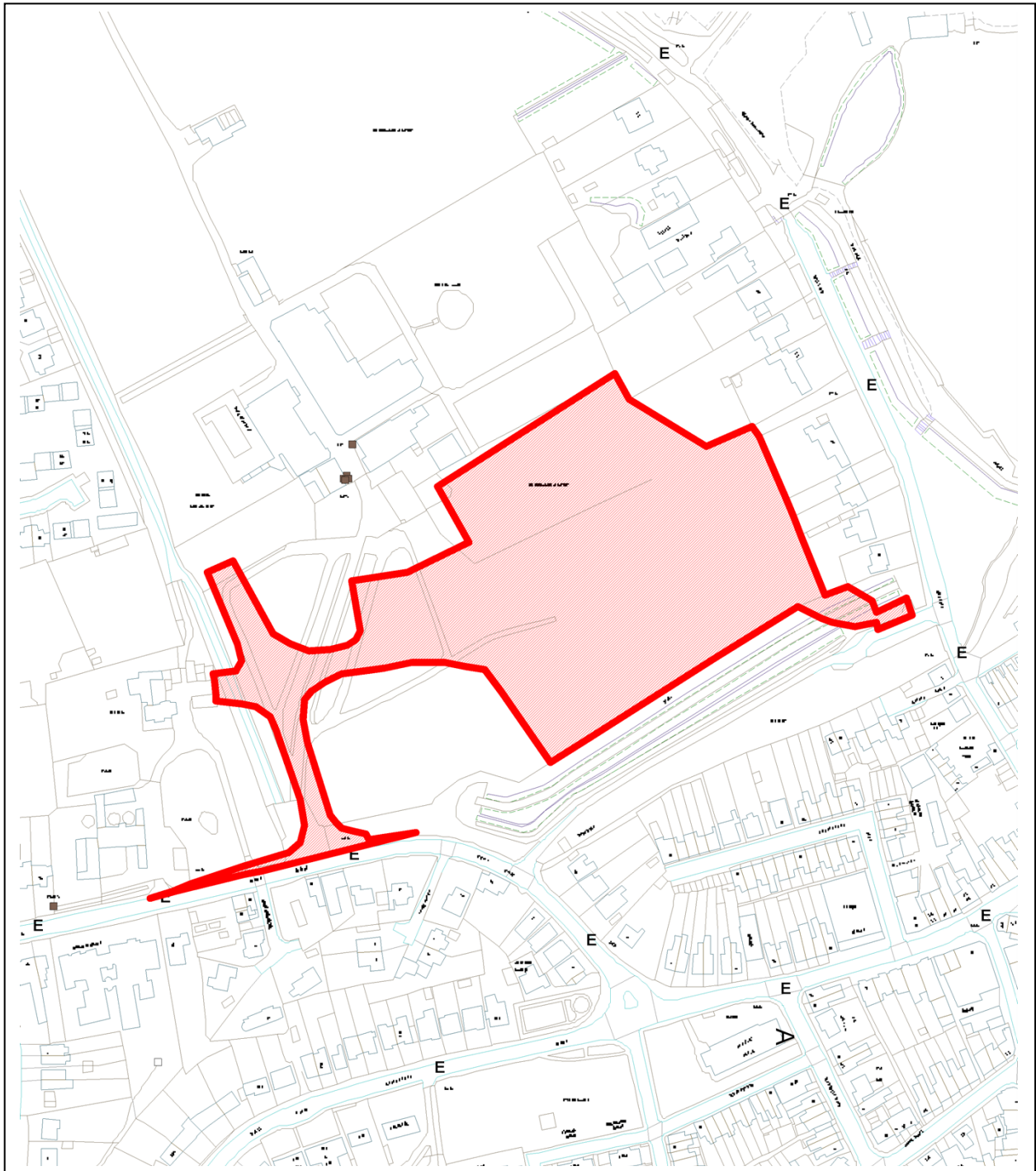


PLANNING COMMITTEE

10 JANUARY 2012

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.5 PLANNING APPLICATION - 11/00244/FUL - LAND NORTH OF KIRBY ROAD, MARTELLO CARAVAN PARK, KIRBY ROAD, WALTON ON THE NAZE, CO



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Application:	11/00244/FUL	Town / Parish:	Frinton & Walton Town Council
Applicant:	Tesco Stores Limited		
Address:	Land North of Kirby Road Martello Caravan Park Kirby Road		
Development:	Erection of Class A1 retail supermarket and petrol filling station with associated access, car parking, servicing, landscaping and pedestrian footbridge.		

1. Executive Summary

- 1.1 Tesco Stores Ltd is proposing to construct a new food retail store and petrol filling station on part of the existing Martello Caravan Park, Walton-on-the-Naze. The site lies to the west of Mill Lane, close to the boundary of the Martello Tower K and battery, a listed building and an ancient scheduled monument. The site falls outside of the defined development boundary of Walton, the Walton Conservation Area and the Walton Regeneration Area.
- 1.2 The development would be predominantly single storey with car parking and service areas and associated highway works, including new access and public realm works. Walton High Street lies approximately 100m to the south. The site is designated in the Local Plan (2007) as part of a more extensive caravan and chalet park.
- 1.3 The application raises issues of retail impact, access and transportation, design, social inclusion, sustainability, impact on Heritage Assets and potential loss of caravan park land. The main policy considerations are set out in Planning Policy Statement 4 (PPS4) *Planning for sustainable economic growth*, Planning Policy Statement 5 (PPS5) *Planning for the Historic Environment* and in Local plan policies ER18 (Caravan and Chalet Parks), EN23 (Development within the proximity of a listed building), ER32 (Town Centre uses outside existing centres) and EN17 (Conservation Areas). The proposals are not fully in accordance with Local plan policies and as a result the issues need to be balanced and there are areas where members will need to exercise particular judgement, depending upon the relative weight that is given to the various considerations.
- 1.4 Officers consider that overall the balance is in favour of the development, subject to the prior completion of the Section 106 obligation.
- 1.5 Members are advised that in the event of a resolution to approve the proposals, the Secretary of State must be formally consulted as to whether he wishes to call-in the application for his determination.

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 4 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
- Retention of Tesco Express Store Walton-on-the-Naze until end of lease
- Local Employment
- Construction and Traffic Management Plan
- Service Vehicles Transport Plan
- Heavy Goods Vehicle Signage Review
- Travel Plan
- Town Centre Signage
- Monitoring 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 Temporary 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 four 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;
- Information Board provision
- Delivery times;
- Limit on net sales area;
- No pharmacy or Post Office element within store
- No internal expansion of sales area;
- Limit on proportion of sales area for comparison goods;
- Highway works to be completed prior to opening;
- Staff travel plan;
- Materials of building and car park and circulation areas;
- Sustainability details;
- Archaeology;
- Disabled parking;
- Construction method statement, including timing of site demolition and site clearance;
- Hard and soft landscaping;
- Flood Management 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 and finished floor height relative to Martello Tower K;
- Rainwater harvesting.
- Surface water drainage
- Kirby Road Access (Grampian Condition)

- Signalised Pedestrian Crossing of Kirby Road (Grampian Condition)
- Speed Signage at Kirby Road (Grampian Condition)
- Bus Stop upgrades (Grampian Condition)
- Footway enhancement on Mill Lane (Grampian Condition)
- New 3 metre wide Foot/Cycleway to north of Kirby Road between the site access and Mill Lane Car Park (Grampian Condition)
- 3 Metre wide Foot/Cycleway enhancement on northern boundary of Drainage Ditches (Grampian Condition)

(ii) Reason for approval:

This site is designated in the Tendring District Local Plan (2007) as part of a wider site for caravan and chalet park use and should normally be retained for that purpose. The development of the land for retail purposes is acceptable if the proposals meet the requirements of policy ER18 of the Local Plan and the criteria set out in PPS 4 (Planning for Sustainable Economic Growth). 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, as assessed, is likely to lead to any significant adverse impacts in terms of the criteria in policies EC10 and EC16. The proposals also retain the existing caravan park on the wider site.

The site lies in Flood Zones 2 and 3a as defined by the Environment Agency. Shops are identified as a less vulnerable use which is acceptable in Zones 2 and 3a. New development should wherever possible be steered to areas with the lowest risk of flooding (Zone 1). The sequential test has been applied and no sequentially preferable sites that are reasonably available and that are appropriate for the type of development proposed have been identified in the locality in lower flood risk areas. Therefore the development would accord with the guidance in PPS25.

The application site lies close to a Scheduled Ancient Monument and the impact on the heritage asset has been assessed against the criteria in PPS5. Whilst there would be an adverse impact the overall benefits of the development have been judged to outweigh this impact.

Having had regard to the negative and positive impacts of the proposal assessed against the criteria in policies EC16 and EC10 of PPS4, PPS5 and policies ER18 and EN23 of the Local Plan, the proposals for public realm improvements 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 (2005) and Planning and Climate Change: Supplement to PPS1 (2007) |
| PPS4 | Planning for Sustainable Economic Growth and Planning for Town Centres: Practice guidance on need, impact and the sequential approach (2009) |
| PPS5 | Planning for the Historic Environment (2010) and Planning for the Historic Environment Practice Guide (2010) |

PPS9 Biodiversity and Geological Conservation (2005) and Circular 06/2005 to accompany PPS9

PPG13 Transport (2001)

PPG17 Planning for Open Space, Sport and Recreation (2002)

PPS25 Development and Flood Risk (2010)

Draft National Planning Policy Framework (2011)

Regional Planning Policy:

East of England Plan (2008)

SS1 Achieving Sustainable Development

SS4 Towns other than key centres and rural areas

E1 Job Growth

E5 Regional structure of Town Centres

T4 Urban Transport

T9 Walking, Cycling and other Non-Motorised Transport

T13 Public Transport Accessibility

T14 Parking

ENV1 Green Infrastructure

ENV3 Biodiversity and Earth Heritage

ENV6 The Historic Environment

ENV7 Quality in the Built Environment

EN23 Development within the Proximity of a Listed Building

ENG1 Energy Performance

WAT4 Flood Risk Management

Local Plan Policy:

Tendring District Local Plan (2007)

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL6 Urban Regeneration Areas

QL9 Design of New Development

TR7	Vehicle Parking at New Development
TR2	Travel Plans
ER18	Caravan and Chalet Parks
ER31	Town Centre Hierarchy and Uses
ER32	Town Centre Uses Outside Existing Town Centres
EN17	Conservation Areas
EN23	Development within Proximity of Listed Building

Core Strategy and Development Polices (Draft)

Tendring District Local Development Framework (2010)

SSP1	New Jobs
CP12	Regeneration Areas
CP16	Town, District, Village and Neighbourhood Centres
DP1	Design of New Development

Other Guidance:

Essex Parking Standards Design and Good Practice (2009)

Walton Regeneration Framework (2010)

Walton Conservation Area Management Plan (2009)

Frinton and Walton Conservation Area Character Appraisal (2006)

North Essex Retail Study (2006) and Update (2010)

3. Relevant Planning History

11/00903/OUT	Proposed redevelopment of the Martello Caravan Park for a new residential neighbourhood with ancillary mixed-use commercial zone. Phase 1 comprising a site area of fifteen acres and providing 150 dwellings including sheltered housing and ancillary commercial zone to include a food superstore, retirement home and doctor's group practice/health centre.	Withdrawn	12.08.2011
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Earlier History

- 3.1 In 1963 a legal agreement, similar to a S106 agreement, was entered into by the landowner and the then Urban District Council of Frinton and Walton. This restricted the siting of caravans on the southern part of the caravan park for as long as the northern part of the site was so used. The land can only be used under the agreement, which remains valid, for parking and recreational facilities in conjunction with the caravan site.

