OFFICER REPORT

Case No: 25/00209/FUL Full Planning Application

Proposal: Erection of building for use as food retail outlet (Use Class E(a) and (b))

Location: Plot 1 And 2 Land At Former Mushroom Farm Site Broadway

Applicant:

Grid Ref: 519461 293337

DESCRIPTION OF SITE AND APPLICATION

The application site lies to the east of Yaxley on the south side of Broadway and comprises the north-eastern remaining part of the former mushroom farm site which has been redeveloped as an industrial estate called Enterprise Park (hybrid application reference 20/01855/FUL and subsequent reserved matters approvals). The application site (Plot 1 and 2) formed part of the outline planning permission for the erection of up to 10,959 square metres of commercial floorspace falling within Use Classes E, B2 and B8 with all matters reserved (with the exception of the means of access).

This application seeks full planning permission for the erection of a building for use as a food retail outlet (Use Class E(a) and (b)). This is a revised scheme to a previously approved application (24/01036/FUL) to alter the proposed use of the building in question from a hot food takeaway (Sui Generis).

The covering letter accompanying the application advises that the Greggs business model is a coffee shop/retail outlet selling hot food, and is not a hot food takeaway, such that it should be classed as falling withing Use Class E(a) and (b), not Sui Generis as previously applied for. Greggs are not 'cooking' food on the premises beyond what would normally be expected from a bakery so its operation is akin to a bakery/sandwich shop or a coffee shop and not a hot food takeaway. Accordingly this application proposes the erection of the 'Greggs Building' to exactly the same design as previously approved with the same parking and landscaping, but described more appropriately for its use.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

NATIONAL GUIDANCE

The National Planning Policy Framework (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

The NPPF 2024 sets out the Government's planning policies for (amongst other things):

* delivering a sufficient supply of homes;

* building a strong, competitive economy;
* achieving well-designed, beautiful and safe places;
* conserving and enhancing the natural, built and historic environment.

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 - adopted May 2019

LP1: Amount of Development
LP2: Strategy for Development
LP4: Contributing to Infrastructure Delivery
LP5: Flood Risk
LP6: Waste Water Management
LP8: Key Service Centres
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP18: Established Employment Areas
LP21: Town Centre Vitality and Viability
LP29: Health Impact Assessment
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows
LP35: Renewable and Low Carbon Energy
LP36: Air Quality
LP37: Ground Contamination and Groundwater Pollution

Local policies are viewable at https://www.huntingdonshire.gov.uk

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Strategic Flood Risk Assessment (2024)
Huntingdonshire Design Guide Supplementary Planning Document 2017
Developer Contributions SPD 2011
Huntingdonshire Landscape and Townscape SPD (2022)
Cambridgeshire Flood and Water SPD 2017

The National Design Guide (2021)

* C1 - Understand and relate well to the site, its local and wider context
* I1 - Respond to existing local character and identity
* I2 - Well-designed, high quality and attractive
* B2 - Appropriate building types and forms
*M3 - Well-considered parking, servicing and utilities infrastructure for all users
* N3 - Support rich and varied biodiversity
* H1 - Healthy, comfortable and safe internal and external environment
* H2 - Well-related to external amenity and public spaces
* H3 - Attention to detail: storage, waste, servicing and utilities

Local policies are viewable at https://www.huntingdonshire.gov.uk

RELEVANT PLANNING HISTORY

There is extensive planning history for Enterprise Park with the most relevant being:

25/00020/FUL - Demolition of existing building (retrospective) and erection of new building for uses within Use Classes E(g), B2 and B8 - Pending consideration.

24/02294/NMA - Non-material amendment of 24/01036/FUL to change description of development to read: conversion of existing building to offices, erection of 7 new buildings for uses within Use Classes E, B2 and B8 - Refused.

24/02260/S73 - Variation of Conditions 3 (Drainage Strategy), 4 (Drainage during construction), 5 (Levels), 6 (BNG), 7 (Roof Treatment), 8 (External Lighting), 10 (Cycle Storage), 12 (Landscape) and 17 (Use Class Restriction) to comply with the submitted details and removal of condition 9 (Cycle Ramp) of 24/01036/FUL - Pending consideration.

24/01036/FUL - Conversion of existing building to offices, erection of 6 new buildings for uses within Use Classes E, B2 and B8, erection of 1 new building for hot food takeaway (Sui generis) - Approved.

20/01855/OUT - Hybrid application comprising: Outline planning permission for the erection of up to 10,959 square metres of commercial floorspace falling within Use Classes E, B2 and B8. Phased Development. All matters reserved (with the exception of the means of access). Full planning permission for the construction of an access road and for Phase One of the development for up to 6,118 square metres of commercial floorspace falling within Use Classes E, B2 and B8 - Approved.

