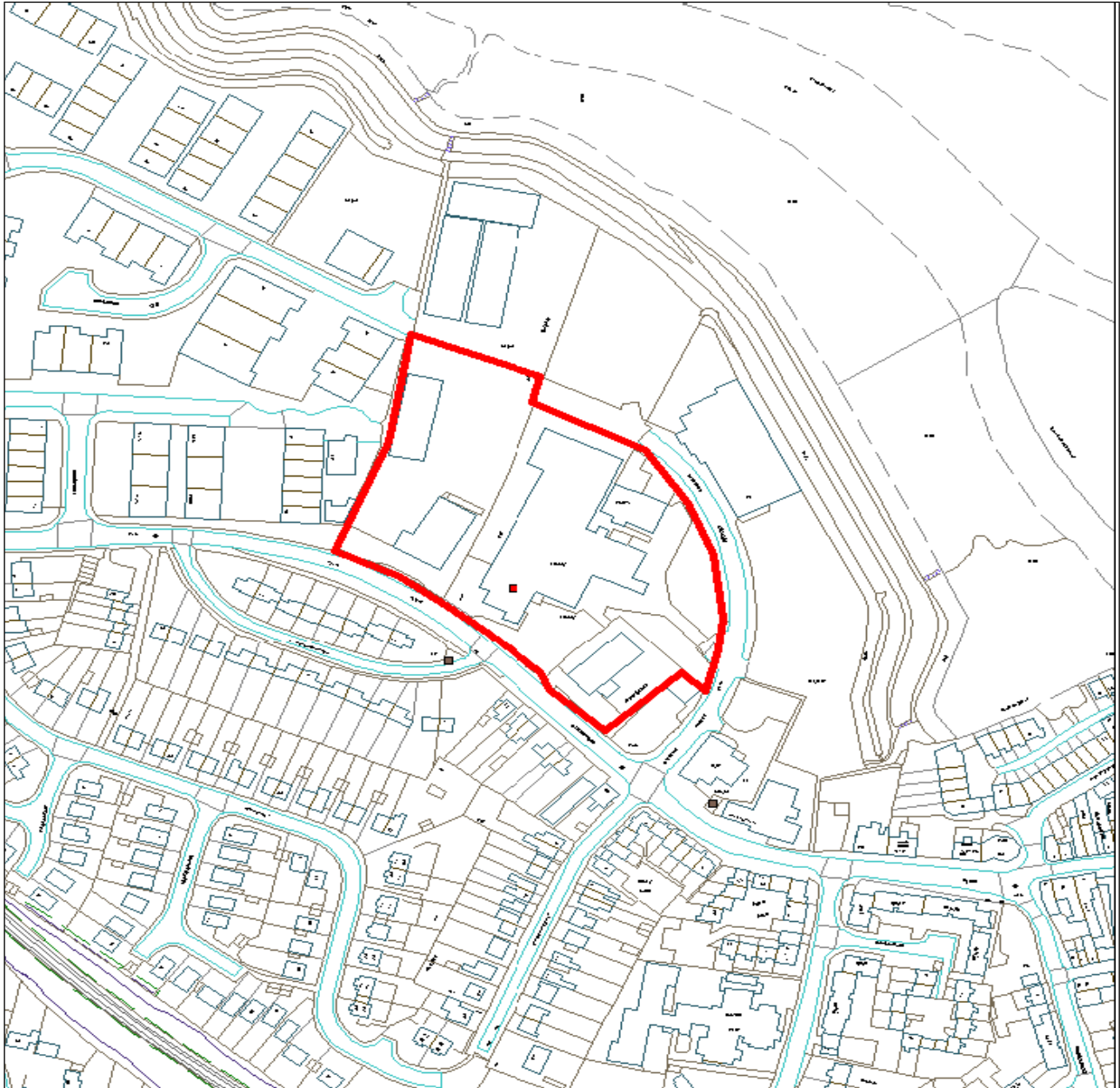


PLANNING COMMITTEE

26 JULY 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING SERVICES

A.4 PLANNING APPLICATIONS – 10/01357/FUL – FORMER RAILEX SITE & ADJOINING LAND, STATION ROAD, LAWFORD, MANNINGTREE, CO11 1DZ



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Application:	10/01357/FUL	Town/Parish:	Lawford Parish Council / Manningtree Town Council
Applicant:	Tesco Stores Limited		
Address:	Former Railex Site & adjoining Land Station Road Manningtree, CO11 1DZ		
Development:	Demolition of existing buildings and erection of Class A1 retail foodstore with associated access, car parking, servicing and landscaping.		

1. Executive summary

- 1.1 At the 30th March 2011 meeting of the Committee the consideration of this application was deferred to enable Officers to appoint independent highway consultants to appraise the Highway Authority's response and those of objectors. The consultant's report found that there were a number of areas where further work was required, including additional information and further assessment. Additional information has been submitted and appraised. The transport information submitted is now considered to be compliant with current transport assessment guidance and policy. Therefore, no objections are raised to the application on highway grounds.
- 1.2 This report includes further details of the highway assessment and the consultants Richard Jackson Ltd will be represented at the meeting to present the findings and answer members' questions. The report has also been updated to include further representations and consultation responses, including those previously on the update sheet.
- 1.3 Tesco Store Ltd is proposing to construct a new food retail store on an industrial site on the boundary between Lawford and Manningtree. The site lies on the north side of Station Road outside of the town centre, close to the boundary of the Manningtree Conservation Area. The development would be predominantly single storey with car parking and service areas. The existing Co-op food store lies close to the application site to the east with the main shopping area of Manningtree some 300 metres away. The site is allocated in the Local Plan (2007) for employment use (B Class). There is a significant body of local objection to the store mainly on the grounds of poor quality of design, impact on existing shops and traffic impact, although there is also a significant level of support on the grounds of convenience and consumer choice.
- 1.4 Planning permission was refused for a larger supermarket than the current application in May 2010 due to the overriding negative impacts arising from:-
 - the additional traffic generated which would have an adverse impact on the traffic flows in Lawford and Manningtree, including Manningtree High Street;
 - the poor quality of the design;
 - the adverse impact on retail trade in Manningtree and on its vitality and viability; and,
 - that the application would not secure the delivery of alternative employment provision or ensure that the location is well connected to the town centre to promote linked shopping trips that would be needed to help maintain the vitality and viability of Manningtree town centre.

However, there was no objection to the principle of a supermarket on the site or to the loss of employment land.

1.5 This application seeks to overcome these reasons of refusal by:-

- A significant revision to the design that draws upon the local built form to better reflect the historic character of Manningtree;
- A significant upgrade to the public realm to improve the linkages from the store to the town centre;
- Funded town centre initiatives to support local shops;
- Highways improvements, including routing and signage to reduce traffic impact;
- Improved landscaping;
- Reducing the store size and number of car parking spaces;

Many of these benefits would be secured through a S106 planning obligation (agreement) without which the development would be unacceptable.

1.6 The application raises issues of retail impact, access and highways, design, sustainability and loss of employment land. The main policy considerations are set out in Planning Policy Guidance 4 (PPS4) *Planning for sustainable economic growth* and in Local Plan policies QL4, QL9, ER2, ER3 and ER32. Since the previous application was considered the Council has published the submission draft of its LDF Core Strategy, the Manningtree Town Centre Design and Development Brief and the Manningtree and Mistley Conservation Area Management Plan which are also relevant. Retail and employment land studies have also been published as background to the LDF.

1.7 Members will need to exercise judgment with regard to these issues in particular on the scale of the retail impact and the extent to which this is off-set by the proposed mitigation measures. The decision for members will depend upon the relative weight that is given to the various considerations. However, your officers consider that overall the balance is in favour of the development, subject to the prior completion of the S106 obligation to secure the mitigating benefits set out in the Heads of Terms detailed in the report.

Recommendation: Approve

That the Temporary Head of Planning Services (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

a) Within 3 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (and any further terms and conditions as the Temporary Head of Planning Services (or the equivalent authorised officer) and/or the Head of Legal Services and Monitoring Officer in his or her discretion consider appropriate.

- Town Centre Management: - a contribution of £22,000 paid upon the commencement of development to support town centre management initiatives in Manningtree, Mistley and Lawford town centres;
- Retail Grant Scheme/Support and Development Initiative: - contribution of £55,000

towards a support and development initiative for independent Manningtree, Lawford and Mistley town centre traders;

- Tesco Express Store Manningtree: - to continue to operate from the existing Tesco Express Store for the duration of the lease (to 9th April 2022) or until sub-let or assigned to another Class A1 operator;
- Local Employment: - to use Tesco's national partnership with Job Centre Plus for the recruitment of staff for the store.
- Employment, Training and Regeneration Programmes and Initiatives: - a contribution of £34,300 towards the Council's employment, training or regeneration programmes and initiatives paid on the commencement of development:
- Construction and Traffic Management Plan: - to agree Construction and Traffic Management Plan prior to commencement of development.
- To enter into a Section 278 Agreement with the Highway Authority to provide: -
 - a) Capacity improvements at the Station Road/Cox's Hill roundabout, to be completed prior to the opening of the foodstore;
 - b) A new mini roundabout site access off Station Road to be completed prior to the opening of the foodstore;
- Town Centre Signage: - to provide and install new brown tourist signs to direct pedestrians from the store and around Manningtree town centre
- Bus Stop Enhancement: - to enter into a s278 Agreement with the Highway Authority to upgrade the four bus stops in the vicinity of the site to include raised kerbs, shelters and real time information;
- Station Underpass/bridge: - to undertake surveys and a traffic assessment of the effects of changing the priority of the railway bridge/underpass and subject to the outcome of these and with the agreement of the Highway Authority to enter into a Section 278 Agreement to carry out the permanent change in priority of the underpass.
- Heavy goods vehicle routeing: - prior to the opening of the store to agree and implement a service vehicle/heavy goods vehicle transport plan, to include a review of all heavy goods vehicle related signs in the Lawford/Manningtree/Mistley area and route(s) for delivery vehicles;
- Staff Travel Plan: - to contribute £3,000 to the cost of approving, reviewing and monitoring the Travel Plan
- To enter into a Section 278 Agreement with the Highway Authority to carry out the following works to be completed prior to the opening of the store:
 - i. Improvement works to the footway, carriageway and other related areas between the store and the primary shopping frontage (as detailed within this report).
 - ii. Enhancement of the public right of way between Station Road and the River Stour. To also provide a new information board and bench on the northern end of the path together with a maintenance sum of £2,000.

