

<b>Date of Meeting</b>	29 April 2010
<b>Application Number</b>	E/09/1620/FUL
<b>Site Address</b>	Marlborough Business Park, Marlborough, Wiltshire, SN8 4AW
<b>Proposal</b>	Development of class A1 Supermarket with associated access arrangements, servicing, landscaping, parking and upgraded pedestrian crossings and bus stops.
<b>Applicant</b>	Tesco Stores Ltd
<b>Town/Parish Council</b>	MARLBOROUGH
<b>Grid Ref</b>	419490 168404
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Andrew Guest

This application was deferred from consideration at the 18 March 2010 East Area Planning Committee meeting by officers following submission of a further application for a food store by Sainsbury Supermarkets Ltd at the adjoining Council Depot some six days before the meeting.

Having regard to planning case law it was/is considered that each of these applications is a material consideration in the determination of the other. Deferral was, therefore, necessary to allow time for consultations to be carried out on the Sainsbury application and to enable comparative analysis of the two sites. To inform the latter process an independent review of the retail assessments accompanying both applications has been undertaken by Nathaniel Lichfield & Partners on behalf of the local planning authority. The review is attached at Appendix 1. The Committee report has been updated as necessary.

#### **Reason for the application being considered by Committee**

The application is before the Committee at the request of the local member, Peggy Dow.

#### **Purpose of report**

To consider the recommendation that the application be approved subject to a legal agreement.

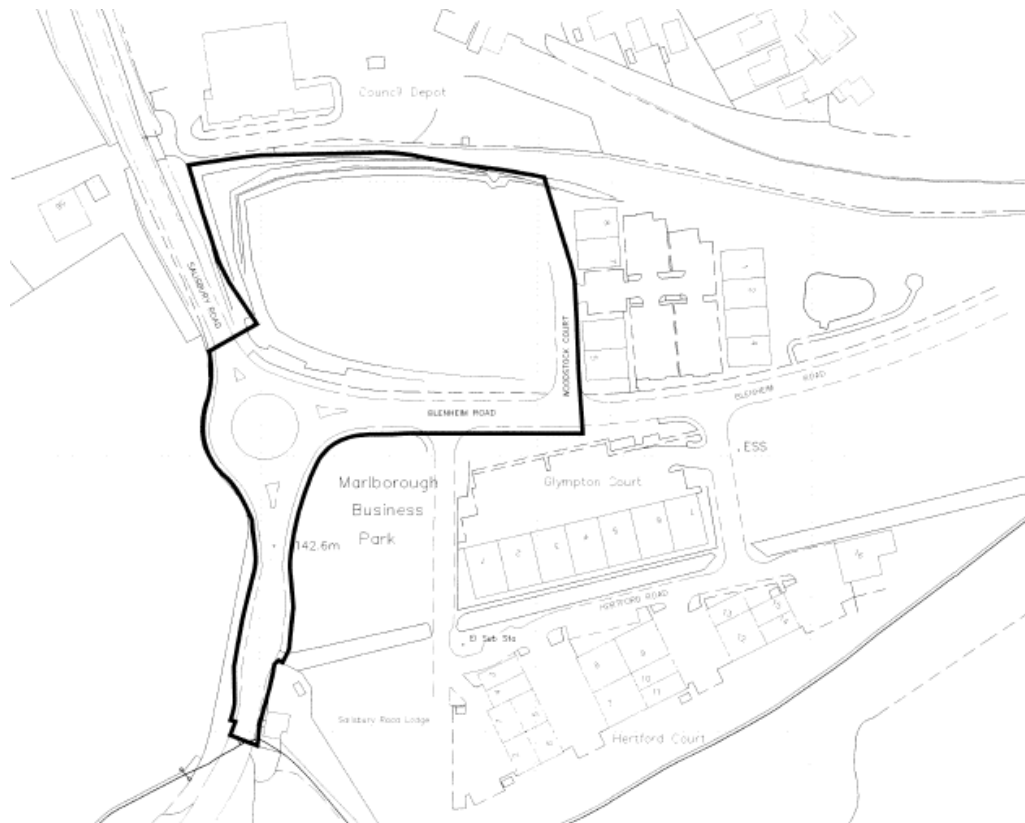
#### **Report summary**

The main issues to be considered in this case are as follows:

- The need for a store in the Marlborough catchment area;
- The 'sequential assessment' for a town centre use that is not proposed to be located in Marlborough town centre;
- The 'impact assessment' of an out of centre store on the vitality and viability of Marlborough town centre and other centres within the wider catchment area, taking into account the scale of the proposal and local consumer choice;
- The loss of protected strategic employment land at Marlborough Business Park;
- The adequacy of transport infrastructure to accommodate the proposed store and the adequacy of pedestrian links to the town centre;
- The impact on visual amenity, including the area of outstanding natural beauty.
- The impact on residential amenity, including from noise;
- A comparative analysis of this application with a second 'live' application for another food store on adjoining land (the 'Sainsbury application').

## Site description

The application site covers approximately 0.93 ha of presently vacant and open land located in the north-west corner of the Marlborough Business Park. The site has frontages to both Salisbury Road (to the west) and the main entrance road into the business park (Blenheim Road) (to the south). The other boundaries are common with the Wiltshire Council depot (to the north) and office buildings beyond a service road (Woodstock Court) (to the east). The ground level of the site is slightly below that of Salisbury Road and Blenheim Road, and significantly below that of the depot (which is on the site of the elevated former Marlborough railway stations). Lying between the actual part of the site proposed for development and both Salisbury Road and most of Blenheim Road are strategic planting margins put in as part of the original business park development. These support mounds, banks and some landscaping.



*Application Site*

In its wider context, to the immediate east and south of the site are other developments within the business park. Beyond these is open countryside. To the north (as already stated) is the Wiltshire Council depot, and beyond this the suburbs of Marlborough town. To the west (on the opposite side of Salisbury Road) is open countryside. Ground levels rise to the south away from the site, the site itself being at a low point on the business park.

The application site is approximately 800m from Marlborough Town Hall (taken to be the centre of the town centre), and approximately 500m from the edge of the defined Marlborough Town Centre in the Kennet Local Plan 2011. There is pedestrian access to the site via pavements alongside Salisbury Road, albeit narrow in places. There are bus stops on Salisbury Road to the south of the site.

In policy terms the site is within the 'Limits of Development' of Marlborough. It is within Marlborough Business Park which is a 'Protected Strategic Employment Site'. It is also within an area of outstanding natural beauty (which covers all of Marlborough and surrounding land).

## Planning History

Marlborough Business Park was given outline planning permission for business, industrial and storage/distribution uses (Use Classes B1, B2 and B8) in 2001. Some of the park has been developed out for these purposes, although several plots remain without detailed approvals

and/or are un-developed, including the application site. It is now too late for reserved matters applications to be made for the remaining plots, meaning that future applications will be for full planning permission.

In more recent times full planning permissions have been given for other non-Class B uses elsewhere on the business park including a dentist's practice, a household recycling centre and a private gym.

### Proposal

The application proposes the erection of a mainly food store together with associated car parking and service yard.



*Site Layout and Roof Plan*

The new food store building would have a gross floor area of some 2,298 sq m (excluding the front canopy), of which 1,080 sq m would be used for the sale of convenience goods and 122 sq m would be used for the sale of comparison goods (the remaining floor space to be used for circulation/check-outs, servicing, storage and staff facilities). The building would have dimensions of 45.5m by 42.5m (excluding the front canopy and service area). Height would be 7m for the larger part of the building, rising to 8m for the two storey section at the rear. Four roof ventilators would add an additional 2m to the 7m high part. The building would be sited towards the rear of the site (that is, closer to Woodstock Court than Salisbury Road), and approximately 7m from Blenheim Road. A service yard would be provided at the rear (accessed through Woodstock Court).

The store building itself would be contemporary in terms of its design. The two principal elevations facing Salisbury Road and Blenheim Road would contain large areas of glazing. The walls of the building would be constructed from larch timber panels above an 'oyster' smooth finished plinth. The very shallow pitched roof would be constructed using built-up single ply coloured dark grey. Window frames and other external rain goods, etc. would be coloured

white. Four 'wind catcher' roof ventilators would be installed on the roof as part of the sustainable design.



### Elevations

At the front of the site (that is, adjacent to Salisbury Road and Blenheim Road) a 98 space car park would be laid-out, with a further 14 "locally managed spaces" behind the service yard. Vehicular access to the car park and service yard would be to the rear of the food store building, via an extension of Woodstock Court. Spaces for 21 bicycles (12 for customers and 9 for staff) would be provided, and pedestrian links from Blenheim Road.

The edges of the site and the car park would be landscaped. The site is already generally level and so little in the way of ground works would be required, except to the back of part of the locally managed car parking spaces where a retaining structure would be constructed. The store building would 'sit' at the present low ground level, as illustrated in the elevation drawings.

Outside of the site a number of improvements are proposed to the roads and footpaths in the locality including slight re-designs of the roundabouts on the A4 in the town centre and at the access to the business park; improved pedestrian crossing facilities at some road junctions between the site and the town centre; some pavement re-surfacing; and improvements to the bus stops serving the business park (including new shelters).

The planning application is accompanied by a Design and Access Statement, a Statement of Community Involvement, a Supporting Planning Statement, an Employment Land Review, a

Retail Assessment and Updated Retail Assessment (March 2010), a Transport Assessment (and addendum), a Landscape Context Analysis and Landscape Supporting Statement, and a Noise Assessment.

