



## Appeal Decisions

Pre-Inquiry Meeting held on 2 April 2008

Inquiry held on 1-4 July, 8-11 July, 15 and 16 July 2008

Site visits made on 2 April, 19 July and 1 August 2008

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an Inspector appointed by the Secretary of State for Communities and Local Government

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Decision date:  
8 September 2008

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### Appeal A Ref: APP/Y2620/A/06/2009208

#### Land at 7-11 Cromer Road, Lockerbie Flats, Fire Station and Community Centre and The Manse, Sheringham NR26 8RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Tesco Stores Ltd against North Norfolk District Council.
- The application Ref 20030991 PF is dated 12 June 2003.
- The development proposed is demolition of existing buildings on site and erection of a Class A1 retail food store with associated access and car parking, servicing and landscaping.

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### Appeal B Ref: APP/Y2620/A/08/2062516

#### Land at 7-11 Cromer Road, Lockerbie Flats, Fire Station and Community Centre and The Manse, Sheringham NR26 8RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Tesco Stores Ltd against the decision of North Norfolk District Council.
- The application Ref 01 20070217 PF, dated 31 January 2007, was refused by notice dated 19 December 2007.
- The development proposed is demolition of existing buildings on site and erection of a Class A1 retail food store with associated access and car parking, servicing and landscaping and provision of footpath link to Station Road.

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### Preliminary Matters

1. The main difference between the two proposals is that in Appeal B a right turning lane is proposed from Cromer Road. It is intended that both schemes would provide a pedestrian link with Station Road.
2. The appeal proposal results from a long running planning history. It is unnecessary for me to rehearse this in any detail save to record that very strong views are held both for and against the proposed development. Whilst I have no doubt that some objectors oppose a Tesco store in principle, current retail policy does not distinguish between one operator and another. I also heard much about the conduct of the District Council during the decision

making process and in its preparation for the Inquiry. These matters do not seem to me to be central to my task of determining these appeals.

3. Planning permission was granted on appeal in December 2003 for a supermarket on the Station Road car park, which is an edge-of-centre site mainly owned by the District Council. None of the conditions have been discharged and from the evidence I heard it seems to me very unlikely that the permission, which expires in about 3 month's time, will be implemented.

### **Decisions**

4. For the reasons given below, I dismiss these appeals.

### **Main Issues**

5. I consider that there are three main issues that are common to both appeals. The first is the effect of the proposal on the retail function, vitality and viability of Sheringham town centre. The second is its effect on the character and appearance of the area. The third is whether there would be unacceptable congestion on the local highway network.

### **Reasons**

#### ***Issue One: Retail Matters***

6. The development plan includes the Regional Spatial Strategy and the saved policies in the North Norfolk Local Plan (LP) adopted in 1998. The Core Strategy (CS) is an emerging document that is in the very final stages prior to adoption. In view of the binding nature of the Inspector's Report following the public examination, it is unlikely that further significant changes will be made and I therefore afford it considerable weight. There is no dispute that for policy purposes the appeal site is within Sheringham town centre although it is outside the core shopping area and classed as "edge-of-centre" by Planning Policy Statement 6: *Planning for Town Centres* (PPS 6).
7. Revisions to PPS 6 have been published for the purposes of consultation. For development proposals the "need" test is proposed to be removed in favour of an expanded "impact" test. Although the draft revisions are in the early stages of consultation and therefore have limited weight they do indicate the direction of travel in national planning policy, which was heralded in Kate Barker's Review of Land Use Planning and the Planning White Paper. I appreciate that the CS may require an early review but to my mind that does not diminish the weight that it can be given as a material consideration at the present time.

#### *Need*

8. In the LP Sheringham is designated a "small town" where opportunities for development will be limited in order to protect its existing character and proximity to protected landscapes. However, despite its "small town" status Sheringham has a population of over 7,000 people. A number of retail assessments have been carried out over the years and one point of agreement is that for a town of its size there is a limited convenience offer, especially in terms of main food shopping, which results in a low rate of expenditure retention. There are many quality providers including greengrocers, fishmongers, butchers and bakers as well as two small supermarkets.

