

UTT/0787/11/FUL & UTT/0788/11/FUL– SAFFRON WALDEN

PROPOSAL: UTT/0787/11/FUL - Erection of new foodstore (use class A1) including café, automatic teller machines, surface level car parking, new access roundabout and highways works, landscaping servicing and associate works

UTT/0788/11/FUL - Erection of a new petrol filling station and customer kiosk, new landscaping, access and associated works

LOCATION: Site at Thaxted Road (former civic amenity site and granite site)

APPLICANT: Sainsbury's Supermarkets Ltd

AGENT: Indigo Planning

GRID REFERENCE: TL 549-373

EXPIRY DATE: 18-07-2011

CASE OFFICER: Miss M Tourvas 01799 510 556

1.0 NOTATION

1.1 Part within Development Limits/Part within Employment Land, Part within Employment Land to be Safeguarded

2.0 DESCRIPTION OF SITE

- 2.1 The site is situated on the southern approach to Saffron Walden on the eastern side of the B184. The main part of the site is roughly rectangular in shape, incorporating the former Civic Amenity site, a former Highways Depot, an open field and the site formerly occupied by Granite. The frontage of the site is approximately 190m and the site has a depth of approximately 175m. The application site takes in a plot of land southeast of the main access into the site, adjacent to Acrokool. An access road to the new Community Recycling Centre (CRC), Highways Depot and Acrokool building also forms part of the application site. This new access road was constructed to serve the new CRC and Highways Depot and effectively determines the proposed levels within the site.
- 2.2 The site runs from south east to north west and the ground levels vary by several metres, falling away towards the northwest. Site levels to the front of the site fall from 88.57m AOD (above Ordnance Datum) at the main access point to 83.5m at the northern part of the frontage. The access levels within the site would be dictated by the existing access road and as such it is proposed that the levels within the application site would fall from 89.60m at the roundabout to 87.24m at the northern part of the site. From west to east the ground levels would range from 87.5m/88m at the frontage of the site to 88.25m at the eastern edge, falling to 87.05m adjacent to the CRC. The byway running along the northern edge of the site is approximately 5m lower than the proposed site levels. This difference in site and highway levels forms a landscape buffer zone screening the site. The plot to the southeast is at a higher ground level to the rest of the application site also framed by a bank of landscaping.
- 2.3 Within the application site, to the east, are the former buildings occupied by Granite. Adjacent to the access road is the former Civic Amenity Point (CAP) which is hard

surfaced and to the north east of the CAP is an area formerly used as a Highways Depot. This area is covered in hard material, predominantly old broken up road surfacing material. To the north east of this, and adjacent to the Granite building, is an area of open land that has been used to deposit spoil and large pipes, possibly from the construction of the new access road.

- 2.4 Along the highway boundary of the former CAP there is a fence together with vegetation, predominantly brambles, ivy and climbing weeds. The highway frontage to the former Granite site is open to the highway. The boundaries of the former Highways Depot are marked by a high chain link fence. The boundaries of the field to the rear have a chain link fence which is obscured by vegetation. Along the north-western boundary of the site is a public right of way.

3.0 PROPOSAL

- 3.1 Planning application UTT/0787/11/FUL has been appealed on the grounds of non determination and has been co-joined with the appeal of the previously refused application UTT/1451/09/FUL.
- 3.2 Planning application UTT/0787/11/FUL seeks the demolition of an existing abandoned warehouse and office buildings and the construction of a foodstore comprising an area of 5,882sqm Gross External Floor Area (GEA), net sales area 3,031sqm remainder of area proposed to be used as backup area, storage, circulation staff facilities and customer restaurant.
- 3.3 As part of the proposed development 356 car parking spaces would be provided 20 of this would be allocated for disabled spaces and 14 for parents with small children. The proposal would also include 32 cycle stands for 64 bicycles and also 16 motorcycle parking spaces. A pickup and drop-off point is proposed outside the proposed store, also 9 covered trolley bays.
- 3.4 A designated bus stop area is proposed outside the store and either side of the Thaxted Road for the intended extension to the existing bus route. Shared pedestrian and cycle access, ramped and stepped access into the site from the main road which is stated would be DDA compliant, allowing direct pedestrian link from Thaxted Road, leading in a direct line through the car parking area to the store entrance.
- 3.5 Off-site highway improvements are proposed to junctions. Landscaping is included in the proposals including the frontage of the site and a 5m landscape zone around the store.
- 3.6 A designated service yard is proposed with space for 2 HGV deliveries at one time, 6 vans for Goods online delivery vehicles, refuse collection vehicles and turning table. The application states that there would be management of the arrival and departure of delivery vehicles. It is proposed that there would be 8 deliveries per day. 4 deliveries would be from large rigid and 4 would be by smaller vans.
- 3.7 The existing access road would be widened to 14m to accommodate two lanes of traffic both into and out of the site with a central landscaped island between. A roundabout is proposed to allow access to the proposed development and the adjacent neighbouring uses.
- 3.8 The sales area would occupy a single floor level with the store entrance provided in the form of a double height glazed lobby. A customer restaurant would be provided at mezzanine level which is proposed to be a cantilevered glazed feature to enable views

across Saffron Walden.

- 3.9 An eight person lift and stairs is proposed also access to ATM facilities within the glazed lobby area.
- 3.10 The proposed store would be constructed with a brick plinth with the building being clad in a mixture of thermally efficient architectural cladding panels with elements of glazing panels to the sales area, café and business support area. The architectural cladding would be in varying colours to break up the different facades. The proposed store building would have a parapet height level of 98.08m (AOD) at its highest (approximately 10.5m high) and 94.08m (AOD) (approximately 5.8m) at its lowest. Details regarding the petrol station proposed canopy and kiosk do not appear to have been provided in detail although indicated within cross sections of the overall proposed scheme which indicated the petrol station structures to be approximately 3.5m in height.
- 3.11 As part of a separate application UTT/0788/11/FUL a Petrol Filling Station (PFS) is proposed to be located to the southeast of the sites entrance. This would provide 4 pumps with canopy over, a kiosk, and air and water facilities. This aspect of development is stated would not come forward on its own without the benefit of the proposed supermarket even though a separate planning application has been submitted.
- 3.12 Due to the differing ground level across the site a 'cut and fill' is proposed to be adopted in order to make up the levels.
- 3.13 This application for the main store is proposed to be 20% smaller than the previous planning application UTT/1451/09/FUL, with a reduction in sales floorspace to 3,031 square metres.
- 3.14 A Screening Opinion has been issued with regards to the proposed current application prior to its submission which stated that an Environmental Impact Assessment would not be required as part of the application submission.
- 3.15 It should be noted that any signage indicated within the applications would need to form part of a separate Express Consent under the Advertisement Regulations.

4.0 APPLICANTS CASE

4.1 The following documents have been submitted with the application:

Revised Retail Statement - dated July 2011
Planning Statement (Foodstore)– dated April 2011
Planning Statement (Petrol Filling Station) - dated April 2011
BREEAM 2008 Revision A Pre Assessment Report by Synergy Building Services Solutions Limited - Dated 7 April 2011
Transport Assessment (main text) for Foodstore and PFS by Savell Bird & Axon – dated April 2011
Transport Assessment – including details of highway improvement measures –dated April 2011
Consultation Report Addendum – dated April 2011
Design and Access statement – An explanation of the process of formulating the proposal and of the proposal itself in line with the requirements of recent legislation - dated April 2011
Ecological Report dated October 2009 with technical addendum dated March 2011
Tree Survey and Arboricultural Implications Assessment and Method Statement – dated April 2011
Landscape and Visual Impact Assessment including plan and viewpoints– dated April 2011

External Lighting Assessment - dated 12 April 2011
Renewable Energy and Energy Efficiency Statement - dated 6th April 2011
Utilities Assessment - dated 12 April 2011
Ventilation and Extraction Statement - dated 7 April 2011
BREEAM 2008 Pre Assessment Report - dated 7 April 2011
Site Waste Management Plan
Geotechnical and Geo-environmental Report - dated April 2011
Local Air Quality Assessment assessing the impacts of the development on the AQMAs in Saffron Walden - dated May 2011 (Revised)
Flood Risk Assessment - dated April 2011

Consultation and Community Involvement

As part of the application process a public exhibition has been undertaken by the applicant prior to the submission of the application in accordance with the Council's Statement of Community Involvement. The initial application was part of a 2 day public exhibition which involved local groups, parish councils etc. This current application was the subject of a one day exhibition in April 2011 as a result a Statement of Public Consultation has been submitted as part of the application together with copies of the questionnaires which have been filled in by members of the public.

5.0 RELEVANT SITE HISTORY

5.1 The application site has a long planning history and is listed below;

- i. Agricultural/horticultural nursery - Approved 1975.
- ii. Erection of building for showroom, stores, warehouse, workshop and offices - Approved 1982, details - Approved 1983.
- iii. Re-erection of Atcost building - Approved 1984.
- iv. Storage and retail of calor gas - Approved 1981.
- v. Change of use from garden machinery centre to B2 General Industrial Use - Approved 1992.
- vi. Change of use from garden machinery sales showroom, warehouse and workshop to publishers warehouse and distribution centre - Approved 1993.
- vii. Certificate of Lawful Use for civic amenity and recycling site -Approved 1996.
- viii. Outline application for industrial estate - Approved 1999.
- ix. Erection of commercial buildings for B1, B2 and B8 use, provision of car parking and change of use of bungalow to B1 or D1 use - Approved 2003.
- x. Alterations and sub-division to create office and class B1, B2 and B8 industrial units for Granite building - Approved in 2003.
- xi. Location of civic amenity and recycling centre, residential development, highways storage depot and associated roads - Refused 2003.
- xii. Erection of 42 no. live/work units with offices, business support facilities, new vehicular and pedestrian access and roadways - Refused 2004.
- xiii. Outline application for live/work units, offices, business support facilities, civic amenity and recycling centre, road sweeping depot, other employment uses and road works - Refused 2004.
- xiv. Retrospective application for change of use from garden centre to car sales - Refused 2005.
- xv. Location of civic amenity and recycling centre for waste disposal purposes, residential development and associated roads, footpaths and infrastructure, County Highways storage depot, District Council road sweeping facility - Refused 2003.
- xvi. New civic amenity and recycling centre, estate road infrastructure and associated junction to the B184 Thaxted Road - Approved by ECC subject to a S106 and S278 Agreement September 2007.