### **Planning Policy**

Of particular relevance to this application is central government planning guidance set out in Planning Policy Statement no. 4 (PPS4): Planning for Sustainable Economic Growth. This guidance was published in December 2009 – that is, after the application had been received. In view of the timing, reference must also be made to the preceding guidance in PPS6: Town Centres and Retail Developments. Other relevant government guidance is set out in PPS7: Sustainable Development in Rural Areas and PPG13: Transport.

Relevant strategic policies in the Wiltshire and Swindon Structure Plan 2016 are Policy DP1 (Priorities for Sustainable Development), Policy DP2 (Infrastructure), Policy DP3 (Development Strategy), Policy DP6 (Shopping), Policy T1 (Integrated Transport Plans), and Policy C8 (Areas of Outstanding Natural Beauty).

Relevant local policies in the Kennet Local Plan 2011 are Policy PD1 (Development and Design), Policy ED7 (Protected Strategic Employment Sites), Policy ED17 (Town Centre Development), Policy AT1 (Transport Appraisal Process), Policy AT9 (Motor Vehicle Parking Standards), Policy AT10 (Developer Contributions), and Policy NR7 (Protection of the Landscape).

Although the development plan is up to date, it is not as up to date as PPS4 insofar as this document relates to retail development. It follows that PPS4 is given considerable weight in this report as the most up to date retail policy document.

### **Consultations**

Marlborough Town Council: no objection.

Savernake Parish Council (adjoining PC): *Initial response* - no objection, but request that a footpath is made from the east end of the business park to join with the footpath from Savernake Forest to St. Margaret's Mead. This would enable people to walk from Maurice Way, St Margaret's Mead estate and the new Chopping Knife Lane site to the store.

The pavement from Marlborough along the eastern side of the Salisbury Road, where it goes through the old railway bridge is non-existent for pedestrians. The footway on the west side is narrow and if used means having to cross over the busy A346 and back again.

*Second response (following Sainsbury application)* - Marlborough and the surrounding area require an additional supermarket, but it does not need two of them. Although Savernake Parish Council approved the application for the Tesco store this was made on the understanding that no other site was available for another supermarket. This is no longer the case and Savernake Parish Council prefers the Sainsbury application to the Tesco one.

The number of businesses in the Marlborough Business Park continues to increase and the Parish Council would like this to remain as an employment site.

When no other site was available for a supermarket we believed an exception should be made for the proposed Tesco store, but this reason no longer applies as an alternative site is available. As there is no more land available on the WC depot site, a supermarket on this site will not set a precedent for out of town shopping. If the Tesco application is approved it could set a precedent for more retail shops on the Business Park and hence be detrimental to shopping in Marlborough High Street.

Savernake Parish Council understands that there is very little difference between the cost of food in Sainsbury's and in Tesco's. Food in Tesco's tends to be cheaper in their large stores than in their small ones. Both Sainsbury and Tesco are cheaper than Waitrose.

Wiltshire Council Highways Officer: Recommends conditions and planning obligation. In future years the A4 junctions will run over capacity with or without the development.

Wiltshire Council Environmental Health Officer: Regarding noise, the suggested criterion of 35dBA for the plant/mechanical services would appear to be acceptable. However, with regard to noise propagation from the service yard, it is noted that the agreed new properties to be located on the edge of the adjacent embankment in the Council depot will have a direct line of sight to the store, and therefore the proposed acoustic fence will not provide an effective attenuation method. This means the predicted 8dB screening loss must be discounted. With the screening loss removed the resulting Lmax rises to 70 at the façade, 10dB above the guideline peak noise criterion.

There is also concern that the delivery noise – arrival, unloading, departure – has been averaged over 1 hour which does not demonstrate the true nature of the delivery noise events which will have an impact on future residents.

The relative layout of the residential area elevated above the service area means that a traditional barrier (as proposed) will be less effective. A covered yard could be considered.

Conditions are recommended to address these concerns.

Environment Agency: no objection subject to condition.

Wiltshire Fire & Rescue: recommends informatives.

CPRE Kennet District Group: concludes, reluctantly, that the proposal should be accepted. CPRE is aware of the report *Impact of large food stores on market towns and district centres*, and also Policy ED17. It recognises that edge-of-town retailing developments are likely to have some impact on trading in the town centre, but believes that the amount of trade drawn from the few remaining convenience stores would be slight, and would be counterbalanced by the benefit of having a store to provide 'affordable shopping' in contrast with the dominant store, Waitrose. Ideally, any competing supermarket should be sited on or near the High Street, but there is no room for one.

However, CPRE believes that permission should be subject to important provisos, to give reasonable protection to smaller town-centre retailers, and to make access to the new store as convenient as possible by means other than cars –

- The store should be confined to retailing 'convenience' goods, principally food;
- Permission should be subject to a condition requiring Tesco to provide or finance bus transport for shoppers from Marlborough residential areas and surrounding villages;
- A green travel plan for employees should be required;
- There should be firm prohibition of overflow parking outside the store boundaries, especially on Salisbury Road;
- Improvements to the roads and footways between the High Street and the business park should be considered, to minimise the prospect of traffic congestion and to ensure that walking, especially with prams and pushchairs, is as comfortable as possible.

## **Publicity**

The application has been publicised by advertisement in the local paper and by site notice. Letters have been sent to known nearby landowners/occupiers.

The publicity has generated 93 responses – 77 respondents support the proposal, and 16 respondents raise objections.

The reasons for support are summarised as follows:

- Another food store will bring choice to the town and competition;



- Marlborough needs a 'budget' food store – there has been no such facility since Somerfield closed. Waitrose is too expensive for many residents. A lot of people living in Marlborough cannot actually afford to shop in the town, travelling to other centres (inc. Swindon, Devizes, Hungerford and Tidworth) for food, clothing, etc. Reduced travel means an improved environment;
- Shoppers will still use other shops in the town centre (indeed, the store may attract new shoppers to Marlborough on linked trips);
- Over the years Marlborough has become more and more inundated with overpriced boutiques and designer brand shops, and this trend will continue regardless of this planning application. Convenience shops are closing in the town in any event;
- Those less able to travel (such as pensioners) will benefit from the store. Presently they rely on others to take them to budget stores elsewhere;
- The proposal will bring many new jobs to Marlborough;
- Although the application site is out of the town centre it remains on the outskirts of the town, and this will benefit residents from outlying villages (including from any delivery services the store might offer);
- The business park site is most suitable without causing issues for local residents or affecting other plans for the depot. The late Sainsbury application is illogical in terms of access, traffic issues and intrusion on local residents.

The reasons for objecting are summarised as follows:

- Marlborough High Street already has a number of empty shop units. An out of centre store will mean less people will visit the town centre, this causing further decline;
- The proposal is superfluous to the needs of the community – elderly people, disabled people and people who cannot drive will not be able to easily access the out of centre location. Marlborough needs a budget store, but within the accessible town centre where other shops can also benefit from linked trips;
- The retail assessment does not satisfy the sequential test set out in PPS4. There are numerous opportunities in the town centre for a reduced or more imaginative proposal as required by the PPS. Tesco has Metro stores elsewhere which are comparable in size to some shop units in the town centre;
- There are plenty of stores in the wider locality, including at Swindon and Devizes;
- The application fails to have regard to Policy ED17 of the local plan which requires all new retail development to be located within the confines of Marlborough. A proper long term plan for Marlborough is required;
- The store will be a disincentive to others to invest in new shops in the town centre;
- Marlborough Business Park is allocated for Class B development for the benefit of local, small scale enterprise. The proposal is a fundamental departure from this. The business park would never have been granted originally as a retail park;
- Users of the store will travel by car – proposals to upgrade footpaths to encourage pedestrians are farcical. A new store should be in the town centre and so accessible to all and not just those in cars. Salisbury Road is too steep and too narrow in places for elderly shoppers to walk to the store with bags of shopping, etc.;
- Selective shopping avoids the need for a budget store – Tesco has its own 'luxury' ranges as well;
- Additional traffic on surrounding roads will lead to congestion and disturbance, particularly from lorries. Contributing to this are other developments in the pipeline – the HRC on the business park and the live/work and residential scheme or another supermarket on the depot. The congestion will be a nuisance to other occupiers of the business park. The additional traffic will endanger pedestrians, particularly children who have to cross the road;
- Noise from the store and its associated traffic will cause disturbance to residents;
- The store will have a competitive advantage over other shops in the town through free parking – can Tesco be required to charge for parking at similar rates?;
- A large, ugly building in this location would detract from the beautiful surrounding countryside, AONB and Savernake Forest;

- The bus shelters proposed on Salisbury Road are unsuited to a rural environment designated as AONB, and any lighting would be harmful to tranquillity;
- The Sainsbury application should be considered alongside the Tesco application as each is a material consideration in the determination of the other. The Sainsbury application is preferable in terms of pedestrian access. The Tesco application does not properly apply the PPS4 impact tests. The application site should be used for Class B purposes for which there is local interest.

### **Planning Considerations**

The main issues have already been stated in the 'report summary' section of this report. For ease of reference they are repeated as follows:

- The need for a store in the Marlborough catchment area;
- The 'sequential assessment' for a town centre use that is not proposed to be located in Marlborough town centre;
- The 'impact assessment' of an out of centre store on the vitality and viability of Marlborough town centre and other centres within the wider catchment area, taking into account the scale of the proposal and local consumer choice;
- The loss of protected strategic employment land at Marlborough Business Park;
- The adequacy of transport infrastructure to accommodate the proposed store and the adequacy of pedestrian links to the town centre;
- The impact on visual amenity, including the area of outstanding natural beauty;
- The impact on residential amenity, including from noise;
- A comparative analysis of this application with a second 'live' application for another food store on adjoining land (the 'Sainsbury application').

Each issue will be considered in turn.

