

APPLICATION No:	EPF/1305/08
SITE ADDRESS:	1 Cartersfield Road Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Lidl GmbH/International Lift Equipment Ltd
DESCRIPTION OF PROPOSAL:	Demolition of existing buildings and erection of new 'Lidl' foodstore and construction of five start-up industrial units. (Revised application)
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The proposed development, due to the availability of an alternative, sequentially preferable site to fulfil the need for the retail development, would fail to meet the requirements of the sequential test, contrary to PPS6 and policy TC2 of the adopted Local Plan and Alterations. Due to this the proposal would be detrimental to the vitality and viability of the town centre, contrary to policy TC3 of the adopted Local Plan and Alterations.
- 2 The proposed industrial unit No. 1, given its height and proximity to the boundary, would result in a detrimental impact on visual amenities to the occupiers of No's. 6, 7 and 8 Harveyfields, Waltham Abbey, contrary to policy DBE2 of the adopted Local Plan and Alterations.
- 3 The proposed development fails to provide information or justification regarding the assessment or marketing of the site for community use, contrary to policy E4B of the adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

Revised application for the demolition of the existing buildings and the erection of a new 'Lidl' foodstore and construction of five start-up industrial units. This proposal should be considered together with that proposed under application EPF/1771/08, reported elsewhere in this agenda.

The foodstore would be 1,643 sq. m., containing some 1,286 sq. m. of retail floorspace, and would be a maximum of 70m deep and 25m wide with a mono-pitched roof to a maximum height of 9.7m. The start-up industrial units would have a total floorspace of 1,139 sq. m. and mono-pitched roofs

to a maximum height of 8m. The industrial units would be located to the rear of the site and would be bordered to the north by garages and properties in Harveyfields, and to the west by 180 Brooker Road. The scheme also proposes associated parking for 106 cars for use with the foodstore and 30 parking spaces for the industrial units. This includes a total of 10 disabled parking bays, as well as space for bicycles and powered two wheeler parking. There would be three vehicle entrances added to the site from Cartersfield Road, and one pedestrian access on Sewardstone Road.

Description of Site:

The application site is a vacant plot containing a large disused warehouse building and associated yard. To the north of the site is Waltham Abbey fire station and dwellings and garage areas serving Harveyfields. To the west of the site is the Brooker Road industrial site. To the south of the site is a Nissan car showroom and industrial sites. The site is located some 25m south of the town centre boundary. There are four preserved trees located at the front of the site.

Relevant History:

There is a long history to the application site, however the most relevant applications are as follows:

EPF/1856/03 - Demolition of part of existing building and erection of building for motor dealership, to include showroom, offices, workshops and M.O.T. – approved/conditions 26/05/04

EPF/2400/07 - Demolition of existing buildings and erection of new 'Lidl' foodstore and construction of five start-up industrial units – withdrawn 04/03/08

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP4 – Energy conservation
CP5 – Sustainable building
CP6 – Achieving sustainable urban development patterns
CP7 – Urban form and quality
TC1 – Town centre hierarchy
TC2 – Sequential approach
TC3 – Town centre function
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
E1 – Employment areas
E4B – Alternative uses for employment sites
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
ST2 – Accessibility of development
ST4 – Road Safety
ST5 – Travel plans
ST6 – Vehicle parking
U3A – Catchment effects
RP4 – Contaminated Land

Issues and Considerations:

The key factors in this application are the potential impact on the vitality and viability of Waltham Abbey town centre, the loss of an employment site, the effect on neighbouring properties, highways and parking considerations, and the impact on the preserved trees and future landscaping of the site.

Impact on Waltham Abbey Town Centre

The main matter to address under this heading is the need for a Lidl foodstore (known as a discount superstore). The applicant has undertaken shopper surveys in 2007 and turnover calculations for the catchment area as part of their retail assessment. The results of this indicate that the shops within the town centre are predominantly used for 'top up shopping', with the exception of Tesco's in Sewardstone Road that is used for main shopping trips. This coincides with the Council's shopper survey undertaken in 2005, which showed that 85.5% of visitors to the town centre were from Waltham Abbey and the majority visit 2-3 times a week by foot.

The turnover of existing shops in the town centre has been calculated in the submitted retail assessment, as has the amount of trade that would be lost to stores outside of the catchment area as a consequence of this development. It is proposed that in 2010 there would be an estimated £33.3m turnover for Tesco's, a £3.7m turnover to the shops in Waltham Abbey town centre, a £1.1m turnover for the Co-Op in Upshire, and £21.4m to stores outside of the catchment. Out of this estimated turnover the proposed Lidl is claimed to divert £1.3m from Tesco's, £0.3m from the town centre, £0.1m from the Co-Op in Upshire and £1.9m from stores outside of the catchment. This would result in a 9% loss of trade to stores in the town centre (such as to the Co-Op in Sun Street), and would result in the Tesco's falling below the calculated benchmark turnover of £33.1m.