- However, most residents and visitors carry out their main food shop elsewhere, particularly in the out-of-town Morrisons superstore in Cromer. The evidence indicates that a relatively low proportion of main food shopping expenditure is retained within the immediate vicinity of the town. This is an unsustainable situation that involves unnecessary car travel, limits local choice and is socially and economically divisive. The disadvantages are recognised in the emerging CS where the need for greater self containment is identified so that local needs are met locally.
9. The evidence suggests that there is likely to be very little local convenience expenditure growth within the next 5 years. There was no dispute that the new food store would primarily depend on recapturing existing expenditure currently going elsewhere, which is commonly referred to as "claw back". Whether this would primarily reflect a "qualitative" or a "quantitative" need is arguable but the benefits that would ensue of greater self containment, which has policy support in the emerging CS, are not. This outweighs any conflict with advice in PPS 6 relating to the weight to be given to qualitative factors, in my opinion.
  10. The proposed food store would be 2,750 m<sup>2</sup> (gross) with a net sales area of about 1,500 m<sup>2</sup> (1,200 m<sup>2</sup> convenience and 300 m<sup>2</sup> comparison). This would fall within the PPS 6 definition of a "supermarket" and would not be a "superstore" as some objectors have claimed. Although the LP identifies scope for a new food store of up to 1,400 m<sup>2</sup> (net) in the town centre I have concerns about the robustness of this figure. For example, it was based on a shopping study carried out in the early 1990's that appears not to have been underpinned by a household survey. Furthermore, a business based approach was used in predicting future capacity, which does not accord with advice in PPS 6. Therefore, although the figure of 1,400 m<sup>2</sup> is in the statutory plan I consider that it should not be relied upon.
  11. The evidence base for the retail policies in the emerging CS was provided by DTZ Pinda in 2005. This supported the need for a supermarket in Sheringham to help claw back leaked expenditure and anchor the existing retail offer in the town but did not specify the size that it should be. Policy EC 5 in the emerging CS provides a general indication but does not, as some suggest, place an embargo on retail proposals in excess of 750 m<sup>2</sup> in the town. A larger store would not be precluded providing, amongst other things, that a local need exists. I have carefully considered the comments of the CS Inspector in relation to Policy EC 5 and whether he was basing his conclusions on the assumption that the proposed Tesco store had actually been permitted. The subsequent clarification corrects any misapprehension but, in my opinion, the conclusion is clear that no specific quantum of floorspace is endorsed.
  12. Policy SS 1 in the emerging CS refers to the "complementary roles" of Sheringham and the nearby higher order settlements of Cromer and Holt. There was a great deal of debate at the Inquiry about the relevant catchment area for the proposed food store. The emerging CS defines the catchment of a small town as being the 10 minute drive time isochrone, adjusted to exclude those areas closer to an adjacent town. This roughly corresponds to Sector 1 in the Appellant's retail assessment from which it is estimated that some 55% of convenience expenditure would derive. This would result in a significant improvement on the existing figure of about 30%.

13. Policy EC 5 seeks to meet “local needs” and it would not therefore be unreasonable to seek as high a level of expenditure retention as possible in Sector 1, notwithstanding that in reality there would be expenditure inflow from other areas. The District Council’s conventional capacity approach seeks to retain 70% of convenience spend but concludes that this would only support a store of about 780 m<sup>2</sup> net, which is about half the size of the appeal proposal. Moreover, this analysis provides no reality check as to whether such a store, even one trading at the level of a national food retailer<sup>1</sup>, would actually be successful in achieving this volume of retention. From the evidence I heard and from my own experience, I conclude that it probably would not.
14. Proximity to home is a key factor in the choice of where people carry out their main food shop. However, in this case a significant proportion of Sheringham residents use Morrisons in Cromer. This is a superstore with a considerable depth and breadth of offer, which is only about 10 minutes drive away. In these circumstances it is a reasonable proposition that a food store on the appeal site would need to carry a sufficient number and variety of lines to effectively compete. I observed the Budgens store in Holt, which is of approximately the same size as the store advocated by the District Council. Whilst undoubtedly it offers the potential for a main food shop, in reality most shoppers seemed to be undertaking basket purchases and in my judgement it does not offer a realistic alternative to a larger store. This is borne out by the fact that it only captures about 18% of the convenience expenditure in the Holt catchment.
15. I therefore have doubts about the success of a food store of the size that the District Council is suggesting. Despite, the support of Norfolk County Council and GVA Grimley<sup>2</sup>, I am not convinced that there is sufficient evidence to support the contention by the Appellant that the appeal proposal represents the minimum size required to make a meaningful difference. This is largely because a conventional capacity assessment of retail need is unhelpful in this case. In the circumstances, it seems to me that the acceptability of the proposal in this regard largely depends on whether there are sequentially superior sites or harmful town centre impacts. It is to these matters that I now turn.