4. Consultations

TDC Public Experience (Environmental Health)

- 4.1 No comments or objections to make.

Regeneration Service

- 4.2 This application is consistent with the Walton Regeneration Framework's concept of 'the potential for a new food store' as part of the Martello Caravan Park scheme.

- The Framework document is predicated on the opportunity to create a unique destination in line with the Strategy's overall ambitions
- Application might be considered to deliver a 'catalytic' project, and undoubtedly provides job opportunities but as a stand alone application in its present form this remains an edge of centre retailing opportunity.
- If Members are minded to approve this application Regeneration would seek 106 contributions in line with the Manningtree (Tesco) scheme.
- Also seek contributions in accordance with the Walton Framework proposals.

Frinton and Walton Town Council

- 4.3 Object to the proposals on the following grounds:

- adversely effects local businesses;
- harms the vitality and viability of the towns and surrounding villages;
- location, scale and form of the development would be highly damaging to the setting of the nationally significant Martello Tower;
- huge impact on congestion and highway safety;
- concerns and issues with regard to Highway safety if traffic is directed through the village of Kirby-Le-Soken;
- Local Plan is to take precedence; this development is in contradiction to the local plan as this site is deemed for tourist use;
- lack of parking provision for the current use of the site for holiday caravans;
- poor design of the building (particularly the wood cladding and wood frames on the roof windows);
- fails to follow a sequential approach;
- provision of a petrol station at this location is unnecessary; and
- if the District Council were mindful to recommend approval then consideration should be given towards the provision of a fully built, equipped and ready to use Doctors Surgery and that funding should be conditional towards regeneration of the town and the Mere.

Cllr Bucke (Member for Holland and Kirby)

4.4 I object to the threat to other local shops in Walton and Frinton town centres, in respect of which a retail impact assessment has been published. I further, and at least equally, object to the threat to the sustainability and economic viability of village post office shops in Kirby-Le-Soken and Great Holland. Without those village shops, which have inter-dependent retail and post office trade, Great Holland and Kirby-Le-Soken would suffer an immense degradation and/or loss of community life and support services. Kirby has previously been denominated as an area of deprivation (lack of opportunity) and a Tesco development in Walton will not improve or enhance that position, in my view. The traffic assessment refers to heavy lorry movements to and from the Walton site, and inexplicably suggests that lorries should use the Kirby-Le-Soken route from Thorpe Cross to Walton, where it says that fewer properties will be affected. That comment ignores known facts and observations, which casts severe doubt upon the accuracy and usefulness of that traffic assessment. In particular:

1. The Kirby Cross/Frinton route has a wider main road, suitable for heavier volume traffic, and where properties are set further back from the road.
2. Kirby-Le-Soken has narrower roads, particularly at the western end of The Street, approaching from Thorpe Cross, and at Walton Road, east of Halstead Road and further eastwards as one travels out of the village past the busy village shop. In addition, The Red Lion public house trades on the public highway opposite St. Michaels Church, so an increase in lorry movements through the village will further threaten customer safety whilst they sit on the public highway at that point, and pub trade will suffer. Threats to local pub trade is something else WE DO NOT WANT in Kirby-Le-Soken village.
3. The report suggests that large heavier lorries will access Walton via Kirby-Le-Soken early in the morning, when traffic volumes are lower. However, the report does NOT identify that early morning traffic movements OUT of the village are dominated by Silverton Aggregates lorries leaving their Kirby-Le-Soken depot at Devereux Farm. So a potential clash of interests of huge delivery lorries in each direction at the very worst 'pinch point' in the village would lead to extremely difficult and dangerous conditions, perhaps requiring reversing manoeuvres on certain occasions.

English Heritage

4.5 English Heritage recommends refusal.

4.6 The proposal would have severe adverse impacts on the area between the Scheduled Monument and Listed Building Martello Tower K and the Walton and Frinton Conservation Area. This is an integral part of the setting of the Martello Tower. There would be adverse impacts on the wider setting of the Walton part of the Frinton and Walton Conservation Area. Because the proposal would have an adverse impact on the area between the Martello Tower and the Conservation Area it would damage the historic and visual relationship between these designated heritage assets disrupting views from the tower to the town and from locations within the conservation area to the tower. The cultural and historic character of the landscape with its artistic associations would be adversely affected.

4.7 The size massing form and layout of the proposed development do not respect and make no attempt to address the settings of the designated important heritage assets of the Martello tower and the conservation area. It is unclear whether the need for the size and scale of the proposed development is economically justified. The location of the store away from the historic shopping centre of Walton on the Naze could have a negative impact on the vitality and viability of the existing shopping centre resulting in deterioration of the fabric

of this part of the conservation area and a failure to preserve or enhance its character or appearance.

- 4.8 English Heritage have also assessed the additional information submitted post their original comments. Further to this, English Heritage maintains their recommendation of refusal.

Environment Agency

- 4.9 Raises issues relating to the safety of site users in the event of flooding and that the submitted details do not demonstrate that the risk can be managed through prior evacuation. Flood evacuation should only be dealt with by conditions if the local planning authority is confident that the delivery of the flood evacuation plan would be feasible and meet the appropriate test of Circular 11/95.

Essex County Council Highways

- 4.10 No objection subject to the conditions requiring the following:

- Wheel washing facilities

- 4.10 No commencement of the development taking place until:

- Any Traffic Regulation Orders (TRO) required to amend the waiting restrictions in Kirby Road at the location and/or in the vicinity of the works (*covered by s278 Agreement*);
- A Construction Traffic Management Plan (a written scheme for limiting the impact of the proposal in terms of construction methods and vehicle movements during construction) (*covered by s106 Agreement*);
- A Heavy Goods Vehicle Transport Plan (a scheme detailing the route or routes which all service vehicles and/or heavy goods vehicles under the applicant's control shall use between the A133, A120 and the proposal site) (*covered by s106 Agreement*); and
- A Heavy Goods Vehicle Signage Review (a review of all heavy goods vehicle related signs in the Walton/Frinton/Kirby Cross/Kirby-Le-Soken area including proposals to improve such existing signage and/or provide new signage) (*covered by s106 Agreement*).

- 4.11 No occupation of the development shall take place until the following has been provided/completed (*covered by s278 Agreement*):

- a) A priority junction off Kirby Road, with a minimum clear to ground 90 x 4.5 x 90 metre visibility splay;
- b) A right turn lane in Kirby Road with 2 no. pedestrian central islands;
- c) A controlled pedestrian crossing in Kirby Road (type & location to be agreed with the Highway Authority);
- d) An access road and roundabout* (minimum 6.75 metre wide access road carriageway), and
- e) a minimum 3 metre wide shared foot/cycleway on all sides of the access road and roundabout (terminating at the proposed food store customer car park) as well as northern side of Kirby Road;
- f) Upgrading to meet current Essex County Council specification 5 no. bus stops in the vicinity of the proposal site (3 no. located in Kirby Road and 2 no. in the High Street in vicinity of its junction with Kirby Road) (*covered by s278 Agreement*);
- g) A travel plan to include but shall not be limited to a £3,000 contribution to cover the cost of approving, reviewing and monitoring the Travel Plan (*covered by s106 Agreement*);
- h) A minimum 4 metre wide foot/cycle bridge over the drainage ditches between the proposal site and Mill Lane;

- i) A minimum 3 metre wide shared foot/cyclepath located north of the drainage ditches between the foot/cycle bridge mentioned above and the shared foot/cycleway to be provided on the northern side of Kirby Road (*covered by s278 Agreement*);
- j) A minimum 3 metre wide foot/cyclepath located on the eastern side of the proposed food store customer car park between the foot/cycle bridge mentioned above and the proposal site's northern-most boundary.
- k) A minimum 3 metre wide foot/cyclepath located on the western side of the proposed food store customer car park between the foot/cyclepath located north of the drainage ditches and the proposal site's northern-most boundary.

Essex County Council Archaeology

- 4.12 Recommend a condition requiring archaeological investigation prior to construction.

Anglian Water

- 4.13 Recommend surface water strategy/flood risk assessment condition.

Sport England

- 4.14 No Comment.

Essex Police

- 4.15 No objection in principle. Recommend Secured by Design Certification on new builds and the safer parking Award `Park Mark` on the parking provision. SBD and park mark are both proven national crime prevention initiatives that reduce the opportunities for crime and anti-social behaviour. In turn they also support the Council's responsibilities under sec17 Crime & Disorder act, PPS1 and the Safer Places document. Both crime and the fear of crime are material considerations within planning, therefore recommend they become planning conditions should planning consent be given.

Essex County Fire & Rescue Service

- 4.16 Provision of additional fire/hydrant within the curtilage.

Essex Wildlife Trust

- 4.17 No response.

5. Representations

- 5.1 The proposals were subject to a Public Consultation exercise, undertaken by the applicants commencing in March 2010 and concluding at the point of application submission February 2011. Full details on this public consultation can be gained from the submitted Statement of Community Involvement (SCI). The Statement summarises that over 84% of respondents to the public consultation were supportive of the proposals.
- 5.2 A total of 201 representations have been received as a result of the statutory publicity exercise following receipt of the application. 124 of these are in support of the proposals and 73 in objection. 4 representations raise comments only.