### **IMPACT ASSESSMENT**

At the time the application was submitted government guidance on this issue was set out in PPS6. Since December 2009 this has been superseded by revised PPS4. The applicant's agent submitted with the original application a retail assessment based on PPS6, and since the publication of PPS4 he has also submitted an update taking account of PPS4. A further 'Updated Retail Assessment (March 2010)' has now been provided following submission of the Sainsbury application. All of the assessments remain relevant to the consideration of the application.

Referring to PPS4, this sets out the Government's national policies for economic development. The statement begins by defining economic development as development within the 'B' Use Classes, public and community uses, and main town centre uses. Main town centre uses include retail uses.

PPS4 Policy EC17 refers to the consideration of planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan. The policy states the following:

*17.1 Planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where:*

- (a) The applicant has not demonstrated compliance with the requirements of the sequential approach (policy EC15); or*
- (b) There is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of the impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.*



- 17.2 *Where no significant adverse impacts have been identified under policies EC10.2 and 16.1, planning applications should be determined by taking account of:*
- (a) *The positive and negative impacts of the proposal in terms of policies EC10.2 and 16.1 and any other material considerations;*
  - (b) *The likely cumulative effect of recent permissions, developments under construction and completed developments.*
- 17.3 *Judgements about the extent and significance of any impacts should be informed by the development plan (where this is up to date). Recent local assessments of the health of the town centres which take account of the vitality and viability indicators in Annex D of this policy statement and any other published local information (such as a town centre or retail strategy), will also be relevant.*

Policies EC15, EC10 (inc. EC10.2) and EC16 (inc. EC16.1) are defined, and referred to in greater detail, later in this report.

PPS4 Policy EC14 (supporting evidence for planning applications for main town centre uses) states that an assessment addressing the impacts of main town centre uses that are not in a centre and not in accordance with an up to date development plan is required for planning applications for retail developments over 2,500 sq m gross floor space. The policy further states that in advance of development plans being revised to reflect this PPS, an assessment of impacts is necessary for planning applications for retail developments below 2,500 sq m which are not in an existing centre and not in accordance with an up to date development plan if these would be likely to have a significant impact on other centres.

In this case the gross floor area of the proposed store at 2,298 sq m is below the initial threshold. However, it is considered that in view of the relatively modest size of Marlborough and other centres within its catchment, it is reasonable to expect a retail assessment to be carried out to fully understand the potential impacts referred to in the PPS and to comply with Policy EC17. To this end Policy EC16.1 (the impact assessment for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan) states that planning applications for main town centre uses that are not in a centre should be assessed against the following impacts on centres:

- (a) *The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;*
- (b) *The impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;*
- (c) *The impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan;*
- (d) *The impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy;*

- (e) If located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floor space) in relation to the size of the centre and its role in the hierarchy of centres; and
- (f) Any locally important impacts.

Retail Need -

Although a traditional needs test does not feature within Policy EC14, the retail assessments accompanying the application in any event conclude that there is a need for the development. This conclusion is based on new robust research carried out by the applicant in the form of a household survey and an analysis of the expenditure of residents within the Marlborough shopping catchment area. It remains relevant to Policy EC16.1(d) in particular and consequently is considered in detail here.

Quantitative considerations -

The household survey was an independent survey of 500 households within the catchment area undertaken in August 2009. It provides information on shopping patterns in and beyond the Marlborough catchment area. It provides an understanding of the performance of existing facilities in the catchment area and it informs the analysis of the impact of the proposed store. The catchment area is defined by four post code areas within a 15 minute drive of Marlborough – SN8 1-- (moving north west from Marlborough (including the larger part of Marlborough itself)), SN8 2-- (moving north east (towards Aldbourne)), SN8 3-- (moving south east) and SN8 4-- (moving south west (towards Pewsey)). The catchment area is based on a 15 minute drive time from the site, and this is considered reasonable (a greater drive time than this being less convenient and less sustainable, and so a deterrent to shoppers in any event).



Marlborough catchment area (10 and 15 minute drive times)

The total catchment population at 2009 is 24,500, and this is estimated to grow by 376 to 24,876 by 2014. Tourist spend is anticipated to impact on expenditure by 15%. Per capita expenditure within the catchment area for convenience goods is estimated to grow from £1,973 in 2009 to £2,012 in 2014 and for comparison goods is expected to grow from £3,676 in 2009 to £3,980 by 2014 (these figures derived from independent data sources). The total forecasts for convenience expenditure in the catchment area are, therefore, £48.330m in 2009 for convenience goods increasing to £50.062m in 2014; and £90.075m in 2009 for comparison goods increasing to £99.012m in 2014.

With this information the retail assessments considers the market share of Marlborough town centre, the other centres within its catchment area, and the catchment area itself. The implications of the proposed development are then assessed by comparing two separate market shares scenarios for Marlborough town centre, Pewsey centre and Aldbourne centre as follows

- Scenario 1: assumes the 2009 baseline market shares from the household survey (that is, without the proposed store);
- Scenario 2: assumes an improvement to Marlborough's market share taking into account the proposed development.

Considering scenario 1, in terms of convenience shopping the assessment concludes that Marlborough has a reasonable market share in zone 1 (which includes Marlborough itself) of 71%, although this falls considerably in the other zones to between 29% and 47%. Importantly, over half of people (54%) living within the entire catchment area undertake their main convenience shopping outside of the catchment area - for example, at Tesco in Hungerford, Swindon or Tidworth, or at Morrisons in Devizes (derived from the household survey). This suggests that there is a failing in convenience goods provision within the catchment area. The vast majority of convenience shopping trips which are made in Marlborough are at the one existing significant food store, Waitrose. In terms of comparison shopping, Marlborough has a very small market share in all catchment zones. This demonstrates that the existing comparison offer within the town is limited in scope, and also the relative attractiveness of other larger centres outside of the catchment.

In relation to the other centres within the catchment (that is, Aldbourne and Pewsey), Aldbourne has limited provision and consequently has a small market share in any event. Pewsey has more facilities but these remain limited with a resultant small draw predominantly from zones three and four. These conclusions are accepted.

So, critically in terms of total market share the retail assessment confirms that for convenience goods over 50% of available expenditure within the core zones is lost outside of the catchment area (much going to out of town retail facilities elsewhere). Even higher levels of comparison goods expenditure 'leaks' from the catchment area. This demonstrates a need for improved provision within the catchment area.

Scenario 2 factors in the proposed store once normal trading patterns have been established – that is, in 2014. In the retail assessments the estimated annual turnover of the store in 2014 based on recognised data is £13.430m for convenience goods and £1.080m for comparison goods. The applicant considers that these standard figures based on all Tesco stores are the worst case scenario, and having regard to the circumstances of Marlborough the proposed store would in fact turnover less, (this is considered further below). The retail assessments state the following:

“The store will increase the level of retail floor space in Marlborough. As a result, the attractiveness of the town for main shopping will improve and the market share will increase within the catchment. The development will enable Marlborough to claw back market share that is currently being lost outside of the catchment area.

As a result of the market share increases, facilities outside of the catchment will lose market share. However it is important to recognise that these facilities only draw a small proportion of their turnover from this catchment and that they have large out of centre superstores that attract the majority of expenditure from the catchment study area.”

For convenience expenditure, the market share in zone one (which includes Marlborough itself) would increase to some 80% (that is, the Marlborough town centre and the new store figures combined). The market share would also increase in the other three zones. These are considered to be realistic assumptions given the attractiveness of the new store. In terms of comparison expenditure, the market share in Marlborough would increase only slightly as a result of the relatively limited comparison range to be offered. For Aldbourne and Pewsey it is anticipated that the development would have a negligible impact given the current market shares and shopping patterns.

In terms of total market share, with the proposed store operational the retained market share within the catchment area for convenience goods (taken from the household survey) would increase to almost 70% which is a significant improvement compared with the less than 50% share currently enjoyed. The conclusion that the store would significantly increase the amount of convenience expenditure retained within the catchment area and clawed back from the surrounding towns to a more sustainable level, and hence satisfy the need for a food store within the catchment area, is, therefore, accepted.

By way of further support for the proposed development, the Updated Retail Assessment (March 2010) provides an additional set of data on store turnover. The store turnover figures quoted above are based on generic data for all Tesco stores derived from independent sources. Tesco itself considers that the proposed store would, in fact, trade at a lower level than this having regard to the specific circumstances of the area – that is, £9.668m pa for convenience goods and £0.866m pa for comparison goods (2014 figures). Clearly, lower returns would change slightly the figures set out above. As it has already been concluded that other centres would not be adversely affected by the ‘worst case scenario’ presented in the original figures, no further comment is required.

Qualitative considerations –

The retail assessment makes a number of judgements based on qualitative considerations. Firstly, it states that Marlborough is under-represented in terms of convenience goods, partly as a consequence of the closure of other food retail stores (most notably Somerfield and Marks & Spencer). This qualitative consideration is acknowledged as being particularly important - it is the source of many of the letters in support of the application. Although there are a few other smaller convenience retailers in the town it is agreed that the choice a second supermarket would bring back to the town must be given considerable weight.

It is also significant that as a consequence of the ‘claw back’ of expenditure referred to already, those residents within the catchment currently travelling further for their shopping trips (that is, outside of the 15 minute travel zones) would be travelling lesser distances. This complies with the principles of sustainability which underpin all planning policies, and in particular PPG13.

A further qualitative consideration is the employment the store would provide. Although not overriding, the applicant has stated that around 140 jobs would be created.