- iii. To change the carriageway material between 57 and 61 Station Road (west of the store entrance) to provide a gateway feature and provide a new parking lay-by adjacent;
- iv. Two new zebra crossings, one to the east and the other to the west of the store entrance.

- To landscape an area of council owned land to the rear of 19, 20 and 21 Victoria Crescent together with a maintenance sum of £2,000.
- Monitoring Fees
- Legal Fees

(b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Interim Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and with the reason for approval set out in (ii) below.

(c) The Temporary Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of three months, as the requirements necessary to make the development acceptable in planning terms has not been secured through S106 planning obligation, contrary to Local Plan policy QL12.

(i) Conditions:

- Time limit;
- List of approved plans
- Opening hours;
- Delivery times;
- Limit on net sales area;
- No internal expansion of sales area;
- Limit on proportion of sales area for comparison goods;
- Highway works to be completed prior to opening –mini-roundabout at access and improvement to roundabout on Cox’s Hill, new zebra crossings;
- Staff travel plan;
- Materials of building and car park and circulation areas;
- Sustainability details;
- On site signage to town centre on river wall;
- Site decontamination;
- Archaeology;
- Disabled parking;
- Construction method statement, including timing of site demolition and site clearance;
- Hard and soft landscaping;
- Flood evacuation plan;
- Building stability;
- Noise;
- Security;
- Pollution control;
- Design of seating, trolleys bays lighting and public art;
- Design of water storage features (SuDS)
- Details of floor levels;
- Rainwater harvesting.
- Surface water drainage

(ii) Reason for approval:

This site is allocated in the Tendring District Local Plan (2007) for employment use and should normally be retained for that purpose. The development of the land for retail purposes is only acceptable if the proposals meet the criteria set out in PPS 4 (Planning for Sustainable Economic Growth) and the guidance in Planning for Town Centres - Practice guidance on need, impact and the sequential approach and the requirements of Local plan polices ER2, ER3, ER4 and ER32.

The application has been assessed against the criteria in PPS4, in particular the sequential approach (policy EC15) and the impact test (policy EC16). There are no sequentially preferable sites to that proposed and there is no clear evidence that the proposal is likely to lead to any significant adverse impacts in terms of the criteria in policies EC10 and EC16. A contribution has been made in accordance with the criteria in Local Plan policy ER3 and that would also meet the terms of policies ER2 and ER4. In assessing employment land provision regard has been had to draft Core Strategy policies CP13 and CP16 and the Stage 2 Employment land Study (2009).

Having had regard to the negative and positive impacts of the proposal assessed against the criteria in policies EC16 and EC10 of PPS4 and policy ER3 of the Local Plan, the proposals for town centre initiatives, employment initiatives, public realm improvements and highways works that would be secured through a planning obligation and taking account of other material considerations, including the representations made in response to the application and the responses from consultees the local planning Authority has concluded that on balance that there would be no material conflict with the Local Plan or Government Guidance and that the application should be approved.

2. Planning Policy

National Policy.

PPS1 Delivering Sustainable Development

PPS4 Planning for Sustainable Economic Growth

PPS25 Development and Flood Risk

Planning for Town Centres - Practice guidance on need, impact and the sequential approach

Regional Planning Policy (East of England Plan)

SS1 Achieving Sustainable Development

SS4 Towns other than key centres and rural areas

E2 Provision of Land for Employment

E3 Strategic Employment Locations

E5 Regional structure of Town Centres

Local Plan Policy.

QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL4	Supply of Land for Employment Development
QL9	Design of New Development
ER1	Employment Sites
ER2	Principal Business and Industrial Areas
ER3	Protection of Employment Land
ER4	Non-Employment Uses in Employment Areas
TR7	Vehicle Parking at New Development
TR2	Travel Plans
EN30	Historic Towns
ER31	Town Centre Hierarchy and Uses
ER32	Primary Shopping Area

Core Strategy and Development Policies (Draft)

SSP1	New Jobs
CP13	Employment sites
CP16	Town, District, Village and Neighbourhood Centres
DP1	Design of New Development

Other guidance.

Essex Parking Standards (2009)

Manningtree Town Centre Design and Development Brief – Key Development site guidance (2010)

Manningtree and Mistley Conservation Area Management Plan (2010)

Retail Study Update (2010)

Stage 2 Employment Land Study (2010)

3. Relevant Planning History

08/00603/FUL - Demolition of existing buildings and erection of a Class A1 retail foodstore with associated access and car parking, servicing and landscaping – refused.

4. Consultations

Manningtree Town Council:

Objects to the application on the following grounds:

- Poor quality of the revised design, which is considered contrary to the principles in the Essex Design Guide;
- Even though floorspace reduced, the size of store is inappropriate for a town the size of Manningtree and not in keeping with its historic character;
- There would be an adverse impact on the town centre and the need for a new store is not justified based on claw-back;
- There would be little extra consumer choice with Tesco being dominant, especially if other convenience stores closed. This could include the Co-op, which would mean the loss of the Post office;
- Job loses in the town centre as a result of Tesco would off-set any job increases;
- Traffic assessment is flawed as it understates the impact on the local network, which would not be able to cope with the increase;
- There would be an adverse impact from noise on nearby residents.

Lawford Parish Council:

Supports the application with the following comments:

- Any additional traffic arising can be absorbed, but additional route signage will be required;
- An additional crossing to the west of the development is required;
- Would result in shopper clawback;
- Would provide greater competition and consumer choice;
- Would create full and part-time jobs opportunities in an area where many young people are unemployed.

Mistley Parish Council:

Objects for the application for the following reasons:

- The store is smaller and of better design but this does not overcome the basic objections to the application;
- Sufficient retail outlets in Manningtree so proposal for new store would be to their detriment;
- Loss of employment land;

- Adverse traffic impacts, especially through Mistle and Manningtree High Street;
- Jobs will be lost with shop closures;
- S106 terms are of little value to the local community.

Environment Agency:

- Floor levels should be set as high as reasonably
- The building should be designed to accommodate the hydrostatic and hydrodynamic pressures acting on it if defences fail;
- Flood evacuation plan for evacuation on receipt of flood warning;
- On site storage of storm water acceptable
- Recommend that emergency planners consulted on flood response plan;
- Request conditions covering:
 - Pollution control of the water environment;
 - Petrol/oil interceptor for surface water discharge;
 - Sustainability;
 - Rainwater harvesting;
 - Contamination;
 - Development to be carried out in accordance with the FRA, in particular measures related to surface water discharge rates; construction of building to withstand hydrostatic and hydraulic pressures and the setting of finished floor levels 600mm above ground level;

The Assistant Head of Technical and Procurement has provided advice on the submitted flood response plan. A condition is recommended to address this.

ECC Highways:

- No objections subject to the following:
- No occupation until following provided or completed (covered by S106 obligation):
 - New mini-roundabout access;
 - New zebra crossings;
 - Improvement to PROW;
 - Bus stop upgrade;
 - Station Road improvements;
 - Staff travel plan monitoring/approving contribution;
 - Service vehicle transport plan and new signs.
- Conditions requiring:
 - Removal of existing accesses;
 - Wheel cleaning during construction phase;
 - Relocation of proposed public access to Station Road

Environmental Services:

Recommend conditions covering noise, including during demolition, restricting deliveries to 7:00 – 23:00 and means of securing car park out of hours.

Regeneration Services:

Recognises the significant job creation, but could also detrimentally affect the town centre unless adequate mitigation measures are put in place to support local retail businesses. A payment should be made in respect of policy ER3.

ECC Archaeology:

Recommend a condition requiring archaeological evaluation prior to construction.

Babergh District Council:

No response.

Colchester Borough Council:

No response

5. Representations

5.1 There have been a total of 408 individual responses both in support and against the proposals, most opposing the application. Two petitions with a total of 695 signatures in support and a petition of 649 against the application have also been received. In addition there have also been detailed objections submitted on behalf of the East of England Co-op Society and the Stour Community First Group. These are set out separately.

5.2 The main grounds of objection are:

- Impact on existing shops leading to some closures;
- Out of scale with existing shops;
- Traffic congestion;
- Increase in litter which is already bad enough;
- Still too large;
- Footfall would not be increased;
- Traffic assessment seriously underestimates the likely volume of traffic leading to an increase in congestion and pollution;
- Would not provide comparable jobs to current B-Class designation and offer of £34,000 is insufficient to provide any meaningful training;
- There is a market for B-Class uses in the area. Such employment provides a greater range of higher skilled jobs and greater opportunities for local people;
- Building is poorly designed and contravenes the Essex Design Guide;
- Would double retail floorspace but no related growth in housing proposed in core strategy;
- Conflicts on retail issues between this and the previous application not adequately addressed;
- Unclear of future of Tesco Express which if closed would add further to decline of the High Street;
- S106 offer contrary to guidelines;
- Adverse impact on market.

