

**OFFICERS' REPORTS TO
DEVELOPMENT CONTROL COMMITTEE – 4 MARCH 2010**

Each report for decision on this Agenda shows the Officer responsible, the recommendation of the Head of Planning and Building Control and in the case of private business the paragraph(s) of Schedule 12A to the Local Government Act 1972 under which it is considered exempt. None of the reports have financial, legal or policy implications save where indicated.

PUBLIC BUSINESS – ITEM FOR DECISION

1. **SHERINGHAM - 20090777 - Erection of A1 (retail Supermarket) and D1 (Norfolk Food Academy) with Associated Kitchen Garden, Parking, Landscaping and Infrastructure at Sheringham Town Allotments, Land South of Weybourne Road, Sheringham for Greenhouse Community Projects**

SHERINGHAM - 20090818 - Demolish all Buildings Except numbers. 7, 9 and 11 Cromer Road and Erection of A1 (Retail Supermarket), 5 Class A1/A3 Retail Units, 2 Flats and A Class D1/D2 Community Space with Associated Access, Landscaping, Car Parking and Servicing Arrangements at Land at Cromer Road, Sheringham for Tesco Stores Ltd

INTRODUCTION

These applications are being considered together because the determination of each planning application will influence the outcome of the other, particularly in light of Government advice and Development Plan policy on the consideration of retail proposals and as the Council's appointed retail consultant considers that significant adverse impacts would arise if both applications were approved.

The applications, whilst in distinctly different locations and therefore giving rise to different planning considerations, involve common retailing issues. Therefore, the key planning and retailing issues pertinent to both applications will be considered jointly. This will be followed by separate sections appraising issues relevant to the individual applications.

Members have visited both application sites and the applicants have also given presentations to District and Town Councillors at pre-application stage.

1) APPLICATION 20090777 (WEYBOURNE ROAD)

Seeks erection of a retail supermarket (Class A1), Food Academy (Class D1) with associated kitchen garden, parking, landscaping and infrastructure including a wind turbine at Sheringham Town Allotments, Land South of Weybourne Road, Sheringham. The site has an area of approximately 1.92 hectares.

Supermarket – The retail supermarket would have a gross floor area of approximately 2,011sqm (including café) with a net sales area of approximately 1,250sqm using National Retail Planning Forum (NRPF) definition (**See Appendix 1 for definitions of net sales area and floor space comparisons**). Of this, 1,125sqm would be for the sale of convenience goods with 125sqm for the sale of comparison goods.

Customer access to the store would be via a new vehicular entrance/exit from Weybourne Road, which would be shared with service lorries and related traffic in connection with the store and also with traffic associated the proposed food academy.

Pedestrian access to the store would primarily be from Weybourne Road but an additional pedestrian access is proposed from the adjacent Splash Leisure Centre car park together with links from the adjacent new allotment site to the west and via a pedestrian link serving the proposed food academy.

Norfolk Food Academy – would have a floor area of approximately 825sqm. The building would comprise 2 No. professionally equipped kitchens, demonstration area, service area, reception desk, admin area, changing rooms, toilets and plant/store rooms. The academy would also have a dedicated kitchen garden to the west (approx 30m x 85m).

Other Elements

The development would be served by 140 vehicle spaces (including 8 disabled and 10 parent and child plus 4 electric re-charging spaces). There would also be 1 electric bus space, 1 coach space and 48 cycle parking spaces

Surface water would be dealt with on-site by way of Sustainable Urban Drainage Systems (SUDS).

A wind-turbine is proposed in the north-western corner of the site, which would be approximately 14m tall.

Approximately 157 Full Time Equivalent (FTE) jobs would be created (130 in respect of the supermarket, 25 in respect of the Food Academy and 2 in relation to the proposed electric bus service).

Additional Supporting Information

The applicant attended a pre-application briefing to outline the proposal to District Members and Town Councillors and their subsequent planning application is accompanied by additional documents in support of their proposal. Copies of the supporting documents are available on the application file.

CONSTRAINTS

Archaeological Site
Important Approach Routes
Countryside Policy Area
Employment Areas

Open Land Area
Setting of Sheringham Park
NATS Zone (Wind Turbines)
Road: 'A' Class, within 60m

RELEVANT PLANNING HISTORY

19860505 - (Full Planning Permission) - Leisure swimming pool building incorporating a winter gardens and external car park.
Approved, 05 Nov 1986

REPRESENTATIONS – 280 Letters have been received to date
223 in support, 55 objecting with 2 commenting
Summary of comments:

Support –

1. I am writing to express my support for the project;
2. This will give the community a very good range of local produce and will complement the town centre rather than destroy it as Tesco will with all the local shops closing;
3. We have a thriving community in Sheringham with everything we need, such as fish-mongers, butchers, greengrocers, bakers etc and wish to keep it as such;
4. This project will help existing local producers and will not cause traffic problems round the roundabout in Sheringham which a Tesco store will do;
5. Would enhance the town architecturally and educationally;
6. Would provide a pleasant food shopping facility;
7. I can now stop having to travel to Cromer each week to do my weekly shop;
8. Will provide 150 jobs;
9. Will avoid adding congestion to the town;
10. Will reduce the need for unnecessary car journeys via the free bus;
11. It will benefit local shops whilst minimising food miles;
12. It will offer competitively priced goods, which will benefit those on limited budgets;
13. It will have minimal adverse impact on the environment;
14. It will provide a valuable community resource;
15. It will enhance Sheringham as a tourist destination;
16. The project will contribute financially to the local community through its Charitable Trust Fund;
17. The Norfolk Food Academy is an excellent idea and will benefit both young and old;
18. The applicant has agreed not to compete with local businesses on things like electrical items, butchers, fish mongers;
19. Will compliment the towns existing shops;
20. It's in the right place;
21. North Norfolk District Council have been offered an inspiring project – I hope they will see its merits and give it the support it deserves;
22. The promise of 10% of net profits for local good causes is to be welcomed;
23. The store is of a size that would sit happily with Sheringham;
24. Would have little impact on town centre trade;
25. It is an imaginative, positive and eco-friendly project in keeping with the individuality of the town;
26. It would be a landmark development and shows that Sheringham "Does Different";
27. This would be a blue print for others to follow elsewhere;
28. Will benefit the wider community;
29. Delivers improved allotments;
30. Is a stimulating prospect for Sheringham;
31. It's difficult to park in Sheringham and this proposal will be a welcome improvement;

Objecting –

1. The items to be sold are in plentiful supply in the town centre shops at the present time;
2. On seeing the new supermarket with its free parking, visitors may decide to use this rather than shop in the town centre;
3. I am sure that local traders are reliant, to an extent, on tourist trade;
4. It is vital that the site remains as amenity land;

5. No development should be allowed beyond Splash and into the countryside;
6. Its too far away from the main shopping area of the town;
7. The proposal will necessitate greater use of cars (not very sustainable);
8. The electric bus would not be financially viable;
9. The electric bus would not be able to cater for all potential users;
10. The proposal would compromise the Area of Outstanding Natural Beauty (AONB);
11. The proposal would increase traffic along the Weybourne Road, which is already busy with holiday traffic;
12. There appears to be double-standards here with Tesco refused permission because it was outside the confines of the town;
13. Further extension of ribbon development along Weybourne Road;
14. The building will obscure views of Skelding Hill from this area of Sheringham;
15. The site is well outside the town centre;
16. It will draw people away from the centre;
17. It will offer the same produce as the town centre and damage the town's economy;
18. The development would urbanise this part of the town;
19. Tokenistic green building/proposal;
20. The Norfolk Food Academy will not be financially viable – expect it to become a restaurant within two years of being built;
21. There would be no need for the store when Tesco gets planning permission;
22. I do not want to see permission given for two new supermarkets of the size proposed;
23. Store is too big
24. Access would be inadequate and dangerous in summer;
25. Will not be able to compete with mainstream supermarkets on price;
26. Store is too far out of town for the elderly to be able to access;
27. Will not be accessible to those without their own transport, those with buggies and small children, those with mobility vehicles, those on low incomes;
28. The applicant has no track record in the supermarket business;
29. The supermarket will be sold on to another retailer;
30. This is a deceptive application;
31. It's just as far as the Tesco Hilbre site (which was refused);
32. Neither proposals are quite right;
33. Waitrose, as announced partner, will not help those families on a tight budget;
34. The Greenhouse Community Project has been a Trojan horse for Waitrose since day one;
35. People visiting Waitrose will not then go into town to do their shopping they will get all that they need from the store. This will harm the town centre;
36. Will Waitrose really not compete with the town centre? Seems hard to believe.

Sheringham & District Preservation Society – The Society fully supports the Planning Application for the following reasons:

1. Traffic at the proposed site would not cause congestion at the roundabout as does the Tesco plan;
2. Free bus travel within the residential area and town centre;
3. Free delivery of goods;
4. Buses and delivery vehicles will be electrically operated;
5. Free top up point for electric vehicles;
6. Waste heat donated to the Splash;
7. Use of bio compactors to convert bio-degradable waste into compost for use on site;
8. Use of solar and wind energy;
9. Cleansing of run-off water by reed beds;

10. Eco friendly roof material;
11. Building materials from sustainable sources;
12. Provision of a food academy for use by all;
13. This store would be a model for all other stores and will attract attention from all over the country;
14. They will be using local produce which will be delivered direct and not through a distribution centre, thereby saving many food miles;
15. Whilst we fully appreciate that this site is outside the designated area, we believe that its advantages make it far superior to the Tesco plan and justify its approval to go ahead.

CPRE Norfolk – Original Comment -Objection – Whilst the application is well motivated and highlights a number of issues in and around the food chain, the shortcomings are such that they do not over-ride the policy objections. Should the Council be minded to approve the application, we would suggest a business case is presented to establish the viability of the project in relation to its aims.

Revised Comment - Further to our letter of the 24th August, upon further consideration, CPRE wish to withdraw our objection to the above application, and replace this with a summary 'comment' statement as follows:

Update - CPRE modify our previous objection to the application to one of 'comment' together with the following comments:

PPS 6. Impact on Town Centre Shops

This impact factor remains a key issue. The counterweight qualifier is not now the retention of sector expenditure resulting from a proposed new store, the claw-back, but choice. On the impact aspect, as we now know, the Greenhouse store would be run by Waitrose if approved, and sales density would be somewhere between that of an independent and Tesco, I assume higher than midway. However experience and the LDF CS tells us that a convenience products sales floor space of 1,250 sqm is too high. Gross floor space would also be an issue under PPS 4 (which we consider to be a much bigger concern for the Tesco than the Greenhouse application).

The wider pattern of diversion of sales from existing supermarkets and shops is also a consideration. With a Waitrose on that site, we can take a view on the likely effect. There are similar levels of main shop 'out-of-sector' expenditure in the Sheringham and Holt sector, albeit with the introduction of Sainsbury Local, Sheringham is probably now seeing less outflow. Given the socio-demographics of the two sectors, the re-distribution of the main shop spend to Waitrose might be higher from the Holt Sector than the Sheringham Sector, where many 'main shoppers' would likely still see Morrisons in Cromer as a major attraction.

However the key point remains is what proportion of total sales diversion would come from existing small shops, which are the most vulnerable, and for which in making an assessment PPS 4 urges that the judgement should err on the side of caution. Clearly this applies to both applications, and on the information we have would be sufficient to reject both applications. However there are some strong supporting factors in the Greenhouse application (see below) which relate to PPS 4 and the elements of the 'package' which differentiate it from a stand-alone supermarket application, that need to be recognised and supported. So we leave the overall consideration of the application at a 'comment' status.

PPS 6 and the Sequential Test

If the Greenhouse application is taken as a stand-alone supermarket, then it would be rejected on PPS 6

as being on an out-of-town site. The new PPS 4 strongly reiterates this stand. But there are arguments to consider the Greenhouse as a package, and as such this type of site would become a necessity. It may also be that the PPS 7 element retained in PPS 4 is more flexible than it was for this type of development. This is an aspect I have yet to look at closely.

Revision of PPG 4, PPG 5, PPS 6 and PPS7; and the Local Rural Economy

In our view, see the e-mail of the 25th, points 7-10, we have at last some planning determination support for the local economy in this type of application, both in terms of considering changes in net employment, and the impact on wider rural economy, which includes suppliers and trades which support the small shops at risk. The Food Academy would give a strong backing to the ethos underlying this, and as such I suggest is a major plus for the Greenhouse application.

Revision of the PPSs and Food Miles

We consider that the PPS 4 changes are also implicitly under-pinned by the points made on food miles in this section; the changes are the much reduced emphasis on claw-back as a measure of sustainability, and the recognition and giving of support to the local rural economy, which in addition to the positive economic aspects, through local sourcing and distribution, is also a move to a more sustainable food chain.

National Trust – The National Trust welcomes the approach taken by the developer to address the impacts of the development on the landscape and supports the ethos of the scheme insofar as it will inspire and encourage the community and local schools to plant, nurture, grow, harvest and eat their own local and seasonal food.

It also welcomes the efforts taken by the developer to use a design and landscape strategy which seeks to maximise the sustainability of the development aimed at reducing its visual impact on the surrounding area and including the extensive use of renewable energy, recycling initiatives and the creation of new habitats to enhance the biodiversity value of the site.

However The National Trust does have a number of concerns in relation to the development, as follows :

- There is a lack of detail about the appearance of the replacement allotments (200 of which will be provided) and the potential extension of the cemetery, neither of which are within the red line of the application. These facilities will require parking areas, pathways, buildings, lighting, landscaping etc. and should not be left to separate applications, particularly as the allotments are so intrinsically linked to the nature of the operation proposed. These new facilities would be in a highly visually sensitive location and could in themselves represent a “hardening” or “suburbanisation” of that part of the AONB countryside, within the setting of Sheringham Park and visible from one of the key view points looking towards the coast. This is in conflict with Policy ENV2 of the Core Strategy.
- The containment of the urban area of Sheringham and clear demarcation of where the countryside begins is in effect a key part of the character of that settlement and is critical to the views across the AONB. There is a concern that

the expansion of Sheringham beyond its built-up limits could set an unwelcome precedent. So far, the approaches into the town have been managed well, - unlike Cromer, where its main sea-view approach is now obscured by retail/industrial development. This could happen along the western approach to Sheringham, too, if this type of encroachment is permitted. Again this would be contrary to Policy ENV2 and potentially deleterious to the setting of the AONB & Sheringham Park.

- Unfettered retail consent for development on this site could open it up for other supermarket developers and there could be subsequent revisions to the scheme which could result in significantly greater impact. How can this be controlled?
- There are available town centre sites but they are considered to be too small. The application does not give sufficient evidence to demonstrate why the two key elements of the development could not be accommodated on a split site.
- In the interest of minimising the scale and impact of the proposal it should be carefully considered whether there is really a need for a café to form a part of the scheme.
- There is a lack of detailed information about traffic movements and potential highway improvements necessitated by the development.
- The wind turbine located at the entrance to the site on the Weybourne Road is one of the more intrusive elements of the scheme which will be visible in the landscape, yet it will provide only 0.6% of the overall power requirements (enough to power the tills). The National Trust fully supports the use of wind power in developments but it may be that the energy benefits of this particular turbine are outweighed by the disbenefits of its visual impact on the AONB and views from Sheringham Park. It may also be possible that the energy output of the turbine could be provided in a less visually intrusive way either through alternatively sited (perhaps building mounted) turbines or some alternative means of power.
- The “Eco- Design” is influenced by two successful existing developments (the visitors centre at Cley and The Adnams distribution centre at Southwold). The National Trust strongly supports the design ethos of the proposal but has the following suggestions to further minimise any visual impact :
 - a) The car parks – The developer proposes asphalt surfacing and the landscaping scheme shows some individual trees will be planted. The impact could be further reduced by the use of reinforced grass (as is used at Adnams, Southwold) and additional individual trees/ screen planting within the car park. Species chosen should reflect the natural local habitats and not be of the more usual alien/garden species chosen for similar developments.
 - b) Lighting – It is unclear what the impact will be of external lighting on night skies within the AONB and the setting of Sheringham Park. Detailed consideration should be given to the design of the lighting to avoid glare and light spillage.
 - c) Ventilation flues on grass roofs – non-reflective material should be used to ensure ‘glinting’ is avoided as this can in itself be a visual distraction to those enjoying the amenities of the surrounding countryside.

Sheringham Chamber of Trade – No Comments Received

SHERINGHAM TOWN COUNCIL – No Objection

Beeston Regis Parish Council – No Objection/no comment

Upper Sheringham Parish Council – Object on the grounds that the design is not appropriate or in character with the surroundings. Would encourage future development to the west of the town.

Weybourne Parish Council – No formal Council response is made other than individual comments of councillors.

CONSULTATIONS

Anglian Water – No objection – Advisory comments/informative statement provided outlining the key issues relevant to the application which fall within the control of Anglian Water.

Community Safety Manager – Paragraph 8.8.2 of the Design and Access Statement states that “The project will be submitted for approval under the “Secured by Design” (SBD) Scheme”. However, in order to achieve such approval the developer must submit the application to the Police Architectural Liaison Officer in order to identify what criteria and design measures are required prior to commencement of build. The area where the development is proposed is experiencing higher than normal levels of crime, disorder and anti-social behaviour and this development has some significant areas of concern in its design. Therefore it is strongly recommended that the application be deferred until the applicant has submitted an application for Secure by Design approval to ensure that all the criteria to attain the certification (granted upon completion) will be incorporated into the plans/development. If this is not possible, it is recommended that the application be refused on the grounds that the development has the potential to seriously impact on crime, disorder and anti-social behaviour in the local area.

Conservation, Design and Landscape Manager (Conservation & Design) –

These comments, which focus on the physical design aspects of the proposed development, are made in the context of the overriding policy background as contained in the North Norfolk Local Development Framework’s adopted Core Strategy and its associated Site Specific Proposals The recently adopted Supplementary Planning Documents for Design and Landscape Character are also relevant.

Architecturally the range of proposed buildings echoes that already delivered along the coast at the RSPB Cley Visitor Centre. A long curvilinear sedum roof with the use of sustainable materials such as timber and glass seem to meet with some of the sustainable design objectives the Council is now promoting through its Design Guide. The emphasis given to on-site generated wind and solar energy is laudable. It is apparent that the developer and designers are seeking to deliver a very ‘environmentally-friendly’ development and indeed are emphasising this in their Design and Access Statement. The architectural style does not exhibit any local distinctiveness or much in the form of local themes. However with such developments it is difficult to envisage an alternative form of design. Possibly the only viable option would have been to try and pick up on some local theme within the town or along the coast.

The general form and massing of the proposed buildings raises issues primarily of a landscape and town setting concern. Fundamentally, locating a major development of this size and nature on the edge of town would result in an extension of urban development into the countryside. Irrespective of architectural styles or devices it is bound to have some impact on landscape character at what is a very sensitive interface between town and country.

There is no doubt that a complex of buildings of this nature would have less impact on a more central town centre site, where it could be merged into the built form of the town. If this development was to be permitted and the town’s allotments re-located to a site further out into the countryside the consequence would be a further incursion of ‘town-related’ uses into the open landscape. There would be an inevitable demand and need for sheds and other paraphernalia and this in itself could be considered by some to have a detrimental impact on the landscape.

Addressing more site specific issues, the adequacy of parking provision must be questioned. Providing sufficient spaces would be a pre-requisite for a commercially successful project and also for the site to function properly. Likewise in regards to deliveries, a quality landscape scheme would be needed to reduce the impact of the parked cars and lorries on the adjacent countryside and approach to the town along the A149.

In conclusion, notwithstanding the overriding policies on retail development in the Local Development Framework and the 'sequential test' that will no doubt apply to this site there would clearly be some kind of impact on the setting of the town and its interface with the countryside. This in itself however is unlikely to be sufficient justification for refusal of the application (see 'Landscape' comments below). Likewise the style of architecture proposed, although lacking any immediate local resonance, is not necessarily at odds with the general location. It is a style of architecture, tried and tested nearby and everywhere else where 'sustainability' is seen to be the only guiding principle. The kind of architecture proposed, replete with its sedum roof, has become somewhat predictable. However an objection on design grounds would be difficult to justify.

Conservation, Design and Landscape Manager (Landscape) – These amended comments address issues raised by the recent development of the replacement allotments on a plot adjacent to the site of the above application on what is a defined Important Approach Route into Sheringham.

This assessment examines the impact of the development on the surrounding landscape, the landscape proposals within the scheme and the biodiversity implications. It is made in the context of the NNDC Core Strategy and Supplementary Planning Guidance, specifically the North Norfolk Design Guide (December 2008) and the North Norfolk Landscape Character Assessment (July 2009).

The proposed site lies on the western fringe of Sheringham adjacent to the main A149 on a key approach route into the town. Development in this part of the town fringe is dominated by a large mix of recent industrial and leisure use buildings comprising relatively tall single storey units to the south of the A149. To the north and on the seaward side of the road lies the town's golf course. To the south of the proposed site is an early 1990's housing development.

The proposal involves the construction of 2 large buildings, a country store and a food academy. The site is currently used for allotments. Vacant land immediately west of the site is proposed as a replacement location for the existing allotments. Within this area a kitchen garden relating to the development is proposed.

Landscape Setting

The site lies within a sensitive landscape, positioned within the defined setting of Sheringham Park, a Grade II* registered historic landscape. In addition, the North Norfolk Coast AONB boundary lies immediately north of the site along the A149 and is 370m from the western site boundary.

The Landscape & Visual Impact Assessment submitted with this proposal concludes that the greatest visual impact of this development would be from Skelding Hill to the north east of the site on the coast path and within the AONB. This is due to the topography and open nature of the land. Glimpses of the development would also be gained from the western approach into Sheringham along Weybourne Road. On

account of the scale of the proposal there will undoubtedly be some degree of visual impact on the local environment. Aspects of the design have attempted to mitigate this impact. The form of the two buildings has been designed to tie in with the adjacent existing built form, in particular with Splash Leisure Centre. The siting of the two large buildings in a stepped footprint arrangement is intended to link with the existing built form. The curved green sedum roofs and relatively low level of the buildings, together with the surrounding planting proposals are also design elements which mitigate the effects of the development on the surrounding landscape.

The site is within the 'Coastal Towns & Villages' landscape classification as defined in the North Norfolk Landscape Character Assessment (July 2009). It is on the edge of two defined Areas within this Type, CTV 1, Weybourne to Sheringham and CTV 2, Sheringham to Overstrand. General characteristics are a fairly enclosed landscape with open views to the sea. Arable land often provides the separation between settlement. The use of the area is its critical defining element: it being a leisure/holiday landscape and most of its development, either directly or indirectly and much of its use, is directed to this end. The overall condition of this Type is poor to good. The Area between Weybourne and Sheringham has a strong landscape character in good condition. Key characteristics of this specific Area are a relatively undeveloped landscape strongly influenced by and having influence over the historic setting of Sheringham Park. Sea views are dominant, as are small field sizes and wooded copses all set within a gently rolling landscape.