#### Sequential Assessment -

The broad capacity of Marlborough and its catchment to support a further supermarket has been accepted by the retail need considerations set out above. Additionally, however, it is also necessary to assess the suitability of the chosen site relative to other sites within or easily accessible to the town centre. This is referred to as sequential assessment (Policy EC17.1(a)). In this regard Policy EC15 of PPS4 states the following:

*In considering sequential assessments local planning authorities should:*

- (a) *Ensure that sites are assessed for their availability, suitability and viability;*
- (b) *Ensure that all in-centre options have been thoroughly assessed before less central sites are considered;*
- (c) *Ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of pedestrian access;*
- (d) *Ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:*
- (i) *Scale: reducing the floorspace of their development;*
  - (ii) *Format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;*
  - (iii) *Car parking provision: reduced or reconfigured car parking areas;*
  - (iv) *The scope for disaggregating specific parts of a retail development, including those which are part of a group of retail units, on to separate, sequentially preferable sites (but not arbitrary sub-division of proposals).*

Even allowing for the requirements for flexibility set out in (d), Marlborough is very limited in terms of its choice of possible town centre or edge of centre sites. Regardless of this, a key test is considered to be that set out at point (c) – that is, the requirement for preference to be given to those locations which are well connected to the centre by means of pedestrian access.

Those sites which might be appropriate have been considered by the applicant as part of the retail assessment. The sites and their assessments are as follows:

- Vauxhall Garage/industrial estate, George Lane – This site is within the town centre as defined in the local plan, with excellent pedestrian links to the rest of the centre. Notwithstanding this the applicant considers this site to be unsuitable due to its limited size and unavailability for the foreseeable future due to multiple ownerships. The ownership issue is acknowledged as being a major hurdle to this site's potential, and consequently it is agreed that it cannot be considered sequentially preferable at this time.
- T H White Country Stores, London Road – This site is just about at the edge of the town centre (approx. 300m from the boundary). It has level pedestrian access to the town centre, requiring the crossing of one major road. Its pedestrian access is, therefore, considered to be fair. However, the applicant considers this site to be unavailable for the foreseeable future. It is also defined in the local plan as a protected strategic employment site. It is agreed for the reason given by the applicant and by virtue of its designation that this site cannot be sequentially preferable.
- Microlights Premises, Elcot Road – This site is some 500m+ from the boundary of the town centre. It is, therefore, neither a town centre site nor an edge of centre site. It does, however, have level pedestrian access to the town centre crossing one major road. It is designated as a protected strategic employment site in the local plan. The applicant considers this site to be unavailable and unsuitable (due to poor vehicular access and a poor relationship with neighbouring residential properties). The unsuitability of the site is accepted for the reasons given. The present use and

designation for employment purposes is also a hindrance to its suitability. The site cannot, therefore, be considered sequentially preferable.

There are no other singly appropriate sites either within the town centre or at the edge of the town centre.

An objection from a third party to the proposed site has been made on the grounds that other smaller sites may be available and/or suitable for a flexible, or disaggregated, store or stores (for example, the former auction house beside the access road to Waitrose or the Citroen garage), (part (d) of Policy EC16). The proposed store in this case is relatively modest in size and so unsuited to 'splitting' into smaller units. The applicant also points out that a smaller store with a resultant reduced offer is less likely to achieve the levels of claw back from other centres, and this would be to the general disadvantage of the Marlborough catchment area as a whole. These alternative sites, together with other vacant units in the shopping streets (of which there are few), are therefore also considered to be sequentially less preferable than an out of centre site.

In terms of parts (a) and (c) of Policy EC16, there is no existing or committed public or private investment at present in Marlborough, and there are no allocated sites outside of the town centre for retail developments.

It is considered that the applicant has properly applied the sequential test, and it is agreed that its conclusion that there are at this time no sequentially preferable sites either in the town centre or at the edge of the centre is sound.

#### Potential implications for Marlborough Town Centre –

So far it has been demonstrated that, firstly, there is a need for (and capacity for) a further store within the catchment area and that this need can be fulfilled without detriment to trade in the wider area; and that, secondly, there is no suitable or available site within Marlborough town centre or at its edge for such a store. The site proposed by the applicant to meet the need is, therefore, out of centre.

In terms of the impact of an out of centre store on trade and turnover within the town centre (Policy EC16.1(b) & (d)) the Updated Retail Assessment (March 2010) calculates that this will be 6.45% against current trading levels based on the worst case scenario (or 5.07% based on Tesco own estimates on turnover at the new store), with the majority of this impact directed at Waitrose (it being the only supermarket in the town). Having regard to the findings of a town centre 'health check' carried out by the applicant (which reveals 156 shop units in the town, 140 of which support comparison (or 'other') goods shops, and only 10 of which support convenience goods), the assessment concludes that this percentage would not significantly impact on the vitality and viability of the town, particularly as it would continue to overtrade against average turnover levels in any event. The impact of the comparison offer in the proposed store on the town centre would be negligible due to the limited range.

The health check states the following:

"The centre [Marlborough town centre] is vital and viable and performs an important role in providing a range of comparison shopping and services to meet the needs of its significant catchment. The limited number of vacant units demonstrates that the centre is performing well and the environmental quality of the centre is good. However, the conservation area and the layout of the town constrain its ability to provide additional floor space within the centre. Indeed, the existing level of floor space within the centre is low when considering the catchment that the store serves. The convenience retail offer does need some significant strengthening in order to serve the extensive rural catchment as well as clawing back some of the significant amount of trade lost to nearby competing centres. This is reflected in the responses to the public consultation exercise.



The development will have no detrimental impact upon the vitality and viability of the centre and will not prejudice its future well-being. As demonstrated by the public support for the proposal through the extensive community involvement process, the application will provide a facility that many local consumers have been asking for over a number of years and will widen the choice available for poorly served residents in the catchment. It is considered that the proposed development is likely to significantly increase the retention of expenditure within the catchment, as the retail offer available within Marlborough will be broadened. In turn it is highly likely that people will undertake linked trips with the centre, whereas previously they would undertake such linked shopping trips with the centre closest to the competing out of centre foodstore. We estimate that the increase in linked trips to the town from the proposed development will more than compensate for the potential impact that has been demonstrated ... .On this basis, the application satisfies this impact test”.

To quantify this, as already referred to, the catchment area total available expenditure for convenience goods in 2009 is £48.330m, and this is expected to increase to £50,062m by 2014 (when the new store would be fully functioning), (figures based on recognised independent data). However, the actual total expenditure by the catchment population on convenience goods within the catchment area in 2009 is £29.756m of which £24.174m is ‘spent’ in Marlborough town centre (data derived from the household survey). Marlborough town centre, therefore, takes some 48.3% of the catchments available expenditure. It follows that significant leakage is occurring to other centres outside the catchment area.

In 2014, assuming there is no further retail development in the catchment area (including the currently proposed Tesco store), the 48.3% convenience goods expenditure in Marlborough Town Centre would equate to £25.040m. Factoring in the new store, it is expected to turnover £9.668m in convenience goods sales from the catchment area (Tesco’s own estimation). A proportion of this turnover would be ‘clawed back’ from the presently leaked expenditure, although some would also be taken from the centres within the catchment area. Estimated convenience goods expenditure in Marlborough town centre by the catchment population in 2014 with the proposed store functioning is, therefore, £23.397m (derived from the household survey), which is slightly less than in the ‘no store’ scenario. The difference between these figures is the approx. 6.5% impact. Factoring in the applicant’s qualitative arguments about the healthy status of the town centre, overtrading in the town at present, and that more linked trips will be generated by the development, it is accepted that this is a relatively modest impact which should not be detrimental to the vitality or viability of the town centre. The impact on other centres within the catchment area is significantly less having regard to the nature of the shops and the related shopping patterns in these centres and the resulting relatively modest turnovers in any event.

The impact on comparison goods sales is less (in fact, the applicant estimates this to be 0.5% in Marlborough town centre and negligible in the other catchment centres). This is primarily due to the limited offer at the proposed store, and this is accepted.

These conclusions are also assessed in the independent Nathaniel Lichfield and Partners (NLP) report. This includes a sensitivity test to assess the impacts of the store. The NLP report uses the benchmark turnover figures for the store (which are greater than Tesco’s own estimates), and also assumes less trade draw. The report states the following:

“This sensitivity test is considered on an individual rather than cumulative basis. It utilises actual turnover estimates from the [Tesco] assessment. We have assumed that the Marlborough turnovers would benefit from an element of inflow and have therefore made an allowance for 15% inflow in the tables below.

The above analysis suggests the greatest impact will fall on the Waitrose in Marlborough. Whilst the impact is high (24%) the anticipated turnover post opening of a Tesco store (£18.01m) is still a viable level.

The impact of the store on other convenience stores is estimated at 13.7%, however, it should be noted that this applies to the convenience stores only and not all other retail space in the town.

It is considered that the proposal would not lead to a significant adverse impact on the turnover of the centre.

The impact on Aldbourne is considered to be within acceptable limits and does not represent a significant adverse impact on turnover.

The impact on convenience floorspace in Pewsey is relatively high (20%) and is likely to be concentrated on the Co-op store. It is unlikely to be significant enough to cause the closure of the store.

	Turnover Pre – proposal 2014	NLP Assumed Trade Diversion	Tesco Diversion	Turnover Post Proposal	Impact %
Waitrose, Marlborough	£23.65m	42%	£5.64	£18.01m	23.9%
Other stores Marlborough	£5.9m	6%	£0.81m	£5.09m	13.7%
Aldbourn	£2.34m	2%	£0.27m	£2.07m	11.5%
Pewsey	£3.39m	5%	£0.67m	£2.72m	19.8%
Outside PCA	-	45%	£6.04m	-	-
Total		100%	£13.43m		

The independent NLP report, therefore, confirms that the proposal would not lead to significant adverse impacts on Marlborough Town Centre or the other centres in the catchment area. This conclusion is reached even when factoring in a reduced trade draw and when using benchmark turnover (that is, £13.430m in 2014) rather than Tesco’s own estimates.