5.3 The main grounds of support are:

- Traffic would be no worse when site previously used by transport company (Stewart);
- Would visually improve the site;
- Would provide greater choice;
- Would bring about public realm improvements councils can't afford;
- Would provide needed jobs for the area;
- Avoids the need to travel further afield for main shopping at affordable prices;
- Would help to prevent a further decline of the area which started with closure of Post Office and chemist in Manningtree;
- Would bring people back into the town;
- Competition with Co-op would provide consumer choice;
- Improve the approach to Manningtree from the station;
- Overall package good for the area;
- Improved design;
- Existing parking in town inadequate and extra spaces would benefit existing shops;

Stour community First (SCF):

5.4 SCF is a group formed by residents from the Manningtree/Lawford area and claims to have a membership of over 500. It considers that the previous reasons for refusal on highway, employment and retail have not been adequately addressed. Providing a smaller store does little to address these issues. Therefore, SCF maintains its objections to the current application on these grounds. These can be summarised as follows:-

Employment

- The reported employment benefits are insufficient to justify the loss of B-Class employment land;
- Only low skilled jobs would go to local people as managerial and supervisory jobs would go to existing employees and those already on training programmes. This would not provide a range of jobs to meet the requirements of the local labour market or provide a range of employment opportunities;
- The new jobs would not affect out commuting as claimed for these reasons;
- There would be a loss of land that could accommodate B-Class uses that have the potential to provide a wider range of skills that would better suit the local employment market;
- The area does not have existing high levels of unemployment as stated in the application and evidence of vacancies at the Co-op shows a low level of demand for low-skilled jobs locally;
- The evidence of viability of the site for future B-Class use is not sufficiently robust.

Retail

- SCF considers that the assessment submitted with the application is fundamentally flawed in the way it addresses the impact on turnover in the town centre. It has not been demonstrated that a new store will not adversely affect the vitality and viability of the town centre, contrary to the guidance in PPS4. The High Street currently trades well and a new store would jeopardise this;
- The proposal would double the amount of retail floorspace in the town centre, by contrast there would not be any significant population growth in the catchment area;

- The reduction in the size of the store (from the 2008 scheme) does not necessarily mean that it will have less impact on the town centre. The claimed increased footfall as a result of the new store would not result in any additional turnover in the High Street so would be of no benefit;
- The position regarding Tesco Express is inconsistent and represents a 'best case'. A S106 agreement for the retention of the Tesco Express could not be enforced;
- Loss of Post Office should Co-op close, which is likely due to loss of trade to Tesco. Other High Street shops could also close. The Co-op and the High Street play an important role as part of the town centre, which the new store would undermine;
- The existing retail offer in the High Street provides a full range of convenience goods, including a considerable choice at a range of prices.

Transport

- The transport assessment (TA) does not satisfactorily address many of the key principles set out in national Department of Transport guidance, including existing conditions for pedestrians and cyclists and current bus services;
- The traffic count data used in the assessment is unreliable;
- The additional traffic generated by the new store would add to the current congestion on the unique road structure of the area, which is not suited to the increase in traffic that would result. On its own analysis SCF considers that the new store would have a significant and detrimental effect on the highway network;
- There would be increased congestion in the High Street , Brook Street and Colchester Road;
- The increase in the number of hgvs would exacerbate the problems at the bridge in Station Road and the overall increase in traffic would exacerbate current congestion and queuing on the A137 at the bottom of Cox's Hill and by the station;
- No reference to the suitability of existing footways for shoppers;
- Accident figures are not properly assessed;
- Questions the assertions in the TA on safety improvements due to the increase of traffic on local, less suitable roads;
- Historic transport use of the site is not relevant to the assessment;
- Any increase in walk trips to the new store would be at the expense of existing stores;
- Bus stop should be included within the site;
- The TA contains no assessment of the likely impact of store traffic on the road network east of the store;
- Trip generation method likely to have underestimated the store's impact, especially the number of peak hour trips;
- The claims in the TA about the beneficial environmental impacts due to shorter car trips is at best misleading and probably wrong;

East of England Co-op:

5.5 Objects as follows:

- The re-submission does not provide any significant change from the refused application. The proposals still fail the policy tests in PPS4 and the Local Plan and remains objectionable for the same reasons as the previous refusal;
- The financial contribution in accordance with ER3 does not adequately address the loss of employment land. The land is bound to be unattractive for redevelopment immediately after a recession. The land should be retained to meet local employment needs;
- Jobs created would be off-set by losses elsewhere, including the Co-op;

- Traffic assessment is flawed; the assessment should be based upon retail floorspace rather than car parking spaces;
- The retail analysis is also flawed as it relies on the diversion of trade from other stores further afield such as Ipswich and Colchester, which is overstated. Trade is more likely to be drawn from local shops such the Co-op and other High Street shops;
- The proposal would fail to secure a high quality design. The layout is little different from before and remains parking dominant. It would not enhance the street scene;
- The scale and massing of the building is out of character with the area and is not disguised by the revised elevational treatment;
- Public linkages are through car parking areas, which do not provide good linkages to town centre. Linked trips are likely to be limited and many shoppers will not go beyond Tesco's.

5.6 It is clear from the responses that a majority of respondents are against the store. The report addresses these concerns in more detail, but it is important for members to note that it is the reasons for the representations and their relative weight that is important rather than the actual numbers either for or against. There is clearly a lot of opposition to the proposal, but also some support. However, it will be a matter for members to consider whether the balance is in favour or against the application having regard to all the relevant material planning considerations.

5.7 Bernard Jenkin wrote to the Chief Executive shortly before the 30th March meeting requesting deferral and raising concerns about the highways impact. A copy of his letter was brought to members' attention at the meeting. The traffic assessment carried out by Richard Jackson addresses the highway issues. He also referred to a letter from a planning solicitor on behalf of local residents. The letter points out various issues raised in the report and considers that it cannot be concluded from the report that there would be no risk to the town centre and a new store could cause significant harm to the town centre.

5.8 Copies of all written observations on the application before you for determination are available for inspection up to and including the date of the meeting during normal office hours at the Council Offices, Weeley. Please advise Planning Reception if you wish to see them to ensure the file is available. The file containing the observations will be available in the Council Chamber half an hour before the commencement of the meeting.

6. **Assessment**

6.1 The main planning issues are;

- Context and background;
 - The proposal;
 - Policy considerations;
 - Design and layout;
 - Transport and car parking;
 - Sustainability issues;
 - Flood Risk; and,
 - S106 considerations.
- appraise Essex County Council's formal consultation response as highway authority;
 - to appraise views and alternatives on highway issues suggested by those who made written representations opposing the proposed development;
 - produce a written report regarding these issues and more specifically to address the following:-

- (i) The alternative report submitted by a highways expert;
- (ii) Alternatives to the 5% ratio used by Essex County Council's consultants in calculating highways' usage; and
- (iii) A general overview of the highways' impacts of this application on residents of Mistley, Manningtree, Lawford and Brantham.

Context and background.

- 6.2 Tesco Stores Ltd proposes to construct a new retail foodstore on 1.78 hectares of industrial land on the boundary between Lawford and Manningtree on the north side of Station Road. The proposed site lies at the eastern end of the Lawford Industrial Estate on land that is currently vacant but contains a number of buildings previously used for manufacturing and for haulage/distribution. All buildings would be demolished and existing vegetation removed. The land currently has access points directly off Station Road and from Riverside Avenue East, which served the two former main uses of the site.
- 6.3 Adjacent to the site to the north is a builder's depot and offices, beyond these are the river wall and River Stour. A public footpath runs along the western edge of the site linking Station Road to the river wall. This path separates the application site from the industrial estate to the west. A public footpath also runs along the top of the river wall, which provides vantage points for views over the general area, including the application site.
- 6.4 The Co-op store and public parking area lie to the northeast off Riverside Avenue East, which forms the eastern boundary of the application site. There is an access path to Station Road from the Co-op car park to the east of Century House.
- 6.5 The application site lies outside of the town centre as defined in the Local Plan, but is adjacent to it. The boundary extends from the main shopping area westwards to include premises on the north side of Station Road up to Riverside Avenue East and including the Co-op store. The application site is on the edge of this area.
- 6.6 There are residential properties to the south in Victoria Crescent, the rear gardens of which back onto Station Road. Adjacent to the site at the junction of Riverside Avenue East is a building and forecourt, which houses a farm shop and office. These do not form part of the application proposals.
- 6.7 The main retail shopping areas in the High Street are about 300 metres away from the site. The site also lies within flood zone 3a.

The proposal.

- 6.8 The proposed foodstore (Class A1) would be located on the western part of the application site with a gross area of 3644m² and around 1920m² of retail floorspace. This is a reduction by about 19% from the 2008 application. This is the same location as the revised 2008 layout presented to the Development Control Committee in May 2010.
- 6.9 The store would take access from a new mini-roundabout from Station Road at the western end of the site, which would be shared by both delivery vehicles and shoppers' cars. The proposed car park would have spaces for about 245 cars, including disabled and parent and toddler spaces. This is a reduction of 55 spaces from the 2008 proposal. There would also be provision for cycle parking. The service area would be on the western side of the store adjacent to the northern boundary to keep it as far away from residential properties as

possible. Plant at the rear of the store would include air conditioning and refrigeration units and a combined heat and power unit.