CONSULTATIONS

Yaxley Parish Council - Supports this application.

Anglian Water - The application falls outside the remit for comments by Anglian Water.

Cambridgeshire County Council's Highway Authority - No objections to the proposed development.

Cambridgeshire County Council's Transport Assessment Team - Requested a full Transport Assessment be submitted.

Cambridgeshire County Council's Lead Local Flood Authority - Following the receipt of additional information, no objection in principle, subject to the imposition of a condition on any planning permission granted.

Cambridgeshire County Council's Archaeology Team - No objection or recommendations for this application.

Huntingdonshire District Council's Urban Design Team - Following the receipt of amended plans, the proposal is considered acceptable.
Huntingdonshire District Council's Environmental Health Team - No objections to the proposal in regard to land contamination and air quality.

REPRESENTATIONS

No third-party representations were received during the course of the application.

SUMMARY OF ISSUES

When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.

As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 48 of the NPPF (2024). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".

In Huntingdonshire the Development Plan consists of:

- Huntingdonshire's Local Plan to 2036 (2019)
- Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021)
- Various Neighbourhood Plans

The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.

The main issues to consider are:

- The Principle of Development
- Design and Visual Amenity
- Residential Amenity
- Highway Safety and Parking Provision
- Flood Risk and Surface Water
- Biodiversity
- Community Infrastructure Levy (CIL)

*The Principle of the Development

The site is located within the built-up area of Yaxley, which the adopted Huntingdonshire Local Plan to 2036 identifies as a Key Service Centre (Policy LP8).

The principle for the erection of a building in this location with a commercial use has previously been considered acceptable under planning permission 24/01036/FUL for a hot food takeaway. This application seeks to change the previously approved Sui Generis use to Use Class E(a) and (b) to better suit the end user of the building.

Whilst the site is not identified as being within an Established Employment Area, it is adjacent to the Eagle Business Park which is identified as an EEA. Policy LP18 supports the provision of uses other than business (Class B) where it will be compatible with surrounding employment uses taking account of amenity and public safety issues. Paragraph 6.15 of the Local Plan states "the addition of complementary uses can support the operation of an Established Employment Area by providing services and facilities which assist the functioning of other businesses such as a café." Although Policy LP18 is not strictly applicable as the site is not within an EEA, it is adjacent to an EEA and it is considered the provision of a food retail outlet would be compatible with, and support, the business and office uses on the wider site and the adjacent EEA. The proposed food retail outlet

would be located to the front of the site and is therefore easily accessible by pedestrians from outside the site. Furthermore, a dedicated car parking area is proposed to the north of the building. Therefore, it is considered that the proposed use would not give rise to public safety issues or any amenity issues to adjacent business/office uses.

Main town centre use includes restaurants and drive-through restaurants as defined on page 270 of the Local Plan. Policy LP21 (Town Centre Vitality and Viability) states a proposal for a main town centre use involving over 600m2 net internal floorspace outside of a town centre will be supported where it is in accordance with the sequential approach. The proposed restaurant/hot food takeaway would have a floor space of 148sqm which is well below the threshold for the sequential approach and the proposal does not therefore conflict with Policy LP21.

Condition 5 of 20/01855/FUL restricted the floor space amounts for retail (Class E(a) Use) open to visiting members of the public at 600 square metres and the maximum amount of leisure floorspace (Class E(d) Use) limited to 2,044 square metres. This application is therefore within these thresholds.

Overall, the principle of development is considered to be acceptable in this instance, subject to all other planning matters being addressed.

*Design, Visual Amenity and Impact Upon the Character of the Area

Policy LP11 of the Local Plan states that a proposal will be supported where it is demonstrated that it responds positively to its context. Policy LP12 states that new development will be expected to be well designed and that a proposal will be supported where it can be demonstrated that it contributes positively to the area's character and identity and successfully integrates with adjoining buildings and landscape. This is also reflected in the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework (2024).

This application seeks approval for the erection of a building for use as a food retail outlet (Use Class E(a) and (b)). This is a revised scheme to a previously approved application (24/01036/FUL) to alter the proposed use of the building in question from a hot food takeaway (Sui Generis).

As a result of the change of use, the previously approved building would remain unaltered and is therefore considered to be acceptable in terms of design and appearance. It is also worth noting that amended plans were received during the course of the application to ensure the landscape verge and tree and shrub planting to the east of the estate road remain as previously approved.

Policy LP12 requires non-residential uses meet Building Research Establishment Environmental Assessment Method (BREEAM) standards (or successor or equivalent standards) 'Good' as a minimum. A 'Sustainable Design and Construction Method' report has been submitted to demonstrate how the development would achieve this. A condition is recommended to ensure that the development is constructed to meet the required standard.