5.3 The main supporting comments are as summarised:

- Encourage local shopping;
- Encourage regeneration of Walton;
- Offers year round employment opportunities;
- Need another petrol station in the area;
- Could encourage other retailers;
- Provides competition to existing retailers;
- Should be thankful Tesco wishes to come to Walton;
- Proposed landscaping will enhance the ambience;
- Proposals may lead to provision of new doctors surgery;
- About time that investment was being put into Walton;
- Walton needs a good supermarket;
- Encourages economic growth;
- Reduces fuel costs for residents;
- Provides consumers with greater choice;
- Walton no longer has a proper butcher, greengrocer or regular fishmonger;
- Reduces carbon footprint;
- Urge Council to pursue ways of converting unused shops also;
- Provides free parking for visitors;
- New footpath will facilitate increased foot fall into town centre;
- Prefer this scheme to the Mere project;
- Extra ATM's are an advantage;
- Beneficial to mobility scooter users;
- Helpful to elderly to have superstore within walking distance, and
- S106 contributions should be used for wider community interests and prosperity.

5.4 The main grounds of objection are as summarised:

- Highway concerns;
- Sewage concerns;
- Impact on ecology;
- Reduce tourism opportunities;
- Flood concerns;
- Potential negative impact on existing retailers;
- Allowing a pharmacy would have devastating impact on existing facility;
- Economic well-being of Walton and Frinton will be affected;
- Traffic increase through villages;
- Martello Tower should not be hidden behind a supermarket;
- Will contribute to Anti-Social Behaviour from car park;
- Will displace current residential parking opportunities;
- Concern over stability of house due to HGVs passing by;
- Driveway backs on to proposed access leading to problems using own driveway;
- Only have own interests at heart;
- Short-sighted approach;
- Concern over environmental impact;
- Store not needed;
- Loss of English culture to lose village shops;
- Connaught Avenue, Frinton shops could close;
- Proposed jobs figure is inaccurate as local jobs will be lost;
- Tesco moving towards all 'self-service' points therefore less jobs than promised;
- Concern over health due to increased fumes;
- Parking capacity is to entice customers from existing shopping areas;

- Tesco will destroy Walton and Frinton's High Streets;
- If vehicles are restricted to night time deliveries residents should be consulted;
- More imaginative development for the Mere;
- Addition of footpath is of little use;
- TDC car parks will lose revenue;
- Defer the application until preferred scheme is chosen;
- Already a reasonably sized Tesco store in town;
- Only Tesco shareholders will benefit;
- Contrary to Local Plan policy;
- Development of site should be considered in tandem with proposals for the Mere;
- Approval would remove potential for restoration of the Mere;
- Transport Assessment deficient;
- Not clear how access to Martello Tower K will be maintained;
- Caravan site could be made financially viable;
- Pre-fabricated soulless clone (of a building) which can be seen anywhere in the country;
- Walton Regeneration Framework and TDC draft Core Strategy now carry no (material planning) weight;
- Contrary to Policies ER18, ER32 and PPS4;
- Offer of contributions for statue made to induce those opposed to application;
- Concern that permission based on contributions for statue could lead to allegations of corruption or bribery;
- Poor design, and
- Unacceptable piecemeal development.

6. The Application Site

- 6.1 The application site lies to the north of Kirby Road and west of the Walton Mere, Walton-on-the-Naze and currently forms part of the Martello Caravan Park. The main expanse of caravan park and associated buildings are positioned immediately north of the proposal area. The site is currently not utilised having formerly been in use for recreational purposes, such as a football pitch. It is understood that a covenant restricts the deployment of caravans within the proposal area.
- 6.2 The site measures approximately 2.1 hectares in overall area and is partially hard surfaced with the remainder of the site open in appearance. The general topography is flat but the site slopes from the north-west to south-east with a difference of 1.5m. Two drainage ditches run parallel to the southern side of the site leading to Walton Mere. The existing vehicular access to the site is achieved via Kirby Road (B1034) and this currently serves the Martello Caravan Park.
- 6.3 Martello Tower 'K' a Scheduled Ancient Monument and Grade II Listed Building lies the site to the north, approximately 60m away. The site does not fall within the Frinton and Walton Conservation Area, with the boundary running along Alfred Terrace to the south-east (at its nearest point to the site).
- 6.4 The site is located approximately 100m north of Walton High Street and is bordered by residential properties to the east (facing Mill Lane) and west. A Council owned car park is set to the south.
- 6.5 In planning policy terms the site can be considered as an 'edge of centre' site. PPS4 describes an 'edge of centre' site as a location that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping area. However, whilst the site is currently not well linked to the town centre due to the presence of two drainage ditches between the site and the Mill Lane car park, the application includes a new

footbridge link to Mill Lane that will ensure that the new store would be within easy walking distance of the town centre. On this basis officers consider that the site is 'edge of centre'.

- 6.6 The site is situated within a defined Flood Zones 2 (Medium Probability) and 3a (High Probability of Flooding). Only where there are no reasonably available sites in Flood Zones 1 and 2 should decision –makers consider the suitability of sites in Flood Zone 3. This is done through the application of the sequential test which is addressed later in the report

7. Proposal

- 7.1 Planning permission is sought for the erection of a Class A1 retail supermarket with petrol filling station (PFS) associated servicing area car parking landscaping access road from Kirby Road and footbridge to Mill Lane for pedestrians and cyclists.
- 7.2 The Class A1 retail supermarket incorporates a gross external area of 4,467m² (comprising approximately 2,491m² of retail floor space). For comparative purposes, the Tesco Store at Brook Retail Park incorporates a gross external area of 7,001m², Morrisons at Centenary Way 4,691 m² and Morrisons, Waterglade Retail Park, Clacton 4,051m².
- 7.3 The proposed supermarket building would have a maximum ridge height of 8.2m with the eaves set at 7.1m high, 69.0m in frontage width and 66.0m in depth (including front entrance lobby). The Petrol Filling Station canopy is of flat roof design and stands some 4.7m in height.
- 7.4 The application documents advise that the store's design is based on Tesco's 'Environmental Format' store and includes carbon reduction technologies to maximise efficiency. The proposed southern elevation comprises a glass curtain wall with a canopy along the full length of the front elevation. The north, south and west elevations will be timber clad. The supporting information explains that the external appearance of the store expresses its sustainable construction with glazing to allow natural lighting, rooftop vents and skylights to reduce energy use, and natural timber cladding which is sustainably sourced and will weather well. This approach was commended by the Essex Design Initiative, following a pre-application review of the scheme.
- 7.5 The development is to be served by at total of 287 car parking spaces (16 no. disabled and 12 no. parent & toddler spaces) and 14 no. motorcycle and 28 no. bicycle spaces. The car parking area is to be landscaped both within the area and along the boundaries.
- 7.6 Vehicular access is to be provided by way of a new T-junction off Kirby Road (slightly westward of the existing site access position). A dedicated right turn is to be provided for vehicles arriving from the town centre direction and entering the site along Kirby Road. Within the site will be a new roundabout providing access points to the store and petrol filling station and an improved access to the remainder of the caravan park site and adjoining farm complex.
- 7.7 A shared cycle and footpath is to be provided along the southern and eastern boundaries of the site to facilitate pedestrian connectivity across the site, with particular emphasis on linkages with the town centre. An additional pedestrian link is provided on the western boundary of the car park. The proposed pedestrian bridge will be provided at the south eastern corner of the site to provide a direct connection with Mill Lane and the High Street beyond. The proposed pedestrian routes across the site will be lit to provide permanent illumination for user safety. CCTV is also proposed within the site. Mill Lane is to be subject to public realm improvements in order to improve linkage of the site with the High Street.

7.8 The application was screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations, 2011, prior to submission. It was concluded by the Council that the application did not need to be accompanied by an Environmental Statement.

7.9 To support the application, and in addition to the submitted application forms, plans and drawings, the following documentation has been received:

- Air Quality Assessment, Jacobs Babbie (February 2011)
- Daylight/Sunlight Assessment, Brooke Vincent Partners (February 2011)
- Design and Access Statement, Martin Robeson Planning Practice Version 2 (February 2011)
- Addendum to Design and Access Statement, Martin Robeson Planning Practice (September 2011)
- Draft S106 Considerations, Martin Robeson Planning Practice (March 2011)
- Ecological Assessment, Aspect Ecology (February 2011)
- Economic and Regeneration Impact Study, Regeneris (February 2011)
- Energy Statement, Scott Wilson (February 2011)
- Environmental Sustainability Statement, Scott Wilson (February 2011)
- Executive Summary, Martin Robeson Planning Practice (April 2011)
- Flood Risk Assessment, Colin Buchanan (July 2011)
- Landscape Supporting Statement (including Tree Survey and Lighting Details), Aspect (February 2011)
- Landscape, Heritage and Visual Impact Assessment, Aspect (July 2011)
- Noise Assessment, Sharps Redmore (February 2011)
- Phase 1 Environmental Assessment, Delta-Simons (January 2011)
- Planning and Retail Statement, Martin Robeson Planning Practice (February 2011)
- PPS5 Heritage Assessment, Ettwein Bridges (February 2011)
- Heritage Assessment Addendum, Ettwein Bridges (August 2011)
- Statement of Community Consultation, Martin Robeson Public Affairs (February 2011)
- Transport Assessment, Colin Buchanan (February 2011)
- Travel Plan, Colin Buchanan (February 2011)
- Utilities Assessment, Colin Buchanan (February 2011)

7.10 The application has been subject to revisions since original submission, primarily in relation to the provision of additional supporting information on the subject of Heritage Asset impact and landscaping and linkage arrangements. This has resulted in revised Design and Access Statement and Landscape, Heritage and Visual Assessment documentation being submitted. All relevant documents are as listed above.

8. Assessment

8.1 The main planning considerations in this instance are as set out within this report, but broadly relate to whether:

- The proposals are in accordance with the provisions of the Development Plan and the weight to be afforded to any other material considerations that should be taken into account;
- The proposals are consistent with national planning policies, particularly in relation to sustainability, economic growth, heritage assets, biodiversity, transport, noise and flood risk;
- The proposals would preserve or enhance the character of the Walton Conservation Area or have an impact upon the setting of scheduled ancient monument/listed building;
- The proposals are acceptable in all other respects, and,

- The proposed completion of a Planning Obligation is necessary, directly related to the proposal and reasonable.