#### *Sequential Test*

16. As the supermarket is intended to serve Sheringham, the sequential site search is limited to this particular town. I have already referred to the other edge-of-centre site at Station Road. Like the appeal land it is on the southern side of the railway lines but I consider that it has better visual and functional connections to the core retail area, due largely to its long, open frontage along Station Road. The District Council and North Norfolk Railway are owners of the Station Road site and are not willing to sell it. Even if they were, from what I have heard and seen, I am doubtful that a food store materially larger than the one allowed on appeal could be satisfactorily accommodated. This site serves

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<sup>1</sup> Inspector’s Note – The assumption by the Council was that the theoretical store would trade at about £10,000 per m<sup>2</sup> rather than £5,000-8,000 per m<sup>2</sup> which is more typical of a store directed primarily towards the top-up and basket customer.

<sup>2</sup> GVA Grimley were instructed by the District Council to provide retail planning advice on Application B. The County Council also provided specialist retail advice on the appeal proposals.

as the main town centre car park and is also home to a thriving market. I heard suggestions that decked parking could be provided but no such scheme has been consulted upon or financially appraised and so it is impossible for me to conclude that it would be a realistic or viable option. On the available evidence and having regard to advice in PPS 6, I do not consider that the Station Road site is a practical alternative to the appeal site within the foreseeable future.

17. The proposal includes about 300 m<sup>2</sup> comparison goods floorspace. It seems to me reasonable that a food store seeking to provide an attractive alternative to larger stores elsewhere would need to include some comparison goods in its offer. However the amount proposed is not insubstantial and I have considered whether there is any scope for disaggregation, especially in view of the provision in Policy SS 12 in the emerging CS for between 500-750 m<sup>2</sup> of comparison goods floorspace in the town. The site that the District Council appear to favour for such uses lies immediately behind the core retail area on the eastern side of the High Street and is known as the Central Garage site. It is also seen as a possible future home for the market. The emerging CS leaves the matter to be considered in a future Site Specific Proposals Development Plan Document, which is in the very early stages of preparation. I note that planning permission for residential development has recently been refused on the Central Garage site on policy grounds although it seems likely that an appeal may be lodged. Nevertheless, there seems to me to be a clear intention to increase the comparison goods offer in the town and the Central Garage site would have the potential to accommodate some of the floorspace proposed on the appeal site.

#### *Retail Impact*

18. The evidence indicates that Sheringham has fallen in the retail rankings over the last 10 years, which is due to a lack of investment relative to other similar sized centres. My visits in July and early August revealed a busy seaside town with a wide variety of shops and services and relatively low levels of vacancy. The importance of tourism was clear and activity levels were noticeably higher than when I visited the town in early April. This confirms the evidence of local residents who recorded a much quieter environment outside of tourist periods.
19. There is no doubt that the proposed food store would draw expenditure from existing shops in the town centre, particularly the two small supermarkets and the specialist convenience retailers. Predicting trade draw is not an exact science but involves making judgements based on experience. The evidence primarily relies on retail analyses prepared for the Inquiry on behalf of the District Council and the Appellant and they come to very different conclusions. The District Council's retail expert predicts that about 37% of convenience expenditure from the town centre as a whole would divert to the new food store in the design year of 2010. The Appellant's retail expert has a more optimistic forecast of around 15%. The assessment of GVA Grimley was lower still but this appears only to consider "main" food shopping expenditure whereas much of the trade in the town concerns smaller scale "basket" trade.
20. The trade diversion from Sheringham town centre, even on the basis of the Appellant's assessment, would be considerable, in my judgement. Indeed even at the lower level of impact predicted by GVA Grimley it was considered