Conclusions in relation to the impact assessment -

Overall it is concluded that the retail assessment properly demonstrates that another food store is justified in Marlborough in both quantitative and qualitative terms. The independent household survey which informed the assessment reveals that significant ‘leakage’ takes place from Marlborough’s catchment area to other retail centres (this notwithstanding the travel distances involved), and this would be clawed back to a large extent by a new development in Marlborough, to the towns overall benefit and without detriment to other centres within the catchment area. The lack of a town centre or edge of centre sites has resulted in the applicant pursuing an out of centre site, but this has been justified through the sequential assessment. With resulting claw back of expenditure from other centres there is sufficient spending capacity in the catchment area to sustain both the proposed store and established retail facilities to achieve continued viability for all. The vitality of Marlborough town centre would, therefore, be safeguarded, particularly as a consequence of customers making linked trips. The vitality of other centres within the catchment area would also be safeguarded.

Salient points are as follows:

- Marlborough town centre and the existing centres in its catchment area are performing relatively well, indicated by the limited number of vacant shop units in particular;

- There is, however, presently significant leakage of expenditure from Marlborough's catchment area to other centres. This cannot have been helped by the closure of Somerfield (and latterly Marks and Spencer) in the town. Waitrose is now singly the main convenience goods retailer. There is, therefore, limited convenience goods choice;
- Notwithstanding the leakage, Marlborough presently overtrades (that is, expenditure in the town exceeds returns based on floor space and sales density);
- The sequential test has revealed no suitable or available sites (either singly or disaggregated) for a further store either within the town centre or at its edge. As a consequence the application is for an out of centre site which in this instance is appropriate;
- It has been calculated that in 2014 the impact of an out of centre store at the scale envisaged on the town centre is 6.45% for convenience goods sales and 0.5% for comparison goods sales. This impact is considered negligible having regard to the reasonable health of the town centre. The store will claw back significant lost expenditure to other centres and this will benefit the town centre as a whole through linked trips in particular. The impact on other centres within the catchment area is negligible having regard to the offer of these centres and associated shopping patterns.

#### LOSS OF PROTECTED STRATEGIC EMPLOYMENT LAND

From the foregoing paragraphs it is evident at the present time that there are no sequentially preferable sites in Marlborough to an out of centre site. The applicant is, therefore, proposing an out of centre site. Available out of centre sites are also few and far between in view of the numerous constraints to development within and beyond the town – most notably, the area of outstanding natural beauty and the policies of the local plan which restrict the use of previously developed land to particular purposes.

The application site comprises a frontage plot at the Marlborough Business Park. The Marlborough Business Park is defined in the Kennet local Plan as protected strategic employment land covered by Policy ED7. The relevant part of Policy ED7 states the following:

*Sites that contribute to the strategic supply of employment land within the District are identified on the Inset Maps. These sites will be protected for employment uses. Development for uses within the B Classes of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) will be permitted. Applications for other employment generating uses will be permitted subject to strict compliance with PD1, ED17 and ED25 and the application of a sequential approach to site selection to demonstrate that no suitable town centre, edge of centre or transport node locations are available. ....*

The explanatory notes with this policy state that the strategic sites are vitally important to the Local Plan's objectives of creating balanced communities. The local policy presumption is, therefore, in favour of 'B' class uses (that is, business, industrial and warehouse/distribution uses) on the protected strategic employment sites. The application is for an 'A1' class use (that is retail). Exceptionally non-'B' class uses can be acceptable, although subject to strict criteria.

Since the publication of policy ED7 there has been, however, a shift in the way economic development is defined. PPS4 now defines economic development as development within the 'B' classes, public and community uses, and main town centre uses where these would provide employment opportunities or generate wealth in particular. By further definition main town centre uses include retail. This is an important material consideration which must be given weight, particularly as the applicant has stated that the proposed store would create around 140 jobs in any event.

By way of further support for a non-B class use on the site the applicant has reviewed the demand for B class uses on the business park since its initial development. The summary of this assessment states the following:

“The marketing of Marlborough Business Park (and in particular Plot 1000 [application site]) has been undertaken since 2003 ..... Marketing schedules were produced at regular intervals ....

Plot 1000 was intended to be developed either on a speculative basis for offices or industrial accommodation in accordance with the original planning permission. Unfortunately, with vacant space still available after 3 years of marketing it was concluded that there is insufficient demand for this type of development. The lack of direct site interest confirmed this to be the case. Pre-lets for bespoke buildings have been offered, as has the land on a long leasehold basis, again without success. Quoting terms on a lease and purchase basis have been consistent with other land sales on the park. Despite this, no interest has been secured.

The uses for which those plots have been sold fall outside the original planning consent and no formal offers have been received for plot 1000 on a B1/B2 or B8 basis over the past 7 years. ....”.

It is also of note that where sites have been developed at the park for B class purposes in accordance with the original planning permission a number of these remain vacant at this time. Partly in recognition of these circumstances limited non-B class uses have been permitted elsewhere on the park, these including a dental practice and a private gym. The lack of evident interest in the site for class B uses is, therefore, a further material consideration which must be given some weight.

On balance, having regard to the more flexible definition of economic development set out in PPS4 which is an important material consideration, the lack of interest in the application site for class B uses despite extensive marketing for an extended period, the results of the sequential test already covered, and the employment the store will provide in any event, an exception to Policy ED7 is considered fully justified in this case. The loss of part of the protected strategic employment land would not, it is considered, adversely impact on the overall economic strategy set out in the plan, and indeed will bring into use a site which would otherwise remain vacant for the foreseeable future.

#### TRANSPORT ASSESSMENT

Policy EC10 of PPS4 (Determining planning applications for economic development) sets out impact considerations for assessing all planning applications for economic development. EC10.2b states the following:

*All planning applications for economic development should be assessed against the following impact considerations:*

- (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.*

This supports other government guidance set out in PPG13 which promotes more sustainable transport choices, and seeks to reduce the need to travel, especially by car.

The application is accompanied by a Transport Assessment and a Transport Assessment Addendum.

#### Choice of means of transport

In relation to ensuring a choice of means of transport to the site, the assessment states that the following will be provided:

- Cars - Car park for 112 cars (inc. 8 spaces allocated for disabled usage and 4 spaces for parent and child usage) and 5 motorcycles. Restrictions on parking/waiting on the roads within the business park;
- Cycles - Cycle park for 20 cycles;
- Public transport - Pedestrian access to the bus stops on Salisbury Road improved by dropped kerbs and tactile paving on all arms of the Blenheim Road/Salisbury Road roundabout. The owners of the business park are already committed to improving the bus stops with shelters, etc. Pick-up/drop-off point for two taxis with direct telephone line in the store to a local taxi company;
- Pedestrians - Improved surface of footway on Blenheim Road to roundabout. Trimming back of trees/foliage on south eastern edge of Salisbury Road (on approach to roundabout). Installation of tactile paving across Cherry Orchard junction and other improvements to surfaces elsewhere. Dropped kerbs and tactile paving across Savernake Court, including surface upgrade to highway. A financial contribution towards any future proposal to provide pedestrian access elsewhere.
- Staff – Travel plan to initiate car sharing, bicycle user group, secure cycle parking, etc.

The Wiltshire Council Highways Officer agrees with most of these initiatives, and one or two others, and consequently no objection has been raised on sustainability grounds.



*Pavement alongside Salisbury Road at railway cutting showing width & gradient*

Some concern has been expressed by third parties that pedestrians will be put-off walking to the store because of the narrow width of the pavement alongside the A346 through the railway cutting and the general gradient of Salisbury Road. It is acknowledged that there is a pinch-point by the railway, and that this will be a deterrent to some pedestrians. However, due to the short length of pavement concerned, the difficulty in making improvements, and the adequacy of the rest of the route (including its gradient) between the site and the town centre in any event, this is not seen as a reason to raise objection to the development as a whole.

#### Congestion

In relation to the effect on local traffic levels and congestion the assessment proposes the following alterations to roads:

- A346/A4 junction within the town – wider approaches on all arms and realignment of uncontrolled crossing points and footways;
- A4/A346/George Lane junction within town – longer dual lane approaches on A4/A346 arms, improved general layout, new footway and new pedestrian crossing point;
- A346/Blenheim Road junction – widening of south approach.