Since the Tesco's opened there has been a significant decrease in trade to shops within Sun Street, Market Square and Highbridge Street. The Co-Op in Sun Street saw a reduction of some 50% in trade in the first year after Tesco's opened, slightly more in the second year, and is only just starting to see this decrease in trade slow down, and claw back customers. The loss of a further 9% in trade would detrimentally impact on this unit in particular, and on the other shops within the town centre. The loss of trade for Tesco's would be higher, however the overall turnover would be little affected and there would be very little long term impact on this store.

It is claimed in the submitted retail assessment that the proposed Lidl would not directly compete with either the main town centre or the Tesco's superstore. The justification for this is that the predominant use of the town centre is for top up shopping, which local residents would continue to undertake, and also as Lidl does not offer such services as pharmacies, dry cleaners, post office services or cash machines, and do not sell tobacco, newspapers, lottery tickets or fresh meat, fish or bread. It is claimed that discount superstores such as this therefore offer linked trips to town centre locations where these services can be offered. It is also stated that Lidl foodstores do not compete with Tesco's (or other major superstores) as Lidl only provide a limited range of foods, including weekly-changing specialist goods, as opposed to the wide range of goods and services offered by major superstores. This has been agreed by Planning Inspectors on recent appeal decisions elsewhere in the country.

The conclusion of the retail statement is that the Lidl store would supposedly draw much of its trade from that currently lost to stores outside of the catchment area and would draw people from outside of Waltham Abbey into the town centre (through linked trips). It also concludes that there is a calculated need for 1,571 sq. m. of new convenience floorspace by 2011, which this application would satisfy.

However, one of the main concerns with the proposed 'linked trips' is that, given the location of the site, the majority of linked trips would be with the Tesco's store opposite, which offers all the goods and services not offered by Lidl, excluding a pharmacy, therefore visitors would be able to obtain the majority of their shopping without needing to visit the main section of the town centre (Sun Street, Market Square and Highbridge Street).

The second matter to deal with in terms of the impact of the proposal on the Waltham Abbey town centre is the location of the development. Planning Policy Statement (PPS) 6: Planning for town centres key objective is to promote the vitality and viability of town centres by planning for their growth and development. Whilst it states that shopping development should be focused in such centres, it does acknowledge that in some instances, where it has been demonstrated there are no suitable sites within the centre itself, such development can be accommodated outside of these centres. This is reflected in Local plan policy TC2 which states that:

"The Council will grant planning permission for retail and other town centre uses where these are appropriate to the function of the particular centre as identified in the hierarchy in policy T1. Where a clearly defined need for retail or other town centre uses has been demonstrated, but no suitable sites or buildings, including sites suitable for conversion, are either committed or likely to become available within a realistic period of time within the principal town centres, consideration may be given to suitable sites in other centres, in the following preferential order:

- (i) an edge-of-centre location of one of the principal town centres;*
- (ii) a smaller town centre or district centre location;*
- (iii) an edge-of-centre location of a smaller town centre or district centre"*

Waltham Abbey is listed in policy TC1 as a principal town centre, and as such any potential retail development should be focused in the centre itself.

The applicant's retail assessment has addressed potential sites located within the town centre. The only sites that have been identified were the formerly earmarked Highbridge Street site, located adjacent to the roundabout, which has recently been redeveloped as mixed use, incorporating housing, retail and office space; and a possible extension of the existing Co-Op building in Sun Street. The Highbridge Street site is clearly not available for such development while an extension to the Co-Op would not be feasible due to a lack of space to extend. In the circumstances it is accepted that at present there are no sites within the town centre where such a retail development could be located, and as such edge of centre and smaller town centres should be assessed.

The application site is located on the edge of Waltham Abbey town centre, approximately 25m from the town centre boundary. Notwithstanding this, paragraph 11.29a of the Local Plan states that:

"The revision of the town centre boundary (to take into account the new Tesco store) will mean that the Brooker Road industrial area will effectively become an edge of town centre location. It is important that retail uses are not allowed to spread within the industrial area. This will help to safeguard the role and traditional focus of Market Square and Sun Street for shopping in the town. It will also mean that a more sustainable balance of shops, employment and housing can be maintained in Waltham Abbey."

Although previous consent was granted on this site for a car dealership, that use is more suited to industrial areas and business parks, much like the existing Nissan garage opposite. That consent therefore does not set a precedent to allow for the use of the site as a superstore.