- Xvii Outline application (including layout, scale and access) for mixed use redevelopment to comprise: Class B1 offices, Class B1/B2/B8 Industrial, Storage and Distribution and Trade Park, Retail Warehouse Park and associated landscaping, access and internal roads and cycle/footways, including the provision of access to existing and proposed adjoining uses. Demolition of all existing buildings - Approved 19 December 2007(UTT/1788/07/OP).
- 5.2 There has been a recent application for the renewal of UTT/1788/07/OP this has been approved subject to conditions and a Section 106 Agreement relating to travel plan and highway works at the 24th August 2011 Planning Committee (UTT/2208/10/REN).
- 5.3 Other relevant planning applications relate to the adjacent sites for a Heritage Quest Centre proposed to store museum artefacts and resource base for study, located to the north-west of the application site (UTT/1709/05/DC) and the alternative site to the south-east of the application site (UTT/0098/10/DC).
- 5.4 Planning permission was granted for the extension for the existing Tesco's store in Saffron Walden (UTT/1323/09/FUL). This was resolved to be granted at the 9th December 2010 Planning Committee subject to conditions and a Section 106 Agreement relating to £180,000 to be paid towards the investigation and implementation of improvement measures at the Air Quality Management Area location of Thaxted Road/Radwinter Road/East Street/Chaters Hill and £3,000 to be paid for monitoring the Travel Plan.
- 5.5 The Tesco's application was reported back to the 27th July 2011 Planning Committee which agreed that there was no change in recommendation and that the Section 106 Agreement should be sealed and that the decision be issued in accordance with Members resolution to approve the application subject to conditions and an agreement at the meeting on 9th December 2010. The decision was issued 4th August 2011.
- 5.6 The Waitrose store located on Hill Street within Saffron Walden was granted planning permission and conservation area consent on 13 June 2011 for "Demolition of decked car park to rear of the existing store including the associated vehicle ramp, lift and stair block adjacent to store entrance, also for the erection of a single storey extension to existing store, replacement decked car park and extension over existing service area, associated works including relocation of roof mounted plant, replacement staircase and lift block and landscaping including removal of trees on the southern boundary and works to trees on the western boundary and ancillary café" (UTT/2012/10/FUL & UTT/2013/10/CA). The extension involved the creation of 528 sqm of floorspace underneath the upper car park, including 120 sqm of roof terrace, plant and ramps, with a net increase in car parking area by 2,039sqm as a result of the remodelling. The resolution to grant consent was subject to a Unilateral Undertaking for the sum of £3,000 which is required by Essex County Council for the checking and monitoring the Travel Plan.
- 5.7 A similar application for a larger new food store UTT/1451/09/FUL for "Erection of a new foodstore (use Class A1) including a cafe, automatic teller machines, surface level car parking, new access roundabout and highways works, landscaping, servicing and associated works" was refused by the Planning Committee 9th December 2010. The decision to refused planning permission has been appealed and presently with the Planning Inspectorate.

6.0 POLICIES

6.1 National Policies

- Planning Policy Statement 1 - Delivering Sustainable Development
- Planning Policy Statement 4 - Planning for Sustainable Economic Growth
- Planning Policy Statement 7 – Sustainable Development in Rural Areas
- Planning Policy Statement 9 - Biodiversity and Geological Conservation
- Planning Policy Guidance 13 – Transport
- Planning Policy Statement 23 - Planning and Pollution Control
- Planning Policy Statement 25 - Development and Flood Risk

6.2 East of England Plan 2008

- Policy SS1 - Achieving Sustainable Development
- Policy SS2 – Overall Spatial Strategy
- Policy SS4 - Towns Other than Key Centres and Rural Areas
- Policy E1 – Job Growth
- Policy E2 – Provision of Land for Employment
- Policy E3 – Strategic Employment Sites
- Policy E5 – Regional Structure of Town Centres
- Policy T1 – Regional Transport Strategy Objectives and Outcomes
- Policy T2 – Changing Travel Behaviour
- Policy T3 – Managing Traffic Demand
- Policy T4 - Urban Transport
- Policy T7 - Transport within Rural Areas
- Policy T8 – Local Roads
- Policy T13 - Public transport accessibility
- Policy ENV1 – Green Infrastructure
- Policy ENV3 – Biodiversity and Earth Heritage
- Policy ENV7 - Quality in the Built Environment
- Policy ENG1 - Carbon Dioxide Emissions and Energy Performance
- Policy WAT4 - Flood Risk Management

6.3 Essex Replacement Structure Plan 2001

- There are no relevant planning policies within the Essex Replacement Structure Plan.

6.4 Uttlesford District Local Plan 2005

- Policy SW1 - Town Centre
- Policy SW5 - Thaxted Road Employment Site
- Policy SW6 – Safeguarding of Existing Employment Area
- Policy S1 – Development limits for the Main Urban Areas
- Policy S7 - Countryside
- Policy E2 – Safeguarding Employment Land
- Policy RS1 - Access to Retailing and Services
- Policy RS2– Town and Local Centres
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 – Flood Protection
- Policy GEN7 - Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV3 - Open Spaces and Trees
- Policy ENV12 –Protection of Water Resources
- Policy ENV13 – Exposure to Poor Air Quality

- Policy ENV14 – Contaminated Land
- Policy ENV15- Renewable Energy

7.0 TOWN COUNCIL COMMENTS

- 7.1 Thaxted Parish Council
Does not use the approved articulated vehicle route that serves Tesco. The Dunmow to Saffron Walden route is unsuitable. Concern for the wellbeing of residents and the physical impact on historic buildings. Concerned about the impact on the long term viability of traders in Thaxted and Saffron Walden.
- 7.2 Debden Parish Council
None received
- 7.3 Littlebury Parish Council
None received
- 7.4 Great Dunmow Town Council
Object. Frequency and size of lorries and petrol tankers serving the site from construction and beyond travelling along the B184. Concern at lorries having to pass through the town centre and the bottleneck at the Starr Restaurant and the acute narrow bend by The Swan in Thaxted where vehicles are forced out onto the other side of the road.
- Concerned about the safety of events in Thaxted and at Great Easton Primary School. Dangerous bends from The Eastons through to Saffron Walden.
- 7.5 Great Easton & Tilty Parish Council
Concerned with the proposed access route, which could involve articulated lorries in the future as opposed to the rigid vehicles currently proposed. Petrol tankers would be articulated.
- Suggested southern route would take all vehicles through Dunmow and Thaxted. Avoiding Thaxted by using the B1057 is ludicrous, affecting Great Bardfield and Finchingfield. The only acceptable route is the northern one - M11 / B1383 / B1052.
- 7.6 Little Easton Parish Council
Object to the proposed access roads. The alternative using the B1057 is unacceptable. No objections to the northern route. The proposed southern route would take traffic through Dunmow, along the B184 (where it is sometimes impassable due to flooding), the Duton Hill to Thaxted. The B184 is used by all residents to access the village at Bowyer's Bridge. Concerns over the safety of schoolchildren attending the primary school at Great Easton and the secondary school in Dunmow. A walking bus is in operation to the primary school and sometimes uses the pavement along the B184.
- Concerned that articulated lorries might be used, especially by suppliers.
- 7.7 Wimbish Parish Council
B184 is not suitable for heavy vehicles. It is suggested that delivery vehicles will average 8 per day, but what sanctions would be available if these figures were exceeded. Many movements would be at night. The Transport Assessment does not assess the suitability of the rural route. Essex County Council recently installed vehicle activated warning signs at either end of Howlett End in recognition of the road dangers. Concerned at the statement that articulated vehicles wouldn't be used, as this could change.

Concerned at the impact on Walden town centre and Thaxted. Recent planning permissions for Tesco and Waitrose extensions. Sainsbury's would be almost as large as Tesco and Waitrose added together.

7.8 Saffron Walden Town Council

Object. The style of building is not in keeping, and should be more characteristic of a market town. Would slow traffic, creating further queuing and air quality concerns. The size of the store is still too big, but a petrol filling station is acceptable. Should look at the SIACO site opposite Tesco.

8.0 CONSULTATIONS

ECC Highways:

Foodstore

Subject to entering into a Section 106/278 agreement and conditions the proposed development would not result in the proposed development causing detrimental impact on the highway network. A delivery Vehicle Management Plan should be conditions in order to agree vehicle routing and routes. The proportion of delivery vehicles to the site will make up only a very small proportion of traffic on the nearby network, about 1-4%.

With reference to suggested planning conditions the Highway Authority is confident a 40mph limit could be secured following discussion with the Police however it is essential to secure the order prior to development. Should the order fail then the access design may need to be amended accordingly which would need to occur before the design is implemented prior to occupation.

It is conditioned via an existing legal agreement that the Byway running along the side of the site should be rerouted through the site which would have resulted in adoptable highway, given that the store car park will remain private it is now not possible to implement the required route diversion and the access point to the byway on Thaxted Road must remain.

The application process parking bays of 2.5m by 5m with 6m aisles. This does not strictly conform to EPOA's Parking Standards Design and Good Practice guide dated September 2009 which requires parking bays if 2.9m by 5.5m. However, Sainsbury's have submitted a paper to justify their proposals and it is the Highway Authority's opinion that the proposed sizes of the bays for this particular application would be appropriate, the smaller spaces are unlikely to cause highway safety concern on the public highway, although they do not provide as much convenience and manoeuvrability for shoppers. Ultimately this is a decision for Uttlesford District Council as Parking Authority.

No objection subject to conditions.

PFS

There is not a separate Transport Assessment which considers the implications of a stand alone PFS and therefore the Highway Authority is unable to determine the impact of the PFS without the store although from experience PFS trip generation consist mainly of pass-by or diverted trips that is vehicles that are already on the network and therefore the impact of the proposal on the highway network is unlikely to be detrimental but this remains to be demonstrated. It is understood that should permission be granted for this application the applicant will only proceed with the development should permission be granted for a foodstore. The Highway Authority does not object subject to conditions.

Recommended conditions:

- Submission of a construction traffic management plan
- Details of surface water discharge
- Visibility splays
- Provision of a suitable temporary construction access arrangements
- Securing a permanent speed reduction to 40mph along Thaxted Road from the edge of the existing derestricted speed limit up to the edge of the existing 30mph limit.
- Details of powered two wheeler and secure and covered parking facilities, plus a clear route for cyclists to the cycle parking area through the store car park
- Details of vehicle parking and car park management plan
- Procurement of an improved bus service, including service 34. Timetabling to allow for supermarket staff travel to and from work. Funding to be provided for 10 years or until the service is commercially viable, whichever occurs first
- Provision of 2 bus stops in Thaxted Road
- Provision of a site access as per the submitted drawing
- Provision of a 3m multi-user route on Thaxted Road between Peaslands Road and the front of the site
- Provision of a signal controlled junction including crossing facilities at Thaxted Road / Peaslands Road
- Provision of a signal controlled junction including crossing facilities at Debden Road / Mount Pleasant Road
- Enhancement of the existing signalised junction, including crossing facilities at Thaxted Road / Radwinter Road
- Provision of additional pedestrian crossing facilities on Thaxted and Peaslands Roads
- Provision of additional signing
- Submission of a delivery vehicle traffic management plan
- Submission of a travel plan

Anglia Water Services:

Are obliged to provide water and wastewater infrastructure for new employment developments when requested to do so. Request that conditions requiring the submission of details of foul drainage and surface water disposal be imposed.

Three Valleys Water:

None received.

Veolia Water:

Advisory comments issued concerning the reduction of groundwater pollution risk. If pollution is found, appropriate monitoring and remediation methods will need to be undertaken.

Environment Agency:

No objections on grounds of land contamination and flood risk issues subject to conditions relating to risk assessment and investigation, provision of a surface water drainage scheme and control over foundations where necessary. Other informative issued re land contamination, the flood risk assessment, ecology, waste minimisation, pollution management and sustainable construction.

Fisher German:

None received

Essex Wildlife Trust:

None received

Government Officer for East of England:

None received

EERA:

None received

Police Liaison Officer:

None received

CPRE:

None received

Environmental Health:

Will require a contaminated land condition. Further observations made on lighting, ventilation and construction noise / disturbance.

UDC has declared an AQMA at the Thaxted Road / Radwinter Road junction, and has an action plan to reduce annual mean NO₂ levels to below the 40µg/m³ limit. The Mount Pleasant Road / Debden Road and the Debden Road / London Road junctions are not AQMAs at present, but could be included. The principle source of NO₂ emissions is vehicle exhausts.