Specifically within this Type, new development has occurred on main entrance routes into the towns, often inadequately integrated into the landscape, making settlements appear less cohesive. There are however still important parts of the Type which have not been adversely affected by recent development and the Assessment advocates that these undeveloped areas which separate and provide the setting for individual settlements create a strong defining element of this Type. This aspect is particularly pertinent to the area between Sheringham and Cromer due to the large scale expansion of these settlements. This is not such a danger on the western side of Sheringham where there is more defined and extensive arable characteristic towards the next settlement at Weybourne. However this should not be compromised by incremental development.

The proposed development is unlikely to significantly affect any of the key characteristics that define this character type in either a negative or positive way.

LDF Core Strategy Policy EN2: Protection and Enhancement of Landscape & Settlement Character refers specifically to the protection and enhancement of the defined setting of Sheringham Park. The site lies within this defined setting. Views of the development from Sheringham Park and Upper Sheringham would be screened by the existing landform, the built form and by mature vegetation in the form of woodland copses and hedges. The landscape design associated with the proposal has made efforts to reinforce this aspect. In this regard the impact of the development from these areas would not be significant.

The site is currently under allotment use and is designated as Open Land within the adopted North Norfolk Core Strategy. Policy CT1: Open Space Designations states that any development on open land will only be permitted where it 'enhances the open character or recreational use of the land'. Although the development would result in the loss of allotment land, this is compensated within the proposals by alternative allotment provision of an increased size on adjacent vacant land to the west next to the existing cemetery.

This new allotment site is on land designated as Countryside and relates to Core Strategy Policy SS2: Development in the Countryside. A kitchen garden associated with the supermarket and food academy is proposed within this area. While this would mean that the town fringe encroaches further into the countryside, allotments do represent a typical semi-urban land-use on the urban fringe. The new allotment site would extend no further than the western settlement boundary of Sheringham made up of the existing cemetery and the edge of the housing estate to the south. There are however concerns that this aspect of the development represents incremental intrusion into the countryside, resulting in the fragmentation of the overall landscape character. Should this development go ahead, this should be the absolute limit of any extension of the built form into the countryside.

This area is identified within the North Norfolk LDF Core Strategy as being an Important Approach Route into the town. Policy EN4: Design states that these identified routes should be protected and enhanced through careful siting, design and landscaping of any new development. Currently, this western approach into Sheringham has a rather incongruous mix of light industrial units and more recent housing and, consequently, does not convey strong architectural character. While there would undoubtedly be some degree of visual impact of buildings of such a scale on the surrounding landscape, the siting and height of the proposed buildings would not be entirely at odds with the existing adjacent large leisure complex. This, coupled with the cumulative effect of the design, namely the form of the buildings sited relatively low within the existing landscape, the use of timber, glass and flint gabions and the curving green roof design, would not, in my view have a significantly harmful effect on the overall landscape setting. The landscape proposals associated with the scheme, in particular relating to the frontage with the main road will be a significant factor in the successful integration of this scheme into the existing landscape character.

Landscape Proposals

The design rationale for the landscape planting stems from its coastal location. Plant selection is based on species that thrive in coastal locations which is appropriate, as is the mix of native and non-native tree, shrub & herbaceous planting.

Landscape proposals include retention of the existing boundary hedging, screening of parking, framing of views and improvements to the biodiversity potential of the site. Existing hedgerows are integral to the character of the site and proposals to retain and enhance the boundary hedgerows would be welcomed should the application be approved.

The design has attempted to mitigate the visual effect of block parking by distributing it around the site in pockets and screening it with strategically positioned tree and shrub planting. This is appropriate given the open nature of the surrounding landscape. However, given the size of the parking areas there will undoubtedly be some detrimental impact of this element of the proposal.

A Sustainable Drainage Scheme (SUDS) is proposed on the front boundary of the site which incorporates an attenuation pond with marginal edge planting such as reeds and flag iris.

Whether or not this will be an effective frontage to the whole scheme, nor whether it is prudent from a biodiversity aspect being so close to a busy road is questionable. The wetland areas and the proposed meadow planting would require very specific management. From the information submitted it is not certain that sufficient consideration has been given to the future maintenance and management of this area, given that it is effectively the 'shop window' of the whole development and will

form the frontage of the scheme onto what is a main approach into Sheringham . A sustained water supply will be required during summer months and, unless carefully maintained, this habitat will rapidly succeed into an area of scrub.

Proposals for hard landscape elements include asphalt with 20mm chippings for parking areas demarcated with a gravel top dressing and resin bound gravel for footways, all of which are appropriate for this type of development. No proposals for lighting have been submitted. This element of the scheme could have a significant impact on the wider landscape and should be carefully considered.

A wind turbine is proposed, sited directly adjacent to the main road within the wetland area. I am concerned that this will be most prominent, particularly when approaching the site from the west and the east. While it is acknowledged that this is the optimum site for the consistency of the wind, it would anchor more successfully into the whole scheme if it could be set further within the site and away from the site frontage. It has already been stated that this site is on an Important Approach Route into Sheringham. The siting of a wind turbine so close to a main approach to the town is inappropriate.

Wildlife

The impact of this development on wildlife has been addressed within the Ecology Report, prepared by The Ecology Consultancy dated 3rd July 2009.

There are three statutorily protected nature conservation areas in proximity to the site: Weybourne Cliffs SSSI 330m to the north, Beeston Cliffs SSSI 1.8km to the east and Sheringham & Beeston Regis Commons SSSI/ Norfolk Valley Fens SAC designations 1.6km to the south-east. An extended Phase 1 Habitat Survey and Protected Species Assessment concludes that the site is of 'some intrinsic ecological value in a local context'.

The landscape proposals include creation and enhancement of a variety of different habitat types within the scheme such as a wetland area which is to be commended in principle but concerns regarding the management of this are have already been raised. Proposed bird & bat boxes are also proposed to maximise the ecological benefits of the scheme. In this regard the development accords with Core Strategy Policy EN9: Biodiversity & Geology.

In conclusion, while there will undoubtedly be some degree of impact of a development of this scale and magnitude in such a landscape setting at the interface of town and open countryside, the applicant has endeavoured to reduce the visual effect of the development to the extent that a recommendation of refusal on the grounds of landscape impact may not be possible to sustain.

Should this application go forward for approval, I would recommend that conditions requiring the submission of further details in respect of hard and soft landscape proposals, landscape maintenance and site lighting be attached to any consent.

County Council Highways – Original comments – You should be aware that I have asked the agent to provide additional information in support of the Transport Assessment. Furthermore, I have asked for a new study to be carried out in respect of the roundabout at the junction of A149/Holway Road/Station Road. The roundabout is the subject of a local safety scheme, which will alter the geometry, and is to be implemented February 2010.

Turning to the application, it is noted that the proposal is contrary to Core Strategy Policies CT1 and CT5. It is not considered to be in a sustainable location, which the application seems to acknowledge since an electric bus service is offered by way of mitigation.

The internal layout is poor. For example there is no segregation of service vehicles from customer vehicles. I will provide a definite response once the study of the Transport Assessment is complete.

Further Comments – Consideration of the Transport Assessment indicates that there remain some issues attaching to the document. However, I do not consider that negotiations on this aspect should continue given the concerns mentioned in my earlier letter.

It is noted by reference to the Core Strategy that the proposal is contrary to Policies CT1 and CT5. The application acknowledges that it is not in a sustainable location since it offers the provision of an electric bus service link to the Town. No further positive mitigation is offered to enhance non-car modes, although there is vague reference to the provision of a crossing facility close to the A149/Holt Road/Church Street junction.

I would have expected provision to have been made for public service vehicles to enter the site to obviate the need for passengers from the hinterland of Sheringham from having to change buses in order to access the store. There is sufficient highway land available between Holt Road and the site access to facilitate enhancement of the footway to a shared use facility.

It has been indicated previously that the internal layout is poor. It is not good practice for service vehicles and customer vehicles to share the same access since there is a potential for conflict. There are reservations about the accessibility of the layout for service vehicles. There is no dedicated pedestrian route from parking zone 2 to the store entrance.

I recommend refusal for the following reasons:

- The proposed development does not adequately provide for pedestrian/cyclists, contrary to Core Strategy Policy CT5;
- The proposed development does not adequately provide off-site facilities for pedestrians/cyclists to link with existing local services, contrary to Core Strategy Policy CT5;
- The proposed development does not have adequate access to an appropriate level of public transport provision as set out in the adopted Norfolk Bus Strategy published by the Transport Authority, contrary to Core Strategy Policy CT5;
- Inadequate visibility is available at the junction of the access leading to the Food Academy with the County Highway and this would cause danger and inconvenience to users of the adjoining public highway, contrary to Core Strategy Policy CT5;
- The proposal does not incorporate adequate facilities for the servicing of the premises and would therefore result in the manoeuvring of vehicles on the adjoining highway to the detriment of highway safety contrary to Core Strategy Policy CT6;
- The proposal is remote from local service centre provision conflicting with the aims of sustainable development, the need to minimise travel and the ability to reduce the reliance on the private car as represented in national and local policy. Contrary to Policy T1 of the Regional Transport Strategy (RTS) and Policy 4 of the 2nd Local Transport Plan (LPT2);

The Regional Spatial Strategy – East of England Plan – sets out the outcomes that should be achieved if the objectives of the Regional Transport Strategy are to be met. These include:-

- Sustainable access to areas of new development and regeneration;
- Safe, efficient and sustainable movement between homes and workplaces, education, town centres, health provision and other key destinations; and
- Reduce greenhouse gas emissions.

The Regional Spatial Strategy and Regional Transport Strategy are in turn interpreted through the Regional Transport Plan and Local Transport Plan.

Latest Update - You will be aware that a meeting to discuss the consultation response of the Highway Authority, was held with the agent at County Hall on 12 November. Subsequently, a technical memorandum has been produced, which addresses concerns raised in respect of single point of access, servicing the site, student coach drop-off location and the provision of a pedestrian crossing in the vicinity of the Weybourne Road/Holt Road junction.

Whilst it is acknowledged that every effort has been made to make the application as sustainable as possible, it remains the recommendation of the Highway Authority that the proposal should be refused, given its remote relationship with the Primary Shopping Area. Furthermore, no firm commitment to enhance walking/cycling facilities has been made in support of the application. Therefore, the application is contrary to Policy CT5 of the Core Strategy, Policy T1 of the Regional Transport Strategy and Policy 4 of the 2nd Local Transport Plan as stated in my initial consultation response.

In the event of your Council granting permission, I would wish for the applicant to not only provide the pedestrian crossing, mentioned above, but also the enhanced pedestrian cycle facility along Weybourne Road. Visibility to the west from the cemetery access will require improvement. I will supply a list of conditions if the application is permitted.

County Council Planning– Due to the non-residential nature of the proposal, no contributions will be sought for schools or libraries. Norfolk Fire Service would require one hydrant on a minimum 150mm diameter main, at a cost of £763. The position of the hydrant should meet the requirements of Building Regulations Approved Document B. These comments are based on a proposal of 1,250 sq m of supermarket and 821 sq m of food academy building.

Environment Agency – No objection subject to the imposition of conditions

Environmental Health – No objection subject to imposition of conditions relating to contamination, lighting, Noise and Flood Risk Assessment.

National Society of Allotment and Leisure Gardeners – Awaiting Comments.

National Air Traffic Services - Awaiting Comments.

Natural England – No objection subject to imposition of conditions

Norfolk Coast Partnership – There are likely to be noticeable visual impacts on the setting of the Area of Outstanding Natural Beauty (AONB). These may not be significant but some further work would help to ensure that permanent detriment to the area's landscape quality do not occur; these being:

- Inclusion of relocated allotments and parked cars in visualisations and assessments;
- Consideration and relative evaluation of reversed locations for the allotments and development;

- Development of effective landscape mitigation measures for relocated allotments if this is the best option;
- Consideration of the removal of the wind turbine from the scheme;
- Reassessment of the impacts and possible further mitigation in views from the Norfolk Coast Path National Trail;
- Taking account of views of the National Trust in viewpoints and assessment from Sheringham park

Norfolk Fire Service – Awaiting Comments

Norfolk Landscape Archaeology – Original Comments - Objection concerning potential impact on existing archaeology possibly present on the site.

Updated Comments - The proposed development site lies in an area of high archaeological potential. Cropmarks of ring ditches relating to Bronze Age barrows, a possible mortuary enclosure and other features have been recorded on and immediately to the west of the site. Anglo-Saxon cemeteries are often focussed on Bronze Age barrows and there is potential that remains of this period could also be present. The cropmarks indicate that at least three Bronze Age round barrows are present in the close proximity with one lying within the proposed development site boundary. A complete Bronze Age pottery vessel found in the cemetery to the south of the site suggests that further barrows were also located in that area. Along with the ring ditches, cropmarks of other features, including a possible small mortuary enclosure, have also been recorded at, and to the west of, the proposed development site. In addition to the known archaeological features, there is a high probability that further important archaeological remains will be present within the proposed development site. Norfolk Landscape Archaeology has previously highlighted the archaeological potential of the current allotment site in the 2006 North Norfolk District Council Site Specific Proposals Development Plan Consultation (Site SH07).

Cartographic evidence within the Site Investigation Report submitted with the planning application shows that the main area of the development site has been in use as allotments since at least 1928. Whilst this area will have experienced localised deep disturbance it has not been subject modern agricultural activity. Consequently any archaeological remains at the site may be relatively well preserved. Because the main part of the site has been allotments, rather than arable fields for most of the 20th century, no cropmarks have been recorded to confirm the presence of any archaeological features.

The development proposals for the current allotment site involve significant landscaping and other ground disturbance which will have a serious detrimental impact on any archaeological remains present at the site.

The western half of the site was subject to an archaeological evaluation earlier this year (NAUA report 2258a - Phase 1), indicating that the area of the cropmarks has been severely truncated by ploughing, leading to a total loss of archaeological deposits in that area.

The eastern area was partially evaluated through a programme of small test pits, in order to produce enough information to make an informed planning decision (NAUA report 2258b - Phase 2). As discussed before the fieldwork commenced, and as noted in the report, the test pits represented a small sample of the proposed development area, and further work is necessary to adequately evaluate the archaeological potential of the site.

If planning permission is granted, we therefore ask that this be subject to a condition for a programme of archaeological work in accordance with *Planning Policy Guidance 16, Archaeology and Planning* (1990), para. 30. We suggest that the following condition be imposed:-

No development shall take place within the site until the applicant, or their agents or successors in title, has

- a) caused to be implemented a programme of archaeological evaluation in accordance with a first written scheme of investigation which has been submitted to and approved in writing by the local planning authority; and next
- b) submitted the results of the archaeological evaluation to the local authority; and next
- c) secured the implementation of a programme of archaeological mitigatory work in accordance with a second written scheme of investigation which has been submitted to and approved in writing by the local planning authority, which programme shall (for the avoidance of doubt) include (if considered by the LPA to be necessary) post excavation assessment, analysis, archiving and publication of results to the satisfaction of the LPA.

In this instance, the programme of archaeological work will comprise further evaluation of the current allotment site by trial trenching, followed if necessary by an appropriate programme of mitigation.

NLA will provide a brief for the archaeological work on request.

Planning Policy Manager – Offers similar comments to the Council’s appointed retail consultant in respect of application of adopted North Norfolk Core Strategy policies and advice set out in PPS6. In summary - Improved food shopping in Sheringham would be consistent with its classification as a service centre (secondary settlement), the scale of the store must be clearly justified by evidence of need (qualitative or quantitative), that this need should be derived locally, and that any store (given that there is only likely to be a need for one) should be located on the best sequentially available site. Compliance with Core Strategy policies in relation to all other issues required.

Update – The introduction of PPS4 has not materially altered the way in which the application should be determined. Policy EC5 of the adopted Core Strategy remains the principle policy context against which the proposal should be considered. This requires that account is taken of size of store (relative to catchment served and levels of need), that any site is the most central that is available (sequential approach), that the site is accessible, and that the proposal does not have an adverse impact on the vitality and viability of the town centre. The need to comply with the sequential approach and impact formed part of national advice in PPS6. These requirements remain within PPS4.

Property Services Manager – This proposal is adjacent to the Splash Leisure Centre, owned by the District Council and operated on the Council’s behalf by DC Leisure.

The developer’s consultants previously contacted Property Services to request that consideration could be given to additional or alternative access across the Splash entrance. After consultation with DC Leisure, officers responded that they did not consider this desirable for the following operational reasons:

- there would be significantly more traffic generated across “The Splash’s” roadways which would require a comprehensive reassessment of Health and Safety and road calming issues; and,
- contractual arrangements between the tenants of “The Splash”, the Sheringham Sports Association and ourselves. The lease agreement in respect of “The Splash” reserves a right to the landlord and members of Sheringham Sports Association to use the roadways. The tenant has the right to “pass and re-pass” over the roads and car parks. The tenant could argue that to permit others to use the roadways is contrary to current lease provisions and could interfere with their “quiet enjoyment” i.e. potentially be of a detrimental influence on their business.

The proposal includes a car park with 140 spaces. If the Supermarket car park becomes full, there may be an overflow of cars into the Splash car park which, if significant, could impact on Splash operations. Without careful management of car parking, both car parks (the Supermarket and Splash) could be used by visitors to Sheringham town and beach to “park and ride” for free, given the provision of a free shopper electric bus service to the town. I would suggest that as part of any planning permission, there would need to be some car park management arrangements to ensure that this did not occur and impact on Council car park revenues. Therefore, if this proposal were to go ahead, there would need to be agreement with the District Council, either restricting the use of the car park to users or the supermarket/food academy and/or an agreement with DC Leisure and the Sports Field Association in terms of any receipts generated by additional parking on the two sites.

The proposal also refers to the possibility of the proposed Combined Heat and Power Plant’s waste heat being transferred to the Splash Leisure Centre to heat the swimming pool. Whilst this may be welcomed in principle, in practice I am unsure of its technical feasibility, given that Splash already has its own CHP unit. Further investigation of the feasibility of this proposal would be required.

Sustainability Co-ordinator – The application complies with policy EN6 based on the information in the Sustainable Construction Checklist and Design and Access Statement. In order to comply with EN6 planning permission should only be granted with the following conditions attached:

Unless otherwise approved in writing by the Local Planning Authority, the buildings subject to this permission shall not be occupied until the following measures identified in the Sustainable Construction Checklist submitted with the planning application have been implemented:

- i) More than 30% of light fittings shall be installed with dedicated energy efficient Compact Fluorescent Lamps, Light Emitting Diodes or equivalent.
- ii) A rainwater harvesting system is to be installed.
- iii) Water efficient sanitary ware to be installed, comprising dual flush WCs with 6/4 litre flush or less, and taps and shower heads with flow rates of 9 litres/minute or less.

A Combined Heat and Power (CHP) unit (as identified in section 4.1 of the Renewable Energy Statement submitted with the planning application) shall be installed and used to generate at least 10% of the predicted energy requirements of the development (as identified in section 6 of the Renewable Energy Statement) unless otherwise agreed in writing by the Local Planning Authority.

2) APPLICATION 20090818 (CROMER ROAD)

Seeks to demolish all existing buildings on site except numbers 7, 9 and 11 Cromer Road and erect a retail supermarket (Class A1), five retail units (Class A1/A3), two flats and a community space (Class D1/D2) together with associated access, landscaping, car parking and service arrangements. The site has an area of approximately 1.2 hectares.

Supermarket – The A1 (retail supermarket) would have a gross size (floor area) of approximately 2,100 sqm with a net sales area of approximately 1,175 sqm using Competition Commission (CC) definition (**See Appendix 1 for definitions of net sales area and floor space comparisons**). Of this, 1,025sqm would be for the sale of convenience goods with 150sqm for the sale of comparison goods.

Customer access to the store would be via a new vehicular/pedestrian entrance/exit from Cromer Road and/or a pedestrian link from Station Road to the supermarket entrance on the northern side of the building.

The supermarket would be served by 143 vehicle car parking spaces (including 10 designated disabled and 6 parent and child spaces) along with 22 cycle parking spaces and a designated customer drop-off and pick-up zone.

Goods/servicing of the supermarket would take place via a new gated access off Cromer Road with the servicing and back-up areas being predominantly along the western side of the supermarket.

Other Elements

Five independent retail units are proposed comprising four units (43sqm to 49 sqm in floorspace) along the proposed new pedestrian access linking the supermarket entrance with Station Road and the rest of the town centre together with a larger A1/A3 unit of approximately 130sqm next to the Cromer Road entrance. The A1/A3 Use Class would permit such uses including shops, restaurants and cafes.

A community space of approximately 74sqm is proposed on the southern side of the site next to Cromer Road.

Above the proposed community space and the larger retail unit would be 2 two-bed flats of approximately 90sqm and 76sqm, the access to both being served by a central internal staircase from Cromer Road.

The existing flint cottages along Cromer Road (Nos. 7, 9 and 11) would be retained as residential dwellings, although with reduced private amenity spaces at the rear.

Approximately 150 jobs would be created by the proposal

The application has been the subject of a minor amendment which has included the addition of photovoltaic cells on the western roof slope of the supermarket roof.

Additional Supporting Information

The applicant attended a pre-application briefing to outline the proposal to District Members and Town Councillors and their subsequent planning application is accompanied by additional documents in support of their proposal. Copies of the supporting documents are available on the application file.