Whilst it is accepted that there is a requirement for 1,571 sq. m. of new convenience floorspace in Waltham Abbey by 2011, an alternative application is currently being considered by the Council

(see Committee Report for application Ref: EPF/1771/08 for full details of this), for a variation of condition on Unit 1, Highbridge Retail Park, Highbridge Street to provide 1,486 sq.m. of retail floorspace to be used for the sale of food. This is being sought to allow for a discount superstore to occupy part of the unit. Whilst this alternative site is located within a designated district centre, which under policy TC2 is less sequentially preferable than an edge of centre location, chapter 11.30a of the Local Plan does describe the Highbridge Retail Park as an edge of centre shopping area. This is an accurate description of that existing retail use and, subject to compliance with other relevant Local Plan policies, this would be a sequentially better location than this application site. As such it is considered that the proposal fails to comply with Local Plan policy TC2 and is therefore unacceptable.

Loss of employment land

The application site is located in an employment area allocated as such in the Local Plan. Policy E1 states that “the redevelopment of existing sites or premises or their change of use to uses other than business, general industry or warehousing will not be permitted”. The site has previously been marketed for a period of some 5 years without success, and in 2004 planning permission was granted for its redevelopment as a car showroom. This proposal would provide five small scale industrial units, B1, B2 and/or B8, which in themselves are acceptable on the site. However the remainder of the site would be lost from industrial/employment use.

Local Plan policy E4B allows for alternative uses for employment sites where it can be proven that there is no further need for employment uses. However it also requires that uses which fulfil community needs should be sought as alternatives to employment, and that the Council needs to be satisfied that the site is unsuitable for community uses before allowing alternative uses on the site. No evidence has been submitted to suggest that the site has been assessed or marketed for community uses, and as such this proposal fails to comply with Policy E4B.

Design

The proposed Lidl store would have a mono pitched roof and predominantly large blank flank walls. It would be of a fairly standard design for a modern supermarket and would be a more attractive development than the existing unsightly warehouse. The front of the site, fronting Sewardstone Road would be landscaped and would retain the existing preserved trees, and the overall scheme would not be detrimental to the street scene when viewed from Sewardstone Road.

The proposed industrial buildings are of no particular architectural merit and would be grey in colour. Notwithstanding this, the proposed units would be in keeping with the existing industrial units in Brooker Road and would not be detrimental to the overall character or appearance of the surrounding locality.

Whilst the proposed layout positions the main area of car park serving the store between the store front and Sewardstone Road, which would result in a dominance of cars in the street scene and would force any ‘linked trips’ to the town centre to first walk through a large expanse of car park, given that the existing warehouse is currently in a similar situation, there is a car dealership opposite the site (which by definition and trade has a dominance of cars along its frontage), and the site is located at the entrance to an industrial site, this is considered an acceptable, although not a particularly desirable, layout to the site.

Amenity considerations

The application site is currently a vacant warehouse on an industrial area. The use of the site as a foodstore and small scale industrial units (B1, B2 and B8) would not detrimentally impact on neighbouring residents in terms of noise or other disturbance. The proposed development would

result in considerably more vehicle and pedestrian movements to and from the site, however given the location at the entrance to an industrial estate and on the highly used Sewardstone Road it is not considered that this increase would disturb neighbouring properties.

The proposed foodstore and industrial units No's. 2 to 5 would be sited on the rough footprint of the existing warehouse unit, most of which adjoins the fire station or garages and parking areas at Harveyfields. Due to this these units would not detrimentally impact on the light or visual amenities of neighbouring residential properties. The proposed industrial unit No. 1, however, would be located in close proximity to the rear boundary of No's. 6, 7 and 8 Harveyfields. Currently there are no buildings to the rear of these properties, and this application proposes a 7m high industrial building just 1-2m from the shared boundary. Whilst there are industrial buildings located behind No's. 1 to 5, and No's. 9 and 10, these units are some 25m from the rear of the neighbouring properties given the staggered building line of the dwellings and the staggered siting of the industrial buildings, whereas the proposed unit would be at most 20m from the neighbours rear walls, and at worst 18m distant. Also the presence of existing poorly laid out buildings should not set a precedent for further harmful development. Due to this, the proposal would be detrimental to the visual amenities of the occupiers of No's. 6 to 8 Harveyfields, and would directly impact on their enjoyment of their private amenity areas. As such this development is unacceptable.

Although the proposed unit 1 would result in a further loss of light to the rear gardens of the neighbouring residential properties, particularly given its location to the south of these neighbours, given the built up nature of the entire site and presence of buildings to the east and west, the rear gardens of these properties would at present receive very little light. The further loss of this limited light would not be sufficient enough reason to justify refusing the application.