The significant increase in traffic along Mount Pleasant Road is expected to increase congestion and queuing, and we believe that the increase in NO₂ levels will bring it close to the 40µg/m³ limit. We note that air quality in the existing AQMA is predicted to improve slightly. In addition, the applicant has previously proposed improvements to road junctions to improve traffic flow and reduce congestion and pollution. These considerations could be balanced against any adverse effects on air quality.

Climate Change Officer:

Re compliance with sustainable construction policies

Condition required re compliance with BREEAM “very good” for both the supermarket and petrol station.

Drainage Engineer:

Due to the size and scale of the development this scheme falls within the remit of the Environment Agency, therefore no comment is offered.

Building Control:

Access for Fire Brigade is satisfactory.

Planning Policy:

None received as this application has been forwarded to Planning Consultants Savills for assessing.

Landscaping:

Foodstore

The general layout and arrangement of the propose development is considered to be rational. There are no trees of significance which would be lost as part of the proposed development. The general provision of landscaping to the boundaries abutting the surround arable land is satisfactory. The proposed crib wall to the NW boundary of the site is not considered to be altogether an appropriate element in relation to the open courtside beyond. However, it is accepted that such walling can be relatively quickly concealed with appropriate planting in the interstices. Also, alongside the adjacent byway there is a hedge [off site] which to some extent would help integrate the boundary treatment into the surrounding countryside.

No tree planting is shown within the car parking areas. On balance I am of the view that that in this case there is not an overriding necessity for such planting. The simplicity of the treatment of the car parking areas does provide clarity. Screening of the car park is proposed by strengthening the existing vegetation on the Thaxted Road frontage of the site with planting to the inner side of the existing.

The main vehicular access road into the site is shown as four carriageways with a central reservation. The proposals seek to soften the appearance and reduce to some extent the scale of this road engineering with some tree planting and low shrub planting. However, the proposed road engineering will impact on the visual character of the approach into the town along the Thaxted Road.

A fully detailed scheme of landscaping should be sought in the circumstances of planning permission being granted. In addition, full details of external lighting provision should be required to be submitted for approval. Particular care needs to be paid to minimise light spillage into the surrounding area. Full details should be sought for all signage.

PFS

The general layout of the petrol filling station is considered to be satisfactory. No significant existing vegetation is proposed to be removed as part of the development. The location of the canopy area towards the rear of the site and away from the main access road off the Thaxted Road reduces the potential visual impact of the development in views from the Thaxted Road. The kiosk which is located towards the Thaxted Road boundary of the site would require appropriate screen planting to be provided to reduce the impact of the building. The 'Sainsbury's' signage proposed on the canopy roof is not considered appropriate in the context of this location. In the circumstances of planning permission being granted full details of signage including any provision of any 'totem pole'. Full details of external lighting should be sort.

A fully detailed landscaping scheme should be sort if planning permission is granted. Such a scheme should provide robust and broad screen planting of principally native species.

Barton Wilmore representing Waitrose responded:

Is fully committed to its store extension, but will not proceed if Sainsbury's is granted planning permission. Remains significantly concerned about the implications of Sainsbury's on its store and the wider town centre. Have concerns about the robustness and reliability of the planning and retail statement, particularly the tables in Appendix 2, which are incoherent, inconsistent and not fully detailed or justified. It is therefore contrary to PPS4 Policy EC14.7 and provides no credible basis upon which to rely.

- Waitrose will be significantly adversely impacted by the Sainsbury's proposal, predicting a 42% loss of existing trade / turnover
- Sainsbury's will stifle important town centre investment in the form of the Waitrose extension
- Sainsbury's will have a significant adverse impact on the vitality and viability and trade / turnover of the town centre

Second letter commenting on Sainsbury's revised retail statement. This now predicts a loss of trade at the existing Waitrose store of between 14-17%, but with no detailed justification.

Saffron Walden Skate Group:

Concerned about overcrowding of the skate park, which is at full capacity at weekends. The proposed store will speed up the need for an extension to the park. The Skate Group is responsible for maintenance, the costs of which would increase with extra use. Sainsbury's would

increase pressure for further development in Thaxted Road, increasing the impact on the park's existing facilities.

Seek, via a Section 106 Agreement, a payment of £35,000 per annum for 3 years for the employment of a youth / community worker (employed by the Saffron Walden Youth Outreach Project) who would deal with the ongoing issues at the park.

Saffron Walden Area Labour Party:

An overwhelming majority of Party members who took part in our survey support Sainsbury's revised plan.

Saffron Walden & District Friends of the Earth:

Objects on the same grounds as the SWTC group.

Thaxted Society:

Effect of extra store delivery and customer traffic on the B184, especially at The Swan Hotel. The entire route through the town is lined with medieval listed buildings that cannot withstand constant vibration and pollution.

The traffic impact would be unbearable for residents. In addition to the 2 daily petrol tankers there will be 8 store delivery vehicles, totalling 20 heavy vehicle movements daily using the B184. This does not include construction vehicles.

The Sainsbury's building itself will still be more than 90% of the original application, twice as big as Waitrose and 80% of Waitrose and Tesco combined. A third supermarket cannot be supported without a major impact on small businesses in the town centre. Saffron Walden would be reduced to a twice-weekly market, some national chains on reduced footfall, reduced choice of independent shops and charity shops.

There will also be a major impact on local retailers and petrol stations in the surrounding area.

Saffron Walden Business Forum:

The majority of members neither favour nor object in any material way, though there is a clear feeling that any development which harms the viability of Saffron Walden as a business centre should be opposed. Concerned that the application is not robust enough in demonstrating that existing businesses will not be affected. There are also concerns about increased traffic, exacerbated by other recent new development. The petrol filling station will increase the number of short visits to the site, and there is an independent outlet on Thaxted Road.

No decision should be taken until a comprehensive traffic survey has been undertaken, including modelling for current and future road use. Whilst development of the site is inevitable, a quality non-retail employer would bring jobs of real value to the town and extra income to the local economy. Suggests that alternatives to major retail should be considered in line with recommendations by the Greater Cambridge Sub-Regional Economic Strategy 2009-2012

Letter dated 6/7/11 re Section 106 Agreement

It would be appropriate for the Town Council to have an additional marketing budget of £20k / annum for 7 years to act as a counterbalance to the marketing of its store that Sainsbury's will carry out. This would also benefit Sainsbury's as shoppers attracted to the town could also use the supermarket. In relation to car parking, a payment needs to be made to UDC to cover the loss of parking income so that there can be free parking after 10am at Swan Meadow.

Save Walden Town Centre:

The revised retail statement is no more credible than the original one in terms of its likely impact on the town centre, the extent of competition with Waitrose and the assumptions it makes as to Sainsbury's likely turnover and as to future retail expenditure growth. We do not believe that any significant volumes of trade will be attracted back to Saffron Walden, compared with the turnover sucked out. Both the Competition Commission and the Impact of Large Food Stores reports directly contradict the applicant's claims. Insufficient allowance is also made for the internet's share of the convenience goods market.

The applicant's claims that the volumes of food sales should increase do not have any credibility and run contrary to ONS data. There is no evidence of overtrading at Tesco, nor will be at Waitrose post-extension. Sainsbury's will suck trade out of the town centre in direct breach of PPS4. The revised retail statement significantly understates the likely turnover of the new store as well as significantly overstating its clawback potential. It would be very surprising if the Saffron Walden Tesco and Waitrose and the Great Dunmow Tesco were not trading significantly ahead of company averages. Disagree with the applicant's key assumptions in paragraph 2.10 of the revised retail statement.

Agree with the conclusion of the Savills report as to the likely impact, but believe that it understates impact again - it also makes no allowance for the internet share and assumes pre-recession retail growth will continue. The Roger Tym report shows that there is unlikely to be any significant store-based retail sales growth for the foreseeable future, and no evidence has been produced by anyone to show the comparative levels of retail sales in Saffron Walden for 2008-10 or to suppose that the growth or decline of retail sales in the town will be different from elsewhere.

Note the Saffron Walden Business Forum's finding that the town centre comparison goods shops are not overtrading.

Further submission by Save Walden Town Centre;

Relating to traffic survey data compiled by ECC is different to that Claimed by Sainsbury's in their Air Quality Assessment, also latest retail figures by Office for National Statistics Retail Survey Figures show that actual retail-expenditure trends are different from those claimed by Sainsbury's.

Consider that 5% increase in HDV would double levels of NO2 pollution. The model used is different to that used for the Friends School application.

ECC figures were compiled from continuous monitoring results of 15 automatic traffic counters and provide the most accurate results of Saffron Walden traffic monitoring of which we are aware. Sainsbury's show completely different data.

The retail sales figures are even less than that predicted. Tesco's was approved regardless of comments from Roger Tyms reports and the above figures.

On the review of the Indigo Planning Retail Statement;

It fails to demonstrate compliance with the sequential approach. It is an out of town site that has inadequate public transport, would increase pollution levels. It does not consider the site opposite Tesco's. Inaccessibility would resume after 5 years has lapses in terms of funding. Proposal would have negative impact upon planned investment within the town centre. There is not a need for a 3rd supermarket and is of inappropriate scale. The proposed regeneration and employment benefits are considered limited. Increased choice and competition is only a consideration for proposals within the town centre.

The consented Waitrose and Tesco's applications have taken up the capacity identified within the 2005 retail study.

Out of town proposal does not comply with the forthcoming National Planning Policy Framework as it is not sustainable or compliant with national planning policies. There would be negative impact upon Waitrose and smaller convenience operators due to the degree of overlap.

The revised application does not overcome the previous reason for refusal. The previous Savills report was critical of the Indigo report and make similar points, which should have resulted in a strong refusal.

Comments:

The request for Section 106 monies for Saffron Walden Skate Group is considered inappropriate inline with Circular 05/05 relating to Planning Obligations, as the proposed development does not have a direct bearing or impact upon the Skate Board Park.

9.0 REPRESENTATIONS

9.1 6 properties/interested parties have been notified and the application has been advertised in line with Government requirements for a Major application with site notices and a press advertisement. As a result;

- 65 individual letters and Emails have been received raising objections, 16 of which mention the petrol filling station separately to the supermarket.
- A petition containing 103 signatures from residents of Howlett End, and a petition for 101 signatures from town centre businesses have been received objecting.
- 98 individual letters and Emails have been received, 37 specifically support both proposals, 40 mention just the supermarket and 21 the petrol filling station.
- 2 individual letters and Emails have been received, neither in support or objection.

Please see separate attachment for a summary of the representations received.

10.0 APPRAISAL

10.1 The issues to consider in the determination of the application are:

- (A) Principle of development (Local Plan Policy S1, PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth; PPG13: Transport) and the Effect on the vitality and viability of Saffron Walden and the cumulative impact of other planned proposals in the District (PPS4 Planning for Sustainable Economic Growth);
- (B) Scale, layout, design and sustainable construction issues (Local Plan Policies GEN2, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy and PPS4: Planning for Sustainable Economic Growth);
- (C) Parking and access issues including accessibility for those with limited mobility (Local Plan Policies GEN1, GEN8, RS1, PPS1, PPG13: Transport, PPS4: Planning for Sustainable Economic Growth);
- (D) Transport and traffic including impact on AQMAs (Local Plan Policies GEN1, ENV13 and PPS23: Planning and Pollution Control);
- (E) Contaminated land issues (Local Plan Policy ENV14, PPS23: Planning and Pollution Control);
- (F) Flood risk issues (Local Plan Policy GEN3, PPS25: Development and Flood Risk);
- (G) Impact on biodiversity (Local Plan Policy GEN7, RSS Policies ENV1 and ENV3, PPS9: Biodiversity and Geological Conservation);

- (H) Other material considerations: The status of the Regional Spatial Strategy. Referral to the Secretary of State under Circular 2/09.