- 6.10 The store would be mainly single storey with only some plant accommodated at first floor level. There would be fully glazed areas to the front of the store with higher-level glazing and roof vents to provide natural light to the store. The remaining elevations, including that facing onto Station Road would comprise a combination of red brick, black timber and aluminium cladding. The roofing materials would mainly be of slate with areas of glazing to provide natural lighting. The building would be constructed on a timber frame. There would be substantial landscaping on the Station Road frontage and within the parking area. There would also be two surface water collection areas, one adjacent to the site entrance and the other to the north of the store. These areas would also be landscaped.
- 6.11 There would be pedestrian linkages from the store to Riverside Avenue East and the Co-op and car park beyond, to Station Road and westwards to link up with the public footpath to the river wall.
- 6.12 The store would provide a full range of food and grocery items, a bakery, fish counter and delicatessen. The store would also sell a small range of comparison goods, such as books, CDs and DVD, homeware and clothes. As a comparison the store would have a retail floor about twice that of the nearby Co-op (without extension) and similar to that of Morrisons in Parkeston. Compared with the larger stores in the area at Colchester and Ipswich, it would have about a third of the floor area at those stores.
- 6.13 The main differences between the current and 2008 applications can be summarised as follows:
- A reduction in the size of the store and car parking spaces;
 - Increased landscaping, public areas and pedestrian linkages within the site;
 - A redesign of the store following a character appraisal of the site and surroundings;
 - Highway improvements and associated works, including two new zebra crossings; bus stop upgrades, improved signage and works at the western end of Station Road to improve traffic flows by the station;
 - Public realm improvements to provide improved pedestrian linkages from the store to help encourage linked trips to the town centre. This would involve a major upgrade of existing footways;
 - Gateway feature to mark entrance to the town,
 - Improved landscaping south of Station Road;
 - Major contributions for the town centre to help off-set any adverse impact ;
 - Reduction in compensation for loss of employment land.

Policy considerations.

- 6.14 The main policies for the consideration of this application are set out in Planning Policy Statement 4 (PPS4), *Planning for Sustainable Economic Growth*. This encompasses most of the requirements of the Local plan and East of England Plan (EEP). The definition of economic development in PPS4 includes main town centre uses, including retail development. One of the important attributes of economic development is that it provides employment opportunities and there is no distinction between B class uses and town centre uses in this regard. One of the objectives of the guidance is to achieve sustainable economic growth. Amongst the objectives to achieve this are to:
- Deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change;

- Promote the vitality and viability of town and other centres as important places for communities. To do this, the Government wants:
 - new economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities;
 - competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups).
- 6.15 Local Plan policies are also relevant in particular QL4, QL9, ER2, ER3, ER4, ER31 and ER32. ER31 has similar requirements to PPS4 in respect of town centre development in edge of centre locations and the need to protect the vitality and viability of town centres. ER32 sets out the requirement for a sequential approach to town centre uses on edge of centre sites, now also covered by PPS4. Policies ER2, ER3 and ER4 seek to protect employment sites, primarily for B class uses from other forms of development, in particular residential. The preamble to ER4 states that *'retailing is not normally encouraged on employment land*, although the policy itself does not include any specific prohibition. However, one of the points emphasised in PPS4 is that there should be flexibility in the accommodation of economic developments. It is important that local authorities have a robust evidence base to understand both existing business needs and likely changes in the market. The future development of the application site needs to be considered within this framework.
- 6.16 The East of England Plan remains relevant as part of the development plan. Policy E2 seeks to ensure that there is an appropriate range of sites in urban areas to cater for the relevant employment sectors. Under policy E3 sites need to be identified to meet the needs of business. The EEP also recognises the role of the retail sector in helping to promote sustainable communities and assisting in regeneration. Policy SS4 recognises the role of market towns in providing employment and services to their surrounding areas. This includes a *range of retail and service provision capable of meeting day-to-day needs, particularly for convenience shopping*.
- 6.17 The Council has published its Core Strategy and Development Policies (proposed submission document) on which the first round of public consultation was completed last year. Whilst the policies in the draft document can generally be given limited weight, where they accord with government guidance issued since the adoption of the Local Plan, PPS4 being particularly relevant, they can be given greater weight. Core policy 13 seeks to protect sites within the district for B-class uses to maintain a flexible supply of suitable employment land to attract inward investment. These sites have yet to be identified as part of the LDF process. However, the policy accepts that such sites could be developed for non-B-class uses, but only where it can be demonstrated that the proposal would create permanent employment opportunities and not conflict with other policies. Policy CP16 follows the guidance in PPS4 in respect of the sequential test for town centre uses outside defined centres.
- 6.18 In order to deliver the policies in the document, the Council have identified 36 key projects to ensure that the right development takes place to support the Core Strategy. These key projects are the top development priorities for the Council and they outline how the policies will be implemented and funded. The key project in Manningtree is to encourage growth, increasing the range of shops and providing public realm enhancements.

- 6.19 The Manningtree Town Centre Design and Development Brief was published in November 2010 after the refusal of the 2008 application. It sets out recommendations for the possible future use of a number of key town centre sites. The study area included the current application site. The purpose of the document is to provide the evidence base for the emerging Core Strategy and Site Allocations DPD. It may be used in the determination of planning applications *by providing clear planning and design guidance while setting out the Council's aspirations for the area*. The brief specifically reviewed and appraised the current application site. However, the allocation of sites for specific proposals will be carried out through the Site Allocations DPD and the brief carries limited weight in that regard. The document does nevertheless make some recommendations that are relevant to this application, in particular improvements to the public realm with a focus on landscaping and improvements to paving, street furniture and signage. Whilst recognising that this key site is likely to be developed for commercial use, any proposals that are approved should be the *best for the town, complement the existing town centre retail while creating a development which is quality, in context and improves the existing surroundings. Other than a high quality built form, the main opportunity rests with the application of landscaping to integrate the site with the surrounding sites and landscape, whilst mitigating the impact of large car parking areas*.
- 6.20 Other documents that are also material to this application are the retail and employment studies prepared to provide supporting information for the preparation of the LDF and its policies, and the Mistley and Manningtree Conservation Area Management Plan (CAMP). These documents provide important background material that is relevant to this application. The first two documents help inform the situation in Manningtree in terms of retail trade, in particular on the issue of leakage of retail trade to supermarkets in other towns, such as Colchester and Ipswich and the position regarding future requirements for employment (B-class) land. The CAMP provides details of public realm improvements that are desirable with the conservation area, which includes the entire town centre.

Loss of employment land

- 6.21 The application site is identified under policy Local Plan policy ER2 as part of a *Principle Business and Industrial Area*. Employment development is to be directed towards these sites. Whilst these policies do not define what constitutes an employment use the intention is that such sites be safeguarded for predominantly B-class uses. Policy ER3 provides a mechanism for dealing with proposals that would involve the loss of employment land to non-employment development. The policy seeks to ensure land in employment use is retained for that purpose. For the purposes of the policy employment land is Classes B1 (b and c), B2 and B8 of the Use Classes Order. Policy ER4 confirms the position that retail uses would not normally be acceptable in the main employment areas. However, the application of these policies should take account of changes since they were adopted.
- 6.22 PPS4 defines economic development as including retail development and one of the important attributes of economic development is that it provides employment opportunities. Spatial Strategy Policy 1 of the draft Core Strategy recognises that a flexible approach to a wide variety of employment sectors is necessary to create conditions for economic growth. The Employment Study (2009) suggests that during the LDF plan period there will be limited growth in the need for industrial and warehousing land and, in some areas, a decline. Manningtree is identified as an area where such demand is limited and there is an over supply of employment land. The draft Core Strategy advocates a flexible approach to employment land in order to secure job creation opportunities, where this would not conflict with other policies.

- 6.23 It is clear from this that the focus is on a flexible approach to economic growth and job creation. Policy ER3 is also flexible and retail uses can be acceptable where it can be demonstrated that a site is no longer viable or suitable for a B-Class use. This should be achieved either by submitting details of an agreed, ultimately unsuccessful marketing exercise; or providing evidence that the land is inherently unsuitable and/or not viable for any form of employment (B Class) use.
- 6.24 Where acceptable evidence is provided and a non B-Class use is permitted then the developer would be expected to either provide an alternative site elsewhere in the district or make a financial contribution towards employment initiatives. Appendix 3 of the Local Plan provides a mechanism for determining the financial contribution. The guidance in the appendix also provides for agreement on the evidence required to satisfy the policy. Officers had previously agreed (prior to the submission of the 2008 application) that the appropriate way forward was for the applicant to seek to demonstrate *inherent unsuitability*. The appendix does not provide any guidance on how *inherent unsuitability* should be assessed. Therefore, it will be a matter for members to judge whether the case has been made.
- 6.25 The applicant has argued that the land is inherently unsuitable and unviable for employment use, although no detailed evidence has been submitted on viability. The applicant has undertaken a study on the supply of employment land in the area which confirms the limited demand for new employment land. The study concludes that given the excess of supply identified in the Council's own study the application proposals would not have a prejudicial effect on the supply of land for B-Class uses.
- 6.26 An assessment of the existing buildings on the site by the applicant indicates that there are generally of poor quality and not fit for re-use. The current buildings are near the end of their useful life and do not meet current standards for B-Class uses and therefore of limited appeal especially given the availability of fit for purpose units in the area. The significant resources would be required to bring the units up to standard thus making their re-use unviable.
- 6.27 The redevelopment of the site would also be unviable given that the site is not generally suitable for B-Class use, especially B8 and B2. The reasons given for this are the poor access for hgv's and location adjacent to residential areas; poor access to the strategic road network (A12/A120) and restrictions on operations due to proximity to residential areas. Given the level of demand in the area and the existence of better sites the land is not considered by the applicant to be suitable for redevelopment of B-Class use. In the light these arguments and the conclusions of the Council's own employment study officers accept that there is a case for arguing that the re-use or redevelopment of the site for B-Class uses would be unviable. However, it cannot be said that the site is inherently unsuitable for B-class use or that occupiers could not be found, but officers accept that this is very unlikely in the foreseeable future.
- 6.28 In addition to the evidence submitted by the applicant, the Council has published the results of its own employment study referred to earlier, which will provide the evidence base for the employment policies of the Local Development Framework. There have also been detailed objections on behalf of the Co-op, from the Manningtree Town Council and the Stour Community First that the existing site is suitable for future employment use and should not be lost to retail use.