- 8.2 The application needs to be determined in accordance with the policies of the Development Plan and any other material considerations, in particular the policy guidance in PPS4 and PPS5. The Development Plan comprises the Local Plan and the East of England Plan. However, the Localism Act contains provisions for the abolition of regional strategies and the government's intention to abolish is also a material consideration. Accordingly officers consider that the relevant policies of the East of England Plan can only be afforded very limited weight. Limited weight can also be applied to the emerging policies in the National Planning Policy Framework. The Core Strategy and Development Policies submission draft include policies that are relevant to this application. However, the document is due to be revised and subject to further public consultation in 2012, therefore, these policies can be afforded little or no weight. The application, therefore, should be determined in accordance with the policies of the Local Plan, whilst giving weight to the policies of PPS4 and PPS5 which were issued after the adoption of the Local Plan.
- 8.3 The Walton Regeneration Framework, published in January 2010, has been adopted as a Supplementary Interim Planning Document to assist the delivery of key regeneration projects and determination of planning applications in accordance with the Local Plan. It also provides the evidence base for regeneration projects to be delivered through the LDF. Whilst a material consideration, the document can only be afforded limited weight.

Planning Policy Context

Tendring District Local Plan (2007)

- 8.4 Tendring District Local Plan policies primarily relevant to the proposals are QL9, QL10, QL11, ER18, ER31, ER32, EN17 and EN23. 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 QL9, QL10 and QL11 require developments to make a positive contribution, meet functional requirements and be compatible with surrounding land uses. EN17 states that developments within conservation areas must preserve or enhance the character or appearance of such areas and EN23 refers to developments within the proximity of listed buildings.
- 8.5 The East of England Plan 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*.
- 8.6 The Council has published its Core Strategy and Development Policies (proposed submission document) on which the second round of public consultation was completed last year. Policy CP16 follows the guidance in PPS4 in respect of the sequential test for town centre uses outside defined centres. 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. A key project (Project 19) in Walton is to encourage the regeneration of Walton-on-the-Naze as this is deemed essential to the delivery of district housing and jobs targets. Project 19 details, inter alia, that the Regeneration Framework identifies measures to build a strong year round economy and to make Walton a place where people will choose to live and realise their potential with a good range of housing, retail, community and leisure facilities.

- 8.7 The Council recognises, through its Local Plan Policy ER18, that existing caravan and chalet parks are an important element of the local holiday industry and their retention and improvement is generally supported. Policy ER18 sets out that the Council seeks to safeguard existing caravan and chalet parks from redevelopment from alternative uses. The policy requires that when considering applications material considerations will include whether the park:
- a) occupies a prime site in the main tourist areas within an attractive location;
 - b) provides or could provide a range of recreational facilities;
 - c) has been upgraded or offers the potential for further upgrading; and
 - d) provides or has the potential to provide a range of holiday accommodation.
- 8.8 With regard to the designation of this site under this policy members should note that the area covered by this application has been excluded from use for the siting of caravans under a legal agreement. Permission was granted in 1963 for the extension of the caravan park to the north, but the then Frinton and Walton UDC considered that in return for the permission the overall area for the siting of caravans should be restricted. The land was retained for parking and recreation under the agreement. The land is allocated in the local plan for the siting of caravans, but there have been no proposals to develop it. However, much of the land is in Flood Zone 3a and would now be considered unsuitable for the siting of caravans.
- 8.9 The application site is designated as part of a wider caravan and chalet park, although there are no caravans located on it, and safeguarded as such under the provisions of Policy ER18 of the Tendring District Local Plan (2007). Therefore the proposals must be assessed against this, and other policies contained within the Development Plan together with national and regional guidance, in particular, the provisions of PPS4.
- 8.10 The Council recognises, through its Local Plan Policy ER18, that existing caravan and chalet parks are an important element of the local holiday industry and their retention and improvement is generally supported. Policy ER18 sets out that the Council seeks to safeguard existing caravan and chalet parks from redevelopment from alternative uses. Members will note that the proposals do not cause the loss of any caravan pitches. The policy requires that when considering applications material considerations will include whether the park:
- a) occupies a prime site in the main tourist areas within an attractive location;
 - b) provides or could provide a range of recreational facilities;
 - c) has been upgraded or offers the potential for further upgrading; and
 - d) provides or has the potential to provide a range of holiday accommodation.
- 8.11 The site lies close to a listed building and is likely to adversely affects its setting. Accordingly the application must be considered against policy EN 23 which would not normally allow development that would have such an impact. The development must also be assessed against the criteria in ER32, although the requirements of this policy are now largely covered by the policies of PSS4.

PPS4: Planning for Sustainable Economic Growth

- 8.12 PPS4 specifies the national planning policy requirements in relation to the assessment and determination of applications for economic development. Paragraph 3 clarifies that the policies of PPS4 are a material consideration in development management decisions can be applied directly by a local planning authority when determining such applications. The overarching objective of PPS4 is to secure sustainable economic growth.

- 8.13 Policy EC10.1 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic growth and that applications which secure sustainable economic growth should be treated favourably. Policy EC10.2 provides that such applications should be assessed against the following impact considerations:
- whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
 - the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
 - 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;
 - the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion; and
 - the impact on local employment
- 8.14 Policy EC14.3 describes that a sequential assessment (under Policy EC15) is required for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date development plan.
- 8.15 Policy EC15.1 specifies that in considering sequential assessments local planning authorities should:
- a) Ensure that sites are assessed for their availability, suitability and viability.
 - b) Ensure that all in-centre options have been thoroughly assess before less central sites are considered
 - c) Ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access
 - d) Ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:
 - i. scale: reducing the floorspace of their development;
 - ii. format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;
 - iii. car parking provision; reduced or reconfigured car parking areas; and
 - iv. the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However local planning authorities should not seek arbitrary sub-division of proposals.
- 8.16 Policy EC16.1 sets out the following impact assessment criteria:
- a) the impact of the proposal on existing , committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;
 - c) the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan;
 - d) in the context of a retail/leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future

- consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy;
 - e) if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres;
 - f) any locally important impacts on centres under policy EC3.1.e
- 8.17 For the purposes of this assessment, criteria c and f do not apply. 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 is appropriate for a town of the size of Walton and the surrounding catchment. 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.
- 8.18 Policy EC17.1 states that planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused where:
 - a) the applicant has not demonstrated compliance with the requirements of the sequential approach (as per Policy EC15); or
 - b) there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of the impacts set out in policies EC10.1 and 16.1 (the impact assessment), taking account of the likely cumulative effect on recent permissions, developments under construction and completed developments.
- 8.19 Policy EC17.2 states that where no significant adverse impacts have been identified under policies EC10.2 and 16.1, planning applications should be determined by taking account of:
 - a) the positive and negative impacts of the proposal in terms of policies EC10.2 and 16.1 and any other material considerations; and
 - b) the likely cumulative effect on recent permissions, developments under construction and completed developments.
- 8.20 Such impacts are required to be informed by the development plan and recent local assessments of the health of town centres which take account of vitality and viability issues together with any other relevant sources of local information (policy EC17.3).
- 8.21 It is prudent to specify to Members that in accordance with PPS4, applicants are no longer required to demonstrate a 'need' for the development that are in an edge (as in this case), or out, of centre location.
- 8.22 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. An assessment of these is made within this report and a recommendation made that is based upon the relative weights that should be given to them.

- 8.23 As detailed above, 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).

Assessment of Development Proposals

- 8.24 Section 38(6) of the Planning and Compulsory Purchase Act (2004) provides that planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise. For the reasons set out in 8.2 above the main policy considerations are those of the Local Plan and subsequent government guidance. The Local Plan allocates the application site as a caravan park.
- 8.25 The provisions of Policy ER18 are detailed above at paragraph 8.7. It is important to note however that the proposed development does not cause the loss of the ability to operate a caravan park on the adjoining much larger existing site and that the application site is not used at present for the parking of caravans.
- 8.26 Walton currently supports three caravan parks, these being the Naze Marine, Willows Caravan Park and the Martello Caravan Park the subject of this application.
- 8.27 Further to the policy requirements identified above, the application supporting documents detail that the contribution the Martello Caravan Park makes to the local economy is limited and that the Council's Regeneration Framework comes to a similar conclusion considering that, "*the existing visitor spend generated from the caravan parks is believed to be low, with a significant proportion of food/drink brought to the site and much of the current visitor spend being concentrated within each caravan site*".
- 8.28 The supporting information, drawn from the Council's Regeneration Framework SPID, goes on to conclude that the Martello Caravan Park is in poor physical condition and in general decline.
- 8.29 Having regard to policy ER18 the applicant considers that given the limited economic benefits generated by caravan parks, and the fact that the Council is seeking to broaden the tourism accommodation in the District and "*attract higher spending visitors*" (page 2, Tourism Strategy). Because the supermarket will act as a draw for visitors in the area and thus focus them more on spending in the rest of Walton, rather than elsewhere e.g. through superstores in Clacton, this proposal is therefore consistent with this tourism strategy and will deliver significant benefits to the local economy. It is also suggested by the applicant

that the proposal will deliver the infrastructure and investor confidence to help diversify Walton's guest accommodation to accommodate tourists throughout the year by delivering around 250 jobs and significant investment in the town. Additionally, the applicant considers that there will be additional footfall in the town centre as a result of the 'clawback' of trade to the town to support existing facilities and will provide up to £3 million of additional spending from the jobs created. It will therefore provide a significant boost to the local economy. As such, the applicant considers such benefits will outweigh the technical breaches of Policy ER18.

- 8.30 Officers acknowledge that the proposals do technically impinge on Policy ER18 insofar that the application site is part of the Martello Caravan Park. However, the proposal area is not in active use as such and its utilisation would not prejudice the use of the wider Caravan Park. Indeed it is clear that the caravan park can continue to operate and function should this scheme be implemented. In any event, the proposals have to be considered against other policies and material considerations such as the physical, social and economic impacts arising from the development. These matters are considered within this report.