(A) Principle of development (Local Plan Policy S1, PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth; PPG13: Transport) and the Effect on the vitality and viability of Saffron Walden and the cumulative impact of other planned proposals in the District (PPS4 Planning for Sustainable Economic Growth);

- 10.2 A Planning Statement has been submitted for both the proposed foodstore and the proposed petrol filling station applications, which summarises the individual technical reports submitted as part of the application submission.
- 10.3 The application site, other than an area between the main site and Thaxted Road has been previously developed and is predominately classified as 'brownfield' land which in principle would be acceptable to re-develop, in accordance with local plan Policy S1. The proposal involves the reuse of the former Granite site, Highways depot and Civic Amenity Site and is currently an area which forms an unattractive entrance to the town. This is mainly due to the abandoned buildings and the spoil piles from the construction of the new access road to the new Civic Amenity and Recycling Centre (CARC) and Highways Salt Depot.
- 10.4 The designation of the application site however is for employment and retail development as proposed conflicts against Local Plan Policies E2, SW5 and SW6. This however, has not been raised as an issue when determining the previous planning application UTT/1451/09/FUL due to the fact that the recently adopted Planning Policy Statement 4 for Planning for Sustainable Economic Growth has combined employment development and retail development and it now defines economic development as "development within the B Use Classes, public and community uses and main town centre uses". With this change in policy reflected in PPS4 it is generally accepted that such retail uses provide employment opportunities. It is stated within the application that approximately 275 permanent jobs would be provided by the proposed development, including a range of training programmes.
- 10.5 PPS4 Policy EC6 requires local authorities to ensure the countryside is protected for its intrinsic character, a similar requirement to PPS7 and ULP Policy S7. PPS4 Policy EC6.2 (a) requires local authorities to strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans. However, in this instance the area of land that falls outside the development limits is so closely and directly linked to the land allocated for employment uses that it is considered appropriate to consider the site as a whole. This is reinforced by the fact that the site as a whole forms an important gateway to the entrance to the town of Saffron Walden and the now vacant site within the rural area would be likely to detract from any potential development of allocated land.
- 10.6 PPS4 Policy EC6.2e) requires identified deficiencies in local shopping and other facilities to be remedied. This is primarily a policy to be taken into account when developing policies for the LDF. However, it can be a material consideration when determining planning applications. The other sections of Policy EC6.2 are not applicable to this application. PPS4 Policy EC7 relates to tourism in rural areas and therefore is not applicable to this development proposal.
- 10.7 Policy EC10 relates to considerations to be taken into account when determining planning applications for economic development. This requires local planning authorities to adopt

a positive and constructive approach and those that secure sustainable economic growth should be treated favourably. Five impact considerations are identified:

- a) whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions and minimise vulnerability and provide resilience to, climate change
- b) the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured
- c) whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
- d) the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
- e) the impact on local employment

The requirements of criteria a), b) and c) will be discussed below.

- 10.8 PPS4 Policy EC15 and PPS4 Policy EC17.1 requires a sequential assessment of sites for retail developments outside of existing town centres. At the time of assessing the initial application a sequential test of sites was carried out and submitted as part of the scheme. Development sites identified in the Hephher Dixon Retail Study (2005) were considered and these were the White Horse Public House and car park, The Fire Station site, Emson Lane and the Fairycroft Road car park site. In addition, the following vacant sites were considered: the former Woolworths building, buildings to the rear of Lime Tree Court, former Hewitsons solicitors and dentist, High Street, vacant site bound by Church Street, High Street and King Street (Lime Tree Court) and the former Eaden Lilley department store. The conclusions in relation to these sites were either that the site was not available for development or would not be large enough to accommodate the proposed development. A review of the sequential test in line with the requirements of PPS4 was undertaken and concluded that there were not sequentially preferable sites which are suitable, available or viable to accommodate the development, even when allowing for flexibility in approach to layout and format. This is still considered to be the case.
- 10.9 PPS4 Policy EC17.1b) requires applications to be refused where it can be demonstrated that the proposal would lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and EC16.1. Policy EC.17.2a) requires that in other cases account should be taken of both the positive and negative impacts of the proposal together with other material considerations in reaching a decision.
- 10.10 PPS4 Policy EC10.2d) requires the impacts on economic and physical regeneration to be considered and EC10.2e) requires the impacts on local employment to be considered. Similarly, Policy EC16.1a) requires an assessment of the potential impact on existing, committed and planned public and private investment in the town centre.
- 10.11 The previous planning application for the foodstore presented before the 9th December 2010 Planning Committee was refused on the grounds that *“The proposal would have a significant adverse impact on the turnover of the main town centre anchor Waitrose store. This loss of retail turnover is likely to result in Waitrose abandoning plans to commit to expansion plans for its town centre foodstore. This, together with the loss of footfall to the town centre associated with linked trips would result in a significant adverse impact on the town centre affecting the vitality and viability of the centre. As a direct result of this significant adverse impact this would be likely to result in an impact on the range and*

quality of the comparison and convenience offer in the town centre. This would be contrary to national policy set out in PPS4". Following this refusal the current application proposes a new food store that would be 20% reduced in size in comparison to the previous application together with a separate application for a new Petrol Filling Station that is stated would only be implemented along side a new foodstore, also a Goods online facility. It is stated within the submissions that a pharmacy would not be provided within the store.

- 10.12 A Revised Retail Statement aims to demonstrate that the proposed development would not have a significant adverse impact on the vitality and viability of Saffron Walden Town Centre, securing sustainable economic development and that the existing town centre Waitrose store would continue to trade well above company average, with or without their planned investment. It is stated that the proposal would provide an opportunity to improve local choice, alter shopping patterns so that people shop more locally, claw back expenditure leaking from Uttlesford District (in the region of £4.4m), provide a viable development within the current market situation regenerating a brownfield site. The retail statement highlights that the store would provide significant benefits for Saffron Walden.
- 10.13 The submitted Revised Retail Statement highlights that together with the proposed new Sainsbury's store and Tesco's extension, the Waitrose store would be left trading at 141-144% of its company's averages (worst case scenario trading at 138%) and the town centre at 130%. Indicating that 17% of the Sainsbury's turnover (£3.24m) will be diverted from Waitrose. The statement states that the town centre convenience facilities would remain trading at 132% above benchmark levels with the provision of the store.
- 10.14 It is still viewed by the applicant that Waitrose are seeking to 'block' competitive development, however assurances have been provided by Waitrose that they intend on implementing their investment plan as granted recently (UTT/2012/10/FUL and UTT/2013/10/CA).
- 10.15 Like the previous application, this application has been referred to the Council's advising consultants. It has been concluded that whilst the store has been reduced by 20% from the previous larger proposal the proposed Petrol Filling Station would significantly compensate for this reduce, resulting in an attraction on par with Tesco's, at an advantage over Waitrose.
- 10.16 The Council's retail consultants, Savills, comment "*We have assessed the impact of the proposed Sainsbury's store, having particular regard to its effect on Saffron Walden town centre. We have done this based on both the approach and methodology adopted by Savills in producing the Council's up to date retail study and, in addition, based on Indigo's retail impact methodology, data and household survey information. Where there are significant areas of disagreement, specifically on expenditure growth rates and benchmark turnover levels, we have made adjustments.*
- 10.17 *We have then applied the proportion of existing and future turnover drawn from within and outside the study areas for each store potential claw back of leakage to stores outside the study area.*
- 10.18 *We have concluded that based on the Savills or Indigo's methodology significant adverse impact is expected on the town centre. Indeed, based on the Indigo data more significant impacts are expected. We have also found that it is reasonable and logical to conclude that, given expected trade diversions and impact on the town centre, Waitrose is unlikely to proceed with its extension to its town centre store and car park improvements and this, therefore, also contributes a significant adverse impact on planned investment in the town centre, which will have implications for its long term vitality and viability".*

10.19 The Council's consultants therefore recommend that planning permission should be refused on the same grounds as for the previous scheme.

(B) Scale, layout, design and sustainable construction issues (Local Plan Policies GEN2, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy and PPS4: Planning for Sustainable Economic Growth);

10.20 With regards to the proposed design of the scheme in question Planning Policy Statement 1, RSS Policy ENV7, also local plan Policy GEN2 seek for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.

10.21 External plant is proposed to be located at roof level towards the eastern rear elevation of the building proposed to be screened by louvers. The details of plant and louvers has not been provided as part of the application, therefore should planning permission be granted a condition requiring the details would be imposed.

10.22 The proposed scheme in terms of proposed height, visual impact, layout and material be designed whereby the predominate massing would be closer to the higher grounds levels and the lower aspects of the proposed scheme would be closer to the more sensitive boundaries such as the open fields to the east. The level of bulk would be mitigated through the use of various materials and the proposed use of a sunshade to break the ground and the first levels of the building thereby reducing the vertical emphasis of the building. This combined with the proposed landscaping enhancement visual impact would be reduced along the boundaries and when viewed at a distance. The proposed physical design of the store is considered to be acceptable and in accordance with policy.

10.23 The proposed PFS buildings are proposed to be sited away from sensitive boundaries and minimising views from Thaxted Road. The overall design, size and scale is considered to be acceptable and would be in keeping with its surroundings. The design details is stated to integrate Secure by Design principles such as security gates within the service yard, alarms, CCTV, barriers to control the car park outside trading hours and applying for Park Mark under the Park Mark Safer Parking Scheme. This accords with PPS1 and local plan Policy GEN 2.

Local Plan Policies GEN1 and ENV15 relating to renewable energy and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy", RSS Policies ENV1, ENV7 and ENG1 inline with PPS1, PPS4 and PPG13 seeks for sustainable development both in terms of reducing carbon footprint, promoting the use of renewable energy and locating development within accessible locations that can be served by other means of transport. The application outlined that it proposed to provide various measures to reduce carbon footprint in line with policy some of these measure included rainwater harvesting, biomass boiler and air source heat pumps.

A report accompanying the application states that by utilising a wood pellet biomass boiler plan this could deliver all of the space heating and hot water requirements within the proposed store. It is estimated that this would equate to approximately 33% of the site's total energy demand without the implementation of a PFS and approximately 31% with the PFS. This would comply with local plan policy and SPD requirements.

The design of the scheme also incorporates the use of sunpipes, this combined with the use of high frequency electronics/low loss control gear on all luminaries would help off-set the need for

artificial light therefore assisting in reducing the developments carbon footprint from energy required.

Uttlesford has a requirement for new buildings to comply with BREEAM 'Very Good' rating, in line with national and regional policy. A report submitted with the application demonstrates how the proposed new building could comply with this requirement. The Council's Energy Efficiency Surveyor is satisfied that the proposal would meet the relevant requirements for BREEAM and also the 10% renewable energy requirement. This design approach complies, in part, with PPS4 Policy EC10.2a and the Policies GEN2, and ENV15 of the local plan, also RSS Policies ENV1, ENV7 and ENG1 and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy".