- 6.29 A number of the objectors have also sought to dispute the claims about the suitability of the site for future employment use, claiming that there are a range of uses to which the land could be put. The potential for any re-use was effectively ended when Tesco acquired the site. Whatever the merits of these arguments officers consider that the employment study provides an appropriate basis for an assessment of the future use of the site for employment.
- 6.30 This Stage 2 study provides a critical appraisal/review of the existing employment land supply compared with the forecast needs over the period of the LDF (2011-2031). It also provides advice on the land use implications of employment growth in other sectors and how to capture opportunities for growth through the LDF. The Stage 1 study identified a need 2006-2026 of 3.4 hectares of land for industrial and warehousing uses (B1 b & c, B2 and B8). The commercial market analysis reveals that the major development opportunities for the commercial market in Tendring are linked to the development of Bathside Bay and the potential for the development of an office market linked to the Colchester Fringe. The main areas of current commercial activity are in Clacton and Harwich. In the current economic climate there is very little demand for inward investment. The report envisages that a change in the commercial profile of the district will be needed if the step change in economic performance is to be realised.
- 6.31 The study makes a qualitative and quantitative assessment of the allocated and protected supply. The study shows that there is an oversupply of land throughout the district, although in relation to this application it is necessary to concentrate on the position in the Manningtree/Lawford area. The demand base is seen primarily as local because of its location away from the A120 and Ipswich/Felixstowe corridors. The report suggests that there is an oversupply within the market area. The Lawford Industrial Estate is the main established employment location within the wider market area. The estate is stated as being of questionable quality and, therefore, market appeal, with development and redevelopment land remaining available. A restriction of supply could help to promote and encourage re-investment within the existing stock and built environment of the site. This assessment does not specifically consider the Tesco site or the re-development restrictions on the allocated land.
- 6.32 Whilst this study is intended to inform the LDF process, rather than an assessment for the purposes of policy ER3, its recommendations are a material consideration when considering the future use of employment land in the Manningtree area.
- 6.33 The area is seen as a local market being smaller scale and more localised in commercial market terms. It is not seen as having major strategic potential. In Manningtree/Lawford those taking up property tend to be located within 3 miles of the property. Within the Manningtree market area there is considered to be an oversupply of employment land. The report recommends de-allocation of the land allocated in the Local Plan and reducing the restrictions on uses to include possibly some dirty uses and non-B class employment uses.
- 6.34 It is clear from the various studies/statements that the application site is not in a prime location and does have constraints on its future use. The quality of the existing buildings is a constraint on future use and the redevelopment of the site for B uses (other than offices) may not be economic. However, notwithstanding the current market conditions it is not possible to conclude that the site could not be put to some employment use, albeit probably at the lower end of the market in terms of environmental quality. At the end of the day it will be a matter of judgement for members based upon the information available. Members will need to balance the environmental improvements a new retail store would bring about against the possible environmental impacts of new industrial/commercial uses. There is also the prospect that the site could remain unused and have an adverse visual impact on the area for a number of years. Notwithstanding the conclusions reached in the Council's

own study regarding future supply, the lack of future need is not one of the tests in ER3. Nevertheless, a lack of need must be a material consideration to which significant weight should be given.

- 6.35 In these circumstances officers consider that if account is taken of the changes in government guidance and local policy that a retail use can be considered in principle an acceptable form of economic development for this site. Benefits of the development include a significant number of jobs and an improvement in retail choice for Manningtree. The acceptability of the current application is dependent, therefore, on whether the proposals satisfy the retail sequential and impact tests and is of acceptable design and layout.
- 6.36 Officers consider that the loss of employment land to retail use would be acceptable in these circumstances. It should also be noted that when refusing the 2008 application members did not raise in principle objections to the loss of employment land to a retail use of the site.

Retail Impact

- 6.37 The 2008 application was refused because members were not satisfied that the enhanced consumer choice arising from the new store would result in sufficient claw-back of trade from stores elsewhere. As a result, the proposal would have an adverse impact on retail trade in Manningtree and on its vitality and viability. The retail impact has been re-assessed by Tesco and officers have sought independent advice from GVA Grimley (GVA) who are specialists in this field and have advised the Council on retail and employment issues in relation to the Core Strategy and other LDF documents. GVA has reviewed the evidence provided in the supporting documentation to the application in respect of the sequential test and retail impact. In the assessment of the issues below reference is made to the relevant policies set out in PPS4, which should be cross referenced with the equivalent policies in the Local plan and draft Core Strategy as referred to above.
- 6.38 One of the main objectives of PPS4 is to achieve sustainable economic growth. An important element of this is to promote the vitality and viability of town centres with new development focused within existing centres. This seeks to provide enhanced consumer choice and competition between retailers through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community. PPS4 sets out a range of policy criteria that will need to be satisfied for proposals to be acceptable. These encompass many of the issues covered in Local Plan and East of England Plan policies listed earlier in this report.
- 6.39 PPS4 says that local planning authorities should adopt a positive and constructive approach towards planning applications, and applications that secure sustainable economic growth should be treated favourably. The guidance identifies a number of considerations which will apply to all applications for economic development including, inter alia; their effect on carbon dioxide emissions and climate change; accessibility; whether the proposal secures a high quality and inclusive design, the impact on economic and physical regeneration of the area; and impact on local employment (policy EC10.2).
- 6.40 Applications for economic development such as new retail stores will need to provide the necessary supporting information to demonstrate that these requirements will be met. The two main tests of whether new retail development is acceptable in principle are the *sequential approach* (policy EC15) and the *impact test* (policy EC16). Detailed information has been submitted in this case to seek to demonstrate that the requirements of PPS4 policy EC10 would be met. This is one of the areas where members were particular concerned with the 2008 proposals and took the view that these requirements had not been adequately demonstrated.

Sequential site assessment.

- 6.41 Policy EC15 of PPS4 requires a sequential assessment with a preference for edge of centre locations where proposals cannot be located within the centre itself. For the purposes of the assessment 'in centre' is defined as the primary shopping area (PSA). Edge of centre sites are within easy walking distance (300 metres) of the PSA. In this case the proposed store would be about this distance away. To be acceptable the site should be well connected to the centre by means of easy pedestrian access. In considering sites there also needs to be a flexible approach to development that addresses matters such as scale, layout and design and reduced car parking areas. This seeks to ensure that a developer does not require an unnecessarily large site. There are examples of supermarket development in town centres where such an approach has brought forward development that is different from the standard supermarket model.
- 6.42 The practice guide that accompanies PPS4 sets out a checklist to assist in carrying out this assessment. Officers are satisfied that there are no sequentially preferable sites to the application site available, even allowing for the more flexible approach advocated in policy EC15 that might make a smaller site acceptable. The public car park adjacent to the Co-op is the only area of land within the defined town centre that could possibly accommodate new retail development. However, it is also outside of the PSA so would be classified as an 'edge of centre' site. Given its proximity to the application site it would not be significantly more accessible so could not be considered sequentially preferable. The site could also not be considered suitable or available in accordance with the PPS4 tests. The Tesco store in the location proposed would be able to achieve the objective of linked trips that would serve to reinforce the vitality and viability of the centre. Therefore, Officers consider that the sequential test has been demonstrated and that there are no sequentially preferable sites within the PSA or town centre for the scale of development proposed.

Impact test

- 6.43 Policy EC16.1 sets out the assessment criteria under this test. Important amongst these are the likely impacts on the viability and vitality of the town centre and the impact on trade of the centre and wider area. For the purposes of this assessment it is necessary to consider the wider town centre and not just the PSA, as policy EC16 does not differentiate between the two. It is also necessary to consider whether the proposal is appropriate in scale for the size of centre and in the hierarchy of centres. (As defined in Local Plan policy ER31). Members will need to consider whether the scale of store proposed (nearly double the existing convenience shopping floorspace) is appropriate for a town of the size of Manningtree, which, although a town centre as defined in the hierarchy, has a limited shopping catchment area. It will be a matter for members to judge in the light of the impact test whether the proposal is acceptable in terms of its scale.
- 6.44 PPS4 also advises (policy EC17) that planning permission should be refused where there is clear evidence of a significant adverse impact against one of the impacts identified in EC10.2 or EC16.1. In assessing whether an impact is significant, members will need to bear in mind that any development involving town centre uses will lead to an impact on existing facilities, including other centres. PPS4 advises that such impacts are a consequence of providing for efficient modern retailing and other key town centre uses, and promoting choice, competition and innovation. Where no significant adverse impact is identified, applications should be determined taking into account the positive and negative aspects of these impacts and other material considerations.