CONSTRAINTS

Town Centre
Residential Area
NATS Zone (Wind Turbines)
Contaminated Land
Tree Preservation Order
Road: 'A' Class, within 60m

RELEVANT PLANNING HISTORY

19970643 - (Prior Approval) - Installation of fifteen metre tubular telecommunications pole with two directional antennas and one dish antenna and equipment cabin
Approved, 10 Jun 1997
19980937 - (Prior Approval) - Installation of radio mast, antennae, equipment cabin and development ancillary thereto
Refused, 24 Jul 1998
Appeal Allowed, 25 May 1999
19990863 - (Prior Approval) - Installation of radio mast, antennae, equipment cabin and ancillary works
Approved, 02 Aug 1999
19990888 - (Full Planning Permission) - Change of use from youth and community offices on first floor to county council offices.
Approved, 17 Aug 1999
20030991 - (Full Planning Permission) - Demolition of buildings, including dwellings, and erection of a1 retail foodstore with associated access, car parking, servicing and landscaping
Refused, 08 Sep 2008
Appeal Dismissed, 08 Sep 2008
20061122 - (Full Planning Permission) - Erection of storage building
Approved, 10 Aug 2006
20070217 - (Full Planning Permission) - Demolition of buildings, including dwellings, and erection of a1 retail foodstore with associated access, car parking and servicing and provision of footpath link to station road
Refused, 19 Dec 2007
Appeal Dismissed, 08 Sep 2008
20090764 - (Non-illuminated Advertisement) - Display of non-illuminated advertisements
Approved, 16 Oct 2009

REPRESENTATIONS – 528 Letters have been received to date:
287 in support and 236 objecting with 5 commenting
Summary of Comments:

Support –

1. The proposal will provide choice and value compared with other retailers in the town;
2. The proposal will provide a valuable new replacement fire station and community centre;
3. As a disabled WWII ex serviceman the proposal will provide a very much needed service as the journey to Cromer is more difficult;
4. The proposal appears to meet/overcome the majority of previous objections;
5. We do support the shops in the town centre where possible, but on a practical and cost level we need to do our major weekly shop at a large supermarket which currently means driving to either Cromer and/or Fakenham which is time consuming and involves the use of the car and petrol which we would rather not have to do. We hope our views as a young working family in the town will be taken into account;
6. With the free car parking in the centre of Sheringham it will encourage shoppers to come and enjoy our little town. Businesses will gain, our youngsters will benefit from the new youth centre plus a fire station for all of us;
7. This store is in exactly the right place – a new roundabout will help the traffic to flow freely. It's about time the scaremongering is put where it belongs – Sheringham belongs to all of us not just the noisy vocal minority;
8. I like the look and scale of the proposed store and its closer location to the walkway which will keep shoppers in touch with the town centre shopping;
9. As a non-driver I already use Sheringham shops for my fresh fruit, veg and bread and do not see this changing;
10. As a pensioner, prices are important to me and I also appreciate the needs of young families to buy quality goods for a reasonable price;
11. More employment locally can only be good for the town;
12. The new Sainsbury's, whilst very welcome, is still not going to be a place to do a trolley full of shopping;
13. A lot of people, old and young, are on low incomes and do not have access to their own transport to do a weekly shop. We should have a choice to shop in the town that we live;
14. People that are against the proposed supermarket do not have to use it;
15. The proposal will greatly improve the entrance to Sheringham Town along the Cromer Road;
16. Existing retailers are not open at times to suit the needs of customers, especially those that work;
17. We have to pay high prices at existing stores;
18. The proposal will breathe new life into the town;
19. Very few of the existing shops in the town are suitable for those in wheelchairs which makes access non-existent or too difficult to contemplate. The proposal will provide a much needed disable friendly shopping experience;
20. The proposal complies with Government Policy;
21. Our needs cannot be met by the existing shops in the town in terms of price and quality;
22. The proposal will improve what is, at present, quite an unattractive part of town;
23. To be vibrant again this town needs to regain its purchasing power and it can only do this with an active supermarket in the town who will be helping the growing number of poorer residents without cars and currently having to pay "over the top" prices for their daily requirements;
24. Will provide much needed additional car parking;

25. People are currently travelling to Norwich to shop at Tesco;
26. A vibrant Sheringham needs a diverse retail environment – not just little high-priced shops that have trading hours that suit the shop-keeper rather than the town's residents;
27. Having a Tesco in Fakenham actually improved the town and I feel it would have the same effect on Sheringham;
28. We are in desperate need of a good convenient supermarket where we can shop with a trolley and easy parking instead of having to go out of Sheringham;
29. The proposal will attract more shoppers to the area who will then visit other shops in the town;
30. There are a lot of people who want this store but who do not speak up or speak loudly to make their view known;
31. The need for the store is even greater in light of the current economic crisis and rising unemployment;
32. The town would benefit from the increased number of shoppers that will be brought back into the town to spend their money here rather than spending it in Cromer or other places;
33. The decision of the Town Council to object to the Cromer Road store is bizarre when they have not objected to the Greenhouse application on Weybourne Road – This suggests that this is more of an anti-Tesco decision rather than being based on sound principles;
34. Sheringham is becoming a novelty town with less and less for us locals;
35. We will continue to shop in our specialist independent shops even if Tesco is approved;
36. To succeed, a business has to listen to and respond to the needs of its customers, stand out from the crowd and be better than their competitors. Business that fail in Sheringham will not do so because of Tesco's but because they have not listened or responded to the needs of their customers;
37. The store will bring people into the town to shop all year round and not just during the summer months when the tourists are here;
38. The anti-Tesco brigade all shop in Cromer at Morrisons or Rainbow;
39. The store really needs to be bigger in size, not smaller, and sell clothes and household items to meet the needs of the people of Sheringham;
40. Have you ever tried to get bread or milk on an afternoon in the summer in Sheringham – often this is impossible – Tesco can only improve an otherwise dire situation;
41. A store in the town centre will enhance the quality of life for older residents and those without a car;
42. I want to reduce the amount of miles I need to travel to do my weekly shop – the current shops do not meet my needs.

A petition in support of the application has been submitted which suggests over 600 people in Norfolk are in support of "Tesco in Sheringham"

Objecting –

1. Need to consider carefully the impacts that the proposal will have on the town centre - look at Stalham for example;
2. The proposal would be to the detriment of the unique high street sea-side experience in the years to come;
3. The majority of smaller convenience shops in the town will close once the store is opened;
4. The arrival of Sainsbury's means that the town's requirements will be met and there is no need for Tesco;
5. The siting is inappropriate and does not seem to plan for a merging in with soft landscaping;

6. As a regular traveller along Cromer Road to and from work we feel that the traffic situation is already chaotic and that a further many thousands of cars per month will make this an impossibly difficult road for locals therefore creating "rat runs" to improve access out of the town through residential areas;
7. The location of the access for the new fire station seems inappropriate;
8. The design of the building resembles a hastily constructed engine shed or a partially completed aircraft hanger. It would be totally out of character with its surroundings;
9. Design is out of keeping with Sheringham with no sense of place or reference and will undermine the character of the town;
10. Unimpressed with the Tesco marketing regarding the "I want a new Supermarket in Sheringham" campaign;
11. Tesco have shown elsewhere that, once they get permission they will try and expand the size of the store and sell a wider range of products;
12. The store will sell a sizeable amount of non-food items;
13. The road/access layout is far from ideal and, at busy times, is likely to prove unsafe as people become frustrated and make rash manoeuvres and dash for gaps in traffic;
14. Tesco acknowledge that the area is subject to higher than national average for accidents yet does not fully address the issues with this application;
15. Tesco have failed to provide their original supporting evidence to back-up their claims of significant support of 1,100 Sheringham residents;
16. The Greenhouse Store application offers far more benefit to the town than the Tesco proposal;
17. Traffic will be chaotic, especially during the peak summer months when things are already bad;
18. Proposal should be for a different retailer and not Tesco;
19. Tourists visiting the town already have a Tesco at home and come to Sheringham for its variety of small independent shops;
20. The Cromer Road site is not suitable for retail development;
21. Deliveries to the store all hours of the day will cause a nuisance to local residents;
22. It's too big for the town centre;
23. Tesco's highway data needs updating and cannot be relied upon. The new application is not the same;
24. Roof materials are out of character with the town;
25. The store is no different in size when you take into account the five additional units;
26. The loss of affordable housing is regrettable;
27. We do not want Sheringham to become a clone town;
28. There would appear to be convenient room for expansion to the south of the store in the future;
29. Access to service the independent units is very limited;
30. The independent units should not be used as cafes as this will harm the town;
31. The elevation to Cromer Road is very poor;
32. Concerned about light pollution;
33. It seems unrealistic that people will do their shopping in Tesco then walk back to their cars and then go into the town past the store entrance to do other shopping. It is likely that most people will carry out single journeys to Tesco only;
34. The footpath link is not adequate;
35. Access is unsafe for those turning into Cremers Drift from Cromer Road;
36. Relocated bus stop location is unsafe and could compromise highway safety;
37. Presence of new fire station along this road would complicate matters further;
38. The applicants have used the wrong modelling technique to assess capacity in the highway network;

39. The traffic surveys undertaken in 2006 shows traffic flows considerably lower than the same day three years later;
40. The traffic survey data is therefore questionable;
41. The car park could be overused by people wanting to benefit from the 3 hours free parking potentially resulting in traffic backing onto the Cromer Road, to the detriment of highway safety;
42. The parking level is below that required when taking into account of all the uses being proposed;
43. It is likely that demand for parking will exceed supply;
44. Pedestrian access is poor;
45. Flood Risk is a significant concern from surface water;
46. Not clear whether site contamination assessment has been carried out;
47. Not clear whether proposal would meet Policy EN6 with regard to sustainable construction and energy efficiency;
48. Sainsbury's will meet the local needs of Sheringham;
49. Links between the store and the town do not address the concerns raised by the Inspector;
50. The exact amount of sales area in the supermarket remains unclear with a large gross area for the building;
51. The applicant's stated at the 2008 Public Inquiry that 1,500sq net sales area was the absolute minimum that would be viable for this site;
52. The Inspector's decision is material to this application;
53. The same compelling reasons of overriding importance remain to reject this proposal;
54. The building is like a large industrial unit sited opposite Sheringham's only listed building;
55. The individual units would be owned and controlled by Tesco and not therefore be independent;
56. The store is too small to "claw-back" trade from larger main food shops such as Morrison's Cromer and the store will therefore draw a large proportion of its trade from "top-up" spend. As such which store will compete directly with existing shops in the town for this "top-up" trade;
57. The applicant's estimate of impact is considerably underestimated;
58. The harm to the town would not be off-set by any linked trips;
59. Traffic will be horrendous, especially with the opening of the new rail link nearby;
60. Drains are already overloaded
61. The car park is now further away from the town centre than before and will discourage linked-trips into the town centre;
62. The proposed fire station has less space to operate as effectively as the existing Cromer Road base;
63. Re-locating the Community Centre out of town will reduce its accessibility;

Petition letters objecting to the application have been submitted individually (with valid or legible addresses) by 96 people. The standard text on the individual petition letters made the following objections:-

1. Thousands of extra car movements (in addition to current peak time traffic) on the Cromer Road per week;
2. Huge increase in congestion on the Cromer Road specifically focussed on immediate roundabout and small road inadequate network;
3. Tesco service and delivery area entrance is only metres from this main roundabout;
4. The Tesco car park delivery entrance is a large and hazardous opening on the main pedestrian pavement into town. Crossing this could be extremely perilous;

5. This excess traffic will clash with Station Road car park entrance as well, which again is only metres away from the roundabout;
6. Creation of at least three, maybe four high intensity rat-runs which will completely blight quiet streets, family life and road safety for adults and children alike. These will be Alexandra Road, Common Lane/Woodland Rise, Beeston Road and quite possibly have an impact as far as Beeston Common Lane;
7. Tesco's development and traffic will impact on Sheringham's main earning capacity – as a tourist destination simply because it is an unspoilt traditional seaside town. Tourists will avoid excessive traffic;
8. Tesco will irrevocably damage Sheringham's main high street, a view supported by Government Planning Inspectorate as recently as last year;
9. With Sainsbury's providing Sheringham with a new 250sqm food store the planning ground rules have changed – and need to be re-written. Tesco's proposal must be re-drawn to take account of this;
10. Tesco have not included the mezzanine floor or shops in their total retail area;
11. Overall design very urban, not in keeping with a seaside market town, very reminiscent of upper level Chapelfield Shopping Centre in Norwich;
12. Acoustic/security fencing/gateway out of character with the surrounding area, very prison camp like in appearance;
13. All night lighting, down-lit or otherwise, will be very conspicuous and prison conspicuous and prison camp like in appearance;
14. Noise pollution – deliveries, gate opening and closing and reversing lorries will destroy the quality of life in the immediate vicinity;
15. Tesco's supermarket entrance is sited virtually across the road from the proposed Fire Station entrance. With the amount of traffic expected, this could cause blockages and delays for this emergency service, which could cost lives.

Individual hand-written comments on the petition letters have been included within the objections section above.

A joint letter on behalf of Sheringham Campaign Against Major Retail Over-Development (SCAMROD) and The Sheringham Preservation Society has been submitted which includes the results of two petitions held at Bertram Watts and Blyth & Wrights. The letters states that the petitions had 1,510 signatories, 914 of whom wanted the Greenhouse Community Project, 173 wanted a Tesco for Sheringham, 313 did not want a Tesco for Sheringham at all, 96 stated that they thought neither is appropriate for Sheringham and 6 stated that they thought there is a need for both in Sheringham.

CPRE Norfolk – CPRE Norfolk object to the application

(Updated Representation) In respect of the main differences between PPS6 and PPS4:-

1. 'Impact' considerations are widened, and can be either positive or negative, as the result of a proposal. If one (our emphasis) of the key impacts (Policy EC 16) comes out as having a significant adverse impact, the proposal should be rejected; it is a 'show-stopper'.
2. We had reached a stage with the Tesco application and the MWA audit that the decision was balanced in deciding of the weight to be attached to two factors, claw-back of sector expenditure from adjacent sectors versus the impact on town centre viability and vitality, in particular relating to the impact on existing shops.

3. 'Claw-back' no longer has a central role. It is mentioned a few times in the supporting documents, but does not surface as such in the PPS 4 policies. I would like to think that some of the arguments that CPRE (most recently in our 'audit of the audit') and others have made on the claw-back issue.

4. Viability and vitality do remain (EC 16b), but not entirely as it was. The qualifier is that local choice is part of this. This is the new balance point I think. If local shops are lost this is a major loss for those that wish to use them and see them survive; for those who go to Cromer or elsewhere to do a main shop, what size of supermarket in Sheringham will give an improved and 'reasonable' choice in Sheringham (if we assume that Cromer is not seen as 'local').

5. There follows at EC 16d a direct link to small shops survival, that is the '*the impact of the proposal on in-centre trade/turnover and on trade in the wider area.....and, where applicable on the rural economy*'. The diversion of sales in the town, and the impact within the town, was for the Inspector the overriding issue in rejecting the previous Tesco application at the Inquiry. It was not just the five year impact on existing shops, but for future long term prospects of investment in the town; if potential investors were faced with an existing over-whelming 'player', that was her great concern (I return to the 'wider area' issue as a final point).

6. EC 16e deals with 'appropriate scale' in terms of gross floor space in relation to the size of the centre and its role in the hierarchy of centres. The supporting guidance and impact documents also make this point, and it is clear that they do so because of a concern from future potential expansion, with a retailer going in with a proposal which may be less than they would like at the start but moving over time to something very much larger. In PPS 6, gross space was subsidiary to net. As you are aware, CPRE and other objectors to the Tesco application have made a major point on the discrepancies on gross floor space (again most recently in our audit on the MWA audit), and the potential for major increases.

7. I return to the above point 4 mention of the local economy of the wider area.. On this matter, PPS 4 takes account of the Taylor Review and rural proofing. The Annex B to the Impact Assessment test lists the key PPS 4 impact test components, and compares the PPS 4 requirements with those of the defunct PPS 6. All PPS 6 appear, albeit often with some differences in new and old, except for two new ones. The new ones are Economic Regeneration and Local Employment. In addition, in both support documents, the debate on local effects is on net employment changes caused by a proposal, not just what the application would bring.

8. I think here we have a really major and very significant change in policy. It would affect not just Sheringham, but the wider rural economy anywhere in the country as a factor to be considered by the planning process. That is if local shops are lost, then any wider adverse impacts in the rural economy, such as the suppliers and trades that service the small shop retailers, should also be considered. This has been for many years a major concern for CPRE at national and local level. The CPRE evidence at the Inquiry dealt with this at considerable length and detail, making our 'best' case for support links to PPS 7 (one of the PPSs also incorporated to make the new PPS 4, and hence being replaced).

9. However the Inspector at the July 2008 Inquiry and in her decision letter made no reference at all to the wider rural economy. The only conclusion was that under PPS 6 it was not a material planning consideration. This is understandable in that PPS 6 was remarkably 'self-contained' for a PPS. It dealt with retail and town centres, full stop. It shut out the wider rural economic and social impacts.

10. Tourism was a major concern of the Inspector, as this revolves mainly around the town and its centre. Small shops are a determining factor in the character of Sheringham. They are a major reason for many visiting the town. Visitors are estimated to account for 18% of retail expenditure in the Sheringham sector. But also if there is a decline in small shops in the town, and a fall in visitor numbers, it affects many other businesses in the town, and a general decline in vitality and viability. So under PPS 6, tourism as regards the town centre itself was covered (as all objectors argued). But we emphasise, all the wider aspects of the local economy, not just numbers of jobs, but local skills and knowledge, and the retention of expenditure in the local economy, was not given any weight. PPS 4 changes this in our view.

Sheringham Chamber of Trade – No comments received

Sheringham & District Preservation Society – The Society objects to the application on the following grounds:-

1. The large increase in traffic caused by this store will cause unacceptable congestion on the Cromer Road;
2. The access for delivery vehicles is far too close to the roundabout and Pelican Crossing, causing further congestion;
3. The proposed feeder lane will increase traffic congestion still further;
4. According to the recommendations in PPS6, the store frontage should be facing Cromer Road, not the railway line;
5. The back of the store facing Cromer Road is an eyesore consisting of metal walls, a large metal gate and metal roof;
6. the metal roof is ugly and not in keeping with its surroundings;
7. The sales area of the proposed shop units has not been included in the total sales area for the site. Even if they are rented out as Tesco claim, they still belong to Tesco and are part of this application. The total area would therefore be only 9 square metres less than their previous application, so their claim of this plan being 20% smaller is untrue;
8. The shop units are unlikely ever to be taken on by an independent retailer as there is no vehicular access for deliveries or refuse collection. The claim by Tesco that the pedestrian way in front of the store could be used for vehicular access would in all likelihood be queried by Health and Safety;
9. They should not be allowed a café which would be unfair competition for the one currently situated at the end of the proposed pedestrian link;
10. If permission is granted, vehicle deliveries and opening hours should be restricted to between 8am and 8pm Monday to Saturday;
11. The claim by Tesco that a new store will save 5,000,000 km in car travel per year (13,698 km per day) doesn't ring true and they must be made to substantiate this;
12. There will not be a saving in car miles as the number saved by those not travelling out of the town will be more than offset by the number of new vehicles coming into the town;
13. The loss of social housing (Lockerbie Flats) without replacements being provided is disgraceful. This town needs more social housing not less;
14. With the advent of Sainsbury in the town, the amount of retail floor space available to Tesco should now be reduced by that amount, 250sqm;
15. The three hour parking advertised by Tesco is meant for Tesco shoppers only and will be controlled by a "management plan";
16. The overall size of the proposal is completely out of scale with the town. It is equivalent to the whole of Station Road;
17. Para 6.19 Statement of Community Involvement. Tesco state "there was and is an equally fervent and emphatic but much less numerous body of opposition".

This is a blatant untruth. This paragraph along with paras 6.20 and 6.21 are misleading advertising and as such should be deleted from the document;

18. The plan fails to meet the energy requirement from low carbon/renewable sources in accordance with Policy EN6.

For all the above reasons this application should be refused.

Vodafone – We are in receipt of an Article 6 notice relating to the application at the above site. We have an existing 15m monopole at the site and whilst we have no objection in principle to the redevelopment we are keen to ensure that our network is not adversely affected.

SHERINGHAM TOWN COUNCIL – Objection on the following grounds:-

1. Inappropriate design and orientation of the Store and Development proposed;
2. Unacceptable Traffic Impact on Cromer Road, Holway Road, Common Lane, Station Approach and surrounding residential streets;
3. Loss of existing centrally located and appropriately sized housing at a time of identified need;
4. Detrimental effect on the character and appearance of Sheringham of a proposal of this size and location;
5. Adverse impact that this proposal development on this site will have on the vitality and viability of the retail core of the town.

Beeston Regis Parish Council – No objection in principle but have concerns with Tesco's preferred option:-

1. Loss of trees compared with other options;
2. Delivery Logistics and service yard more intrusive than other options;
3. The public access to Tesco car park; and
4. Net loss of housing

Upper Sheringham Parish Council – Objection on the following grounds:-

1. The design is not appropriate;
2. Buildings need to be demolished to accommodate the building work;
3. Sainsbury's have now moved in and it is considered that a moratorium should be placed on any further planning applications to see if this store fully meets the needs of the community;
4. The proposal would have a detrimental effect on other retail outlets in the town.

Weybourne Parish Council – Objection on the following grounds:-

1. Effects of the site and size of this retail outlet on the high street area of this rural/coastal market town and the effect on local shopkeepers.

CONSULTATIONS

Anglian Water – Comments awaited

Building Control – No objections based on the details provided.

Community Safety Manager – I am struggling with the design and access statement! Other than one sentence on page 14 on the Planning Policy statement "Create safe environments addressing crime prevention and community safety" it makes no further particular statement how it is designed to achieve this. It fails to show how the development is designed to reduce the likelihood of crime and anti social behaviour and makes no mention of systems to be installed other than lighting. Government and North Norfolk District Council guidelines require applications to demonstrate the development is designed to reduce crime and anti social behaviour.

I have looked at the Planning and Retail assessment provided by the consultants along with the planning application. In particular under section 9.9 - Conditions set out in the agreed statement of common ground for the public enquiry July 2008. Sections 21, 22, 23, 24, 25 and 27 appear to answer some of my concerns in that :-

- Section 21 - points to a gate way feature being agreed to be fitted on the footpath link.
- Section 22 - states the store will not be open for trade until an external lighting plan has been agreed in writing with the L P Authority. The D and A statement does show a lighting plan and specification but I think it will be unlikely that this type of light will be sufficient for good CCTV coverage.
- Section 23 - CCTV - states the store will not open for trade until details of a CCTV scheme is approved for the site by the L P Authority.
- Section 24 - states no development shall take place until a scheme to manage shopping receptacles is submitted and approved by the LPA.
- Section 25 - the store shall not commence trading until a link between the site and Station road has been designed to the satisfaction of the LPA - "The said link shall be retained and kept open to the public at all times when the store is open to customers".
- Section 27 - states that details of a barrier on the car park will be given to the LPA for approval prior to the development being started.

Apart from the lighting I do not see how these matters have been addressed in the plans that we have so far.

Having looked at the plans the following are my concerns:

1. The new link footway that is to be created on to Station Road from the development will need to be lit to reduce the attraction that the area will offer after store closing times. There will be no capable guardians with regards this alley and the shopping mall apart from possibly someone on a train. CCTV is an easy solution that will deter, and help enhance safety concerns for users as well as make it a lot less attractive to ASB and Crime. The linkway I understand is essential to the scheme but I am concerned that after hours it could promote problems due to the fact that it is designed to provide a welcoming obvious meeting place. Unfortunately after hours this area will have little to offer locally other than an obvious place to meet up that is not overlooked and is relatively private but also offering opportunities to shelter from the wind and rain. Past experience in North Norfolk has shown that this will create problems in the form

of youngsters congregating and unfortunately crime will increase unless the combination of attracting factors is reduced.