These proposals have been devised following traffic counts carried out in November 2009 and subsequent modelling. The conclusion set out in the TA is as follows:

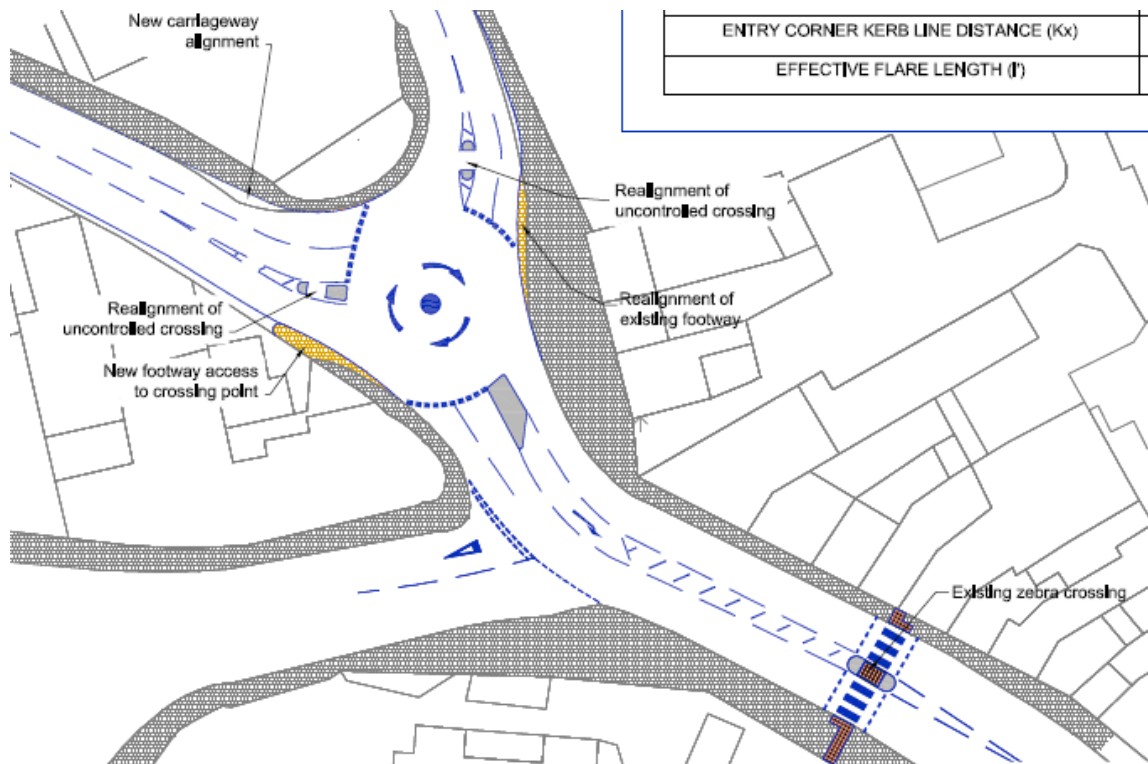
“The results of the development traffic modelling indicate that the three junctions already over capacity will remain over capacity without any physical mitigation. These junctions are already subject to congestion and will operate over capacity, principally due to the limitations of available highway land capacity in that location.

The proposed physical alterations to the geometry at these junctions will ensure that queue lengths do not increase beyond levels were the development not to proceed (nil detriment) during peak hours. It is considered that the conditions will be more favourable outside peak hours.

The results do not consider the impact of sustainable mitigation, as such the results are the worst case assessment and it is envisaged that the queue lengths could be reduced further”.

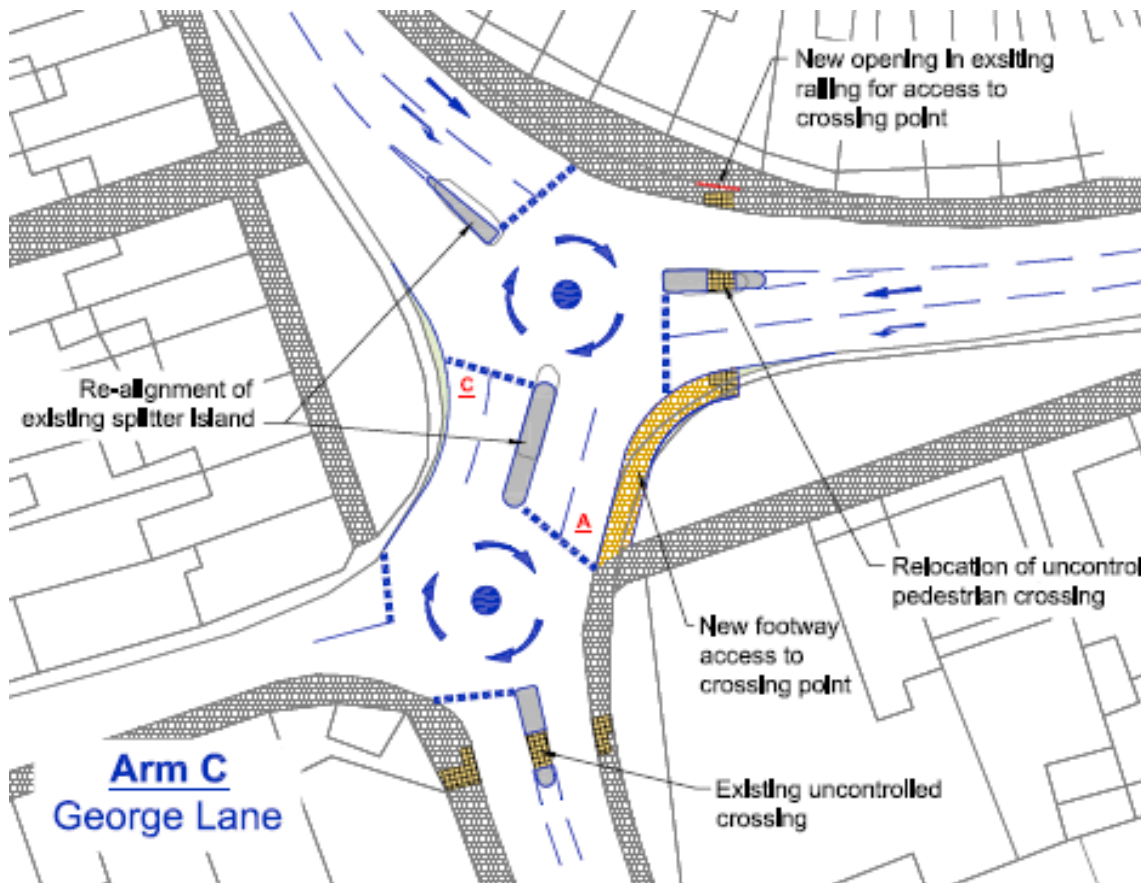
The Wiltshire Council Highways Officer agrees with these conclusions and proposals, and consequently raises no objection to the development subject to conditions and a planning obligation.

Regarding additional HGV’s using the road network which has been raised by some third parties, the TA states that the store would be serviced by four each day. It is not considered that an additional four HGV’s on the road network each day would cause such additional congestion or nuisance to warrant an objection for this reason.



*A346/A4 junction improvements*





A4/A346/George Lane Improvements

#### VISUAL AMENITY AND THE AONB

The application site is prominently located at the front of the Marlborough Business Park, with frontages to Salisbury Road, Blenheim Road and Woodstock Court. With countryside to its south side, the business park provides the southerly entrance to Marlborough town. The entire business park (and, for that matter, Marlborough as a whole) lies within the North Wessex Downs Area of Outstanding Natural Beauty.

Further impact considerations set out in Policy EC10 of PPS4 are as follows:

*All planning applications for economic development should be assessed against the following impact considerations:*

- (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;*
- (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.*

Policy PD1 of the local plan sets out further design requirements, requiring sustainable design principles; scale, height and massing; layout, servicing and access arrangements; landscape proposals; and building materials, colour and detailing to be taken into account.

As set out in the 'Proposal' section of this report, the proposed building would be contemporary in terms of its design. The two principal elevations facing Salisbury Road and Blenheim Road would contain large areas of glazing. The walls of the building would be constructed from larch timber panels above an 'oyster' smooth finished plinth. The very shallow pitched roof would be constructed using built-up single ply coloured dark grey. Window frames and other external rain

goods, etc. would be coloured white. Four 'wind catcher' roof ventilators would be installed on the roof as part of the sustainable design.

The application is accompanied by a Design and Access Statement which states the following:

"The building's design draws on a system of standard reusable, recyclable and sustainable components. Many of the construction materials and methods lend themselves to be recycled or re-used after the store has reached the end of its lifespan. The primary intention is to create an environmentally friendly retail unit with ease of use for all ...."; and

"The proposed store is predominantly single storey with a double storey element to the south east of the building to house the staff facilities. .... Due to the sunken nature of the site the store sits below road level which reduces its impact when viewed from the A346. .... The scale of the development is sensitive to the surrounding area. The height of the store is not overbearing and the existing and proposed landscaping positively contributes to the character of the area".

The application is also accompanied by a Landscape Supporting Statement which states the following:

"... The proposals and layout have responded well to the open approaches to the town and to the urban/rural interface character area in which the site lies. The building is well designed, low in height, set back from the road with low-level car parking that is cut into the existing ground levels which will ensure that the proposals are not prominent.

The positioning of the store to the rear of the site leaves the front area open with views of mature trees along the northern boundary and the new tree planting within the open car park. This responds to and complements the character of the open approaches to the town. If a building was positioned at the front of the site the views of the mature treescape would be partially removed and the character of the open approaches would be diluted, resulting in a development edge that would not respond well to the transition between the open countryside and the town. ...".

The proposal is for a relatively large building, but notwithstanding this the site is adequate in size and shape to accommodate it without a cramped or overbearing impact. The contemporary design fits well within its 'modern' business park context, and will positively enhance this situation. The historic core of Marlborough town is sufficiently distanced and screened to ensure no unsatisfactory relationships. The listed lodge building on Salisbury Hill is also sufficiently distanced to ensure its setting is safeguarded.

In terms of the set-back siting of the building, the benefits of this expressed in the Landscape Supporting Statement are agreed by the Council's Landscape Consultant. Tree planting in the otherwise open car park to the front of the building will soften the impact of this. The slightly sunken level of the site will also help to mitigate the impact of parked vehicles.

The external materials are considered acceptable, particularly in terms of sustainability. The grey-coloured roof accords with the conditions attached to the original planning permission for the business park, and will ensure a satisfactory appearance when viewed from higher level on Salisbury Road.

Overall the design and layout of the development is considered to be acceptable, with no harmful impacts on visual amenity in general. The area of outstanding natural beauty will similarly be preserved.

#### RESIDENTIAL AMENITY

The nearest existing residential properties to the site are The Lodge on Salisbury Road, individual houses in Cherry Orchard and the Priorsfield estate. All of these properties are,

however, sufficiently distanced and/or screened from the site to ensure no adverse relationships.