(C) Parking and access issues including accessibility for those with limited mobility (Local Plan Policies GEN1, GEN8, RS1, PPS1, PPG13: Transport, PPS4: Planning for Sustainable Economic Growth);

Parking:

ULP Policy GEN8 requires the parking provision to be in accordance with current adopted standards.

PPG13 states that car parking policies, alongside other measures, can be used to reduce the reliance on the private car. As part of this approach the Council has adopted minimum parking standards for residential development and maximum standards for destinations including supermarket developments. PPS4 reinforces the requirement to set maximum standards for non-residential development.

PPG13 requires disabled parking to be additional to the general parking requirements. The Council's car parking standard (ECC Parking Standards 2009) was adopted by the Council January 2010 post the submission of the previous application. The standards require 1 car space per 14sqm (maximum), 1 cycle space per 400sqm for staff and 1 cycle space per 400sqm for customers (minimum), 1 plus 1 space per 20 car spaces for the 1st 100 spaces then 1 space per 30 over 100 spaces for powered two wheelers (minimum) and for disabled parking bays 4 plus 4% of total capacity. This proposal would have a requirement for a maximum of 410 car parking spaces, 29 cycle bays, 14 powered two wheeler spaces and 18 disabled bays.

The scheme proposes to provide 336 car parking bays (14 of which would be designated mother and child bays), 16 motorcycle bays, 32 bicycles racks which double-up to provide 64 spaces and 20 disabled parking bays. The number of car parking spaces whilst they technically fall short by 74 spaces, the requirement is a maximum standard and therefore would accord with policy. The scheme meets and exceeds the minimum requirements for cycle, two wheeler and disabled bay provision, therefore the proposed development accords with the adopted standards in this respect. However, the newly adopted standards has increased the required sizes of parking bays inline with the increased sized of modern vehicles seeking parking bays of 2.9m x 5.5m plus 1m either side for disabled bays. The proposal would provide parking bays of 2.5m x 5m which would be below the required standard sizes however would meet the disabled parking bay requirement.

The applicant has submitted a statement regarding the on-site parking layout. This highlights that the adopted standards refers to two forms of different parking standards sizes for non-residential developments a preferred size and a minimum size to be used in exceptional circumstances. It has been argued by the applicant that the new dimensions are not a material consideration with regards to privately operated foodstore car parks as it is unnecessarily and does not make the most efficient use of land. The applicant also states that convenience in car parking and efficient use of land is critical to their business. An appraisal regarding the size of

vehicles and that their sizes have not enlarged significantly enough to warrant the new parking space sizes.

It is not agreed that the current parking standards on private car parks are not a material consideration. Whilst a new development is under consideration it is relevant and appropriate to assess this against adopted standards such as The ECC Parking Standards (adopted 2009). When a scheme does not accord with the adopted standards it is appropriate to consider whether this is an exceptional case. In this instance it is not considered to be an exceptional case and no justification to the contrary has been provided. The next logical step is to consider the implications from the reduced level of car parking standards and whether this would result in highway safety implications.

Nonetheless, whilst the size of the bays do not accord with the current standards this was accepted as part of the last application post adoption of the standards, also the Highways Authority did not object and stated that in their opinion *“the proposed sizes of the bays for this particular application would be appropriate, the smaller spaces are unlikely to cause highway safety concern on the public highway, although they do not provide as much convenience and manoeuvrability for shoppers.”* Based on Highway Authority recommendation and the fact that the previous planning application was not refused on car parking standards this part of the scheme is generally considered to be acceptable.

Travel Plan:

It is outlined within the report that the site has a reasonable level of public transport provision with one service running every hour and located within ‘reasonable’ proximity of the nearest rail station at Audley End, 4.5km west of the application site.

With regards to travel sustainability Saffron Walden is a rural market town and therefore does not have the wealth of public transport opportunities available to more urban areas. This is reflected in the fact that the town has no major public transport interchange. The application site is not located within the town centre whereby this would increase the reliability upon the use for cars. The site is located on the eastern side of the B184 (Thaxted Road) 1.5km from Saffron Walden town centre. The nearest bus stops are located between 700 and 750m from the application site, with the nearest residential dwellings being ‘the Kilns’ (live/work units), properties in Rylstone Way, Linton Close, Eastby Close and those located on Peaslands Road. Due to the site location it is considered that the site has a lower level of accessibility in comparison to a town centre location.

Travel Plans are a means of encouraging access to sites by means other than the private car. A Travel Plan has been submitted with the application and this details the initiatives proposed to encourage staff members to seek alternative means of travel to work.

In conjunction with this other package offered as part of the proposed development funding to improve a local bus route and to provide extension to Bus Route 34 into application site with provision of 5 years funding by which time it is stated by the applicant that the route should be self fundable and also monies towards the monitoring of the Travel Plan.

The funding for the extended bus service is stated would enhance the level of service provided to every 20 minutes (allowing 3 bus per hour to and from the site) and would promote linked trips, incorporating the proposed store as part of the bus route.

Provision for bicycle, and motorcycle parking, together with taxi pick up and drop off points on site to encourage other forms of transport.

It is stated within the application submission that highway improvements to provide;

Signalised junction for pedestrians at Thaxted Road,
Bus lay-by,
Signalising the Peaslands/Thaxted Road junction to include pedestrians crossing facilities,
Signalising Debden/Mount Pleasant Road junction to include pedestrian crossing facilities,
Provision of additional crossing facilities,
Improved signage for the proposed new store, school crossing signage, plus access to routes for pedestrian and cyclists,
2 new bus stops on Thaxted Road

This is considered to accord with RSS Policies T2, T4 and T7 which promote sustainable modes of transportation. Nonetheless, overall this aspect of sustainable travel was not considered to be an issue in this respect as part of the previous application or the current application.

Accessibility:

ULP Policy RS1 requires all retail developments to ensure that they are accessible to all in order to ensure social inclusion. The changing ground levels within the site, between the highway and the steep gradient of the Thaxted Road have posed various challenges to secure this provision. As a result an extension to an existing shared surface for both pedestrians and bicycle users, this would continue into the application site and around the proposed perimeter of the proposed PFS site. Also, an accessible ramp which is stated would be designed to be DDA (Disability Discrimination Act) compliant is being proposed from the main highway into the application site together with steps. The ramp has been designed to be screened by landscaping ensuring that it would not have a detrimental impact on the character of the street scene. Zebra crossings and pedestrian link ways have been incorporated within the site. This together with the provision of level access into the store and the provision of lifts to the mezzanine floor would ensure accessibility for all throughout the development. It has been stated within the application submission that the scheme would be DDA compliant and accord with Part M of the Building Regulations. This is in accordance with sections (c) and (d) of local plan Policy GEN1.

(D) Transport and traffic including impact on AQMAs (Local Plan Policies GEN1, ENV13 and PPS23: Planning and Pollution Control);

Local plan policy GEN1 states “*development will only be permitted if it meets all of the following criteria;*

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*
- e) The development encourages movement by means other than driving a car.”*

Local plan policy GEN1 seeks sustainable modes of transport this is reflected within national policy PPS1, PPG13 and within the Draft National Planning Policy Framework. This is also reflected within regional Policies SS1, T1, T2, T13 and ENV1 of the RSS.

A Transport assessment has been submitted as part of the application. It outlines that the Petrol Filling Station (PFS) has a separate assessment undertaken in light of the parallel separate application. It has been stated within the applications that the PFS would only be implemented together with any consent for the food store but would not be implemented on its own. The data that has been provided within the application incorporates both the proposals. However, while

noting the applicant's intentions each application must be considered on its own merits. In this case it is also important to consider the combined implications should both schemes be approved. It would also be unreasonable to condition the PFS to only be implemented in conjunction with the main scheme unless there was some planning harm that would be caused by the PFS in isolation that would be overcome if it were provided in conjunction with the foodstore. No such harm has been identified.

Traffic surveys have been undertaken particularly at main Thaxted Road junctions also at the Peasland/Debden Road junction that has been submitted as part of the application. This has been applied to traffic models and the level of traffic along neighbouring roads has been predicted against the proposed traffic generation from the development. Details of accidents within the locality of the application site have been looked at the majority have been as a result of driver/pedestrian error or weather conditions. None have been stated have resulted from road design.

The application states that the level of traffic generation as result of the proposed scheme would be kept at a low due to its location, and other supermarket stores within Saffron Walden, based on predicted levels of trade, the reduced level of parking on site as well as the proposed provision of Goods Online Service that would be provided. However, the proposed PFS would be an added attraction to the proposed store; also the proposed size and range of proposed goods would further attract an increased population.

The proposed level of trip rates per square metre at its most is stated would be 20.97 per 100 square metres which equates to 1233 for the proposed store with the benefit of the PFS. Service vehicles delivering to the proposed store are proposed to be managed outside peak operating hours, a routing agreement regarding directing delivering vehicles has been offered as a possible option to alleviate public concern raised following the consultation process.

The nature of the trips that is likely to be generated by the proposed development and the implications in shopping have been assessed with the retail impact assessment of this application.

It is stated within the submission that the level of highway safety would improve locally as a result of the proposed road improvements that would come forward as part of the application in accordance with policy. The Highways Authority stated that subject to entering into a Section 106/278 agreement and conditions the proposed development would not result in the proposed development causing detrimental impact on the highway network. A delivery Vehicle Management Plan should be conditions in order to agree vehicle routing and routes. The proportion of delivery vehicles to the site will make up only a very small proportion of traffic on the nearby network, about 1-4%.

With reference to suggested planning conditions the Highway Authority is confident a 40mph limit could be secured following discussion with the Police however it is essential to secure the order prior to development. Should the order fail then the access design may need to be amended accordingly which would need to occur before the design is implemented prior to occupation. No objection was raised by the Highway Authority.

(E) Contaminated land issues and Air Quality (Local Plan Policy ENV13, and ENV14, PPS23: Planning and Pollution Control);

PPS23 together with RSS Policy ENG1 and local plan policy ENV13 seek to prevent and protect against air pollution. There are three Air Quality Management Areas (AQMA) within Saffron Walden.

A Local Air Quality Assessment has been submitted with the application. The Air Quality Assessment considered potential impacts at both the construction and operational phase.

UDC has declared an AQMA at the Thaxted Road / Radwinter Road junction, and has an action plan to reduce annual mean NO₂ levels to below the 40µg/m³ limit. The Mount Pleasant Road / Debden Road and the Debden Road / London Road junctions are not AQMAs at present, but could be included. The principle source of NO₂ emissions is vehicle exhausts.

In the operational phase the report concluded that the residual effects of the proposed development with or without the benefit of the PFS on the annual mean NO₂ concentrations are considered to be negligible at all receptors including those in the two town centre AQMAs. However slightly beneficial impacts are predicted in the Radwinter Road/Thaxted Road AQMA.

Within the submitted report it has been proposed various mitigation measures that included the Travel Plan, highway improvements to the junction of Thaxted Road/Radwinter Road junction. These are aimed to enhance the junction's operational capacity and efficiency. The report considers that the junction will perform no worse than if left unchanged but the improvements will help to offset the predicted impact of the development at this location.

Previous assessments on the larger store proposed under UTT/1451/09/FUL concluded that predicted impact would be lower than previously predicted which is said to be a reflection of the overly conservative nature of the traffic flow data previously used. Overall the impacts on the High Street/George Street and the Radwinter Road/Thaxted Road AQMAs is considered to be insignificant to neutral and elsewhere the impact will range from minor adverse to neutral.