Assessment against Local Plan Policy ER32

- 8.31 Policy ER32 requires that proposals for town centre uses outside of existing town centres will be considered against a sequential site approach and need assessment. The policy provides that proposals will only be permitted providing:
- a) it is of a scale appropriate to the role and function of the neighbouring centre and its catchment;
 - b) it does not individually or cumulatively with other committed development materially harm the vitality and viability of an existing centre;
 - c) it is accessible by a choice of means of transport including public transport links; and
 - d) it would not materially prejudice the provision of employment land, housing, recreation or tourism facilities.
- 8.32 Although this policy was formulated in relation to the now cancelled PPS6, much of this policy is now covered by the provisions of PPS4 which are addressed within this report. However, in relation to Policy ER32 officers consider that the proposals will reduce 'leakage' i.e. the movement of people away from Walton to undertake their main shop and therefore contribute to more sustainable travel patterns. Therefore, whilst PPS4 removes the requirement to demonstrate the need for new proposals and focuses upon the impact of proposals, the need for this development is justified and therefore satisfies Policy ER32 in this regard.

Assessment against PPS4

- 8.33 The application is supported by a Planning and Retail Statement. The application supporting information has been reviewed by independent retail consultants (GVA Grimley Ltd), as commissioned by the Council.
- 8.34 A main objective 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.

- 8.35 PPS4 provides 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).
- 8.36 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).

Sequential site assessment

- 8.37 Policy EC15 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 store is sited approximately 100m to the north of the High Street and it is agreed with the applicant that the site is an 'edge of centre' site. 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.
- 8.38 The practice guide that accompanies PPS4 sets out a checklist to assist in carrying out this assessment. In order to be a sequentially preferable site, the site must be available, suitable and viable. 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 former Town Hall site and Millennium Square car park are the only areas of land within the defined town centre that could possibly accommodate new retail development, albeit of smaller scale and these fail to be considered more sequentially preferable.
- 8.39 Since the submission of this application proposals for Walton Mere and adjoining land have also come forward. This site also figures within the Regeneration Framework but a new food store is now proposed (which was not envisaged by the Framework which was adopted on the basis that residential development would be the driver of viability there) along with housing, etc; a report on this application will be brought to the committee for consideration in due course. As part of the sequential approach to new retail development consideration has been given to the Mere proposal for a new food store and whether the site is sequentially preferable. However, whilst the application is in outline and the final location of the store is not set, reclamation works are required before a new store could be built. Therefore, the site cannot be considered to be suitable or available. In any event the site would also be considered 'edge of centre' so could not be considered sequentially preferable.
- 8.40 As there are currently two applications for food stores the question also arises as to whether the alternative proposal is a material consideration and that the decision should be made on the basis of what is the best location for a new foodstore. The approach taken by the courts on this issue is that if land is acceptable for development in planning terms then the fact that other land exists where the development would be more acceptable does not justify the refusal of planning permission. However, where there are clear objections to the development of a site, then it would be appropriate to consider whether there are more appropriate sites elsewhere. This is particularly so where the development would have

significant adverse effects, but where the need for the development outweighs the other planning objections. This approach tends only to apply to major national or regional schemes, such as infrastructure projects rather than proposal for supermarkets. Officers consider that the PPS4 sequential test is the appropriate means of identifying appropriate sites.

- 8.41 Officers consider that whilst the proposals for the Walton Mere site which include a food superstore may deliver wider regeneration benefits little or no weight can be given to this proposal. Both sites have been identified in the Walton Regeneration Framework for development. Officers have applied the sequential tests in both PPS4 and PPS25 to the two sites for retail development and concluded that the proposed location in the Mere application cannot be considered sequentially preferable. Both developments would have some adverse impacts on the area and officers do not consider that the impacts of the current Tesco application are so significant that a refusal could be justified on the grounds that an alternative proposal nearby might have lesser impacts.
- 8.42 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. The tests set out in PPS4 and Local Plan policy ER32 have, therefore, been met.

Impact test

- 8.43 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). It is necessary to consider whether the scale of store proposed is appropriate for a town of the size of Walton and the surrounding catchment area.
- 8.44 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.
- 8.45 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. An assessment of these is made at the end of this report and it will be a matter for members to judge the relative weight that should be given to them.

Impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal

- 8.46 The case put forward by the applicant in this regard is that existing investment in the town centre is limited to ongoing maintenance of the Columbine Centre, which will not be negatively impacted by this proposal. Furthermore it is stated that the proposals will make the town a more attractive destination, increasing footfall and providing the opportunity for existing (and future) businesses to benefit.

- 8.47 The supporting information also identifies the String of Pearls Strategy as the only known commitment investment and that some of the funding for this has already been secured (Walton Regeneration Framework). The String of Pearls project is designed to create an enhanced experience for visitors whilst improving connections and cohesiveness between the town centre, seafront, Backwaters and the Naze, to make Walton a more attractive year round destination. This might include improvements to the station, public art, signage, lighting and public realm enhancements and tourism information boards. Other planned investments are identified as being general improvements to streets, squares, paths and signage in the town.
- 8.48 The Council's independent retail consultants concluded that the proposal *"has the potential to act as a catalyst for major investment and regeneration."*
- 8.49 Officers consider that future investment in the town is not at risk as a result of the proposals. Indeed, it is argued that approval of this scheme is likely to act as a catalyst to investment rather than result in any significant negative impact in this regard. The applicant explains that the proposal will invest £15m in development costs alone and that the implementation of the store, together with the planned public realm, linkage and access improvements will deliver the envisaged regenerative benefits required for the locality.

Impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer

- 8.50 PPS4 makes it clear that a key issue to consider when assessing a centre's vitality and viability is the range and quality of the comparison and retail offer. The accompanying Practice Guide explains that impact upon vitality and viability is largely a factor of impact upon town centre turnover. The Practice Guide also emphasises that as part of the assessment it is necessary to develop an understanding of the current and potential role of the centre and the market sectors and town centre uses which are key to its vitality and viability.
- 8.51 Walton is designated within the Local Plan as a 'town centre'. Walton is described as having a limited range of convenience goods retailers (7% of the 105 units counted in the town centre) (Source NERS Retail Study (2006) and Update 2010). The total of 675m² of convenience goods sales floor space is defined as 'below average' within the NERS Update. As such it is recognised within the Core Strategy that trade is lost to other centres leading to main food shopping being undertaken outside of the proposal catchment area.
- 8.52 The applicant considers that those who do undertake food shopping within the catchment area, do so at the Co-Op (Triangle Centre), which is considered to be "significantly over-trading", providing further indication of the poor range of facilities, limited choice of stores and lack of new floor space in the area. The supporting documentation also specifies that comparison goods provision is very limited. The NERS Update (2010) recognises that Walton is almost entirely dominated by independent retailers and encourages measures for multiple retailers to locate to the town which would complement and strengthen the town centre offer.
- 8.53 The case also 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 and through investor confidence. To support this view the supporting Economic and Regeneration Impact Study details 60% of residents travel outside of the catchment area (postcode CO14 8) for their main food shop and 61% use another foodstore on a less frequent basis outside of the catchment area. The Report also considers that businesses in the town centre are in a position to benefit from a greater number of shoppers coming to the town as a result of the new store.

- 8.54 In considering the retail aspect it is necessary to first consider the size of store required to address the identified leakage of trade. What size does the store need to be to change shopping habits so that more people stay in the Walton area for their main food shop? It is important to ensure that the size of store has not been set artificially high so as to discount sites which might otherwise be sequentially preferable. Officers have taken independent advice from retail consultants on this aspect which has confirmed that the applicant's assessment of the minimum site area required i.e. 0.8 hectares is reasonable to ensure an appropriate level of clawback of trade currently lost to the area.
- 8.55 Objectors to the proposal consider, amongst other things, that the approach to claw back is highly dependent on assumptions and that if the 76% of the store turnover indicated as being 'clawback' is not achieved, then it follows that the store will be reliant on drawing significant trade from local centres both from convenience and comparison goods. However the Practice Guidance to PPS4 explains that large supermarkets have "like for like impacts" i.e. they primarily affect similar stores. If the clawback was less than assessed the result is more likely to be that the proposed store's turnover would be reduced.
- 8.56 The Council's retail consultants consider that it is likely that the proposal will 'clawback' trade currently leaking elsewhere on the basis that the store will be relatively well integrated with the town centre and that there is also the potential for linked trips which is perceived as only benefitting the town centre. The report goes on to conclude that the "*optimum solution for the centre is a well integrated large foodstore, in order to retain additional trade in its own right and to act as a catalyst for wider investment and spin off benefits in terms of linked trips*". They consider that whilst there may be some impact on the Co-Op and the Tesco Express, on balance such impacts may be outweighed by the scope for claw back and increased retention of trade in the local area as well as the potential for other positive spinoff effects arising from linked trips.
- 8.57 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 GVA Grimley for the Council which supports the approach taken and the conclusions reached.

Impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy

- 8.58 The applicant's Retail Assessment states that "*the catchment area retains only 54% of convenience goods expenditure and just 35% of a restricted range of comparison goods expenditure.*" It further details that "*there is limited capability of clawing back a significant percentage of the wider category of comparison goods expenditure because, by definition, so much of it will go to places where comparisons can be made e.g. Clacton and Colchester*" and that therefore "*the most effective method of changing shopping behaviour to address the leakage of trade is through the provision of a store of adequate size to compete with more distant stores but not so large as to dominate the comparison goods sector. Such a store will claw back convenience expenditure in a way that will both improve the prospects for existing retailers in the town centre and encourage others to come in.*"