- likely that one of the small supermarkets would close and several other businesses would potentially do so. I acknowledge that it is not the function of the planning system to prevent competition but it is important to recognise that Sheringham may be particularly vulnerable to change due to a predominance of small independent retailers and few national multiples. It is clear from the evidence that many tourists and residents particularly value this aspect of the town's retail offer, which seems to me to be an inherent part of its character as recognised in the *Sheringham Whole Settlement Strategy*, adopted by the District Council after extensive public participation. Although the evidence suggests that one of the supermarkets is trading well above its company average the profit margins of many of the smaller convenience shops appear to be relatively narrow. This is not surprising taking account of their small scale nature and reliance on seasonal cash flow. Diversion of spend in the convenience sector, would not be compensated by annual expenditure growth.
21. Although the comparison goods sector is more robust I have concerns about some of the smaller retailers selling similar products who are likely to find it difficult to compete in terms of range and price. I am not convinced that there would be a temporary period of re-adjustment but rather a more far reaching decline. Although there are low levels of vacancy now this would not necessarily be the case once the food store started operating. I consider that a likely scenario is that new traders would not be attracted to establish in the town especially within those sectors catered for by the store, which is likely to be quite extensive. One of the factors referred to in PPS 6 is the likely effect on future investment needed to safeguard the vitality and viability of centres. It seems to me that this could be deterred and that the aspiration of providing 500-750 m<sup>2</sup> of comparison floorspace under Policy SS 12 in the emerging CS, whether at the Central Garage site or elsewhere, could be put at risk. Even if the town did manage to recover I believe that there is a strong probability that the retail composition of its centre would substantially change with a significant diminution of its attractiveness. In reaching this conclusion I am aware that the adopted plan allows for a food store of similar size. However, for the reasons I have already given this is based on a study that is out of date and unreliable. In any event my conclusions are based on the particular size and location of food store that comprises the appeal proposal.
22. There is little dispute that parking is at a premium in the town, especially during the tourist season. The proposed 3 hours of free car parking would offer a wider benefit especially as the Station Road car park is subject to a relatively expensive charging regime. On the other hand spin-off benefits to the core shopping area resulting from increased footfall and linked trips would depend on how easy and attractive the pedestrian journey would be and whether people would want to undertake it. The appeal site lies behind frontage buildings along the eastern edge of Station Road to the south of the railway line and the core shopping area. The only functional connection would be through a relatively narrow walkway. When approaching from the north the position of the existing buildings prevents a good view of the entrance to this pedestrian link. Although the food store would be seen when standing at the walkway entrance, it would be a considerable distance away. The degree of intervisibility between the appeal site and the core retail area would be negligible. Although there would be an entrance feature and directional

- signage I consider that the proposed layout, with its extensive car park in front of the store, would act as a barrier to movement on foot between the store and the rest of the town centre. I have serious reservations about the number of linked trips that would be generated especially in relation to the tourists, many of whom would be unfamiliar with the layout of the town. For these reasons I do not consider that the spin-off benefits would be sufficient to mitigate the harm arising from the trade draw that I have identified.
23. I visited various other town centres, including Stalham, Fakenham, North Walsham and Holt. However, Sheringham has different characteristics from all of these places and the impact of food stores on their centres is therefore not comparable, in my opinion. I have also considered the impact of the proposed food store on other nearby towns and villages but I consider that this would be relatively limited. Expenditure would be drawn from the Holt catchment but I observed that this town has many specialist and high quality outlets and there is little evidence that its function or vitality would be unduly harmed by the appeal scheme. Cromer is a much bigger town and although a fair proportion of expenditure would be diverted from Morrisons this is an out-of-centre store with a turnover sufficient to withstand the impact. The linked trips of benefit to Cromer town centre itself would be likely to remain.
24. Far from strengthening Sheringham's retail offer and performing an anchor role the size and location of the proposed food store would be likely to result in significant harm to the health of the centre, for the reasons I have given. I therefore conclude that the proposal would have an unacceptable impact on the retail function, vitality and viability of Sheringham town centre. This would be contrary to development plan policy including saved Policy 84 in the LP. It would also conflict with Policy EC 5 in the emerging CS and PPS 6.