Concern has been expressed by the owner of The Lodge that the proposed bus shelters are inappropriate in terms of their design for this countryside location. The requirement for bus shelters stems from the original planning permission for the business park. The functional design of the shelters and their means of illumination are considered appropriate within their roadside context and having regard to the need to ensure their safe operation.

Much closer to the site is the Wiltshire Council depot on the former elevated railway station land. Planning permission has been approved by committee, but not yet granted for mixed 'live/work' units and dwellings on this land. (The permission awaits completion of a legal agreement). A number of the agreed units would be relatively close to the store with inter-visibility due to the change in levels. Although there is no issue with the inter-visibility, the close proximity and the change in levels also means that occupiers of the new units would hear activity around the store, in particular arising from the use of the service yard which is to the side. To address this the Council's Environmental Health Officer recommends conditions, in particular, requiring a specification for the acoustic fence around the service yard to be submitted for approval and the fence itself to be extended to include the gates; the gates to be kept closed at all times except when delivery vehicles are entering or leaving; and no use of the service yard by delivery vehicles during night time. Subject to this the Environmental Health Officer raises no other objections.

#### COMPARATIVE ANALYSIS WITH SAINSBURY APPLICATION

As set out at the start of this report, the Tesco application was due to be considered by the East Area Planning Committee on 18 March but was deferred by officers following the late submission of an application by Sainsbury Supermarkets Ltd for another site in Marlborough. The reason for deferral was that, as there are now two competing sites, each is a material consideration in the determination of the other, and it may therefore be necessary to undertake comparative analysis. Questions were also raised about the retail impact assessment. Such analysis and assessment was not possible in the very short time prior to the 18 March meeting.

The site of the Sainsbury application is the Council depot immediately to the north of the Tesco application site. This site was historically railway stations and sidings, and is artificially elevated above all surrounding land. It has frontage to, and access from, Salisbury Road. In policy terms it lies within the limits of development of Marlborough. It is designated as protected strategic employment land and it is not within, nor at the edge of, Marlborough Town Centre. In terms of its recent planning history, there is a Council resolution to grant planning permission for 18 'live/work' units and 14 dwellings on the site subject to a legal agreement.

The Sainsbury application seeks outline planning permission to erect a food store of 1,364 sq m (with 1,091 sq m of convenience goods floor space and 273 sq m of comparison goods floor space) on the depot. This is larger than the Tesco application (which is for 1,080 sq m of convenience goods floor space and 122 sq m of comparison goods floor space). Car parking would be provided for 159 vehicles. A new roundabout would be constructed to provide access from Salisbury Road via the existing 'ramp', albeit re-aligned.

The necessity to carry out comparative analysis in certain cases stems from planning case law, most notably *Secretary of State v Edwards [1994] 1 PLR 62* which concludes that where there are two competing sites each is a material consideration in the determination of the other, provided that four criteria are satisfied. Those four criteria are –

- (a) The presence of a clear public convenience or advantage in the application under consideration;
- (b) The existence of inevitable and adverse effects or disadvantages to the public in the application;

- (c) The existence of an alternative site for the same project which would not have those effects or would not have them to the same extent; and
- (d) A situation in which there could only be one permission granted for such development or at least a very limited number of permissions.

In this case the four criteria are satisfied in that – (a) there is clear public advantage in providing a new food store in Marlborough; (b) there are adverse effects or disadvantages to the public stemming from both the Tesco application and the Sainsbury application; (c) there are two alternative sites, each of which does not necessarily have the adverse effects of the other; and (d) there is a situation where there could only be one permission granted.

Considering point (d) first, it is evident from this report to the Committee that there is justification for an out of centre food store of the type and size proposed in the Tesco application in Marlborough. However, the independent review by Nathaniel Lichfield and Partners (NLP) of the retail assessments accompanying both the Tesco and Sainsbury applications concludes that although one such food store can be justified in terms of its impacts on Marlborough town centre and the other centres within the catchment area, there is no justification for a second food store. It follows, therefore, that only one store (that is, the store with the least adverse effects or disadvantages) should gain planning permission.

On the issue cumulative impact issue the NLP Report states the follows:

“Given that the impact of one store is considered acceptable, it is appropriate to assess whether the cumulative impact of two stores would be acceptable.

In this instance, where the two stores are of similar size and are adjacent to each other, we would expect that neither store would achieve benchmark turnover. We have therefore assumed that each store would achieve 80% of its company average turnover. The impact of both stores is considered below.

	Turnover Pre – proposal 2014	NLP Assumed Trade Diversion	Cumulative diversion	Turnover Post Proposals	Impact %
Waitrose, Marlborough	£23.65m	45%	£8.61m	£15.04m	36.4%
Other stores Marlborough	£5.9m	7%	£1.34m	£4.56m	22.7%
Aldbourne	£2.34m	2%	£0.38m	£1.96m	16.2%
Pewsey	£3.39m	5%	£0.96m	£2.43m	28.3%
Outside PCA	-	40%		-	-
Total			£19.14m		

The impact on convenience floorspace turnover ranges from 16% in Aldbourne to 36% on the Waitrose. The diversion of £9m from the Waitrose would also have an impact on linked trip expenditure in the town centre associated with visits to this store, with knock on impacts for other businesses in the town centre. Such reduction in turnover is likely to be considered significant”.

The NLP report concludes that in assessing cumulative impact of both applications it is considered that significant adverse impact could occur and the Council should not approve both applications under PPS 4 Policy EC17 1b.

Considering point (a), it is also evident from this Committee report that there is clear public advantage in providing a new food store of the size proposed by Tesco in Marlborough, demonstrated by the need and impact assessments. It follows that any individual food store (whether Tesco, Sainsbury or another) would give this advantage.

However, under (b) both sites also have disadvantages. In policy terms the sites effectively have the same designation – that is, protected strategic employment land. Notwithstanding the limited marketing of the Sainsbury site for continued employment purposes, it has already been acknowledged that town centre uses are now a form of economic development under PPS4, and so no disadvantage is seen for this reason to releasing either site for retail purposes.

In locational terms, although both sites are out of centre and neighbouring one another, the Tesco site is slightly further from the town centre than the Sainsbury site which may be seen as a disadvantage. That said, the Tesco site is less elevated and so would not present pedestrians with a final 'up hill climb' to the store which would be inevitable at the Sainsbury site. Having regard to these different circumstances it is considered that neither store actually has a locational advantage over the other.

In terms of visual impact, the Tesco site benefits from being 'tucked' on to a low lying site within the established business park. Surrounding rising land (and, in particular, the adjacent former railway embankment) largely screens the Tesco site in distant views. By contrast the Sainsbury site has an elevated siting atop the railway embankment. Notwithstanding the intended screen planting, the Sainsbury development (including its lighting) would, therefore, be more visible in distant views. This is considered to be a disadvantage. The Sainsbury site also proposes significant alterations to the vehicular access, in particular in the form of a new roundabout on Salisbury road. The construction of this would require removal of a large section of the established roadside bank and related trees. These alterations, and the resulting 'engineered solution', would have a significant impact on the character and appearance of this part of Salisbury Road. In contrast the Tesco site requires no significant changes to the established access arrangements to the business park and consequently would not have impacts on visual amenity to the same extent. This is considered to be an advantage.

In terms of residential amenity, the Tesco site benefits from being distant from existing residential properties. However, the Sainsbury site is close to, or impacts on, a number of residential properties in Priorsfield and Salisbury Road. According to the acoustic report accompanying the Sainsbury application noise from deliveries is anticipated to be not greater than 10dB above existing background levels. The Council's Environmental Health Officer considers that this maximum level may well generate complaints (being borderline statutory nuisance). The solution may be to erect a higher acoustic fence in the effected area, but this in itself is seen as a disadvantage compared with the more straightforward Tesco proposal.

Taking all of these advantages and disadvantages into account, and having regard to (c), it is considered that the Tesco site would not have as great an impact, and/or would not have impacts to the same extent, as the Sainsbury site. It is, therefore, from a planning perspective, the better option of the two competing sites.

## CONCLUSION

This application is for an out of centre supermarket in Marlborough which will offer convenience goods, and to a lesser extent, comparison goods. The application is supported by considerable evidence which demonstrates in both quantitative and qualitative terms that there is a need for a further supermarket in the town. A household survey reveals that there is significant leakage of expenditure from the Marlborough catchment area to other centres outside of the catchment area, and to a large extent the proposed store would 'claw' this back. An independent report commissioned by the local planning authority has found that the retail assessment accompanying the application adequately covers the policy requirements and tests of PPS4.

The site for the proposed store is neither in the town centre nor at the edge of the centre. It has, however, been robustly demonstrated that there are no sequentially preferable sites in these locations in any event. Notwithstanding the out of centre location, the application also

demonstrates that as a consequence of the relatively healthy condition of Marlborough town centre, the benefits of 'claw back', and the expected returns from a supermarket of the size proposed, that the impact on the vitality and viability of the town centre would be limited in respect of convenience sales (primarily impacting on the only other supermarket) and negligible in respect of comparison sales.

In qualitative terms it is material that there is only one other significant food store in the town, this restricting consumer choice. It is also material that the claw back of leaked expenditure would benefit the town through linked trips, and reduce journey times in the interests of sustainability.

Although the site is protected strategic employment land the proposal satisfies the flexible PPS4 definition of economic development as well as the Policy ED7 sequential test. The new store will employ around 140 people. There has been little interest in the site for class B use purposes following long term marketing.

Notwithstanding the out of centre location, the site remains reasonably close to the town centre and is accessible by a variety of means. The application includes proposals to promote more sustainable transport choices. It also sets out proposed alterations to road infrastructure so that existing congestion on the local road network is not aggravated (and, indeed, is improved at off peak times).