- 8.59 The applicant's trade diversion assessment demonstrates that the majority of the proposal's turnover will be diverted from competing stores outside the catchment area. This is consistent with the conclusions of the Council's own Retail Study (2006) and analysis of data from the independent Household Survey results in forming the Retail Assessment. As a result it is considered by the applicant that the proposal will improve the retention rate within the catchment area (87% for convenience goods and 49% for the restricted range of comparison goods that Tesco are likely to sell here in 2013). It is also considered that the analysis demonstrates that (with the exception of the Tesco Express which will be the subject of a separate S106 agreement ensuring that the unit will remain open either as a Tesco Express or occupied by another retailer) no store inside the catchment area would trade at lower than 94% of its company average turnover as a result of the proposal, which provides a clear indication that no store would close. Furthermore, the proposal provides the opportunity for the shopping area in Walton to capitalise on additional trade in comparison goods items which are not offered in the new store but are now expected as part of regular shopping trips and will thus improve the prospects for existing retailers in the town centre and encourage others to recognise the opportunity of trading there. With improvements to linkages with the town centre secured through a S106 obligation, the store will also be well placed to provide additional linked trip footfall to the benefit of retailers there.
- 8.60 In assessing impact of a proposal on in-centre trade/turnover, PPS4 Police EC14.7 requires account to be taken of the current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made. In relation to the turnover of existing convenience goods floorspace the GVA Grimley report considers that the approach of the applicant to draw upon the results of an up-to-date household survey undertaken by an independent market research company to be robust and consistent with advice set out in the Good Practice Guide.
- 8.61 The GVA Grimley report further states that the applicant has estimated the turnover of the proposed convenience floorspace (1,993 sqm net) based on a convenience sales density of £9,342 sqm net in 2013. GVA Grimley considers that there is every possibility that the proposed store could achieve the company's average sales density.
- 8.62 In relation to trade-draw assumptions the applicant has assessed the trade draw of the proposals in respect of convenience and restricted comparison goods shopping. In relation to convenience shopping the trade draw assumptions are based on shopping patterns derived from the applicant's household survey, which GVA Grimley identify are broadly consistent with a 2005 household survey which underpinned the NERS (2006) and Update (2010). Both of these surveys highlight high levels of trade leakage (particularly for main food shopping) from Walton to larger foodstores outside of the catchment area. GVA Grimley considers that this suggests that there is a current deficiency in foodstore provision in the Walton area and that the provision of a comparable foodstore offer within Zone 1 of the applicants survey area could address the deficiency, help clawback trade leaking elsewhere and support more sustainable travel patters, As such GVA Grimley do not fundamentally disagree with the applicant's assumption that the proposed store will draw the majority of its turnover (76%) from stores located outside of the catchment area e.g. Clacton and Colchester, as this reflects realistic scope to increase trade retention within Walton's catchment.
- 8.63 The applicant estimates that the proposed store will draw approximately 14% of its turnover from the Triangle Centre Co-Op in Frinton, 3% from the Tesco Express in Walton and 3% from the Co-Op in Walton. GVA Grimley state that these assumptions reflect current shopping patterns.

- 8.64 In terms of comparison goods the application proposes that the store will only accommodate a limited range of regularly purchased comparison goods which are reasonable adjunct to the scale of convenience goods items. GVA Grimley accept that in clawing back main food shopping trips to the area there is a reasonable opportunity for the town centre to capitalise by capturing the transfer of some unaccommodated comparison goods provision. GVA Grimley go on to consider that this would be predicated on attracting new comparison retailers to the town centre in order to improve on the existing, relatively limited, range of goods on offer.
- 8.65 GVA Grimley suggests that the applicant has underestimated the proposed turnover of the store which would have an effect of understating impact. The applicant has suggested that with the exception of the Tesco Express in Walton, no store would trade lower than 95% of their company average and that no store outside the catchment area would trade below 87% of their company average. GVA Grimley suggests that their analysis indicates no store (except Tesco Express in Walton) will trade below 81% of company average turnover. The GVA Grimley report goes on to state that it is acknowledge that the majority of stores that will be affected by the proposal are not located in-centre and are therefore not protected by policy in any event. Of those located in-centre, GVA Grimley consider that the level of potential trade diversion from these stores is unlikely to result in a significant impact on in-centre trade/turnover.
- 8.66 In respect of stores locate din Walton the GVA Grimley report considers that the need to address the current deficiency in main foodstore provision and the potential benefits of such investment on a well integrated edge-of-centre site is likely to offset the less than significant impacts on existing stores in the centre. GVA Grimley also accepts that there is reasonable opportunity for the town centre to capitalise on capturing the transfer of 'unaccommodated' comparison goods provision.
- 8.67 Officers accept the findings of GVA Grimley and concur that the development is unlikely to result in a significant impact on in-centre trade/turnover and therefore is compliant with Policy EC16.1 in this regard.

Whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres

- 8.68 The applicant considers that the size of store (2,491 sales m²) is appropriate based on a catchment settlement population of approx 21,331 people. Both the Walton Regeneration Framework and NERS Update (2010) provide for an indicative size of between 2,322m² and 2.787m² (sales). Therefore the scale of store proposed falls within these parameters. 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 GVA Grimley for the Council which supports the approach taken and the conclusions reached.

Locally important impacts on centres

- 8.69 Whilst PPS4 provides that such additional impacts are only considered once they have been defined by the Core Strategy, the application supporting documents consider that the proposal site is the only site identified for a new supermarket within the Walton Regeneration Framework. As such the applicant considers that securing regenerative change is clearly a locally important impact and the proposals reduce social exclusion through the provision of local jobs and access to facilities locally. As such officers agree

with the applicant's assertion that the scheme will deliver physical infrastructure, increased footfall, address some social inclusion issues and enhance investor confidence.

- 8.70 Objectors to the proposals have raised concern over the impact of the development on local provisions, such as village shops and post offices. These concerns are noted. However, officers consider that these small local provisions are not used for main shopping purposes and therefore will remain largely unaffected by the proposals. This is confirmed by the PPS4 Practice Guidance which explains that the principal effects are on other large stores. Small convenience stores/post offices etc are generally used to top up and it is not envisaged that this scheme will alter this situation to neighbouring local shops.

Conclusions

- 8.71 The impacts of the proposals have been fully considered against the provisions of Local Plan policy ER32 and PPS4 (specifically Policy EC16.1). Officers are of the view that the proposals comply with the development plan and national policy in this regard and that the proposals have addressed the identified impacts as detailed above.

Assessment against PPS4: Policy EC10.2

Reducing Carbon Emissions and Climate Change

- 8.72 Policy EC10.2 (a) requires consideration to be given to reducing carbon dioxide emissions and climate change. PPS1 advocates a similar requirement in developments. Policy ENG1 of the East of England Plan requires that in all new developments exceeding 1,000 square metres of non-residential floor space, at least 10% of the energy requirements should be met from decentralised and renewable low-carbon sources. In response to this the applicants have provided an Energy Statement which clarifies that the development will be constructed to satisfy the Part L (2010) of the Building Regulations relating to conservation of fuel and power and that a wide range of energy efficiency, low carbon and renewable technologies are to be utilised, including:

- Building fabric and energy efficiency measures including potential use of natural daylight, natural ventilation and intelligent, efficient lighting.
- Gas fired Combined Heat and Power (CHP) – a low carbon technology.

- 8.73 The Energy Statement details that an estimation of 19% of the site's overall energy demand being provided through the on-site decentralised low carbon technology CHP and that based on that analysis, energy efficiency measures together with the CHP will reduce the site CO2 emissions to 1,179 tonnes per annum over the base case of 1,587 tonnes, a saving of circa 408 tonnes. This is equivalent to approximately a 26% reduction over the base case. As such, this estimate satisfies the CO2 emissions regulations requirements of Part L 2010. In addition to the building related reductions, there will be travel related savings associated with the use of a more local store. In summary, the proposals involve:

Supermarket Building:

- Mixed mode ventilation – roof-mounted wind driven ventilators.
- Natural day-lighting and zoned intelligent dimmable lighting scheme.
- Increased efficiency lighting.
- Improved back of house design with rapid roller door.
- Energy efficient entrance lobby design.
- In-store energy efficiency initiatives.
- Improved LPHW heating for door air curtain & warehouse heating.

Petrol Filling Station:

- Increased lighting energy efficacy from luminaires with high Light Output Ratio (LOR).
- Improved building fabric and envelope performance over the minimum Part L requirements.

Accessibility by Choice of Transport Means

- 8.74 The site's edge of town centre location means that in general terms the site is accessible by a range of transport measures. The presence of a B class road means that the site is highly accessible to private motor vehicles and public transport routes, such as buses and coaches which run regular local services. Eight bus services operate from Walton (one stopping outside the application site and two services operating hourly in each direction between Walton, Frinton, Kirby Cross, Great Holland, Holland-on-Sea and Clacton) and once coach service connecting to London.
- 8.75 The town itself benefits from a rail station and the availability of parking measures? in and around the town centre.
- 8.76 Cycle and pedestrian access to the site is to be enhanced as part of the proposals, including, dedicated bicycle parking, pedestrian pathways between Mill Lane and the site and along the eastern edge of the proposal building to provide linkages between the town centre and the wider Martello Caravan Park. A new pedestrian crossing is also proposed. Shared cycle and foot path is to be provided along the southern and eastern boundaries and a pedestrian bridge is proposed to the south east corner of the site providing access to Mill Lane and the town centre beyond.
- 8.77 The application also explains that the proposals deliver a centrally located car parking facility for visitors to use (free for 3 hours).

Design

- 8.78 The original proposals were subject to an Essex Design Initiative Design Review Panel prior to submission (October 2010). At that time the proposals involved a different siting for the building with the store entrance facing west and the main building running parallel to the residential properties in Mill Lane. The Panel identified a number of issues such as proximity to dwellings, need for a visual impact study, and concern over distant views and the overall height of the building. Comment was also made that the scheme may dominate the Martello Tower and that it did not reference the Tower's materials or character. Accordingly the recommendation was that further visual analysis was carried out of the site's surrounding context and views.
- 8.79 Following the Panel Review the scheme was reconfigured, with a differing layout and altered design. To inform these revisions the applicant commissioned a Landscape, Heritage and Visual Assessment, which is submitted in support of the application. The applicant has also submitted a supporting Design and Access Statement.
- 8.80 The original intention was for the store to be positioned as near as possible to the town centre, however as can be ascertained, this led to other issues such as residential amenity loss. Therefore to address all the issues raised the proposed building is now sited more centrally within the application area in order to reduce the impact on neighbouring amenity and maximise the opportunity for meaningful linkage to the town centre. A daylight/sunlight assessment has been submitted indicating there will be no significant impact upon the amenities enjoyed by occupants of neighbouring property as a result of the proposed siting.