- 6.45 As part of the consideration of retail impact Tesco has carried out an assessment of local need to seek to justify the new floorspace required. As part of this an assessment has been made of the likely impact on the existing town centre. In support of its assessment, surveys have been carried out in the catchment areas to assess people's shopping preference and habits. These include face to face and telephone surveys.
- 6.46 The case put forward by Tesco for a new store is based upon 'clawback', i.e. reducing the leakage from the area of shoppers who go to stores outside of the catchment area for their convenience shopping. In taking this approach Tesco is accepting that there is negligible quantitative retail need. This is also the position adopted by the main objectors. The main core catchment area for the store is considered by Tesco to be the Manningtree, Lawford, Mistley and Brantham area with an outer core of villages beyond. Examples of stores where residents go include Tesco at Copdock interchange, Tesco at Highwoods, Colchester and Morrisons at Harwich and Clacton. The main case for the new store is based on the premise that shoppers would go to the nearest store on the basis that travel times will be shorter and it will be more convenient. It is assumed that most shopping trips to supermarkets are made by car.
- 6.47 Whilst the proposed store would be nearly twice the floorspace of the Manningtree Co-op it would be much smaller than those at Highwoods and Copdock for instance and, therefore, offer a smaller range of goods, including a more limited range of comparison goods. In these circumstances the larger stores could remain attractive to shoppers, especially if journey times are not significantly different. The SCF group has argued that even though distances would be shorter journey times would be very similar due to the smaller roads and extra congestion that would be encountered by going to Manningtree. It estimates that there would only be a saving of 1.5 minutes on average. Therefore, there would be little incentive to change current shopping patterns even in the core areas. The evidence put forward by Tesco on clawback comes from comparisons of other food store developments and whilst it is reasonable to assume that there would be some clawback, the 'need' for this store is based solely on this premise. Certainly the clawback argument was also put forward for the Clacton store, which has had impact on those people who previously shopped in Highwoods in Colchester.
- 6.48 Officers accept the view that the amount of clawback cannot be demonstrated with any degree of certainty and when considering this issue members will need to take account of the other arguments in relation to retail impact. However, if clawback is to be achieved at a sufficient level then the size of store is important. It needs to be large enough to attract shoppers, but not too large to dominate the catchment area and have a significantly adverse impact on the town centre. The Tesco retail assessment has been subject to independent review by GV A, which supports the approach taken and the conclusions reached.
- 6.49 Should members consider that the proposals are otherwise acceptable taking account of other material considerations the level of clawback need not be a determining issue. On the other hand, if members are concerned about the retail impact on the existing town centre and on the scale of the development then clawback would be an important consideration. Members may accept that Tesco is best placed to assess the impact on clawback as it has experience of this elsewhere in the country and is making commercial decisions on this basis.
- 6.50 The North Essex Retail Study (NERS) (2006) and Update (2010) carried out by GVA for the Council examined the role and function of Manningtree and identified a healthy centre with few

vacancies. The study also identified reasonable levels of trade leakage to other centres/stores situated further afield. For example, in Zone 4 (the zone in which Manningtree is located) existing convenience goods provision in Manningtree retains circa £3.8m (or 6.9%) of total available expenditure generated within this Zone. Based on current market shares, the 2010 Retail Study Update identifies no capacity for additional convenience floorspace in Manningtree over the plan period

- 6.51 These capacity forecasts are based on the current performance of existing floorspace in Manningtree and also reflect patterns of trade leakage to other shopping destinations. For example, it is evident that a large proportion of people from within Zone 4 are choosing to travel to large competing food stores in the area including Tesco Extra, Colchester (25%), Tesco, Greenstead Road, Colchester (13%), Tesco, Brook Retail Park, Clacton (3.8%) and the Morrisons, Centenary Way, Clacton (3.8%) for their main food shopping. There will also be leakage from other zones within the Manningtree catchment.
- 6.52 Based upon current market share the capacity forecasts in the Retail Study do not support additional retail development in Manningtree. The study concludes however, that if an appropriate retail scheme came forward, and provided it was underpinned by linkages and connectivity with existing town centre shop frontages the retail offer may be able to enhance market share, claw back trade currently leaking to competing destinations, and consequently support a greater amount of floorspace.
- 6.53 Objections received on behalf of the East of England Co-op and the Stour Community First Group seek to support a case for the refusal based upon a perceived weakness in the clawback argument and an alleged understatement of the impact on existing retail stores. The objectors question the case for a new store of the proposed size based upon clawback given the lack of quantitative need and the assessment of impact on the viability and vitality of the town.
- 6.54 The case is put forward by objectors is that the catchment area for which Manningtree is the district centre covers a substantial area with Manningtree in the far north. This will affect people's choice of where to shop. However, Tesco has made its case based on a core catchment of local towns and villages where this choice will be less of an issue, especially those to the east where the road connections are not as good. Objectors also point out that Tesco is currently the dominant retailer in the broader area and operates the larger of the retail outlets in neighbouring towns. These stores provide a much wider range of goods and services including 24 hour trading. Therefore, it is unclear why this store would attract customers away from those with a much stronger offer.
- 6.55 The advice from GVA is that the submitted retail impact assessment assumes that there would be no trade draw from existing convenience retailers in the High Street (although does except that there will be some trade draw from the Co-op) and, therefore no impact on these stores. GVA considers this unrealistic. GVA also advise that the assessment underestimates the turnover of the proposed store. The advice from GVA is that *whether this impact will ultimately undermine the overall vitality and viability of the centre will depend on whether the impact can be offset by any positive spin-off effects of the proposed store. This is dependent on securing linked trips between the site and the town centre which will ultimately depend upon the level of integration and the quality of linkages between the site and the town centre.*
- 6.56 The important message that comes from this is that the vitality and viability of the town centre is dependent on the quality of the linkages between the new store and the town centre. This is supported by the advice in the Design and Development Brief. The vitality and viability is also dependent on the future of the Tesco Express unit.

- 6.57 The Tesco Express store would remain open for the remainder of its lease (2022), unless this could be re-assigned to another retailer. Officers consider it important that the shop remains as a retail unit as its closure would have a significant impact on the town centre. The advice from GVA is that *it is important that the Council is satisfied that the retention of the Tesco Express in the town centre will continue to contribute to the centre's vitality and viability and that upon the lease expiring (if not before) that the unit will be easily let to another retailer.* At this stage it is not possible to be certain about the future of this unit, however, officers consider that it is reasonable to conclude that with an increased footfall following the opening of a new Tesco it appears likely that the unit would be re-let.
- 6.58 The future viability and vitality of the town centre is, therefore, dependent on the quality of the linkages between it and the new store so as to encourage linked shopping trips. Part of the proposals negotiated by officers for inclusion in the draft S106 agreement (as detailed below) is a significant upgrade to the linkages along Station Road and the High Street and other measures to help local stores once a new Tesco is opened. These are considered essential to the acceptability of the new store. In considering this aspect members will need to have regard to the advice in PPS4 that any new retail development will impact on existing facilities. It will be a matter for members to judge the scale of these impacts and whether any adverse impacts would be off set by the positive spin-off effects of the new store, which are ultimately dependent on the quality of the proposed linkage upgrades.

Traffic/car parking issues

- 6.59 At the committee meeting on 30th March 2011, members raised concerns about the traffic impact of the proposals and in view of the strongly argued objections on highway grounds, including those of the Stour Community First group, queried whether the views of the Highway Authority should be relied upon. Officers were, therefore asked to commission independent consultants to carry out a further assessment of the highway issues.
- 6.60 The concerns raised related to the Highway Authority's assessment of the transport assessment submitted with the planning application. The transport assessment (TA) considered the impact of the proposed store on the local highway network. The road junctions in the area were assessed to see if they could cope with the predicted traffic increase from the new store. For an area such as Manningtree, a threshold of a 10% would normally be considered appropriate. However, in this case the Highway Authority had agreed with the developer that assessing any link or junction against a 5% threshold would provide a more robust test of the likely traffic impacts. Using this threshold the TA identifies where the proposed development may have an impact and improvements were put forward at these locations, which are acceptable to the Highway Authority.
- 6.61 One of the major objections to the application is that the increased traffic arising from the development would cause traffic congestion in the area. The particular concern is the roundabout on the A137 at the Cox's Hill and Station Road junction and the railway bridges where the width is restricted. There is also concern that the traffic assessment has underestimated the flows that would come through the High Street. The details of the objections are set out earlier in the report. The Highway Authority considered these in detail and had an independent audit undertaken by outside consultants (Mouchel). As a result the Authority was satisfied that the increase in vehicular movements during peak periods would fall within acceptable limits and no objections were raised. In the light of this officers advised that notwithstanding that there would be an increase in traffic flows and the concerns raised about possible congestion, the increase in traffic would be within acceptable limits and that no objections should be raised on this issue.

