

Extract from Area Plans West – 29 October 2008

APPLICATION No:	EPF/1771/08
SITE ADDRESS:	Unit 1 Highbridge Retail Park Highbridge Street Waltham Abbey Essex EN9 1BY
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Legal & General Assurance Society Limited
DESCRIPTION OF PROPOSAL:	Variation of condition 5 attached to planning permission EPF/808/93 to read ' The development shall be used for non-food retailing and no other purpose, with the exception of up to 1486 sqm (16000sqft) GIA floorspace within Unit 1 which may be used for the sale of food. (Class A1)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS & REASONS

- 1 Prior to commencement of the site for food retail use, the proposed food retail floorspace shall be identified on a plan and submitted to and agreed in writing by the Local Planning Authority, and shall remain as such.

Reason:- To ensure the area utilised meets the requirements set out in the submitted retail assessment.

- 2 The food retail floorspace, as identified and agreed in writing by the Local Planning Authority, shall not sell, or advertise to sell; tobacco products, loose confectionary, newspapers, magazines, greeting cards, lottery tickets or scratch cards; and shall not contain a pharmacy, dry cleaners, post office services, cash machine, butchers, fishmongers or bakers, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- The submitted retail assessment was based on a discount supermarket that offers limited goods and services, and as such would not be detrimental to the vitality or viability of the town centre.

- 3 Prior to use of the site for food retail, details of cycle storage shall be submitted and agreed in writing by the Local Planning Authority, and shall be installed and retained thereafter.

Reason:- To promote sustainable transport to the site.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions) and it 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:

Consent is being sought for a variation of condition 5 of planning permission EPF/0808/93 to allow for 1,486 sq. m. (16,000 sq. ft) of food retail to be located within Unit 1.

Planning permission EPF/0808/93 was for "the development of 3 non food retail units of 35,000 sq. ft., 7,500 sq. ft. and 7,300 sq. ft plus garden centre, ancillary offices and car parking. Condition 5 of this approval states:

The development shall be used solely for non food retailing and for no other purpose.

The proposed application would result in Unit 1, the larger of the three units, being split into two units, with one being used for food retail and the other remaining for use as non food retail. Any internal changes to the unit (to install an internal divide) would not require planning permission. There is no proposal for any external alterations in this application. Should this proposal be successful then a further application for external shop front alterations would be submitted.

This proposal should be considered together with the proposal under application EPF/1305/08, reported elsewhere on this agenda.

Description of Site:

The application site is one of three retail units located on the junction of Highbridge Street and Meridian Way. This site is designated a District Centre in the Local Plan and is also described as being an edge-of-centre location to Waltham Abbey Town Centre. It is located to the west of the designated town centre and currently contains an MFI, Carpet Right and Rosebys, with a McDonalds 'drive thru' and restaurant located within the car park. There are 173 customer car parking spaces to the front of the site, and a delivery and staff parking area to the rear. These areas serve all three units and the McDonalds. The site is located on the very edge of the District and is adjacent to the River Lee. Due to this it lies within a Flood Risk Assessment Zone.

Relevant History:

EPF/0808/93 - Detailed application for the development of 3 non food retail units of 35,000 sq. ft., 7,500 sq. ft. and 7,300 sq. ft. plus garden centre, ancillary offices and car parking – approved/conditions 23/08/95

EPF/0481/99 - Erection of class A3 restaurant with drive thru facility and associated car parking, landscaping and access – approved/conditions 07/06/00

EPF/2701/07 - Installation of mezzanine floor and external alterations to unit – approved/conditions 19/03/08

Policies Applied:

CP1 – Achieving sustainable development objectives

CP3 – New development

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
ST1 – Location of development
ST2 – Accessibility of development
ST4 – Road Safety
ST5 – Travel plans
ST6 – Vehicle parking
U2A – Development in flood risk areas
U2B – Flood Risk Assessment zones
U3A – Catchment effects

Issues and Considerations:

The key factors in this application are the potential impact on the vitality and viability of Waltham Abbey town centre and the effect on highways and vehicle parking.