- 8.81 The proposed design of the building is functionally derived. The siting of the building near to the Martello Tower has resulted in a concerted effort to keep the overall height of the building as low as possible, whilst retaining the necessary useable space. The superstore building has a ridge height of approximately 8.2m, which is not dissimilar in scale to nearby property. The building itself has been designed to include measures to reduce the carbon footprint of the building. These include the use of as much natural light as possible through the areas of glazing and roof lights, timber main structural frame and timber cladding from sustainable sources, and combined heat and power generation and passive roof ventilation. The front (south facing) façade comprises a glazed curtain wall with a full length canopy offering pedestrian protect from the elements and announcing visually, the main entrance. East and west elevations include clerestory windows maximising natural light and clad in larch timber with the plinth expressed in Trespa panels. The north facing elevation is also clad in timber.
- 8.82 The proposed store is located close to the Walton Conservation Area and the Martello Tower K; a Grade II Listed Building and Ancient Scheduled Monument. It therefore follows that proposals for new buildings in such a locality need to relate well to their surroundings and complement the locality whilst also preserving the special character of the heritage assets. 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.*
- 8.83 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 which the applicant’s and your officers have given very careful attention to, since the quality of design and whether it takes the opportunity to improve the character and quality of an area can always form the basis of a reason for refusal in such cases.
- 8.84 The current proposals are for a comprehensive redevelopment of the part of the site not used for the parking of caravans and allows for landscaping, access and public realm improvements. The proposed building is modern in its appearance in stark contrast to the neighbouring Martello Tower. Your officers have considered whether the proposal makes the best of the opportunities for the redevelopment of the site and pays proper regard to the Martello Tower.
- 8.85 The proposals provide for a sustainable led, functional approach to design and layout which, given its context officers consider would not be unacceptable. The building is positioned some 60m away from the Martello Tower and is approximately 4m lower in height. The site is set away and elevated to the town centre. The proposals would be seen from vantage points against the backdrop of the remaining Caravan Park and although the design of the building has been criticised, it is appropriate for its use in this context.

Impact on Physical and Economic Regeneration

- 8.86 Project 19 of the Core Strategy refers to regenerating Walton-on-the-Naze. The Project identifies the town as an area in need of economic and physical regeneration with a seasonal economy. This has the effect of Walton-on-the-Naze being effectively closed for business during the winter months.

- 8.87 The proposals would result in the provision of a supermarket and therefore bring about an improvement in its role as a shopping local destination and at the same time, redress the leakage to other towns and stores and reduce the amount of travel needed. The provision of enhanced public linkages with the town centre may also bring about an enhancement of the role of the more specialised and independent shops in Walton and therefore improve the overall vitality and viability of the town centre.
- 8.88 In physical terms the site would be subject to extensive redevelopment. The applicant considers that the development, on this disused area of land, will serve as a natural extension to the town centre and that the public realm improvements will help enhance and encourage links to the High Street. The access proposals facilitate the development of adjoining land next to Kirby Road and allow the prospect of the redevelopment of the Caravan Park itself should this be supported. Access between Mill Lane and Kirby Road is unaffected and thus provides capacity to accommodate a route to serve the Regeneration Framework's proposal for the Mere. The proposal will provide better access to food shopping facilities for those without a car, provide opportunities for local employment and has the potential to be a catalyst for other initiatives to come forward.
- Impact on Local Employment*
- 8.89 Policy EC10.2 requires consideration be given to the impact of proposals on local employment.
- 8.90 The proposals provide a mixture of full and part time jobs totalling around 250 positions (approx 18 no. managerial, 17 no. customer service, 8 no. PFS roles and over 200 general staff positions). This equates to 140 full time employees (FTE). In addition around 70 person years in employment will be generated through the construction of the store.
- 8.91 Information provided in support of the planning application identifies that as a result of limited job prospects and seasonal fluctuations in employment, there has been a steady out-migration of working age adults in Walton resulting in a labour supply comprising a disproportionately greater representation of younger and older people. The supporting information goes on to detail that opportunities will be made available which will be attractive to a wide range of ages and skill levels, offering flexible forms of working. In addition it is documented that the majority of jobs would be at entry level and have a low pre-requisite in terms of skill requirements and therefore fitting in well with the relatively low skilled nature of the workforce in Walton.
- 8.92 The applicant's policy is to recruit new employees from the local area where possible.
- 8.93 The submitted Economic and Regeneration study concludes that the scheme will result in a large degree of positive impacts on Walton and is therefore likely to respond to the four core objectives set out in the Walton Regeneration Framework, namely, building a strong all year round economy, creating a unique destination, making Walton a place where people choose to live and realise their potential and ensuring a sustainable future for Walton.
- 8.94 Having considered the provisions of Policy EC10.2, officers consider that the proposals meet the policy provisions in the physical and economic regeneration impact context. The supermarket would clearly offer employment opportunities at the local level, particularly those seeking flexible hours where the cost of travel (to other opportunities) has a disproportionate impact upon income. The proposals would also reduce the level of out-commuting in search of employment and create additional income within the local economy. As such, it could be argued that the proposals are consistent with national policy objectives to stimulate the national economy and therefore compliant with the general thrust of PPS4 Policy EC10.2. Indeed, officers consider the proposals to be advantageous in meeting the physical and economic regeneration aspirations of the Council.

Impact on Heritage Assets

- 8.95 In accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, local planning authorities are required to have special regard to the desirability of preserving Listed Buildings or their setting when considering whether to grant planning permission. In addition Section 72 (1) of the Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.96 PPS5 sets out the Government's policies on the conservation of the historic environment. The overarching aim of set put in PPS5 is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.
- 8.97 The relevant Development Plan policies are set out in ENV6 (The Historic Environment) of the East and England Plan and EN17 (Conservation Areas) and EN23 (Development within proximity of listed buildings) of the Tendring Local Plan. Policy ENV6 states, amongst other things, authorities that should identify, protect, conserve and, where appropriate, enhance the historic environment of the region. Policy EN17 identifies that for development outside of a Conservation Area (as in this case), development will be refused where it would prejudice the setting and surroundings of a Conservation Area or harm the inward or outward views. Policy EN23 states that proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted.
- 8.98 To inform decision making in relation to developments affecting Conservation Areas, the Council has adopted the Walton Conservation Area Management Plan (2009) and Frinton and Walton Conservation Area Character Appraisal (2006). Furthermore, the Council has adopted a Supplementary Planning Interim Document in the form of the Walton Regeneration Framework (2010) document to supplement emerging policy.
- 8.99 The Frinton and Walton Conservation Area Character Appraisal summarises the special interest of Walton as follows: "*Walton is in essence a resort developed from the mid 19th century. It retains an interesting street plan and a wealth of buildings whose understated qualities are only now being recognised. The Area is focussed on the seafront and the main surviving sections of the original resort.*"
- 8.100 The Walton Regeneration Framework (2010) identifies opportunities for development on the Martello Caravan Park site and the nearby Walton Mere. The Framework identifies the Martello Caravan site as an opportunity site for a gateway development for and a key site in the regeneration of the town and in particular in improving the attractiveness of the town to visitors and financing the restoration of Walton Mere.
- 8.101 English Heritage considers, inter alia, that the location scale and form of the development would be highly damaging to the setting of the nationally significant Martello Tower K and would also be detrimental to the setting of the conservation area. The design has not been informed by these heritage assets and would cause substantial harm to their significance which includes their setting. The proposals would be particularly damaging to the setting of the Martello tower and its historically significant relationships with the town. English Heritage therefore recommends refusal of consent. The strong views of English Heritage in relation to the impact of the proposals upon the Conservation Area are noted. Officers do not dispute that the scheme will affect views of the Martello Tower, mostly from the Mill Lane car park where some views of the Tower will be lost completely. However, officers advise that this impact of the scheme, relating to the Conservation Area is minor bearing in mind the location of the site and Tower away from the Conservation Area itself. In any

event, the impact of the proposals on heritage assets has to be balanced against all other considerations.

- 8.102 The proposal building is set approximately 60m south of the Martello Tower. An extensive Heritage Assessment has been submitted in support of the proposals, fully detailing the history of this Tower and other Martello Towers along the Suffolk and Essex coastline. In addition, a comprehensive assessment of the Tower, its setting and historical importance has been provided. The overall conclusion of the studies provided was that the fabric of the Martello Tower and character of the Walton Conservation Area would not be affected and that the only issue related to the loss of some visibility and change to the Tower's setting. The applicant opines that that the intervisibility between Towers K and J has lost most of its significance. The applicant's submission is that whilst there may be a change to the Tower's setting, the setting is not adversely affected which is the policy test. If the setting is not adversely affected, bearing in mind the historical relationship of the Tower to its defensive role towards the Backwaters, then there can be no refusal on development plan grounds.
- 8.103 Clearly English Heritage hold a significantly different view as can be seen from their comments above. English Heritage considers the development would have severe adverse impacts on the area between the Scheduled Monument and Listed Building Martello Tower K and the Walton and Frinton Conservation Area. English Heritage also considers the size, massing, form and layout of the proposed development fails to respect or address the settings of the designated important heritage assets of the Martello tower and the conservation area.
- 8.104 In your officer's view, the development can be regarded as affecting the setting of the Tower.
- 8.105 Given the identified harm of the proposals upon the setting of the listed building and the conservation area, officers consider the scheme to be contrary to Policies ENV6, EN17 and EN23.
- 8.106 Policy HE10.1 of PPS5 provides that when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. However, the policy goes on to state that when considering applications that do not do this (as in this case); local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.
- 8.107 Officers have undertaken a balanced consideration of the scheme, in accordance with the requirements of PPS5, and consider that the potential regenerative and other benefits of the development outweigh the limited identified harm, having had regard to all material considerations.

9. OTHER PLANNING CONSIDERATIONS

Flood Risk

- 9.1 PPS25 advocates a risk-based approach when considering planning applications. The aim is to steer new development to area of the lowest probability of flooding through a sequential test. The flood zones are the starting point for this sequential approach. Preference should be given to sites in Flood Zone 1. If there is no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3. The main store

development and petrol filling station lie mainly within Flood Zone 2, whilst the parking areas are in Flood Zone 3a.