### ***Issue Two: Character and Appearance***

25. I saw the site from a number of viewpoints, including the elevated land at Beeston Bump. From here I observed that much of the town centre north of the railway lines comprises tightly knit development of a generally small scale. This contrasts with that part on the northern side of Cromer Road, which includes the appeal site and the Station Road car park. This is more open in nature with a variety of buildings and uses separated by large undeveloped areas between them. I consider that from a townscape perspective the appeal site has little to commend it and, apart from the semi-detached houses fronting Cromer Road, I do not believe that the buildings, including the fire station, community centre and Lockerbie Flats are of any particular character or quality. Indeed the land seems to me to be under used and the various elements lack any discernible visual coherence.
26. The Sheringham Conservation Area lies some distance to the north and west and I am satisfied that development of the appeal site would not impact on views in or out. However, Planning Policy Statement 1: *Delivering Sustainable Development* (PPS 1) makes clear that good design is indivisible from good planning and that proposals should take opportunities to improve the character and quality of an area and the way it functions. Whilst on first consideration PPS1 might seem to require a more rigorous response than would be expected even in a conservation area, the starting point is very different. Conservation areas are designated because of their character and appearance and high

- quality. Inclusive design might be necessary just to preserve the attributes that led to designation in the first instance and opportunities to enhance might be few and far between. In contrast other areas, such as the appeal site, have suffered and provide a poor environment. It seems to me that it would be unreasonable to use that as justification for perpetuating poor, characterless design. In such areas it is reasonable to expect that opportunities for improving the character and quality of the surrounding area should be taken and schemes which do not do so should not be accepted as PPS 1 makes clear.
27. I am not convinced by the District Council's argument in this case that the food store should face towards Cromer Road, taking account of the relative position of the rest of the town centre. However, in functional terms I have already commented on the way that the development fails to provide effective pedestrian linkages. This is mentioned as an important design principle in *Planning for Town Centres: Guidance on Design and Implementation Tools* (GDIT), which provides support for PPS 6. It seems to me that there could also be wider implications for the town centre as the negative impact on vitality and viability and the change in retail composition reduces the present vibrancy and character of the town, if not its conservation area.
28. My other major concern is with the design of the building itself which, in my opinion, includes little to connect it to its local context. I appreciate that flint cobbles and Norfolk pan tiles are materials typical of this part of Norfolk. Otherwise though this seems to be a formulaic composition that has little to distinguish or commend it. There is scant detailing to relieve the basic box-like form and this is evident on the front elevation particularly, with its long glazed frontage, which would be unarticulated other than by the porticoed entrance. There are extensive areas of bulky mansard roof, and although this would be broken up on the Cromer Road frontage by two gabled sections the overall appearance would be bland and uninspiring, in my opinion. To the rear the service area with its high acoustic fence and white panelled elevations would provide a stark and unappealing outlook, particularly to residents living in the nearby flats.
29. I acknowledge that the tree planting and flint wall would provide an attractive definition to the Cromer Road frontage. However, this would not be sufficient to compensate for the mundane appearance of the building itself. Indeed this does not appear to have substantially changed in visual terms since the first planning application was submitted in 2003, notwithstanding the increasing emphasis in government policy on the importance of good design. The GDIT specifically advises that standardised designs that are not well integrated with their local context should be avoided.
30. St Joseph's Church stands to the south east of the site and is the only listed building in Sheringham. This is an imposing structure which seems to me to have an introspective character and an austere exterior. Indeed the elevation to Cromer Road is a towering blank gable punctuated by a single circular window. Its offset position relative to the proposed food store and the enclosure of its site with a low brick wall seem to me to emphasise its self containment. However, taking account also of existing and proposed tree planting, I am satisfied that the setting of the listed church would be preserved.

31. There were a number of other issues relating to design and layout that were raised by the District Council and other objectors. However I am satisfied that these are generally of minor importance and many of them could be dealt with by planning conditions. Nevertheless, for the reasons I have given, I conclude that the scheme would be harmful to the character and appearance of the area and contrary to development plan policy, including saved Policy 13 in the LP. It would also conflict with emerging policy in the CS, including Policy EN 4, PPS 1 and the GDIT to PPS 6.