As the shops will be closed what purpose will the average person have to go there for it does not appear to offer any significant shortcut. It is an obvious likely burglary entry point to the main building and the small shop. I would therefore like to see the area gated as part of a feature when the store is shut but as a minimum the area needs to be covered by cctv and or security staff covering 24 hours

2. It appears that an area is to be created between the Tyneside club and the new Tesco store that will create a narrow alley way that is highly likely to cause problems. It is not clear if this area is to be fenced or gated but there is an exit door from the main store as well as a cycle storage facility. The design shows screening by trees in this area nearest the loading bay end. There is a lighting plan, but I do not believe that this is sufficient to reduce the likely threat of problems in the form of litter, graffiti, and crime/asb due to its lack of surveillance possibilities. A solution as a minimum is a lockable gate along with a fence that is either see through and/or with anti climb features and hopefully a cctv system will also cater for this part of the development.
3. Landscaping – Maximising surveillance possibilities will help to minimise the likelihood of crime. To this aim all trees should be managed so that there is 10' clear between the ground and the start of the tree canopy, whilst shrubs should be kept to under 4' but preferably 3'.
4. The entrance to the car park should be designed with a facility to block vehicle entry at times when the store is shut to the public. There is a history of problems nationally and locally where there is free and uncontrolled access to car parks, and in particular supermarket car parks. In North Norfolk we are no exception and when access control has been ignored then there have been problems (e.g. Tesco Fakenham) as it becomes a meeting for, in the main young people, often in cars, which has resulted in anti social behaviour; litter; and complaints from paying customers who are trying to use the shop. The solution has been to try and control entry, but this has proved costly and more difficult for the supermarket to enforce once a behaviour pattern has become established.

In the same light supermarket trolleys have become a problem to local residents when not controlled or secured after hours. A coin deposit /access system and a simple lock and chain after hours has basically solved the problem.

5. CCTV is the norm nowadays to manage; control; and deter on developments such as this. However the most effective use of it is where it is a monitored system, whereby service or behaviour can be responded to prior to it becoming a problem or complaint. Clearly a gathering of youths being seen messing about, and as a result spoken to and moved on, is likely to be far more cost effective than finding a window broken and then being able to possibly identify afterwards who did it, as the damage has been done. Whilst it can be expensive to monitor an individual premises, I would suggest that working with a monitoring service team covering certain areas beyond just your boundaries, might be a good solution.
6. The south wing community space and flats above - there is no indication of use for the community space, which will have a bearing on matters. The entrance to the flats does not specify entry systems but I would suggest that the communal

area should only be accessible via a video or intercom system controlled by the tenants.

7. It appears that the larger independent unit off Cromer Road that overlooks the car park might have a plaza style meeting area outside. I would recommend that should this be encouraged anywhere on the development, then a condition be imposed that all furniture etc be movable and secured out of view after the unit has closed for business.

It would have been very useful to have met with the developer at a much earlier stage so as to be able to discuss and try and see together how the development could have catered for the concerns that the plan now highlights. Once again the design and access statement does not highlight how community safety and crime and disorder issues have been considered / addressed.

Conservation, Design and Landscape Manager (Conservation & Design) – I refer to the planning application received from Tesco Stores Ltd on 17th August of this year. The comments made below concentrate on the design of the store and its ancillary buildings. They are made in the context of the policies and proposals contained in the North Norfolk Local Development Framework, its supporting Supplementary Planning Documents (including the North Norfolk Design Guide) and national guidance as contained in the relevant Planning Policy Statements (in particular PPS1, PPS6 & 13). The site also lies adjacent to the Sheringham Conservation Area.

Location and Site Layout

The revised position of the main store, being closer to one of the main shopping streets of Sheringham, Station Road, has the immediate benefit of being nearer to the commercial heart of the town centre. This means that the building mass is physically that much closer to the prevailing built-form in the town centre. It is certainly a much better position than that suggested in previous proposals for the site. It makes for a far more compact development and a far better relationship with the town centre. In short it is better 'town planning'. Located behind Station Road and set back from Cromer Road the store itself would have a relatively minor impact on townscape.

Permeability

The store/supermarket itself would unusually have a double frontage with access to the store via a pedestrian mall from the rest of the town centre and from the store car park from the other side of the building. There would be a good link into the town centre for those walking to and from the store. Presentation is a little awkward in that from Station Road the access for shoppers is relatively narrow and the front of the stores/supermarket would be seen at an acute/oblique angle. However if the pedestrian mall can be widened as has been suggested, the pedestrian connection with the rest of the town centre would be even better. On a point of more detailed design some stronger distinction in terms of floorscape could help to distinguish the development and the site in general from the rest of the shopping environment in Sheringham. (see comments made under 'Landscape'). This would help to give the development a stronger identity. One other alternative would have been to provide a gateway feature at the Station Road entrance to the development to signify and emphasise its high-street presence. Viewed looking up Station Road from the core of the town centre this would definitely assist in announcing the store and marking it on the 'high street'.

Architectural Style, Form and Massing

The architects seem to have tried to pick-up on some of the salient characteristics and themes of some of the buildings in the town and in particular the town's roofscape. A most interesting and complex roof structure is envisaged for the store which has the advantage of providing the opportunity to install some sustainable design measures such as 'on-site' energy generation. Although the architectural style is not obviously connected to Sheringham the overall scale and massing of the supermarket is good. The new building would certainly not have any harmful impact on townscape. This is achieved by the low height and form of the development and its positioning. The design of buildings and structures fronting Cromer Road does not appear to be quite so strong.

Materials, Orientation and Landscape Design

Sustainable materials in the form of timber and glass are proposed together with a limited use of local material such as flint. This choice combined with a northerly orientation and aspect will maximise latent heat and solar energy retention. The large car park to the east of the supermarket itself will need careful landscaping. The treatment of hard surfaces should be of the highest possible standard. It is unfortunate that the two trees protected by a Tree Preservation Order located behind No. 7 Cromer Road would be lost. By way of compensation a quality tree planting programme and landscape design scheme should be implemented throughout the site, but especially along the Cromer Road frontage. This would help to reinforce the street scene and emphasise the wedge of space that passes through the town along the axis of Cromer Road/Weybourne Road and the railway (as identified in the applicants' own Design and Access Statement). Some further attention should also be paid to the boundary along the railway. A quality enclosure, possibly incorporating some public art would be worthy of consideration along here. A good lighting scheme (throughout the site, including the car park) will be vital and once again there is an opportunity for a bespoke approach to this element. This should be investigated, as should the potential for public art throughout the project. Some good public art would help to emphasise the local distinctiveness of the development.

Peripheral and Ancillary Buildings

Whilst one building of some limited interest (Nos. 1-3 Lockerbie Flats) will be lost, the keeping of the flint cottages on the corner of Station Road and Cromer Road is a clear benefit. As well as being good examples of local town house design they can also help to screen the rear of the supermarket and its service areas (although in this respect some further attention still needs to be given - see the comments made under 'Landscape' below). Viewed from a wider perspective, the proposed café and 'plant areas' would have a major impact on the street scene as you approach the town from the east. Whilst the height, scale and massing of these buildings are acceptable (and will not compete with the adjacent Grade II church), some more work may be required in regard to their detailed design. Some greater resonance, both with the street and the new development as a whole, should be the objective. One other aspect of concern is possibly the phasing of the development. Without the full development scheme being implemented there could be some awkward vistas with poor views of the rear of the main store from Cromer Road.

Sustainability

The views of the Council's Sustainability Co-ordinator will be paramount in regard to this aspect. It is understood however that the scheme designers have endeavoured to meet the best possible BREEAM rating. Whilst there has been some attention to on-site energy generation this still remains an area where more may be possible. However the orientation of the main building combined with the use of glass and void to take advantage of latent solar heat is to be commended. Overall it seems that the architects have endeavoured to produce a quality building design which balances architectural distinctiveness with broader sustainable design objectives.

Summary/Conclusion

Overall the latest proposals from Tesco Stores Limited are the best yet. The design and layout maximises the connection with the rest of the built form of Sheringham's town centre. Not only that but the positioning of the store offers the best possible link in respect of footfall and the best fit in respect of good urban design. The architects have found a design solution which satisfies most of the design considerations applicable in regard to form, massing and scale. The height and size of the main supermarket building is quite under-played and certainly respectful of the buildings around it. It is unfortunate that several trees and a building of some limited interest would have to make way for the development. In order to compensate it will be important that a quality landscape scheme is delivered.

There is a need to ensure that the ancillary buildings, especially those fronting Cromer Road, are of the highest design quality and for the service access to be enhanced in some way. A partially completed development would be unfortunate and could leave the rear of the store looking somewhat bland. In this regard perhaps the timing and phasing of the development needs some further scrutiny.

However, such is the quality of the design (with its themes and building forms apparently (picking-up on those present in Sheringham)), the above concerns are more than counter-balanced. Indeed the designers have taken account of the criticisms of the previous designs made during and after the Public Inquiry held in the summer of 2008 and produced a much bolder design solution which responds positively to the distinctive nature of the site and its surrounds.

Gone are the token use of local materials and the conventional design of the previous proposals. There is inclusion also of some, if not all, of the sustainable design measures which the Council now seeks in major developments of this nature.

To conclude the proposed development is to be welcomed. Its design is compatible with the scale and general character of the town centre. The development is of the right size and scale and in the right place. It should function effectively and efficiently for pedestrians and vehicles alike. Moreover the design is innovative and relevant to the town of Sheringham. Approval with appropriate conditions attached to landscape design, materials for construction, lighting and the provision of a community art feature (the latter through a Section 106 Agreement) is recommended.

Conservation, Design and Landscape Manager (Landscape) - These comments focus on the impact of the proposed development on the surrounding landscape, the removal of existing mature vegetation on the site, the hard and soft landscape proposals and biodiversity issues.

The site lies immediately outside Sheringham Conservation Area and is within the Town Centre as defined within the North Norfolk Local Development Framework. A variety of buildings with differing uses occupy the site. The railway line defines the northern site boundary and a key transport route into the town, Cromer Road, runs to the south.

Impact on surrounding landscape

The proposed supermarket is orientated towards the north-west corner of the site in order to link with the existing built form of the town centre. The low form and massing of the main building set, to some degree, behind and close to existing buildings will not have a significant visual impact on the surrounding townscape. The car park, service area and community space surround the main building and break up the mass especially approaching from the east.

The proposals involve demolition of 6 buildings in order to facilitate the development. Most of these buildings are of more recent construction and are not of significant quality in terms of design and materials.

Concerns remain regarding the visual impact of the delivery area fronting onto Cromer Road, both upon the two remaining flint faced dwellings which are of some quality and also upon the whole approach into the town, being so close to the roundabout and main access to the town core. A semi-transparent stainless steel mesh security gate extending across the entrance will mask the delivery area to some extent but will also create a somewhat 'industrial frontage' which would not be appropriate at this interface with the town core.

The proposed layout of new buildings fronting Cromer Road creates a hard edge at the approach to the roundabout. This important site boundary demands more substantial structure planting to give more strength and coherence to what is a key route into the town. The line of holm oaks and under planting proposed to screen the car park could be extended westwards to continue the green corridor running east to west.

The orientation of the store with its double fronted entrance invites pedestrian links with Station Road, further encouraged by the new retail units. Permeability is generally good although limited by the buildings forming the existing plaza off Station Road. Any further widening of this mall would be of benefit.

Loss of Vegetation

There are two trees on the site which are protected by way of Tree Preservation Orders. They are both in the rear garden of 7 Cromer Road. The first is a mature Monterrey Cypress is approximately 19m high and has a significant visual impact on the surrounding landscape from many aspects. In this prominent location the tree can be seen over the rooftops from west, east and southern approaches into the town and its loss would have a detrimental visual impact on the amenity of the local environment. The second tree is a Western Himalayan Cypress that has recently been planted as a replacement specimen for a mature tree of the same species that blew down in gales two years ago. As it is newly planted, its loss would not be significant, however the cumulative impact of both of these trees at maturity is what should be considered.

The development proposals entail the removal of all existing trees on the site: 26 in total. The Arboricultural Survey by David Brown Landscape Design dated July 2009 submitted with this application assesses 8 trees on the site, apart from the 2 TPO trees, as having a moderate quality and value (Category B1). These include a cherry tree, plum tree and a holly along Cromer Road, sycamore and semi-mature oak to the north east of the site and a mature holm oak to the north west of the site. Other mature vegetation to be removed includes a willow and a pine and a mature leylandii hedge at right angles to Cromer Road.

The survey concludes that the cumulative effect of these losses would result in a moderate level of harm to local views and character and this is a reasonable summary.

Soft landscape proposals

The landscape proposals include the planting of 54 new trees of mixed species and a small amount of shrub planting. The majority of the trees are to be planted along the north, east and southern boundaries of the site to screen the effect of the block parking. The only planting proposed within the large central area given over to 85 parking spaces are 11 field maple trees. Bolder blocks of planting would break up this large expanse of hard standing more successfully.

Four replacement Monterey Cypresses are proposed as mitigation for the loss of the TPO trees. They are located in a similar location close against the site boundary to the west and will be directly adjacent to the service part of the new store. In this restricted position there are concerns that the trees will never be able to reach full spread and maturity and will be in constant conflict with the adjacent buildings. In this regard these four trees will never achieve the amenity value required to mitigate the loss of the existing mature specimen. Alternative locations should be sought within the site to allow these specimen trees suitable for such a coastal setting to thrive.

Oak and cherry are proposed along the railway, underplanted with a mixed hedge. There may be an issue with leaf drop here particularly with the cherry.

The proposed trees are sizable specimens which will have a degree of immediate impact.

In contrast, very little shrub planting is proposed for the size of the site. Linear strips along the boundary are proposed which will do little to mitigate the effect of mass parking and will have minimal visual impact.

The main entrance off Cromer Road has no specimen planting and appears somewhat bland. More substantial planting here could create more interest at the main vehicle entrance. The stand of 6 holm oaks is appropriate along Cromer Road and would be even more effective in reinforcing this important east-west corridor if extended west along the site boundary as has already been mentioned.

Planting proposals outside the entrance facing the station consist of a clipped hedge made up of Phormium and Senecio species. These are sun-loving plants in what will be a relatively shaded area. This plaza area is also very close to the railway line and the point where trains stop for Sheringham. There may be noise and pollution issues that have not been adequately addressed and the proposed planting along this boundary may not be substantial enough to mitigate this. Some further consideration could be given to enclosure along this boundary.

There is a lack of tree planting in this area. There is perhaps an opportunity here to plant specimen trees and create high level visual links from Station Road, which would give an added dimension to the plaza.

With appropriate amendments to the soft landscape proposals as implied above, the degree of mitigation and amenity benefit offered by this planting may be adequate to compensate the regrettable loss of the TPO trees and other vegetation on the existing site.

Hard landscape proposals

The hard landscape areas within these proposals centre round the large parking area east of the main building and the plaza and pedestrian link in front of the main entrance.

A porous paving system made up of concrete pavers is proposed for the parking bays. These grey pavers, together with asphalt which is presumed to be the material for the remainder of the hard surface in the parking area will create a rather austere effect, softened only by the few trees. The incorporation of aggregate within any asphalt would lessen its effect to some degree. It is hoped that the substantial amount of run-off created by this large expanse of hard surface is directed to irrigate planting or used on site in some other way thus minimising the need for surface water drainage engineering.

The public realm area outside the main entrance is to be grey and charcoal concrete slabs laid in a herringbone pattern through to Station Road. It is assumed that the paving style is attempting to link with the palette of materials already used in Station Road. Some clear distinction between the floorscape of the development and the public realm of Station Road may be a better option.

A modern suite of street furniture is suggested within the proposals to unify and enhance the pedestrian space near the main entrance. The style bears little relevance to Sheringham and will do little to create a sense of place. A bespoke design carried intrinsically throughout the scheme could bring a stronger identity to this space.

The lighting strategy attempts to provide adequate levels of lighting while minimising light pollution and energy waste. With adjacent buildings in close proximity this philosophy is appropriate. Detailed proposals are not yet submitted, but it is hoped that they will also make efforts to bring a bespoke identity to the site.

Biodiversity & Protected Species

No issues relating to biodiversity and protected species have been identified within this application.

To summarise, for a development of this scale and size, the resulting form and layout has limited impact on the townscape of Sheringham (although the frontage onto Cromer Road does require further consideration).

Given the scale of this development, the landscape design proposals need to be more substantial, in order to both soften the effects of the building mass and large parking area, and to provide sufficient mitigation for the loss of existing trees and vegetation.

Should this application go forward for approval, please attach conditions requiring the submission of further details on landscape design and lighting.

County Council Highways– Referred to Major Developments Engineer. The applicant's highway consultant has been asked to make a revision to the Transport Assessment to reflect work to be carried out to the A149/Holway Road/Station Road roundabout in February 2010. The consultant is working on a revised ARCADY.

Update – Full Response - It is noted by reference to the Core Strategy that the application site has a Town Centre Designation and abuts the Primary Shopping Area of Sheringham. The proposal incorporates a greatly improved pedestrian link from the site to Station Road, the Primary Shopping Area and the transport interchange, compared with the previous application.

The conclusions made in the Transportation Assessment supporting the earlier application, were that the highway network was adequate to cater for the development traffic. Following rigorous scrutiny of the document, the Highway Authority concurred, and this was supported by the Inspector who determined the subsequent Appeal. This latest Transportation Assessment has been subjected to the same process. The analysis is robust and demonstrates that the highway network will function satisfactorily in a wide variety of situations and changing scenarios of flow. Consequently, it is accepted that the store, having a reduced footprint, has no adverse highway implications.

There are a few inaccuracies in the report at section 11 *Developer's Commitments*. Whilst there is still a need for a rat-running survey and possible mitigation works, the Common Lane/Cromer Road scheme has been implemented and the alterations to the Holway Road/Cromer Road roundabout will be implemented in February 2010.

The existing controlled crossing on Cromer Road, close to the Holway Road roundabout, is in need of upgrading and, given the increased usage of the facility, if consent for the store is granted the applicant has agreed to contribute to the project.

If permission is granted, I shall be grateful if you will include relevant conditions as well as a legal agreement to secure off-site highway improvements and a travel plan.

County Council Planning – No comments received.

Environment Agency – Awaiting response concerning surface water drainage details following submission of amended report from applicant.

Update - After a comprehensive review of all the information submitted, we consider the proposed development will only be acceptable if the following measures, as detailed in the Flood Risk Assessment submitted with this application, are implemented and secured by way of a planning condition on any planning permission.

Environmental Health – There are no adverse Environmental Health concerns in relation to this application therefore I have no comments to make.

Network Rail – No objection provided that the development does not prejudice the re-use of the former track bed in Sheringham and subject to advisory notes concerning giving notice to Network Rail six weeks prior to commencement of works and advisory notes concerning demolition and construction.

Norfolk Fire Service – No observations regarding planning considerations. Observation regarding Means of Escape and Access for Fire Brigade purposes will be made during consultation with the relevant statutory Authority should planning permission be granted and the scheme goes ahead.

Norfolk Transport Group and Cycle Forum – Awaiting Comments

Planning Policy Manager – Offers similar comments to the Council's appointed retail consultant in respect of application of adopted North Norfolk Core Strategy policies and advice set out in PPS6. In summary - Improved food shopping in Sheringham would be consistent with its classification as a service centre (Secondary Settlement), the scale of the store must be clearly justified by evidence of need (qualitative or quantitative), that this need should be derived locally, and that any store (given that there is only likely to be a need for one) should be located on the best sequentially available site. Compliance with Core Strategy policies in relation to all other issues required.

Update – The introduction of PPS4 has not materially altered the way in which the application should be determined. Policy EC5 of the adopted Core Strategy remains the principle policy context against which the proposal should be considered. This requires that account is taken of size of store (relative to catchment served and levels of need), that any site is the most central that is available (sequential approach), that the site is accessible, and that the proposal does not have an adverse impact on the vitality and viability of the town centre. The need to comply with the sequential approach and impact formed part of national advice in PPS6. These requirements remain within PPS4.

Property Services Manager – From a corporate asset perspective there are two issues raised by the proposed application I would wish to comment on: car park management arrangements and public conveniences.

In relation to car parking, the proposal includes a 143 space car park at the east of the proposed supermarket. There are four Council run car parks in Sheringham, Morris Street, the East Cliff, the Chequers and Station Yard with a total of 537 spaces. During the summer season there is a shortage of parking in Sheringham and the Station Yard car park is particularly busy as it is the nearest and most easily accessible in the town. Additional car parking at the proposed development could impact on Council car park income, if there were no controls on length of stay and use at the proposed development.

In order to protect car park income and ensure that the proposed Tesco car park did not become a long stay car park for tourists rather than customers, it is suggested that a management system be introduced. There would ensure that parking is limited in time, with charging used for periods beyond a normal shopping visit. This is common place at many supermarkets and can be done by a variety of means.

I note from the plans that there appear to be no customer toilets provided as part of the development. The Council provides public conveniences at Station Approach, behind the Tourist Information Centre, at Lusher's Passage off the High Street, at the Lees on the West Promenade and provision of seasonal toilets on the East Prom. Given the tourist nature of Sheringham, as well as provision for supermarket customers, I would have considered that customer public toilets should be a requirement of this application.

Sustainability Co-ordinator – I have considered the above application, Addendum to the Energy Statement submitted by email on 13 October 09, and the information in an email from Phil Ridgewell on 16 October 09, in relation to Core Strategy Policy EN6 Sustainable Construction and Energy Efficiency.