The design of the development is considered acceptable and appropriately sustainable within its context, with no adverse impacts on the area of outstanding natural beauty or visual amenity in general. Conditions can be imposed to ensure the privacy of occupiers of the future development on the adjoining site is safeguarded. Comparative analysis of a second competing site has revealed that the impacts of the Tesco site are less than those of the competing site, and consequently the Tesco site is preferable in any event.

For these reasons the proposed development is considered acceptable. Approval of the application is, therefore, recommended. The applicant has prepared a satisfactory unilateral undertaking relating to financial contributions towards sustainable transport initiatives within the town, monitoring of a green travel plan, and a potential road traffic order (should it be needed).

## **RECOMMENDATION**

### **Approve subject to conditions**

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Notwithstanding the information set out in the application particulars, no development shall take place until details of the materials to be used for the external walls and roofs, and the surfacing of the car park, access roads and pedestrian routes, (including samples) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To secure harmonious architectural treatment.

- 3 This permission grants a net convenience sales floor area of 1,080 sq m and a net comparison goods sales area of 122 sq m. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), there shall be no provision of retail floorspace in excess of the net areas defined without the prior express consent of the local planning authority neither shall there be any alteration or subdivision of the sales floor, nor provision of ancillary or subsidiary retail units within that sales floor.



REASON:

To accord with the terms of the application and in particular its justification for sales areas of these specific sizes, and having regard to policies set out in PPS4 and the Development Plan which resist developments which could have a detrimental impact on the vitality and viability of the town centre.

- 4 Immediately upon the commencement of trading of the store hereby permitted, provision shall be made at the entrance to the store for the advertising of town centre retail and service facilities in accordance with a scheme which has been submitted to and approved in writing by the local planning authority prior to commencement of the internal fitting out of the building.

REASON:

To support and encourage linked trips between the store and the town centre in accordance with the qualitative justification forming part of the application and in the interests of maintaining the vitality and viability of the town centre.

- 5 All soft landscaping comprised in the submitted landscaping scheme (that is, drawing no. "ASP4: Planting Plan Rev B" dated 03/12/09 and accompanying the Landscaping Supporting Statement by Aspect Landscape Planting) shall be carried out in the first planting and seeding season following the opening of the store or the completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 6 Notwithstanding the information set out in the application particulars, the acoustic barrier to be provided around the outside of the service yard shall comprise both the indicated timber acoustic fence and the service yard gates. Before development is commenced the detailed design of the acoustic barrier, including its acoustic properties, shall be submitted to the local planning authority for approval in writing. The acoustic barrier shall then be erected in accordance with the approved specification prior to the first opening of the store or the completion of the development, whichever is the sooner. The acoustic barrier shall be permanently retained thereafter.

REASON:

To safeguard the residential amenities of future occupiers of the adjacent site which benefits from a resolution to grant planning permission for a residential and live/work development.

- 7 The loading and unloading of service and delivery vehicles (including home delivery vehicles) together with their arrival and departure from the site shall not take place outside the hours of 7.00 am to 11.00 pm (Monday to Saturday) and 8.00 am to 10.00 pm Sundays. The service yard gates shall be kept closed at all times other than when vehicles are entering or leaving the service yard.

REASON: To safeguard the residential amenities of future occupiers of the adjacent site which benefits from a resolution to grant planning permission for a residential and live/work development.

8 The rating level of noise emitted from the site shall not exceed the existing background noise level, the LA90T, by more than 5dB. The noise level shall be determined at the nearest noise sensitive premises. The measurement and assessment of such noise shall be made in accordance with BS4142 1997.

REASON: To safeguard the residential amenities of future occupiers of the adjacent site which benefits from a resolution to grant planning permission for a residential and live/work development.

9 Details of any floodlighting/external lighting proposed to illuminate the development (including light spillage diagrams) shall be submitted to and approved in writing by the local planning authority before the store is first opened to the public or the development is completed, whichever is the earliest date. Development shall be carried out in accordance with the approved details.

REASON: To safeguard local amenities.

10 The development hereby permitted shall not be commenced until such time as site drainage plans (foul and surface water drainage) have been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON: To demonstrate adequate means of disposal of surface water and foul water.

11 Before the development hereby permitted is first brought into use, a Green Travel Plan shall be submitted to and approved in writing by the local planning authority. The Green Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the local planning authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

12 Before any part of the development hereby permitted is first opened to the public the access, turning areas and parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes.

REASON: In the interests of highway safety.

13 The development hereby permitted shall not be commenced until details of the secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the first opening of the store to the public and shall thereafter be retained for this use at all times.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

14 Prior to commencement of the development hereby approved detailed specifications for the 'Sustainable Travel Initiatives' and the 'Junction 3' 'Junction Improvements' set out in the Transport Assessment Addendum dated 02/10 (including drawing no. 17518-01-1-OS-03C) shall be submitted to the local planning for approval in writing. The Sustainable Travel Initiatives and the Junction 3 Junction Improvements shall then be completed in accordance with the approved detailed specifications either prior to the first opening of the store to the public or the completion of the development, whichever is the sooner.

REASON: To ensure satisfactory pedestrian links to the town centre and to address congestion issues on the road network in accordance with the application particulars and in the interests of highway safety.

- 15 Prior to commencement of the development hereby approved detailed specifications for the 'Junction 1 ' and 'Junction 2' 'Junction Improvements' set out in the Transport Assessment Addendum dated 02/10 (including drawing no. 17518-01-1-OS-06B & 17518-01-1-OS-07A) shall be submitted to the local planning for approval in writing. The Junction 1 and Junction 2 Junction Improvements shall then be completed in accordance with the approved detailed specifications either prior to the first opening of the store to the public or the completion of the development, whichever is the sooner.

REASON:

To ensure satisfactory pedestrian links to the town centre and to address congestion issues on the road network in accordance with the application particulars and in the interests of highway safety.

- 16 Prior to the commencement of the development hereby approved details of the taxi pick up and drop off point outside of the store (including road markings) and details of the taxi call point within the store shall be submitted to the local planning authority for approval in writing. The details shall show marked out spaces for two taxis to pick up and drop off outside the store. The taxi drop off and pick up point and the taxi call point shall be provided in accordance with the approved details prior to the first opening of the store to the public or the completion of the development, whichever is the sooner. The taxi pick up and drop off point and the taxi call point shall be permanently maintained thereafter.

REASON:

To accord with the terms of the application and to ensure sustainable transport choices in accordance with PPS4 and PPG13.

- 17 Prior to the commencement of the development hereby approved a detailed specification for the final surfacing of the 3 metre wide footway along the entire Blenheim Road frontage of the site shall be submitted to the local planning authority for approval in writing. Additionally, prior to commencement of the development hereby approved a detailed specification for a 2 metre wide footway along the entire Woodstock Court frontage of the site shall be submitted to the local planning authority for approval in writing. Both the final surfacing of the footway along the entire Blenheim Road frontage and the new footway along the entire Woodstock Court frontage shall be provided in accordance with the approved detailed specifications before either the new store first opens to the public or the development is completed, whichever is the sooner.

REASON: In the interests of highway safety.

- 18 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing nos. AP00 (13/11/09), AP01A (13/11/09) & 17518-01-1-OS-05 (12/09) received by the lpa 07/12/09;

Drawing nos. AP03P (13/11/09), AP04C (13/11/09), AP05B (13/11/09) & AP06J (31/07/09) received by the lpa on 24/02/10;

Drawing no. 'ASP4: Planting Plan Rev B' (03/12/09) forming part of the Landscape Supporting Statement;

Drawing nos. 17518-01-1-TR-01D (12/09), 17518-01-1-OS-03C (12/09), 17518-01-1-OS-06B (12/09), 17518-01-1-OS-07A (01/10) & 17518-01-1-OS-08A (01/10) forming part of the Transport Assessment Addendum received by the Ipa 10/02/10.

19 **INFORMATIVE TO APPLICANT:**

This permission shall be read in conjunction with an unilateral agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 18 March 2010.

20 **INFORMATIVE TO APPLICANT:**

For clarification, the Sustainable Travel Initiatives referred to in condition no. 13 comprise the following:

(i) Provision of tactile paving and any associated lowered kerb alterations for two pedestrian crossing points on Salisbury Road near to the Blenheim Road roundabout including slightly widening of the splitter island on the southbound approach to the roundabout;

(ii) Alterations to the Salisbury Road/Blenheim Road roundabout as outlined on plan number 17518-01-1-OS-03-C;

(iii) Cutting overhanging trees and vegetation to improve visibility for crossing pedestrians on the Salisbury Road frontage of the site.

(iv) Widen existing lowered kerb at the pedestrian crossing points either side of George Lane at the George Lane/Salisbury Road junction.

(v) Extend drop kerbed pedestrian crossing points and provide tactiles at Cherry Orchard junction with Salisbury Road.

(vi) Provide drop kerbed pedestrian crossing points and tactiles at Savernake Court junction with Salisbury Road.

21 **INFORMATIVE TO APPLICANT:**

The applicant's attention is drawn to the attached letter from Wiltshire Fire and Rescue.

**Appendices:**

1. Nathaniel Lichfield & Partners report - "Proposed Foodstores in Marlborough – Retail Critique on behalf of Wiltshire Council".

**Background Documents Used in the Preparation of this Report:**

1. The application file and related history files;
2. Planning application E/10/0297/OUT – the Sainsbury application;
3. The Nathaniel Lichfield & Partners report – "Proposed Foodstores in Marlborough – Retail Critique on behalf of Wiltshire Council".