In order to mitigate any potential increases in pollution it is proposed to carry out improvements to three road junctions, Thaxted Road/Radwinter Road, Debden Road/Mount Pleasant Road, and Peaslands Road/Thaxted Road, being the locations most likely to experience increased congestion as a result of the proposed development.

Environmental Health have not objected to the application however have stated that "The significant increase in traffic along Mount Pleasant Road is expected to increase congestion and queuing, and we believe that the increase in NO₂ levels will bring it close to the 40µg/m³ limit. We note that air quality in the existing AQMA is predicted to improve slightly. In addition, the applicant has previously proposed improvements to road junctions to improve traffic flow and reduce congestion and pollution. These considerations could be balanced against any adverse effects on air quality."

On the whole it is concluded that the air quality is not a significant detrimental concern that would add sufficient weight to refuse the application on this ground alone, which was considered to be the case on the last application. With the proposed junction improvements it would alleviate any concern by managing traffic flows, in accordance with the principles of PPS23, RSS Policy ENG1 and local plan Policy ENV13.

With regards to land contamination due to the historical use of the site there is an identified potential for contaminants. A Geotechnical and Geoenvironmental Report submitted with the application identifies the potential contamination as unknown fill material in the former quarry; hydrocarbons, sulphuric acid, sulphates, chlorides, organic matter, metals and asbestos on the former CARC; chloride and sulphate at the former ECC road salt store; asbestos and hydrocarbons at the two derelict buildings; potential asbestos, ash clinker, sulphates and polycyclic aromatic hydrocarbons in the stockpiles of waste; and carbon dioxide from the weathered chalk. Potential pathways for contamination have been identified and probable pollutant linkages are deemed to exist.

This identifies that there are pockets of site contamination which would need to be remedied and addressed so as to prevent any further contamination and risk. This can be adequately controlled through the undertaking of mitigation works by imposition of a contamination condition, should planning permission be granted. No objection has been raised by Environmental health in this respect subject to imposition the relevant condition.

The proposed underground PFS storage tanks were considered to be an issue by the Environment Agency due to the possible impact on ground water pollution zone. Further to discussions between the Environment Agency and the applicant the matter is in the process of being resolved. The Environment Agency however has since lifted their objection subject to conditions. Therefore should planning permission be granted a condition would need to be imposed seeking revised details of the proposed storage tanks in order to prevent groundwater pollution together with details of surface water drainage.

With regards to the proposed demolition of the existing buildings on site to accommodate the proposed development minimal impact is considered would arise due to its locality within an 'employment' designated site its distance residential properties. However, as there are workers present on adjacent neighbouring sites demolition and soil movement during the construction stage would need to have consideration for dust mitigation and pollution management. Should planning permission be granted details of a mitigation scheme could be conditioned to be submitted for approval, in accordance with local plan Policy ENV14 relating to contaminated land.

With regards to light pollution this would be controlled through the use of sensitive lighting such as low energy directional down lighters on the PFS site, wall mounted lights and 10 metre high lighting columns. Lux light spot levels indicate that higher lighting levels for health and safety reasons would be higher on the entrance road and the within the contained service yard area, with lower levels against sensitive boundaries. This is considered acceptable and in accordance with local plan Policies GEN2 and GEN5 which seek to reduce the level of environmental impact and level of light pollution.

(F) Flood risk issues (Local Plan Policy GEN3, PPS 25: Development and Flood Risk);

The application site is located within Flood Zone 1 where by having a low probability of flooding. Local plan Policy GEN3, RSS Policy WAT4 inline with PPS 25 seeks the protection and prevention from flooding. A flood risk assessment has been submitted as part of the application submission which indicates that it has addressed the Environment Agency previous objections through the revision of the submitted Flood Risk Assessment which saw an increase in the increasing the size of the attenuation storage system and an allocation of soak away drains. The Environmental Agency concerns had been resolved subject to the imposition of conditions in accordance with national and local policy.

(G) Impact on biodiversity (Local Plan Policy GEN7, RSS Policies ENV1 and ENV3 PPS9: Biodiversity and Geological Conservation);

Local plan policy GEN7 for nature conservation seeks that development that would have harmful effects upon wildlife or geological features will not be permitted unless the need for development outweighs the harm. It also seeks that a conservation survey be sought for sites that are likely to be ecologically sensitive with associated mitigation measures. Policies ENV1 and ENV3 of the RSS seeks maximising biodiversity, proper considering being given to the effects upon conservation of habitats.

In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "*Every public authority must, in exercising*

its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.

The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:

The consented operation must be for "*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*"; and
There must be "*no satisfactory alternative*"; and
The action authorised "*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*".

An updated ecological assessment had been provided as part of this current application resubmission taking into account the adjacent site for the proposed petrol filling station, which had also previously formed part of the wider ecological surveys for the area.

From previous surveys presence of reptiles were found on site. During the development of the civic site fencing was placed on site. Further surveys had indicated that the population had naturally emigrated, however more recent surveys have indicated their presence in 2009 and an updated survey still considers the recommendations in the 2009 ecological report as still being valid. It was concluded that the PFS part of the application site was not and still is not suitable for the presence of the common lizard. Rabbits have been found to have colonised in this part of the site since the previous application however these are not considered to fall on the list of protected species within the wildlife act. Bird nesting has been identified however mitigation measures are proposed that any works occurs outside the bird nesting season. The balancing on site are stated to have low bat roosting potential, as protected species of bats have been recorded within 2km of the application site and due to the level of vegetation for foraging precautions mitigation measures have been proposed during the proposed demolition and construction period. Limited impact is considered subject to the implementation of mitigation measures and the imposition of relevant planning conditions should planning permission be granted. This is considered to accord with the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. The Environment Agency has recommended that should planning permission be granted that a condition be imposed seeking further ecology surveys for the site.

No issues were raised on the previous planning application as well as following recent assessments on a recently approved mixed use development of the site under application UTT/2208/10/REN.

A Tree Survey and Arboricultural Implications Assessment and Method Statement as well as a Landscape and Visual Impact Assessment has been submitted as part of the application submission.

This highlights that a majority of the existing landscaping would be retained and areas that need addressing would be carried out in terms of landscape maintenance and visual improvement. Landscaping is proposed round the perimeters of the application site including ornamental planting along the shared boundary with Acrocool to define and soften the boundary and

transition between the two sites. A part of the proposed development works to existing landscaping is proposed by way of re-coppicing trees, remedy trees that are showing signs of Dutch Elms disease. Gaps within trees groups have been recently planted up. There are no trees of significance that would be lost as part of the proposed development and landscaping measures. The planting scheme would largely screen views of the site with the approach along Thaxted Road being generally persevered. Public view from Byway 18 would be affected through the introduction of built form however this would be lessened through the proposed landscaping scheme. The Visual impact assessment has stated the view would not be affected with or without the implementation of the proposed petrol filling station.

No objection has been raised by the Landscaping Officer to the principle of the proposed landscaping scheme subject to further landscaping details being conditioned should planning permission be granted.

(H) Other material considerations: Proposed application package, the status of the Regional Spatial Strategy, National Planning Policy Framework and Referral to the Secretary of State under Circular 2/09.

A number of other 'benefits' have been offered as part of the application in order to mitigate the possible impact upon the Town Centre that the proposal could have due to its size, scale and locality. These include the following;

Provision of Gateway marker "Welcome to Saffron Walden" sign to be agreed between UDC and ECC Highways; In-store advertising of Town Centre activities and independent town centre traders;

Payment of financial contribution to Saffron Walden Town Council for marketing initiatives for Saffron Walden Tourist Information Centre = £5,000 per annum for a period of 5 years;

Payment of the Car Parking Contribution to the Local Planning Authority = £60,000 per annum for a period of 2 years to fund some free parking (subsidy to the Council to cover loss of revenue) in the town centre;

Payment contribution to the Local Planning Authority towards Town Centre

Accessibility Enhancements = £10,000 for the provision of additional secure parking facilities within Saffron Walden Town Centre, by providing funding for up to 5 sets of 10 cycle parking hoops to be provided in King Street and other town centre locations to be agreed with Uttlesford District Council and Essex County Council.

It would need to be assessed as to whether these proposed benefits would add significant weight to outbalance any harm that would be caused by the proposed development.

The Regional Spatial Strategy revocation in 2010 was deemed to be unlawful and therefore it is still a material consideration and has been taken into account within the main assessment of the applications above.

With regards to the Draft National Planning Policy Framework this is still under going public consultation therefore limited weight should be placed when taking this into account.

The previous application which was of a larger scale development was referred to the Secretary of State, following public intervention, of which it was deemed that the proposal was not of more than local importance and therefore the Council was allowed to proceed to determine the application.

7.0 CONCLUSION

7.1 Taking the above into account it is considered that the revised application in terms of its design, parking provision and highway impact, impact on air quality and flood risk is acceptable.

7.2 However, it is considered that the proposal would have a significant adverse impact on the town centre. The application is therefore recommended for a refusal.

8.0 RECOMMENDATION

UTT/0787/11/FUL (NEW STORE) – Had the application not been appeal under the grounds of non-determination it would be recommended for REFUSAL FOR THE FOLLOWING REASONS:

The proposal would have a significant adverse impact on the turnover of the main town centre anchor Waitrose store. This loss of retail turnover is likely to result in Waitrose abandoning plans to commit to expansion plans for its town centre foodstore. This, together with the loss of footfall to the town centre associated with linked trips would result in a significant adverse impact on the town centre affecting the vitality and viability of the centre. As a direct result of this significant adverse impact this would be likely to result in an impact on the range and quality of the comparison and convenience offer in the town centre. This would be contrary to national policy set out in PPS4.

UTT/0788/11/FUL (NEW PETROL FILLING STATION) - CONDITIONAL APPROVAL;

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
REASON: To comply 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 set out in the Schedule.
REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with Policy SW5, SW6, ENV13, ENV14, GEN1, GEN2, GEN3, GEN7 and ENV12 of the Uttlesford Local Plan (adopted 2005).
- 3) Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-
 - i. proposed finished levels or contours;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials;
 - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
 - vii. proposed and existing functional services above and below ground (e.g. drainage power,
 - viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
 - ix. retained historic landscape features and proposals for restoration, where relevant.Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN7, and ENV3 of the Uttlesford Local Plan (adopted 2005).

- 4) If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 5) Details of any floodlighting shall be submitted to and approved in writing by the local planning authority before [the use hereby permitted commences] [and] [the building(s) is/are occupied]. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN4 and GEN5 of the Uttlesford Local Plan (adopted 2005).

- 6) Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 8) No building hereby permitted shall be occupied until the sustainable drainage system for the site has been completed in accordance with the submitted details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 9) Flood risk management measures identified in the approved Flood Risk Assessment are to be incorporated into the development.
REASON: To reduce the risk and effect of flooding to the development and ensure neighbouring property is not put at greater risk as a result of the development in accordance with Policies GEN2 and GEN3 Uttlesford Local Plan (adopted 2005).
- 10) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to install the fuel storage tank(s) shall be 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: the tank(s), tank surround, any tertiary containment, 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 protect and prevent pollution of controlled waters in accordance with Planning Policy Statement 23 (PPS23) and our Groundwater Protection (GP3) policies and position statements (including P1-8, P1-9 and P9-6), also in accordance with local Plan Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

11) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:
all previous uses;
potential contaminants associated with those uses;
a conceptual model of the site indicating sources, pathways and receptors; and
potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

Reason: To protect and prevent pollution of controlled waters in accordance with Planning Policy Statement 23 (PPS23) and our Groundwater Protection (GP3) policies and position statements, also in accordance with local Plan Policies GEN3, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

12) If, during development, contamination not previously identified is found to be present at

the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To protect and prevent pollution of controlled waters in accordance with Planning statements, in accordance with local Plan Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 13) Piling or any other foundation designs using penetrative methods will not be 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 groundwater.