The application complies with policy EN6 based on the following information contained within the Design and Access Statement, Environmental Sustainability Statement and Addendum to the Energy Statement:

Energy minimisation

- CO2 emissions will be reduced by 18% compared to part L of current building regulation requirements, and;
- Primary energy demand will be reduced by ca. 15%, through the use of:
 - Increased natural day lighting from north facing glazed façade, 'xtra-lite' roof panels and clerestory glazing on south which will reduce need for artificial lighting
 - Optimisation of building height to reduce heating and cooling requirements
 - Highly insulating south, east and west facades
 - Building regulation required u-values to be exceeded for roof and wall assemblies
 - Double door entrance system
 - Intelligent extract hoods
 - Fan invertors
 - Increased sizing of ductwork for heating and cooling systems
 - Building management system
 - Dimmable, zoned and time controlled lighting
 - Operational energy champion proposed

- 22 cycle spaces proposed
- Staff travel plan to be produced

Resource minimisation

- Rainwater harvesting system will supply water for at least 50% WC flushing requirements
- Dual flush toilets
- Urinals to be fitted with infra red sensors
- Taps to be fitted with automatic shut off or electronic sensors
- Sustainably sourced 'gluelam' timber beams used in construction
- Customer recycling facilities provided in car park
- Where practicable materials to achieve an A rating in the Green Guide to specification
- Site waste management plan to be produced
- Assessment made to identify potential reuse of existing materials onsite to minimise amount sent to landfill
- Timber to be sourced from sustainable externally certified source

Adaptation to climate change

- SUDS to be utilised; either through infiltration or a 'geolight' underground modular storage system

10% of predicted energy demand to be met from onsite low carbon or renewable sources

The addendum report proposes that 3 x 5kWe reciprocating engine combined heat and power systems are installed, which will generate 14.9% of the baseline energy demand. It also proposes a 60m² PV array which will generate 0.4% of the baseline energy demand.

It should be noted that installation of the 3 x CHP systems alone will comply with policy EN6.

Planning permission should only be granted with the following conditions attached:

1. Unless otherwise approved in writing by the Local Planning Authority, the A1 (retail) supermarket subject to this permission shall not be open to the public until the following measures identified in the Sustainable Construction Checklist submitted with the planning application have been implemented:
 - i) Primary energy demand of the A1 (retail) supermarket building will be reduced by at least 15% (compared to part L of current building regulation requirements) through the use of measures outlined in the Environmental Sustainability statement and Design and Access statement;
 - ii) A Rainwater harvesting system will be installed to supply water for at least 50% of total WC flushing requirements;
 - iii) A Sustainable Urban Drainage System will be installed, either utilising infiltration or a 'geolight' underground modular storage system.
2. The two residential dwellings subject to this permission shall achieve a Code Level 2 rating or above in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued and submitted to the Council certifying that Code Level 2 or above has been achieved.

3. Three Combined Heat and Power (CHP) systems (as identified in the addendum to the Energy Statement submitted on 13 October 2009) shall be installed and operated to generate at least 10% of the predicted energy requirements of the development (as identified in the addendum to the Energy Statement submitted on 13 October 2009), unless otherwise agreed in writing by the Local Planning Authority.

APPRAISAL - APPLICATIONS 20090777 and 20090818

PLANNING POLICY CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

For the purpose of the determination of the planning applications, the Development Plan comprises the North Norfolk Core Strategy adopted on 24 September 2008 together with the Regional Spatial Strategy (RSS) adopted May 2008. Other relevant guidance is contained within the Government's current Planning Policy Statements and Planning Policy Guidance notes as well as guidance contained within Supplementary Planning Documents (SPD) including the North Norfolk Design Guide SPD, adopted December 2009, and the Landscape Character Assessment SPD, adopted June 2009.

Planning Policy Statements and Planning Policy Guidance Notes relevant to the determination of both applications include:-

- Planning Policy Statement 1: Delivering Sustainable Development;
- Planning Policy Statement 4: Planning for Sustainable Economic Growth – (supersedes Planning Policy Statement 6: Planning for Town Centres)
- Planning Policy Statement 7: Sustainable Development in Rural Areas (Relevant to Greenhouse Country Store application only)
- Planning Policy Statement 9: Biodiversity and Geological Conservation;
- Planning Policy Statement 22: Renewable Energy;
- Planning Policy Statement 25: Development and Flood Risk;
- Planning Policy Guidance 13: Transport;

Regional Spatial Strategy (RSS) policies relevant to the determination of both applications include:-

- SS1: Achieving Sustainable Development
- SS2: Overall Spatial Strategy;
- SS4: Towns other than Key Centres and Rural Areas;
- SS9: The Coast
- E1: Job Growth;
- E6: Tourism;
- T1: Regional Transport Strategy Objectives and Outcomes;
- T2: Changing Travel Behaviour;
- T4: Urban Transport;
- T7: Transport in Rural Areas;
- T8: Local Roads;
- T9: Walking Cycling and other Non-motorised Transport;
- EN7: Quality in the Built Environment;
- ENG1: Carbon Dioxide Emissions and Energy Performance

Adopted North Norfolk Core Strategy Policies relevant to the determination of both applications include:-

- Policy SS 1: Spatial Strategy for North Norfolk (specifies the settlement hierarchy and distribution of development in the District).
- Policy SS 4: Environment (strategic approach to environmental issues).
- Policy SS 5: Economy (strategic approach to economic issues).
- Policy SS 6: Access and Infrastructure (strategic approach to access and infrastructure issues).
- Policy SS 12: Sheringham (identifies strategic development requirements).
- Policy EN1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads (prevents developments which would be significantly detrimental to the areas and their setting).
- Policy EN 2: Protection and enhancement of landscape and settlement character (specifies criteria that proposals should have regard to, including the Landscape Character Assessment).
- Policy EN 4: Design (specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction).
- Policy EN 6: Sustainable construction and energy efficiency (specifies sustainability and energy efficiency requirements for new developments).
- Policy EN 8: Protecting and enhancing the historic environment (prevents insensitive development and specifies requirements relating to designated assets and other valuable buildings).
- Policy EN 9: Biodiversity & geology (requires no adverse impact on designated nature conservation sites).
- Policy EN 10: Flood risk (prevents inappropriate development in flood risk areas).
- Policy EN 13: Pollution and hazard prevention and minimisation (minimises pollution and provides guidance on contaminated land and Major Hazard Zones).
- Policy EC 5: Location of retail and commercial leisure development (specifies appropriate location according to size).
- Policy CT 2: Developer contributions (specifies criteria for requiring developer contributions).
- Policy CT 5: The transport impact of new development (specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport).
- Policy CT 6: Parking provision (requires compliance with the Council's car parking standards other than in exceptional circumstances).

RETAIL ISSUES AFFECTING SHERINGHAM

Background Retail Studies

The Council's appointed retail consultant has provided a summary of the previous retail studies, which provide a context for assessing retail issues in Sheringham. (A copy of the retail consultant's original reports of November 2009 are contained in **Appendices 2 and 3**).

In respect of the previous retail studies, the retail consultant concludes as follows:-

"From a brief review of the relevant retail studies the following points are particularly relevant:

- 1. The October 1993 District-wide shopping study is out of date and from our examination of the data and methodology used, did not demonstrate a quantitative need for a 1,395 sq.m. net supermarket in Sheringham. Nor did it examine the potential trading effects. However we believe that it did set out a cogent qualitative case for a new store.*
- 2. Policy 85 of the North Norfolk Local Plan (1998) which identified support for a 1,400 sq.m. net supermarket in the town has been superseded by the Core Strategy (2008). In any event the Local Plan policy was in our view based on an inaccurate estimate of the likely quantitative need for additional convenience goods floorspace.*
- 3. The '**Retail and Commercial Leisure Study**' (2005) (RCLS) (commissioned by the Council in support of the Core Strategy) identified a qualitative need for a new supermarket which would 'claw back' trade lost to larger stores in competing centres. They made it clear that any scheme must also be examined in respect of the potential trading effects.*
- 4. At the time of the RCLS various schemes were under consideration. However the planning permission for Budgens has lapsed and the proposal for a food store in Wells was ultimately withdrawn. Based on scenario 2a which provides a mid-point estimate of potential capacity, £23.2m was judged to be available between 2004-16 to support new convenience goods floorspace across the District as a whole. This did not however assume any improvement in overall retention rates. However planning permission has been granted for a Tesco store in Fakenham which was identified in the study as having a potential convenience goods turnover of £18.2m which would largely account for the identified surplus.*
- 5. The Background Paper No. 2 reiterated the qualitative need for a food store serving Sheringham but did not identify a clear cut quantitative need."*

In respect of application 20090818 (Cromer Road) the Planning Inspector's appeal decision, dated 08 September 2008, in connection with the most recent supermarket application proposals on Cromer Road is considered to be material. A copy of the Inspector's decision is attached at **Appendix 4**.

The Council's retail consultant has commented in respect of the significance and relevance of the recent appeal decision on the current applications, particularly in relation to issues of need, scale, sequential test (alternative sites) and retail impact (potential trading effects). These comments are contained in **Appendix 2 and 3 Section 4**.

In summary, he concludes that:-

“From the Inspector’s commentary a number of points can be distilled:

- *There is a qualitative need for a new supermarket serving the town.*
- *The Council’s suggestion that a supermarket containing approximately 780 sq.m. of food and convenience goods floorspace based on a 70% level of retention within sector 1, would not provide a store of sufficient size to achieve the necessary degree of competition and clawback.*
- *A store of 1,500 sq.m. net containing 300 sq.m. of comparison goods and 1,200 sq.m. of convenience goods was too large based upon the likely trading effects on the town centre.*
- *The Council’s car park and adjoining land at Cromer Road had better physical and functional links with the town centre. However it was unlikely to become available for a supermarket and was unlikely to deliver a supermarket in excess of that permitted on appeal in 2003 i.e. 1,000 sq.m. gross.*
- *The Central Garage site had the potential to accommodate some of the comparison goods floorspace need. However it was not suitable for the development of a supermarket of the scale likely to be required to meet the qualitative need.*
- *A supermarket would draw some of its trade from town centre shops. The centre may be particularly vulnerable due to the predominance of small independent retailers and few national multiples.*
- *The impact on Holt and Cromer town centres was unlikely to be unacceptably adverse.”*

Key Planning Policy Considerations – Settlement Hierarchy

The Core Strategy vision states that “Sheringham will prosper as a local service centre and resort town. These roles will be secured by protecting and enhancing the appearance, character and function of its town centre, especially the range of small shops and the environmental assets and opportunities for outdoor recreation within and around the town...”

Policy SS1 of the North Norfolk Core Strategy (adopted Sept 2008) identifies Sheringham as a Secondary Settlement in which a more limited amount of additional development will be accommodated compared with the Principal Settlements of Cromer, Holt, Fakenham and North Walsham. Policy SS5 also identifies Sheringham as having a small town centre, which effectively limits schemes to those that meet local needs and supports their roles as visitor and tourist destinations.

Current Retail Policy

Core Strategy Policy EC5 and Planning Policy Statement 4: Planning for Sustainable Economic Growth

Policy EC5 of the North Norfolk Core Strategy considers the Location of Retail and Commercial Leisure Development. The policy suggests that retail units with a net sales area of 749sqm or less will only be permitted in the defined Primary Shopping Area of settlements with a small town centre such as Sheringham. However, retail proposals which exceed this size threshold may be permitted provided that:-

- a need exists within the catchment area for the scale and type of development proposed; and
- no sequentially preferable site is available, suitable and viable (starting with town centre, edge of centre sites, then out-of-centre locations), and
- the proposed development would not, individually or cumulatively, have a significant adverse impact on the vitality and viability of existing town centres or nearby Service Villages or Coastal Service Villages; and
- the proposed development would be accessible by a choice of means of transport, including public transport, walking, cycling and the car.

The above criteria within Policy EC5 of the adopted North Norfolk Core Strategy accorded with the requirements laid out in Planning Policy Statement 6: Planning for Town Centres. However, PPS6 has now been superseded by Planning Policy Statement 4: Planning for Sustainable Economic Growth, which introduces a range of different tests including those specifically for plan making purposes and those for development management purposes. **(A copy of PPS4 is attached at Appendix 5)**

One of the key outcomes of PPS4 is promoting sustainable economic growth, the Government's objectives for planning, and to build prosperous communities; reduce the gap in economic growth rates between regions; deliver more sustainable patterns of development and respond to climate change; and to promote the vitality and viability of town and other centres as important places for communities.

Following the publication of PPS4 on 29 December 2009, the applicants were invited to submit representations with regard to the impact of PPS4 on the determination of their own applications. The Council's retail consultant has produced a Supplementary Retail Update which provides an assessment of both applications against the relevant policies contained within PPS4 and also takes into account the updated representations received by both applicants. **(A copy of the Supplementary Retail Update is contained at Appendix 6)**

The Council's retail consultant sets out the context of PPS4 and considers that the main "Town Centre Use" policies of PPS4 directly applicable to the supermarket elements of the applications include policies EC14, EC15, EC16 and EC17 in addition to the specific "Economic Development" policies EC10 and EC11. (A copy of PPS4 which includes details of these policies are attached at **Appendix 5**)

These issues will now be considered in turn:

Policy EC14: Supporting Evidence for Planning Applications for Main Town Centre Uses

The Council's retail consultant considers the impact of Policy EC14 at paragraphs 2.8 to 2.10 of his Supplementary Retail Update and the issues raised by this policy are also cross-referenced under consideration of Policies EC15 and EC16.1 below.

Policy EC15: The consideration of sequential assessments for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan.

The Council's retail consultant considers the impact of Policy EC15 at paragraphs 2.11 to 2.35 of his Supplementary Retail Update. In respect of the sequential approach, the Practice Guide accompanying PPS4 states:

“The sequential approach forms a key policy consideration, and can in itself be a clear reason for refusal. As such it is critical that applicants carry out a thorough assessment to explore alternative options, and that if more central opportunities are rejected, it is for sound reasons which are clearly explained and justified. As the onus rests on the applicant to demonstrate compliance with sequential approach failure to undertake such an assessment would constitute a reason for refusal, although as a matter of good practice applicants and the LPA should seek to agree the scope of such assessments and clearly identify any areas of difference.”

Policy EC15.1 states that in considering each sequential assessment submitted by the Applicants, the Council should consider the following:

a) Ensure that Sites are Assessed for their Availability, Suitability and Viability

This requirement formed a central part of previous advice in PPS6 (paragraph 3.19). Paragraph 6.37 of the Practice Guidance defines the three terms as follows:

- **Availability** – whether sites are available now or are likely to become available for development within a reasonable period of time (determined on the merits of a particular case, having regard to inter alia, the urgency of the need). Where sites become available unexpectedly after receipt of an application, the local planning authority should take this into account in their assessment of the application.
- **Suitability** – with due regard to the requirements to demonstrate flexibility, whether sites are suitable to accommodate the need or demand which the proposal is intended to meet.
- **Viability** – whether there is a reasonable prospect that development will occur on the site at a particular point in time. Again the importance of demonstrating the viability of alternatives depends in part on the nature of the need and the timescale over which it is to be met.

The Council's retail consultant considers that “These definitions are broadly consistent with previous advice in PPS6. The delivery of a site within a reasonable period of time is not defined, nor was it defined in PPS6. However the *Practice Guidance* recognises that this period will vary depending upon the urgency of the need. In the case of Sheringham we have previously concluded that the need is pressing and therefore it is important to ensure that a new supermarket is delivered as quickly as possible”.

The Council's retail consultant considers that both sites are available, suitable for the development proposed and viable, in accordance with the requirements of Policy EC15.1.a.

b) Ensure that all In-Centre Sites have been thoroughly assessed before Less Central Sites are considered

The Council's retail consultant considers that no sites within the town centre have been identified as being available, suitable and viable for the development of a supermarket proposed by either applicant. In his opinion all options have been thoroughly assessed.

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.

The Council's retail consultant fully considered the issue of alternative sites and the sequential approach in Section 7 of his November reports (See **Appendix 2 and 3**).

For the purposes of his earlier assessment, it was considered by the Council's retail consultant that the Cromer Road site, whilst located within the Town Centre of Sheringham was, in accordance with the criteria within Table 2 of Annex A of PPS6, in an "Edge-of-centre" location, being as it is outside the Primary Shopping Area but within 300m walking distance.

The Weybourne Road site was considered to be in an "Out-of-centre" location, being as it was outside the Town Centre but within the Development Boundary of Sheringham.

At paragraph 2.25 of his Supplementary Retail Update the Council's retail consultant states: "PPS4 states that an 'edge-of-centre' location for retail purposes is a location that is well connected to and within easy walking distance (i.e. up to 300 metres) of a primary shopping area. This definition is generally consistent with that which was contained within PPS6 and includes reference to local topography, perceptions, barriers such as major roads and car parks, the attractiveness and proposed safety of the route and the strength of attraction and size of the town centre. All of these considerations remain within PPS4 which also notes that a site will not be well connected to a centre where it is physically separated from it by a barrier such as a major road, railway line or river".

He goes on to state: "In our opinion the new guidance in PPS4 does not alter the underlying approach to sequential site assessment. In our view the scheme proposed at Cromer Road given the revised design, siting and proposed linkages would ensure that it would function as an edge-of-centre location. It lies within 300 metres of the Core Retail Area and the changes which are now proposed to siting of the car park, the positioning of the store entrance with its greater proximity to Station Road, the greater degree of intervisibility between Station Road and the supermarket and the proposed pedestrian link will in our view offer the maximum potential for linked shopping and other trips to and from the town centre. In this regard we do not regard the railway line as a significant obstacle (given its lack of use) and note that users of the public car park on Station Road have no difficulty traversing it. We believe that the scheme is therefore capable of achieving not only the necessary degree of physical linkage but would also achieve the desired functional linkage as emphasised

in paragraph 6.7 of the *Practice Guidance*. In our view a supermarket of the scale, design and siting now proposed would provide a strong complementary attraction which would encourage shoppers and others within the town centre to make a visit on foot. In addition the range and size of Sheringham will in our opinion provide a sufficiently attractive and complementary attraction to encourage shoppers to the supermarket to visit the town centre during the same trip. In making this observation we of course recognise that the supermarket and the proposed unit shops would provide a degree of overlap with services and goods provided within the centre. This is an inevitable consequence of seeking to enhance the range and quality of shopping facilities for residents and visitors. As paragraph 7.28 of the *Practice Guidance* states, it is inevitable that new retail development (in whatever location) will have some impact on the turnover of existing centres within the catchment area.”

In respect of the Weybourne Road store the Council’s retail consultant goes on to state: “Conversely we believe that the GCP/Weybourne Road proposal involves development in an out-of-centre location which is defined in Annex B of PPS4 as a location which is not in or on the edge of a centre but not necessarily outside the urban area. The site involves “Greenfield”, undeveloped land which falls within the settlement boundary for Sheringham. The distance from the Core Retail Area and the store does not provide easy pedestrian access and in our opinion the clear policy requirement of the PPS is to try ensure that easy access is likely to happen, continues to count against the site’s sequential credentials as long as the land at Cromer Road remains suitable, available and viable for the development of a supermarket of the scale required. We recognise of course the significant efforts which are proposed to increase the linkage of the site to and from Sheringham town centre.....Various initiatives are proposed including the introduction of an electric shuttle bus service covering the built up areas of Sheringham, Upper Sheringham and Beeston Regis. The commitment is made to keep this service operating for at least five years.....Sanders Coaches are proposed to have overall control of the management of the services and Waitrose would enter into a contract requiring the services to be provided for a minimum of five years. The services would run between 8am and 8pm on Mondays to Saturdays and for two hours less (until 4pm) on Sundays and Bank Holidays.”

“This measure together with others specified are to be welcomed and we accept that taken as a whole they would assist in improving the site’s accessibility by a range of means of transport in accordance with criterion b. of Policy EC10.2 and policies EC5 and CT5 of the Core Strategy. However we believe that it is important to focus on the underlying aim of the PSS4 which the Applicant rightly accepts places a substantial emphasis on ensuring that the scale of development required is delivered on the most appropriate site in sequential terms. Paragraph 6.2 of the *Practice Guidance* is highly relevant and states:

“The sequential approach is intended to achieve two important policy objectives:

- **First, the assumption underpinning the policy is that town centre sites (or failing that well connected edge of centre sites) are likely to be the most readily accessible locations by alternative means of transport and will be centrally placed to the catchments established centres serve, thereby reducing the need to travel.**
- **The second, related objective is to seek to accommodate main town centre uses in locations where customers are able to undertake linked trips in order to provide for improved consumer choice and competition. In this way, the benefits of the new development will serve to reinforce the vitality and viability of the existing centre.”**

The Council's retail consultant considers that "The guidance re-affirms and heightens the Government's commitment to a 'town centre first' approach to delivering main town centre uses...The fact that an out-of-centre location is capable of delivering a range of possible benefits does not in our opinion override the underlying assumption that locations within existing centres should be considered first. Only then should edge-of-centre sites be considered. Where an edge-of-centre site is considered to be suitable, available and viable for the development proposed this is to be afforded priority because of the two important policy objective specified in paragraph 6.2 of the *Practice Guidance*".

Both applicants have considered and assessed a range of potential alternative sites within their retail assessments. One such possible alternative site, as identified by the Planning Inspector at Paragraph 16 of her decision of 08 September 2008, was the Station Road car park site, for which planning permission for a food store of approximately 1,000sqm gross (750sqm net) floor area was granted on appeal in 2003 (now lapsed). This site was considered by the Inspector to have "better visual and functional connections to the core retail area" compared with the Cromer Road site. North Norfolk District Council and North Norfolk Railway are owners of the Station Road site and the evidence suggests that the owners are unwilling to sell. In any event, as identified by the Inspector, it seems doubtful that a "food store materially larger than the one allowed on appeal could be satisfactorily accommodated" The site also serves as the main town centre car park and is home to a thriving market. A number of suggestions of how to develop the Station Road car park site were considered by the Inspector at the 2008 Public Inquiry but none of these options had been financially appraised and it was not possible therefore for the Inspector to conclude that they were realistic or viable options. Even if the site were available, in light of the comments of the Inspector at the 2008 public inquiry, it is unlikely that the Station Road car park site would be suitable or viable as a food store to meet the main food shopping needs of Sheringham. It is the opinion of officers that the Station Road site can therefore be excluded in respect of Policy EC15.1.a of PPS4, for the reasons sated above.

In summary, the Council's retail consultant states "It...remains our considered opinion that the site at Cromer Road provides the most advantageous location relative to its accessibility by all forms of transport and would improve consumer choice and competition in a way which provides maximum opportunities for the town centre to benefit from linked shopping and other trips".

d) Ensure that in considering sites in or on edge of existing centres developers and operators have demonstrated flexibility in terms of:

- i. scale: reducing the floorspace of the 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**

The Council's retail consultant considers that, "having regard to the need to ensure that either supermarket is capable of meeting amongst other things, main food shopping needs and having regard to our conclusions on the potential trading effects when assessed on an individual basis, we do not believe that either applicant should be asked to reduce the scale of their supermarket developments. Both offer innovative designs and site layouts and neither requires the provision of multi-storey car parking. Similarly we do not believe that the floorspace within the supermarkets should be disaggregated onto smaller sites. It is clear that both schemes are designed to meet the requirements of mainstream, national food retailers. Policy EC15.2 recognises that the Council should take into account the proposed business model of the retailers concerned. We do not accept the claim on behalf of Mr Hay-Smith that it is necessary to have the supermarket and Food Academy sited in close physical proximity. We note that the Applicant has in any event made a sequential assessment of alternative sites on the premise that they are capable of accommodating a supermarket in isolation and we believe that this is the correct approach".