Overall, the proposed development is deemed to be in accordance with Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework (2024) in this regard.

*Residential Amenity

Policy LP14 of the Local Plan to 2036 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.

Given the small scale of the proposed building and its location within an existing business park with no neighbouring residential properties in close proximity, the Local Planning Authority are satisfied

that the proposal would not result in any detrimental impacts on residential amenity. Furthermore, it is not considered that the design or use of the building would adversely impact the amenities of the users of adjacent buildings on the wider Business Park or vice versa.

Therefore, taking the above factors into consideration, the proposal is considered to be acceptable with regard to its impact on residential amenity and therefore accords with Policy LP14 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework (2024) in this regard.

*Highway Safety and Parking Provision

Policies LP16 and LP17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements, facilitates access for emergency vehicles and service vehicles and incorporates adequate parking for vehicles and cycles.

The access and parking arrangements of the proposal would remain unaltered from that previously approved, and the proposed change of use is not considered to require any additional off-street car or cycle parking provision.

While Cambridgeshire County Council's Transport Assessment Team have requested additional information in the form of a Transport Assessment, it would be unreasonable for the Local Planning Authority to refuse planning permission on this basis alone as this application purely seeks to change the use of the previously approved building from a hot food takeaway (Sui Generis use) to a food retail outlet and such a request was not made previously.

Ten car parking spaces, including two disabled spaces are provided adjacent to the building. This is the same as previously approved and is considered acceptable. Cycle parking for visitors is also provided in the form of Sheffield stands located in a shelter adjacent to the access to plots 1 and 2.

As such, the Local Planning Authority are satisfied that the proposal is considered acceptable in terms of its impact on highway safety and therefore accords with Policy LP17 of Huntingdonshire's Local Plan to 2036 and Section 9 of the National Planning Policy Framework (2024) in this regard.

*Flood Risk

The NPPF 2024 and Policy LP5 of the Local Plan to 2036 seek to steer new developments to areas at lowest risk of flooding and advises this should be done through application of the Sequential Test, and if appropriate the Exceptions Test.

The application site is situated in Flood Zone 1 based on the Environment Agency Flood Maps and the Strategic Flood Risk Assessment (2024). The site is also at low risk of surface water and ground water flooding according to the SFRA (2024). As such, the sequential and exception tests are not required.

Furthermore, as the proposed building would remain unaltered to that previously approved and the alteration to the proposed use would be of the same flood risk vulnerability classification as that previously approved (less vulnerable), the proposal is considered to be acceptable in terms of flood risk.

The LLFA have been consulted on the proposal and have confirmed that they have no objection to the proposal. The documents submitted demonstrate that surface water from the proposed development can be managed through the use of permeable block paving.
Given the small scale of the proposed building and use of the wider sites existing drainage systems, the Local Planning Authority are satisfied that the proposal would not result in any detrimental surface water drainage impacts.

As such, subject to appropriate conditions, the proposal is deemed to be in accordance with Policies LP5, LP6 and LP15 of Huntingdonshire's Local Plan to 2036 and Section 14 of the National Planning Policy Framework (2024) in this regard.

*Biodiversity

Paragraph 187 of the NPPF (2024) states planning policies and decisions should contribute to and enhance the natural and local environment. Policy LP30 of the Local Plan to 2036 requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated and ensure no net loss in biodiversity and provide a net gain where possible, through the planned retention, enhancement and creation of habitats and wildlife features, appropriate to the scale, type, and location of development.

Following the receipt of amended plans to ensure the landscape verge and tree and shrub planting to the east of the estate road remain as previously approved, the proposal would remain unaltered in regard to biodiversity and is therefore considered to be acceptable.

The site comprises previously developed land with no vegetated habitats present. Accordingly, and on the basis that this application proposes the erection of a building to exactly the same design as previously approved with the same parking and landscaping, but described more appropriately for its use, it is considered to fall within the de minimis threshold exemption from the requirements of Statutory Biodiversity Net Gain.

As such, the proposal is considered to broadly be in accordance with Policy LP30 of Huntingdonshire's Local Plan to 2036 and Section 15 of the National Planning Policy Framework (2024) in this regard.

*Community Infrastructure Levy (CIL)

The development will be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

*Conclusion

The proposed development is considered to be compliant with the relevant national and local policy as it is:

*Acceptable in principle

And it:

* Is of an appropriate scale and design;
* Would not be detrimental to highway safety in the locality;
* Would not result in an increased risk of flooding in the locality;
* Is acceptable with regards to the impact on biodiversity;
* There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

CONTACT OFFICER:
Enquiries about this report to **Jennifer Wallis**