Reason: The site is affected by contamination and intrusive foundation solutions, such as piling, could lead to the contamination of groundwater in the underlying principal aquifer, in accordance with local Plan Policies GEN3, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 14) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
details of how the scheme shall be maintained and managed after completion; and
details of how the risks to controlled waters can be managed to an acceptable level.

Reason: To protect water quality and to ensure the future maintenance of the drainage system. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins, in accordance with local Plan Policies GEN3, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 15) Before development commences on site a Construction Traffic Management Plan, which shall be adhered to during the construction phase of development, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and efficiency, in accordance with local Plan Policy GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Before development commences details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with local Plan Policy GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Before first occupation of the development hereby permitted a Delivery Vehicle Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Delivery Vehicle Traffic Management Plan, as approved, shall be adhered to at all times during the operational lifetime of the Petrol Filling Station.

Reason: In the interests of highway safety and efficiency in accordance with local Plan Policy GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

There should be no obstruction above ground level within a 2.4m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between any pedestrian and users of access and the existing estate road for the safety and convenience of the users of the highway and access in accordance with local Plan Policy GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Before development commences details of the provision of suitable temporary construction access arrangements, including appropriate visibility splays, adequate access width and radii to accommodate the simultaneous entry and exit of vehicles using the temporary access, temporary traffic management/signage and wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall subsequently be implemented as approved.

Reason: In the interests of highway safety and efficiency, in accordance with local Plan Policy GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

OPPOSITION

65 individual letters and Emails have been received, 16 of which mention the petrol filling station separately to the supermarket. The main points raised are as follows:

Campaigning issues

- Only Sainsbury's shareholders would benefit. The only concern is profit
- Arguments in favour about choice and competition are quite spurious
- There are already Sainsbury's branches at Haverhill, Bishop's Stortford and Cambridge, so who is being catered for?
- The size of the building would be only 9% smaller than the refused one (although the retail area would be 19.5% smaller), but would involve more delivery trucks as they would also now be smaller
- The changes made are of no great importance
- Should we allow single shops to dictate to us what we eat, drink wear etc?
- Haven't heard a single person that I know in Saffron Walden support the application
- The argument that it is only the wealthier residents of the area who can afford and have the time to shop in smaller outlets or the existing supermarkets is a gross generalization. The elderly often have no alternative but to shop in town, and others may have to make spending choices
- Sainsbury's received support from 85% of only 350 who responded. SWTC received 1200 supporters against the application

- This is about competing with Tesco, not about community need
- Refers to the petition signed by local businesses
- The Sainsbury's / Indigo report of April 2011 is incorrect when it states that the new store would have little impact on town centre footfall – people going into the town centre may visit many shops, but if they did not need to go into the town centre for food shopping they may not go there at all

Design

- The landscaping is not suitable for a rural area
- Would be visually dominant and a source of light pollution

Drainage issues

- Drainage and ground conditions need to be reconsidered

Economic / Employment

- The area cannot support 3 supermarkets of the size envisaged, as £70m convenience turnover would be needed (less than £50m currently)
- Sainsbury's say 75% of their turnover would come from existing Saffron Walden stores
- Research indicates there is an aggregate loss of jobs when a large supermarket comes to town
- National retail sales are predicted to fall, so there's no obvious market growth to support the application
- Would detrimentally affect trading in surrounding towns and villages
- Draws attention to omissions and errors contained in Table 3 of the applicant's planning and retail statement, particularly relating to predicted increases in turnovers and diversion of trade
- Competition Commission research shows that 99% of all shoppers travel no further than 20 mins for convenience goods – this needs to be borne in mind when looking at the likelihood of how much trade can be diverted from outside, especially with the cost of fuel.
- Further Competition Commission research shows that Sainsbury's are most likely to affect Waitrose stores
- The resultant 10% drop in independent shop footfall equates to 31% loss of income
- The new bus route would divert more trade
- No allowance made for the growth of internet sales of both convenience and comparison goods
- There was an error in the report presented to Councillors in December 2010, which indicated that the growth in comparison goods would be from £141m to £177m from 2009 – 2012, when the correct figures were £128m to £147m.
- The case for concluding there is no further comparison goods capacity is further weakened by the optimistic growth rate used for comparison goods (2.8%) and the conservative sales density rate used by Sainsbury's
- An increase in the unemployment rate from 2 to 3% has more effect than an increase from 5 to 5.5%
- Wealthier residents have been cutting back on expenditure whilst the poor have been spending more because they have less discretionary spending
- Seeks clarification over the boundaries of the study area
- Sainsbury's now claim that they will take 15% of their business from outside the study area (previously 7.5%). As many will already have stores closer to home, it is likely that most of this increase will come from diversion from existing Walden stores. Also claim that only 17% of convenience sales will come from Waitrose, compared to Savills estimate of 34%
- Unlikely to be any significant clawback of convenience goods trade because those

- shopping outside the area do so because it is easier for their lifestyles
- Sainsbury's latest retail statement uses highly optimistic figures for comparison goods sales growth, and there is no capacity for these sales that a new supermarket would generate – only at the expense of local traders within the area

Effect on amenity

- To the detriment of Uttlesford residents. Effect from delivery vehicles travelling on the B184
- Will produce more pollution, affecting air quality. Pollution levels at the bottom of the High Street and at the Thaxted Road junction already exceed permitted levels. A 12% increase in traffic would have a major impact on Thaxted Road
- The Council should be sorting out the 3 AQMAs. Currently there is no viable / comprehensive solution, and the proximity of historic buildings prevents major road works
- Dishonours the character of the town
- Effect on a beautiful part of Essex
- Damaging effect on Thaxted and its listed buildings
- We moved to Saffron Walden because it is a small market town, and it should be maintained as such
- References to buildings shaking in Great Dunmow, Thaxted and Saffron Walden when large lorries pass by

Effect on town and /or town centre viability

- Town centre shops will suffer, contributing to a decline in the quality of life, but would be great for competition for Tesco
- Whilst the impact of the store would be slightly lower than before, it would still be huge
- Adverse impact on small independent traders
- Tesco had a marked effect on the town centre putting independent traders out of business – charity shops now occupy prime sites
- Lower town centre footfall will affect the sense of place and community, which are vital elements in the development and maintenance of social cohesion. The negative impacts on quality of life will be huge
- If Waitrose does not extend its store because Sainsbury's is given planning permission, the prospects for the town will be even worse
- A ghost town is the ultimate result. The town already has numerous empty shops
- Witness what has happened at Bishop's Stortford and Royston (21 boarded up or closed stores)
- The Prime Minister has asked Mary Portas to investigate how High Streets have been affected by out of town stores. The town centre is already quiet even before Tesco is extended
- The huge non-food offer would compete with the town centre

Facilities

- Saffron Walden currently has 2 supermarkets and a town centre that can meet many other needs
- I shop at Tesco and think it can cope with the clientele the area brings
- There are huge superstores within 20 – 30 minutes of the town
- The Waitrose extension is much more suitable, being in a central location and especially when the small retail shop environment seems so fragile

Petrol filling station

- Will not stop people travelling by car to and filling up in Cambridge where petrol is cheaper

- Would affect and eventually wipe out nearby petrol stations
- The inclusion of the petrol station would result in even higher traffic flows on surrounding residential roads

Planning policy

- A recent allowed appeal for an out-of-centre Tesco store in Alton is not similar to this appeal at Alton (for the same store but with a reduced mitigation package) is still relevant to a certain extent as it points to the impact of the loss of footfall, the main reason for refusal of the first Sainsbury's scheme
- Seems to be even less of a case for Sainsbury's now that extensions to Waitrose and Tesco have been approved. Any spare capacity it is alleged exists will have been taken up
- Contravenes PPS6, as it does not promote vital and viable town centres, nor demonstrates that there is a need. The store would not be appropriate in scale, would have an unacceptable impact on the town centre and would only be accessible by car
- The principle of the use on this site was rejected in the previous decision. The Local Plan does not contemplate developments of the size or nature proposed in these applications
- The thrust of planning policy must be based on reducing car emissions and promoting public transport

Sustainability

- Will increase the carbon footprint. Virtually all journeys would be by car (1,200 – 1,500 every Saturday and Friday peak hour)
- A site near the M11 would be better for deliveries
- Needs to be self sufficient in the use of energy – what about electric cars at the petrol station?
- All on-site concrete rubble should be crushed and used as hardcore for the store construction
- Increased dependence on supermarket shopping contravenes PPS1

Transport issues

- Will cause traffic jams as a result of increased car use in this part of the town. The Radwinter Road / Thaxted Road junction is already a bottleneck
- Estimated to double traffic levels on Peaslands Road and Borough Lane. Thaxted Road also mentioned
- There are already queues at the Borough Lane / Mount Pleasant Road / Debden Road junction as vehicles negotiate parked cars. Cars have to mount the pavement, endangering schoolchildren. These problems would be multiplied, and solutions would be difficult and inconvenient for residents. Drivers will look for rat-runs. The new mini-roundabout does not help
- Lorry traffic will increase in the surrounding villages and towns – Dunmow, Thaxted, Wimbish and Finchingfield. Frustrated motorists will try to overtake
- Dunmow's road infrastructure is unsuited to construction and delivery lorries – hazards for pedestrians – on-street parking and sewer collapses mentioned
- Sainsbury's say they would use smaller delivery vehicles, but how would this be monitored?
- Having to get on a bus and carry a week's worth of shopping is not viable for the elderly and mothers with children
- Traffic speeds through Howlett End in spite of frequent Speedwatch activity – lorries travelling in opposite directions have to stop in order to pass. There is little or no room for pedestrians. The area around Wimbish has reached saturation point because of Carver Barracks
- Problems negotiating the B184 bend at The Swan in Thaxted

- Hazards to schoolchildren walking to the Dunmow schools
- Sainsbury's should pay for the total cost of completing the western bypass of Great Dunmow, or delivery traffic should use the route from the north of Saffron Walden
- Sainsbury's should pay for all the site access arrangements

A petition containing 103 signatures from residents of Howlett End, Wimbish has been received objecting to:

- The size of the proposed supermarket
- 20 heavy vehicle movements per day and 30% more for deliveries from original suppliers
- Use of the B184
- Construction traffic and customer traffic in addition to existing traffic
- Not essential, the consequences of which would be a dead town centre

A petition containing 101 signatures from town centre businesses has been received objecting for reason of the effect on the vitality and viability of the town centre.

