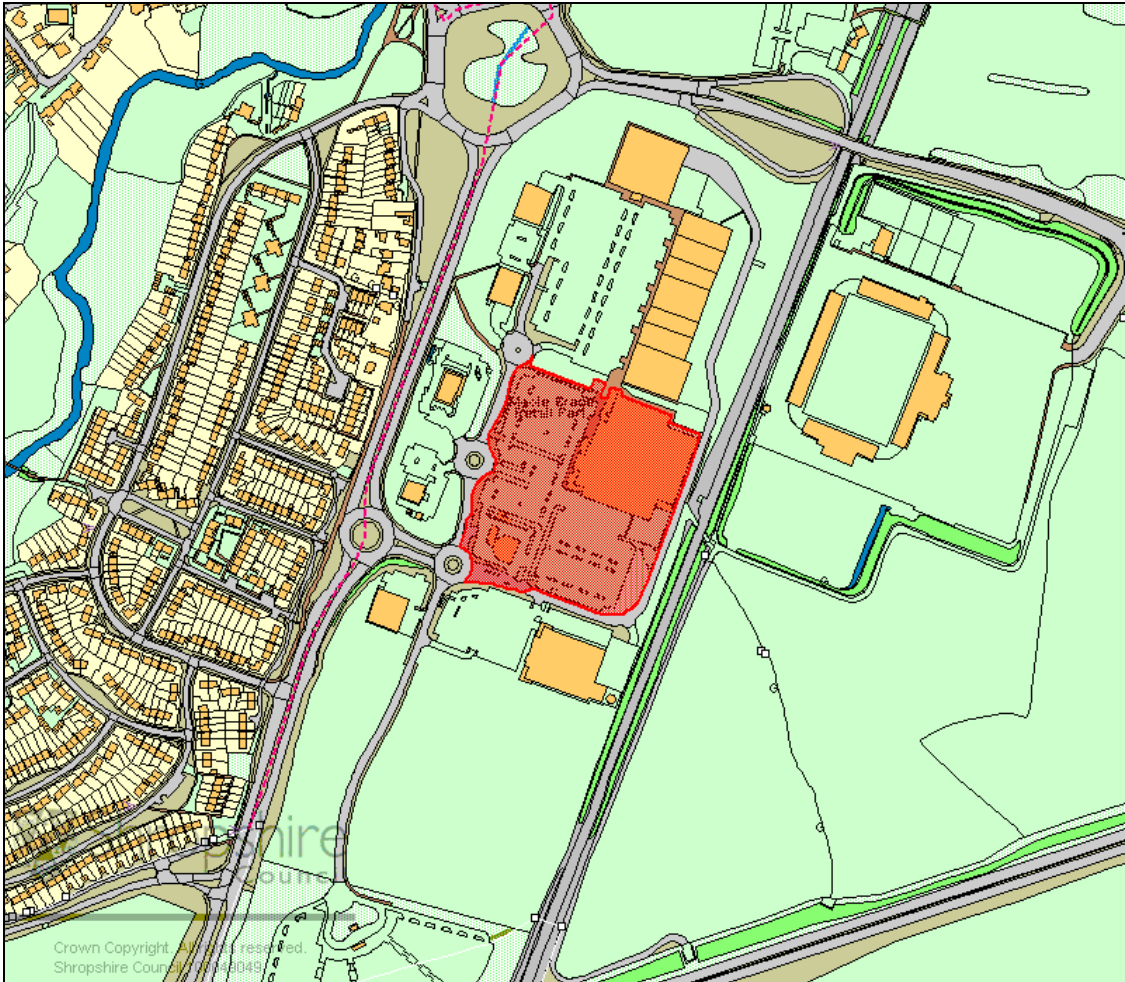
Reason: To protect existing trees in the interests of amenity

16. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule. Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory form of development.

17. Prior to commencement of development details of a Construction Management Plan shall be first submitted to and agreed by the Local Planning Authority which demonstrates that adequate parking stock on the site will be available for the duration and phasing of the development programme and the plan shall be implemented for the duration of the construction period..

Reason: To ensure adequate car parking on the site during the construction period.



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