Impact on Waltham Abbey Town Centre

Although the proposal is for a variation of a planning condition to provide 1,486 sq. m. of food retail, the submitted retail assessment and intended use of the site is for a discount supermarket (with potential current interest from Aldi). Therefore the main matter to address under this heading is the need for a discount superstore in Waltham Abbey and the impact this would have on the town centre.

The applicant has submitted a retail assessment for the proposal, which is largely based upon that submitted with the application for a Lidl foodstore at 1 Cartersfield Road, Waltham Abbey (see committee report Ref: EPF/1305/08, which forms an appendix to this application). Due to this the assessment of need is identical to that reported in the Lidl proposal and is not repeated here.

As with the Lidl application it is claimed in this proposal that a discount supermarket would not directly compete with either the main town centre or the Tesco's superstore located in Sewardstone Road. The justification for this is the same as previously reported in that the predominant use of the town centre is for top up shopping, which local residents would continue to undertake, and as discount supermarkets do not offer services that are found in the town centre, such as pharmacies, dry cleaners, post office services or cash machines, and do not sell tobacco, newspapers, lottery tickets or fresh meat, fish or bread. Therefore it is claimed that discount superstores offer linked trips to town centre locations where these services can be offered. In an identical argument to Lidl it is also stated that a discount supermarket at this location would not compete with Tesco's as discount supermarkets 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.

The conclusion of the retail statement is that the discount superstore would supposedly draw much of its trade from that currently lost to stores outside of the catchment area by adding to a range and choice of shopping facilities and would draw people from outside of Waltham Abbey into the town centre (through linked trips). Again based on the Lidl retail statement there is a calculated need for 1,571 sq. m. of new convenience floorspace by 2011 in Waltham Abbey, which this application would satisfy.

The second matter to deal with under this heading is the location of the development. PPS6's key objective is to promote the vitality and viability of town centres by planning for their growth and development. Whilst it states that retail 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, where no suitable sites for retail development

can be located within the principle town centre, consideration will be given to ‘*an edge-of-centre location of one of the principal town centres; a smaller town centre of district centre location; or an edge-of-centre location of a smaller town centre or district centre*’, in this order. 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 centre sites should be assessed.

The application site is located within a designated District Centre, which under policy TC2 is less sequentially preferable than an edge of centre location, however paragraph 11.30a of the Local Plan states that “there is one edge of centre shopping area known as Highbridge Retail Park”, and as such this site is clearly an edge of centre location, which is the first preferred type of site after town centre locations.

The only alternative edge of centre site available for a similar development is that of the proposed Lidl store on Cartersfield Road, which is part of the Brooker Road industrial area and is approximately 25m from the town centre boundary. Chapter 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.”

As such, in principal the alternative site is one that has been identified in the Local Plan as unacceptable for retail development. Notwithstanding this, argument has been made as to why the alternative site is sequentially preferable by the agent of the Lidl application. One of the key issues raised here is the comparison in ease of walking and cycling to the two sites. It is shown by the agent of the Lidl application that the Cartersfield Road site is accessible to a greater population by walking and cycling than the Highbridge Retail Park. Whilst it is agreed that in terms of walking and cycling distance the Cartersfield Road site is more accessible, it is considered that both sites are very accessible by foot and cycle to local residents of Waltham Abbey (with Highbridge Street also serving a large population of Waltham Cross), and as such this matter alone does not make Cartersfield Road a more sequentially preferable site. Both sites are fairly equally accessible by bus, however Highbridge Retail Park is also within walking distance of Waltham Cross Train Station.

Also, despite the issues of accessibility, the Highbridge Retail Park is an existing retail centre that is merely seeking for an alteration of condition, rather than a complete new development on the outskirts of the town centre. This is preferable as no change of use in the land is required, it is more sustainable as it would reuse an existing building, and it would not be altering the urban form or layout of the area.