- 6.62 Detailed traffic analysis carried out by the applicant and accepted by the Highway Authority, sought to demonstrate that the proposal access junction and the remote junctions could accommodate predicted flows, including 10 years of traffic growth. Improvements are proposed to the Station Road approach to Cox's Hill roundabout and a priority change to the flow under the A137 railway bridge, subject to the outcome of a monitoring exercise. The applicant's transport assessment demonstrated to the satisfaction of the Highway Authority that flows across this junction would be reduced by the store as a significant number of existing food shopping trips to stores in Ipswich and Colchester would be diverted to the Lawford store.
- 6.63 The traffic assessment recognised that there would be some increased traffic impact closer to the store, but that the proposed access and car parking are adequate to deal with the number of additional cars concerned. A number of these trips, including those using the High Street, would be those which currently go to the Co-op store and the Tesco store at Copdock. One of the benefits of a new store in Lawford/Manningtree is to 'clawback' leakage of trade to stores elsewhere, and consequently there would be more traffic wishing to park on the edge of the town centre. The additional car parking at the store would help to promote linked trips, which would be to the overall benefit of retail trade within the town centre.
- 6.64 Following the committee deferral Richard Jackson Ltd were appointed to carry out an appraisal of the highway information in accordance with the following brief:-
- To prepare a methodology statement for and carry out a comprehensive appraisal/review of the Transport Assessments submitted with the 2008 and 2010 planning applications, and to comment on the criteria and assumptions used, and their findings;
 - To comment on the consultation response from the Highway Authority, Essex County Council and the advice given to it by consultants Mouchel through its audit of the 2008 TA ;
 - To comment on highway objections submitted on behalf of Stour Community First and other objectors;
 - To visit the site and to drive the routes to and from the store as follows:
 - i) Clacton Rd (B1035) to Station Road via a) Trinity Road and Brook Street and b) Long Road and Colchester Road and ii) via the High Street to Station Road all during am and pm term time peaks during proposed store opening times (7am – 11pm) and report any congestion arising. Assess the likely impact of additional traffic arising from the store opening on these routes, including the likelihood of increased congestion and impact on journey times.
- 6.65 The consultant's assessed the highways information in accordance with current transport assessment guidance and policy. The assessment concluded that there were a number of areas where further assessment and clarification were required. These concerned the modelling of the traffic impacts, including the base year and peak hour surveys and the assumptions made. In response to the report the applicant has undertaken further work which has been considered by Richard Jackson Ltd in an addendum to the main report. There have been no further consultations with the Highway Authority as its views on the highway implications of the proposals had already been given.

6.66 The addendum to the consultant's report recommends that:

"..with the provided additional information and/or justifications for methods used the assessment of transport impacts of the proposed development is satisfactory and in accordance with current transport assessment guidance, policy and good practice". It is also recommended that if planning permission is granted then the following matters are subject to planning conditions or form part of a S106 Agreement.

- Results of the A137 priority change study and audits provided and comments raised addressed;
- Parking restrictions around the site access;
- Service vehicle/hgv management plan provided;
- Construction management plan provided;
- Staff facilities as part of travel plan.

These matters are already addressed in the recommendation.

6.67 The consultants also consider the specific matters raised by the committee and have responded as follows:

- The report on behalf of Stour Community First was assessed in the same way as the applicant's TA. It is considered to take an extremely robust approach to each of the subject matters covered, which makes an overestimate of the impacts of the development proposals on the highways network;
- The current guidance recommends a 'nil-detriment' test. The 5% value for assessment agreed by the Highway Authority is therefore, considered reasonable as the network is not currently congested;
- There are no predicted adverse impacts upon the highway network of Mistley Manningtree, Lawford or Brantham that give cause for concern as part of the assessment. All the junctions in the study area would continue to operate within capacity, with the improvements proposed, in peak hours. The development would provide improvements to overall travel times across the network as a whole.

A representative of Richard Jackson Ltd will be at the committee meeting to provide a further summary of the findings and the conclusions reached.

6.68 With regard to other highway matters, Tesco proposes to provide 245 car parking space which accords with the Council's adopted car parking standards. The guidance in PPS4 (policy EC18) accepts that locally adopted standards would normally be appropriate. Local members have expressed the view that the town centre would be more attractive to shoppers if there were better parking provision. This parking would help in achieving that objective. Tesco proposes to allow extended parking to enable people to shop in the High Street after visiting the store. The access to the store is also considered to be acceptable in highway terms and would be subject to detailed approval by the Highway Authority. Officers raise no objections on these issues. The reduction in car parking and store size from the 2008 application may result in some reduction in the number of customers and hence cars' visiting the store, but this is not likely to be significant.

6.69 Notwithstanding the concerns raised by a number of objectors, in view of the conclusions in the Richard Jackson Ltd addendum report, officers consider that there are no material objections to the proposal on highway grounds. In the light of these considerations it will be a matter for members to judge whether there would a significant adverse impact on Manningtree and the surrounding as a result of these proposals.

Design and layout

- 6.70 One of the reasons for refusing the 2008 planning application was the quality of the design, which was considered not to go far enough to improve the character and quality of the area. It was also considered to be too large and not in keeping with Manningtree's historic character. The revised design follows a detailed character appraisal of the built form in the Manningtree, Lawford and Mistley area.
- 6.71 The revised design was developed by reference to the height, form and materials that characterised the local area. The theme adopted from the appraisal was one of groupings of buildings each with a pitched roof creating architectural rhythms. Maltings buildings are a particularly important element of the local heritage and have provided an architectural context for the new store's design. Slate roof work and red brickwork, alongside focal roof top ventilators, are key elements of this building typology.
- 6.72 The design was developed through public consultation and discussions through the Essex Design Initiative. This involved a panel of experienced urban designers and architects reviewing the proposals as they are developed and providing feedback. The current design and layout follow a review by the EDI panel and the submitted scheme incorporates the panels' feedback.
- 6.73 The new scheme keeps the store building on the same part of the site as the previous scheme, because this is seen as logical in terms of both access and the clearly expressed local need for additional car parking to serve Manningtree town centre. The orientation of different components of the building has been designed to continue adjacent building lines, resulting in a proposed building with an unusual 'twisted' grain. Elements of the proposed building draw on local influences including maltings architecture and the boat sails, inspired by the nearby river and an image displayed on Manningtree's town sign. The store has been designed to have no clearly defined front and back, with all elevations containing some interest. The layout responds to proposed pedestrian routes to the store entrance, with four different elevations addressing surrounding features.
- 6.74 The Panel was greatly encouraged by Tesco's new approach to the proposed store and considered that the scheme showed great improvement compared to the designs seen at the previous reviews. The Panel praised the innovative building form, material palette responding to local character, and enhanced landscape proposals. The analysis of surrounding character and activity, and early reference to the likely visual impact of the store with regard to long distance views, were encouraging. The twisted grain of the design for the building breaks up its mass to good effect, and the Panel were in favour of a combination of vernacular influences with a more contemporary articulation.
- 6.75 In terms of landscaping, the Panel agreed that the inclusion of a substantial raised bund between Station Road and the car park might help to lessen this effect visually. However, it expressed concern that there is a danger that the visual impact of any expanse of car parking may not become clear until after its construction, so the best possible landscape solution for the site is essential. Whilst many of these recommendations have been incorporated there are still improvements that can be made from the submitted scheme so officers are recommending a condition to deal with these revisions.
- 6.76 Officers consider that whilst a store closer to the town centre would read better as an extension to the town centre and not as a separate isolated unit, the current location on the north-western boundary gives the maximum benefit to the town in terms of additional parking. It also means that the store would not be so prominent in the streetscene. The proposed position better respects the special characteristics of the town by keeping the

building close to the existing industrial buildings and away from the conservation area. The store would also act as less of a barrier to encourage as many people as possible to walk into town to use the other services there.

- 6.77 From landscape and townscape perspectives, the location would also allow views through the site towards the River Stour and be less visually prominent when viewed from the river wall as it would be seen in the context of the industrial site and Co-op store. The proposed building would be of similar scale and massing to existing buildings. The 'gateway' to the town would be announced by the enhanced landscaping on both sides of Station Road and the surface feature within the highway, rather than by the building itself.
- 6.78 The proposed store and layout need to be considered in terms of Local Plan policy QL9, draft Core Strategy policy DP1 and the guidance in PPS1 and PPS4. Also relevant is The Manningtree Town Centre Design and Development Brief which seeks to secure high quality design and landscaping for this important site.
- 6.79 The proposed store is located close to the historic town centre of Manningtree and to the River Stour. Proposals for new buildings in such a locality need to relate well to their surroundings and complement the locality. The guidance in PPS1 states that *"good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."*
- 6.80 In PPS4 one of the tests is *"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."* These quotations serve to illustrate how important design is in this case. The extent to which the proposal achieves these objectives is an issue to which members will need to give very careful attention. Should members have concerns over the quality of the design and whether it takes the opportunity to improve the character and quality of the area, then this could form the basis of a reason for refusal. However, members' conclusions on the design and layout are only one factor that will need to be balanced against the other considerations in the final judgement.
- 6.81 The site currently marks the 'gateway' into Manningtree, but due to the poor condition of the buildings has a significant adverse impact on the character and appearance of the area. Notwithstanding their condition, some of the buildings could be re-used, or more likely left to deteriorate until another redevelopment proposal comes forward. This could be many years. Officers consider that the design of the proposed building with its references to local features and materials is of high quality, which is appropriate in its context and which would significantly improve the quality and character of this part of Lawford and Manningtree. The scale of the development is considered to be in keeping with a town the size of Lawford/Manningtree, and subject to appropriate landscaping would make a positive contribution to the area. Officers therefore, consider that the proposals would comply with the guidance in PPS1 and PPS4, policies QL9 and DP1, and the principles set out in the Design and Development Brief.