In respect of the suggestion that the small independent retail units on the Cromer Road should be disaggregated from the food store element, the Council's retail consultant states that "we accept that the provision of four units between the store entrance and Station Road would form part of the town centre (although not the Core Retail Area) and coupled with the proposed layout would assist in encouraging linked shopping and other trips. In this respect we conclude that the current proposal addresses the criticisms raised by the Inspector in paragraph 22 of her Decision Letter of 8th September 2008. At that time the Inspector expressed doubts about the ability of the scheme to generate spin-off benefits to the core shopping area as a result of increased footfall and linked trips would be dependent on how easy and attractive the pedestrian journey would be and whether people would want to undertake it. Her main concerns related to:

- The provision of a relatively narrow walkway and its visibility particularly when approaching from the north.
- The location of the foodstore at a considerable distance from the walkway entrance.
- The lack of intervisibility between the site and the core retail area
- The siting of the car park to the front of the store which would act as a barrier to movement."

The Council's retail consultant states: "Paragraph 6.20 of the *Practice Guidance* also identifies key considerations which apply to assessing the degree of integration (existing or proposed):

- The **nature of the scheme** and the extent to which it is complementary to existing retailing/other main town centre uses in the centre i.e. the level of 'functional linkage' and the propensity of shoppers or other users to walk between developments.
- The **attractiveness of linkages**, i.e. whether they are of sufficient quality in terms of quality of paving, way marking/sign posting, street furniture, lighting and perception of safety.
- The **way in which the scheme will operate** as an integral part of the centre, for example the provision of shared car parking, car park management, links with new or existing public transport routes and effectiveness of overall management and promotion of the centre."

The Council's retail consultant is of the view that "the revised scheme [at Cromer Road] addresses the Inspector's concerns and conforms with the guiding principles set out in paragraph 6.20 of the *Practice Guidance*" accompanying PPS4.

He goes on to qualify this by stating:

- The pedestrian route from Station Road will be enhanced through new paving and involve realignment of the steps. This will be enhanced during non-daylight hours through the use of lighting. Directional information is proposed at the pedestrian entrance and within the town centre. Appropriately sited and detailed signage would in our view provide adequate information in particular to non-residents visiting the town enabling them to identify the location and proximity of the store. Additional signage would be provided on Cromer Road.
- Cycle parking would be provided between Station Road and the store entrance maximising the convenience and use by cyclists.
- While the initial part of the pedestrian route from Station Road would remain relatively narrow the important difference is that users would not be required to pass through the store's car park to access the supermarket. The store's entrance would be approximately 75 metres from Station Road as opposed to the original proposal which involved a walk of around twice this distance via a route between rows of parked cars. The proposed entrance to the supermarket has in our view been sited in order to minimise the distance to Station Road while still enabling convenience and safe access to those shoppers using the main car park.
- The proposed unit shops will offer the opportunity of providing an active frontage extending the frontages associated with existing businesses thereby extending this part of the town's shopping area. However their provision is not in our view critical to the ability to create a safe, secure and convenient route.
- The entrance to the store will be capable of being viewed from Station Road thereby increasing the level of intervisibility. For residents who know the town this would be less of an issue compared with tourists and other non-residents.
- There will be no requirement for shoppers travelling to or from the store from Station Road to traverse a large car park.
- The supermarket's car park will we understand be managed in order to provide sufficient spaces and parking duration to enable it to perform a dual use role allowing customers the ability to visit both the town centre and the store on a single trip.
- The lack of a supermarket capable of meeting main-food shopping needs in the town centre will enhance the site's functional linkage with the Core Retail Area. The scale of provision would not in our view be so great as to adversely undermine the vitality and viability of the centre. Rather it would operate in a complementary manner following adjustments in the trading patterns of existing shops and the smaller supermarkets.
- It would substantially improve the importance and connectivity of the existing site in enhancing the role and function of the town and its ability to satisfy local shopping needs.

In respect of the Weybourne Road store the Council's retail consultant states that "even if the food store were disaggregated from the Food Academy the only sequentially preferable site which is currently available, suitable and viable is the land at Cromer Road".

Policy EC16: The Impact Assessment for Planning Applications for Main Town Centre uses that are not in a Centre and not in Accordance with an Up to Date Development Plan.

The Council's retail consultant comments that "This policy sets out the criteria against which the trading effects of each scheme should be assessed having regard to our conclusions under Policy EC14. As paragraph 5.8 of the *Practice Guidance* states this is the key impact policy test. Paragraph 5.5 of the *Practice Guidance* also stresses that it is a matter for the decision maker to judge what constitutes a 'significant' adverse impact".

He goes on to state that "The guidance states that it will appropriate in assessing the impact of a planned development to examine a 'no development' scenario. In the case of Sheringham we do not believe it is disputed between the main parties that the unsustainable pattern of main food shopping trips would continue unless there is a significant improvement in the range, choice and quality of food and convenience goods retailing available to residents and visitors. It would also in our view fail to allow Sheringham to play its proper role in the retail hierarchy of this part of the District".

"The broad steps required to be undertaken in assessing impact have in our view been adopted by the respective consultants although some of the methodology and judgments differ. Both adopt base and design years and examine trading patterns prior to the introduction of a new supermarket. The turnover and trade draw of each supermarket is examined although somewhat different approaches are used. The impact on Sheringham and other centres and stores is then provided. We have not necessarily agreed with all the assumptions and conclusions reached by each Applicant. However using our own judgement and supplementary analysis we concluded in November 2009 that the impacts on an individual basis were acceptable. The publication of PPS4 together with the *Practice Guidance* has not altered this conclusion and we set out our reasons below".

"We have raised more concerns about the approach and assumptions supplied in support of the GCP/Weybourne Road supermarket given the extent of the catchment area, the apportionment of trade to the existing facilities and the predicted sales densities particularly within Sheringham town centre. The identification of Waitrose however as the intended operator.... would potentially generate a higher convenience goods turnover (by around £1m) in the design year".

Taking each of the criteria in Policy EC16.1 in turn:

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

The Council's retail consultant advises that "This criterion is similar to that that previously contained in paragraph 3.22 of PPS6. In relation to the proposal by Tesco Stores Ltd our conclusions are set out in paragraph 8.19 of the Retail Audit. In respect of the proposal at Weybourne Road our conclusions are set out in paragraph 8.20 of the respective Retail Audit. Our overall view is that while we have expressed

a series of reservations regarding the impact assessments provided and in particular that submitted on behalf of the GCP/Weybourne Road proposal, either scheme in isolation would not be likely to adversely affect existing investment within Sheringham town centre. In addition we note that neither proposal has deterred Sainsbury's from opening a convenience store in the former Woolworths store in the High Street. We are not aware at the present time of any significant and planned investment in the town centre which would be delayed or otherwise inhibited by either proposal".

"Bidwells at paragraph 5.3 [of their assessment of PPS4] reiterate their view that the GCP/Weybourne Road proposal would have a 'positive impact on investment in the centre'. We have not seen any evidence to support this conclusion other than the fact that the development of a supermarket and Food Academy would by definition involve a multi-million pound construction and investment programme within Sheringham but not necessarily of direct benefit to the town centre".

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

The Council's retail consultant advises that "This criterion is also similar to the previous guidance in paragraph 3.22 of PPS6. Our overall conclusions in respect of both schemes is that the household surveys confirm that the existing supermarkets and smaller convenience goods retailers in the town centre meet some main food and a larger proportion of top-up shopping needs. We have acknowledged that the lack of a modern supermarket means that the existing food and convenience goods outlets are required to meet a not insignificant proportion of the town's main food shopping trade. However neither of the two existing stores nor the recently opened Sainsbury's Local is intended to meet such needs other than to a very limited degree. Either scheme will prove highly attractive to those undertaking a main food or top-up shop by car. Few if any of the existing shops have their own dedicated car parks. The specialist and other dedicated food counters which are likely to be provided in either supermarket will mean that shoppers will be capable of doing a large one-stop shop. Paragraph 7.31 of the *Practice Guidance* advises that in the case of proposals in edge or out-of-centre locations, the impact upon current and forecast turnovers will be influenced by a number of factors, including the vitality and viability of the centre, and evidence on the current and expected performance of existing operators".

"Therefore we believe that either scheme will have a major impact on food and convenience goods shopping patterns within the town's catchment area. We have highlighted certain inconsistencies in the impact assessment submitted in support of the Weybourne Road proposal. Paragraph 7.28 of the *Practice Guidance* recognises that it is inevitable that new retail development will have some impact on the turnover of existing facilities within the catchment area. It further recognises that the turnover levels needed to maintain and enhance the vitality and viability will vary between centres according to a number of factors. We believe that the analysis in support of the potential trading effects of a supermarket at Weybourne Road, if taken without critical review, would lead to substantial closures of food and convenience goods shops in the town centre".

The Council's retail consultant goes on to conclude that "In any event applying our own judgment to the analysis submitted by both Applicants, which accords with paragraph 7.28 of the *Practice Guidance*, the closure of the Co-op store remains a distinct possibility and this would of course reduce the choice, range and quality of

food shopping facilities in the centre. However the town would retain two food stores within the Core Retail Area. In addition, for the reasons already given, the proposal at Cromer Road would in our opinion secure the maximum potential for linked shopping and other trips with the central area. It therefore has the potential to partially off-set any negative impacts through trade draw to the supermarket with positive impacts by attracting shoppers into Sheringham who would otherwise have gone elsewhere. This scale of the positive impact in monetary terms has not been quantified. However we believe that the revised design and siting offers realistic opportunities for linked trips. In contrast we have doubts about the degree to which a supermarket at Weybourne Road would be able to generate linked pedestrian or other shopping trips”.

c. The impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan

The Council’s retail consultant considers that “There are no allocated retail sites outside of Sheringham town centre which would be affected by either proposal. Neither proposal fails this requirement.”

d. In the context of a retail or 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

The Council’s retail consultant considers that “Both Applicants have submitted information regarding population, expenditure and turnover. We conclude that there is predicted to be sufficient consumer expenditure capacity within the catchment area to support either supermarket on an individual basis based on a five year time horizon. That said it is inevitable that introducing a modern supermarket on either site would lead to reductions in Sheringham’s turnover and trade. For the reasons given in the two Retail Audits, we believe that on an individual basis the reduction in trade would not undermine the vitality and viability of the centre to an unacceptable degree. We do not believe that either scheme would adversely affect the rural economy”.

“This conclusion has been reached notwithstanding the significant concerns we have highlighted regarding the predicted impact associated with the GCP/Weybourne Road proposal. Bidwells continue to advance the claim that the submitted Retail Assessment demonstrates an acceptable i.e. not significant, impact on the town centre. In our view it clearly does not support such a conclusion. At paragraph 5.9 of the SS, it is claimed that the main purpose of a supermarket at Weybourne Road is to meet main food shopping needs and as a consequence the impact on top-up food shopping facilities in the town centre would be reduced. This is contrasted with the proposal by Tesco Stores Ltd where it is stated [by Bidwells] that the competition for top-up shopping would be more intense”.

The Council’s retail consultant advises that he has “revisited the [Retail Statement]RS and Retail Statement Addendum] RSA submitted in support of the GCP/Weybourne Road proposal. In neither document can we find evidence to support the claim made that.....[the Weybourne Road store] “will not compete directly with the smaller convenience retailers in Sheringham Town Centre”. Contrary to this assertion we have already estimated from the Applicant’s own assessment, that the food and convenience goods retailers are likely to achieve a total combined turnover

£1.8m below sustainable trading levels in 2013 after the opening of the proposed supermarket. This is 27% below that judged necessary by the Applicant to sustain in the longer term the vitality and viability of the convenience goods retail base in the centre. Without a critical review of these assumptions we believe that the scheme would reduce the town's turnover in food and convenience goods to unacceptably low and unsustainable levels contrary to criterion d. of Policy EC16.1”.

“In contrast while we do not agree with all of the assumptions and conclusions set out in the (Planning & Retail Assessment] PRA submitted on behalf of Tesco Stores Ltd, that analysis does examine the impact on both main food and top-up shopping. In the case of each sub-sector of the food and convenience goods market, no significant impact is predicted to arise. We believe that while the impacts have been understated, the impact overall on trade and turnover levels will be acceptable”.

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

The Council's retail consultant considers that “This applies only to the Cromer Road scheme because the site at Weybourne Road lies in an out-of-centre location. Having regard to the revised size of store proposed by Tesco Stores Ltd, the proposed split between convenience and comparison goods floorspace, the size of Sheringham town centre, we believe that the scale of the development is appropriate to Sheringham and its role as a Small Town Centre within the retail hierarchy. This status has been confirmed within the Core Strategy (Policy SS 12) and at present the town fails to provide a supermarket of sufficient size to meet local needs”.

“Paragraph 7.34 of the *Practice Guidance* states that where the development plan sets out an indication of the scale of new development likely to be appropriate in a centre, based on considerations of need and the distribution of locations, it will be clear whether a proposal is appropriate in scale. Policy EC 5 of the Core Strategy does not provide an upper limit on the scale of new retail development which would be appropriate to Sheringham. Developments which exceed 750 sq.m. (net) are acceptable where the requirements of the policy are met. In this respect the quantitative and qualitative need referred to in this policy must now be read in the light of PPS4 guidance. There is no longer a requirement in terms of development management for either applicant to prove a need for the size of supermarket proposed. Both proposals involve stores with a net floorspace in excess of 750 sq.m. In terms of the four criteria in Core Strategy Policy EC5 we conclude the proposal at Cromer Road, when considered on an individual basis, complies with all four of the policy requirements. However we believe that the GCP/Weybourne Road scheme fails to meet the second and fourth criteria (sequential test and accessibility respectively) and on a cumulative basis (if taken in combination with a supermarket at Cromer Road) would fail the test set out in the third criterion (in respect of impact on the vitality and viability of the town centre)”.

The Council's retail consultant goes on to advise that “Additionally, paragraph 7.35 of the *Practice Guidance* states that the appropriateness of a proposal's scale is whether there is a demonstrable need based upon current/forecast expenditure and current market shares. In this regard we estimate that even with the opening of the Sainsbury's Local convenience store in the High Street...in 2009, [the town] would retain less than 40% of the food and convenience goods expenditure generated by residents and tourists. This equates to a loss of expenditure totalling around £11.2m. Over five years (assuming no expenditure growth) this equates to a cumulative loss

of approximately £56m from the town's catchment area. Maintaining the status-quo under a 'do nothing' scenario is not considered to be realistic or sustainable response to meeting local needs as required under the Core Strategy".

"The Cromer Road site is also accessible by a choice of means of transport particularly those walking within and to the town centre. We believe that it is accessible to residents living within the defined catchment and to visitors and tourists to the area".

The Council's retail consultant states that "In setting out our views we are aware that in 2008 we advocated that a food store of approximately 780 sq.m. net was appropriate. This figure should be read in context:

- It was derived solely from the assumption that the convenience goods expenditure generated within Sector 1 was increased to 70%. It did not make any allowance for some expenditure generated by residents living outside of sector 1 to flow into the town. Accordingly the assessment made no allowance for inflow which the *Practice Guidance* recognises is an appropriate consideration (paragraphs B.26 and B.27).
- The analysis did not include any allowance for comparison goods sales although we conceded at the public inquiry that some additional floorspace equating to between 10% and 15% of the total convenience goods sales area would probably be utilised for non-food items.
- Despite our arguments, the Inspector concluded that a foodstore containing approximately 780 sq.m. (net) of convenience goods did not provide a reality check as to whether this would be capable of clawing back the level of expenditure which was necessary to support a modern supermarket of the type required in order to address the deficiency in main food shopping. The Inspector relied in part on the situation in Holt where a Budgens store of similar size, failed to offer the potential to offer a main food shop to residents within that town's catchment area".

The Council's retail consultant goes on to advise that "The Inspector's observations on this point is of course highly relevant and in our view points towards a store of larger size at a scale which is capable of meeting local needs which includes meeting the needs of those who wish to undertake main food trips. The Inspector, because she was not required to, did not give an indication as to the level of floorspace which might be considered appropriate".

"The current proposal by Tesco Stores Ltd involves the provision of a food store with a net convenience goods floorspace of 1,025 sq.m. In approximate terms this represents the mid-point between the 1,200 sq.m. net originally proposed and the 780 sq.m. net (derived from Sector 1 only). In addition the comparison goods floorspace within the food store has been reduced by 50% to 150 sq.m. net, in our view addressing the Inspector's concerns about the scale of the non-food floorspace within such a store. While the proposal also envisages the provision of four small shop units, Tesco Stores Ltd has confirmed that these will not be operated by the company. Rather they will be operated by retailers independent of Tesco Stores Ltd and it seems unlikely that all would be operated by comparison goods retailers. We note that the planning application seeks permission to use the four units (A-D) between the store and Station Road for a range of uses within Classes A1 (retail), A2 (financial and professional services) and A3 (restaurant/café). In all likelihood a range of occupiers would be attracted and not limited to those exclusively wishing to sell comparison goods".

The Council's retail consultant goes on to state that "In addition it should be remembered that the four units would have an average size ranging between 43 sq.m. to 49 sq.m. and we believe that these are generally compatible with the small shop nature of the centre as defined in Policy SS 12 of the CS. The average size of units within the town centre is 93 sq.m. so the four units on an individual basis fall below the overall average for the centre as a whole".

"Finally in relation to scale it is important to reflect on the fact that the reduction in the convenience goods floorspace involves a significant reduction in the design year turnover of the supermarket. In 2008 this was estimated as £15.6m compared with £12.9m now estimated. In addition the comparison goods turnover within the store is predicted to fall from £1.8m to £1m. Thus in overall terms the net reduction in the store's turnover is around 20%. In our opinion seeking to reduce the net (sales) floorspace further would fall into the difficulty identified by the Inspector. It would fail to deliver a store capable of competing with the larger food stores further afield. The fact that Waitrose support a store of similar size at Weybourne Road reaffirms our view that the size of supermarket proposed at Cromer Road is compatible with the role, size and function of the town".

f. Any locally important impacts on centres under policy EC3.1.

The Council's retail consultant does "not believe that there are any locally important impacts other than those already assessed which require further examination or comment".

Policy EC17: The Consideration of Planning Applications for Development of Main Town Centre Uses not in a Centre and not in Accordance with an up to date Development Plan

Policy EC17.1 states:

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

a. the applicant has not demonstrated compliance with the requirements the sequential approach (policy EC15); or

b there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments

The Council's retail consultant considers that "The policy is negatively worded and therefore requires refusal of permission where a scheme does not meet one of the two criteria". He goes on to state: "For the reasons provided in our two Retail Audits we believe that the proposed supermarket at Weybourne Road fails to comply with the sequential approach to the siting of a main town centre use. This is because the proposed supermarket at Cromer Road would secure development of a main town centre use on an edge of centre site. We do not believe that the GCP/Weybourne Road proposal has demonstrated compliance with the requirements of Policy EC15.1c and Policy E17.1a. This is sufficient to justify refusing planning permission".

Whilst the agents for the Weybourne Road proposal conclude that the GCP/Weybourne Road site does comply with the sequential approach and therefore suggest that the requirements of Policy EC17.1 are met, this is not a view shared by the Council's retail consultant. By contrast, the Council's retail consultant is of the opinion that the agents for the Cromer Road store have demonstrated compliance with Policy EC15 and Policy EC17.1a.

In respect of criterion b. of Policy EC17.1, the Council's retail consultant is of the view that "on an individual basis neither scheme would be likely to lead to significant adverse impacts in terms of Policy EC16.1. However we do believe that the cumulative impact of permitting two supermarkets would lead to a significant adverse impact on Sheringham town centre and potentially also on Holt town centre".

"Policy EC17.2 applies to developments where no significant adverse impacts have been identified under Policies EC10.1 and EC16.1. We understand following the advice of Norfolk County Council as Highway Authority that the Planning Officers have concluded that the GCP/Weybourne Road scheme fails to comply with criterion b. of Policy EC10.2. On this basis Policy EC17.2 is not relevant to a consideration of this scheme. However even if the Council were to conclude that Policy EC10.2 is met this would not in our view outweigh the overarching requirement of Policy EC15 (compliance with the sequential approach). It would however trigger an assessment of the proposal under Policy EC17.2".

"In respect of the Cromer Road scheme, we understand that the Planning Officers have concluded that the application complies with Policy EC10.2. Accordingly the proposal should be assessed taking into account the positive and negative impact of the proposal having regard to the criterion in Policy EC10.2 and Policy 16.1. We have concluded that the requirements of Policy EC16.1 are met and we do not know of any material considerations which would weigh against making a decision other than in accordance with the development plan and having regard to national advice in PPS4 and other Government policy documents".

"With regard to criterion b. of Policy EC17.2 there are no recent permissions, developments under construction or recently completed schemes which need to be taken into account in assessing the cumulative impact of a supermarket at Cromer Road".

Economic Development Considerations

Policy EC10: Determining Planning Applications for Economic Development

It is considered that both applications involve economic development as defined in paragraph 4 of PPS4.

Policy EC10.1 of PPS4 suggests that "Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development" and goes on to state: "planning applications that secure sustainable economic growth should be treated favourably". Policy EC10.2 sets out five criteria that Local Planning Authorities should take into account when determining applications involving economic development. **(See copy of PPS4 at Appendix 5)**

In respect of compliance with Policy EC10.2, the Council's retail consultant considers that that both applications comply with this policy apart from criterion b. in respect of the Weybourne Road proposal concerning "the accessibility of the proposal by a means of transport including walking, cycling, public transport and the car"

The applicant is proposing to provide improved pedestrian linkages to the town centre, which would be secured by way of legal obligation. The applicant is also proposing to provide two free electric bus routes which will connect the store with the town centre and to provide bus access within 400m walking distance for a large proportion of the residents of Sheringham (including Upper Sheringham).

Looking at the issue of compliance with Policy EC10.2 b. in more detail, the following observations are considered relevant to justify why the Weybourne Road site is considered to fall short of the requirements and overall objectives of PPS4, one of which is to "deliver more sustainable patterns of development..[and]... reduce the need to travel, especially by car".

In respect of the two supermarket proposals, based on the advice of the Council's appointed retail consultant, it is considered that the Cromer Road site, as highlighted above, is considered to be sequentially preferable and a site that is both suitable, available and viable for retail use. It is considered to be within easy walking distance of the town centre and, as such, has convenient access to a range of public transport options including bus, train and taxi. The Cromer Road store is also within relatively easy walking and/or cycling distance for a significant proportion of residents in Sheringham, even taking account of the incline along Holway Road. The store would be provided with 22 cycle parking spaces.