In terms of linked trips to the town centre, it is agreed that the proposed discount foodstore would achieve this. This existing retail district centre is located some 90m from the town centre boundary, with a clearly defined route leading into the town centre, aided by the landmark Abbey building at the end of Highbridge Street. Although some additional signposting along this route would further strengthen this link, it is accepted that an existing link does exist. The concern with the Lidl application is that the majority of linked trip would be to the Tesco’s store opposite, as this provides almost all the goods and services that discount supermarkets do not. With this proposal, however, should visitors to the discount supermarket in Highbridge Street require newspapers, tobacco, fresh meat or bread, or any of the items not offered at the site, then the customers are more likely to use the town centre to obtain these than customers of the proposed Lidl store. This location would also draw people to the western end of the town centre, in contrast to the Tesco’s drawing people to the eastern end, and as such would spread the range of shopping facilities

available in Waltham Abbey throughout the town centre rather than concentrating them in one area to the detriment of another.

Concern has been raised by the agents acting on behalf of Lidl that this application for a variation of condition to 'food retail' could result in a superstore (such as Sainsbury's or Morrison's) being located here, which would be significantly more detrimental to the town centre and the existing Tesco store than a discount supermarket. As the retail assessment undertaken was based on the impact on Waltham Abbey town centre resulting from a discount supermarket, and as previously mentioned the limited range offered by these stores and the resulting linked trips with the town centre are key elements regarding this impact, the application would require a condition limited the goods and services offered at the store.

Due to the above, it is considered that this proposal would meet the requirement of providing 1,571 sq. m. of new convenience floorspace in Waltham Abbey by 2011, and would be a sequentially preferable site to 1 Cartersfield Road. As such this proposal complies with PPS6 and Local Plan policies TC2 and TC3.

Access and parking

The entire Highbridge Retail Park currently provides 173 parking spaces for customers. This would not change as part of this application. The original reason for the condition for non food retail was to ensure appropriate provision of off-street parking provision on site. However, since the original approval of these stores there has been a change in policy context due to the setting of Government objectives to promote sustainable transport (walking, cycling and public transport). Also the Council's adopted parking standards have become a maximum as opposed to a minimum, and subsequent permissions have been granted for a Mcdonalds 'drive thru' and restaurant on part of the car park site (resulting in the loss of some 30+ parking spaces), and a mezzanine floor for Unit 1 (which has not yet been installed), which despite creating additional floorspace was not considered to result in parking issues given the currently underused car park.

Although the use of Unit 1 as a discount superstore would result in a higher number and more frequent visits from customers, these would normally be for shorter periods and hence a higher turnover of cars and customers than the existing store. Due to this, and the sustainable location of the site which is well served by public transport and accessible by foot and bicycle, the existing level of car parking is acceptable. Although a condition could be added to require provision of cycle parking on the site, to further improve sustainable transport to the area.

The existing access to and from the site would be acceptable to handle any intensification of use, and the existing delivery area is suitable for use by a proposed food store. Although at present there are some design issues with the Highbridge Street/Meridian Way junction, these are being resolved by Essex County Council and do not require any further funding from financial contributions.

Other considerations

Although the site is located within a flood risk area, given that the proposal is for the use of an existing building it would not result in any additional runoff and does not require a flood risk assessment.

Conclusion:

In summary, it is considered that the proposed 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. However

provision of a discount foodstore may attract people from outside of the catchment area to Waltham Abbey, and generate linked trips to the 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., in a location that would not adversely impact on the town centre. However, there is no need within Waltham Abbey for more than one discount supermarket. The location of this proposed development is sequentially preferable to the proposed store at 1 Cartersfield Road (see Committee Report Ref: EPF/1305/08, which forms an appendix to this application) as it is an existing retail edge-of-centre site that is in a sustainable location and is more likely to generate trips to the town centre. Therefore, this proposal complies with the relevant Government advice and Local Plan policies and is recommended for approval.

Summary of Representations:

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

JONES LANG LASALLE – Object as the Highbridge Retail Park proposal is not the most sequentially preferable site on which convenience retail needs should be met.