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| Proposal: | Outline planning application for four retail buildings |
| Location: | Site adjoining the ring road, Frogburton town centre |
| Applicant: | New Town Developments and Investments PLC |

1. Description:

- 1.1 This is a planning application for the development of a group of four retail buildings that together amount to approximately 9,000 sq m. of retail floor space capable of division into various sizes of retail units. Although no particular end users have been identified it is proposed that the development be used for both food and non-food retailing.
- 1.2 The scheme also includes a drive-through fast food outlet and car parking for approximately 400 cars.

2. Site Location and Description:

- 2.1 The site lies approximately half a mile from the High Street just outside the town centre ring road. Access is proposed directly from this ring road and a new traffic-light junction is proposed.
- 2.2 The site extends to an area of approximately 5 acres and its previous use was for business and warehousing purposes. The buildings have since been demolished and the site is currently vacant.
- 2.3 It is understood that the site contains a significant amount of contamination and the applicants have submitted a scheme to deal with this together with a statement showing what a significant cost burden this would mean.
- 2.4 Part of the site has naturally regenerated and is covered by semi mature trees and vegetation. The other part of the site is used on an informal basis for parking which it is understood is used variously by people who work in the town centre area.

3. Planning History:

- 3.1 The site has a history of employment uses and various planning permissions were granted for the intensification of these employment uses during the 1980s and early 1990s. Since the mid-1990s however the site has been largely unused.
- 3.2 Planning applications for residential development at the site have been refused and appeals dismissed on a number of occasions in recent years primarily on grounds of the loss of employment land from the town and the unsuitability of the site to accommodate a suitable residential environment.

4. Consultees:

- 4.1 A wide range of consultations have been carried out. A variety of representations have been received which can be listed as follows:-

- Chamber of Commerce – Support the proposal overall because it will increase the general retail economy of the centre but would like to be consulted on the precise range of goods to be sold at the new development in order to guard against competition with some local businesses. Any parking on site should be replaced.
- Strategic Enterprise Partnership – Support the proposal as it will provide jobs and economic activity for the sub-region as a whole and that it is unlikely that such an opportunity will arise again in the foreseeable future.
- Lower High Street and Bank Street Traders' Association – object to the proposal because it is outside the main shopping area and will draw trade away from the many independent traders that operate within this part of the town centre.
- Westway Property Development & Investment Company – Planning Consultants on behalf of Westways (the owner of a development site in the High Street) have objected to the proposal on the basis that it is outside the main town centre in conflict with national planning policy and that their site is an alternative and better location for this type of retail investment. They add that the site they control is, however, constrained by access and ground conditions and will be a few years before it can be brought on-stream for development.
- Frogburton Amenity & Civic Group – Object to the proposal as it would result in another “sprawl of faceless urban development in a sea of car parking” that would add little in terms of amenities to the town and would lose an area that is established as a green backdrop to the ring road which should be protected in its natural state.
- Private Representations – 27 individual letters have been received in response to the public notices and a petition containing approximately 300 signatures has been received in support of the development all based on the additional choice the development would bring for local residents.
- 12 letters of objection have been received from local residents objecting to the development primarily on the grounds that the development would worsen the current levels of traffic congestion around the ring road; that there are already adequate shopping facilities in the town centre, that the site should be used for community and leisure activities that are desired by the local communities; and that the project would cause widespread disruption and disturbance.
- The Local Highway Authority would not object to the proposal so long as various junction improvements were made and a major contribution for improved bus services was provided by the developer.
- The Environment Agency has recommended a range of pre-conditions concerning the removal of contaminated soil. A programme has been

recommended that would require 100,000cu m of spoil to be removed by lorry over a period of 12 months.

5. Determining Issues:

5.1 This is a case that has a range of conflicting issues and the Committee's job is to make the best balance of judgement based upon the following points.

- The site is just beyond the ring road and the main retail policy area in the local plan. National planning guidance in Planning Policy Statement 6 says that this type of development should take place within town centres first and foremost and only when there are no other sites should edge of centre sites be considered.
- In terms of retail impact there is evidence that expenditure in the town as a whole is sufficient to support this development. In this respect the proposal could result in less numbers of local residents travelling elsewhere to shop. However, retail consultants acting for the Council have concluded that there would be significant impact on the trade of a range of existing stores in the High Street and North Street, the degree of this would undoubtedly mean severe problems for some existing traders and could affect the viability and vitality of the town centre as a whole.
- Other sites within the town centre are allocated for retail and commercial development although these require considerable time and investment in order that the development potential might be realised.
- The site forms part of a comprehensive employment area of the town where investment in new employment opportunities is favoured. However, market evidence has been submitted that the likelihood of securing new employment development is poor in the current conditions.
- The site is 'previously developed land' and therefore there is a presumption in favour of development in overall terms. However, part of the site has regenerated to the extent where it forms an important addition in the local environment.
- The development proposal indicates some high quality design and materials that, in itself, and with the proposed landscaping scheme would improve the overall appearance of this prominent site close to the town centre.
- The use of the site for car parking has fulfilled an important local function to businesses and workers alike. However, this use could cease at any time by choice of the landowner and is not a matter that can be given any significant weight.
- Traffic issues have been a major concern of local residents. It is felt that levels of congestion in the town are at a critical point. However, the traffic impact assessment submitted by the applicants together with their proposals for

junction improvements have satisfied the Highway Authority and although further pressure would be placed on junctions there are no overriding traffic grounds to resist this proposal so long as public transport subsidy can be provided to assist access to the new development.

- Discussions with the applicant have sought to achieve contributions towards a range of local environmental and infrastructure improvements. These include a scheme to enable parts of the High Street to be traffic calmed and improved. Unfortunately, these negotiations have not advanced any further and due to the considerable on-site costs the developer is unable to make any further financial contributions. This position has been appraised and verified.

6. Conclusions

- 6.1 There is no doubt that investment on this scale in new retailing for the town would make a significant improvement in the range of shopping and other facilities that are available to local residents. It would also undoubtedly bring new people into the town who might otherwise shop elsewhere. Although the site is allocated for employment purposes there seems little prospect of new development of that type coming forward. The development would bring visual improvements to this part of the town.
- 6.2 Balanced against these factors are concerns about the impact on the economics of the town centre as a whole and this has been articulated by local traders. There are also local concerns about the level of traffic generation the development would bring although the Highway Authority will not support a refusal on this basis. There are a series of more local objections to the development which members should have regard to.
- 6.3 There is clearly a significant amount of support for the development ranging from the enterprise partnership at the strategic level down to the comments of a significant number of local residents who would support this retail scheme. In this context the Council should consider whether the development of this site should be welcomed and a strategy be adopted to try and establish closer pedestrian links with the main high street from which it is currently disconnected. There are however risks that the development would be an unsustainable project that would be challenging to integrate into the centre and this is a potentially very serious planning risk.

7. Recommendation

- 7.1 **REFUSE** Planning Permission on grounds of retail impact, loss of viability of town centre contrary to locational policy for retail development.