- 9.2 A flood risk assessment has been submitted with the application which assesses the flooding risk and includes a PPS25 sequential assessment. This has been undertaken on the basis that the store is in Flood Zone 3a as there were uncertainties on the exact siting of the building when the assessment was carried out, so it represents the worst case. As described earlier in this report a sequential test is also required under PPS4 in relation to the proximity of the site to the town centre. Therefore, it is necessary to combine these tests so that sites which may be preferable in retail terms are also preferable in terms of flood risk.
- 9.3 The application site is 'edge of centre' for the purposes of PPS4, so to be sequentially preferable any alternative site needs to be within the town centre itself. Walton is a small centre so there are no separately defined primary and secondary areas. None of the alternative sites considered were considered suitable, viable or available. The sites identified would need to be developed on several floors to achieve the required floorspace. Only the Millennium Square Car Park is in a sequentially preferable Flood Zone, however, the site is unsuitable in terms of the PPS4 test. No other sites were identified as part of the assessment. Officers are unaware of any other sites that are sequentially preferable in terms of the tests in both PPS4 and PPS25 i.e. although a preferable flood risk site might be available outside of the town, this would raise countryside policy issues as well as retail ones and it is therefore unrealistic to consider such opportunities.
- 9.4 The planning application for development of the Mere also includes a retail store of similar floorspace. This will need to be considered in terms of the sequential test. The site currently lies outside the existing tidal defences and is currently not a suitable or available site. Significant land reclamation work would be required to bring it into a condition suitable for development. Therefore, for the purposes of the sequential test it cannot be considered preferable to the Tesco site in terms of PPS25. As the proposed site meets the sequential test there is no requirement to apply the exception test under PPS25.
- 9.5 Both the food store, including car parking areas and the petrol filling station are classified as less vulnerable uses which are acceptable in Flood Zones 2 and 3a subject to meeting the requirements of the sequential test. One of the considerations to ensure that any new development is safe is whether adequate flood warnings would be available and that people using the development will act on them, to keep safe. Depending on the nature of the development and the severity of flooding, this may entail retreating to a safe place of refuge within the development, leaving the development by a signed safe access route to dry ground beyond the flooded area, or preparing for rescue by the emergency services to safe locations previously identified by the local authority in their emergency planning role. The Environment Agency operates a flood warning system which can assist with managing the effects of flooding.
- 9.6 The Environment Agency has raised concerns relating to the safety of site users in the event of flooding and that the submitted details do not demonstrate that the risk can be managed through prior evacuation. However, a flood evacuation plan that would address this can be addressed through a planning condition. Such a condition has been used for retail developments in Manningtree in equivalent situations. The requirement would be that the store should be closed in the event of a flood warning. Provision also needs to be made for customers to remain in the store should there be a flood event not addressed by the flood warning system. The flooding events of concern are either an over-topping or breach of the sea wall, such event are most likely to occur as a result of predicable tidal events. As the store is in flood zone 2 there would be the opportunity for some refuge to be provided within the store itself. Officers are satisfied that requiring an evacuation plan can be addressed through conditions and meets the test of Circular 11/95.

10. Objector Comments

10.1 The application representations have been mostly supportive of the proposals. However, a number of individual issues have been raised in opposition to the scheme which have not been directly responded to with the preceding elements of this report. Accordingly the following addresses the salient remaining summarised points (officer comment in *italics*).

- Sewage concerns – *No substantiated issues identified.*
- Impact on ecology – *No objections raised by Natural England in this regard.*
- Pharmacy would impact on existing facility – *To be controlled by condition.*
- Will contribute to ASB from car park – *A matter for the Police.*
- Will displace current residential parking opportunities – *Civil matter.*
- Concern over stability of house due to HGVs passing – *Civil matter.*
- Proposed jobs figure is inaccurate as local jobs will be lost – *Not agreed but net increase in local jobs is inevitable.*
- Tesco moving towards all 'self-service' points therefore less jobs than promised -
- Concern over health due to increased fumes – *No objections received from Environmental Health.*
- If vehicles are restricted to night time deliveries residents should be consulted – *To be dealt with by condition.*
- TDC car parks will lose revenue – *Not material planning matter.*
- Defer the application until preferred scheme is chosen – *Application to be considered on own merit.*
- Approval would remove potential for restoration of the Mere – *Not necessarily since Regeneration Framework envisages development on more residential scheme.*
- Not clear how access to Martello Tower K will be maintained – *Privately owned and maintained as per existing arrangement.*
- Offer of contributions for statue made to induce those opposed to application – *Statue contributions not covered by s106 obligation and application not dependent on such contribution.*
- Concern that permission based on contributions for statue could lead to allegations of corruption or bribery – *See above comment.*
- Unacceptable piecemeal development – *Application likely to be catalyst for further regenerative change in the area and makes provision for infrastructure to facilitate such change.*

PLANNING OBLIGATIONS

10.2 Should members consider that the proposals are acceptable in terms of the guidance in PPS4, PPS5 and Development Plan policies then the necessary public realm improvements and other provisions need to be secured through a S106 planning obligation (and s278 highways agreement). Officers consider that these requirements comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) in that they are necessary to make the development acceptable in planning terms; are directly related to the Development and fairly and reasonably related in scale and kind to the development. Tesco has also offered other improvements, including highway management works, public footpath upgrade and other public realm works which, although not necessary to make the development acceptable need to be incorporated into the agreement. Tesco has also offered not to close the existing Express store in the High Street or to procure an alternative retailer for until their current lease expires – 2015).

10.3 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 Management** - £22,000 towards the Council's costs of providing and/or procuring town centre management initiatives in Walton-on-the-Naze, Frinton on Sea and villages within the catchment area of the proposed supermarket.
- **Tesco Express Store Walton-on-the-Naze** - Upon first opening for trade of the retail foodstore, Tesco to continue to operate from the existing Tesco Express Store at 22 High Street, Walton-on-the-Naze until the earlier of the expiration of the lease on the 1st February 2015 or until a Class A1 operator has entered into an Agreement for Lease in respect of the sub letting or assignment of the lease.
- **Local Employment** - To use a bespoke Tesco Employment Partnership for the recruitment of staff for the store targeting long term locally unemployed.
- **Construction and Traffic Management Plan** - Applicant to agree Construction and Traffic Management Plan prior to commencement of development.
- **Service Vehicles Transport Plan** - A service vehicle/heavy goods vehicle transport plan of the route or routes which all service vehicles and/or heavy goods vehicles under the Owner's control shall use between the A120, A133, B1033 and the proposal site.
- **Heavy Goods Vehicle Signage Review** - A review of all heavy goods vehicle related signs in the Walton/Frinton/Kirby Cross/Kirby-Le-Soken area including proposals to improve such existing signage and/or provide new signage. Following the review Tesco shall implement such improvements to heavy goods signage in the above areas as the County Council shall require, subject to the County Council obtaining the necessary statutory consents.
- **Travel Plan** - A contribution of £3000 to cover the cost of approving, reviewing and monitoring the Travel Plan.
- **Town Centre Signage** - To provide and install new fingerpost signage to direct pedestrians from the store to Walton town centre.
- **Monitoring Fees** - To pay the Council's standard monitoring fees.

10.4 Members should note that some highway works will be required to be implemented prior to the opening of the store and these will be covered by appropriate planning conditions (Grampian style). A 278 Agreement will also need to be signed prior to the commencement of the development, requiring:

- **Kirby Road Access** - to provide a priority junction with separate right turn lane from the B1034 and the access roads and roundabout, such junction works to be completed prior to the opening of the foodstore.
- **Signalised Pedestrian Crossing of Kirby Road** - to provide a signalised pedestrian crossing, such works to be completed prior to the opening of the foodstore and controlled via a Grampian style planning condition.
- **Speed Signage at Kirby Road** - to provide speed signage along Kirby Road, such works to be completed prior to the opening of the foodstore and controlled via a Grampian style planning condition.
- **Bus Stop Upgrades** - to agree upon commencement of development a contribution will be provided to Essex County Council for the upgrading of 5 bus stops in the vicinity of the proposal site (3 on Kirby Road and 2 on the High Street in the vicinity of its junction with Kirby Road), to meet current Essex County Council specification.
- **Traffic Regulation Order** – To amend waiting restrictions on Kirby Road.
- **Footway enhancement on Mill Lane**
- **New 3 metre wide Foot/Cycleway** - to north of Kirby Road between the site access and Mill Lane Car Park.

10.5 Tesco also agree to undertake the following works on TDC land on behalf of the local highway authority:

- **3 Metre wide Foot/Cycleway enhancement** - on northern boundary of Drainage Ditches

10.6 Officers consider that these requirements are necessary in planning terms to make the proposed development acceptable and without them planning permission should be refused.

11. CONCLUSIONS

11.1 The guidance in PPS4 is that where the evidence shows 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 and policies EC10 and EC16, together with any other local policies and material considerations in reaching an overall planning judgement.

11.2 In terms of that planning balance there is therefore:

11.3 On the negative side:

- a) Conflict with the Development Plan (ER18) with regards to the loss of part of a designated caravan park site. In this regard, consideration must be had of the limited extent of the loss of land involved. In addition it must be recognised that a caravan park can continue to operate from the remaining designated site.
- b) The impact on the heritage issue, i.e. the effect on the setting of the Martello Tower (ER23) and wider Conservation Area (EN17). In considering these issues, regard must be had to the nature of that setting in that the Tower addresses The Mere and not other Towers or the town. Whilst the development can be regarded as touching upon the 'setting' of the Tower, the relationship of it to its historic purpose, is such that this effect is minimal.

11.4 On the positive side:

- a) The proposal will be a key regenerative driver consistent with the Regeneration Framework SIPD. This is an important consideration in terms of the current issues facing Walton on the Naze in the context of the town moving away from dependency on a seasonal economy.
- b) The permanent jobs created and associated local spend from such incomes will be a significant social and economic benefit.
- c) The overall positive effect on the trading position of the town centre. This arises from the very substantial 'claw back' of supermarket shopping expenditure lost from the local area to more distant stores and the ability through the site being 'edge of centre', with positive improvements to town centre linkage, ensuring increased footfall and trading benefits to the centre.
- d) The provision of on-site and off-site highway infrastructure as part of the development that will help facilitate the provision of other development. The development provides the necessary highway infrastructure to accommodate other facilities near the entrance from Kirby Road and will enable the redevelopment of the remaining caravan park site, if that were to be permitted.

- e) The benefits of enhance local choice and retail competition, which together with ease of access to such facilities will have a beneficial effect in addressing local exclusion issues and reduce travel by car.
- 11.5 There are also a range of issues which have been found to be acceptable, for instance design, transportation and highways and flood risk, where the Environment Agency's remaining concern would be addressed by a condition.
- 11.6 Therefore your officer's recommendation is, that bearing in mind the significance of the positive regenerative and retail effects here, that the limited conflict with the development plan is such that when balanced planning permission should be granted subject to s106 obligations being entered into and conditions being imposed.

Background Papers

None.