### ***Issue Three: Transportation***

32. As the proposed food store would mainly be supported by recapturing expenditure that is currently going elsewhere it would result in a redistribution of journeys on the highway network rather than the generation of a significant number of new trips. This would result in a considerable reduction in vehicle mileage and consequently emissions. Whilst the scale of such savings has not been agreed I have no doubt that it would be substantial and that this would be a benefit in favour of the scheme. Transport Assessments (TA) were submitted with both planning applications but these have been updated and changed as a result of ongoing discussions with Norfolk County Council (NCC) as highway authority. As a result a document entitled "*Statement of Common Ground on Transportation Matters*" (SCGT) has been agreed between the Appellant and NCC and this document effectively constitutes a new TA.
33. I have carefully considered all of the concerns of objectors about highway safety and congestion within the local area from cars and delivery vehicles visiting the store. I have noted the various social and community facilities within the vicinity of the site, including the doctor's surgery. However, I heard no evidence to satisfy me that overall the food store would give rise to an unacceptable deterioration in traffic conditions sufficient to justify turning the scheme away. Local people were worried about drivers using residential streets to avoid queuing traffic. However, many of these are relatively narrow with parked cars impeding ease of movement. I am not convinced that these side roads would be very attractive to motorists seeking an alternative route or that this would be a significant problem. Furthermore, the Section 106 Agreement provides for a "Rat Run Study" and mitigation if required. In the circumstances, I consider that any adverse impacts, if they did occur, could be satisfactorily resolved.
34. Due to its coastal location most traffic going in or out of Sheringham converges on the roundabout immediately to the south of the town centre. This roundabout is of considerable importance to the functioning of the town and its local economy. At present it suffers from problems of queuing especially during the holiday season and at peak periods. The junction has been assessed using an ARCADY model, which measures capacity and delay at the roundabout. The Appellant's highway consultant has concluded that, taking a worse case scenario<sup>3</sup>, the roundabout would continue to operate within practical capacity in the design year of 2019, apart from during a 15 minute period in the Saturday peak. Even then the absolute capacity of the

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<sup>3</sup> Inspector's Note – this is with 2 sensitivity tests which included a growth factor for seasonal flows and traffic flows based on retail traffic distribution patterns.

- roundabout would not be exceeded<sup>4</sup>. It is important to note however that the roundabout may still experience queuing even when operating below its practical capacity. This is due to local incidents that are unrelated to the functioning of the roundabout itself and such queues tend to build up and fall away quickly once the incident has cleared. Whilst NCC is in agreement with the Appellant's conclusions, it has not been in a position to consider the alternative assessment presented to the Inquiry by the District Council's highway consultant. This concludes that the absolute capacity of the roundabout would be exceeded at peak times and that long queues and delays would occur in 2020 with the store in place<sup>5</sup>.
35. The ARCADY software was developed using empirical data from a large number of roundabout junctions and I do not believe that this particular roundabout is other than standard in terms of its design parameters. Although the District Council's expert considered that there are limits on use of the entry approaches to the roundabout I am not convinced from what I saw and heard that this is the case. Validation exercises were undertaken by both parties in order to see whether the queues predicted by the model were a reasonable reflection of what was actually happening on the ground. The model predicts an average maximum steady state queue over a 15 minute period. In other words it assumes that traffic arrives evenly over time at the roundabout. A queue of 0 or 1 predicted by the model would not mean that a queue substantially longer than that may not occur at some time during the period concerned. This is what happens in reality and the ARCADY manual itself points out that considerable variation in queues and delays will be experienced.
36. Bearing this in mind it would not be expected that the queues that were actually observed would be a replica of the queues predicted by the model. I am satisfied from carefully considering all of the evidence that the validation procedure undertaken by the Appellant's expert and agreed with NCC indicates that the model is reasonably realistic. I appreciate that the queues during the validation period were quite low, but nothing I was told convinced me that this invalidated the exercise. Although the input data was collected in 2002 it recorded the maximum queues in each 5 minute period over a 2 day period. The outputs from the model and the observations were therefore broadly comparable. The District Council's validation exercise on the other hand covered a relatively short period and the queue was recorded at the end of each 5 minute period and was therefore a "snapshot" in time. Although it came from a count over the 2008 May Bank Holiday where there were longer queues, there was no information about what was happening for the rest of the 5 minute period. I appreciate that it is probable that the observed queue was not the maximum but nevertheless I am not satisfied that a meaningful comparison could be made with the model's output.
37. The decision of the District Council to adjust the model so that it more closely reflected what had been observed therefore seems to me to be flawed. As I

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<sup>4</sup> Inspector's Note – The operational efficiency of a roundabout is measured as the ratio of flow to capacity (rfc). An rfc level of 0.85 or less is within the practical capacity of the junction. An rfc level of 1.0 is the absolute capacity equal to the maximum traffic that can be accommodated. The junction will continue to operate within capacity between rfc levels of 0.85 and 1.0 but queues will build up more rapidly the nearer the rfc is to 1.0.