Further highway safety considerations will be addressed in the separate report also on this agenda.

In respect of the Weybourne Road site, this is located in an out-of-centre location approximately 1,000 metres walk from the town centre. The applicants are proposing to provide improved pedestrian linkages to the town centre as well as provide two free electric bus services which will connect the store with the town centre as well as provide bus access within 400m walking distance for a large proportion of the residents of Sheringham (including Upper Sheringham). The applicants for the Weybourne Road site have stated that both they and Waitrose would commit to the bus service for a minimum period of five years and that a consultative user group would be established to review the proposed bus service on an annual basis. The applicant proposes that details of the membership, operation and delegated powers of the consultative users group be the subject of a planning condition or legal agreement. The applicant states that the electric bus service would be operated by Sanders Coaches and that the two routes could be served by one electric bus. It is intended that the free bus would run from 8am to 8pm Monday to Saturdays and 8am to 4pm Sunday and Bank Holidays. The cost of running the free service would be met by the applicant and Waitrose through a contract with Sanders Coaches. The applicant has stated that the longevity of the service will ultimately depend on the frequency of use by passengers and this will feed into the considerations of the consultative user group.

The applicant had advised that site would, in any event, also benefit from existing fared bus services which run by the store including the hourly 44 service from Norwich, Aylsham, Cromer and the Runton's which is also operated by Sanders Coaches.

Whilst the measures to try and improve access are welcomed, this cannot hide the fact that these measures are nonetheless required in the first place because the supermarket is proposed in an out-of-centre location and the food academy is located on the edge of the town. Whilst it would clearly not be in the applicants interest to withdraw the proposed free bus service if it was operating successfully and delivering customers to the Weybourne Road store so as to make the service economically viable to operate on a free basis, without the bus services or if the service was later withdrawn, this would significantly reduce the accessibility of the store and the food academy to the residents of Sheringham. As such, whilst cycle storage facilities are provided (48 spaces), accessing the store and food academy on foot or by cycle would be more difficult than accessing a town centre site, particularly for those residents living on the eastern side of the town.

Whilst it is acknowledged that a large proportion of those undertaking their weekly shop will choose to do so by car, whether the site is located in or out of town, those without access to a car would potentially face a difficult multi-modal journey to the Weybourne Road store which would inevitably make choice by modes other than the car either impractical or unrealistic. Furthermore, those arriving by car at the Weybourne Road store would be unlikely to walk into the town centre given the 1,000m walk and it seems unlikely that those arriving by free electric bus would also make a stop in the town centre after or before doing their shopping at the supermarket, unless the free bus service operated in a way that facilitated this. It is noted that the applicants propose free delivery of goods to those buying over the internet but, notwithstanding this and the other measures designed to reduce the impact of the store, it is not considered that these measures are sufficient to demonstrate compliance with Policy EC10.2 b. or overcome the other identified conflicts within PPS4.

Policy EC11: Determining Planning Applications for Economic Development (Other than Main Town Centre Uses) not in Accordance with an Up To Date Development Plan

It is considered that this policy is only applicable to the Food Academy proposed at Weybourne Road. As such the three criteria within Policy EC11.1 will be assessed as part of the individual assessment for application 20090777 below together with the assessment of other material considerations relevant to the determination of that application.

Other Retail Considerations

A number of representations have expressed concern about the five independent units proposed as part of the Cromer Road application (20090818). Four of these units would be located between the store entrance and Station Road and the larger of which would be located adjacent to Cromer Road. Representations have questioned the need for these units, whether they would form part of the wider Cromer Road store and whether their impact on the town centre has been properly considered.

In accordance with PPS4 the five units (Class A1, A2 and A3) would be defined as economic development as well as main town centre uses. Whilst the five units would all be located within the defined Town Centre of Sheringham, they would nonetheless be defined as "Edge of Centre" in accordance with the definitions contained within Annex B of PPS4. The issue of sequential assessment therefore applies.

In respect of the supporting information submitted by the applicant for the Cromer Road store, sequential evidence primarily focussed on the larger retail supermarket and did not consider the five independent units as part of that search. Previously it was identified that the site adjacent the Clock Tower (Central Garage site/ Retail opportunity Site 5) was unsuitable for a supermarket of the size required to meet the main food shopping needs of Sheringham. Notwithstanding this view, it would not be unreasonable to consider such a site as being potentially suitable for the provision of smaller independent units as part of the wider redevelopment of that site.

However, unless such re-development of the site adjacent the Clock Tower (Central Garage site/ Retail opportunity Site 5) included properties fronting High Street, the redeveloped site would still fall outside of the Primary Shopping Area and be defined as "Edge of Centre" in accordance with PPS4 definitions and would not therefore have significant locational advantage over the Cromer Road site.

If the site adjacent the Clock Tower (Central Garage site/ Retail opportunity Site 5) were to be comprehensively developed and include properties fronting High Street, this would involve a complex land assembly process. This could be a time consuming process and one could consider that new units on this site would be unavailable for some considerable time and could potentially be unviable, depending on the costs of land assemblage and construction. PPS4 requires consideration of the suitability, availability and viability of sites. Whilst the site adjacent to the Clock Tower (Central Garage site/ Retail opportunity Site 5) may certainly be considered suitable for appropriately scaled retail development given its proximity to the town centre, it would seem unreasonable to refuse permission for the Cromer Road application in its entirety on the basis that the five independent units could be provided on the site adjacent the Clock Tower (Central Garage site/ Retail opportunity Site 5) particularly as there are significant doubts as to its availability within a reasonable period of time and its commercial viability.

In addition, there are other material considerations to weigh-up including the benefits that independent retail units at Cromer Road would bring in respect of improving and enhancing the attractiveness of the pedestrian link from the supermarket entrance to Station Road. The size of the units is generally in keeping with the small shop character of Sheringham and the applicant has agreed to the imposition of conditions restricting the use of the units so that they are independent of the store and also not amalgamated into the supermarket without the benefit of planning permission. In respect of impact on the town centre, it is considered that these units alone not would be harmful to vitality and viability of Sheringham town centre and would assist in improving the link between the store entrance and Station Road. The five units are therefore considered to comply with Development Plan policies.

OVERALL RETAIL CONCLUSIONS

The Council's retail consultant considers that "The need to comply with the sequential approach and impact formed part of national advice in PPS6. The requirements remain within PPS4 and in our view greater emphasis is now placed by Government on seeking to ensure that main town centre uses are wherever possible located within existing town centres. This is in order to maximise choice, convenience and competition and would ensure that the vitality and viability of existing centres is enhanced in accordance with a 'town centre first' policy approach".

"The revised guidance in PPS4 does not alter our overall conclusions and recommendations set out in the two Retail Audits dated 23rd November 2009. We remain of the view that the information submitted in support of the supermarket at Weybourne Road if taken at face value predicts a significant adverse impact on Sheringham town centre. However we believe that the impact is likely to have been incorrectly modelled and somewhat unusually for a retail assessment submitted in support of an application, is likely to over-state the impact to a significant degree. We believe that that proposed supermarket at Cromer Road would have an impact on Sheringham town centre. However this is predicted to fall within acceptable limits having regard in particular to the size of store now proposed and the potential to stimulate linked shopping and other trips to and from the Core Retail Area. Both applications on an individual basis would therefore comply with Policy EC16" of PPS4.

"Significant adverse impacts would arise if both applications were to be approved. On a cumulative basis the two supermarkets would therefore fail to comply with criterion b. of Policy EC17.1 and Policy EC16.1".

"On the basis that only one supermarket should be allowed we believe that the site at Cromer Road offers in our opinion clear locational advantages due to its intrinsic position within the urban area and close to the Core Retail Area, which is consistent with the Government's objective of seeking to deliver sustainable development which is wherever possible consistent with focusing economic development in or where this is not possible, on the edge of, existing town centres".

"The development of a supermarket of the scale proposed at Cromer Road would be consistent with the role and function of Sheringham and would be accessible by a choice of means of transport. Equally important it would enable customers to undertake linked trips with the town centre and shoppers already in the town centre would also be afforded the opportunity to shop in the store. In this way it offers locational and functional benefits over the Weybourne Road site in being able to accommodate a scheme which has the potential to reinforce and enhance the vitality and viability of the centre thereby assisting in mitigating the direct impact of trade draw from the existing supermarkets and smaller retailers. We believe that the siting of the store entrance closer to Station Road, the increased intervisibility and the ability of shoppers from the town centre to traverse the supermarket's car park, address the inspector's previous concerns and accordingly we are able to conclude that the proposal by Tesco Stores Ltd complies with Policy EC15".

"In arriving at this conclusion the Council is, we are sure, aware of the difficulties associated with assembling a site capable of accommodating a modern supermarket within an historic, relatively small scale and compact, town such as Sheringham. Given the absence of a town centre location to meet local food and convenience goods shopping needs, it is inevitable that the development of an edge-of-centre site will have certain limitations in terms of its ability to deliver a supermarket which integrates with the Core Retail Area. However we believe that the current [Cromer

Road] application has been designed in order to maximise its ability to function as part of the wider town centre. In contrast we believe that the proposed supermarket at Weybourne Road fails to comply with Policy EC15.c and Policy EC17.1a.”

Officers share, in full, the above views expressed by the Council's retail consultant and agree with his assessment of Development Plan policies related to retail matters. However, further consideration of non-retailing issues and other material considerations will be assessed in relation to each of the applications in the subsequent parts of this report.

OTHER RELEVANT CONSIDERATIONS - APPLICATION 20090777 (WEYBOURNE ROAD)

Main Issues for Consideration

- Principle of erecting a supermarket in this location;
- Retail Issues;
- Design & Landscape (including impact on the AONB);
- Sustainability;
- Highway Safety;
- Parking
- Linkages to the Town Centre and Beyond
- Linkages between Supermarket, Norfolk Food Academy and Allotments;
- D1 (Norfolk Food Academy)
- Material considerations put forward by the applicant;
- Crime & Disorder
- Other Issues

Principle

The majority of the site, whilst located within the development boundary of Sheringham, is zoned as being within an Open Land Area where Policy CT1 of the adopted North Norfolk Core Strategy states that *“Development will not be permitted except where it enhances the open character or recreational use of the land.”*

However, the principle of erecting an A1 (retail supermarket) and ancillary development within the development boundary of Sheringham may be considered acceptable but only subject to compliance with relevant Development Plan Policies, particularly those relating to the Open Land Area designation, retail impact, sequential preference, (which currently favours a “town centre first” approach for retail development), highway safety, design and landscape.

In respect of the food academy this may be considered acceptable in principle if it enhances the open character of the land and where it can be demonstrated that the facility meets the identified needs of the local community. The area of land indicated for the kitchen garden is located within the countryside but if it forms an important and necessary component of the food academy then it may, in principle, be acceptable in this location subject to compliance with other relevant Development Plan Policies.

If either of the elements of the proposal do not comply with relevant Development Plan policies then there would have to be sufficient material considerations to justify a departure from policy.

Retail Issues

The issues concerning retailing are considered within the combined part of the report above.

Design & Landscaping

In respect of design, the Conservation, Design and Landscape Manager concludes “notwithstanding the overriding policies on retail development in the Local Development Framework and the ‘sequential test’ that will no doubt apply to this site there would clearly be some kind of impact on the setting of the town and its interface with the countryside. This in itself however is unlikely to be sufficient justification for refusal of the application (see ‘Landscape’ comments below). Likewise the style of

architecture proposed, although lacking any immediate local resonance, is not necessarily at odds with the general location. It is a style of architecture, tried and tested nearby and everywhere else where 'sustainability' is seen to be the only guiding principle. The kind of architecture proposed, replete with its sedum roof, has become somewhat predictable. However an objection on design grounds would be difficult to justify."

As such, in design terms alone the proposed development would be acceptable subject to the imposition of appropriate conditions.

In respect of Landscaping, the Conservation, Design and Landscape Manager concludes "while there will undoubtedly be some degree of impact of a development of this scale and magnitude in such a landscape setting at the interface of town and open countryside, the applicant has endeavoured to reduce the visual effect of the development to the extent that a recommendation of refusal on the grounds of landscape impact may not be possible to sustain."

As such, in landscape terms alone the proposed development would not have an adverse impact on the adjacent Area of Outstanding Natural Beauty (AONB) and would be acceptable subject to the imposition of appropriate conditions including those requiring the submission of further details in respect of hard and soft landscape proposals, landscape maintenance and site lighting. In the event that Committee are minded to approve the application, further consideration needs to be given to the visual impact of the wind turbine on the approach into Sheringham and whether this could be sited elsewhere on the site to reduce its impact. Such an amendment could be resolved by way of planning condition.

Sustainability

The applicant has submitted plans and reports which confirm that the development would comply with and exceed the requirements of Policy EN6 of the adopted North Norfolk Core Strategy concerning Sustainable Construction and Energy Efficiency. Therefore, subject to the imposition of appropriate conditions, the development would comply with relevant Development Plan Policies.

Highway Safety

Committee will note the objections raised by the Highway Authority.

The applicant challenged the objection put forward by the Highway Authority and has met with them to discuss ways of overcoming the objections. However, the Highway authority states "Whilst it is acknowledged that every effort has been made to make the application as sustainable, as possible, it remains the recommendation of the Highway Authority that the proposal should be refused, given its remote relationship with the Primary Shopping Area". As such the objections of the Highway Authority remain in relation to the principle of development in this location.

Parking

Whilst there is no objection in relation to the number of parking spaces proposed on site, in the event that Committee are minded to approve the application, careful consideration needs to be given to the issue of supermarket customer parking occurring at the adjacent Splash site at busy times if the supermarket car park is full. This may require consideration of appropriate planning conditions or planning obligations.

Linkages to the Town Centre and Beyond

The applicants are proposing to provide improved pedestrian linkages to the town centre, which would be secured by way of legal obligation. The applicant is also proposing to provide two free electric bus routes which will connect the store with the town centre and to provide bus access within 400m walking distance for a large proportion of the residents of Sheringham (including Upper Sheringham).

The applicants have stated that both they and Waitrose would commit to the bus service for a minimum period of five years and that a consultative user group would be established to review the proposed bus service on an annual basis. The applicant proposes that details of the membership, operation and delegated powers of the consultative users group be the subject of a planning condition or legal agreement. The applicant states that the electric bus service would be operated by Sanders Coaches and that the two routes could be served by one electric bus. It is intended that the free bus would run from 8am to 8pm Monday to Saturdays and 8am to 4pm Sunday and Bank Holidays. The cost of running the free service would be met by the applicant and Waitrose through a contract with Sanders Coaches. The applicant has stated that the longevity of the service will ultimately depend on the frequency of use by passengers and this will feed into the considerations of the consultative user group.

The site would, in any event, also benefit from existing fared bus services which run by the store including the hourly 44 service from Norwich, Aylsham, Cromer and The Runtons which is also operated by Sanders Coaches.

Whilst the measures to try and improve access are welcomed, this cannot hide the fact that these measures are nonetheless required in the first place because the supermarket is proposed in an out-of-centre location. As such, whilst cycle storage facilities are provided (48 spaces), accessing the store on foot or by cycle would be more difficult than accessing a town centre store, particularly for those residents living on the eastern side of the town.

Whilst it is acknowledged that a large proportion of those undertaking their weekly shop will choose to do so by car, whether the site is located in or out of town, those without access to a car would potentially face a difficult multi-modal journey to the Weybourne Road store which would inevitably make choice by modes other than the car either impractical or unrealistic. Furthermore, those arriving by car at the Weybourne Road store would be unlikely to walk into the town centre given the 1,000m walk and it seems unlikely that those arriving by free electric bus would also make a stop in the town centre after or before doing their shopping at the supermarket, unless the free bus service operated in a way that facilitated this. It is noted that the applicants propose free delivery of goods to those buying over the internet but, notwithstanding this and the other measures designed to reduce the impact of the store, it is not considered that these measures are sufficient to outweigh the clear retail policy conflicts with Development Plan Policies.

Linkages between retail supermarket, food academy and adjacent allotments

In support of their proposal, the applicants have put forward a case that the three strands of their proposal (including the adjacent allotments which are not part of this application) are a “multi-faceted and uniquely inter-dependent opportunity” and, as such, cannot be separated away from each other. This, in their view, supports their justification that this is the only site close to the town which is of a size capable of delivering all three elements together on one site. However, it is considered that the need for the individual strands of the proposal to be on this or any other site requires examination.

Firstly, the retail supermarket at Weybourne Road is not dependent upon the allotments to function. Whilst the applicant states that some of the produce grown on the allotments could be sold in the supermarket, given the size of the new allotments and the fact that there is no guarantee that allotment holders would have an excess of supply to be able to sell, it is unlikely that the allotments would be able to provide a sufficient chain of supply to cater for the needs of Sheringham other than perhaps beyond a limited number of days each year at harvest time. No data has been submitted which identifies the likely percentage of overall retail sales that the allotments would generate for the supermarket and Waitrose, as intended supermarket operator, would have its own quality assurance obligations to meet. On this basis, other than the benefit of allotment holders being able to make use of compost produced by the supermarket, there seems to be little evidence to support the applicant's view that the retail supermarket would be unable to function properly if it were not to be located next to the new allotment site.

Secondly, in respect of the relationship between the retail supermarket and the food academy, whilst the principle of a food academy might be considered acceptable even in the countryside (provided that there was a proven local need), there is no compelling evidence to suggest that either it or the retail supermarket would necessarily fail if they were not located next to each other. The applicant has made clear that the capital costs of construction and the revenue cost of running the Food Academy are not dependent or enabled by the supermarket. The applicant has put forward a range of scenarios which link the two uses together and, whilst it may be preferable for the applicant to have both elements on one site it is considered that neither the supermarket nor the food academy need necessarily to be located next to each other in order to function properly.

Thirdly, in terms of the relationship between the food academy and the adjacent new allotments, whilst the food academy would have its own kitchen garden of some 0.26 hectares, it is not considered a necessity to be located with the remainder of the allotments. It would be perfectly feasible for the food academy to be located in a different location even with its own kitchen garden. In a different location, the kitchen garden would still be able to benefit from the exhaust air plenum from the food academy to heat poly-tunnels.

It is therefore concluded that the suggestion by the applicant that all three strands of this proposal need to be located together in order to function lacks justification and is not considered to be sufficient to outweigh the clear identified policy conflicts, particularly in respect of the retail impacts and location of the supermarket.

Food academy

As outlined above, Development Plan policies would not necessarily preclude the erection of a food academy either within the town boundary or in the Countryside policy area provided that it meets a proven local need and takes account of other relevant Development Plan Policies (including those relating to open space, design, landscape and highway safety).

In their supporting planning statement the applicant affirms that the food academy would be a charity based, state of the art cookery and food academy for local education and social groups to enhance their skills. The food academy would employ 25 Full Time Equivalent (FTE) staff, including a dedicated nutritionist. According to the applicant, the food academy would provide a much need local centre for dietetics and food education and, with its two state of the art teaching kitchens each capable of delivering hands-on training for up to 25 students of all ages and abilities, the food academy would offer a range of nationally recognised vocational qualifications as

well as being a fully accredited learning and assessment centre for vocational qualifications. In addition, the associated organic kitchen gardens would provide educational access for all age groups to demonstrate how food is grown and show first-hand when it is best to plant and harvest. The applicant has also stated that other community groups such as the Women's Institute and youth groups would also be able to use the venue and additionally local entrepreneurs could use this resource to help them develop products for the café, supermarket and wider sales opportunities. The applicant goes on to state that he wants all local people to be able to use this modern facility to educate, inform, entertain and develop entrepreneurial aspects of their lives. Run as a charity, the academy would be non-profit making with any fees charged put back into supporting users and developing the academy's programmes and facilities.

In addition to the information submitted as part of the original application, further evidence has been submitted which supports the applicants assertion of a local and national need for the food academy as well as supporting the wider aims and objectives of the Council's Economic Strategy and Community Strategy. Further evidence is also to be submitted by the applicant demonstrating that there is strong support from potential users of the food academy.

In respect of capital funding for the construction and revenue funding to run and maintain the food academy, the applicant has made it very clear that the food academy is not "enabled" by and, as such, will not be reliant upon the sale of the supermarket to Waitrose to facilitate its construction. The applicant states that the food academy will initially be a private investment and will not be dependent upon any financial support from the Local Education Authority. Post completion the food academy will be operated through an independent charity and will benefit from an annuity fund to help underwrite its ongoing costs and investments. The applicant has made clear that he will underwrite the food academy for the first three years to set it on its way. It is intended that the food academy will be constructed and operational before the supermarket opens. The applicant suggests that the food academy is a very good offer but he will not offer or fund the provision of the food academy to be provided anywhere else within North Norfolk.

The Food Academy is considered to be economic development under PPS4 and needs to be assessed under Policy EC11 along with other Development Plan policies. Whilst there would not necessarily be a policy objection to a food academy and kitchen garden on its own, even in this edge of town location, the applicant has put forward a proposal which includes a retail supermarket, food academy and associated development. As such, notwithstanding the positive community, educational and employment benefits that the food academy would undoubtedly bring, these positive benefits have to be weighed against the locational deficiencies highlighted as part of the retail assessment together with the likely impacts on the vitality and viability of the town centre of Sheringham as a result of the limited potential for linked trips to the town centre to off-set those harmful impacts.

Section 70 of the Town and Country Planning Act 1990 (as amended) states that a Local Planning Authority may grant planning permission, either unconditionally or subject to such conditions as they think fit; or they may refuse planning permission. There is no provision for a split decision to be made. Given that the retail supermarket fails to comply with Development Plan policies, then this undoubtedly affects the recommendation for the entire development (including the food academy), irrespective of the individual merits of that element of the proposal, unless there are material considerations that indicate otherwise.

Material Considerations put forward by the Applicant

Given that the principle of a retail supermarket is considered to be fundamentally in conflict with Development Plan policies in this location, as highlighted within the joint retail sections of this report, it is considered that the Weybourne Road application would only normally be considered for approval if it was considered that there were no sequentially preferable sites in order to meet the retail needs of the residents of Sheringham, consistent with its role as a small town.

However, the applicant has put forward a number of material considerations in support of the Weybourne Road proposal which they consider are of sufficient merit to outweigh the locational policies contained within the Development Plan. These material circumstances include issues relating to the:-

- Rationale for the Greenhouse Community Project;
- National & local need for Norfolk Food Academy;
- Local sourcing- The Greenhouse approach;
- Creation of the Greenhouse Community Food Hub;
- Economic benefits;
- Educational benefits; and
- Community benefits.

These issues are now considered in turn.