Access and parking

The application proposes 106 parking bays to be used in conjunction with the foodstore and 30 parking bays to be used in conjunction with the industrial units. Also bicycle and powered two wheeler parking provision has been proposed. This is deemed to be an acceptable level of vehicle parking for the proposed uses, particularly as the site is in a sustainable location. The layout of the car parking and the new vehicle entrances have been assessed by Essex County Council Highways and are deemed acceptable, subject to several conditions. Concern has been raised by local residents with regards to the intensification of use of the site and with the junction of Cartersfield Road and Sewardstone Road, however no concern has been voiced by ECC Highways regarding this. Financial contributions are required to provide improvements to public transport of the vicinity of the site and to fund road markings on Cartersfield Road, which can be sought via condition.

Landscaping

There are four preserved trees located at the front of the application site, within a green strip adjacent to Sewardstone Road. These trees would be retained and protected during construction, and the grass strip would be landscaped and become the main pedestrian entrance to the site. There are other small green areas located around the site, which would also be subject to any landscaping scheme.

Other considerations

The Environment Agency consider the proposed use as low risk and as such do not require the submission of a Flood Risk Assessment.

The proposal has been designed to conserve energy by means of its layout, orientation, construction, materials and landscaping. Given its location close to the existing town centre and

since the locality is well served by public transport (bus network), it is in a sustainable location. Due to this it is considered that the proposal complies with policies CP5, CP6 and ST1.

Conclusion:

In summary, it is considered that a discount supermarket would not compete with the town centre or the Tesco's store, and as such would not impact on the vitality and viability of Waltham Abbey town centre. Any further loss of trade to the shops in Sun Street, Market Square and Highbridge Street would seriously harm the long term wellbeing of the town centre. The provision of a discount foodstore adjacent to the town centre may attract people from outside of the catchment area to Waltham Abbey, and generate linked shopping trips, it is more likely that the linked trips would be to the nearby Tesco's superstore than the historic town centre.

Therefore, on balance it is considered that there is a need within Waltham Abbey for a discount supermarket of 1,571 sq. m., which would likely not adversely impact on the town centre. Notwithstanding this, there is not the need within Waltham Abbey for more than one discount supermarket, and the location of the proposed development, whilst being an edge of centre location, is a less preferable site when compared to Unit 1, Highbridge Retail Park (see Committee Report Ref: EPF/1771/08, which forms an appendix to this report). As there is an alternative location in a similar edge of centre location that is currently used for retail purposes and would provide better linked trips with the main town centre, this proposal fails to meet the sequential test requirements of PPS6 and Local Plan policy TC2.

Also the proposed industrial unit No. 1, given its height and proximity to the boundary shared with No's. 6 to 8 Harveyfields, would result in a detrimental loss of amenities to these neighbouring residential properties, contrary to policy DBE2 of the Local Plan, and the site has not been assessed or marketed for community use, contrary to Local Plan policy E4B.

Due to this it is felt that the need for a discount supermarket In Waltham Abbey can be accommodated within Highbridge Retail Park and as such this proposal is recommended for refusal.

Summary of Representations:

TOWN COUNCIL – Object as the proposal would have a detrimental effect on the viability of the town centre.

WALTHAM ABBEY HISTORICAL SOCIETY – Object as it would put further pressure on the town centre and would lead to the loss of shops in the main shopping street. Also concerned about the increased traffic.

WALTHAM ABBEY TOWN PARTNERSHIP – Commented that the proposal would be an acceptable use of the land, provide additional employment, be in keeping with the surrounding commercial area, and provide additional retail choice, however are concerned about its effect on the town centre economy, the increase in traffic, the disturbance to neighbouring residents and its effect on privacy to residents on the eastern side of Sewardstone Road.

WALTHAM ABBEY NEIGHBOURHOOD ACTION PANEL – Concerned about anti-social behaviour, and additional traffic and disturbance.

CAMPAIGN TO PROTECT RURAL ESSEX – Concerned about its location on the outskirts of the urban footprint and regarding the level of car parking.

7 HARVEYFIELDS – Object on the loss of light, loss of outlook, and noise and pollution during and after construction.

7 NOBEL VILLAS, SEWARDSTONE ROAD – Concerned about the increase in traffic.

9 NOBEL VILLAS, SEWARDSTONE ROAD – Object due to the increased traffic that would result, the noise that would be created, the disturbance caused by more illuminated signage in the area, and concerned about the potential loss of the green area to the front of the site.

LEGAL AND GENERAL – Object as the Lidl proposal is not the most sequentially preferable site on which convenience retail needs should be met.

A consultation was undertaken by the applicant whereby there were 213 comments of support, 7 comments of objection and 1 no comment.