Sustainability

- 6.82 PPS4 requires that new retail development should meet sustainability objectives, including limiting carbon dioxide emissions. Tesco has based its needs argument for a new store on the clawback of trade and notwithstanding the various claims about the extent of this, keeping more shoppers in the area would reduce car mileage. The store would also be

accessible by public transport, walking and cycling. Whilst most trips would be by car, there would be greater opportunity for local shoppers to use other means.

6.83 A sustainable design and construction statement has been submitted with the application. The design concept for the proposed foodstore is based upon the current Tesco environmental format store, an example of which is that at Ramsey, Cambridgeshire. The proposed store includes a mix of environmentally friendly design, materials and technologies, including:

- Sustainably sourced timber frame;
- Roof lights and sun pipes that allow natural daylight into the sales floor and staff areas;
- Energy efficient heating and air conditioning systems;
- Rainwater collection to flush the toilets;
- Combined Heat and Power (CHP) plant to generate electricity using renewable fuel;
- Refrigerant gases in the fridges, heating, ventilation and air conditioning systems that have virtually no environmental impact;
- An LED-lit car park;
- Solar-powered street lights and crossing beacons;
- Energy-efficient equipment such as low energy bakery ovens;
- Flooring tiles made from local materials;
- Passive roof ventilation;
- Sustainable drainage and rainwater collection systems (SuDS).

6.84 Measures would also be introduced to minimise waste during construction and a site waste management plan would need to be prepared detailing how this would be achieved. Materials would also be sourced from sustainable sources.

6.85 Officers are satisfied that the proposals would meet sustainability requirements and a condition is proposed to require the proposed measures are agreed and implemented.

Flood risk

6.86 The application site lies within flood risk zone 3a where there is a high probability of flooding. The risk arises through the potential for the overtopping of the river wall or a breach occurring in the wall during a high water event. However, retail development is classified as 'less vulnerable' in PPS25, which means there are fewer restrictions on the location of retail development. However, steps are still required to ensure that when there is a risk of flooding that the store is evacuated or not opened.

6.87 A flood risk assessment has been submitted with the application which assesses the flooding risk. Subject to receiving further details on floor levels and a flood evacuation plan being out in place the Environment Agency has no objections to a new store in this location. PPS 25 and the associated Practice Guide place responsibilities on LPAs to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. In all circumstances where warning and evacuation are significant measures in contributing to managing flood risk LPAs are expected to formally consider the emergency planning and rescue implications of new development in making their decisions. In practice the Police are responsible for emergency evacuation in times of flood with the Council's emergency planners being responsible for dealing with any people displaced from their homes. Neither tends to comment on individual site evacuation plans.

- 6.88 Flood Warning means that flooding of homes and businesses is expected. The closure of the store should begin when flood warning is issued, rather than waiting for the issue of a severe flood warning. Flood warnings are not issued regularly in this area, so store closure should not be too frequent, but it would ensure that people cannot gain access to, and would be evacuated from, the store in the event
- 6.89 The Environment Agency recommends that a flood evacuation plan is put in place so that site occupants are able to safely exit the building during flood conditions. A safe (ideally dry) access route from the site to an area of safety would ensure people could get away from the site without relying upon the emergency services for rescue. In this case there is not a safe access route from the site in times of flood. The proposed flood evacuation plan proposes that the store is evacuated when there is a Severe Flood Warning is issued by the Environment Agency. However, the Agency recommend that this is modified so that evacuation and closure of the store occurs when a Flood Warning is issued. An appropriate condition is proposed to secure this.

S106 Considerations

- 6.90 The refusal of the 2008 planning application included reasons relating to provisions that could only be secured through a S106 Planning Obligation (agreement). These requirements concerned i) securing the delivery of alternative employment provision to meet the terms of policy ER3; and ii) ensuring that the store was well connected to the town centre by means of easy pedestrian access to promote linked shopping trips that would be needed to help maintain the vitality and viability of Manningtree town centre. These requirements were considered necessary to make the development acceptable in planning terms. Officers had negotiated a draft agreement that would have secured these provisions.
- 6.91 From April 2010 planning obligations would be unlawful unless they meet all the following three tests:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.92 Following the submission of a revised planning application officers have considered the terms of a S106 agreement that would be necessary to make the development acceptable in planning terms in accordance with PPS4; the East of England Plan, Local Plan policies and the draft Core Strategy. Without an agreement that secures these terms, the development would be unacceptable and subject to a recommendation of refusal. The necessary terms include some that are considered necessary to address the previous reasons for refusal. Members will need to consider whether the benefits that would be secured through the S106 would be sufficient to make the development acceptable in planning terms and meet the other tests.
- 6.93 Officers are still negotiating the final wording of the agreement and should members be minded to approve the application then authority is sought for officers to finalise the terms of the agreement and upon its signing grant planning permission. An outline of the proposed heads of terms is set out below.

Town Centre Initiatives

- Town Centre Management: - a contribution of £22,000 paid upon the commencement of development to support town centre management initiatives in Manningtree, Mistley and Lawford town centres;
- Retail Grant Scheme/Support and Development Initiative: - contribution of £55,000 towards a support and development initiative for independent Manningtree, Lawford and Mistley town centre traders;
- Tesco Express Store Manningtree: - to continue to operate from the existing Tesco Express Store for the duration of the lease (to 9th April 2022) or until sub-let or assigned to another Class A1 operator;

Employment Initiatives

- Local Employment: - to use Tesco's national partnership with Job Centre Plus for the recruitment of staff for the store.
- Employment, Training and Regeneration Programmes and Initiatives: - a contribution of £34,300 towards the Council's employment, training or regeneration programmes and initiatives paid on the commencement of development:

Highway Improvements

- Construction and Traffic Management Plan: - to agree Construction and Traffic Management Plan prior to commencement of development.
- To enter into a Section 278 Agreement with the Highway Authority to provide: -
 - a) Capacity improvements at the Station Road/Cox's Hill roundabout, to be completed prior to the opening of the foodstore;
 - b) A new mini roundabout site access off Station Road to be completed prior to the opening of the foodstore;
- Town Centre Signage: - to provide and install new brown tourist signs to direct pedestrians from the store and around Manningtree town centre
- Bus Stop Enhancement: - to enter into a s278 Agreement with the Highway Authority to upgrade the four bus stops in the vicinity of the site to include raised kerbs, shelters and real time information;
- Station Underpass/bridge: - to undertake surveys and a traffic assessment of the effects of changing the priority of the railway bridge/underpass and subject to the outcome of these and with the agreement of the Highway Authority to enter into a Section 278 Agreement to carry out the permanent change in priority of the underpass.
- Heavy goods vehicle routing: - prior to the opening of the store to agree and implement a service vehicle/heavy goods vehicle transport plan, to include a review of all heavy goods vehicle related signs in the Lawford/Manningtree/Mistley area and route(s) for delivery vehicles;
- Staff Travel Plan: - to contribute £3,000 to the cost of approving, reviewing and monitoring the Travel Plan

Public Realm

- To enter into a Section 278 Agreement with the Highway Authority to carry out the following works to be completed prior to the opening of the store:
 - v. Improvement works to the footway, carriageway and other related areas between the store and the primary shopping frontage (as detailed within this report).
 - vi. Enhancement of the public right of way between Station Road and the River Stour. To also provide a new information board and bench on the northern end of the path together with a maintenance sum of £2,000.
 - vii. To change the carriageway material between 57 and 61 Station Road (west of the store entrance) to provide a gateway feature and provide a new parking lay-by adjacent;
 - viii. Two new zebra crossings, one to the east and the other to the west of the store entrance.
- To landscape an area of council owned land to the rear of 19, 20 and 21 Victoria Crescent together with a maintenance sum of £2,000

Monitoring Fees in accordance with the Council's published charges.

Officers consider that these requirements are necessary to make the proposed development acceptable and meet the relevant tests

Conclusion

- 6.94 The guidance in PPS4 is that where the evidence shows that there is no significant adverse impact arising from a proposed development it will be necessary to balance the positive and negative effects of proposals against the criteria in policies EC10 and EC16, together with any other local considerations and other wider material considerations in reaching an overall planning judgement.
- 6.95 The application raises a number of detailed issues which members will need to assess as part of the balance between the positives and negatives of the proposal as advised in PPS4. Members will also need to have regard to the reasons for refusal of the previous application and the changes made to the proposals to seek to address them. Regard will also need to be had to the various reports published since the decision and the policies of the draft Core Strategy (LDF). These are all relevant material considerations.
- 6.96 It will be a matter for members to judge the relative weight that needs to be given to the impact of the various aspects of the proposal. The three main areas that need to be considered are:
- The extent of the retail impact on the primary shopping area and the wider town centre of Manningtree and whether the proposed public realm improvements that would be secured through a S106 agreement are adequate to offset any adverse impact.
 - Whether the revised design and layout now secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area.

- Whether the highway impact would be significant and whether the highway improvements proposed would adequately address it. Members will need to have regard to the conclusions of the Richard Jackson Ltd report to the Council when considering this issue.

6.97 Officers are of the view that the revised application adequately addresses the reasons for refusal and that overall, taking account of the positive and negative aspects of the proposal as detailed in this report that, on balance the proposals are acceptable and accord with the policies of the Local plan and the guidance in PPS4. Approval is recommended subject to the prior completion of a S106 agreement.

Background papers:

Transport Assessment Appraisal - Richard Jackson Ltd - 8th June 2011.

Proposed Tesco Manningtree: Additional Transport Information in response to Transport Assessment Appraisal by Richard Jackson Lt, including appendices A-J - 7th July 2011.

Transport Assessment Appraisal Addendum – Richard Jackson Ltd - 18th July 2011.