Rationale for the Greenhouse Community Project

Throughout their submission documents, the applicants have referred to the three strands of their proposal concerning what we grow (allotments), what we buy (supermarket) and how we prepare (food academy). The allotments do not form part of the application and it is therefore the supermarket and food academy only which form part of the application for consideration. There is little dispute that the aspirations put forward by the applicant as part of the Greenhouse Community Project are laudable. The links between the three strands of the proposal have been assessed above. Whilst the applicant asserts that the three strands need to co-exist side by side, there is little evidence to suggest that each component would fail if it were not co-located with the other strands. Therefore it is considered that the rationale alone would not be of sufficient weight to justify a departure from Development Plan policy.

National & Local Need for Norfolk Food Academy

The applicant has submitted evidence to demonstrate a need for the food academy at both national level via the aspirations set out by central government and at a local level in terms of the educational facilities that the food academy would provide for use by local schools, colleges and other individuals and organisations. Further evidence has also been submitted by the applicant demonstrating that there is strong support from potential users of the food academy. Whilst it is noted that applicant suggests that the food academy is a very good offer and that he will not offer or fund the provision of the food academy to be provided anywhere else within North Norfolk, there is little evidence that the local and national need for the Food Academy could not be met in a different location either elsewhere within the town or within the wider catchment area serving the stated local and national need. Therefore, whilst it is considered that national and local need for the food academy is capable of being a material consideration to which significant weight could be attached, this has to be balanced against the locational deficiencies of the supermarket component of the scheme, highlighted as part of the retail assessment, together with the likely impacts on the vitality and viability of the town centre of Sheringham as a result of the limited potential for linked trips to the town centre to off-set those harmful impacts. As such,

it is considered that the weight to be attached to the national and local need for the food academy is not sufficient to justify a departure from Development Plan Policies in this instance.

Local sourcing - The Greenhouse approach

There is no doubt that the local sourcing arguments advanced by the applicant are laudable, particularly when considering the benefits to the local economy. Whilst Waitrose, as intended supermarket operator, have verbally stressed their intention to source locally wherever possible, the consequence of centralised distribution networks associated with larger retailers could well undermine the ability to significantly reduce "food miles", which was a stated aim of the applicant before Waitrose were announced as a partner. However, many of the issues raised in relation to this subject are outside the direct control of the planning system and would likely require intervention from governments at national and international level and associated legislation. As such, whilst the issue of local sourcing is capable of being a material consideration, the weight to be attached to this matter would not be sufficient to justify a departure from Development Plan Policies particularly when balanced against the locational deficiencies of the supermarket component of the scheme, highlighted as part of the retail assessment, together with the likely impacts on the vitality and viability of the town centre of Sheringham as a result of the limited potential for linked trips to the town centre to off-set those harmful impacts.

Creation of the Greenhouse Community Food Hub

It is considered that there may be significant economic benefits associated with the creation of a Greenhouse Community Food Hub in terms of employment generation and the creation of new small businesses using the Food Academy with the consequent potential for growth. This is clearly a material consideration of some weight. The links between the three strands of the proposal have been assessed above and it is considered that, whilst some of the products produced in the food academy may be sold in the adjacent supermarket, there is little in the way of evidence to suggest that the food academy would not be able to properly function if it were not co-located next to the supermarket. It is noted that applicant suggests that the food academy is a very good offer and that he will not offer or fund the provision of the food academy to be provided anywhere else within North Norfolk, but there is little evidence to suggest that a Community Food Hub can only succeed if the food academy is located at Weybourne Road. As such, whilst the weight to be afforded to the creation of a community food hub is not insignificant, the weight to be attached to this matter would not be sufficient to justify a departure from Development Plan Policies particularly when balanced against the locational deficiencies of the supermarket component of the scheme, highlighted as part of the retail assessment, together with the likely impacts on the vitality and viability of the town centre of Sheringham as a result of the limited potential for linked trips to the town centre to off-set those harmful impacts.

Economic Benefits

Economic development considerations form an important component of Government guidance within PPS4. There is no doubt that the economic benefits of the scheme as a whole are significant including 130 FTE jobs in relation to the supermarket, 25 FTE jobs in relation to the Food Academy, 2 FTE jobs in relation to the free electric bus service together with jobs associated with the construction and development of the site along with longer-term spin-off employment benefits including those associated with the Food Academy and Community Food Hub and contracts associated with the local sourcing of food plus many others yet unknown. Economic benefits are therefore clearly capable of being a material consideration of significant weight, as identified in relation to the above issues and would apply equally in

respect of the Cromer Road application. However, these issues need to be carefully balanced against any net loss of employment that may result from the locational deficiencies of the supermarket component of the Weybourne Road scheme, highlighted as part of the retail assessment, and these additional benefits need to be assessed against the net employment creation that would result from granting permission for a retail supermarket at the sequentially preferable Cromer Road site. Whilst planning applications that secure sustainable economic growth should be treated favourably, it is considered that the material harm to the vitality and viability of the town centre of Sheringham that would arise in particular from the locational deficiencies of the Weybourne Road supermarket and the limited potential for linked trips to mitigate against that harm, would outweigh the wider economic benefits of the Greenhouse Community Project.

Educational Benefits

There is little doubt that the educational benefits to both young and old, primarily in relation to the proposed food academy and associated kitchen garden, would be significant particularly if the facility is full utilised in the manner suggested by the applicant. There are fewer educational benefits attributable to the supermarket other than in relation to understanding building design and energy performance via the interpretation panels and metre displays and associated displays and events in the supermarket advocating healthier eating. Whilst undoubtedly educational benefits are capable of being material considerations of some considerable weight, once again these benefits have to be balanced against wider impacts of the scheme on the vitality and viability of Sheringham town centre, as highlighted in the retail assessment. It is again noted that applicant suggests that the food academy is a very good offer and that he will not offer or fund the provision of the food academy to be provided anywhere else within North Norfolk. However, there is little evidence to suggest that the food academy can only succeed if located at Weybourne Road. As such, whilst the weight to be afforded to the education benefits of the scheme are not insignificant, the weight to be attached to this matter would not be sufficient to justify a departure from Development Plan Policies particularly when balanced against the locational deficiencies of the supermarket component of the scheme, highlighted as part of the retail assessment, together with the likely impacts on the vitality and viability of the town centre of Sheringham as a result of the limited potential for linked trips to the town centre to off-set those harmful impacts.

Community Benefits

The community benefits of the scheme encompass the wide range of issues discussed above. The planning system is designed to act in the wider public interest and therefore the advantages and disadvantages of the Weybourne Road scheme need to be considered carefully with this role in mind. There is no doubt that there are significant community benefits associated with the food academy such that approval of this element alone would likely to be recommended for approval by officers even in this location. However the scheme also includes a retail supermarket which the applicant has asked to be considered as part of the wider planning application. The retail assessments submitted by the Council's retail consultant have identified clear locational deficiencies associated with the Weybourne Road store compared with the Cromer Road site. Both sites would have an impact on the town centre of Sheringham but it is considered that the distance from the town centre of the Weybourne Road site (1,000sqm) would reduce the realistic potential for linked trips from the Weybourne Road store to Sheringham town centre and, as such, would not be able to offset the identified harm. It is therefore considered that the lack of potential for linked trips, the likelihood of the Weybourne Road store becoming a "one-stop" shop together with the resultant material harm to the vitality and viability of the town centre of Sheringham are considerations of such significant weight that they would outweigh the identified community benefits of the Weybourne Road proposal.

Whilst many of the aims and objectives put forward by the applicant are laudable, many of the suggested material considerations are not directly relevant to the development proposed or use of land nor indeed are they all directly related to matters under the control of the Local Planning Authority. The applicant has suggested a number of conditions and/or legal obligations which, in their opinion, would help ensure that all of the material considerations put forward would occur in order to overcome any fears that the Local Planning Authority may have.

Officers have taken into account Central Government advice contained within Circular 11/95 and Circular 05/05 and Planning Policy Statement 1: Delivering Sustainable Development together with the document entitled "The Planning System: General Principles" (Feb 2004) which states: "*Local planning authorities can impose conditions on planning permissions only where there is a clear land-use planning justification for doing so. Conditions should be used in a way which is clearly seen to be fair, reasonable and practicable. One key test of whether a particular condition is necessary is if planning permission would have to be refused if the condition were not imposed. Otherwise, such a condition would need special and precise justification*". In respect of the granting of permissions, Government Advice goes on to state: "*Unless otherwise specified, a planning permission runs with the land. Exceptionally, however, the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community, may be material to the consideration of a planning application. In such circumstances, a permission may be made subject to a condition that it is personal to the applicant. Such arguments will seldom outweigh the more general planning considerations, however*". Paragraph 93 of Circular 11/95 states: "*Unless the permission otherwise provides, planning permission runs with the land and it is seldom desirable to provide otherwise..... a permission personal to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company*".

In this instance, whilst the application proposes two distinct elements relating to the retail supermarket and the food academy, the largest element of the proposal relates to the retail supermarket in respect of which the retail impact and sequential issues would still remain of serious concern whether the retail store is operated by the applicant or any other retailer. As such, it is considered that there could be no justification in allowing a personal permission for the applicant.

Government advice goes on to state: "*Where it is not possible to include matters that are necessary for a development to proceed in a planning condition, developers may seek to negotiate a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991)*". However, the advice goes on to make clear that "*The use of planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Planning obligations are only a material consideration to be taken into account when deciding whether to grant planning permission, and it is for local planning authorities to decide what weight should be attached to a particular material consideration*". Paragraph B2, Annex B of Circular 05/05 reinforces this approach and states "*In some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable through the use of planning conditions or planning obligations*". It states "*A planning obligation must be relevant to planning; necessary to make the proposed development acceptable in planning terms; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development; and reasonable in all other respects*".

Having taken into account all of the material considerations put forward in support of the application, it is considered that these are not of sufficient weight to justify a departure from Development Plan Policies in this instance.

Crime & Disorder

Committee will note the comments of the Community Safety Manager. It is understood that the applicant has met with the Police Architectural Liaison Officer to discuss ways of ensuring that the development achieves Secured by Design status. However, whilst no further comments have been offered by the Police Architectural Liaison Officer, if the Committee were minded to approve the application, conditions could be imposed to address the issues raised.

Summary

In summary, the proposed supermarket on Weybourne Road is situated in an out-of-centre location and the site is sequentially inferior to the site at Cromer Road, which is an edge-of-centre site and which is suitable, available and viable for retail purposes. The applicant has put forward evidence to support their view that the supermarket would not have any harmful impacts on the vitality and viability of Sheringham town centre. The Weybourne Road site is approximately 1,000 metres walk from the town centre and, whilst the applicant proposes to provide improved pedestrian linkages, free electric bus services and deliveries, this cannot hide the fact that these measures are nonetheless required in the first place because the supermarket is proposed in an out-of-centre location. As such, the location of the Weybourne Road store would not facilitate multi-purpose journeys and would be harmful to the vitality and viability of the town centre of Sheringham to a far greater extent than a store sited within easier walking distance of the town centre where the potential for linked trips can realistically occur. Therefore, notwithstanding the fact that there are no design or landscape objections (save for concerns about the position of the wind turbine) and that the proposed food academy has significant planning merits, the material circumstances put forward by the applicant are not considered to be of sufficient weight to justify a departure from Development Plan Policies in this instance. The recommendation of refusal is supported by Norfolk County Council as Highway Authority.

Human Rights Implications

It is considered that the proposed development may raise issues relevant to

Article 8: The right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions

It is considered that refusal of this application as recommended may have an impact on the individual Human Rights of the applicant. However, having considered the likely impact and the general interest of the public, refusal of the application is considered to be justified, proportionate and in accordance with planning law.

Recommendation

See Joint Recommendation section below.

OTHER RELEVANT CONSIDERATIONS - APPLICATION 20090818 (CROMER ROAD)

Main Issues for Consideration

- Principle of erecting a supermarket in this location;
- Retail Impact;
- Design & Landscape;
- Sustainability;
- Highway Safety;
- Parking
- Footpath Link;
- Impact on the amenity of nearby residents;
- Crime and Disorder
- Other Issues

Principle

The majority of the site, including the supermarket itself, is located within the Town Centre, where the principle of erecting a retail supermarket and ancillary development would be considered acceptable but only subject to compliance with relevant Development Plan policies, particularly those relating to retail impact, highway safety and design.

Retail Issues

The issues concerning retailing are considered within the combined part of the report above.

Design & Landscaping

In respect of design, the applicant has adopted a contemporary approach which is far removed from the “basic box-like form,” “scant detailing” and “mundane appearance” of earlier proposals which were criticised by the Inspector in her appeal decision of 8 September 2008. In respect of the latest proposal the Conservation, Design and Landscape Manager is of the opinion that the latest proposals “are the best yet. The design and layout maximises the connection with the rest of the built form of Sheringham’s town centre. Not only that but the positioning of the store offers the best possible link in respect of ‘footfall’ and the best ‘fit’ in respect of good urban design. The architects have found a design solution which satisfies most of the design considerations applicable in regard to form, massing and scale. The height and size of the main supermarket building is quite under-played and certainly respectful of the buildings around it.” However, he goes on to say that, “It is unfortunate that several trees and a building of some limited interest would have to make way for the development. In order to compensate it will be important that a quality landscape scheme is delivered” He finally goes on to state that “However, such is the quality of the design (with its themes and building forms apparently ‘picking-up’ on those present in Sheringham), the above concerns are more than counter-balanced. Indeed the designers have taken account of the criticisms of the previous designs made during and after the Public Inquiry held in the summer of 2008 and produced a much bolder design solution which responds positively to the distinctive nature of the site and its surrounds. Gone are the token use of local materials and the conventional design of the previous proposals. There is inclusion also of some, if not all, of the sustainable design measures which the Council now seeks in major developments of this nature.”

In respect of landscaping, the proposal would involve the loss of, amongst other things, two trees located in the garden of No.7 Cromer Road, which are protected by Tree Preservation Orders (Monterrey Cypress and Western Himalayan Cypress). The Conservation Design and Landscape manager considers that the loss of these trees, together with the loss of other vegetation would have a moderate level of harm to local views and character.

In respect of the soft landscape proposals, 54 new trees of mixed species together with a small amount of shrub planting are proposed. The Conservation, Design and Landscape Manager is of the view that "With appropriate amendments to the soft landscape proposals,.....the degree of mitigation and amenity benefit offered by this planting may be adequate to compensate the regrettable loss of the TPO trees and other vegetation on the existing site."

In respect of hard landscaping proposals, whilst further work is needed in respect of the detailing, subject to the imposition of appropriate conditions, it is considered that a satisfactory hard landscaping scheme can be achieved which links the site with the rest of the town centre and provides a sense of place.

It may be possible, as part of the landscaping proposals, to include some form of public art along the northern boundary adjacent the railway line. This could be secured by way of planning condition or planning obligation.

In summary, subject to the imposition of appropriate conditions it is considered that the design and landscaping relating to the proposed development would be acceptable and would accord with Development plan Policies.

Sustainability

The applicant has submitted amended plans and reports which confirm that the development would comply with the requirements of Policy EN6 of the adopted North Norfolk Core Strategy concerning Sustainable Construction and Energy Efficiency. Therefore, subject to the imposition of appropriate conditions, the development would comply with relevant Development Plan Policies.

Highway Safety

Norfolk County Council, as Highway Authority, has considered the information submitted by the applicant together with additional assessments, which were required. Committee will also note the conclusions of the Planning Inspector relating to transportation issues in her decision of 8 September 2008 (paragraphs 32-40). A copy of her decision is attached at **Appendix 4**.

The Highway Authority state "The conclusions made in the Transportation Assessment supporting the earlier application, were that the highway network was adequate to cater for the development traffic. Following rigorous scrutiny of the document, the Highway Authority concurred, and this was supported by the Inspector who determined the subsequent Appeal. This latest Transportation Assessment has been subjected to the same process. The analysis is robust and demonstrates that the highway network will function satisfactorily in a wide variety of situations and changing scenario of flow. Consequently, it is accepted that the store, having a reduced footprint, has no adverse highway implications."

The Highway Authority consider that, subject to the imposition of conditions and a S106 planning obligation concerning off-site highway improvements, the proposal would accord with relevant Development Plan Policies.

Parking

In respect of parking provision, the applicant has complied with Development Plan policy requirements and, in addition, has now included dedicated parking bays for delivery vehicles associated with the independent units.

The proposed parking would provide a significant addition to the existing 537 Council run spaces within Sheringham, particularly at peak times. The applicant has indicated that the on-site parking would be provided free for the first three hours with charges applying after that time. It is considered that appropriate parking measures can be secured through the use of planning conditions or planning obligations.

Footpath Link to the Town (Linked Trips)

The Committee will note the comments of the Planning Inspector relating to the footpath link to the town centre and associated linked trips in her decision of 8 September 2008 (paragraph 22). A copy of her decision is attached at **Appendix 4**. The appeal schemes involved a journey on foot from the store entrance through the car park and walkway to Station Road of approximately 120m plus another 25m north to reach the edge of the primary shopping area.

As part of the current proposal, whilst still utilising what is a relatively narrow walkway (3.5m wide at its narrowest between existing buildings) to gain entrance to the town centre, the journey on foot from the store entrance to the town centre has been reduced to 90m plus another 25m to reach the edge of the primary shopping area. Whilst this might equate to only a 25% reduction in distance from the store entrance to Station Road compared with the appealed schemes and it could be argued that shoppers may in fact have to walk further from their cars to the Town Centre, it is considered that the applicant has taken on board the criticisms of the Inspector and has done what is reasonably possible in order to integrate the store with the town centre.

In principle, the existing commercial properties at 57-73 Station Road could be demolished and replaced to provide a wider pedestrian link between the store and Station Road, which would open up views towards Station Road from the store entrance. However it is understood the applicant has been unable to secure control of these units to be able to undertake these improvements.

The footpath link would be enhanced and made more attractive through the addition of the four independent units which line part of the route to the town centre. This, coupled with appropriate hard and soft landscaping, street furniture and signage would result in a considerable improvement compared with the appealed schemes and are not necessarily considered to act as a barrier to movement on foot between the store and the rest of the town centre.

On balance, subject to the imposition of appropriate conditions to secure footpath and linkage improvements, it is considered that the footpath linkages to the town centre are acceptable and would generally accord with Development Plan Policies.

Impact on Amenities of Nearby Residents

There are neighbouring residential properties within relatively close proximity of the proposed development, most notably along the southern, western and eastern boundaries. The biggest impact is likely to be noise related in terms of the coming and going of vehicles (both service vehicles and customer vehicles) together with any mechanical equipment to be installed. However, subject to the imposition of appropriate conditions the Environmental Health Officers do not consider that the development would have a significant detrimental impact on the amenity of adjacent

residential properties. Whilst the gardens of the retained properties along Cromer Road would be small, it is considered that the need to provide a supermarket as close to the town centre as possible to meet the local needs of Sheringham coupled with the visual benefit of retaining Nos. 7, 9 and 11 Cromer Road would outweigh the identified policy conflicts regarding garden size and amenity space provision. The representations received concerning the impact of traffic along Cromer Road are noted but, in view of the Highway Authority recommendation that the traffic impacts are acceptable, refusal on the basis of impact on amenity as a result of traffic noise is not considered to be substantive or justifiable.

Crime & Disorder

The Committee will note the comments of the Community Safety Manager, particularly in respect of issues relating to night-time activity when the store is closed. Whilst these are matters which need to be given careful consideration, they are nonetheless matters that can be reasonably dealt with by way of wider planning conditions including lighting, CCTV strategy, boundary treatments and hard and soft landscaping so as to minimise the potential for unwanted activity.

Other Issues

In respect of the existing uses that will be displaced off the existing Cromer Road site, Committee will recall that planning applications have already been approved relating to the provision of a new Fire Station on Cromer Road (01 20030993 PF – approved 13 July 2005) and Community Centre off Holway Road (01 20041009 PF – approved 10 April 2008). Whilst one of these applications expires in July 2010 (Fire Station) the applicant has submitted a draft S106 agreement which will effectively see these elements constructed and operational before the Cromer Road site is cleared and work on the retail supermarket and associated development commences.

Representations have expressed concern that affordable housing units are being lost from Cromer Road at a time of desperate need for affordable dwellings. Whilst these comments are noted, there is no planning policy requirement to retain or replace these residential units.

Summary

In summary, the proposed supermarket on Cromer Road is situated in an edge-of-centre location. Whilst according to the Council's appointed retail consultant, the predicted impacts are likely to be greater than stated by the applicant, the impact on the vitality and viability of Sheringham is considered, on balance, to be acceptable even though this could result in the loss of the Co-op store. The Cromer Road store would be located within easy walking distance of the town centre where access to a variety of modes of public transport is available together with options to walk or cycle relatively easily to most parts of the town.

The Highway Authority has not raised an objection to the proposed development. Whilst some minor changes are recommended by consultees, it is considered that these are matters that can be controlled and resolved by way of planning conditions and S106 Planning Obligations

Human Rights Implications

It is considered that the proposed development may raise issues relevant to

Article 8: The right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

RECOMMENDATIONS

Committee is reminded that these applications are being considered together because the determination of each planning application will influence the outcome of the other, particularly as the Council's appointed retail consultant is of the view that there is only a justifiable need for one supermarket of the sized proposed to serve the needs of Sheringham.

Having considered the extensive cases put forward in support of both applications and having assessed each proposal against relevant Development Plan Policies and having taken into account all relevant material considerations, the Head of Planning and Building Control makes the following recommendation:-

20090818 CROMER ROAD

That the Committee gives the Head of Planning and Building Control delegated authority to approve application 20090818 subject to the completion of a S106 Planning Obligation to secure the provision of off-site highway improvements and subject to the imposition of appropriate conditions, including a restriction on the net sales area of the retail supermarket (Class A1) and the ratio of comparison to convenience goods floor space as well as completion of replacement Community Centre facilities and Fire Station before work commences to demolish existing buildings on the Cromer Road site.

20090777 WEYBOURNE ROAD

That the Committee refuses application 20090777 for the following reasons:-

The applicant has failed to demonstrate that the erection of a supermarket on the application site would represent the best sequentially available site for this type of development as required by PPS4 and adopted Development Plan Policies.

The site is distant from the town centre in a location poorly served by public and non-car modes of transport and consequently would fail to comply with the accessibility requirements of PPS4 Policy EC10.2 b. and adopted Development Plan Policies

Taking account of these factors, it is considered that the proposed development would have a harmful impact on the vitality and viability of the town centre of Sheringham and would be contrary to Development Plan Policies.

The material circumstances put forward by the applicant have been taken into account in the determination of this application but are not considered to be of sufficient weight to justify a departure from Development Plan Policies in this case.