SUPPORT

98 individual letters and Emails have been received, 37 specifically support both proposals, 40 mention just the supermarket and 21 the petrol filling station. The main points raised are as follows (some points may relate to more than one heading):

Campaigning issues

- Save Walden Town Centre have conducted a campaign of misinformation and scaremongering, including the recent pamphlet showing traffic conditions
- Need to be careful of Market Square surveys with loaded agendas and a self-selecting town centre focussed target group
- Sainsbury's offer great value for money.
- Spending nectar points on easyJet flights from Stansted is a bonus
- Should listen to the residents of the town
- Problem of empty shelves at busy weekends

Competition with the town centre and Tesco

- Waitrose is too expensive, the extension is plenty big enough for those who shop there
- A prime consideration is freedom of choice over where to shop. Restrictive practices by town traders lead to higher prices
- Will provide real competition to the virtual monopoly enjoyed by Tesco
- Quality and more choice of products. Competition is good for pensioners
- Will provide cheaper everyday clothes for children and adults
- Amazed at the weekly price increases in Tesco
- Currently use Tesco and Waitrose. Do not believe the new store will kill off the town centre
- The Planning Committee recently granted planning permission for a coffee lounge in Waitrose – in direct opposition to wanting to promote the town centre?
- Waitrose should not lose out as it is a different market place, and will retain loyal customers
- Could attract extra people into the town

Economic / Employment

- Would bring in 275 jobs to the town
- Would be a lethal blow not to embrace progress
- With the proposed new housing schemes, there should be more shopping choice

- Competition should be welcomed and encouraged. Saffron Walden has a low number of empty retail properties
- How anyone can say refusing Sainsbury's and approving Tesco is to the greater benefit of Walden is astounding, but it would be helpful if Members managed to stay awake during such an important meeting. Need a more decisive vote than last time's casting vote
- Sainsbury's would not want to come to the town if it did not think it was prosperous

Facilities

- Tesco and Waitrose are too small. I have to travel to Haverhill for the full range of goods – a journey for which there is no public transport
- We only have the usual expensive shops here
- Good for people from Thaxted and other outlying villages, especially by avoiding having to travel through Walden
- Thaxted residents choose Dunmow because of Walden congestion

Location / Design

- Plans are well thought out
- Will complement the new look of Thaxted Road, and will get rid of an eyesore and wasted land
- Near the recycling centre and the Lord Butler Leisure Centre

Petrol filling station

- Will help to keep prices down, and is long overdue
- Will be competition for Tesco, who charge more and explain it away as "what the market will bear"
- Will avoid having to drive to Haverhill
- Will remove the need for motorists to drive through the town. Diesel is only available at Tesco

- Should operate 24/7
- More likely to shop in the town if I knew I could fill up with fuel
- Traffic to Tesco is very heavy
- Need this facility to serve the area
- The garage at the corner of Thaxted Road and Shire Hill is not competitive

Shopping habits elsewhere

- Many travel to Bishop's Stortford, Braintree, Cambridge, Harlow or Haverhill. Haverhill and Bishop's Stortford town centres are unaffected by existing competition

Transport issues

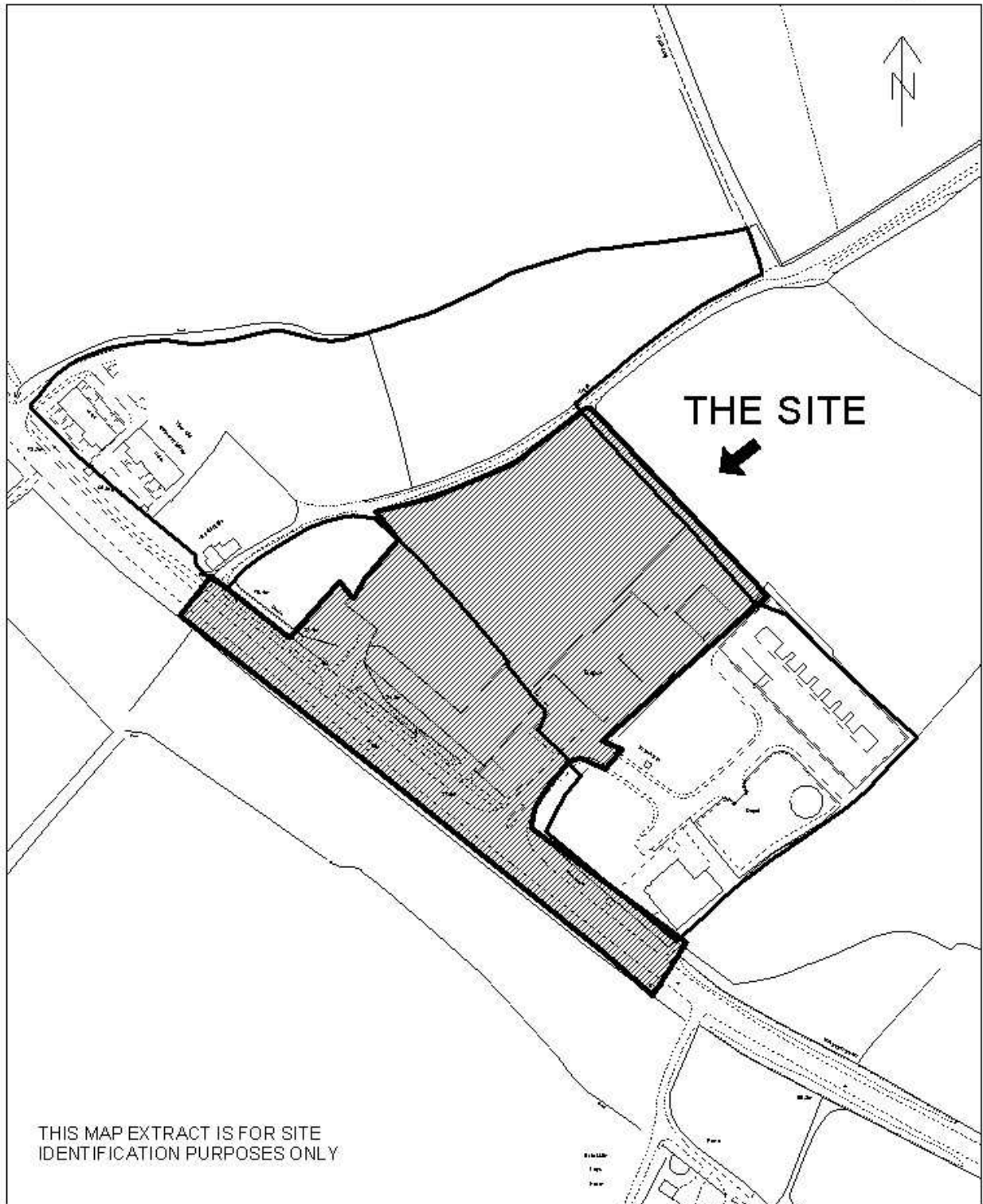
- Will reduce traffic as it will be located near the large planned developments at Bell College and Friends School
- Hope it will ease severe traffic congestion along Radwinter Road at peak times as shoppers will go to Sainsbury's instead of Tesco
- Saffron Walden does not benefit from a bypass
- Tesco deliveries have become accepted – Sainsbury's will as well
- Parking problems along Peaslands Road are a separate issue
- What about a park and ride facility for the town centre on Saturdays when parking is a nightmare
- A bypass should be investigated and an access to the M11 at Newport
- The road to Tesco is always congested when I want to shop so I go elsewhere
- The improved 34 bus will help those who cannot get to the supermarket by car
- Will not affect traffic levels, as many will not travel along Thaxted or Radwinter Roads

- Would be able to walk to the new store – good for pensioners
- Think that Thaxted Road and Radwinter Road congestion can be addressed with Sainsbury's help – also issues at the Mount Pleasant Road / Debden Road / Borough Lane crossroads. This is urgently needed
- Offer of free parking in Swan Meadow for an hour seems fair
- The town would not be burdened by delivery lorries which would be coming from the south, and a significant part of the general traffic would be deconcentrated from the east

GENERAL COMMENTS

2 individual letters and Emails have been received, neither in support or objection. The main points raised are as follows:

- Double yellow lines needed along Mount Pleasant Road if planning permission granted
- Should be refused unless Sainsbury's offer a financial contribution to pay the excess costs of delay and construction of the heritage quest centre project



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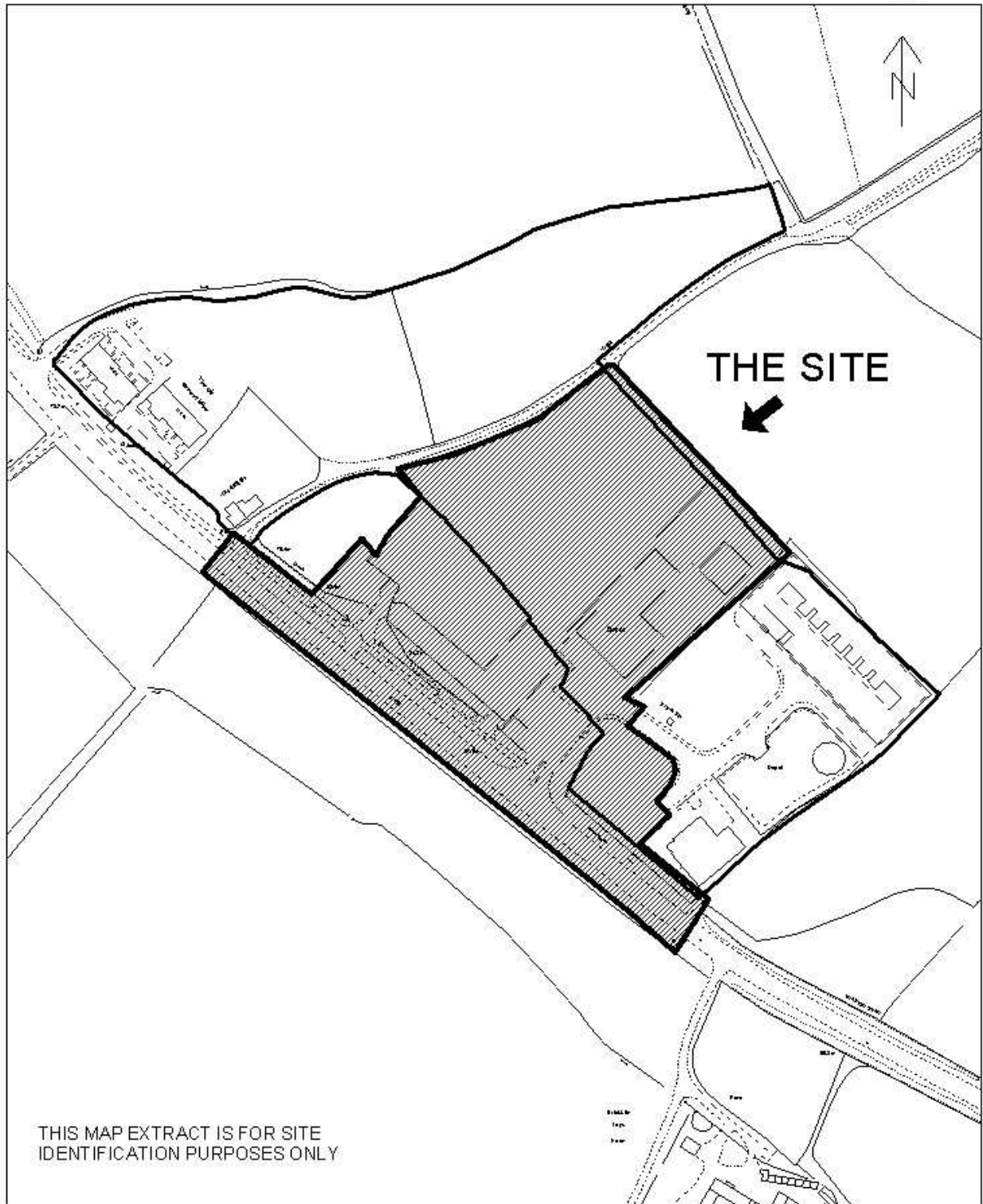
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