<sup>5</sup> Inspector's Note – The Council has used 2020 as the design year for its highway work and the Appellant has used 2019.

have already said there appears to be no justification for constraining entry widths to the roundabout approaches, thus reducing its capacity. Taking all of the above matters into account, I consider that the Appellant's ARCADY model is satisfactory for the purposes of capacity prediction.

38. The Appellant's highway work included a sensitivity test for seasonal traffic flows and it was derived from a traffic count in the vicinity of the roundabout in July and August 2006. This took the highest figures from each month, which seems to me to be a robust approach. The District Council on the other hand used data from a traffic counter on the A149 at Morston about 8 miles to the west of Sheringham. Although this covered a period of 4 years the outputs were based on monthly averages with no account of peaks. Furthermore, this is a relatively isolated location and I consider it unlikely that a similar 64% seasonal variation occurs on all arms of the Holway Road roundabout. Even if there were some correlation, the application of the same percentage to a situation where the flows are much higher would to my mind present an inflated picture.
39. Over and above the seasonal growth factor, the District Council suggests that trip generation rates for the proposed food store should be enhanced by a further 62%. This appears to derive from an observed correlation between the increased turnover of the town's Budgens store in the summer months and the monthly traffic data collected at Morston. Why such a correlation should exist and what relevance it would have to the appeal scheme was not satisfactorily explained. The need to apply another seasonal factor seems to me unjustified and lacks credibility. The District Council raised a number of other objections to the Appellant's highway work, including how annual traffic growth on the network was measured. However, I am satisfied from the written and oral evidence that the overall assessment is a reasonable one. As I have explained the conclusions do not mean that on occasions observed queues would not be longer than the model has predicted. However, I would expect those queues to rise and fall relatively quickly, as they do now, so that the overall delay at the roundabout would not be unacceptably increased with the store in place.
40. It is worthy of note that the District Council's expert evidence made no assessment of the situation in the design year without the store so even if I had been satisfied with all other aspects of the analysis there would be no meaningful comparison of the impact of the store itself. Furthermore, NCC is the Highway Authority responsible for the safe and efficient operation of the highway network. It is clear to me that there has been a thorough scrutiny of the Appellant's highway assessment and that NCC is satisfied that it would not result in unacceptable impacts. This I consider to be a material consideration of significant weight. I therefore conclude that the food store would not cause unacceptable congestion on the local highway network and would not conflict with relevant planning policy, including Policy CT 5 in the emerging CS.

### **Overall Conclusions**

41. The proposed development would make more efficient use of a town centre site. It would also provide a local convenience facility within the town for which there is an undisputed need. It would benefit those who are unable to shop further afield and would provide competition and choice within the local economy. This would also result in a local reduction in car travel and emissions

- and increase self containment within the local catchment in accordance with emerging planning policy. There would be benefits to the town centre, including the provision of a free car park for the use of all shoppers. I do not share the strong reservations from objectors about the highway impacts that would be likely to ensue.
42. I appreciate that there is a good deal of local support for this development and even though this may not have been as well organised as the opposition I have taken just as careful note of all of the points that have been made both orally and in writing. I recognise for example that many would welcome the social and economic benefits, including the job opportunities that the new store could provide.
43. Nevertheless, the harm that I have identified to the vitality, viability and retail function of Sheringham town centre and the likely detrimental impact on future investment is of overriding importance. Whilst a well located food store of the right size and in the right place would be of undoubted benefit, this particular proposal is likely to irreparably diminish the attractiveness and quality of the tourist and market town. There would also be adverse effects on the character and appearance of the area arising from the poor design of the building and the ineffective functional linkages to the wider town centre. These are compelling objections to the appeal proposal.
44. I have considered all other matters raised, including the concerns by local people about the relocation of the fire station, community centre and housing and the noise and disturbance caused by the proximity of servicing to residential properties. There were also several appeal decisions submitted by the parties. However I have found nothing to alter my conclusion that the development would be unacceptable and that the appeals should not succeed.

*Christina Downes*

INSPECTOR